

Public Document Pack



To: Councillor Henrickson, Chairperson; and Councillors Allard and Thomson.

Town House,
ABERDEEN 08 June 2022

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **WEDNESDAY, 15 JUNE 2022 at 2.00pm.**

Members, please note that a Site Visit of the development location will commence at 11.00am on 15 June 2022.

FRASER BELL
CHIEF OFFICER - GOVERNANCE

Members of the public can view the proceedings of the remote meeting using this [link](#), however they must not activate their camera or microphone and must observe only.

B U S I N E S S

1.1 Procedure Notice (Pages 3 - 4)

COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING

Link to the [Local Development Plan](#)

TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS

PLANNING ADVISER - LUCY GREENE

- 2.1 Highpoint, 242 North Deeside Road - Erection of 14 Residential Flats Over 3 and 4 Storeys, 1 Shop Unit and Subdivision of Existing Flat to Form 2 Flats with Associated Infrastructure - 211791/DPP
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 211791.
- 2.2 Delegated Report, Original Application Form and Letters of Representation (if there are any) (Pages 5 - 90)
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 91 - 92)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 93 - 172)
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain on lymcbain@aberdeencity.gov.uk / tel 01224 522123

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
6. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;
 - (c) an inspection of the site.

7. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
8. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions**.
13. The LRB will give clear reasons for its decision. The Committee clerk will confirm these reasons with the LRB, at the end of each case, in recognition that these will require to be intimated and publicised in full accordance with the regulations.

Local Review Body (LRB)

15th June 2022

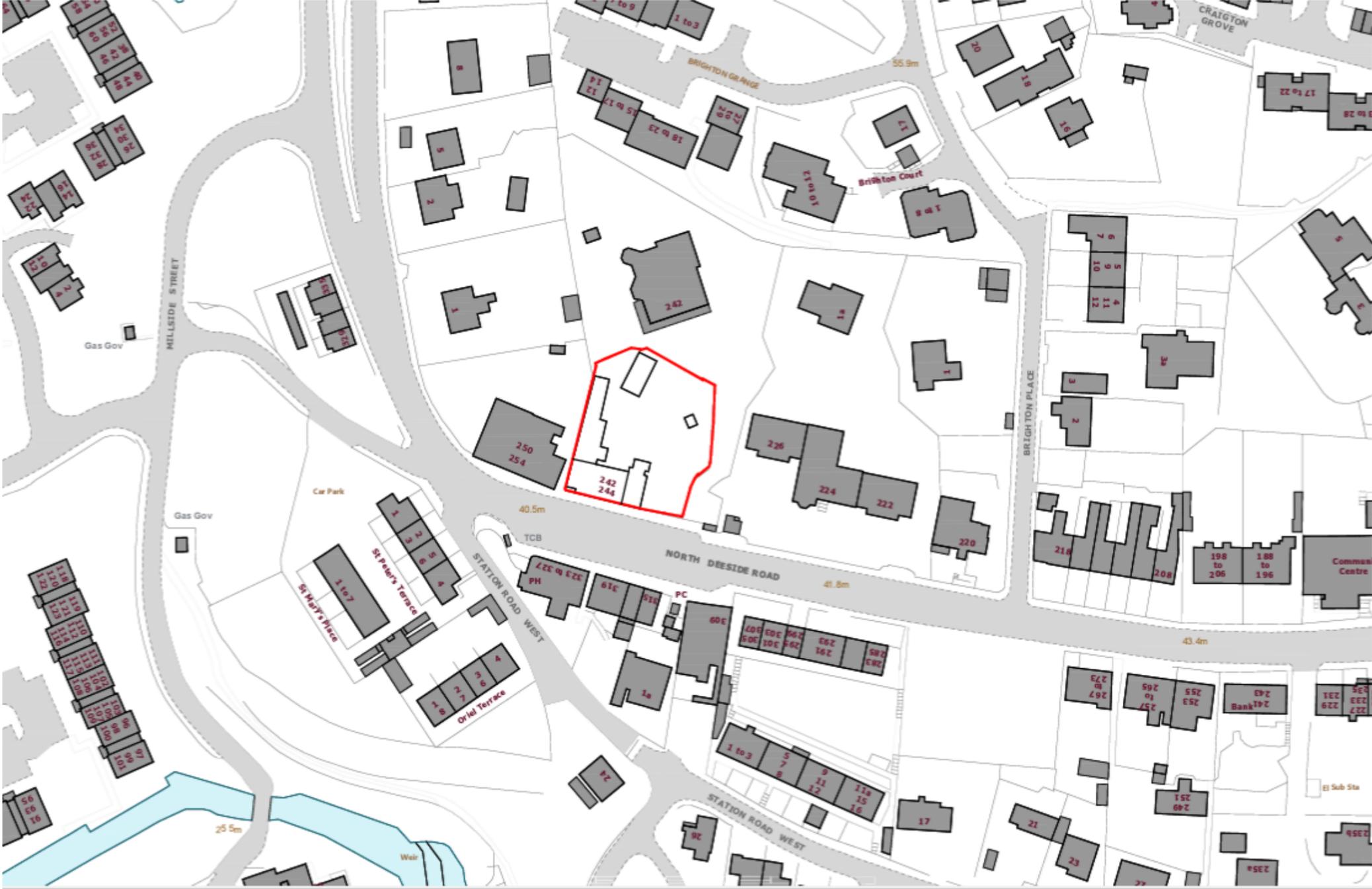


211791/DPP - 242 North Deeside Road

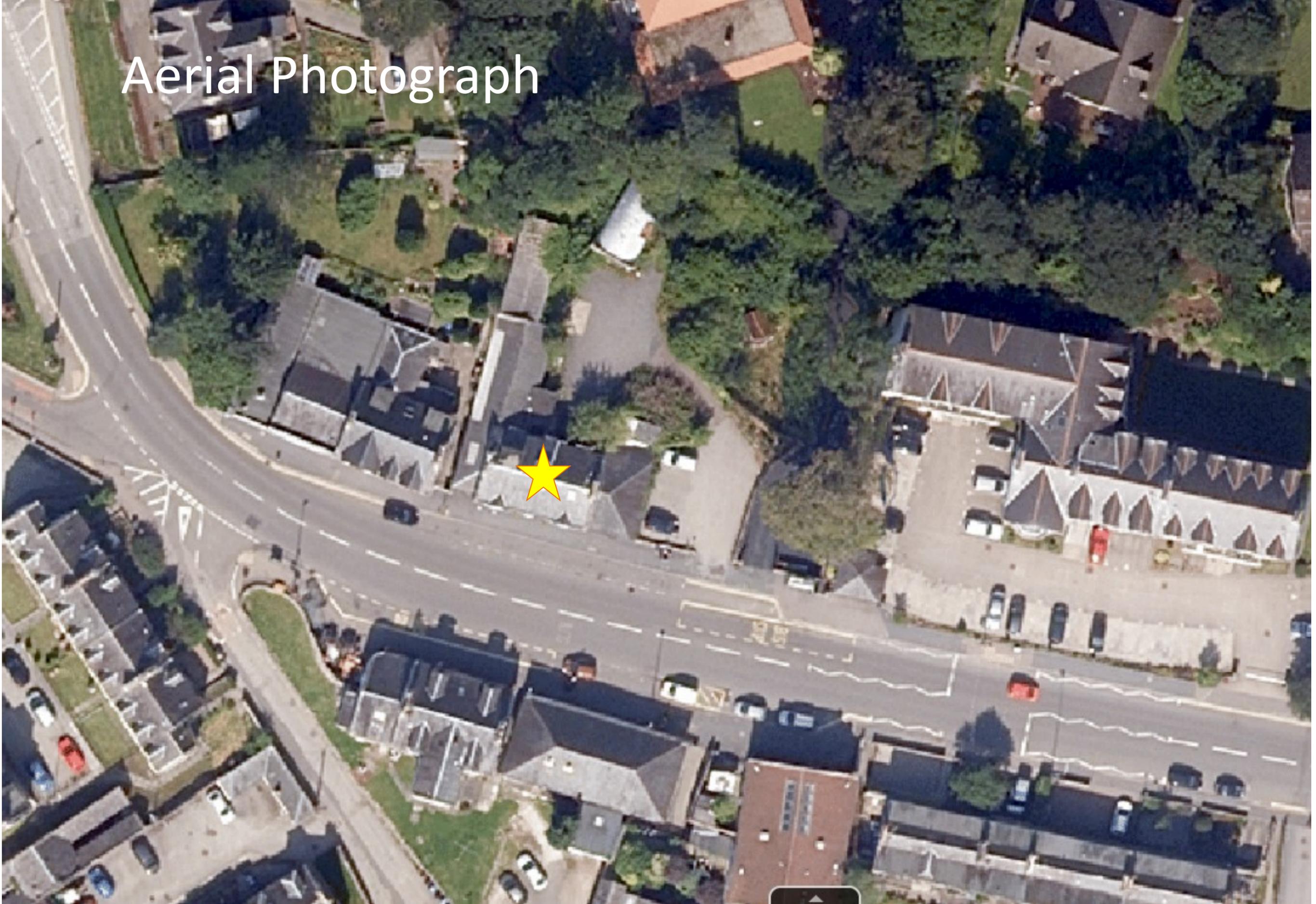
Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Lucy Greene, Planning Advisor

Location Plan



Aerial Photograph

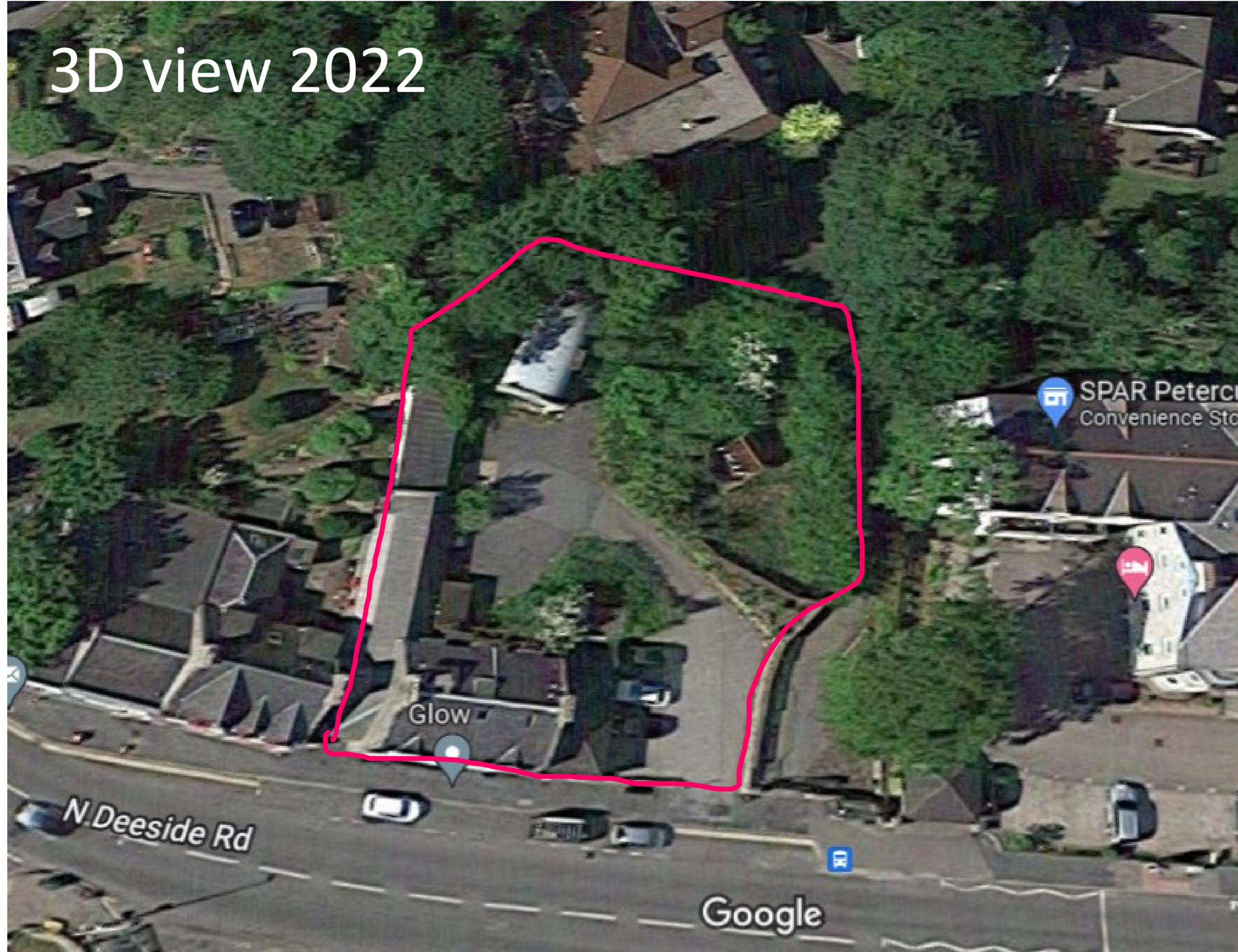


Streetview 2022

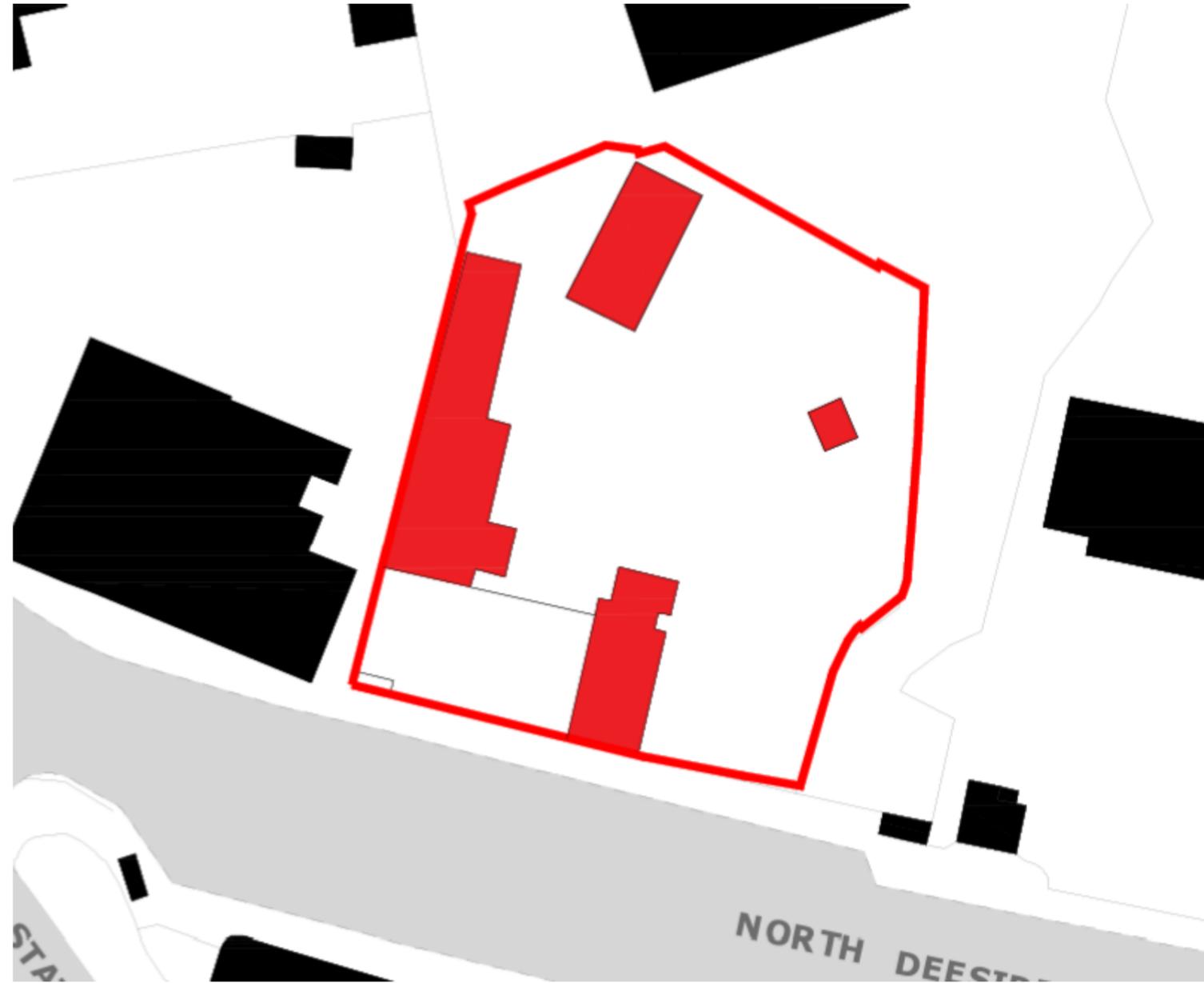
Apr 2022



3D view 2022



Demolitions



Proposed Site Plan

14 new build Flats:

6no. 1 bed flat

8no. 2 bed flats

1no. Retail unit

Cycle Storage

16no. Total Spaces - 8 spaces x 2 high

(1no. space / flat) = 14

2 spaces for Retail.

Car Parking

Flats:

14no. Flats @ 1 spaces / flat = 14.0 spaces required.

2.0 spaces required for existing.

= 16 spaces required.

18no. Total Car Parking Spaces Provided.

Retail Unit (Ground Floor) :

Area = 57.6m²

Area < 1000m² @ 1.0 space / 30m²

2no. Car Parking Spaces Needed.

3no. Total Car Parking Spaces Provided to Front of Retail Unit.



Landscaping Plan



Retained Trees

- 1 Rp *Betula pedula*
- 1 Ss *Sorbus aucuparia*

Trees - 3 - 3.25m (Heavy Std)

- 1 Ps *Pinus sylvestris*
- 1 Qp *Quercus petraea*
- 1 Sa *Sorbus aria*
- 2 Ss *Sorbus aucuparia*
- 1 Sc *Sorbus commota*
- 1 Sd *Sorbus discolor*

Trees - 2.1 - 2.5m (Std)

- 1 Ps *Pinus sylvestris*
- 1 Qp *Quercus petraea*
- 1 Sa *Sorbus aria*
- 2 Ss *Sorbus aucuparia*
- 1 Sc *Sorbus commota*
- 1 Sd *Sorbus discolor*

Shrubs - to 1.5m

- 2 Ia *Ilex aquifolium*

Shrubs

- 4 B *Buddleia* 3.0 ltr
- 3 Ca *Corylus avellana* 60-90cm
- 3 Cd *Cotoneaster dammeri* 3.0 ltr
- 3 Cp *Cydonia praecox* 3.0 ltr
- 3 Cpa *Cydonia praecox alba* 3.0 ltr
- 3 Ck *Cotoneaster skogsholm* 3.0 ltr
- 3 Cr *Daphne retusa* 3.0 ltr
- 3 Hc *Hypericum calycinum* 3.0 ltr
- 3 Hp *Hebe pectus* 3.0 ltr
- 2 Ia *Ilex aquifolium* 3.0 ltr
- 3 Jc *Juniper green carpet* 3.0 ltr
- 1 Jk *Juniper kuroda gold* 3.0 ltr
- 3 Jr *Juniper repens* 3.0 ltr
- 20 Ln *Luzula sylvatica* 1.0 ltr
- 9 Lp *Lonicera periclymenum* 3.0 ltr
- 19 Ls *Luzula sylvatica* 1.0 ltr
- 1 Pa *Potentilla arborea* 3.0 ltr
- 1 Pba *Philadelphus belle etoile* 3.0 ltr
- 1 Pf *Pieris fernosa* 3.0 ltr
- 1 Pj *Pieris gold* 3.0 ltr
- 1 Pm *Pyracantha mohave* 3.0 ltr
- 1 Pva *Potentilla red ace* 3.0 ltr
- 1 Pt *Pieris taiwanensis* 3.0 ltr
- 2 Pv *Philadelphus virginale* 3.0 ltr
- 3 Rsp *Rosa spicata* 3.0 ltr
- 2 Ryk *Rhododendron yak hybrid* 3.0 ltr
- 1 Sr *Sambucus racemosa* 3.0 ltr
- 3 Stg *Stipa gigantea* 3.0 ltr
- 1 Sv *Syringa vulgaris* 3.0 ltr
- 1 Vd *Viburnum davidii* 3.0 ltr
- 1 Vt *Viburnum tinus* 3.0 ltr

Hedging

- 1 B *Buddleia* 6.0 - 6.8m

Privet

- 1 L *Ligustrum ovalifolium* 3.0 - 3.8m

Planting Methodology

Topsoil
A general purpose topsoil (to BS 3883) will be used for planting trees and shrubs. Topsoil should be free of weed seeds, perennial weed roots, stubs and other extraneous matter. Topsoil and planting pits should not be contaminated with rubbish, stone, hardcore, rubble or building demolition materials. Planting should ideally be carried out in dry conditions, and not during or after heavy rainfall when topsoil will become over-compacted.

Trees
Trees will be supplied as root-balled or bare-root, depending on size and season.
Tree pits will be dug to a size which is at least 300mm wider and 75mm deeper than the entire root system of the tree. A friable loam topsoil (to BS 3883) mixed with a peat-free compost and with a mycorrhizal fungi (eg Rootgrow) added to the planting pits.
Trees up to a size of Select Standard will be anchored to the ground using a tree stake and tie. Heavy standard trees will be supported with two tree stakes and a crossbar. Stakes should be hammered into the ground before the tree is positioned in the pit, to avoid damage to roots. The stake should extend above ground to 1/3 the tree height, on the windward side. Tree ties should utilize a rubber collar to ensure that the tree and stake do not touch in any place. The trees will be firmed in to help ensure good root growth.
Where there is a risk of damage from rabbits or deer, trees should be protected with appropriate tree guards.

Container Plants / Shrubs
Holes will be dug to accommodate the depth of the container size and twice the width. The holes will be backfilled with a mixture of topsoil and compost with a mycorrhizal fungi (eg Rootgrow) added. The topsoil / compost mix will then be firmed in.

Beech Hedging
Fagus sylvatica 0.5 - 0.8m
planted in two staggered rows, with rows 0.5m apart, and plants 1.0m apart

Privet Hedging
Ligustrum ovalifolium 3.0 - 3.8m
planted in two staggered rows, with rows 0.5m apart, and plants 1.0m apart and comprising:

Grass Seeding
The area will be tamped with a friable loam, levelled and raked to remove large stones.
Amenity No 3 grass seed will be sown.
Following germination the grass will be allowed to grow for 1 month, before a 'first cut'. The grass will then be cut at fortnightly intervals which will allow it to 'fill' and form an even sward.

Wildflower Grass Seeding
Area will be levelled and raked to remove large stones. No topsoil to be added. Topsoil will be allowed to germinate and germinating perennial weeds will be sprayed with glyphosate. When these perennial species have died, the area will be sown with a mix of the following wild flower seed mixes: 'MGS Meadow Mix' and 'Northern Hay Meadow' (or similar), available from Scotts Seeds, and planted at a sowing rate of 0.5g per sqm. Sowing should be carried out in autumn, with a first cut the following April or May. During the first growing season the meadow should be cut bi-monthly.

Timing of Planting
All planting, seeding and turfing is to be carried out in the first planting season following the completion of the development.

Maintenance (Years 1 - 5)

Trees
Weeding: The ground around the roots spread of the base of the trees must be kept clear of weeds (at least 1.0m) to remove competition from herbaceous species. A mulch or tree mat can be used to achieve this. Strimmers must not be used near trees.
Stakes & Ties: The tree stakes and ties should be checked regularly (spring and autumn) to ensure stakes are rigid and tree ties are correctly fitted.
Watering: Trees must be watered in times of drought.
Pruning: Deadwood and diseased material should be removed at the end of each growing season. If needed, formative pruning should be carried out at this time to encourage good growth form.

Shrubs
Shrub beds will be weeded monthly from April to September and plants firmed in to ensure the establishment of healthy roots in the topsoil. Shrubs will be inspected for herbivore damage and if necessary, the areas will be netted to prevent deer / rabbits entering the area.

Replacement of Failed Trees or Shrubs
Any tree or shrub planting which dies or becomes seriously damaged/diseased within 5 years of the completion of the development, will be replaced in the next planting season with individuals of a similar size and species.

Hedging
Year 1: Lightly trim in winter, cutting off ends of new growth.
Year 2 - until hedge reaches full height: lightly trim in winter and mid-summer to encourage new growth. Replace any dead or dying plants.
When hedge reaches its full height it should be trimmed in summer.

Grass (Amenity areas)
The grass will be cut twice monthly between April and October.
During the autumn months, the grass areas will be kept clear of fallen leaves which can kill the new grass due to loss of light and 'smothering'.

Wildflower Grass
The wildflower grass will be cut yearly in autumn, after seeding. The cut grass will be allowed to remain on the grass for two weeks before being raked up and removed. This will allow seeds to be shed onto the ground to grow on in the next year.

Legend:

- Grass Areas
- Planting Beds
- Wildflower grass area.

Proposed Housing Development
at 242/244 North Deeside Road
Landscaping Plan

Client	Tarmad Bridge Ltd & Main: Ltd
Project No	NCRP/22004/S
Date	22nd February 2022
Drawn by	EP
Checked by	NA
Author	
Scale	1:125 @ A2

astell associates
Landscape Architects

10 Pagan Road, Marazion, Cornwall, TR12 0DP
01208 74330

Proposed site plan showing decked landscaping over car parking



Ground Floor Plan



Proposed First Floor



Proposed second floor



Proposed Third Floor



Proposed Roof Plan







Proposed West Elevation
1:200





Proposed South Elevation

1:200



Proposed North Elevation

1:200



Before



After



Before



After

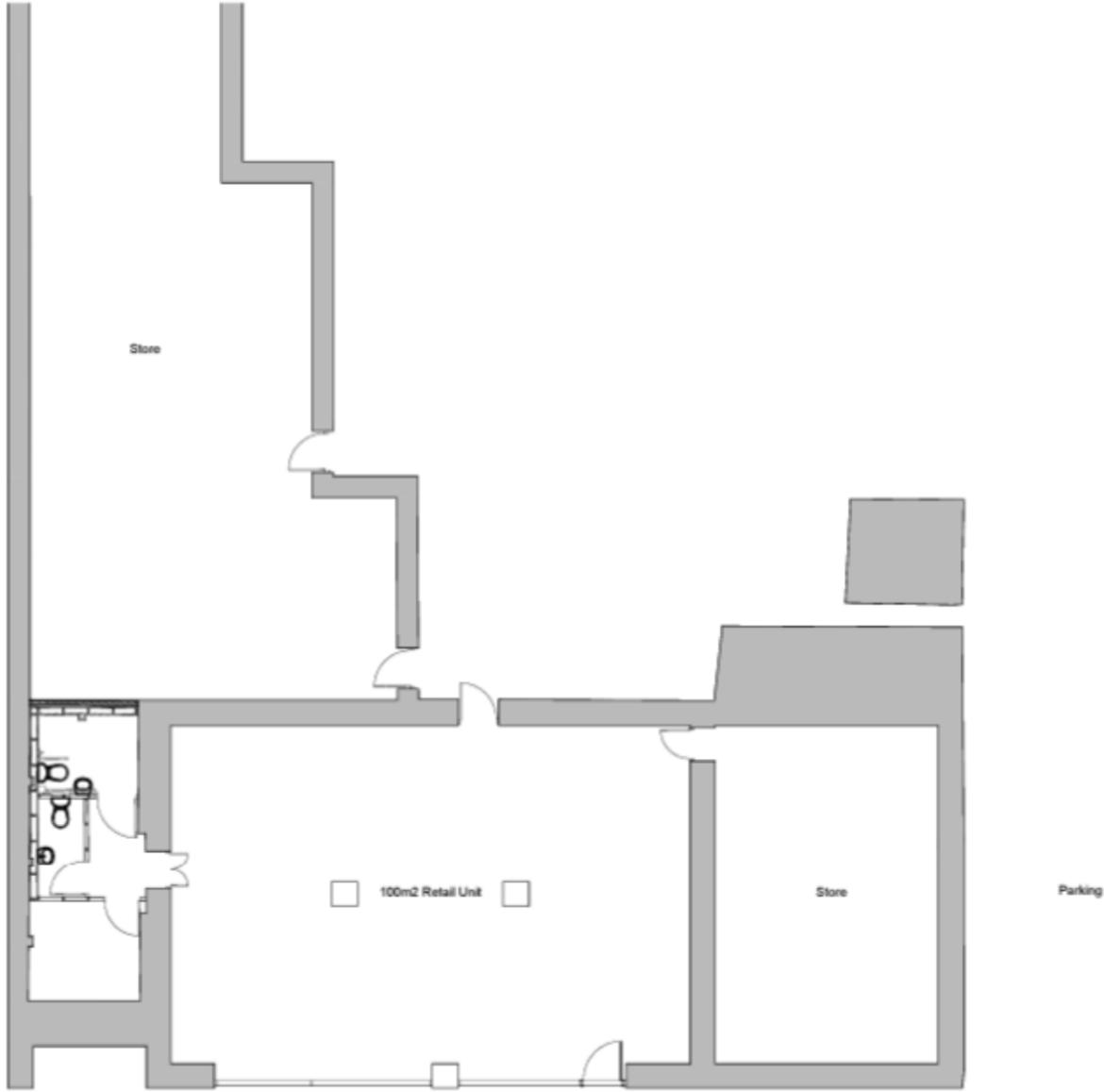


Before

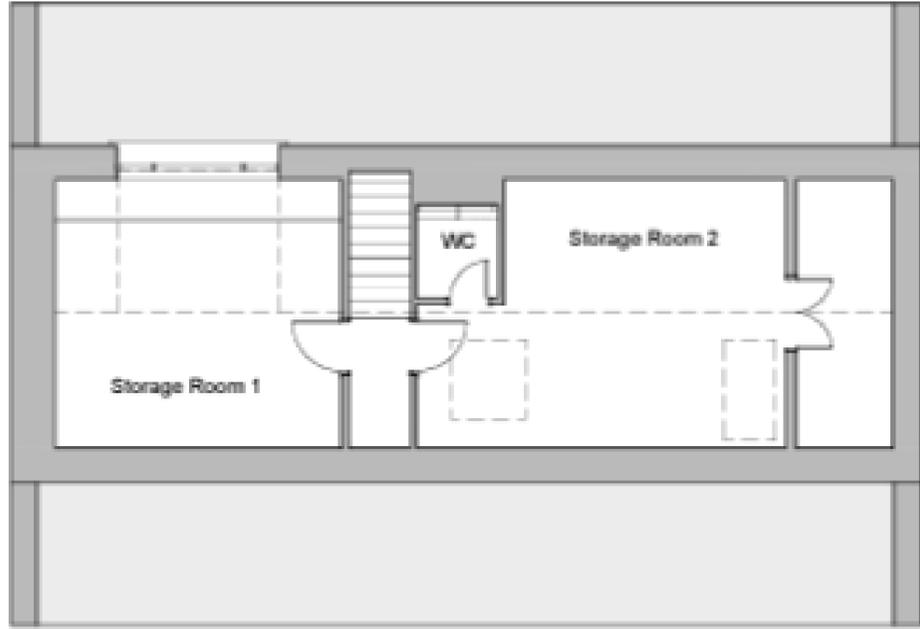


After

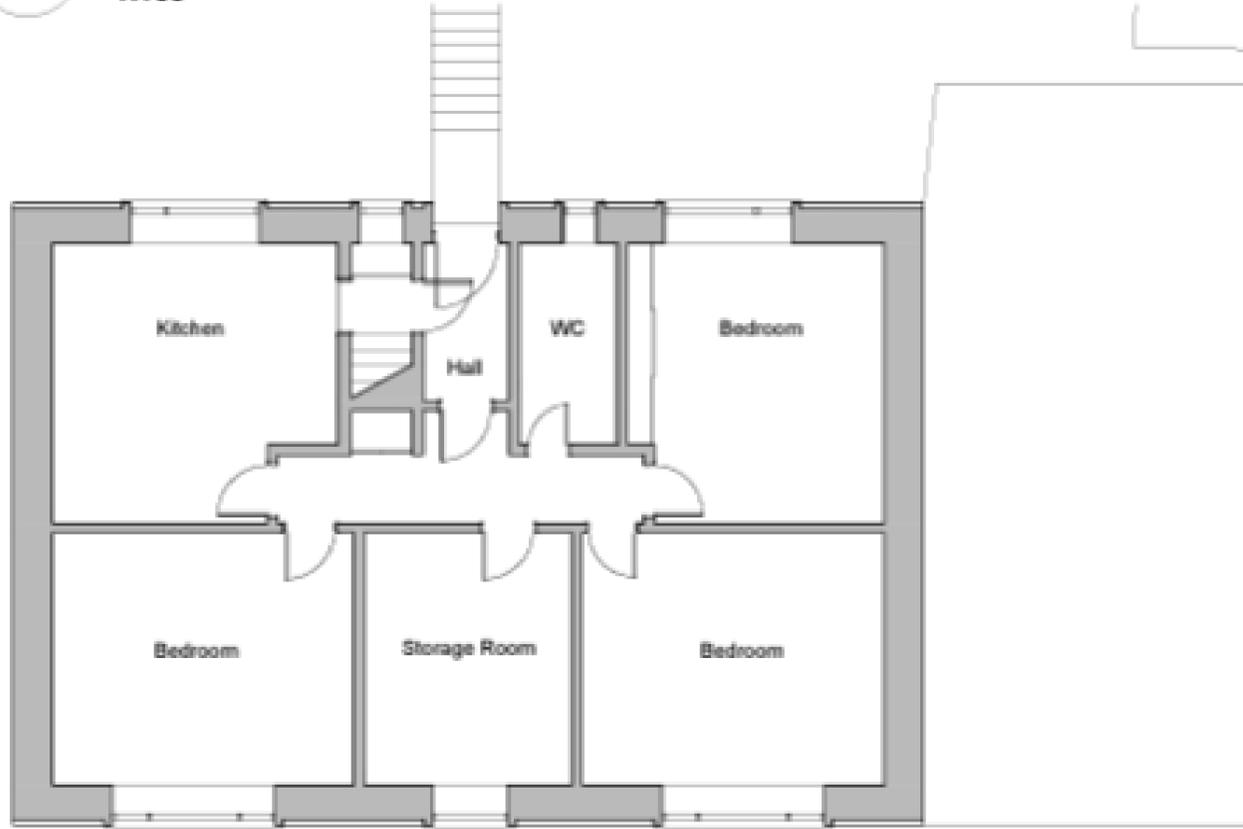
Existing ground floor plan



Existing First and Second Floor Plans



Second Floor Plan
1:100



First Floor Plan
1:100

Existing Elevations

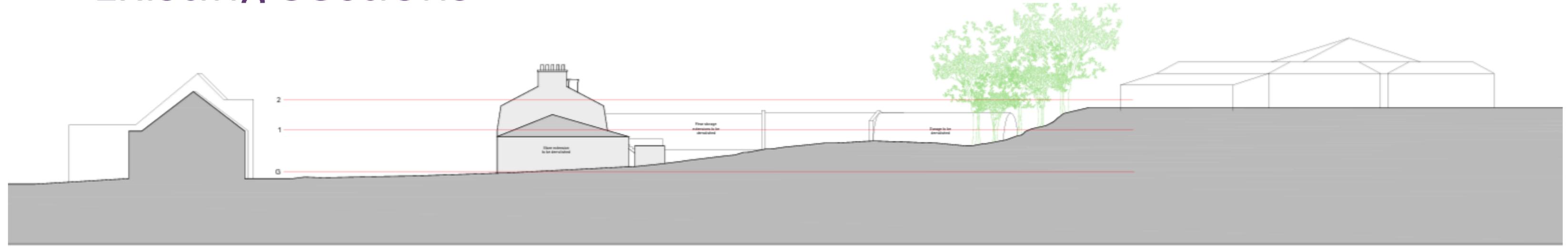


Existing North Elevation
1:100



Existing South Elevation
1:100

Existing Sections



Proposed Section BB

1:200

Planning History

210112/DPP – Change of use from shop to class 2 (financial and professional services) to allow use as tanning salon – Approved 26 Feb 2021

181596/PREAPP Erection of 7 flats with retail units 30.10.2018

Consultees

Roads Development Management Team – parking, access, public transport, cycling & walking

Environmental Health - noise

Waste Team – Refuse access and refuse storage

School Estates Team – capacity

Housing Team – affordable housing provision

Developer Obligations Team – contributions to core paths, healthcare, open space and AH

Contaminated Land Team – site investigation

Scottish Water

Police Scotland

Dee District Salmon Fishery Board – impact on River Dee SAC

NESBREC – protected species

Culter Community Council & Response to Case Officer's Report

Representations

2 Objections

1 Support

Reasons for Recommendation in Case Officer's Report

- Stated in full in Report of Handling in Agenda. Key points:
- Insufficient info - detailed cross sections and sun shadow analysis on properties to north; transport statement and clarity on servicing arrangements; and additional bat survey
- Residential Amenity
- Overdevelopment
- Design Quality
- Adverse Impact on Peterculter Neighbourhood Centre
- Road Safety (Access)
- Sustainable Development

Applicant's Case

- Scale and density – precedent set by buildings adjacent
- Impact on retail centre – proposed retail space size has been maximised, customer parking would increase
- Residential Amenity – adjacent house to north is at higher level and report includes shadow cast analysis
- Daylight acceptable to proposed flats
- Access – Roads Service does not object
- Parking – residents will use public transport, there is also a car park diagonally opposite
- Bin store is only marginally outside travel distance standard
- Landscaping is generous
- Tree impact is acceptable and planting is proposed
- Additional bat survey can be conditioned

Applicant's Case, continued

- Proposed will comply with low and zero carbon policy, highly insulated and with air source heat pumps
- Crime – car park will be overlooked and movement sensor lights installed
- Proposal complies with various other policies

Matters Raised in response to Case Officer's Report

Policies – LDP 2017

- Zoning: Policy NC6: Town, District, Neighbourhood and Commercial Centres
- Policy H1: Relates to new residential developments

Policy NC6 - Town, District, Neighbourhood and Commercial Centres

Retail is the preferred use within these designated centres, however a mix of uses is desirable. Proposals for changes of use from retail to non-retail use in town, district, neighbourhood and commercial centres will only be allowed if it meets all of the following criteria:

- 1 the proposed alternative use makes a positive contribution to the vitality and viability of the centre;
- 2 the proposed alternative use will not undermine the principal function of the centre in which it is located;
- 3 the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use);
- 4 the proposed use caters for a local need;
- 5 the proposed use retains or creates a live and attractive shop frontage;
- 6 the new use does not create clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and
- 7 the alternative use does not conflict with the amenity of the neighbouring area.

Policy H1 - Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:

- 1 does not constitute over development;
- 2 does not have an unacceptable impact on the character and amenity of the surrounding area;
- 3 does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
- 4 complies with Supplementary Guidance.

Within existing residential areas, proposals for non-residential uses will be refused unless:

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

Any proposed loss of Local Shops or Community facilities would need to comply with the relevant policies Policy CF1 Existing Community Sites and Facilities and Policy NC7 Local Shop Units.

Policies – LDP 2017

- D1: Quality Placemaking by Design
- D2: Landscape
- D3: Big Buildings
- D5: Our Granite Heritage
- NC4: Sequential Approach and Impact
- I1: Infrastructure Delivery & Planning Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise
- H3: Density
- H5: Affordable Housing
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- R2: Degraded & Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Building & Water Efficiency
- CI1: Digital Infrastructure

D1: Quality Placemaking by Design

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”*.

Proposals will be assessed against the following six essential qualities:

- Distinctive
- Welcoming
- Safe and pleasant
- Easy to move around
- Adaptable
- Resource-efficient

Evaluation

- **Primacy of Development Plan**
- **The Planning Act requires all applications to be determined in accordance with Development Plan unless material considerations indicate otherwise**
- **Careful assessment, each application treated on its merits**

Basis for Decision

Zoning: Do members consider that the proposed development would comply with NC6 ?

How would it affect the character and amenity of the area as set out in policy H1?

Does this constitute over development ?

Would an adequate level of amenity be provided for residents in terms of light and outlook, density etc.

Other considerations, including: Access, parking, refuse collection, landscaping, bats, drainage, trees, affordable housing and developer obligations

1. Does the proposal comply with the Development Plan when considered as a whole?

2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?

Decision – state clear reasons for decision



Thank you
Questions ?

Lucy Greene (Planning Advisor): lgreene@aberdeencity.gov.uk

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	High Point, 242 North Deeside Road, Peterculter, Aberdeen Peterculter AB14 0UQ
Application Description:	Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application Ref:	211791/DPP
Application Type:	Detailed Planning Permission
Application Date:	21 December 2021
Applicant:	Matnic Ltd
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Robert Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site is located on the north side of North Deeside Road, Peterculter, at the western end of its neighbourhood centre and at the gateway to the countryside. There is a mix of uses in the area including retail, public houses, a restaurant and a hot food takeaway. The site is currently occupied by a vacant traditional granite single storey building attached to a 1.5-storey granite building with a class 2 unit (beauty salon) on the ground floor and residential flat above. This flat is accessed via an external stair located at the rear of the building. The site also includes a small car park, a large, corrugated roofed shed / outbuilding and small timber shed to the rear. Part of the rear of the site appears to have been used as a commercial car wash. There is a significant change in levels up to the rear of the site of around 3m. The fringes of the car park / site access are defined by granite rubble walls.

The site is bounded to the west by a retail unit (Spar and Post Office) located within a traditional single story / one and a half storey granite fronted building. This unit has no ancillary car parking or delivery area. To the north of the site is a modern detached house set in large, wooded grounds. This house has a private driveway access extending along the east edge of the site. There are mature trees beyond the northern and eastern fringes of the site which has a moderate southerly aspect. Further east are 4-storey flats set well back from the street front. On the opposite side of the street are single storey and 1½ storey granite buildings.

Relevant Planning History

Application Number	Proposal	Decision Date
210112/DPP	Change of use from class 1 (shop) to class 2 (financial, professional and other services) to allow use as a tanning salon	26.02.2021
		Status: Approved

181596/PREAPP	Erection of 7 flats with retail units	30.10.2018 Status: Issued
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The above pre-application advice response advised that mixed-used development is acceptable in principle. However, the design and scale of the 4-storey building proposed was not suitable to its context and considered excessive. The proposal requires further careful consideration in relation to the detailed design, form and scale. Lack of residential outdoor amenity space requires to be addressed. Any impact on existing residential amenity would not be supported and the proposal refused.

APPLICATION DESCRIPTION

Description of Proposal

Erection of 14 new build flats (8 x 2 bed flats, 6x 1 bed flats), a small retail unit (57 square metres) and conversion of an existing flat to form 2 units.

The development would have an L-shaped plan with the footprint of the new building extending almost to the rear boundary. The retail unit (57.6sqm floor area) would occupy part of the ground floor of the building, fronting onto and accessed from North Deeside Road. The proposed building would step up from 3 storeys at the road frontage to 4 storeys towards the rear. The maximum height of the building would be 12.5m. The section fronting the road would have a maximum height of 10.4m and would be around 1 storey higher than the adjoining buildings to the west and the buildings to the south, However, it is unclear that the cross-section information submitted by the agent is accurate, in particular in relation to the distance between the proposed building and the existing properties on the opposite side of the street. Two separate stairwells are proposed to access the flats, neither of which would be accessed direct from the street. Pedestrian access to the flats would be provided from the rear of the site via a covered walkway. This would entail walking past a bin store and negotiating the proposed car park. A total of 18 ancillary car parking spaces are proposed on site (for use of the occupiers) accessed via an adjusted site access onto the main road. It is unclear if spaces would be designated or communal. It is stated that one space would be available for the retail unit.

A small external drying area (5m by 5m) would be provided at the south-west edge of the car park, immediately to the north of the existing buildings on the site. A small incidental amenity space would be provided at the northern edge of the site, accessed via an external flight of steps. This would be partly located above the proposed car park and largely shaded by the proposed building. The proposed new build flats would have private balconies / terraces. The flats would range in size from 44 to 72 square metres.

The proposed SUDS measures on site comprise hard engineering works, including an attenuation tank located below the proposed pervious paved car parking / building and filter strips below the car park. External materials would comprise a mix of grey metal cladding to roofs / walls and contrasting grey granite cladding to walls. The roofs of the blocks would generally be flat, but would have sloped sections at the edges of the metal clad blocks.

Amendments

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

Revised road access detail

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=R4FBA0BZJ4700>

Design and Access Statement
Tree Survey / Report
Bat Survey / Report
Site Investigation
Drainage Impact Assessment (DIA)
Surface Water Assessment
Daylight and Sunlight Assessment Report
Noise Impact Assessment (NIA)

CONSULTATIONS

ACC - Roads Development Management Team – Consider that further information is required to assess the proposal. Note that the site is located in the outer city and does not lie within an area with any form of controlled parking measures. Advise that in terms of ACC Transport SG, the proposed flats would require 24 car parking spaces and the proposed retail unit would require 2 spaces. Note that only 18 parking spaces would be provided, which is considered to be acceptable, due to provision of cycle parking, proximity to public transport and walking distance to local amenities. However, there are concerns that the pillars upholding the structure above might affect the use of spaces numbered 1 to 4. Express concern regarding the proposed vehicle access tie-in with existing lay-by parking, visibility, footpath connection, adjacent access proximity and bus stop provision (possible re-location). Consider cycle access / connectivity and access to public transport to be acceptable.

ACC - Environmental Health – No objection. Advise that the proposed development is located adjacent to the busy North Deeside Road (A93). The proposal is therefore likely to be impacted by road traffic noise. Additionally, the proposed commercial unit and other commercial businesses nearby may impact on the proposal. Note that an NIA has been submitted and request that suitable noise mitigation measures are implemented.

ACC - Waste and Recycling – Request that a swept analysis is provided from the developer to ensure waste collection vehicles can safely manoeuvre around the development (n.b. initial advice provided at pre-application stage was that refuse storage should be provided within 15m of the site access to avoid the need for refuse vehicles to enter / turn within the site).

ACC - Schools Estates Team – Advise that there is adequate capacity in relation to both primary and secondary school provision.

ACC - Housing – No objection. Advise that ALDP policy H5 requires a 25% affordable housing contribution from all housing developments of 5 units or more which equates to 3.5 units. For developments of less than 20 units the provision of affordable housing may be on-site, off-site or commuted payments. If the developer intends to provide Low-Cost Home Ownership (LCHO) as an affordable housing contribution, they should enter into early discussions with the Housing Strategy Team regarding this as demand for this type of affordable housing has reduced.

ACC - Developer Obligations – Advise that contributions are required regarding core path network (£3,900), healthcare facilities (£6,001) and open space (£1,903) in addition to provision of affordable housing.

ACC - Contaminated Land Team – No objection. The Site Investigation submitted in support of

the above development has been reviewed and its conclusions and recommendations are accepted. Based on the available information there is no obvious risk to the proposed development. Do not recommend any further intrusive works are required.

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

Police Scotland – Provide detailed comment regarding the proposed design solution. Advise that vehicular and pedestrian routes should be designed to ensure that they are visually open and direct. Any footpaths should be straight, wide and well-lit to promote feelings of safety and security for pedestrians as well as discouraging anti-social behaviour. These footpaths should also be free of potential hiding places for miscreants and should follow the pedestrian's preferred route through the development. Car parking areas should be within view of active rooms such as kitchens and living rooms (bedrooms and bathrooms are not considered as active rooms).

Dee District Salmon Fishery Board – No objection. Advise that there does not seem to be the potential for a significant impact upon the River Dee SAC or the watercourses from which it is made up, in relation to the proposed development. Request that the developer adheres to SEPA's pollution prevention guidelines should the application be successful.

North East Scotland Biological Records Centre – No species records related to the site. Advise that protected species (e.g. red squirrel) are present nearby.

Culter Community Council – Object on overdevelopment and car parking concerns. Consider that the scale and design of the proposal would be inappropriate to its context. Express concerns regarding potential conflict with policy regarding affordable housing (H5) and low energy development need (R7).

REPRESENTATIONS

3 representations have been received (2 objections, 1 in support). The matters raised can be summarised as follows –

- Inaccurate information submitted (shadow analysis / public transport information);
- Excessive scale of development / height of building
- Insufficient evidence of carbon reduction requirements
- Inadequate EV charging provision
- Inadequate on-site car parking provision
- Reduction of car parking provision on North Deeside Road.
- Overlooking / loss of privacy to adjacent residential premises / garden ground
- Loss of sunlight to adjacent residential premises
- Adverse impact on adjacent residential property due to noise and lighting associated with proposed car park
- Loss of views from adjacent residential property to west

The owner of adjacent property to the south welcomes the proposal as it would result in redevelopment of a run-down eyesore and the provision of new retail and residential accommodation would be a positive addition to the village.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

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

PAN 65: Planning and Open Space (2008):

“17. Open space designers, planners and managers should be aware of the potential to improve the quality of our environment and create long-lasting, beautiful places of which we can be proud. To achieve this, green and civic spaces must be fit for purpose and have a relationship with the surrounding buildings and uses, and the movements through them. Spaces should be designed for ease of access, particularly for groups such as the elderly, parents with pushchairs and disabled people. The proper provision, management and maintenance of open space are key aspects of good design.”

PAN 67: Housing Quality (2003)

PAN75: Planning for Transport (2005):

“32. For implementation at a local level a zonal approach (to car parking) is recommended. Measures that can influence parking can include:

- A maximum number of parking spaces being provided, underpinned where appropriate by a minimum to avoid undesirable off-site overspill parking

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

- Entrances to be as close as possible to pedestrian routes and bus stops; and
- Links to cycle networks, with secure parking near the main entrance”

PAN 77: Designing Safer Places (2006)

PAN1/2011 (Planning and Noise)

Development Plan

Strategic Development Plan (SDP)

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

Local Development Plan

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. The extant local development plan is now 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 SPP which states:

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

The following ALDP policies are relevant –

D1: Quality Placemaking by Design
D2: Landscape
D3: Big Buildings
D5: Our Granite Heritage
NC4: Sequential Approach and Impact
NC6: Town, District, Neighbourhood & Commercial Centres
I1: Infrastructure Delivery & Planning Obligations
T2: Managing the Transport Impact of Development
T3: Sustainable and Active Travel
T5: Noise
H3: Density
H5: Affordable Housing
NE4: Open Space Provision in New Development
NE5: Trees and Woodland
NE6: Flooding, Drainage & Water Quality
NE8: Natural Heritage
R2: Degraded & Contaminated Land
R6: Waste Management Requirements for New Development
R7: Low & Zero Carbon Building & Water Efficiency
CI1: Digital Infrastructure

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

Affordable Housing SG
Big Buildings SG
Flooding, Drainage and Water Quality SG
Green Space Network and Open Space SG
Hierarchy of Centres SG
Landscape SG
Noise SG
Natural Heritage SG
Planning Obligations SG
Resources for New Development SG
Transport and Accessibility SG
Trees and Woodlands SG
Materials TAN

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The PALDP was approved at the Council meeting of 2 March 2020. A period of representation in

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

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

The foregoing can only be assessed on a case-by-case basis. In this case similar zoning and topic-based policies apply. The PALDP does not identify the site as a specific development opportunity.

Other Material Considerations

The Aberdeen City and Aberdeenshire Housing Need and Demand Assessment 2017 (HNDA). Figures in the HNDA identify up to 1,368 new affordable homes needed per annum over a 20-year period. This estimate of net annual housing need depends greatly on the economy and the housing market.

EVALUATION

Principle of Development

The delivery of housing on a disused brownfield site within a settlement which is accessible by public transport accords in principle with the SPP presumption in favour of development that contributes to sustainable development. Given the non-strategic scale of the proposal and that it does not raise matters of a cross boundary nature, the SDP is of limited relevance in this case. Adequate infrastructure exists to service the development, or it can be enhanced in accordance with the expectations of ALDP policy I1. Although the site is not specifically identified as a brownfield opportunity site with potential for housing development within appendix 1 of the ALDP, the proposal accords with ALDP spatial strategy to encourage the regeneration of brownfield sites and aligns with the aspirations of the HNDA. The principle of a mixed-use development at the site was accepted in pre-application advice issued in 2018 and is welcomed. It is considered that there has been no material change in circumstances which changes that opinion. However, the proposal raises a number of issues which require detailed assessment.

Density / Scale

ALDP policy H3 seeks an appropriate density of development, with consideration of the site's characteristics and those of the surrounding area and having regard to provision of an attractive residential environment.

The proposal would have a density of 106 residential units per hectare, which is significantly higher than the density of the wider area. The minimum density figure of 30 units per hectare, set out in policy H3, which applies to larger development sites, does not apply in this instance as the site is less than a hectare. However, an appropriate density is required. The units would be entirely flatted, with no house units and would have limited external garden ground / amenity space available to occupants. This part of Peterculter largely retains its historic village character. This is evidenced by the predominance of low-rise buildings with pitched slated roofs and substantive garden grounds. The scale and form of the proposed development is considered to be more appropriate to a higher density urban context. Alternative, lower density forms of development have not been explored in the submitted design statement.

Whilst it is appreciated that the flatted development to the east of the site is 4 storey, that is not considered to represent a precedent or be representative of the prevailing built form. The adjacent flats, which were constructed as an extension to the former Gordon Arms hotel, were essentially an enabling development to allow the retention, restoration and conversion of the historic building, which was an established local landmark and substantial granite building of historic value. The current proposal offers no such benefits. Its scale and height are not typical of the wider context. Furthermore, the adjacent development is set back significantly from the road frontage and is not set in a perpendicular position to the street, in contrast with the current proposal (i.e. most of the proposed flats do not have a frontage to the street).

Whilst a mixed retail and flatted development has more recently been approved nearby, that provided a substantial new retail unit (Co-op) and substantial customer car parking of benefit to the wider retail centre, in contrast with the current proposal, and therefore cannot be regarded as a precedent. Being parallel to the street, that development complements and reinforces the building form of the street. It also has dual-aspect flats with a frontage to the street and a south-facing aspect that maximises sunlight and views.

Big Buildings SG states that the most suitable location for big buildings is in the city centre and the immediate surrounding area, rather than a peripheral. It is noted that the design statement does not consider ACC Big Buildings SG and, although it contains some photomontages, does not include a full landscape and visual impact assessment. As the scale of development would not be appropriate to its context, it would conflict with ALDP policy D3.

It is noted that the scale of development proposed is significantly greater than that for which pre-application advice was issued in 2018 and which requested a reduction in density. Whilst the current site boundary is larger than that site, it is considered that the scale and form of the development does not appropriately respect the context of the site by reason of its excessive density and thus conflicts with ALDP policies H3 and D1. As set out in pre-application advice, significant reduction in the scale and density of the development would be required in order to address the above concerns.

Design

Whilst the proposed design solution is considered appropriate to an urban area, the site lies within Peterculter, which largely retains its village character and the proposal is thus considered to be incongruous and unduly dense as explained above. The form and materiality of the proposed development would also be incongruous to its context, by reason of the perpendicular relationship of the building to the street, whereby the massing of the building extends back from the street frontage, its use of flat roofs and the proposed use of zinc wall / roof cladding (in contrast with the prevailing granite and slate clad pitched roofs of adjacent buildings) such that it would not accord with the objective of ALDP policy D1, ALDP Materials TAN or PAN 67: Housing Quality. It is noted that the site includes granite features (e.g. low rubble walls and the existing building at the frontage which would be demolished). No reuse of such granite is proposed in accordance with the objective of ALDP policy D5.

Impact on Retail Centre

Although a new commercial unit and residential accommodation would in theory support the diversity/offering/success of the Peterculter 'high street', and is therefore welcome in principle, the mix proposed offers little new commercial space. Provision of a new retail unit within a designated centre accords with the objective of ALDP policy NC4. However, the value of a small retail unit to the wider retail centre would be limited due to its restricted floorspace and absence of significant dedicated car parking (e.g. in contrast with the nearby Co-op development). It is noted that no specific end user has been identified for the unit and the proposal results in the loss of existing customer car parking within the site (albeit this is privately owned and thus its continued use

cannot be assured).

In order to provide adequate sight lines and safe vehicle egress at the site entrance could require the removal of 3 existing on-street car parking spaces on North Deeside Road and thus would not support the functioning of the existing retail centre. It is noted that the proposal is largely residential in nature and it is unclear how any parking for the retail unit would be available to customers or how it would operate, particularly given the likely excess car parking demand from prospective occupiers of the flats. It is considered likely that customers would choose to park on street rather than enter the site to attempt to park in what is a largely residential development. The current proposal is therefore considered to potentially conflict with the objectives of ALDP policy NC6.

Residential Amenity

Unfortunately, the submitted Daylight and Sunlight Assessment Report is considered to be deficient. It does not consider the impact of the development on the property to the north of the site and does not contain information regarding shadow cast analysis (e.g. impact on adjacent property during winter). It is also unclear if daylight received by the proposed flats would be adequate. Submission of a revised report was therefore requested, but not provided prior to the Notice of Review being submitted by the applicant. It is noted that the development involves the creation of a 3-storey block located directly to the south of the detached house to the north, which is of significantly lower scale. There remains a concern that the proposal would adversely affect the amenity of the adjacent house to the north due to over-domination and overshadowing and therefore conflicts with the objective of ALDP policy H1. Submission of extended detailed cross sections to show the relationship with this property were not provided prior to the Notice of Review being submitted by the applicant. The ground floor single aspect residential flat at the rear of the site is considered to have an unacceptably poor level of amenity due to its restricted outlook and position relative to parking. The level of daylight reaching this flat would likely be poor due to its significantly recessed living space. The east and west aspect to all the flats in the rear is considered to borrow amenity from the adjacent sites. Further, with five of the proposed flats being shown to be constructed above parking spaces and the access road/circulation space for the car park, this results in a particularly poor amenity for future occupants of those flats and therefore, the proposal requires substantive redesign. There would also be a degree of overlooking of adjacent residential premises to the north and east from the proposed balconies. Although limited information has been submitted regarding the external lighting of the development / car park, it is considered that this could be subject of detailed design to minimise light spillage and potential disturbance to adjacent residential amenity. Given the lack of accurate supporting information and concerns regarding the appropriateness of the scale (footprint and height) of the new building it cannot be concluded that the development would not result in adverse impact on existing residential amenity.

The proposed development would be deficient in terms of provision of adequate usable external amenity space for proposed occupants. The proposed external drying area and limited communal open space would be substantially shaded by the proposed building and would be inconvenient for practical use due to proximity to car parking, restricted size and inconvenient access.

The relatively high density of residential development proposed, its remote location relative to Aberdeen City Centre and outwith any controlled parking area and its failure to accord with ACC Transport Supplementary Guidance regarding car parking (i.e. reduced ratio of car parking proposed on site) is such that there would be likely increased risk of overspill car parking pressure from the development. This would be likely to result in adverse impact on existing residential amenity.

It is accepted that use of the car park by occupants could create some noise disturbance to

adjacent residents and this is not addressed in the NIA. However, given the use of part of the rear of the site as a commercial car wash, it is not considered that this impact would be so significant to warrant refusal. Furthermore, such impacts would be transient and limited significance relative to the impact of traffic noise from the main road. Development of reduced scale would minimise the risk of such disturbance.

Whilst occupants of the development would be exposed to road noise and noise from nearby commercial uses, it is noted that the submitted NIA demonstrates that an adequate noise environment could be created for occupants of the flats and its findings are accepted. It is accepted that suitable mitigation measures could be conditioned in order to provide an acceptable noise environment within the flats. Thus, the proposal satisfies the expectation of PAN1/2011 (Planning and Noise). There are no grounds for refusal on the basis of conflict with ALDP policy T5 and related SG.

Pedestrian Access

It is considered that the proposed pedestrian access to the proposed retail unit, direct from the street is accepted and accords with the historic norm within the neighbourhood centre. However, it is considered that the proposed pedestrian access arrangements for the new flats would be neither welcoming nor pleasant. It appears that the proposed design solution has not been designed with pedestrian movement as the priority, but rather is more reflective of an attempt to maximise the number of flats on the site. The pedestrian entrance points would not be visible from the street and would entail walking through the undercroft of a building and car park and thus would be neither attractive nor well defined and would conflict with the secure by design advice provided by Police Scotland. The design solution would therefore conflict with the objective of ALDP policy D1. Access to the flats is car focused because the entrances are accessed directly off the car parking court with the result that the proposal really has no 'front door' approach from the street and no sense of arrival which is important for 'sense of place' and kerb appeal. This arrangement is also considered to conflict with the objective of ALDP policy T3 and PAN75: Planning for Transport as pedestrian movement has not been prioritised. Addressing these concerns would require a significant redesign and reduction in the scale of flatted development proposed, which the applicant has declined to agree to.

As regards the revised site vehicle access works, the provision of a pedestrian build out is welcome. However, there are wider issues of concern. It is noted that proposed works at the site access involve reduction of the existing footway on adjacent land to the east. This would not be in accordance with ALDP policy T3 as it would not prioritise pedestrian movement. It is noted that no other off-site pedestrian enhancement measures (e.g. improved crossing of North Deeside Road) are proposed.

Vehicle Access

Given the intensification of vehicle movements at the site, and absence of proposals to address or reduce traffic speed on the public road, it is unclear that the proposal would be safely accessed and may result in increased conflict at the vehicle access due to vehicles egressing the site. It is noted that the required visibility splay to the west of the site would be potentially compromised due to on-street parked vehicles as there are no parking restrictions to prevent this. ACC Roads Service has confirmed that there are no proposals to remove such on-street parking, or impose other restrictions, or otherwise provide public car parking. Furthermore, any Traffic Regulation Order (TRO) restricting car parking could be subject to objection by residents and/or businesses and removal of on-street parking would not appear to be in the interest of the viability of the shopping centre. Therefore, it is unlikely that the required visibility would, in practice, be achievable.

Parking

It is noted that the scale of car parking proposed for occupants of the flats does not accord with ACC guidelines set out in Transport SG and therefore conflicts with ALDP policy T2. Whilst ACC transport SG encourages low car residential development, these are more appropriately located in the city centre or central location within controlled parking zones. The context of this site is significantly different. Notwithstanding the proximity of the site to a bus route, the site lies within a peripheral settlement at the edge of the city, outwith any controlled parking zone. It is noted that some of the public transport information referred to by the agent is out of date / erroneous and services have recently been reduced. Whilst the site lies relatively close to the Deeside Way cycle route / walkway, accessing it requires crossing a busy road at a distance of almost 600m. There are limited controlled crossing points and no dedicated facilities for cyclists (e.g. cycle lanes) on this section of North Deeside Road. Although a light controlled pedestrian crossing exists to the east of the site, there is no cycle crossing point. It is noted that there are no car club facilities / spaces within the vicinity of the site, with the nearest vehicles being in Cults. It is therefore considered likely that a relatively high car dependency would occur in this instance due to the peripheral location of the site relative to the city centre and limited options for public transport links. Whilst it was indicated at pre-application stage that there may be some flexibility regarding the level of car parking on site, the significant reduction in parking provision proposed is considered to be problematic and excessive. There remains a significant risk that the proposal would therefore result in pressure for overspill car parking outwith the site, in conflict with PAN75: Planning for Transport. This would be likely to conflict with the amenity of existing residents and operation of existing businesses and would therefore be unacceptable. The applicant has declined the opportunity to submit amended proposals for a reduced scale of residential development to address this concern. Whilst limited EV parking is proposed on site, a condition could be used to ensure its delivery and delivery of cycle parking on site.

Servicing

It is presumed that refuse vehicles would not enter the site, to avoid reversing. Clarification of the proposed means of collection is required to assess relative to ALDP policy R6. It is noted that the proposed residential bin store would not be located within 15m of the kerbside, as requested by ACC Waste Service. Its position is likely to require excessive travel distance and thus necessitates redesign of the layout.

Landscape / Open Space Provision

Although no public open space (as opposed to communal amenity space) would be provided within the site, it is accepted that is not required for brownfield sites. A contribution could be sought for enhancement of off-site public space in accordance with the objective of ALDP policy NE4 and related SG.

As regards the submitted landscape plan / detailed design, it is noted that the extent of greenspace within the site would be limited and its usability would be restricted due to proximity to buildings and structures (e.g. the drying green would be of limited practical value due to shading and proximity to the car park). There is a lack of open space within the proposed site layout to accommodate meaningful areas of landscaping. A reduction in the footprint of the proposed building would allow for further areas of open space and landscape planting. This would better accord with ALDP policies NE4 and D2 and potentially contribute more to biodiversity using native plants. The small planting / amenity spaces at the fringes of the site would be of limited value to occupants and would also be at risk of removal in the longer term due to the restricted size of the planting areas and proximity to structures. Whilst an external communal open space is proposed, this would be of limited functional value due to the restricted access to the area, overshadowing by the building and change in levels. It is noted that no green roofs / walls or rainwater harvesting are proposed. Particularly on developments where there is limited space for soft landscaping, green walls and roofs can make a valuable contribution to biodiversity and carbon sequestration.

Significant reduction in the footprint and scale of the development is required in order to address the expectations of ALDP policy D2 and related guidance. It is considered that insufficient green space would be provided within the site to provide amenity for occupants. Thus, the detailed design of the proposal would conflict with the objectives of ALDP policy NE4 and PAN 65: Planning and Open Space.

Tree Impact

Whilst the development does not result directly in tree removal, it is noted that tree removal is proposed on adjacent land which is not in the applicant's control and therefore cannot be assured. It is noted that parts of the development would be within the zone of influence of adjacent mature trees to the north and would be close to other mature trees to the east which therefore may result in pressure for further removal / reduction of tree cover, in conflict with the objective of ALDP policy NE5. Whilst tree works and/or removal outwith the site may reduce such conflict with the development, that cannot be assured and is not desired. A more sustainable approach would be to reduce the footprint of development and design out such potential conflict. Given the footprint / scale of development proposed and limited extent of greenspace within it, the design solution does not provide adequate compensatory planting. The longevity of the proposed tree planting is likely to be compromised due to proximity to existing and proposed structures. It is therefore considered that insufficient tree planting would be provided within the site to enable long term continuity of tree cover in the wider area in the interest of the objective of ALDP policy NE5. Significant redesign (e.g. reduction in the footprint of the development and increased green space) is required to address this concern.

Drainage

It is noted that Scottish Water, ACC Roads and Dee District Salmon Fishery Board have no objection to the development. There is adequate foul drainage capacity to service the development. The submitted DIA and surface water assessment indicate that the site can be adequately drained, notwithstanding that it is proposed that surface water discharges from the site to the combined sewer, which is contrary to Scottish Water advice and SUDS best practice. Furthermore, it is noted that the proposed SUDS measures are heavily engineered, more typical of high-density urban sites and lacking in any biodiversity benefit. There is tension with ACC Big Buildings SG which states that specific technical solutions such as green roofs, green walls and rainwater management are encouraged. It is noted that no green roofs / walls or rainwater harvesting are proposed which can provide surface water and biodiversity benefits. The Surface Water Assessment states that implementing green roofs would not offer a practical or cost-effective surface water drainage option however this statement has not been supported by evidence. A development of reduced density / footprint would enable more sustainable SUDS solutions.

A condition can be imposed to ensure that foul drainage from the development is connected to the public sewer. However, the surface water drainage measures are not considered to be sustainably designed. As designed the development would not adequately accord with the surface water quality objectives ALDP policy NE6 and related guidance regarding SUDS.

Ecology Impact

It is noted that a bat survey has been provided. It has been reviewed by the Council's Environment Policy Team who do not accept its findings and request that a further survey is provided. This survey will be required to be undertaken at an appropriate time of year to rule out the use of the building by bats and demonstrate compliance with ALDP policy NE8 and related guidance. An updated bat survey is required to be provided prior to determination (unless the proposal is refused), as such a survey cannot be the subject of a suspensive condition. It is noted that no evidence exists that other sensitive species are present on site. Notwithstanding that the undeveloped vegetated fringes of the site (e.g. ivy / ruderal vegetation) would be lost and there

would be limited replacement planting on site, the degree of conflict with the ecology enhancement objectives of policy NE8 is not considered to warrant refusal given that the site is already largely developed. However, a revised design solution of reduced density would enable better provision for replacement greenspace on site of biodiversity value.

Crime Risk

It is noted that the proposal has not been amended to address the concerns of Police Scotland (e.g. lack of surveillance of the communal car parking from the proposed public rooms and inconvenient pedestrian access to the flats). The layout as proposed would result in poor natural surveillance of the car park from public rooms (e.g. lounges) and the communal car park and pedestrian access to the flats would be vulnerable to potential crime risk as they would be unduly secluded. Thus, the development as designed is considered to conflict with PAN 77.

Economic Benefit / Viability

Notwithstanding that the proposal would result in limited employment creation during construction and associated with operation of the retail unit, this is of limited significance in the context of the wider economy of the city. A mixed development with reduced residential component would offer similar benefits. It is considered that the proposal represents overdevelopment of the site and offers no overriding economic benefits that may warrant approval given the policy conflicts identified above. Whilst the agent has advised that reduction of the scale of development raises viability concerns, no viability statement or other related viability justification has been submitted and thus no weight can be attached to this issue.

Affordable Housing / Developer Obligations

The applicant has advised that they are agreeable in principle to provision of 4 affordable units as requested. However, the proposed nature / tenure of units and whether these would be provided on site remains unclear. Whilst the means of delivery and detailed compliance with policy H5 and related SG cannot therefore be confirmed at this stage, such arrangements could be the subject of a section 75 agreement. Thus, there would be no basis for refusal of the application on the basis of conflict with policy H5.

Notwithstanding that developer obligations contributions could be secured by a legal agreement, to address some adverse impacts of the development, this is not considered to warrant approval of the development given the significant concerns related to the scale and density of development as identified above.

Energy and Water Efficiency

Whilst no detailed technical information has been submitted in relation to provision of energy and water saving technology on site, in order to demonstrate full compliance with Policy R7, such information can be made subject of a suspensive condition. Thus, there would be no basis for refusal of the application because of conflict with policy R7. Although the Surface Water Assessment states there is no significant demand for non-potable water on site, this is not accepted. If raised beds are incorporated into the development, rainwater captured on site and stored in water butts could be used for watering plants. Furthermore, non-potable water could in theory be stored in tanks and used for purposes such as flushing toilets.

Other Technical Matters

The submitted site investigation demonstrates that the site can be redeveloped without significant risk of environmental pollution or to occupants and its findings are accepted. The proposal would therefore satisfy the objective of ALDP policy R2.

It is presumed that there is adequate telecoms service in the area. It is noted that neither the applicant nor the Council has any responsibility for provision of telecommunications infrastructure,

which is delivered by private companies. Thus, it would not be reasonable to impose a condition requiring any service upgrade. No evidence exists that that the development would adversely impact on existing TV reception or other telecommunications signals. An advisory note could be used in attempt to ensure appropriate telecom provision is evidenced in accordance with the objective of policy CI2.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP and the proposal is not acceptable in terms of both plans for the reasons previously given. It is noted that the PALDP does not identify the site as a specific development opportunity.

Other Concerns Raised in Objection

The concerns regarding the scale of development, impact on residential amenity / the retail centre, parking provision and other technical concerns are addressed above. Loss of / impact on private views from adjacent residential premises is not a material planning consideration.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. Insufficient Information

Insufficient information has been submitted in order to assess the impact of the development. Extended detailed cross sections and a revised sunlight impact assessment with sun / shadow cast analysis is required to demonstrate the impact on existing residential premises to the north of the site. Submission of a transport statement and clarification of servicing arrangements is required in order to assess the transport impact of the development and demonstrate compliance with policy T2: Managing the Transport Impact of Development and policy R6: Waste Management Requirements for New Development within the Aberdeen Local Development Plan 2017 (ALDP). Submission of an additional competent bat survey is required to demonstrate that there would not be adverse impact on bats in accordance with the expectations of ALDP policy NE8: Natural Heritage.

2. Residential Amenity

The proposed development is considered to borrow amenity from adjacent land and would be deficient in terms of provision of adequate usable external amenity space for proposed occupants. The proposed external drying area and limited communal open space would be substantially shaded by the proposed building and would be inconvenient for practical use due to proximity to car parking, restricted size and inconvenient access. The relatively high density of residential development proposed, its remote location relative to Aberdeen City Centre and outwith any controlled parking area and its failure to accord with ACC Transport Supplementary Guidance regarding car parking (i.e. reduced ratio of car parking proposed on site) is such that there would be likely increased risk of overspill car parking pressure from the development. This would be likely to result in adverse impact on existing residential amenity.

3. Overdevelopment

Notwithstanding the conclusion of the submitted design and access statement, the scale and form of the proposed development would not respect the context of the site, which largely retains a low-density village character, by reason of its excessive footprint, height and massing. As the scale of development would not be appropriate to its context, it would conflict with ALDP policy D3: Big Buildings. The significant underprovision of car parking for the proposed residential development would not accord with the expectations of ALDP policy T2: Managing the Transport Impact of

Development and the remote location of the site relative to the city centre does not warrant approval of a low car development. It is considered that insufficient green space and tree planting would be provided within the site to provide amenity for occupants and enable continuity of tree cover in the wider area in the interest of the objective of ALDP policy NE4: Open Space Provision in New Development and NE5: Trees and Woodland. The proposal is therefore considered to represent overdevelopment of the site by reason of its inappropriately high density and conflicts with the objectives of ALDP policies D1: Quality Placemaking by Design and H3: Density.

4. Design Quality

The form and materiality of the proposed development would be incongruous to its context, by reason of the perpendicular relationship of the building to the street, its extensive footprint / use of flat roofs and the proposed use of metal wall / roof cladding, such that it would not accord with the objective of ALDP policy D1: Quality Placemaking by Design and Materials TAN. It is considered that the proposed pedestrian access arrangements for the new flats would be neither welcoming nor pleasant. The pedestrian entrance points would not be visible from the street and would entail walking through the undercroft of a building and car park and thus would be neither attractive nor well defined and would conflict with the secure by design advice provided by Police Scotland. This arrangement is also considered to conflict with the objective of ALDP policy T3: Sustainable and Active Travel as pedestrian movement has not been prioritised. The layout as proposed would also result in poor natural surveillance of the car park from public rooms (e.g. lounges). No re-use of existing granite doughtings / rubble is proposed on site such that there would be a degree of conflict with ALDP policy D5: Our Granite Heritage.

5. Adverse impact on Peterculter Neighbourhood Centre

The relatively high density of residential development proposed, its remote location relative to Aberdeen City Centre and outwith any controlled parking area and failure to accord with ACC Transport Supplementary Guidance regarding car parking (i.e. reduced ratio of car parking proposed on site) is such that there would be likely increased risk of overspill car parking pressure from the development. This would be likely to result in a reduction of available on-street car parking spaces within the wider retail centre which could adversely affect the viability of existing business on North Deeside Road. The proposal thereby conflicts with the objective of ALDP policy NC6: Town, District, Neighbourhood & Commercial Centres.

6. Road Safety (Access)

Implementation of the development would be likely to result in intensification of the use of the existing site access and thereby increased public road safety risk due to the restricted visibility at the site egress and potential for conflict with traffic using North Deeside Road. Neither proposals for removal of existing on street car parking on North Deeside Road, in order to achieve the required visibility splay, nor other road safety measures are currently being promoted by the Council or are otherwise likely to be deliverable to address this concern.

7. Sustainable Development

Notwithstanding the desire to secure redevelopment of brownfield sites within settlements, the proposal would not contribute to the overall objective of sustainable development, as expressed in Scottish Planning Policy 2014, by reason of its excessive scale and density, the potential adverse impact on the viability of Peterculter retail centre and the inappropriate surface water drainage arrangements and absence of appropriate sustainable drainage features in conflict with the objective of ALDP policy NE6: Flooding, Drainage & Water Quality.

THE NOTICE OF REVIEW STATEMENT

A Notice of Review against non-determination of the planning application has been validly submitted by the agent to ACC Local Review Body (LRB). It is noted that a parallel appeal was

submitted to the DPEA on 15/4/22 but this has been rejected as the DPEA has no remit in the case.

In terms of determination timescale, it is noted that the applicant did not agree to extend the determination period as requested by ACC Planning Service. However, the planning application could not be legally determined prior to expiry of the three week period set out in the ownership certificate served by the agent on 22nd March 2022. The subsequent Easter holiday period precluded issuing of the decision prior to submission of the Notice of Review.

The applicant considers that adequate accurate supporting information has been submitted in relation to the daylight and sunlight impact assessment but notes that they were unable to accurately survey or consider in detail the impact on the adjacent house to the north of the site. The fact that such premises is not clearly visible in Google "Streetview" images and that it is in part screened from the development site due to intervening trees does not warrant or justify setting aside the need to have regard to protection of its amenity. Although the existing house sits at a higher level than the site, it would be over-dominated by the scale and height of development proposed. Furthermore, the intervening trees are largely deciduous and thus would have limited screening value during winter months. The information regarding shadow cast analysis provided does not provide a clear or accurate assessment of the impact of the development on existing adjacent premises. The proposed grounds for refusal set out in Reasons 1 and 2 above are thus considered to remain valid.

The applicant claims that "Local residents and the public generally welcome this development" yet provides no evidence to substantiate or verify this statement.

As regards density and design concerns, it is noted that the concerns expressed above in relation to the excessive extent, footprint and height of development proposed are not shared by the applicant and that they have not agreed to reduction in the scale of development or number of flats proposed. It is noted that the applicant considers that the scale and form of the design solution is appropriate. However, this position is not accepted by ACC Planning Service. The proposed grounds for refusal set out in Reasons 3 and 4 above are thus considered to remain valid.

The applicant considers that the proposal would have a positive impact on Peterculter centre. However, notwithstanding that the extent of car parking available for retail users is uncertain, the risk of overspill car parking associated with the residential development remains and is likely to impact on the attractiveness and function of the wider centre given the absence of a controlled parking zone in the wider area. It is noted that no Transport Statement or parking survey including assessment of available on street car parking has been provided and the Council has no proposals for introduction of a Controlled Park Zone (CPZ) or provision of Car Club Spaces in the vicinity. The applicant provides no evidence to support their view that a large number of occupiers of the flats will not be car owners. This contradicts the findings of a recent appeal decision (18172/PPP) whereby the Reporter noted that the majority of occupants of flats in Aberdeen are car owners. Thus, the ground for refusal set out in Reason 5 above is considered to remain valid.

As regards roads / parking issues it is noted that the agent now advises that the entirety of the communal car parking (18 parking spaces) would be available to the public (shoppers) at all times, for customers of the nearby shops. However, this contradicts the information set out in support of the planning application which states that only one car parking space would be available for the proposed retail unit and the majority of the spaces would be for the residential units. No means of regulating the proposed alternative arrangement has been proposed, nor for addressing the potential conflict with the need for parking for the occupants of the proposed flats. Such an arrangement assumes and would be reliant on all residents not using the parking spaces during the daytime, which is unrealistic. It cannot be reasonably assumed that all car-owning residents

would be away from their homes during the daytime. It also potentially raises amenity concerns whereby there would be flats built above and adjacent to what in effect would be a commercial car park during the daytime/trading hours of local shops. Furthermore, this is considered to raise significant concerns as the proposed revised arrangement would be likely to result in an intensity of the use of the existing site access / egress which is known to have restricted visibility at the junction with the public road due to existing on street car parking. Such a revised scenario has not been accessed by ACC Roads Service but would serve to highlight the road safety concern identified above. It is noted that no Transport Statement or parking survey including assessment of available on-street car parking has been provided and the Council has no proposals for introduction of a CPZ or provision of Car Club Spaces in the vicinity. ACC Roads Service had not provided a final consultation response at the time the Notice of Review was submitted and their position on the need for visibility at the junction (approaching the site from the west) is thus unclear. It is noted that the applicant does not envisage removal of the 3 on-street spaces which currently compromise the visibility splay adjacent to the site access. However, it is clear that the proposed visibility splay shown on the submitted layout is required in the interest of public safety in the absence of any proposals for traffic calming / speed reduction on the public road that may justify the use of a reduced visibility splay. The proposed grounds for refusal set out in Reason 6 above is thus considered to remain valid.

Whilst the principle of redevelopment of this brownfield site for a mixed use is considered to accord with sustainable development objectives and is accepted, the applicant has not demonstrated that a development of reduced density / residential component and with increased greenspace would not be viable and has not addressed the overdevelopment concerns identified above. The proposal is significantly deficient in terms of Council guidance on parking and in terms of amenity expectations and thus the detailed expectations of sustainable development as set out in SPP remain to be achieved. The proposed grounds for refusal set out in Reason 7 above is thus considered to remain valid.

The applicant states that the development can make a meaningful contribution to the Aberdeen housing land supply that can be delivered in the short term. However, the scale of development is not considered to be of strategic significance and would not be significant in relation to the HNDA and thus does not warrant setting aside the concerns identified.

The applicant claims that the site is zoned for industrial use is erroneous (see planning policy section of report above). They also allude to the authorised use of part of the site being for storage and distribution or as a bakery / industrial use. However, no evidence for this claim has been presented. This assertion appears to be contradicted in part by the physical evidence of the site / "Streetview" images whereby a mix of uses appear to have been present and the shed building at its rear was most recently used as a car wash, albeit on an unauthorised basis. No certificates of lawfulness or planning permissions have been approved for existing or alternative / proposed uses. No weight to such claims of a potential alternative use which has not been consented authorised should therefore be afforded. The applicant also asserts that "The retail space proposed is the largest that can be accommodated on the site" but does not explain why this is the case.

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100515992-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Construction of 14no. residential units, 1no. small shop unit and the conversion of an existing flat into 2no. residential flats and associated infrastructure.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Wellwood Leslie Architects		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Gaynor	Building Name:	<input type="text"/>
Last Name: *	Beaton	Building Number:	29
Telephone Number: *	01413532040	Address 1 (Street): *	Eagle Street
Extension Number:	<input type="text"/>	Address 2:	Craighall Business Park
Mobile Number:	<input type="text"/>	Town/City: *	Glasgow
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	G4 9XA
Email Address: *	gaynorbeaton@wellwoodleslie.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Paul	Building Number:	6
Last Name: *	Young	Address 1 (Street): *	Golfview Road
Company/Organisation	Matnic Ltd	Address 2:	Bielside
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB15 9DQ
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

HIGH POINT

Address 2:

242 NORTH DEESIDE ROAD

Address 3:

PETERCULTER

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

PETERCULTER

Please identify/describe the location of the site or sites

Northing

800703

Easting

383689

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1532.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

The site is current a disused garage with 2no flats and a retail unit

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes **T** No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 4

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 18

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * **T** Yes ≤ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

T Yes – connecting to public drainage network

≤ No – proposing to make private drainage arrangements

≤ Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * **T** Yes ≤ No

(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

T Yes

≤ No, using a private water supply

≤ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ≤ Yes ≤ No **T** Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes ≤ No **T** Don't Know

Trees

Are there any trees on or adjacent to the application site? * **T** Yes ≤ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * **T** Yes ≤ No

If Yes or No, please provide further details: * (Max 500 characters)

Please refer to drg 3850 G(00) 04 for the location and number of bins as per the Local authority requirements.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

16

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 2 Financial, professional and other services

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

57

If Class 1, please give details of internal floorspace:

Net trading spaces:

57

Non-trading space:

0

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Gaynor Beaton

On behalf of: Mr Paul Young

Date: 20/12/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * Yes N/A

A Design Statement or Design and Access Statement. * Yes N/A

A Flood Risk Assessment. * Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * Yes N/A

Drainage/SUDS layout. * Yes N/A

A Transport Assessment or Travel Plan Yes N/A

Contaminated Land Assessment. * Yes N/A

Habitat Survey. * Yes N/A

A Processing Agreement. * Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Kevin Spence

Declaration Date: 20/12/2021

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

[Redacted Signature]

On behalf of:

Wellwood Leaslie Architects

Date:

22/03/2022

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) The applicant has served notice on every person other than the applicant who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice
Mr David Suttie	Tamarindbridge Limited Silver Heights, 12 Wellwood 250 North Deeside Road, Cults Aberdeen Revision AB15 9PB	22/03/2022

- (2) None of the land to which the application relates constitutes or forms part of agricultural land
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and the applicant has served notice on every person other than the applicant who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

Signed:



On behalf of:

Wellwood Leslie Architects

Date:

22/03/2022

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

(1) I have been unable to serve notice on **every** person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates.

or

(2) I have been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates.

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant.

or

(5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Robert Forbes	To: ACC - Contaminated Land Team
E-mail: rforbes@aberdeencity.gov.uk	Date Sent: 23 December 2021
Tel.: 01224 522390	Respond by: 13 January 2022

Application Type: Detailed Planning Permission
Application Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ
Proposal Description: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application Reference: 211791/DPP
Consultation Reference:

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

Response

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	X
Would recommend the following conditions are included with any grant of consent.	
Would recommend the following comments are taken into consideration in the determination of the application.	
Object to the application (please specify reasons below).	

COMMENTS

This Service has reviewed the Phase I Site Investigation (Enviro Surveying Ltd, November 2021, Project No. ESL21111) submitted in support of the above development and we are in general agreement with the conclusions and recommendations:

Based on the available information there is no obvious risk to the proposed development, and we do not recommend any further intrusive works are required. Our only recommendations are as follows:

- Any asbestos containing products should be removed in accordance with current Health & Safety legislation, and these materials disposed of to a registered waste facility. All paperwork should be retained.*
- Any potable water supply that is to enter the rear of the site may require assessment by Scottish Water in accordance with the UKWIR regulations, as this is a brownfield site. This may require soil testing – we can provide further advice on this and undertake these works if required.*
- As with all brownfield sites, should any unexpected made ground or materials of concern be uncovered during groundworks, then we would advise you seek advice on how best to deal with these.*

This Service would make the following additional comments:

It is essential that the buildings proposed for demolition are surveyed for asbestos (corrugated asbestos roofs have been noted on store buildings in west of site) and that any asbestos is removed in accordance with best practice to avoid risks to health and potential contamination of the site. Overall, we consider the risks to the development from land contamination to be low but would recommend that the following advisory note is applied to any planning approval:

Should any ground contamination be discovered during development, the Planning Authority should be notified immediately. The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority.

Responding Officer: Neil Stirling

Date: 11/01/22

Email: nstirling@aberdeencity.gov.uk

Ext: 3211

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Robert Forbes	To: ACC - Environmental Health
E-mail: rforbes@aberdeencity.gov.uk	Date Sent: 23 December 2021
Tel.: 01224 522390	Respond by: 13 January 2022

Application Type: Detailed Planning Permission
Application Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ
Proposal Description: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application Reference: 211791/DPP
Consultation Reference:

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

Response

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	✓
Would recommend the following conditions are included with any grant of consent.	
Would recommend the following comments are taken into consideration in the determination of the application.	
Object to the application (please specify reasons below).	

COMMENTS

Regarding the above Detailed Planning Permission Application, the relevant information has been assessed by the Environmental Protection Team. The following comments are considered appropriate and proportionate;

1. Noise Impact Assessment

The proposed development is located adjacent to the busy North Deeside Road (A93). The proposal is therefore likely to be impacted on by road traffic noise. Additionally, the proposed commercial unit and other commercial businesses nearby may impact on the proposal.

Suitable mitigation measures may be required to address any noise issues. This Service requires an appropriate noise assessment by a suitably qualified noise consultant to predict the impacts of the existing soundscape and proposed commercial unit on sensitive receptors and the necessary control measures. This assessment should:

- 1) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- 2) Identify the existing noise sources and their impact on the proposed sensitive receptors
- 3) Identify the proposed noise sources and their impact on the proposed sensitive receptors
- 4) Detail the noise mitigation measures to reduce noise from relevant noise sources to an acceptable level to reasonably protect the amenity of sensitive receptors.
- 5) Have a methodology agreed in writing with the Environmental Protection Team in advance of the assessment.

2. Noise from Construction Works

In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works and construction works, I recommend the following controls:

- a) Operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

I trust this meets with your satisfaction. If you have any queries, please call me on the number above.

Responding Officer: Mark Nicholl

Date:05-01-22

Email:

Ext:

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Robert Forbes	To: ACC - Environmental Health
E-mail: rforbes@aberdeencity.gov.uk	Date Sent: 23 February 2022
Tel.: 01224 522390	Respond by: 16 March 2022

Application Type: Detailed Planning Permission
Application Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ
Proposal Description: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application Reference: 211791/DPP
Consultation Reference:

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

Response

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	✓
Would recommend the following comments are taken into consideration in the determination of the application.	
Object to the application (please specify reasons below).	

COMMENTS

Regarding the above Planning Permission Application further information has been assessed by the Environmental Protection Service. The following areas have been evaluated and the

associated comments are considered appropriate and proportionate given the circumstances;

1. Noise Impact Assessment Review

The Noise Impact Assessment by Grosle Environmental Services (Ref. Proposal No TTG031021 Revision 2, Dated 22-02-22) associated with the proposed development has been reviewed and its findings considered reasonable.

The proposed development is accepted in relation to noise provided the noise mitigation measures achieving at least an equivalent effect of those measures currently contained within the report are applied, including;

- a) For the two flat conversion above the existing retail unit retention of the existing double-glazed windows and provision of secondary glazing (minimum width 6mm at a distance of 100mm) achieving the required sound reduction Rw 46 as detailed within sections 6.1.1 AND provision of acoustic trickle ventilators achieving the required sound reduction Rw 42 (in the open Position) as detailed within Appendix H1 of the report.
- b) For the two flat conversion above the existing retail unit provision of 18mm fire-resistant plyboard flooring laid on top of the existing floor to further reduce noise as detailed within sections 6.1.5.
- c) For the proposed residential flats facing North Deeside Road, provision of glazing units that achieve a sound reduction index of Rw 46 or greater AND provision of acoustic trickle ventilators achieving the required sound reduction Rw 46 or greater (in the open Position) as detailed within sections 6.1.2
- d) For the remaining proposed residential flats, provision of glazing units (with acoustic trickles vents in the open Position) that achieve a sound reduction index of Rw 35 or greater AND provision of acoustic trickle ventilators achieving the required sound reduction Rw 46 or greater (in the open Position) as detailed within sections 6.1.3.
- e) Provision of an acoustic enclosure around the existing air conditioning unit located under the stairs as detailed within sections 6.1.4, namely the Environlite ELV1.1.25AC enclosure detailed within Appendix I – 2 of the report.

I trust this information is of use.

Responding Officer: Mark Nicholl

Date:24-02-22

Email:

Ext:

Environmental Policy team response - planning application, masterplan, and development framework consultations

PROPOSAL DETAILS

	Enter details in this column
Application / plan name	Application Address: High Point 242 North Deeside Road Peterculter Aberdeen AB14 0UQ Proposal Description: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application reference number / reference	211791/DPP
Planning case officer	Robert Forbes
Date of request	23/12/2021
Date response required	13/1/2022
Date of response	
EP team (name of responder)	Richard Brough
Other EP team members	Guy Bergman Kevin Wright Choose an item. Choose an item. Choose an item.
Other Services consulted by EP	e.g. Environmental Services Specify:
Site Visited?	Choose an item.

POLICY AND GUIDANCE

Relevant policy and legislation	Enter text in this column
Relevant LDP policies Link Relevant Supplementary Guidance/Technical Advice Note Link	NE4 - Open Space Provision in New Development NE6 - Flooding, Drainage and Water Quality Choose an item. SG/TAN; First select a Topic Area Green Space Network and Open Space First select a Topic Area Choose an item. Development Frameworks / Masterplans:
Other key references, e.g. ACC strategies, Local Biodiversity Action Plan, Scottish Planning Policy, National Planning Framework, TPO/Cons area/GSN GIS tool	Local Planning Advice: Other Key References: Choose an item.

COMMENTS

Topic	Comments (including compliance, non-compliance and reasoning)
Natural Heritage	<p>The LNCS incorporating Culter Burn is located at its nearest point, approximately 110m to the Northwest of the proposal site. The Drainage Impact Assessment states that the collection, treatment, and attenuation of surface water will be on site utilising permeable paving and will be discharged into the existing combined sewer. If this option is taken, there should be no negative impacts on the LNCS Cutler Burn.</p> <p>The submitted bat survey is not adequate to rule out the use of the outbuildings by bats; a further activity survey will be required to be undertaken at an appropriate time of year to rule out the use of the building by bats. A potential roost</p>

	<p>feature was identified in Building C and the survey concludes that the buildings have ‘very little bat roost potential’. In terms of Bat Conservation Trust Guidelines the survey has concluded that the building has ‘low roost suitability’ as potential roost features have been identified. For buildings identified with low roost suitability a single activity survey is required to be undertaken during the bat activity season. Whilst the survey report notes that ‘any areas where bats could roost are covered in cobwebs’ this only demonstrates that potential roost features have not been recently used and does not rule out the use of the building by bats over a longer time period.</p> <p>Please note bat surveys cannot be conditioned; the application should not be determined until an adequate bat survey has been submitted.</p>
Landscape	<p>There is a lack of open space within the proposed site layout to accommodate meaningful areas of landscaping. A reduction in the footprint of the proposed building would allow for further areas of open space and landscape planting. This would better accord with LDP policy D2 Landscape and potentially contribute more to biodiversity using native plants and/or plants suitable for pollinators. The submitted landscape plan does not include any tree planting. There is scope for tree planting within the amenity space shown in the north of the site. The use of raised beds and planters is encouraged to further soften the development. Although the Surface Water Assessment states there is no significant demand for non- potable water on site, if raised beds are incorporated into the development, rainwater captured on site and stored in water butts could be used for watering plants. Raised beds would also provide an opportunity for small scale food growing.</p> <p>The Surface Water Assessment states that implementing green roofs would not offer a practical or cost-effective surface water drainage option however surface water drainage is not the only benefit/function green roofs and walls provide. Particularly on developments where there is limited space for soft landscaping, green walls and roofs can make a valuable contribution to biodiversity and carbon sequestration. They can also soften the appearance of buildings and look attractive.</p> <p>A detailed landscape plan is required. This should include species, numbers, planting size and densities. A landscape maintenance scheme is required.</p>
Trees	<p>The proposed development is unlikely to result in any significant impacts on the existing tree stock. The theoretical root protection area of tree 14 may be marginally impacted if re-surfacing works of the current access are undertaken. However it is unlikely that the displayed RPA on the tree survey drawings are as extensive as shown due to local restrictions to the tree rooting environment.</p> <p>A small area of the development is located within the zone of influence of trees on the north boundary of the property. Whilst this impact is worth noting the trees in their current state have a limited retention period and may benefit from</p>

	<p>such works as outlined in the survey report. If undertaken this would reduce their overall height and consequently reduce the ZOI of the existing trees.</p>
<p>Open Space</p>	<p>Background information There is a proposed erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure. The quality of open spaces in the local area is mixed with a number of sites that have a low-quality score according to the open space audit 2010 quality criteria and could therefore be improved. Households in the Lower Deeside ward have poor access to equipped play space provision and there is no play space within the 400m recommended open space distance thresholds of the development. Lower Deeside is lacking in major park and allotment provision however a high percentage of households have access to Natural / Semi-Natural open spaces.</p> <p>Impact of Development The proposed development would lead to a reduction in open space and would provide an additional 14 accommodation units. This would result in an increase in population generating additional demand on existing open spaces such as local parks, play and open and green spaces.</p> <p>Open Space Provision Open space provided as part of a new development should be functional, useful and publicly desirable. Access to good quality open space helps to make Aberdeen an attractive place to live, work and invest and improves the health and wellbeing of our citizens and this is particularly important for flatted developments.</p> <p>The development has a dense layout and lacks meaningful open space. Meaningful public or communal open space should be provided in all residential developments. Consideration should be given to reducing the footprint and number of units / layouts on site to provide larger, better connected and more meaningful open spaces with a clearer identity and purpose. There appear to be areas that are spaces left over after planning (SLOAP) included as formal open spaces.</p> <p>Consideration should be given to reducing the amount of hard standing surfaces and proposed car parking spaces to soften the proposal and this would also improve drainage. A reduction in car parking and an increase in amenity areas would soften the site and provide better amenity for residents.</p>

	<p>What are the proposed specifications of the green / amenity areas on the landscape plan? Further detail is required. The position of the drying green next to car parking is also not optimal.</p> <p>The amenity space to the north east of the site is isolated could be better connected to the open space to the west of the site.</p> <p>Opportunities to improve communal areas through planters, raised beds, and appropriate furniture should be explored and this would enhance the amenity of the proposed development.</p> <p>Note that balconies cannot be included as overall open space provision . Balconies are not public open spaces however these are welcome positive design features and offer recreational and health benefits for residents.</p> <p>Where there is insufficient open space provided as part of the proposal in reference to Supplementary Guidance: Green Space Network & Open Space, or where the Council’s Open Space Audit demonstrates that the minimum quantity and accessibility standards are not met by existing provision, then a contribution towards raising the quality of existing provision may be necessary.</p>
Outdoor Access	
Climate change mitigation and adaptation measures	
Construction	
Other	

CONCLUSION

Summary of environmental effects of concern
Natural Heritage
<p>Landscape</p> <p>There is a lack of open space within the proposed site layout to accommodate landscaping. A reduction in the footprint of the proposed building would allow for further landscape planting. This would better accord with LDP policy D2 Landscape and make a better contribution to biodiversity. A detailed landscape plan is required. This should include species, numbers, planting size and densities. The landscape plan does not include any tree planting. There is scope for tree planting within the amenity space shown in the north of the site. The use of raised beds and planters is encouraged to further soften the development. A landscape maintenance scheme is required. Green walls and roofs should be given further consideration.</p>

Trees
<p>Open Space Open space provided as part of a new development should be functional, useful and publicly desirable. Consideration should be given to reducing the footprint and number of units and layout on site to provide larger, better connected and more meaningful open spaces with a clearer identity and purpose. Opportunities to improve open space provision through a revised layout which addresses the concerns highlighted should be explored.</p> <p>Where there is insufficient open space provided as part of the proposal in reference to Supplementary Guidance: Green Space Network & Open Space, or where the Council's Open Space Audit demonstrates that the minimum quantity and accessibility standards are not met by existing provision, then a contribution towards raising the quality of existing provision may be necessary.</p>
Outdoor Access
Climate change mitigation and adaptation measures
Construction
Other

ACTION POINTS

Natural Heritage 1.
Landscape 2. A revised site layout with a reduced footprint is recommended to allow for a more meaningful landscape layout that better accords with Policy D2 Landscape. A detailed Landscape Plan is required together with a Landscape Maintenance Schedule.
Trees 3.
Open Space 4. Consideration should be given to reducing the footprint and number of units / layouts on site to provide larger, better connected and more meaningful open spaces.
Outdoor Access 5.

Climate change mitigation and adaptation measures
6.
Construction
7.
Other
8.

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Robert Forbes	To: ACC - Waste And Recycling
E-mail: rforbes@aberdeencity.gov.uk	Date Sent: 23 December 2021
Tel.: 01224 522390	Respond by: 13 January 2022

Application Type: Detailed Planning Permission
Application Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ
Proposal Description: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application Reference: 211791/DPP
Consultation Reference:

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

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Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

Response

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	Y
Would recommend the following comments are taken into consideration in the determination of the application.	
Object to the application (please specify reasons below).	

COMMENTS

Waste Services response regarding application 211791 High Point

As I understand, the development will consist of **16 residential dwellings**

I have consulted with colleagues across the waste operations team. I can confirm that Aberdeen City Council intend to provide the following services upon building completion.

Please note the information provided below by Waste Services is independent of the outcome of the planning application, which is being determined by the planning authority.

Each **10 flats** will be provided with:

- **1 x 1280l general waste container** 1410mm H x 1265mm W x 1030mm D (plus 90cm minimum clearance to manoeuvre bins)
- **1 x 1280l mixed recycling container** 1410mm H x 1265mm W x 1030mm D (plus 90cm minimum clearance to manoeuvre bins)
- **1 x food waste container for each bin store.** 1366mm H x 734mm W x 734mm D (plus 90cm minimum clearance to remove internal bin from front opening casing)
- **1x kitchen caddy and caddy liners (for each flat)**

The following costs will be charged to the developer:

- **Each 1280l bin costs £413.60**
- **Each food waste container costs £514.49**
- **Kitchen caddy and caddy liners £0.00**

No garden waste will be provided for **flat residences** as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

It is pertinent to note that these services will be provided taking account of the following:

Specific concerns

- I would like to see a **swept analysis** from the developer to ensure our collection vehicles can safely manoeuvre around the development.
- **No excess** should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>
- **Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied.** Bins **MUST** be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.
- If the bin store will be **locked and/ or involve a barrier, 8 keys must be provided for each store**, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team.

Commercial Unit

When providing feedback on commercial developments, I can only provide a very general response regarding commercial developments due to Aberdeen City Council not being the only waste service contractor available in the city.

See below for general comments:

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

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

Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact me.

Responding Officer: L Todd

Date: 07/01/2022

Email: wasteplanning@aberdeencity.gov.uk

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Consultee Comments for Planning Application 211791/DPP

Application Summary

Application Number: 211791/DPP

Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ

Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Case Officer: Robert Forbes

Consultee Details

Name: Mr Michael Cowie

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated in infrastructure at High Point, 242 North Deeside Road, Peterculter, Aberdeen AB14 0UQ.

It is noted the site is located in the outer city and does not lie within an area with any form of controlled parking measures.

It is noted the site shall be served by direct access onto the existing adopted footpath network on North Deeside Road which shall provide connectivity to the wider Peterculter community. This additionally, provides connection to the nearest public transport provision on North Deeside Road which provides services in/out of the city, bus stops for this provision are located within 50m of the site on either side of the road and when heading in either direction (east and west). In terms of cycle provision there is the Deeside Way which provides connection directly into the heart of the city.

As per ACC supplementary guidance, all flats have an associated parking provision requirement of 1.5 spaces per flat/unit, given the proposal shall provide a combined 16no. flats this would equate to a parking requirement of 24 spaces. Additionally, with the associated retail provision within ground level, as per ACC supplementary guidance, this should provide 2no. spaces.

However, it is noted the proposal is to provide 18no. spaces within rear car park provision of which 1 space is marked for disabled/accessible use, this equates to a provision of 1 space per unit. It is considered that such volume to be acceptable given adequate cycle parking is provided, proximity to public transport and walking distance for the amenities within the Peterculter area/community. Additionally, there is on-street parking provision within lay-by to the front which is restricted

allowing turnover parking for local businesses on North Deeside Road which would include the proposed small retail unit.

That being said, the proposed parking layout shall require to meet the minimum parking bays dimensions of 2.5m x 5m and provide a minimum 6m aisle width. It is noted the location of pillars upholding the proposed structure above which would impact the spaces marked 1-4 on the submitted layout, it is requested that these do not impact or reduce the width of the aforementioned parking bay dimension requirements impeding manoeuvrability in/out of these spaces. In regard to spaces which are directly near building/boundary structure there requires to be a minimum 0.5m buffer around these spaces. The applicant should confirm and/or address this within proposed layout as per the comments above.

It is noted the inclusion of a cycle store but confirmation that this can accommodate the stated 16no. spaces to provide 1 space per flat, this provision should also be secure and covered.

It would appear that the vehicular access to the site would be where the current access to the site is, there is concern with how this access would tie-in with existing lay-by parking, visibility, footpath connection, adjacent access and bus stop provision (possible re-location) etc.. Therefore, the applicant should provide a clearer design and detail proposal for the site access, this would also be subject to a section 56 roads construction consent application.

There is outstanding information and confirmations required as part of this application, upon receipt of this Roads Development Management shall be better placed to make further/final comment.

Consultee Comments for Planning Application 211791/DPP

Application Summary

Application Number: 211791/DPP

Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ

Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Case Officer: Robert Forbes

Consultee Details

Name: Mr Michael Cowie

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for erection of 14no. residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated in infrastructure at High Point, 242 North Deeside Road, Peterculter, Aberdeen AB14 0UQ.

It is noted that initial Roads Development Management comments in regard to this application were lodged 12th January 2022, since such the applicant has provided further detail and submissions in regard these comments.

As per previous, it is confirmed that the proposed level of associated parking provision of 18no. spaces, which equates to provide 1 space per unit, is considered acceptable given associated cycle storage and proximity to public transport. It is confirmed since such comments the applicant has detailed and confirmed that the parking provision meets the minimum parking dimensions of 2.5m x 5m and 6m aisle width, therefore is acceptable.

Additionally, associated cycle parking/storage provision has been clarified to provide space for 16no. bikes which shall provide space/storage for each flat/unit.

Within previous comments it was sought for further consideration and design given to the upgrade of the existing vehicular access to the site to create a betterment at this location. The applicant has since provided further proposal in this regard which is to build out the access and have been in contact with Roads Officers to discuss, it has also been advised that the existing bus stop location can be moved east slightly in order to tidy up this congested location. It is confirmed that Roads Officers have also liaised with the Public Transport Unit (PTU) to agree on such alterations to this existing bus stop which would be the movement of flagpost sign, bay markings and kassel kerbs, while retaining the existing bus shelter location.

In regard to this access upgrade and bus stop alterations, the exact details/design of such shall be purified via required Section 56 Roads Construction Consent (RCC). However, the principle and indicative design of this is accepted.

It is noted and confirmed that from a Roads Development Management perspective that the applicant has addressed previous comments, therefore have no further observations and have no objections to this application.

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Robert Forbes	To: ACC - Housing
E-mail: rforbes@aberdeencity.gov.uk	Date Sent: 23 December 2021
Tel.: 01224 522390	Respond by: 13 January 2022

Application Type: Detailed Planning Permission
Application Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ
Proposal Description: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application Reference: 211791/DPP
Consultation Reference:

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

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Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

Response

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	
Would recommend the following comments are taken into consideration in the determination of the application.	X
Object to the application (please specify reasons below).	

COMMENTS

Policy H5 requires a 25% affordable housing contribution from all housing developments of 5 units or more which equates to 3.5 units. For developments of less than 20 units the provision of affordable housing may be on-site, off-site or commuted payments. If the developer intends to provide Low Cost Home Ownership (LCHO) as an affordable housing contribution, they should enter into early discussions with the Housing Strategy Team regarding this as demand for this type of affordable housing has reduced.

Responding Officer: Mel Booth

Date: 10 January 2022

Email: mebooth@aberdeencity.gov.uk

Ext: 01224 523252

**DEVELOPER OBLIGATIONS:
Assessment Report**



DATE:	20 th January 2022
APPLICATION REF:	211791/DPP
DESCRIPTION:	Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
ADDRESS:	High Point 242 North Deeside Road Peterculter Aberdeen AB14 0UQ
TO:	Matnic Ltd, c/o Wellwood Leslie Architects
COPIED TO:	Robert Forbes, Case Officer

BACKGROUND AND DEVELOPMENT PLAN BASIS

This Developer Obligations Assessment Report sets out the obligations that are necessary to address the impact of your development proposal on local infrastructure as well as requirements for affordable housing provision.

Policies covering both of these elements are included in the [Aberdeen City Local Development Plan 2017](#), which your application is assessed in accordance with.

The relevant policies from the Local Development Plan are: Policy I1 (Infrastructure Delivery and Planning Obligations); and Policy H5 (Affordable Housing).

Detail on the methodologies used for calculating obligations is set out in [Supplementary Guidance: Planning Obligations](#) and further guidance on the provision of affordable housing is included in [Supplementary Guidance: Affordable Housing](#). The supplementary guidance forms part of the statutory development plan for decision making purposes.

This Assessment Report will set out the basis for any agreement you enter into with Aberdeen City Council.

SUMMARY OF OBLIGATIONS

OBLIGATION	LEVEL OF CONTRIBUTION
<u>Infrastructure</u>	
Transportation	To be advised direct by the Transportation Team
Core Path Network	£3,900
Primary Education	Nil
Secondary Education	Nil
Healthcare Facilities	£6,001
Open Space	£1,903
Community Facilities	Nil
Sports & Recreation	Nil
<u>Affordable Housing</u>	
Affordable Housing Contribution	See text below

BREAKDOWN AND CALCULATION OF OBLIGATIONS

This section of the report outlines how the obligations above have been calculated.

Calculation of Standard House Unit Equivalent (SHUE)

Applications are generally assessed on the basis of standard house unit equivalents, with a three bedroomed house taken as a Standard House Unit Equivalent (SHUE). Section 4 of Supplementary Guidance: Planning Obligations provides more detail on the calculation of SHUEs.

This application for Detailed Planning Permission comprises 16 units in total:

7 x 1 bed units
9 x 2 bed units

It is noted that there is an existing 3 bed unit on site which will be converted into 2 separate units so there are 15 net additional units.

The SHUE calculation therefore discounts 1 SHUE.

This equates to a SHUE of 10.4. This assessment is therefore based on 10.4 standard house unit equivalents, except in the case of education contributions where 1 bed units are excluded from the calculations.

Please note that any change to the SHUE may have an impact on the level of obligations.

Infrastructure

Transportation

Any transportation requirements will be identified and confirmed direct by the City Council's Transportation Team.

Core Path Network

Core Paths and links to the Core Path Network are an infrastructure facility necessary for the purposes of recreation and sustainable active travel. New developments are required to install or upgrade Core Paths that are designated within the site and contribute towards addressing any

cumulative impacts on surrounding core paths.

In this instance, a contribution will be required towards the enhancement of Core Paths 86 and 66 (Deeside Way), which are located in close proximity to the application site.

Contribution: $10.4 \times \text{£}372 = \text{£}3,900$

Primary Education

The application site is within the catchment area for Culter Primary School.

Factoring this development into the 2018 school roll forecasts will not result in the school going over capacity and mitigation will therefore not be required.

Contribution: Nil

Secondary Education

The application site is within the catchment area for Cults Academy.

Factoring this development into the 2018 school roll forecasts will not result in the school going over capacity and mitigation will therefore not be required.

Contribution: Nil

Healthcare Facilities

Infrastructure requirements have been calculated with NHS Grampian on the basis of national health standards and by estimating the likely number of new patients generated by the proposed development. Contributions are calculated using nationally recognised space standards and build costs, based upon the population

requirements for GP surgeries, dental chairs and community pharmacies.

In this instance, a contribution will be required towards internal reconfiguration works to increase capacity at Peterculter Medical Practice or other such healthcare facilities serving the development, as existing facilities in the vicinity of the development are currently operating at or over capacity.

Contribution: $10.4 \times \text{£}577$
(reconfiguration rate) = $\text{£}6,001$

Open Space

Where there is insufficient open space provided as part of the proposal in reference to [Supplementary Guidance: Green Space Network & Open Space](#), or where the Council's Open Space Audit demonstrates that the minimum quantity and accessibility standards are met by existing provision, then a contribution towards raising the quality of existing provision may be necessary.

In this instance a contribution will be required. The contribution will be used towards the enhancement of existing open spaces in the vicinity of the development. The contribution may also be used to support community food growing.

Contribution: $10.4 \times \text{£}183 = \text{£}1,903$

Community Facilities

The development is not required to address existing shortcomings in community facilities. No local facilities or projects have been identified to create additional capacity to accommodate additional users as a result of this development.

Contribution: Nil

Sports & Recreation

In this instance, no contribution has been identified.

Contribution: Nil

Affordable Housing

Policy H5 seeks a minimum of 25% of any development of 5 or more dwelling units to be provided as affordable housing.

In this instance, the affordable housing requirement equates to 3.5 units.

For developments of fewer than 20 units the provision of affordable housing may be on-site, off-site or commuted payments. If the developer intends to provide Low Cost Home Ownership (LCHO) as an affordable housing contribution, they should enter into early discussions with the Housing Strategy Team regarding this as demand for this type of affordable housing has reduced. (Contact for further discussions on affordable housing: Mel Booth – MeBooth@aberdeencity.gov.uk)

James Welsh
Developer Obligations Team Leader

REMITTANCE OF OBLIGATIONS

Remittance of financial obligations can be undertaken either through entering into a Section 69 agreement (in the case of upfront payment) or a Section 75 agreement (in all other cases). In all cases, the relevant legal agreement is required prior to release of the Planning Decision Notice.

Where there is a requirement for affordable housing on site, in kind provision and/or the amount of developer obligations for infrastructure is such that an upfront payment may be considered prohibitive, a Section 75 agreement will be required. Please note that Applicants are liable for both the costs of their own Legal Agent fees and the Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

The provision of an upfront payment will allow a planning consent to be issued promptly.

In the case of upfront payment, a Planning Decision Notice cannot be issued until a payment in respect of developer obligations has been made. Prior to remitting funds the applicant should check with the Planning Officer that the payment is the only outstanding matter. The Planning Officer will be informed directly by the Planning & Monitoring Officer when funds have cleared.

Management of Funds

Contributions are currently held in the Council's balance sheet in a unique account to which notional interest is added on a monthly basis. In the event of a repayment of contribution the

interest added will be calculated to reflect, in addition, compounding on an annual basis.

Unless otherwise specified in the relevant legal agreement, the Council undertakes to spend contributions received in respect of an appropriate project or projects in line with the detail of this assessment within 7 years of the date when planning permission is implemented (evidenced through the notice of initiation of development). In the event of the contribution or part of it not being spent within this time period the contribution or part will be refunded to the applicant or their nominee along with relative interest accrued.

REMITTANCE ADVICE: Upfront Payments

Payment for developer obligations should be made using the Council's **online payment portal** at <http://www.aberdeencity.gov.uk>

Click on the pay it tab and select Developer Obligations from the payment portal. Paying online is the quickest way to secure planning consent where developer obligations are required.

If you cannot use the payment portal, payment can be made by cheque or through a BACS transfer.

Cheque Payments

Cheques should be made payable to "**Aberdeen City Council**" and sent for the attention of Dawn Ramsay, details as follows:

**Dawn Ramsay, Team Leader
Application Support Team
Communities, Housing &
Infrastructure
Business Hub 4
Marischal College
Broad Street
Aberdeen AB10 1AB**

Please ensure you quote the planning reference number and what you are actually paying. Cheques can take up to five working days from receipt to clear.

BACS Payments

Bank Details for Payment by BACS:
Aberdeen City Council General
Account
Sort Code 82-60-11
Account No. 80009421
I - Ban no.
GB38CLYD82601180009421
BIC no. CLYDGB21350

Aberdeen City Council General
Account BACS Payment
To make a BACS payment, email developerobligations@aberdeencity.gov.uk and the Planning Officer to confirm that you are making a payment via BACS and to confirm the full amount due and planning application reference. Failure to advise the team that you are making payment will significantly delay the issue of your planning consent.

Please ensure that your planning application reference is included as your BACS reference in the following format: P000000.

Receipts

All payments made will be acknowledged as received by way of email.

Non Payment

Applicants and Agents should be aware that where all other planning issues have been resolved and only the payment of developer obligations is preventing the release of the Decision Notice, non-payment may result in the application being subsequently recommended for refusal as contrary to the relevant policies in the Local Development Plan.

REMITTANCE: Under Section 75 of the Town and Country Planning (Scotland) Act

Indexation

Unless otherwise specified, payments will be index linked to the BCIS All In Tender Price Index at Q1 2022.

Phasing of Obligations

Unless otherwise specified and agreed with the Development Obligations Team, payments of obligations will be billed quarterly in arrears based on completions in the previous quarter, as evidenced through building control completion certificates and also as advised by the developer. An initial payment will also normally be required prior to the commencement of development.

In the event of the contribution or part of it not being spent within the time period specified in the legal agreement, the contribution or part will be refunded to the Applicant or their nominee along with relative interest accrued.

Preparation of Legal Agreement

The Applicant is cautioned that the costs of preparing a Section 75 agreement from the Applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own Legal Agent's fees Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 agreement. The Applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service on this issue.

Instruction of Legal Agreement

Please note that should you wish to proceed via this route the legal agreement can be instructed as soon as Heads of Terms (items for which contributions have been sought, overall level of contributions and number, tenure and mix of affordable housing) as set out in this Report have been agreed with the Developer Obligations Team and you have advised of the details of your Legal Agent.

The Planning Officer is responsible for the instruction of the legal agreement following confirmation from the Developer Obligations and Transportation Teams that Heads of Terms have been agreed.

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From: [Andy Roberts](#)
To: [PJ](#)
Cc: [Robert Forbes](#); [M.Tauqeer Malik](#); [Marie Boulton](#); [Phillip Bell](#)
Subject: 211791 High Point 242 North Deeside Road - representation from Culter Community Council
Date: 04 February 2022 17:46:44

Culter Community Council objects to the proposal as submitted, for the reasons set out below. There is interest in our community in seeing the site re-developed, but the redevelopment needs to be a scheme which matches the scale and the character of the buildings immediately around.

Scale and design of proposal

A three-storey (perhaps technically two-and-a-half storey) frontage is out of scale with the immediately-adjacent row of buildings. As the Design and Access statement makes clear, the development of flats on the site of the former Gordon Arms hotel is set well back from the road, and also retains the exact form of the old hotel and its stone facing in its centre section. The only other building of three storeys locally is the one housing flats and the local Coop, and that building actually is deeply incongruous, having three storeys straight off the pavement and a flat roof.

The Design Statement makes a point of the “existing architectural language of the area”, with illustrations, but the design presented is not remotely in sympathy with the existing buildings, neither in form nor in style, nor is it a signature building which could be supported as an excellent example of modern architecture.

On these grounds we believe the proposal fails to comply with Policy D1 Quality Placemaking by Design, and Policy H1 Residential Areas.

Affordable housing

We can see no reference to the provision of Affordable homes on site. We therefore believe the proposal fails to comply with Policy H5 Affordable Housing.

Low and zero-carbon buildings

We can see no reference to achieving reduced carbon-dioxide emissions, nor the objectives on water efficiency, contrary to the requirements of Policy R7 Low and Zero Carbon Buildings &c.

Loss of parking available to the public

It is admirable to see the proposer advocating reduced parking in line with future travel being less car-based – but in reality, for the next years at least, the outcome is going to be more residents’ cars than the scheme can accommodate, leading to some parking on the main road. This would lead to the loss of probably 8 parking spaces currently accessible to the public, 5 on the site plus the three spaces on the road in front of the site.

Parking for the public near our shops is already seriously limited, and the loss of public parking the proposed development would cause together with the new shop proposed for this scheme would make things distinctly worse.

Conclusion

The size of the proposed building, and the issues on parking, suggest that the proposal represents over-development on this site. In addition this application currently fails to comply with Policies H5 and R7. Were the application to be revised to comply with these policies and to resolve the parking issue, we would be able to withdraw this objection.

For and on behalf of Culter Community Council,

Andy Roberts, *Planning Liaison Officer*

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Culter Community Council objects to the proposal as submitted and as detailed in subsequent correspondence with Planning.

Further to our representation submitted on the planning application itself, the main issues we now see are as follows.

Type of housing

From a community perspective, there is no need for more flats in Culter. Whilst flats may be the applicant's choice for financial returns on this site, there are already huge numbers of flats in Culter. Further, the requests for housing which we have received over a number of years have been for growing families, and for people wanting to downsize – so modest houses (not flats), with a bit of garden to tend and where the kids can play safely.

Scale and design of proposal (Policy H1 Residential Areas).

Planning's Report of Handling ably sets out detailed points showing how the proposed scheme would constitute over-development of the site, with an excessive number of units, poor amenity for the lower flats, very-limited and poor-quality green space and other issues.

In addition, our original concerns still stand, with the three-storey (perhaps technically two-and-a-half storey) frontage being out of scale with the adjoining buildings, and the design presented not being remotely in sympathy with the existing buildings, neither in form nor in style.

Loss of parking available to the public

The applicant has argued that the scheme significantly increases parking in the area, and can be used by the public using the shops during the day. We remain of the belief that the reality would be a larger increase in demand for spaces – from the residents - than the scheme would be providing, and the likelihood has to be that parking for the public in the area would be worse than at present.

Other policies The applicant has declared that the final scheme will comply with policies H5 Affordable housing and R7 Low and zero-carbon buildings. Should the Planning Authority be minded to grant permission for the scheme, we consider that enforceable requirements must put in place by means of approved drawings forming part of any grant of planning permission, Conditions or otherwise.

For and on behalf of Culter Community Council,
Andy Roberts, *Planning Liaison Officer*

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Robert Forbes
Senior Planner
Development Management
Aberdeen City Council
rforbes@aberdeencity.gov.uk

NESBReC
Specialist Services Team
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
Tel: 01467 537221
nesbrec@aberdeenshire.gov.uk

10 January 2022

Dear Robert

NESBReC report - Planning Application 211791/DPP

Please find below the results of the data search you requested from NESBReC.
The search was carried out within 100m of the specified site, as shown in the maps below and with a centre point at NJ 83682 00661.

Results table:

Ref No.	Dataset	Interest	Locality	Grid Reference
211791/DPP	Designated Species	UK BAP Eurasian Red Squirrel (<i>Sciurus vulgaris</i>) SBL S5 Siskin (<i>Spinus spinus</i>)	High Point 242 North Deeside Road Peterculter Aberdeen	NJ 83682 00661
	Integrated Habitat System Aberdeen City 2018-2021	GI0 - Improved grassland WB3Z - Other broadleaved woodland WB1 - Mixed woodland GNZ - Other neutral grassland		

Maps showing all the search results are included below.

Yours sincerely

D Caffrey
GIS Project Officer

PLEASE READ THE FOLLOWING NOTES:

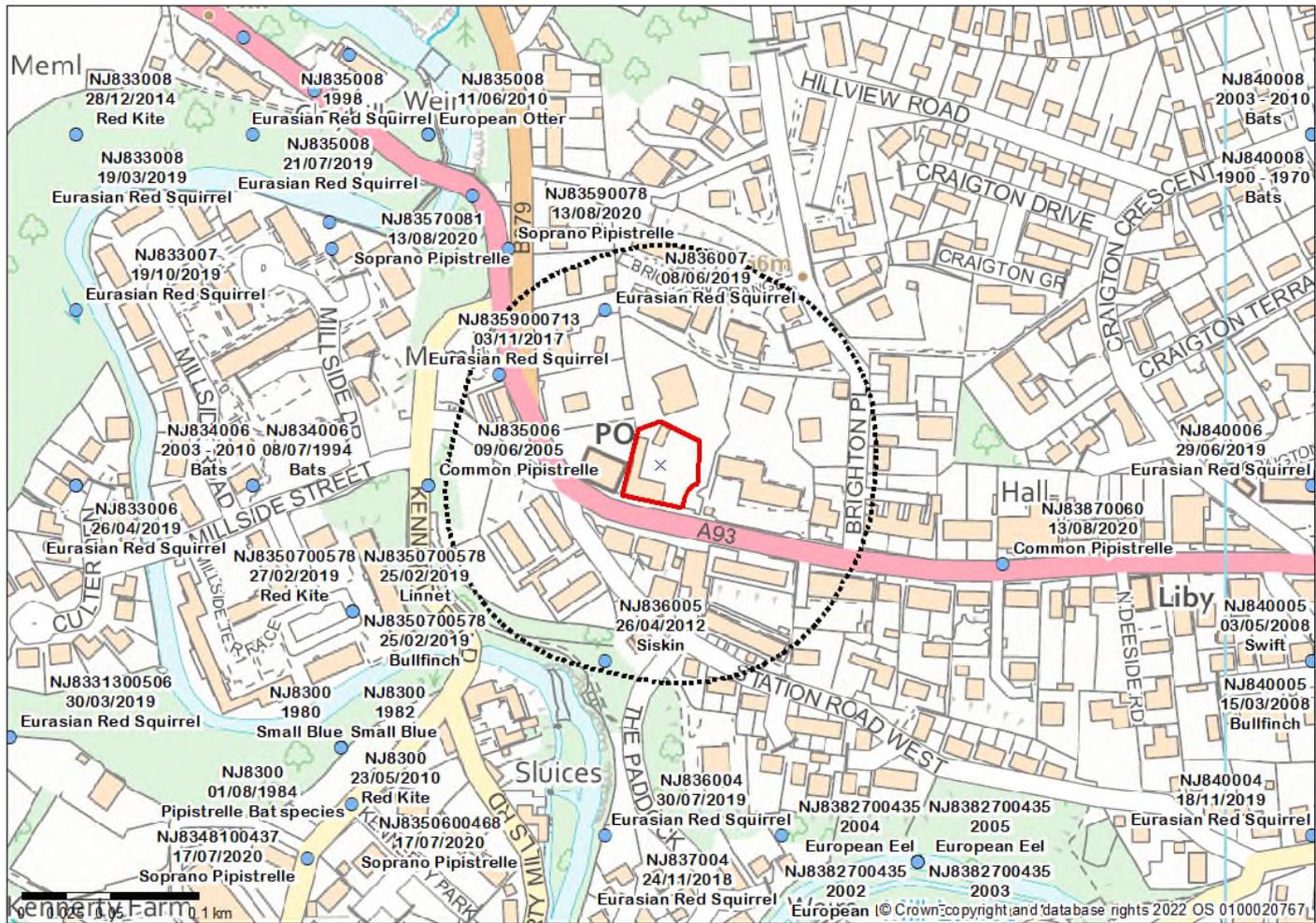
- 1) Search was done to within 100 metres of the area of interest. This is indicated on the map by a broken line around the site.
- 2) Search areas or centroids are highlighted in red.
- 3) The dots on any maps depicting the locations of a species are positioned at the centre of a square representing the resolution of the recorded grid reference. Care should be taken over interpretation
- 4) Due to the limits of the map display function, all records may not be visible on the species maps. However, all species are listed in the relevant table above the map and a full list of records can be supplied in Excel format.
- 5) Scientific names are only used to identify species on maps when no common name is in general accepted usage.
- 6) For maps without a key, the relevant information is provided in the table.
- 7) The ownership of the data within this report remains with the original recorder and is subject to the laws defining Intellectual Property Copyright.
- 8) This report and the data held within it are to be used solely for those purposes described under the terms of any agreement between the applicant and NESBReC.
- 9) Some, or all of the data held within this report may be of a sensitive or confidential nature. Such information will be marked as such and if required an appropriate contact for further correspondence will be given (otherwise NESBReC should be contacted).
- 10) Although NESBReC makes every possible effort to ensure that the data it provides is accurate and up to date, this report should only be considered to represent the most recent version of each dataset as available at the time of the search.
- 11) NE LBAP Locally Important Species are species that are not on existing designated species lists but have been identified as important in the local context.

For designated species, the following abbreviated sub-headings are used to describe different levels of protection or importance:

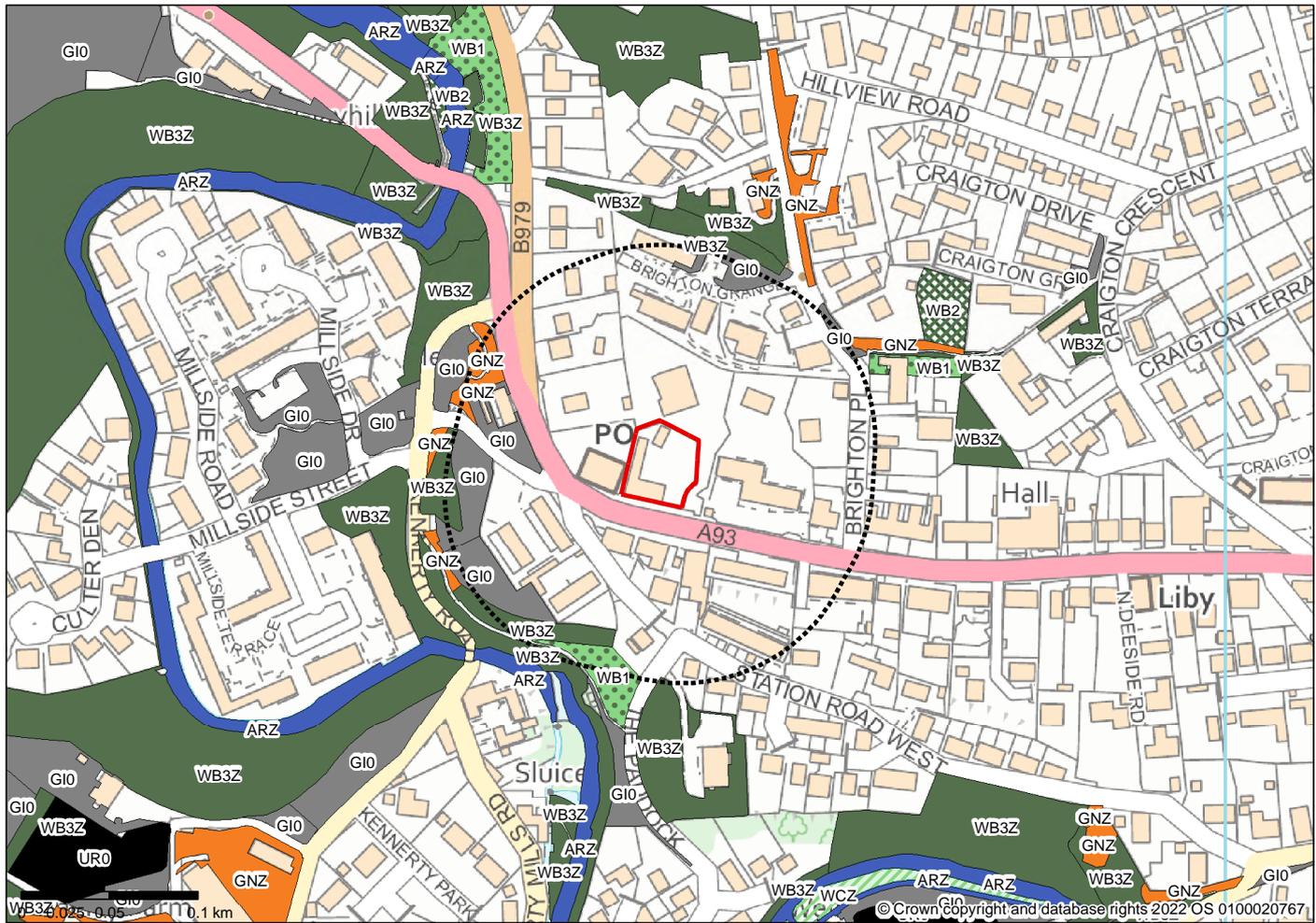
- Protection of Badgers Act (1992)
- European Protected Species – Habitat Regulations 1994 (as amended in Scotland)
- ANNEX 1, 2.1, 2.2 – EC Birds Directive
- UK BAP - UK BAP list of Priority Species
- SBL S2 - Scottish Biodiversity List: International Obligations
- SBL S3 - Scottish Biodiversity List: Nationally Rare at UK level, found in only 1-15 10km squares
- SBL S4 - Scottish Biodiversity List: Present in 5 or fewer 10km squares or sites in Scotland
- SBL S5 - Scottish Biodiversity List: Decline of 25% or more in Scotland in last 25 years

Note, a species may be designated under several of these lists, but will only be listed under its highest level or most relevant designation within this report. The ranking order used here is Protection of Badgers Act (1992), European Protected Species (used for Bats only), ANNEX 1, ANNEX 2.1, UK BAP, ANNEX 2.2, SBL S2-SBL S5.

211791/DPP	Designated Species	UK BAP Eurasian Red Squirrel (<i>Sciurus vulgaris</i>) SBL S5 Siskin (<i>Spinus spinus</i>)	High Point 242 North Deeside Road Peterculter Aberdeen	NJ 83682 00661
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211791/DPP	Integrated Habitat System Aberdeen City 2018-2021	G10 - Improved grassland GNZ - Other neutral grassland WB1 - Mixed woodland WB3Z - Other broadleaved woodland	High Point 242 North Deeside Road Peterculter Aberdeen	NJ 83682 00661
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From: [Robert Forbes](#)
To: [PI](#)
Subject: FW: E-Consultation Request Notification, Aberdeen City Council, Application Ref: 211791/DPP
Date: 06 January 2022 15:17:18

Hi

Please upload this consultation response to the above application from the River Dee District Salmon Fishery Board . Thanks

Yours sincerely

Robert Forbes
Senior Planner

Development Management
Strategic Place Planning
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

T: 01224 522390
M: 07919 691 539
E: rforbes@aberdeencity.gov.uk

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From: Jamie Urquhart <jamie@riverdee.org>
Sent: 06 January 2022 15:05
To: Robert Forbes <RForbes@aberdeencity.gov.uk>
Cc: Edwin Third <edwin@riverdee.org>
Subject: RE: E-Consultation Request Notification, Aberdeen City Council, Application Ref: 211791/DPP

Dear Mr Forbes

Thank you for sharing the aforementioned planning application Ref: 211791/DPP, we welcome the opportunity to comment upon these applications.

Having viewed the planning documents, we have concluded that there does not seem to be the potential for a significant impact upon the River Dee SAC or the watercourses from which it's is made up, in relation to the proposed development.

We however would request that the developer adheres to SEPA's pollution prevention guidelines should the application be successful. We would also be open to further consultation should there be any changes to the application which could have the potential to impact upon the River Dee SAC and its watercourses.

We have no further comment to make on the planning application at this time.

Best regards Jamie

From: Carol Mair <info@riverdee.org>
Sent: 23 December 2021 14:49
To: Edwin Third <edwin@riverdee.org>; Jamie Urquhart <jamie@riverdee.org>
Subject: Fwd: E-Consultation Request Notification, Aberdeen City Council, Application Ref: 211791/DPP

Sent from my iPhone

Begin forwarded message:

From: rforbes@aberdeencity.gov.uk
Date: 23 December 2021 at 10:50:05 GMT
To: Carol Mair <info@riverdee.org>
Subject: E-Consultation Request Notification, Aberdeen City Council, Application Ref: 211791/DPP

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir/Madam

Please find attached a consultation request from Aberdeen City Council on the above application.

If no response is received by 13 January 2022, then it will be assumed that you have no comment to make on the application. Should you require a longer period to respond or additional information, please make the case officer aware as soon as possible.

Regards

Robert Forbes
Senior Planner

Development Management
Strategic Place Planning
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Tel: 01224 522390

E-mail: rforbes@aberdeencity.gov.uk

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Comments for Planning Application 211791/DPP

Application Summary

Application Number: 211791/DPP

Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ

Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Case Officer: Robert Forbes

Customer Details

Name: Dr Jennifer McConnachie

Address: 1A Malcolm Road, Peterculter AB14 0UT

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I do not object to the development of this site in principle. However, the proposal as it stands has several issues, including inaccuracies, one of which has been identified by Aberdeen City Council Senior Planner (shadow analysis). If these inaccuracies exist, how much confidence can we have in the rest of the proposal.

The brief was to develop a mixed use development but the proposal contains 14+2 flats and one retail unit, the latter replacing the unused current one. This suggests this is essentially a residential development.

The size of the development is far too large for the site, especially the height of the proposed buildings. The height, especially next to existing building, claims to be sympathetic to, and similar to, the existing buildings. The four storey height of the Gordon Hotel development is set well back from the road and the style is sympathetic to its surroundings. The proposal claims "...the street frontage is designed as 3 storeys with the roof profile matching that of the adjacent building on the site.". The adjacent building is only 1.5 storeys high and of a different profile. It thus does not "provide continuity of urban frontage" as claimed.

There is no mention in the proposal of how the development meets any low carbon policies. It claims to be "sustainable" but with no mention of how this is to be achieved. For example, two active charging points for 16 flats seems inadequate.

The Public Transport Bus information is almost completely incorrect and implies better public transport than exists. A simple search for information could have made this correct and leads to lack of confidence in the proposal. It is unclear how the development "encourages the effective

provision of public transport".

Car parking seems inadequate with one space per flat. Whilst the proposal claims this encourages public transport use, in practice this will mean that there will be problems with car parking spaces in the vicinity. The development reduces the number of existing parking spaces near the shops by approximately 7-8, both on the site and on North Deeside Road.

The Design Response on p16 states "... consideration given to impacts on neighbouring properties to ensure no unreasonable noise impact or loss of daylight, sunlight or privacy". The development, especially at the proposed 4 storey height, will overlook our property including the garden, reducing our privacy, and block sunlight especially during the winter months. The lighting and noise from the car park area will also impact our property.

A smaller scale, lower height development would be appropriate for this site.

Comments for Planning Application 211791/DPP

Application Summary

Application Number: 211791/DPP

Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ

Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Case Officer: Robert Forbes

Customer Details

Name: Mr Ian McConnachie

Address: 1A Malcolm Road, Peterculter AB14 0UT

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Proposed development is too high and will obstruct view eastwards.

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SPECIALIST CRIME DIVISION

PLANNING CONSULTATION COMMENTS FORM

Planning Application Ref. No.	211791/DPP
Planning Officer	Robert Forbes
Architectural Liaison Officer	Mark Irvine A0395
Date Comments Requested	10 January 2022
Date Comments Submitted	24 December 2021

Having had the chance to view the documents submitted, I would like to offer the following observations, based on these documents:

This location of this proposed development is currently a low crime area.

The main types of crime which have been reported over the last 12 months have been theft, vandalism and road traffic.

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I would therefore ask that this be borne in mind for the remainder of this report.

I would recommend the use of different surface treatments for this development. These treatments, such as rumble strips, can be used as traffic calming measures and may also act as psychological barriers to visitors to this development to alert them to the fact that they have moved from 'public' space to 'private' space. These treatments should also cover pedestrian access.

Vehicular and pedestrian routes should be designed to ensure that they are visually open and direct.

Any footpaths should be straight, wide and well-lit to promote feelings of safety and security for pedestrians as well as discouraging anti-social behaviour. These footpaths should also be free of potential hiding places for miscreants as well as being clear of encroaching plantings and should follow the pedestrian's preferred route through the development.

Car parking areas should be within view of active rooms such as kitchens and living rooms (bedrooms and bathrooms are not considered as active rooms) and this view should not be hindered by high fences, walls, shrubbery or other obstruction.

Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. Any planting should not impede good natural surveillance and a maintenance plan should be implemented.

Good lighting will be extremely important in a development like this. Good quality white lighting uniformly distributed provides best colour rendering qualities has been shown to reduce the fear of crime and promote the feeling of welcoming spaces. All external lighting should accord with BS 5489:2013.

All door sets allowing direct entrance into homes (front, rear & interconnecting garage doors) including Patio and French doors shall be certified to the appropriate standard.

External communal doors should be to the appropriate standard depending on the number of flats and floors to the building. They should incorporate an access control system with an electronic lock release and visitor door entry system providing colour images and audio to each dwelling. I would also recommend that this system has no 'services' button.

Ground floor, basement and easily accessible windows should ideally be installed to the PAS 24:2016 and LPS 2081: 2014 standards. Lamine glazing to P1A should be installed in all glazed panels within doors and immediately adjacent to entry doors, and any windows which are easily accessible and do not benefit from good levels of natural surveillance.

Due consideration should also be given to crime reduction measures during the construction phase to ensure that goods and materials are not subject to theft.

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I also recommend that the developer should liaise with the Police Scotland 'Designing Out Crime' service at each stage of the development, for more detailed advice and for the purposes of designing out crime using the principles of Crime Prevention Through Environmental Design (CEPTED).

Finally, I would strongly encourage the applicant to attain the 'Secured By Design' award as this demonstrates that safety and security have been proactively considered and that this development will meet high standards in these respects.

Mark Irvine
A0395
ALO

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Thursday, 23 December 2021



Local Planner
Strategic Pace Planning
Aberdeen City Council
Aberdeen
AB10 1AB

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

High Point, 242 North Deeside Road, Peterculter, AB14 0UQ
Planning Ref: 211791/DPP
Our Ref: DSCAS-0055380-2X8
Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Invercarnie Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Nigg PFI Waste Water Treatment works to service your development. However, please note that

further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Comments for Planning Application 211791/DPP

Application Summary

Application Number: 211791/DPP

Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ

Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Case Officer: Robert Forbes

Customer Details

Name: Mr Simon Cruickshank

Address: 325 north Deeside road peterculter Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:As the owner of the property opposite it will be fantastic to see this run down eyesore of a site developed . It is the best of both worlds with a brand new retail unit and much needed 'accommodation. This will be a fantastic addition to the village of Peterculter. I totally support this application.

Simon Cruickshank

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Application 211791/DPP – 242 North Deeside Road

Aberdeen Local Development Plan (ALDP)

- H1 – Residential Areas
- D1 - Quality Placemaking by Design
- D4 - Historic Environment
- D5 – Our Granite Heritage
- D2: Landscape
- D3: Big Buildings
- NC4: Sequential Approach and Impact
- NC6: Town, District, Neighbourhood & Commercial Centres
- I1: Infrastructure Delivery & Planning Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise H3: Density
- H5: Affordable Housing
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- R2: Degraded & Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Building & Water Efficiency
- C11: Digital Infrastructure

https://www.aberdeencity.gov.uk/sites/default/files/LDP_WS_20170328.pdf

Supplementary Guidance

Affordable Housing SG
Big Buildings SG
Flooding, Drainage and Water Quality SG
Green Space Network and Open Space SG
Hierarchy of Centres SG
Landscape SG
Noise SG
Natural Heritage SG
Planning Obligations SG
Resources for New Development SG
Transport and Accessibility SG
Trees and Woodlands SG
Materials TAN

[Supplementary guidance and technical advice | Aberdeen City Council](#)

Other Material Considerations

Scottish Planning Policy 2020

[Scottish Planning Policy - gov.scot \(www.gov.scot\)](http://www.gov.scot/Scottish-Planning-Policy)

Historic Environment Scotland Policy Statement

[Historic Environment Policy for Scotland | Historic Environment Scotland](http://www.gov.scot/Scottish-Planning-Policy)

PAN 65: Planning and Open Space (2008):

PAN 67: Housing Quality (2003)

PAN75: Planning for Transport (2005):

PAN 77: Designing Safer Places (2006)

PAN1/2011 Planning and Noise (2011)

[Planning advice notes \(PANs\) - gov.scot \(www.gov.scot\)](http://www.gov.scot/Planning-advice-notes)

<https://www.gov.scot/collections/planning-advice-notes-pans/>

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

<https://www.aberdeencity.gov.uk/sites/default/files/2018-09/Local%20Housing%20Strategy%20Appendix%207%20Housing%20Need%20and%20Demand%20Assessment.pdf>

Proposed Aberdeen Local Development Plan (2020)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review#3678>



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100515988-015

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

≤ Applicant **T** Agent

Agent Details

Please enter Agent details

Company/Organisation:	Wellwood Leslie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jonathan	Building Name:	-
Last Name: *	Powell	Building Number:	29
Telephone Number: *	0141 353 2040	Address 1 (Street): *	Eagle Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Glasgow
		Postcode: *	G4 9XA
Email Address: *	jonathanpowell@wellwoodleslie.com		

Is the applicant an individual or an organisation/corporate entity? *

≤ Individual **T** Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Paul"/>	Building Number:	<input type="text" value="6"/>
Last Name: *	<input type="text" value="Young"/>	Address 1 (Street): *	<input type="text" value="Golfview Road"/>
Company/Organisation	<input type="text" value="Matnic Ltd"/>	Address 2:	<input type="text" value="Bieldside"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 9DQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="HIGH POINT"/>
Address 2:	<input type="text" value="242 NORTH DEESIDE ROAD"/>
Address 3:	<input type="text" value="PETERCULTER"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="PETERCULTER"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="800703"/>	Easting	<input type="text" value="383689"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Construction of 14 no. residential units, 1no. small shop unit and the conversion of an existing flat into 2no. residential flats and associated infrastructure.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Planning application reference 211791/DPP has not been determined within the defined timescales and an extension has not been agreed. The preferred method of determination is by way of written submissions. Documents used for the purpose of this review includes documents submitted on the planning portal, correspondence between the planning authority and the agent for the applicant and the professional team and relative reports.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Drawings, Supporting Information 20 and 21 Dec 2021 Supporting Information (incl. Bat Survey Comment) 14 Feb 2021 Drawings Submitted 16 Feb 2022 Drawings and Supporting Information (NIA and Daylight/Sunlight Assessment Report) 23 Feb 2022 Correspondence 23 Mar 2022 Email exchanges between Agent and Planner Peterculter - Notice of Review Planning Policy Review Statement ACC Letter 4 Mar 2022 Extract of Mach Acoustics Email ACC Email 29 Mar 2022 Wellwood Leslie email Response 31 Mar 2022

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

211791/DPP

What date was the application submitted to the planning authority? *

20/12/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Jonathan Powell

Declaration Date: 26/04/2022

Notice of Review – Planning Reference: 211791/DPP

This Notice of Review is served because planning application reference 211791/DPP has not been determined within the defined timescales and an extension has not been agreed. The preferred method of determination is by way of written submissions. The matters which are raised relate to aspects of the planning application and responses by the planning services in respect of these aspects. Documents used for the purpose of this review includes documents submitted on the planning portal, correspondence between the planning authority and the agent for the applicant and the professional team and relative reports.

Email dated 29/3/22 09:37 from Robert Forbes, Senior Planner, ACC to Kevin Spence, Wellwood Leslie Architects which requests an extension to the time for determination and Kevin Spence’s email response of 31/3/22 declining the request are relevant and attached.

The basis of this Notice of Review is a response to the letter dated 4/3/22 (emailed 4/3/22 16:04) from Robert Forbes, Senior Planner, ACC to Kevin Spence, Wellwood Leslie Architects which details the reasons for non-support (attached).

Density / Scale

Despite the terms of the letter of 4/3/22, we are of the view that the Gordon Arms Hotel development immediately adjacent indeed represents a precedent. Similarly, we are of the view that the very nearby, substantial new retail unit (Co-op) is also a precedent in terms of height and scale. It is a definitive fact that the substantial buildings adjacent to the east are much higher. The elevation drawing inserted below clearly evidences this aspect.



The Design & Access Statement published on the portal on 20/12/21 and in particular slides 8, 9 & 10, 14-27 refer. This illustrates the quality of the proposed design and materials, undertakes a comparison with the buildings in the close vicinity and provides ‘before’ and ‘after’ illustrations.

Impact on Retail Centre

The retail space proposed is the largest that can be accommodated on site while retaining the existing shop so no more is practicably possible in this regard. The proposal allows for the demolition of the derelict extension to the existing shop. The letter of 4/3/22 states that

there will be a loss of existing customer parking but in reality, there will be more. The ground that is occasionally used by the public to park 4 cars, is off-road, on our land and is private. If the development does not proceed, it is open to us to gate the access. Parking is provided on the new development for the new shop.

There will be significantly increased parking and access for shoppers. 18 new car parking spaces are being provided and they are non-designated spaces as per Council policy and therefore available for shoppers at all times, bearing in mind that most of the day the occupiers of the flats will likely either be at work or out doing something else. Accordingly a large number of spaces and far more than at present will be available to shoppers. There will also be 2 new active EV charging points provided. There will still be 3 parking spaces at the front. In addition there is, of course, the car park across the road. All told, this proposal will materially increase the number of parking spaces available to shoppers.

We are of the view that a good number of the occupiers of the apartments will use public transport as opposed to cars.

The occupiers of the new apartments will undoubtedly lead to an improvement in the economic health of the centre of Culter.

Residential Amenity

The letter of 4/3/22 makes comment about the adjacent house to the north relative to light. The consultant's, Mach Acoustic, email of 15/3/22 (extract attached) advises that the house to the north is not considered to fall within the scope of the development. They state that "The property hasn't been assessed because it is on a higher level than the proposed development hence, its daylight and sunlight might not be affected by the proposed development. Not to mention that it was not possible to obtain clear site photos and references couldn't be taken from Google Earth to inform geometry and locations, as the site boundaries are well screened by trees, obstructing the view of this property and limiting the possibility of taking site photos."

Accordingly, the terms of the letter of 4/3/22 are not correct as the adjacent house to the north would not be adversely affected by the new development. It appears that the terms of the letter of 4/3/22 do not take account of the actual level of the existing house.

This adjacent house sits on a higher level than the proposed development hence, its daylight and sunlight will not be affected by the proposed development. Very importantly the owner of the property in question has made no objection to the planning application which backs up our position.

It is the consultant's view that daylight to the proposed apartments will be adequate.

It is incorrect in the letter of 4/3/22 to state that the appropriate report does not contain information relating to shadow cast analysis. The report investigated and presented the impact on the adjacent property during winter looking into the WPSH (Winter Probable Sunlight Hours) for the assessed windows in the adjacent properties, please see pages 14 and

15 in the report. We are satisfied that the proposed properties will have more than adequate daylight.

Access

Roads Services, Aberdeen City Council, have advised that they are supportive of our application. They are content with our junction proposal. They have asked that the bus stop markings on the roadway are moved slightly to the east and we have agreed to this at our cost.

We do not agree with the subjective views outlined in the letter of 4/3/22 regarding no 'front door'. There are many examples of developments of this nature.

Despite the terms of the letter of 4/3/22 with regard to issues of concern relative to roads – relative to visibility splays, this is contrary to the ACC Roads Service view on the matter. The letter of 4/3/22 states that the required visibility will likely not be achievable notwithstanding that this does not accord with the view of the Roads Service.

Similarly it is stated in the letter of 4/3/22 that the new proposal will create a safety issue with regard to access but again this is not the view of ACC Roads Service.

Given that the only 2 objections are from the same household, it is completely subjective to state in the letter of 4/3/22 that there will be further objections in due course. Indeed the contrary may well be case with support forthcoming. There is no anticipated reduction in street parking. The development provides for a significant increase in parking spaces in the area.

We disagree with the letter of 4/3/22 where it states that the proposed works will involve removal of an existing footway.

Parking

The site sits directly on a bus route and cycle lanes and sits within the city boundary. We are of the view that a large number of the occupiers will not be car owners and will use public transport. There is a car park diagonally opposite. Local residents and the public generally welcome this development.

Servicing

It is accepted that the bin store is 2m outwith the norm and we do not consider that this amounts to excessive travel distances.

Landscape Provision

A significant amount of landscaping is being provided by way of new shrubs, trees and planters. The Landscaping Plan published on the portal on 23/2/22 refers and provides full details. The development is close to the Deeside Way and to the countryside just round the corner at the Rob Roy statue.

Tree Impact

It is not reasonable for the planner to say that he does not accept that the tree removal proposed will take place. Rather, we confirm that this will definitely take place. The landowner is supportive of our application. In the original consultation response, only a few weeks previous to the letter of 4/3/22, there were no negative comments relative to trees on site and, indeed, there are no actual trees on our site. We are extremely disappointed that this negativity has been introduced at a late stage in the process. The Tree Protection Plan and Tree Survey Report published on the portal on 20/12/21 refer. Significant tree and shrub planting is being provided on the development which currently has none.

The arboricultural consultant has advised that there is no evidence of bats roosting. Accordingly there is no reason for any requirement for a single bat survey to be undertaken during the bat activity season. Any bat survey undertaken in due course will confirm that the buildings are not being used by bats and thus a single activity survey could be a condition of any approval of development prior to demolition of existing buildings. Please refer to the Bat Report published on the portal on 20/12/21 and the Additional Bat Survey Comments published on the portal on 14/2/22.

Low and Zero Carbon Buildings

The proposed properties will be highly insulated to a level beyond that required by Building Regulations to reduce heat loss and to reduce energy consumption. Air sourced heat pumps will be utilised to provide heating to all properties which is in line with the current aim of the Scottish Government to reduce CO2 emissions and to replace domestic gas boilers with alternative heat sources.

Crime Risk

We confirm that the car parking area will be illuminated from dusk to dawn by way of movement sensors. In addition, there are many rooms overlooking the car park and their light will shine onto the car park.

Planning Policy

A full review of relevant planning policy has been set out in the attached Planning Policy Statement. This confirms that the proposed redevelopment of this accessible, brownfield site has been designed with full consideration for its context and complies with the principles of Policy D1 of the adopted LDP.

Furthermore, the proposal is considered to comply with the general provisions of Policies NC6 – Town, District, Neighbourhood and Commercial Centres, has been designed with due consideration for its context, in accordance with Policy D1 – Quality Placemaking by Design and would also meet the requirements of Policies R6 – Waste Management Requirements for New Developments and T2 – Managing the Transport Impact of Development of the adopted Local Development Plan.

We have confirmed that we accept all obligations contained in the Developer Obligations: Assessment Report.

The application can therefore be considered to accord with the relevant policies of the development plan and should be granted planning permission.

In conclusion, a development of this scale will result in a reasonable scale of employment creation. The build contract itself will be circa £2 million which clearly means a large number of people will be engaged in the project.

We do not consider that the proposal conflicts with relevant planning policy and the scale and design will be a positive addition to the area.

We have addressed the concerns of the Planning Service hopefully leading to a supportive outcome.

The development will bring a large number of benefits to the area namely; a new retail unit and a reasonable number of new apartments in the middle of the village. This will bring significant benefits to existing shop/business owners. This will help ensure that the heart of the village thrives in the years ahead.

If the development is not to proceed, given the site is zoned for industrial use, there is an opportunity to create a storage and distribution business in the old bakery which will result in commercial vehicles coming and going on an on-going basis. We have a party who is pressing us to lease the premises to them on this basis.

The development will ensure that the existing site is significantly improved from a visual perspective – the Site Photographic Record published on the portal on 16/2/22 is relevant. It is currently zoned and utilised on an industrial basis albeit it is in the centre of the village and the development will create a much improved long term use for the betterment of all.

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From: Kevin Spence
Sent: 24 February 2022 16:15
To: Robert Forbes
Cc: Graham Stuart; davidsuttie@hotmail.com; PAUL YOUNG
Subject: 211791/DPP - High Point, 242 North Deeside Road, Peterculter

Afternoon Robert,

We refer to the Community Council's observations and provide the following information.

We have lodged documents to confirm full compliance with policy H5 and R7.

We have also confirmed the position with regard to the proposed improvement to car parking in the area. The 18 car parking spaces being provided are un-designated spaces as per Council policy, the spaces could be used during the day for visitors to nearby commercial premises. Accordingly a large number of spaces and far more than at present will be available. There will also be 2 new active EV charging points provided.

In addition to the 18 new spaces, there will still be 3 parking spaces at the front. The 4 spaces currently at the side are private and not available for the public in reality and these could be closed off to the public at any time. There is of course the car park across the road. All told, this proposal will materially increase the number of parking spaces available in the centre of Culter.

With regard to the scale and design of the proposal: if the development was to be reduced in scale then it will become non-viable and will regrettably remain undeveloped and in a poor state as an industrial site in the centre of the village. The costs of the development are significant and one has to bear in mind the Council requirement to provide 25% affordable housing.

The Council are keen to see modern, contemporary designs and the building reflects these wishes.

Should you wish to discuss further please do not hesitate to contact myself.

Kind regards

Kevin Spence
Architect

WellwoodLeslie
ARCHITECTS

Wellwood Leslie Architects: Glasgow
29 Eagle Street, Craighall Business Park,
Glasgow, G4 9XA

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Applicant's Response to Submissions from Culter Community Council

1. This Statement has been prepared on behalf of the applicant, Matnic Ltd. Full details of the applicant's case are set out in the Statement of Further Written Submissions ("FWS") and we would refer the LRB to that document for matters of detail.
2. The latest statement from Culter Community Council ("CCC") confirms the main issues for their objection, and the CCC has narrowed its concerns down to four key points. These are considered in turn below.

(1) Type of Housing

3. The CCC accepts the proposed reuse of this brownfield site for residential use, but would prefer "modest houses", as they believe that there is no need for more flats in Culter.
4. With respect, it is not for the Community Council to dictate what type of housing should be delivered in its area. The key matter here is the fact that there is an accepted need for a range of new housing in the Culter area, and that this brownfield site is accepted as being appropriate for residential use.
5. The CCC's suggestion of building "modest houses" on the site would not allow the inclusion of a new ground floor retail unit as part of the proposed regeneration of the site. The street frontage design and height adopted in the final proposals for the site emerged to match the request of the CCC in pre-application discussions. The CCC's suggested modest houses approach is not therefore appropriate for this site which is located within an identified retail centre. No weight can therefore be given to this suggestion.
6. Furthermore, and what is a significant material consideration in support of this application, is the fact that this application will deliver much need new housing in a highly accessible, brownfield site within a local centre.
7. The LRB will be aware that the Proposed Aberdeen Local Development Plan is currently the subject of an Examination; and a Hearing was held this week (25th May) to specifically discuss the City's housing land shortfall. This Hearing has raised the very real possibility that the Council will have to consider the release of further unallocated, greenfield sites to address this housing land shortfall.
8. The alternative approach – and one that is fully supported by the Council's current and emerging Local Development Plans, the approved Strategic Development Plan, and the Scottish Planning Policy – is to support the reuse of brownfield sites for more housing. This is what the applicant is proposing.
9. The choice to be made is therefore either supporting more housing on accessible brownfield sites such as the application site; or releasing more unallocated greenfield sites in the Green Belt. The preference must be to support brownfield redevelopment over greenfield release. This is a further significant material consideration in support of this application.

(2) Scale and design of proposal

10. CCC repeats its concerns that the proposals for the site are "*out of scale with the adjoining buildings, and the design presented not being remotely in sympathy with the existing buildings, neither in form nor in style*".
11. As we have set out in some detail in the applicant's FWS, this position is not accepted and is based on the CCC (and indeed the Planning Officer) choosing to ignore the context established by the 4 storey flatted development immediately to the east of the application site – the former Gordon Arms Hotel development – and the 3-4 storey mixed use development to the south east of the site – the Co-op development.
12. The Co-op development is directly comparable to the application proposals, and the Gordon Arms Hotel development is taller than the proposed development.
13. Whether the CCC (or the Planning Officer) like these developments or not, is not relevant. These buildings exist and are an established part of the street scene. They are important buildings in terms of both the application site and the local context of the area. They cannot be ignored.

14. The selective use of some scale, density and height comparisons by the CCC is not therefore appropriate, and does not provide an accurate picture of the proposed development and how it has been designed to reflect and respect the scale, height and massing of adjacent properties.
15. These adjoining buildings have established a clear precedent for this scale and type of building in this location and set the context for assessing the proposed development of the application site. The development has therefore been designed with due and proper consideration for its context and complies with the principles of Policy D1 of the adopted LDP.
16. It has been designed to be 3 storeys at the street frontage, stepping up to 4 storeys at the rear, similar to the approach adopted at the Co-op development. It will, however, have a greater level of amenity space than the Co-op development and will be lower than the adjacent flatted development at the Gordon Arms Hotel site.
17. In this context, which is the correct one, overdevelopment is not a valid reason for refusing this application.

(3) Loss of parking available to the public

18. CCC repeats its concerns that the applicant's proposals for the car parking arrangements for the redevelopment of the site "*would be worse than at present*". This is also not correct.
19. At present, there are three private car parking spaces available on the site. These are currently available for the public and shoppers to use, but this is entirely at the discretion of the applicant. These are not public spaces. In contrast, the proposed redevelopment of the site will make provision for a total of 18 new car parking spaces which will all be available on a communal basis to the public, shoppers and residents. This will result in an increase in 15 spaces over the current situation. This is clearly a significant enhancement.
20. Furthermore, and as confirmed in its updated consultation response, the Council's Roads Development Management Team has raised no issues with the proposed levels of car parking and has confirmed that it has no objections. This is a further significant material consideration in support of this planning application.

(4) Other policies

21. CCC also repeats its desire for the development to comply with affordable housing and low and zero-carbon buildings policies. As we have confirmed in the FWS, the proposed development will make provision for affordable housing in full accordance with LDP Policy H5; and details of energy saving measures can be suitably controlled by way of a condition in accordance with LDP Policy R7. These matters can be conditioned and are not valid reasons for refusing the application.

Summary and Range of Benefits

22. Like the planning officer, the CCC has focussed on the perceived impacts of the proposal, rather than take a balanced assessment of the application and the range of benefits that it can provide.
23. Planning policy establishes a presumption in favour of this type of development, not a presumption against it.
24. In our opinion, both the CCC and the Planning Officer have failed to give appropriate consideration and weight to the significant benefits of the proposed redevelopment of this underused and semi derelict site. These range of benefits are significant material considerations that confirm that planning permission should be granted for this planning application. We have summarised these benefits below:

- Redevelopment and reuse of an underused, semi-derelict and vacant, brownfield site for a mix of uses; which is located in a highly accessible location within the Peterculter local centre, adjacent to shops, services, bus stops (6 buses per hour), core paths and cycle ways.
- Delivery of a new, modern retail unit which will provide an active street frontage along North Deeside Road which will support, enhance and add to the vitality of the local centre.
- Estimated £2M build cost, which will provide a range of local construction jobs and new local employment opportunities once the new retail unit has opened.
- Delivery of 16 new residential units on a brownfield site which have been specifically designed to meet local housing needs, and will take pressure off releasing more unallocated, greenfield sites for housing.

- Significant contribution towards the delivery of affordable housing in the local area, in full accordance with the Council's affordable housing policy.
- An estimated £0.25M per annum increase to local retail expenditure as a result of the 16 new households. This represents significant investment in the local area, and will further support the vitality and viability of the Peterculter Neighbourhood Centre.
- Support from adjacent shops and businesses which recognise that the proposals will *“result in redevelopment of a run-down eyesore and the provision of new retail and residential accommodation would be a positive addition to the village”*.
- Delivery of 18 new car parking spaces which will be available to residents, shoppers and the public which represents a significant enhancement over the current provision of 3 private spaces.
- Inclusion of new electric vehicle charging spaces and 18 cycle spaces as part of new development which represents a significant enhancement over the current provision (none exist at present).
- Support from the Council's Roads Officers for the proposed access and car parking arrangements which is considered to be safe and convenient; and accords with the Council's standards.
- Scale, design, height and massing of development which matches and is directly comparable to the developments adjacent and opposite the site (the Gordon Arms Hotel and Co-op developments).
- Provision of new private amenity space for the new residents which exceeds the level of amenity space provided at the Co-op development opposite.
- Agreed contribution towards off-site open space improvements, which will further enhance green spaces in the local area, benefiting the new residents and enhancing existing residential amenity in the area.
- No trees are being lost (there are none on site); and the proposed new tree planting will improve and enhance the tree cover in this location, bringing further green space benefits.
- No impact on bats or any other ecological interest (there are no bats or ecology present on the site); and the inclusion of new landscaping which will add to and enhance the bio-diversity of the local area.
- Agreed contribution towards core path improvements in the local area, which will further enhance the accessibility and amenity of the area.
- Agreed contribution towards local health care provision, which will further support services and facilities in the local area.
- Improvements to the existing, historical drainage situation and the delivery of a new SUDs approach for the site which offers betterment over the current arrangements and has been designed in agreement with Scottish Water.
- No objections from any technical consultees.
- All detailed design and operational matters can be appropriately controlled by conditions.

25. For all these reasons we therefore consider that this is the right development in the right place.

26. We would therefore urge the LRB to take a balanced view of these redevelopment proposals; give due and proper weight to these range of significant benefits; and grant planning permission for this proposed development, subject to appropriate conditions.

27. These conditions would deal with access and parking arrangements; landscaping; open space; materials; noise mitigation measures; waste and recycling provision; affordable housing provision; developer contributions towards the core path network, healthcare facilities and open space; and details of the water and drainage arrangements. These are all standard conditions which can be imposed to control these aspects of the development. The applicant is happy to accept such conditions and would welcome the opportunity to agree these with the LRB.

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Statement of Further Written Submissions

In support of an appeal against the deemed refusal of an application for full planning permission for the proposed erection of 14 residential flats, 1 shop unit and the subdivision of an existing flat to form 2 flats with associated infrastructure, car parking, access improvements, landscaping and amenity areas.

at High Point, 242 North Deeside Road, Peterculter, AB14 0UQ

Planning Application Ref: 211791/DPP

Prepared by:

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Edinburgh

EH10 4JT

On behalf of:

The applicant, Matnic Ltd

23 May 2022

Statement of Further Written Submissions

High Point, 242 North Deeside Road, Peterculter, AB14 0UQ

Planning Application Ref: 211791/DPP

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1.0 Introduction, Background & Scope of Statement

- 1.1 This Statement has been prepared by Chartered Town Planning Consultants, John Handley Associates Ltd, on behalf of the applicant and site owner, Matnic Ltd. It is submitted in support of an appeal against the deemed refusal of an application for full planning permission for the proposed erection of 14 residential flats; a new shop unit and the subdivision of an existing flat to form 2 new flats with associated infrastructure, car parking, access improvements, landscaping and amenity areas on a highly accessible, well-located, brownfield site which is located within the Peterculter neighbourhood centre.
- 1.2 As this is a deemed refusal appeal, the applicant has to date, not seen or commented on the Council's reasons for refusing the planning application which have now been set out in the Planning Officer's Report of Handling which is undated but was uploaded to the planning portal on 5th May 2022.
- 1.3 This Statement therefore provides the applicant's response to the Report of Handling; including the stated reasons for refusal. It also provides the applicant's response to the Planning Officer's observations on the submitted Notice of Review which is contained at the end of the Report of Handling.

2.0 Key Determining Issues

- 2.1 From a review of the Planning Officer's Report of Handling it is clear, in our opinion, that the Planning Officer has failed to give appropriate weight and due consideration to the following key determining issues:
1. The brownfield nature of the application site, and the over-riding presumption in favour of redeveloping brownfield sites that contributes to sustainable development;
 2. The application site's highly accessible location which is adjacent to well-used bus stops, cycle lanes and footpaths.
 3. The scale, massing and density of the established development surrounding the application site, and in particular the adjacent flatted residential developments to the east and south east of the application site.
 4. The benefits of delivering a new retail unit that will make a positive contribution to the vitality and viability of an important neighbourhood centre.
 5. The provision of new residential accommodation in a highly sustainable, accessible location that will meet a particular element of the City's housing land requirement, including the provision of affordable housing, and which will also support the shops, services and facilities provided in the Peterculter neighbourhood centre.
 6. The significant economic benefits of the proposed regeneration and redevelopment of a currently under-used, vacant and semi-derelict site that is not, in its current state, contributing to the vitality and viability of the Peterculter neighbourhood centre.
 7. The lack of any objections from relevant technical consultees.

- 2.2 We will therefore demonstrate in this Statement how this failure to take proper account of these significant material considerations has led to the Planning Officer's refusal of the planning application.
- 2.3 We will explain how a positive and balanced consideration of the application proposals can, and should, be taken and one that is compliant with relevant planning policy; supported by a range of material considerations; and supported by the relevant responses from the various technical consultees.
- 2.4 In our opinion, this planning application can be granted planning permission, subject to appropriate conditions.
- 2.5 For these reasons, we would therefore urge the Local Review Body (LRB) to share this opinion and support the proposed development. We have given reasons for approving the application at the end of this Statement.

3.0 Request for a Site Visit

- 3.1 As set out in the submitted Notice of Review Form, the applicant has requested that a site visit is undertaken prior to the LRB's consideration and determination of this appeal. We consider this to be an important procedural matter, and consider that it is essential that the LRB visits the site to consider its current state and its surroundings, and particularly the flatted residential development to the east and south east of the application site.
- 3.2 Although photographs and street views of the site have been submitted and are available; in our opinion a site visit is essential to gain a proper understanding of the true nature of the site and the scale, massing and densities of the properties bordering the site. We would therefore reiterate the applicant's request for a site visit as this will add significantly to the LRB's understanding and appreciation of the particular merits of the site and the scale, density and type of development already existing in the surrounding area.

4.0 Observations on the Planning Officer's Report of Handling

- 4.1 The Planning Officer's Report of Handling was not available when the appeal was submitted. As such, the applicant did not have an opportunity to comment on the Report of Handling in the submitted Notice of Review Statement. We have therefore provided below our comments on the key points raised in the Report of Handling. The intention is not to provide a detailed critique of the Officer's Report or to re-state points that have already been made in the Notice of Review Statement. Rather, the approach taken is to focus on the key matters and draw out the relevant considerations set out in the Report of Handling.

- 4.2 This demonstrates how the Planning Officer has, from the very outset, adopted a negative position on this proposed development and sought to refuse the application, rather than take a more balanced, and positive view of this opportunity to regenerate and redevelop a highly accessible, well-located, brownfield site which will provide much needed new housing and add to the vitality of the Peterculter neighbourhood centre.
- 4.3 It should also be noted that we have not provided a detailed planning policy review in this Statement or sought to repeat the submissions made at the planning application or Notice of Review stages. Instead we are focussing on the key policy issues and the range of other material considerations that are relevant to this proposed development and which, in our opinion, allow the application to be viewed positively and allow planning permission to be granted subject to appropriate conditions.
- 4.4 It is also notable that the Planning Officer has focussed on certain policy aspects in his Report, but is silent on others that are directly relevant to this planning application. The Planning Officer has also chosen to ignore the clear precedents established adjacent and opposite the application site for this scale and density of development. These are, in our opinion, significant omissions in the Report of Handling.
- 4.5 The comments below therefore highlight how a different and more balanced approach can be taken to this application, and we explain the policy matters and other material considerations that support this.

(1) Site Description

- 4.6 Page 1 of the Report of Handling describes the site and the surrounding area. It confirms the site's location within the Peterculter neighbourhood centre and the range of mixed uses found in the local area. It confirms that the application site is located adjacent to a range of local shops and facilities, including convenience stores and a post office. The existing commercial and residential uses on the site are noted along with the vacancies and former commercial uses of the site. This confirms the existing and established mix of uses found on the site but also acknowledges that the site is now suffering from a degree of vacancy and under use.
- 4.7 Specific reference is made in the Officer's Report to the site's location "*at the gateway to the countryside*". The Planning Officer also notes that there are "*mature trees beyond the northern and eastern fringes of the site which has a moderate southerly aspect*". This confirms that the application site benefits from its south facing aspect; and its proximity to existing areas of open space, mature woodland and established landscaping. These are all positive features of the site and one that any redevelopment can take advantage of. These are not negative features.

- 4.8 The Planning Officer notes that there are a range of building types of varying sizes and scale surrounding the site, including 4-storey flats; 1½ storey granite buildings; a mix of new and traditional retail units, and large detached houses. This confirms that the local area is characterised by a mix of buildings of differing ages, types, uses, scale and massing. There is clearly no uniform or prevailing building type. It is an area characterised by a range and mix of building types and sizes. This is a significant point and one that can be confirmed at the site visit.
- 4.9 The Planning Officer has not included any reference in his site description to the 4 storey, mixed retail and flatted development that was constructed on the site of the former car sales facility at 279-281 North Deeside Road. This recently constructed mixed use development is located 75 metres to the south east of the application site and is, in our opinion, a key material consideration of some significance to the assessment of this planning application.
- 4.10 This development, which is now occupied by a Co-op store at ground floor level, is discussed in detail in the submitted Design & Access Statement as it is considered to be a key comparison for the proposed development of the application site. This is not, however, mentioned in the Planning Officer's description of the site and the surrounding area.
- 4.11 The Planning Officer has also failed to describe or take into account the excellent accessibility of the application site. As explained above, the site is highly accessible and is located within the retail core of Peterculter directly adjacent to a range of local shops, facilities and services. These accessibility benefits are not, however, acknowledged in the Report of Handling. It is therefore essential that the LRB takes this omission into account as part of its assessment and consideration of the application proposals.
- 4.12 In this respect, and this can be confirmed at the site visit, the site is located on a bus route where services 19 and 201 provide direct links to the city centre on a 15 minute and 30 minute frequency respectively (i.e. 6 buses an hour). Bus stops are located directly adjacent to the site (on the north side of North Deeside Road) and 20 metres to the south west of the site (on the south side of North Deeside Road). The site is also within easy walking distance (i.e. under 400 metres) of the core path network. It is the same distance from cycle paths, both off-road and on-road, including the Deeside Way. The proximity of the site to these bus stops; core paths and cycle paths is confirmed in Appendix 1.

(2) Description of Proposal

- 4.13 Page 2 of the Report of Handling describes the proposed development. It confirms that the proposal seeks full planning permission for the redevelopment of the site to provide a total of 16 new residential units offering a mix of 1 and 2 bedrooms and a new retail unit, together with 18 car parking spaces. There is also recognition that the proposal will include external communal amenity space and that each new build apartment would have private balconies or terraces, providing further private external amenity space for each property.

- 4.14 The Planning Officer does not, however, explain that the proposal will also provide a secured and covered bicycle storage facility for 16 bicycles and the provision of 2 active electric vehicle charging points. These are important elements that enhance and reinforce the sustainability of the proposed redevelopment of this brownfield site.
- 4.15 The Planning Officer also questions some aspect of the proposed development and appears critical of other aspects. It also provides inaccurate or missing information on a number of elements.
- 4.16 For example, the Planning Officer advises that the section of the new building fronting onto North Deeside Road would be around 1 storey higher than the buildings to the west and south, but fails to mention that the proposed new building would be lower than the 4 storey apartment block which is located directly to the east of the site. The Planning Officer also makes no mention of the 4 storey mixed use development to the south east of the site which is occupied by the new Co-op store with flatted residential apartments above. The Co-op development is directly comparable to the application proposals but this feature is not discussed in this part of the Report of Handling.
- 4.17 This selective use of some height comparisons but not others in the Report of Handling is not helpful, and does not provide a complete picture of the proposed development and how it reflects and respects the heights and massing of adjacent properties.
- 4.18 Full details of the site and the adjacent properties are set out in the submitted Design and Access Statement and this explains how the proposed development responds positively to its surroundings, including the properties to the east and south east of the site. We would refer the LRB to that document and would note that these matters can all be reviewed and confirmed at the site visit.
- 4.19 The Planning Officer queries the accuracy of the cross section information submitted in support of the planning application. This has been checked and we can confirm that this is accurate. The applicant's architects have also provided an elevation of the proposed development and how it would be viewed from North Deeside Road. We have included this in Appendix 2 of this Statement.
- 4.20 This elevation confirms that the new building would fit comfortably within the street scene as it fronts North Deeside Road with the heights stepping up from the Spar store to the west and then through the new development to the Gordon Arms Hotel apartments to the east. This is considered to be a positive design solution, as explained in the Design Statement.
- 4.21 The Planning Officer is also dismissive of the access arrangements to the flats and is critical of the fact that the entrance area will be covered and is not accessed directly from the street. There is also reference to the need to walk past a bin store and car park to access the properties. The Planning Officer has also queried the car parking arrangements.

- 4.22 We can confirm that the bin store will be fully enclosed and the access into the apartments will be via a covered, safe and well lit pedestrian path. The car parking will be communal as confirmed in the Notice of Review Statement.
- 4.23 The Planning Officer also advises that the footprint of the new building would extend “almost to the rear boundary” of the site. This is not correct, and we can also confirm that the proposed new building would be sited some 18 metres from the elevation of the existing house to the north of the site.
- 4.24 The Planning Officer is also dismissive of the level of external amenity space being proposed, and describes this as “small and incidental amenity space”. The total amenity space being provided as part of the development is 327.6m² which equates to 20.48m² per dwelling. Each new build apartment has also been provided with approximately 4.5m² of external balcony/terrace space, which results in a total level of amenity space of over 25m² per dwelling. This compares favourably to the Co-op development on the south side of North Deeside Road which has a total of 199 m² of amenity space which equates to less than 20m² per flat.
- 4.25 The Planning Officer has chosen to ignore any comparison with the Co-op development. This is a surprising, and significant, omission given its direct relevance to the application proposals.
- 4.26 The Planning Officer’s description of the proposal also makes no reference to the provision of affordable housing as part of the proposed development. Similarly, there is no mention of the potential economic benefits of the proposed development, including the benefits of delivering a new retail unit within the neighbourhood centre.
- 4.27 These are further, significant omissions in this section of the Report of Handling, and illustrate the selective, and negative, approach adopted by the Planning Officer in the description of the site, the surrounding area, and the merits of the proposed development.

(3) Supporting Documents

- 4.28 Page 3 of the Report of Handling lists the various supporting reports submitted with the planning application. Whilst no discussion is given to these documents in this section of the Report of Handling, we can confirm that an extensive package of supporting information has been provided to address all relevant site specific and technical considerations. This includes the submission of the following reports: Design and Access Statement; Tree Survey Report; Bat Survey Report; Site Investigation; Drainage Impact Assessment (DIA); Surface Water Assessment; Daylight and Sunlight Assessment Report; and Noise Impact Assessment (NIA).

- 4.29 In addition to these supporting reports, a package of detailed drawings has been prepared in support of the application, including: site plans; detailed layout plans; elevations and floor plans; drainage and landscape plans. The package of supporting information submitted with the planning application has been prepared to provide a detailed assessment of the proposed development and addresses relevant policy requirements set out in the Development Plan as well as issues raised during the pre-application stage. These documents provide further support for the proposals and confirm that there are no technical or physical constraints to developing the site for the scale and type of development now being proposed.
- 4.30 Throughout his Report of Handling, the Planning Officer is, in our view, largely critical of the findings of these reports. We disagree with this opinion. These reports have been prepared by recognised experts and have been prepared to established industry standards. The findings and conclusions set out in each report are robust and accurate. We would therefore urge the LRB to take the opportunity to review each report and to prefer the conclusions of the respective technical experts.

(4) Consultations

- 4.31 Page 3 of the Report of Handling summarises the various consultation responses. Since the Report of Handling was prepared, an updated consultation response has been submitted by ACC Roads Development Management Team and this was uploaded to the portal on 6th May 2022. The comments set out in the Report of Handling under this matter are therefore not accurate, and the updated consultation response confirms that: *“from a Roads Development Management perspective the applicant has addressed previous comments, therefore have no further observations and have no objections to this application”*.
- 4.32 In addition to confirming that it has no objections to the proposed development, the updated response from the Roads Development Management Team also confirms the accessibility of the site, its proximity to existing public transport and the sustainability benefits of the proposed level of cycle parking. Indeed, the application site is considered to be so close to the existing bus stop that it may require to be relocated. This matter, and indeed all access, parking and related matters can be controlled by way of the usual planning conditions.
- 4.33 In addition to the support from the Roads Development Management Team, the application has attracted no objections from any of the technical consultees and all matters raised can be suitably addressed by way of conditions as is the standard approach for an application of this scale and nature.
- 4.34 These conditions would deal with noise mitigation measures; waste and recycling provision; affordable housing provision; developer contributions towards the core path network, healthcare facilities and open space; and details of the water and drainage arrangements. These are all standard conditions which can be imposed to control these aspects of the development. The applicant is happy to accept such conditions.

4.35 The lack of objections from any of the technical consultees is a significant material consideration which supports our view that planning permission can be granted for this proposed development, subject to the imposition of appropriate conditions.

(5) Community Council and Public Representations

4.36 Page 4 of The Report of Handling summarises the responses received from the Community Council and the public. The Planning Officer advises that the Community Council has raised concerns about overdevelopment; car parking; scale and design; and potential conflict with policies on affordable housing and low energy development. In response to these concerns we can confirm that the proposed development will make provision for affordable housing in full accordance with LDP Policy H5; and details of energy saving measures can be suitably controlled by way of a condition in accordance with LDP Policy R7. These are therefore not valid reasons for refusing the application.

4.37 As discussed above, the proposed car parking arrangements have been agreed and accepted by the Roads Development Management Team in its updated consultation response. This is therefore not a valid reason for refusal.

4.38 In response to concerns over the scale and density of the development in relation to its context, we disagree with this view and would direct the LRB to the developments to the east and south east of the application site (the 4 storey flatted development at the former Gordon Arms Hotel and the 4 storey mixed retail and flatted residential development occupied by the Co-op). As explained in the Design and Access Statement, these developments are very much part of the local context and cannot be ignored. These developments have established a clear precedent for this scale and type of development in this location. These are significant material considerations which support the design approach for the proposed development of the application site. It is our position that the proposals for the site do not constitute overdevelopment and would reflect and respect its local context and the heights and massing of adjacent properties. This is not, in our opinion, a reason for refusing this application.

4.39 In addition to the Community Council's comments, the Report of Handling advises that three public representations were received, two objections and one letter of support. The two objectors share the concerns raised by the Community Council which we have addressed above, and are not valid reasons for refusing this application.

4.40 The support for the proposals was submitted by the owner of an adjacent property. We understand this is a local business owner who *"welcomed the proposal as it would result in redevelopment of a run-down eyesore and the provision of new retail and residential accommodation would be a positive addition to the village"*.

4.41 This support from adjoining local businesses is significant and it confirms that they welcome the proposed development due to its positive impact on the local neighbourhood centre.

(6) National Planning Policy and Guidance

- 4.42 At page 5 of the Report of Handling the Planning Officer discusses national planning policy and guidance that he considers relevant to the application proposals. References are made to the Scottish Planning Policy (SPP) and a number of Planning Advice Notes, and the Officer provides specific quotes from PAN65 and PAN75 which provide advice, but not policy, on open space and transport matters.
- 4.43 Whilst, the Planning Officer does make reference to the fact that the SPP “*expresses a presumption in favour of development that contributes to sustainable development*” – that is the only comment on the SPP. There is no discussion or explanation of the policy approach set out in the SPP. This is, in our opinion, an important omission as the SPP is a significant material consideration of some considerable weight and relevance to this application.
- 4.44 This is therefore another example of the Planning Officer’s use of selective information in the Report of Handling. He has chosen to quote from an advisory note on open space which is not relevant to this planning application. PAN 65 provides advice on open space and civic spaces. This is an application for the redevelopment of a brownfield site for retail and residential use. It is not an application for the creation of a new civic space, park, play area or sports pitch. PAN65 is not therefore relevant.
- 4.45 In contrast, the weight to be given to the SPP is significant, but this is not explained or set out in this section of the Report of Handling. In our view, the Planning Officer should have discussed and provided quotes from the relevant sections of the SPP which are set out under paragraphs 28 to 46 on pages 9 to 14 of the SPP. We have enclosed the relevant extracts from the SPP in Appendix 3, and would note in particular the following key sections of the SPP which are of direct relevance to this planning application.

Paragraph 29 of the SPP confirms that decisions on planning applications should be guided by the following principles: giving due weight to net economic benefit; supporting good design and the six qualities of successful places; making efficient use of existing capacities of land, including supporting town centre and regeneration priorities; and supporting delivery of accessible housing, business, retailing and leisure development.

Paragraph 33 confirms that where a development plan is more than five years old (as is the case with the Aberdeen LDP), then the presumption in favour of sustainable development (as set out under paragraph 29) will be a significant material consideration. It confirms that decision-makers should take into account any adverse impacts which would significantly and demonstrably outweigh the benefits of the development when assessed against the wider policies of the SPP.

Paragraph 35 confirms that the supporting information accompanying a planning application should be proportionate to the scale of the application, and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made.

Paragraph 36 confirms that planning's purpose is to create better places through a collaborative process that includes renewal or regeneration of urban environments, to provide sustainable, well-designed places and homes which meet people's needs.

Paragraph 38 advises that this means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term.

Paragraph 40 confirms that planning should direct the right development to the right place and decisions should be guided by: optimising the use of existing resources; using land within or adjacent to settlements for a mix of uses; creating more compact, higher density, accessible and more vibrant cores; considering the re-use or re-development of brownfield land before new development takes place on greenfield sites; and locating development where improvement would have most benefit for the amenity of local people and the vitality of the local economy.

Paragraph 41 encourages development that complements local features, including skylines, scales, street and building forms, and materials to create places with a sense of identity.

Paragraph 44 recommends a mix of building densities, tenures and typologies where diverse but compatible uses can be integrated.

Paragraph 45 encourages and supports development that re-uses or shares existing resources, maximises efficiency of the use of resources and explains that this can mean denser development that shares infrastructure and amenity with adjacent sites.

Paragraph 46 supports using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport.

- 4.46 In our opinion, the above sections of the SPP confirm that the application proposals can, and should be supported. The SPP quite clearly supports the development of brownfield sites and specifically encourages the reuse and regeneration of such sites at higher densities and for a mix of uses. It explicitly supports denser development that shares infrastructure and amenity with adjacent sites. It also recommends a mix of building densities and types creating more compact, higher density, accessible and more vibrant centres where improvement would have the most benefit for the amenity of local people and the vitality of the local economy. The application proposals meet all of these objectives.

- 4.47 The application proposals will make efficient use of a largely vacant and derelict brownfield site located within the Peterculter neighbourhood centre. It will deliver a well-designed, accessible housing and retail development which will meet local housing needs, regenerate the site, support the centre and make a significant contribution to the local economy.
- 4.48 The application proposals therefore meet the guiding principles set out in the SPP. This includes those set out at paragraph 29 of the SPP.
- 4.49 These are very important points, and significant material considerations, but the Planning Officer has chosen to ignore these and has instead quoted from a planning advice note on open space which is not relevant to this planning application.
- 4.50 We would also note that the SPP confirms that the level of supporting information should be proportionate to the scale of the application; and balanced decisions should be taken giving proper weight to the economic benefits of the proposals, and it is only where adverse impacts would significantly and demonstrably outweigh the benefits of the development should refusal be considered. The Planning Officer has not taken this approach.

(7) Development Plan & Supplementary Guidance

- 4.51 The Planning Officer sets out his interpretation of the relevant development plan policies and other supplementary guidance on pages 5, 6 and 7 of the Report of Handling.
- 4.52 In response to the comments on the approved Strategic Development Plan (SDP), we would agree that there is no directly relevant strategic policy applicable to this application, and the SDP has limited relevance to this proposal. The SDP does, however, confirm that its vision is to promote a City Region that is attractive as a place to live, work and do business, as well as a City Region that is more resilient and sustainable for communities and the environment. The SDP's aspiration is to promote growth, economic opportunity and diversification, while protecting and valuing the environment and people. The application proposal to bring a largely vacant and derelict brownfield site back into an active and productive use in accordance with its LDP allocation; and its ability to contribute positively to the local environment and economy by investing in and enhancing the retail offer within an allocated retail centre in addition to the provision of much needed local housing, including the provision of affordable housing, clearly accords with the SDP's overall vision.
- 4.53 On page 6 of the Report of Handling, the Planning Officer confirms that the currently adopted Aberdeen LDP is out-of-date and the terms of paragraph 33 of the SPP (which we have discussed above) are triggered, meaning that the presumption in favour of development that contributes to sustainable development is a significant material consideration for this planning application. The weight to be afforded to the out-of-date LDP is therefore diminished and the relevant sections of the SPP take on an enhanced status.

- 4.54 For this reason, which is accepted and acknowledged by the Planning Officer, it is crucial for the LRB to consider and assess the relevant sections of the SPP in its determination of this application. We would therefore refer the LRB to the comments noted above, and the extracts from the SPP set out at Appendix 3. These confirm that a more balanced view should be taken allowing the planning application to be supported.
- 4.55 On pages 6 and 7 of the Report of Handling, the Planning Officer discusses the status of the Proposed Aberdeen LDP. As this emerging LDP is still at the Examination stage, it cannot be given any significant weight and, in our opinion, is not relevant to the determination of this application. The fact that the application site is not allocated for development in the Proposed LDP is not relevant. It is a brownfield site within a settlement where there is a presumption in support of its redevelopment, including the proposed retail and residential use of the site.
- 4.56 On page 7 of the Report of Handling, the Planning Officer confirms that the Housing Need and Demand Assessment is a material consideration. We agree with this assertion and would note that the Examination into the Proposed LDP (as discussed above) has identified that there is a housing land shortfall within the Aberdeen City Housing Market Area and the Examination Reporters are currently holding Hearings to consider the need to allocate further unallocated sites to address this housing land shortfall. Whilst the outcome of that process won't be known for a number of months, the delivery of 16 housing units on the application site will, albeit in a small way, help the Council to meet at least part of this identified housing land shortfall. In doing so this would prioritise brownfield development and take the pressure off the release of further unallocated greenfield housing sites.
- 4.57 This is a further reason why the proposed development of the application site can be considered to constitute sustainable development. It clearly meets the SPP's objective of considering the re-use and re-development of brownfield land before new development takes place on greenfield sites. The Planning Officer's Report is silent on this important point.

5.0 Observations on the Planning Officer's Evaluation of the Proposed Development

- 5.1 Having described the site, its surroundings and the proposed development, and having established the identified policy context, the Planning Officer provides his evaluation of the application on pages 7 to 14 of the Report of Handling.
- 5.2 However, and as we have demonstrated above, the Planning Officer has taken a very selective view of the site and its surroundings, and of relevant policy. In our opinion, the Planning Officer has omitted a number of significant points of direct relevance to the assessment and consideration of this planning application. He has not taken a balanced and informed assessment of the application and has failed to properly consider the relevant sections of the SPP which is a significant material consideration in this case. He has also chosen to ignore the accessibility of the site; the economic benefits of the proposals; and the scale and density of adjacent buildings.

5.3 These are all significant shortcomings and result in a less than complete assessment of the proposed development. This comes through in the Planning Officer's evaluation of the planning application and it is clear he has failed to take into account a number of significant material considerations. We have outlined these below and have demonstrated how a more balanced and reasoned evaluation would allow this planning application to be supported and planning permission granted, subject to appropriate conditions.

(1) Principle of Development

5.4 The Planning Officer discusses the principle of the proposed development on page 7 of the Report of Handling. He confirms that *"the proposal accords with ALDP spatial strategy to encourage the regeneration of brownfield sites and aligns with the aspirations of the HNDA"*, and explains that *"the principle of a mixed-use development at the site is welcomed"*.

5.5 The Planning Officer also confirms that *"the delivery of housing on a disused brownfield site within a settlement which is accessible by public transport accords in principle with the SPP presumption in favour of development that contributes to sustainable development"*. This is a very significant point, as the Planning Officer has confirmed that this proposal constitutes sustainable development.

5.6 As we have explained in our discussion on the SPP above, this means that there is a presumption in favour of granting planning permission for this development, unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the development.

5.7 This is a high threshold and any negative impacts of the development must be significant, and must be balanced against the benefits of the development. However, to make this assessment, a proper understanding of the benefits of the development must be reached. As we have demonstrated above, we do not believe that the Planning Officer has taken the range of benefits of the proposed development into full account in his consideration and determination of this planning application, and we have explained this further below.

(2) Density/Scale

5.8 The Planning Officer considers the density and scale of the proposed development on page 7 of the Report of Handling, and he also makes reference to the local context. He is critical of the density of the proposed redevelopment of the site, and appears to prefer houses over flats. He concludes that the proposed development's *"scale and height are not typical of the wider context"*, and suggests that *"this part of Peterculter largely retains its historic village character... evidenced by the predominance of low-rise buildings with pitched slated roofs and substantive garden grounds"*.

- 5.9 This is not correct, and it would appear that the Planning Officer has reached this conclusion by ignoring the existence of the 4 storey flatted development immediately to the east of the application site (which is the development of the former Gordon Arms hotel) and ignoring the 4 storey mixed use development to the south east of the site which is occupied by the new Co-op store with flatted residential apartments above.
- 5.10 As we have explained above, the Co-op development is directly comparable to the application proposals, and the former Gordon Arms Hotel development is taller than the proposed development (see Appendices 2 and 6). These are both significant material considerations that must be taken into account as part of the assessment of the application proposals. They cannot be ignored.
- 5.11 The Planning Officer has, however, chosen to ignore both the Co-op development and the former Gordon Arms hotel development on the basis that they are *“not considered to represent a precedent or be representative of the prevailing built form”*. This is a quite astonishing statement from the Planning Officer. These buildings exist. They are an established part of the street scene and are important buildings in terms of both the application site and their role as forming a key part of the local context of the area. These buildings must be considered as part of the assessment of this planning application.
- 5.12 As we have noted above, the Planning Officer’s selective use of some scale and height comparisons but not others is not appropriate. It does not provide a complete and accurate picture of the proposed development, and how it has been designed to reflect and respect the scale, height and massing of adjacent properties.
- 5.13 This can be confirmed at the site visit and we would ask the LRB to consider the proposed scale, height and density of the proposed development in the context of these adjoining buildings which have, in our opinion, established a clear precedent for this scale and type of building in this location.
- 5.14 In our opinion, the application proposals have been designed to respect and reflect the scale, heights and massing of the wider context within which the development will be located. It is compatible with the scale and density of immediately adjacent uses and would be in keeping with the character and amenity of the local area. The new development has therefore been designed with due and proper consideration for its context and complies with the principles of Policy D1 of the adopted LDP.
- 5.15 In response to the Planning Officer’s comment that the proposed development should be assessed as a “big building”, we do not share that view. The proposed building has been designed to be 3 storeys at the street frontage, stepping up to 4 storeys towards the rear of the site similar to the approach adopted at the Co-op development. As we have explained above, it will also be lower than the adjacent flatted development at the former Gordon Arms Hotel site. It is not, therefore a big building and LDP Policy D3 is not relevant to this proposal.

(3) Design

- 5.16 The Planning Officer assesses the design of the proposed development on page 8 of the Report of Handling, and he reiterates his view that *“Peterculter...largely retains its village character and the proposal is thus considered to be incongruous and unduly dense”*. This conclusion is, however, based on the incorrect assumption that the Co-op development and the former Gordon Arms hotel development are not relevant, which they clearly are.
- 5.17 As we have explained above, and confirmed in the Design and Access Statement, a proper consideration of the application proposals must take into account both of these developments. They are an important part of the local context and cannot be ignored. These developments have established a clear precedent for this scale and type of development in this location and support the design approach for the proposed development of the application site.
- 5.18 It is therefore our opinion that the application proposals have been designed to accord with LDP Policy D1 which requires high standards of design and a strong and distinctive sense of place. In this respect, the design context for the application proposals is the existing commercial and residential use of the site and the mix of uses in the surrounding area, including adjacent retail and residential properties. This includes both the Co-op development and the former Gordon Arms hotel development
- 5.19 Given the surrounding developments and the site’s situation and position, it has the capacity to absorb the proposed scale of sensitively designed flatted development; and by careful siting and orientation of the new building it responds positively to the existing street scene. The siting, massing, shape, design and finishes of the new development in tandem with a high quality external works package have been detailed to ensure that development of the site will be seen to fully integrate with the established character of the local area without any long term, adverse impacts upon the landscape, townscape, views or visual amenity.
- 5.20 The new development will use high quality materials and will respect and enhance the character of the local area. The redevelopment proposals will help repair the urban fabric in this location and establish a more coherent and distinctiveness sense of place.

(4) Impact on Retail Centre

- 5.21 The Planning Officer assesses the impact of the proposed development on the Peterculter neighbourhood centre on page 8 of the Report of Handling. He accepts that *“a new commercial unit and residential accommodation would in theory support the diversity/offering/success of the Peterculter ‘high street’, and is therefore welcome in principle”*, and he agrees that the *“provision of a new retail unit within a designated centre accords with the objective of ALDP policy NC4”*. These are all positive features of the proposals.

- 5.22 However, he then considers that the “*proposals would not support the functioning of the existing retail centre*” due to concerns over a loss of car parking and concludes that the “*proposal is therefore considered to potentially conflict with the objectives of ALDP policy NC6*”. This position is not accepted. As the applicant has confirmed in the Notice of Review Statement the proposed car parking area will be available to the public. There will therefore be no loss of car parking and in fact an increase of 15 spaces over the current situation.
- 5.23 Furthermore, and as we have confirmed above, the application site occupies an important location within the neighbourhood centre. It is a highly accessible site, but is currently underused and has suffered from vacancies and a degree of dereliction. In its current state it is not contributing in any meaningful way to the vitality of the local centre. The application proposals have therefore been designed to address the inefficiencies of the current uses on the site and would represent a significant £2M investment in the Peterculter centre which will deliver a range of benefits to the local area, including significant improvements and investment in new retail and residential uses, which are entirely appropriate in this accessible, central location.
- 5.24 The site is covered by LDP Policy NC6 which confirms that retail is the preferred use within these designated centres. Policy NC6 also confirms that a mix of uses is desirable and proposals for changes of use from retail to non-retail will be supported if it meets a range of criteria. The application proposals meet all specified criteria.
- 5.25 In particular the proposed redevelopment and regeneration of the site will make a positive contribution to the vitality and viability of the centre by bringing a vacant site back into active use and also delivering additional residential development, which will in turn increase the footfall and potential customer spend in the centre.
- 5.26 Based on the information provided in the *Aberdeen City and Aberdeenshire Retail Study 2013* (see Appendix 5) the estimated average retail expenditure by each adult in this area in 2022 is £7,769 per annum, thereby generating a direct expenditure of almost £0.25M based upon the completed development having an average of two adults per household. These figures are based on 2011 prices and are likely to be an underestimate of the actual annual increase in potential available expenditure to the local area as a result of the new development.
- 5.27 An estimated increase of at least £0.25M per annum will therefore represent a significant increase in potential expenditure in the local area given the relatively small scale of the existing centre.
- 5.28 Contrary to the views of the Planning Officer, the proposed residential use of the upper floors of the development will therefore make a positive contribution to the amenity and offering of the Peterculter centre and will not undermine its principal retail function. The proposed redevelopment of the site will not alter the main use of the centre and, in our opinion, can be considered to be an appropriate and entirely complementary and compatible use.

- 5.29 The development of a new retail unit on the application site is therefore fully supported by Policy NC6, and the introduction of additional residential development in this location is entirely compatible with the existing uses within the surrounding area. It will make an effective and sustainable use of the existing underused site whilst also retaining a continued retail use of the ground floor premises.
- 5.30 The proposals have been designed to cater for a local need, and the vitality and viability of the centre would be enhanced rather than undermined through the introduction of the application proposals which will ensure that the premises will be occupied in a positive way to the benefit of the centre, bringing a vacant site back into active use. This will also see the creation of a live and attractive shop frontage at ground floor level which enhances and improves the amenity of the neighbouring area.
- 5.31 On this basis, the application proposals will have no adverse impact on the retail centre and fully meets the objectives and criteria set out under LDP Policy NC6.

(5) Economic Benefit/Viability

- 5.32 The Planning Officer assesses the economic benefits of the proposals on page 13 of the Report of Handling, and he accepts that the proposal would provide employment creation during construction and associated with operation of the retail unit. However, he considers this will be *“of limited significance in the context of the wider economy of the city”* and concludes that the proposal *“offers no overriding economic benefits that may warrant approval given the policy conflicts identified above”*. The Planning Officers is therefore dismissive of the economic benefits of the proposed development.
- 5.33 This development is not, however, intended to serve the wider city. It has been specifically designed to meet local needs and to address the inefficiencies of the current uses on the site in order to bring benefits to the Peterculter neighbourhood centre.
- 5.34 It will, in our opinion, represent significant investment in the Peterculter centre bringing substantial economic benefits and employment opportunities to the local area. The positive economic impact of 16 new dwellings in the local area would be significant. Employment opportunities will exist during the construction and is expected to include opportunities for local suppliers and sub-contractors. A range of direct and indirect employment opportunities will therefore be created during the construction phase and once the new retail unit is operational.
- 5.35 The increased retail expenditure of at least £0.25M per annum will also have a further positive impact on the Peterculter centre and its associated shops and services. This will be in addition to the substantial council tax benefits arising from the new development.

- 5.36 Therefore, and whilst not significant in a city wide context, this development will bring significant economic benefits to the local Peterculter area. This is, in our opinion, a significant material consideration in support of the application proposals, and one that the Planning Officer has clearly failed to acknowledge in his evaluation of the proposed development.
- 5.37 In response to the Planning Officer's comments on the viability of the development, the applicant is confident that the proposals for the site are viable and deliverable. There would be no point in submitting an application for an unviable development. The suggestion that "*no weight can be attached to this issue as no viability statement or other related viability justification has been submitted*" is therefore not relevant to this planning application.

(6) Residential Amenity

- 5.38 The Planning Officer assesses residential amenity issues on page 9 of the Report of Handling, and is critical of the findings of the submitted Daylight and Sunlight Assessment Report. He considers that the proposal would adversely affect the amenity of the adjacent house to the north due to over-domination, overshadowing and overlooking and requested extended detailed cross sections to show the relationship with this property.
- 5.39 The Planning Officer also raises concerns about the poor level of amenity for future occupants of some of the proposed flats and concluded that the lack of accurate supporting information means "*it cannot be concluded that the development would not result in adverse impact on existing residential amenity*". The Planning Officer is also critical of the provision of adequate usable external amenity space for proposed occupants and considers that due to an increased risk of overspill car parking pressure from the development it would likely result in adverse impact on existing residential amenity.
- 5.40 The Planning Officer does accept that the submitted Noise Assessment has demonstrated that an adequate noise environment could be created for occupants of the flats and its findings are accepted and suitable mitigation measures could be conditioned in compliance with LDP Policy T5.
- 5.41 In response to these amenity concerns, we can confirm that the proposed development has been designed to fully meet the needs of users and occupiers of the new development, and full consideration has been given to impacts on neighbouring properties to ensure no unreasonable noise impact or loss of daylight, sunlight or privacy.
- 5.42 The submitted Daylight and Sunlight Assessment Report has been prepared by recognised technical experts and produced in accordance with BRE Guidelines. It is not deficient and concludes that the design of the new building allows for a very minimal impact on the surrounding buildings whilst enabling development of the area.

- 5.43 The Design Consultants have confirmed that the house to the north sits at a higher level and its daylight is not affected by the proposed development. It should also be noted that the owner of the house to the north has not objected and is understood to be fully supportive of the proposed development.
- 5.44 In our opinion, the proposals for the site will provide a high quality development which is compatible with the immediately adjacent uses and would be in keeping with the scale, density and character of the local area. A co-ordinated and integrated approach has been taken to the planning and design of the proposals to ensure that the new development can be accommodated without any adverse impact on existing residential amenity.

(7) Pedestrian Access/Vehicle Access/Parking/Servicing

- 5.45 The Planning Officer's evaluation of the proposed development's access, parking and servicing arrangements is set out in pages 10 and 11 of the Report of Handling.
- 5.46 As noted above, this assessment was prepared prior to the submission of the updated Consultation Response from the Council's Roads Development Management Team. This updated response (which is included at Appendix 4) has confirmed that the proposed access, parking and servicing arrangements are all acceptable to the Council's Roads Team and can be controlled by way of suitable conditions. The Planning Officers comments on these matters are therefore no longer relevant.

(8) Landscape/Open Space Provision

- 5.47 The Planning Officer's assessment of landscaping and open space is set out on page 11 of the Report of Handling and he confirms that the provision of public open space is not required for brownfield sites, and a contribution could be sought for enhancement of off-site public space in accordance with the objective of LDP Policy NE4. The applicant is happy to accept this arrangement.
- 5.48 The proposed development would therefore provide enhancements to existing public spaces in the local area in accordance with LDP Policy NE4. This is a further positive benefit of the development, which has not, in our opinion, been acknowledged by the Planning Officer in his evaluation of this planning application.
- 5.49 The Planning Officer is, however, critical of the submitted landscape plan and considers that the extent of greenspace within the site would be limited and its usability would be restricted and he concludes that *"insufficient green space would be provided within the site to provide amenity for occupants"*. We do not agree with this conclusion and as shown on the submitted landscape plans, a significant amount of landscaping is being provided by way of new shrubs, trees and planters.

5.50 As we have confirmed above, the total amenity space being provided as part of the redevelopment of the site is 327.6m² which equates to 20.48m² per dwelling. Each new build apartment has also been provided with approximately 4.5m² of external balcony/terrace space, which results in a total level of amenity space of over 25m² per dwelling. This compares favourably to the Co-op development on the south side of North Deeside Road which has a total of 199 m² of amenity space which equates to less than 20m² per flat. The level and quality of amenity space being provided is therefore considered to be appropriate and comparable to recent developments in the immediate area.

(9) Tree Impact

5.51 The Planning Officer assesses the proposed development's impact on trees at page 12 of the Report of Handling and initially confirms that "*the development does not result directly in tree removal*", but then goes on to conclude that the development does not accord with the Council's policy on trees.

5.52 However, and as confirmed in the submitted Tree Survey, there are no trees within the application site. There will therefore be no tree loss as a result of the proposed development.

5.53 This is a positive feature of the proposals, as is the proposed new tree planting which is confirmed in the submitted landscape plans. This proposed new tree planting will significantly enhance the existing situation and will increase and enhance the long term continuity of tree cover both within and surrounding the application site.

5.54 The proposed development will therefore meet the objective of LDP Policy NE5.

(10) Drainage

5.55 The Planning Officer assesses the drainage arrangements for the proposals on page 12 of the Report of Handling and notes that Scottish Water, ACC Roads and Dee District Salmon Fishery Board have no objection to the development and there is adequate foul drainage capacity to service the development. The Planning Officer also confirms that the submitted DIA and surface water assessment indicate that the site can be adequately drained, but he raises concerns that the surface water discharges from the site are contrary to Scottish Water advice and SUDS best practice.

5.56 We can confirm that this is not correct and the applicant's engineers, Cameron & Ross, have designed the new drainage scheme in full consultation with Scottish Water and this has been agreed. It is notable that Scottish Water has not objected to the planning application. It should also be noted that the proposals involve the redevelopment of a brownfield site which currently relies on an existing, historical drainage arrangement. The existing drainage arrangements for the site will therefore be improved and enhanced in accordance with best practice.

5.57 On this basis, and as is normal practice, a suitable condition can be imposed to ensure that the proposed drainage arrangements of the new development accord with the objectives of LDP Policy NE6.

(11) Ecology Impact

5.58 The Planning Officer assesses the ecological impacts of the proposals on page 12 of the Report of Handling and confirms that as the site is already largely developed (i.e. it is a brownfield site) it has limited ecological interest and he accepts that the application raises no conflict with the ecology enhancement objectives of LDP Policy NE8.

5.59 It should also be noted that the new landscaping proposals will enhance the bio-diversity value of the application site. These positive benefits are not mentioned in the Report of Handling.

5.60 The Planning Officer also raises concerns with the findings of the submitted bat survey and has requested that a further survey is provided to rule out the use of the building by bats and demonstrate compliance with LDP Policy NE8.

5.61 In response, we can confirm that the bat survey was undertaken by a recognised and licensed bat roost surveyor in accordance with guidelines set out in the Bat Conservation Trust – Bat Surveyors Good Practice Guidelines, and English Nature, Bat Mitigation Guidelines. The survey has concluded that the buildings on site showed no evidence of bats roosting, and are damp and contain materials not preferred by bats. The survey concluded that the buildings have very little bat roost potential and have not been used by bats.

5.62 On this basis, the submitted bat survey has concluded that as no bats were using the buildings for roosting, the proposed demolition of the outbuildings and development of the site will not impact on the bat population in the area and no mitigation is necessary. The conclusions of the submitted bat survey are therefore clear and robust. There is no need for a further bat survey.

(12) Crime Risk

5.63 The Planning Officer assesses crime risk issues of relevance to the proposals on page 13 of the Report of Handling, and considers that *“the communal car park and pedestrian access to the flats would be vulnerable to potential crime risk as they would be unduly secluded”*. This is not accepted and the development has been designed to interact closely with the street, providing continuity of urban frontage and natural surveillance. The layout of the development will enhance community safety and urban vitality and has direct and convenient connections on foot and by cycle. The proposed new road space has been limited to avoid encouraging greater car use or cause or add to congestion in the surrounding area but has been designed as an integral and necessary part of the new development.

5.64 The applicant has also confirmed in the Notice of Review Statement that CCTV cameras can be installed together with the general lighting and security lighting to address any potential crime risk issues. These matters can all be controlled by way of suitable conditions.

(13) Affordable Housing/Developer Obligations

5.65 The Planning Officer evaluates affordable housing on page 13 of the Report of Handling and confirms that the provision of affordable units including the means of delivery could be the subject of a section 75 agreement. The applicant is agreeable to this approach. This is a further benefit of the proposed development.

(14) Energy and Water Efficiency

5.66 The Planning Officer assesses energy and water efficiency on page 13 of the Report of Handling and has confirmed that this matter can be addressed by way of a suspensive condition. The applicant is agreeable to this approach.

(15) Other Technical Matters

5.67 Other technical matters are considered on page 13 of the Report of Handling, and the Planning Officer confirms that there are no other technical matters of relevance to the application proposals.

(16) Proposed Aberdeen Local Development Plan

5.68 The Planning Officer comments on the status of the Proposed LDP on page 14 of the Report of Handling, but as we have confirmed above, the Proposed LDP is currently at Examination and has no weight in relation to the determination of this planning application.

(17) Other Concerns Raised in Objection

5.69 The Planning Officer assesses other concerns on page 14 of the Report of Handling, and confirms that the loss of or impact on private views from adjacent residential premises is not a material planning consideration.

5.70 The concerns regarding the scale of development, impact on residential amenity and the retail centre, parking provision and other technical concerns have already been addressed above and we have demonstrated that these are not valid reasons for refusing this application.

6.0 Review of the Planning Officer's Reasons for Refusal

- 6.1 The Planning Officer has provided his reasons for refusing the planning application on pages 14 and 15 of the Report of Handling. We have reviewed each reason and copied these below along with the applicant's response to the comments set out under each reason.

"Reason for Refusal 1. Insufficient Information

Insufficient information has been submitted in order to assess the impact of the development. Extended detailed cross sections and a revised sunlight impact assessment with sun / shadow cast analysis is required to demonstrate the impact on existing residential premises to the north of the site. Submission of a transport statement and clarification of servicing arrangements is required in order to assess the transport impact of the development and demonstrate compliance with policy T2: Managing the Transport Impact of Development and policy R6: Waste Management Requirements for New Development within the Aberdeen Local Development Plan 2017 (ALDP). Submission of an additional competent bat survey is required to demonstrate that there would not be adverse impact on bats in accordance with the expectations of ALDP policy NE8: Natural Heritage."

Applicant's Response:

An extensive suite of supporting information has been submitted to address all relevant site specific and technical considerations. This includes a Design and Access Statement; Tree Survey; Bat Survey; Site Investigation; Drainage Impact Assessment; Surface Water Assessment; Daylight and Sunlight Assessment; and Noise Impact Assessment. In addition, a package of detailed drawings has been prepared in support of the application, including: site plans; detailed layout plans; elevations and floor plans; drainage and landscape plans.

The package of supporting information has been prepared to provide a detailed assessment of the proposed development and addresses relevant policy requirements set out in the Development Plan as well as issues raised during the pre-application stage. These documents provide clear support for the proposals and confirm that there are no technical or physical constraints to developing the site for the scale and type of development now being proposed.

These reports have all been prepared by recognised experts and have been prepared to established industry standards. The findings and conclusions set out in each report are robust and accurate. We would therefore urge the LRB to take the opportunity to review each report and to prefer the conclusions of the respective technical experts.

The application has attracted no objections from any of the technical consultees and all matters can be suitably addressed by way of conditions as is the standard approach for an application of this scale and nature.

Paragraph 35 of the SPP confirms that the level of supporting information accompanying a planning application should be proportionate to the scale of the application, and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made.

The submitted Daylight and Sunlight Assessment has been prepared by accredited technical experts and produced in accordance with BRE Guidelines. It is not deficient and concludes that the design of the new building allows for a very minimal and acceptable level of impact on the surrounding buildings whilst enabling the redevelopment of the application site.

There is no need for a Transport Statement. ACC Roads Development Management Team has confirmed that it has no objections to this application.

The submitted Bat Survey was undertaken by a recognised and licensed bat roost surveyor in accordance with Bat Conservation Guidelines. The survey has confirmed that the buildings on site showed no evidence of bats roosting, have very little bat roost potential and have not been used by bats.

The Bat Survey concluded that as no bats were using the buildings for roosting, the proposed demolition of the outbuildings and development of the site will not impact on the bat population in the area and no mitigation is necessary. The conclusions are therefore clear and robust. There is no need for a further Bat Survey.

For all of these reasons, insufficient information is not a valid reason for refusing this planning application.

“Reason for Refusal 2. Residential Amenity

The proposed development is considered to borrow amenity from adjacent land and would be deficient in terms of provision of adequate usable external amenity space for proposed occupants. The proposed external drying area and limited communal open space would be substantially shaded by the proposed building and would be inconvenient for practical use due to proximity to car parking, restricted size and inconvenient access. The relatively high density of residential development proposed, its remote location relative to Aberdeen City Centre and outwith any controlled parking area and its failure to accord with ACC Transport Supplementary Guidance regarding car parking (i.e. reduced ratio of car parking proposed on site) is such that there would be likely increased risk of overspill car parking pressure from the development. This would be likely to result in adverse impact on existing residential amenity.”

Applicant’s Response:

Paragraphs 29, 40, 44, 45 and 46 of the SPP support the development of brownfield sites and specifically encourages the reuse and regeneration of such sites at higher densities and for a mix of uses.

The SPP explicitly supports denser development that shares amenity with adjacent sites.

The SPP also recommends a mix of building densities and types creating more compact, higher density, accessible and more vibrant centres where improvement would have the most benefit for the amenity of local people and the vitality of the local economy.

The application proposals meet all of these objectives set out in the SPP and represent sustainable development.

The total amenity space being provided as part of the development is 327.6m² which equates to 20.48m² per dwelling. Each new build apartment has also been provided with approximately 4.5m² of external balcony/terrace space, which results in a total level of amenity space of over 25m² per dwelling. This compares favourably to the Co-op development on the south side of North Deeside Road which has a total of 199 m² of amenity space which equates to less than 20m² per flat.

There are no issues with the proposed levels of car parking and ACC Roads Development Management Team has confirmed that it has no objections to this application.

The application site is not a remote location. It is located within a local retail centre directly adjacent to a range of shops, services and facilities. It is highly accessible to regular public transport with an existing bus stop immediately adjacent to the site. It is within easy walking distance (under 400 metres) of the core path network and off-road cycle paths.

The redevelopment and regeneration of this semi-derelict site will improve and enhance the existing residential amenity surrounding the site.

For all of these reasons, residential amenity is not a valid reason for refusing this application.

“Reason for Refusal 3. Overdevelopment

Notwithstanding the conclusion of the submitted design and access statement, the scale and form of the proposed development would not respect the context of the site, which largely retains a low-density village character, by reason of its excessive footprint, height and massing. As the scale of development would not be appropriate to its context, it would conflict with ALDP policy D3: Big Buildings. The significant underprovision of car parking for the proposed residential development would not accord with the expectations of ALDP policy T2: Managing the Transport Impact of Development and the remote location of the site relative to the city centre does not warrant approval of a low car development. It is considered that insufficient green space and tree planting would be provided within the site to provide amenity for occupants and enable continuity of tree cover in the wider area in the interest of the objective of ALDP policy NE4: Open Space Provision in New Development and NE5: Trees and Woodland. The proposal is therefore considered to represent overdevelopment of the site by reason of its inappropriately high density and conflicts with the objectives of ALDP policies D1: Quality Placemaking by Design and H3: Density.”

Applicant’s Response:

As above, the SPP supports and encourages the reuse and regeneration of the application site at higher densities and for a mix of uses. The application proposals meet all of these objectives set out in the SPP and represents sustainable development.

ACC Roads Development Management Team has raised no issues with the proposed levels of car parking and has confirmed that it has no objections to this application.

The application site is not a remote location. It is located within a local retail centre; is accessible to public transport and within easy walking distance of the core path network and off-road cycle paths.

The Planning Officer has failed to assess the proposed development against the context established by the 4 storey flatted development immediately to the east of the application site and the 4 storey mixed use development to the south east of the site.

The Co-op development is directly comparable to the application proposals, and the former Gordon Arms Hotel development is taller than the proposed development. These buildings are an established part of the street scene and are important buildings in terms of both the application site and the local context of the area. These buildings have not been properly considered as part of the assessment of this planning application.

The Planning Officer’s selective use of some scale, density and height comparisons but not others is not appropriate. It does not provide an accurate picture of the proposed development and how it has been designed to reflect and respect the scale, height and massing of adjacent properties.

These adjoining buildings have established a clear precedent for this scale and type of building in this location and set the context for assessing the proposed development of the application site.

The application proposals have therefore been designed to respect and reflect the scale, heights and massing of the wider context within which the development will be located. It is compatible with the scale and density of immediately adjacent uses and would be in keeping with the character and amenity of the local area.

The new development has therefore been designed with due and proper consideration for its context and complies with the principles of Policy D1 of the adopted LDP.

It has been designed to be 3 storeys at the street frontage, stepping up to 4 storeys at the rear of the site similar to the approach adopted at the Co-op development (see photograph at Appendix 6). It will be lower than the adjacent flatted development at the former Gordon Arms Hotel site (see Appendix 2). It is not a big building and LDP Policy D3 is not relevant to this proposal.

For all of these reasons, overdevelopment is not a valid reason for refusing this application

“Reason for Refusal 4. Design Quality

The form and materiality of the proposed development would be incongruous to its context, by reason of the perpendicular relationship of the building to the street, its extensive footprint / use of flat roofs and the proposed use of metal wall / roof cladding, such that it would not accord with the objective of ALDP policy D1: Quality Placemaking by Design and Materials TAN. It is considered that the proposed pedestrian access arrangements for the new flats would be neither welcoming nor pleasant. The pedestrian entrance points would not be visible from the street and would entail walking through the undercroft of a building and car park and thus would be neither attractive nor well defined and would conflict with the secure by design advice provided by Police Scotland. This arrangement is also considered to conflict with the objective of ALDP policy T3: Sustainable and Active Travel as pedestrian movement has not been prioritised. The layout as proposed would also result in poor natural surveillance of the car park from public rooms (e.g. lounges). No re-use of existing granite downtakings / rubble is proposed on site such that there would be a degree of conflict with ALDP policy D5: Our Granite Heritage.”

Applicant’s Response:

As confirmed above, the application proposals have been designed to respect and reflect the scale, heights and massing of the wider context within which the development will be located. It is compatible with the scale and density of immediately adjacent uses and would be in keeping with the character and amenity of the local area.

The new development has been designed with due and proper consideration for its context and takes a similar design approach to the Co-op development to the south east of the application site. It complies with the principles of Policy D1 of the adopted LDP.

The proposed development has been designed to interact closely with the street, providing continuity of urban frontage and natural surveillance. The layout of the development will enhance community safety and urban vitality and has direct and convenient connections on foot and by cycle.

The proposed new road space has been limited to avoid encouraging greater car use or cause or add to congestion in the surrounding area but has been designed as an integral and necessary part of the new development.

ACC Roads Development Management Team has raised no issues with the pedestrian access arrangements and has confirmed that it has no objections to this application.

If required, CCTV cameras can be installed together with security lighting to address any potential crime risk issues. These matters can all be controlled by way of suitable conditions.

A condition can be imposed on the planning permission requiring the re-use of any salvageable granite downtakings as part of the new development.

For all of these reasons, design quality is not a valid reason for refusing this application.

“Reason for Refusal 5. Adverse impact on Peterculter Neighbourhood Centre

The relatively high density of residential development proposed, its remote location relative to Aberdeen City Centre and outwith any controlled parking area and failure to accord with ACC Transport Supplementary Guidance regarding car parking (i.e. reduced ratio of car parking proposed on site) is such that there would be likely increased risk of overspill car parking pressure from the development. This would be likely to result in a reduction of available on-street car parking spaces within the wider retail centre which could adversely affected the viability of existing business on North Deeside Road. The proposal thereby conflicts with the objective of ALDP policy NC6: Town, District, Neighbourhood & Commercial Centres.”

Applicant’s Response:

As confirmed above, the application site is not a remote location. It is located within a local retail centre and directly adjacent to a range of shops and services. It is highly accessible to public transport and within easy walking distance of the core path and off-road cycle network.

There are no issues with the proposed car parking arrangements and ACC Roads Development Management Team has confirmed that it has no objections to this application. There will be no loss of car parking and an increase in spaces over the current situation.

The application proposals have been designed to address the inefficiencies of the current uses on the site and would represent a significant £2M investment in the Peterculter centre

It will deliver a range of benefits to the local area, including significant improvements and investment in new retail and residential uses, which are entirely appropriate in this accessible, central location.

The proposed redevelopment and regeneration of the site will make a positive contribution to the vitality and viability of the centre by bringing a vacant site back into active use and delivering additional residential development, which will in turn increase the footfall and potential customer spend in the centre.

The proposed development is estimated to lead to a direct expenditure increase of almost £0.25M per annum of potential available expenditure to the local area. This represents a significant increase in potential expenditure in the local area given the relatively small scale of the existing centre.

The proposed development will make a positive contribution to the amenity and offering of the Peterculter centre and will not undermine its principal retail function.

This development is not intended to serve the wider city. It has been specifically designed to meet local needs and to address the inefficiencies of the current uses on the site in order to bring benefits to the Peterculter neighbourhood centre.

The vitality and viability of the centre would be enhanced rather than undermined through the introduction of the application proposals which will ensure that the premises will be occupied in a positive way to the benefit of the centre, bringing a vacant site back into active use.

This will also see the creation of a live and attractive shop frontage at ground floor level which further enhances and improves the amenity of the centre.

The application proposals will have no adverse impact on the retail centre and fully meets the objectives and criteria set out under LDP Policy NC6.

For all of these reasons, adverse impact on Peterculter Neighbourhood Centre is not a valid reason for refusing this application.

“Reason for Refusal 6. Road Safety (Access)”

Implementation of the development would be likely to result in intensification of the use of the existing site access and thereby increased public road safety risk due to the restricted visibility at the site egress and potential for conflict with traffic using North Deeside Road. Neither proposals for removal of existing on street car parking on North Deeside Road, in order to achieve the required visibility splay, nor other road safety measures are currently being promoted by the Council or are otherwise likely to be deliverable to address this concern.”

Applicant’s Response:

ACC Roads Development Management Team has confirmed that it has no objections to this application and has not raised any issues with the proposed site access or car parking arrangements.

Road safety (access) is not a valid reason for refusing this application.

“Reason for Refusal 7. Sustainable Development”

Notwithstanding the desire to secure redevelopment of brownfield sites within settlements, the proposal would not contribute to the overall objective of sustainable development, as expressed in Scottish Planning Policy 2014, by reason of its excessive scale and density, the potential adverse impact on the viability of Peterculter retail centre and the inappropriate surface water drainage arrangements and absence of appropriate sustainable drainage features in conflict with the objective of ALDP policy NE6: Flooding, Drainage & Water Quality.”

Applicant’s Response:

As confirmed above, the scale and density of the proposed development matches the parameters set by adjoining buildings, including the development on the former Gordon Arms Hotel site and the Co-op development to the south east of the application site. These establish clear precedents for supporting and approving the application proposals.

The proposed development will make a positive contribution to the amenity and offering of the Peterculter centre and will not undermine its principal retail function.

The vitality and viability of the centre would be enhanced rather than undermined through the introduction of the application proposals which will ensure that the premises will be occupied in a positive way to the benefit of the centre, bringing a vacant unit back into active use.

The application proposals will have no adverse impact on the retail centre and fully meets the objectives and criteria set out under LDP Policy NC6.

The new drainage scheme for the site has been designed in full consultation with Scottish Water and this has been agreed. Scottish Water has not objected to the planning application.

The proposed development involves the redevelopment of a brownfield site which currently relies on an existing, historical drainage arrangement. The existing drainage arrangements for the site will therefore be improved and enhanced in accordance with best practice. An appropriate condition can be imposed to ensure that the proposed drainage arrangements of the new development accord with the objectives of LDP Policy NE6.

As the Planning Officer acknowledges in his evaluation of the application, the delivery of housing on a disused brownfield site within a settlement which is accessible by public transport accords with both the LDP's and the SPP's presumption in favour of development that contributes to sustainable development.

This proposal constitutes sustainable development and there is a presumption in favour of granting planning permission, unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the development.

The Planning Officer has failed to acknowledge the benefits of the proposed development and has sought out unwarranted and unsubstantiated reasons for refusing the application.

None of the perceived impacts of the proposed development are significant and can all be controlled by way of appropriate conditions. The benefits of approving this development clearly outweigh any adverse impacts.

For all these reasons, sustainable development is not a valid reason for refusal, but is a reason for approving this application.

6.2 For the reasons stated above, we do not agree, or accept the reasons for refusal given by the Planning Officer.

6.3 Given the shortcomings on the part of the Planning Officer, we would respectfully request that the Council's Local Review Body re-assesses the particular merits of this application; and takes into account the matters discussed above.

6.4 Following a proper review of the proposed development, it will be clear to the Local Review Body that planning permission can be granted, subject to appropriate conditions controlling all relevant technical and detailed design matters.

7.0 Observations on the Planning Officer's Comments on the Notice of Review Statement

7.1 On pages 15 to 17 of the Report of Handling, the Planning Officer provides comments on the applicant's Notice of Review Statement.

7.2 We have reviewed these additional comments, but they largely repeat the points set out in the Report of Handling which we have already addressed and discussed above. No new matters are raised in the Planning Officer's response to the Notice of Review Statement and all matters have been adequately addressed.

8.0 Summary & Conclusions

- 8.1 Our review of the Planning Officer's evaluation of the application and the stated reasons for refusal has demonstrated that the Planning Officer has, from the very outset, adopted a negative position on this proposed development and sought to refuse the application, rather than take a more balanced, and positive view of this opportunity to regenerate and redevelop a highly accessible, well-located, brownfield site which will provide much needed new housing and add to the vitality of the Peterculter neighbourhood centre.
- 8.2 We have demonstrated that the Planning Officer has focussed on certain policy aspects in his Report, but is silent on others that are directly relevant, and support this application.
- 8.3 The Planning Officer has also chosen to ignore the clear precedents established adjacent and opposite the application site for this scale and density of development. These are, in our opinion, significant omissions in his assessment and determination of this planning application.
- 8.4 In this respect we would draw particular attention to the Planning Officer's decision not to consider the application proposals against the context established by 4 storey flatted development immediately to the east of the application site (which is the development of the former Gordon Arms hotel) and the 4 storey mixed use development to the south east of the site which is occupied by the new Co-op store with flatted residential apartments above.
- 8.5 As we have explained above, the Co-op development is directly comparable to the application proposals, and the former Gordon Arms Hotel development is taller than the proposed development (see Appendices 2 and 6). These are both significant material considerations that must be taken into account as part of the assessment of the application proposals. They cannot be ignored.
- 8.6 The Planning Officer has, however, chosen to ignore both the Co-op development and the former Gordon Arms hotel development on the basis that they are *"not considered to represent a precedent or be representative of the prevailing built form"*. This is a quite astonishing statement from the Planning Officer. These buildings exist. They are an established part of the street scene and are important buildings in terms of both the application site and their role as forming a key part of the local context of the area. These buildings must be considered as part of the assessment of this planning application.
- 8.7 This matter can be confirmed at the site visit and we would ask the LRB to consider the proposed scale, height and density of the proposed development in the context of these adjoining buildings which have, in our opinion, established a clear precedent for this scale and type of building in this location.

- 8.8 We would also ask the LRB to review and consider the Report of Handling which assessed and approved the mixed retail and flatted development that was constructed on the site of the former car sales facility at 279-281 North Deeside Road that is now occupied by the Co-op development (Application Ref: P141089).
- 8.9 The approach taken in the assessment of that planning application was the correct and appropriate approach. It confirms that a balanced and positive determination can be taken to the proposed redevelopment of the application site. This would follow the approach adopted by the Council in respect of a comparable development some 75 metres to the south east of the application site.
- 8.10 We have enclosed a copy of the Report of Handling for that development as Appendix 7 and would ask the LRB to compare the approach taken in respect of the Co-op site with the approach taken with the application site.
- 8.11 The approach adopted for the Co-op development demonstrates how a positive and balanced consideration of the proposed mixed use redevelopment of a well located brownfield site can, and should, be taken and one that is compliant with relevant planning policy; supported by a range of material considerations; and supported by the relevant responses from the various technical consultees.
- 8.12 It is clear from our review of the Report of Handling for the proposed development on the application site that the Planning Officer has not taken this approach.
- 8.13 The Planning Officer has, instead, taken a very selective view of the site and its surroundings, and of relevant policy.
- 8.14 In our opinion, the Planning Officer has omitted a number of significant points of direct relevance to the assessment and consideration of this planning application. He has not taken a balanced and informed assessment of the application and has failed to properly consider the relevant sections of the SPP which is a significant material consideration in this case.
- 8.15 He has also chosen to ignore the accessibility of the site; and dismiss the economic benefits of the proposals.
- 8.16 These are all significant shortcomings and result in an incomplete assessment of the proposed development by the Planning Officer.
- 8.17 We have demonstrated that the SPP confirms that the level of supporting information should be proportionate to the scale of the application; and balanced decisions should be taken giving proper weight to the economic benefits of the proposals, and it is only where adverse impacts would significantly and demonstrably outweigh the benefits of the development should refusal be considered.

- 8.18 As we have explained in our discussion on the SPP above, this means that there is a presumption in favour of granting planning permission for this development, unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the development.
- 8.19 This is a high threshold and any negative impacts of the development must be significant, and must be balanced against the benefits of the development. However, to make this assessment, a proper understanding of the benefits of the development must be reached.
- 8.20 As we have demonstrated above, we do not believe that the Planning Officer has taken the range of benefits of the proposed development into full account in his consideration and determination of this planning application.
- 8.21 The Planning Officer has failed to acknowledge the benefits of the proposed development and has sought out unwarranted and unsubstantiated reasons for refusing the application.
- 8.22 None of the perceived impacts of the proposed development are significant and can all be controlled by way of appropriate conditions. The benefits of approving this development clearly outweigh any adverse impacts.
- 8.23 From a review of the Planning Officer's Report of Handling it is therefore clear, in our opinion, that the Planning Officer has failed to give appropriate weight and due consideration to the following key determining issues:
1. The brownfield nature of the application site, and the over-riding presumption in favour of redeveloping brownfield sites that contributes to sustainable development;
 2. The application site's highly accessible location which is adjacent to well-used bus stops, cycle lanes and footpaths.
 3. The scale, massing and density of the established development surrounding the application site, and in particular the adjacent flatted residential developments to the east and south east of the application site.
 4. The benefits of delivering a new retail unit that will make a positive contribution to the vitality and viability of an important neighbourhood centre.
 5. The provision of new residential accommodation in a highly sustainable, accessible location that will meet a particular element of the City's housing land requirement, including the provision of affordable housing, and which will also support the shops, services and facilities provided in the Peterculter neighbourhood centre.
 6. The significant economic benefits of the proposed regeneration and redevelopment of a currently under-used, vacant and semi-derelict site that is not, in its current state, contributing to the vitality and viability of the Peterculter neighbourhood centre.
 7. The lack of any objections from relevant technical consultees.

- 8.24 This failure to take proper account of these significant material considerations has led to the Planning Officer's refusal of the planning application.
- 8.25 In our opinion, none of the stated reasons for refusal are valid and this planning application can be granted planning permission, subject to appropriate conditions.
- 8.26 We would therefore urge the LRB to share this opinion and support the proposed development.
- 8.27 This can be done by taking a positive and balanced consideration of the application proposals, similar to the approach taken by the Council for the redevelopment of an adjacent site (see Appendix 7).
- 8.28 In our opinion the proposed redevelopment of the brownfield site at 242 North Deeside Road is compliant with relevant planning policy; is supported by a range of material considerations; and the relevant responses from the various technical consultees.
- 8.29 The proposed redevelopment of this accessible, brownfield site has been designed with due consideration for its context and complies with the principles of LDP Policy D1 – Quality Placemaking by Design. The proposal is also considered to comply with the provisions of LDP Policy NC6 – Town, District, Neighbourhood and Commercial Centres, and has been designed to meet the requirements of Policies R6 – Waste Management Requirements for New Developments; NE6 – Flooding, Drainage & Water Quality; and T2 - Managing the Transport Impact of Development. The application can therefore be considered to accord with the relevant policies of the development plan and should be granted planning permission.
- 8.30 Planning Permission can therefore be granted, subject to conditions.
- 8.31 We would therefore respectfully request that this appeal is upheld, and would urge the LRB to grant planning permission subject to appropriate conditions.
- 8.32 If it would assist the consideration of this appeal, we would welcome the opportunity to present this evidence to the LRB by way of a Hearing and an accompanied site visit.
- 8.33 We would also be happy to agree suitable conditions for the planning permissions if the LRB is so minded.

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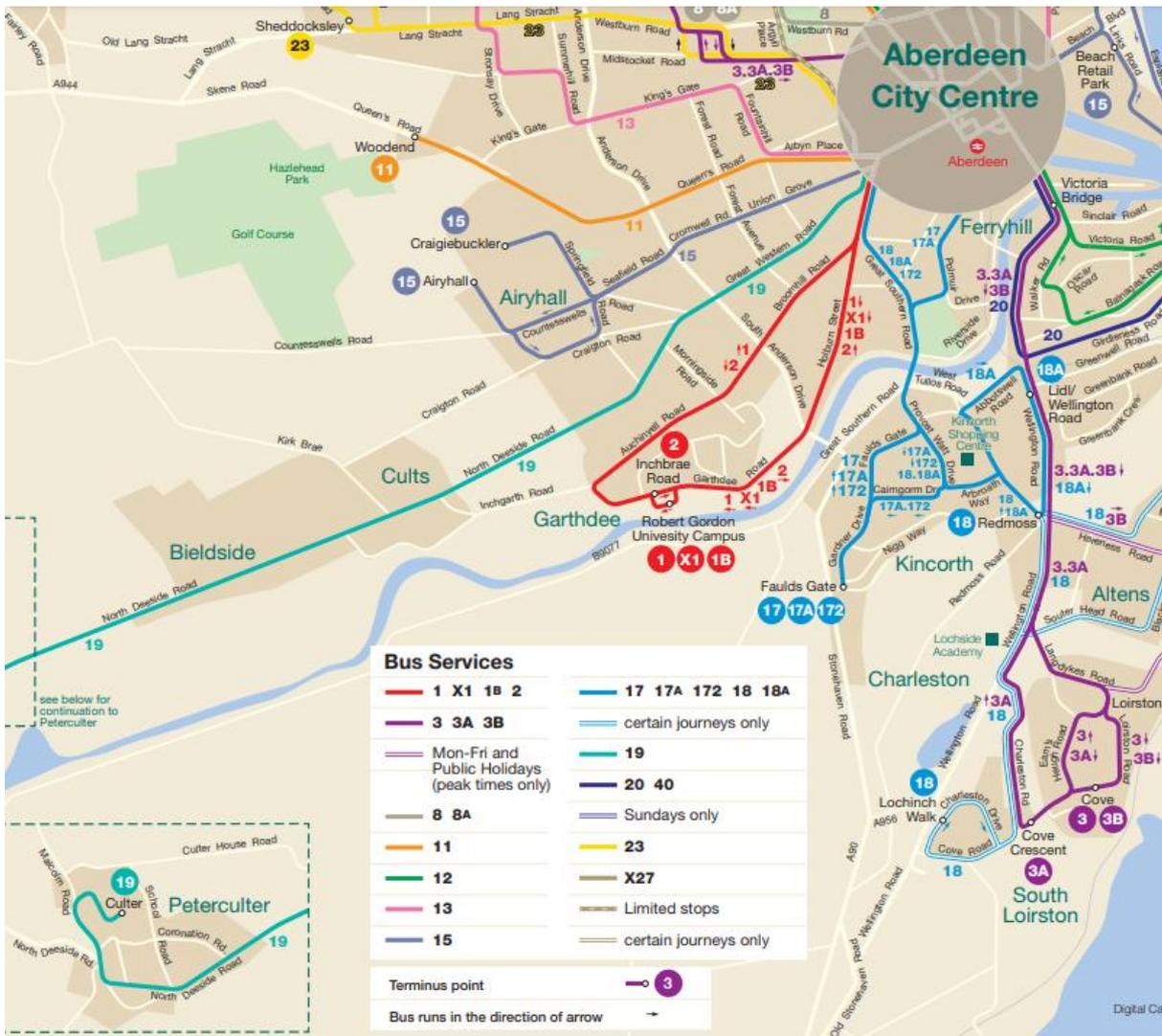
Appendices:

1. Accessibility of Application Site
2. Proposed Elevation along North Deeside Road
3. Relevant Extracts from Scottish Planning Policy (June 2014)
4. Consultation Response from ACC Roads Development Management Team; 06 May 2022
5. Extracts from Aberdeen City and Aberdeenshire Retail Study 2013
6. Photograph of Co-op Development at 279-281 North Deeside Road
7. Copy of Report of Handling for Planning Application Ref: P141089 (Mixed Use Development at 279-281 North Deeside Road)

Appendix 1: Accessibility of Application Site



Location of existing bus stops adjacent to application site



Service 19 Route Map

19

Monday to Friday
Valid from: 24/04/2022
Valid to: 25/06/2022

19 Culter - Tillydrone Via CULTS-CITY CENTRE-ABERDEEN UNIVERSITY

Service No.:	19	19	19	19	19	19	19	19	19	19	19	19
Notes:												
Culter	---	---	---	---	---	0558	---	0620	---	0640	0656	0711
Cairn Road	---	---	---	---	---	0610	---	0632	---	0654	0710	0725
Ashley Road	---	---	---	0601	---	0622	---	0647	---	0711	0727	0742
Broad Street	---	0522	---	0612	---	0634	---	0700	---	0724	0741	0756
Sir Duncan Rice Library	---	0532	---	0622	---	0647	---	0713	---	0737	0756	0811
St George's Church	0516	0535	0605	0625	0645	0650	0700	0716	0730	0740	0759	0814
Tillydrone	0519	0538	0608	0628	0648	0653	0703	0719	0733	0743	0802	0817

Service No.:	19	19	19	19	19	19	19	19	19	19	19	19
Notes:												
Culter	0726	0740	0754	0808	0823	0838	0853	0908	0923	0938	0953	1009
Cairn Road	0741	0755	0809	0823	0838	0853	0908	0923	0938	0953	1008	1024
Ashley Road	0758	0812	0826	0840	0855	0910	0925	0940	0955	1010	1025	1041
Broad Street	0812	0826	0840	0854	0909	0924	0939	0954	1009	1024	1039	1055
Sir Duncan Rice Library	0827	0841	0855	0909	0924	0939	0954	1009	1024	1039	1054	1110
St George's Church	0830	0844	0858	0912	0927	0942	0957	1012	1027	1042	1057	1113
Tillydrone	0833	0847	0901	0915	0930	0945	1000	1015	1030	1045	1100	1116

Service No.:	19	19	19	19	19	19	19	19	19	19	19	19
Notes:												
Culter	1023	1038	1053	1108	1123	1138	1153	1208	1223	1238	1253	1308
Cairn Road	1038	1053	1108	1123	1138	1153	1208	1223	1238	1253	1308	1323
Ashley Road	1055	1110	1125	1140	1155	1210	1225	1240	1255	1310	1325	1340
Broad Street	1109	1124	1139	1154	1209	1224	1239	1254	1309	1324	1339	1354
Sir Duncan Rice Library	1124	1139	1154	1209	1224	1239	1254	1309	1324	1339	1354	1409
St George's Church	1127	1142	1157	1212	1227	1242	1257	1312	1327	1342	1357	1412
Tillydrone	1130	1145	1200	1215	1230	1245	1300	1315	1330	1345	1400	1415

Service No.:	19	19	19	19	19	19	19	19	19	19	19	19
Notes:												
Culter	1323	1338	1353	1408	1423	1438	1453	1508	1523	1538	1554	1610
Cairn Road	1338	1353	1408	1423	1438	1453	1508	1523	1538	1553	1609	1625
Ashley Road	1355	1410	1425	1440	1455	1510	1525	1540	1555	1610	1626	1642
Broad Street	1409	1424	1439	1454	1509	1524	1539	1554	1609	1624	1640	1656
Sir Duncan Rice Library	1424	1439	1454	1509	1524	1539	1554	1609	1624	1639	1655	1711
St George's Church	1427	1442	1457	1512	1527	1542	1557	1612	1627	1642	1658	1714
Tillydrone	1430	1445	1500	1515	1530	1545	1600	1615	1630	1645	1701	1717

Extract from Service 19 Timetable confirming 15 minute frequency of service

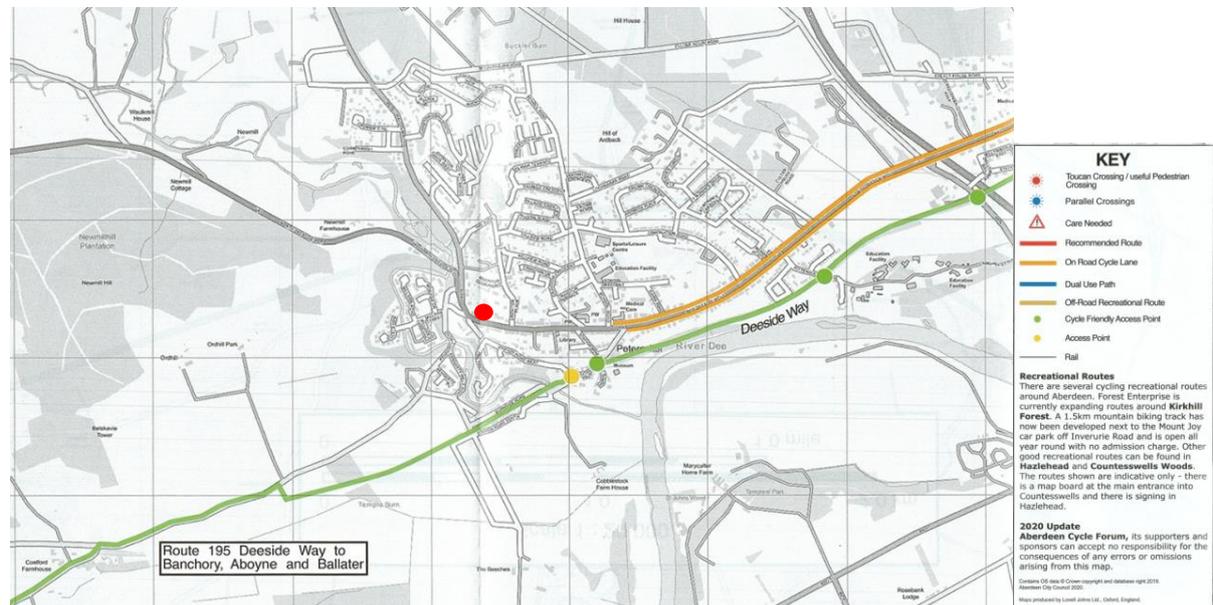
MONDAY TO FRIDAY

	201	201	201	201	201	201	201	201	201	201	201	201	201	201	201	201	201	201	201	201
			A	B	A	B	A	B												
Aberdeen Union Square		0605	0635	0645	0705	0715	0730		0745	0815	0845	0915	0945	1015	1045	1115	1145	1215	1245	
Cults Kirk Brae		0622	0700	0710	0730	0740	0755		0810	0840	0910	0940	1010	1040	1110	1140	1210	1240	1310	
Culter Blacks Bar		0633	0710	0720	0742	0752	0807		0820	0852	0922	0952	1022	1052	1122	1152	1222	1252	1322	
Crathes Castle Gates		0646	0722	0732	0754		0819		0832	0904	0934	1004	1034	1104	1134	1204	1234	1304	1334	
Hill of Banchory Primary School		0652	0728	0738	0800		0825		0838	0910	0940	1010	1040	1110	1140	1210	1240	1310	1340	
Banchory Academy Layby		-	-	-	-		-		-	-	-	-	-	-	-	-	-	-	-	
Banchory Raemoir Road		0657	0733	0743	0805		0830		0843	0915	0945	1015	1045	1115	1145	1215	1245	1315	1345	
Banchory High Street arr		0703	0739	0749	0812		0836		0849	0922	0952	1022	1052	1122	1152	1222	1252	1322	1352	
		↓	↓	↓					↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓
Banchory High Street dep		0703	0739	0749	0814				0849	0925	0955	1025	1055	1125	1155	1225	1255	1325	1355	
Banchory Burnett Road		0705	-	-	0816				-	0927	-	1027	-	1127	-	1227	-	1327	-	1408
Kincardine O'Neil			0748	0758					0858	1008		1108		1208		1308		1408		
Aboyne Main Street			0757	0807					0902	0907		1017		1117		1217		1317		1417
Dinnet Cottage				0815					0910	0915		1025		1125		1225		1325		1425
Banchory Depot Bus Stop		0551	0711		0825				0920	0925		1035		1135		1235		1335		1435
Ballater Golf Road arr		0553	0713		0829				0924	0929		1038		1138		1238		1338		1438
		↓	↓		↓				↓			↓						↓		
Ballater Golf Road dep		0553	0713		0830				0930			1140						1340		
Crathie for Balmoral		0605	0725		0842				0942			1152						1352		
Braemar Auchendryne Square		0620	0740		0859				0959			1209						1409		

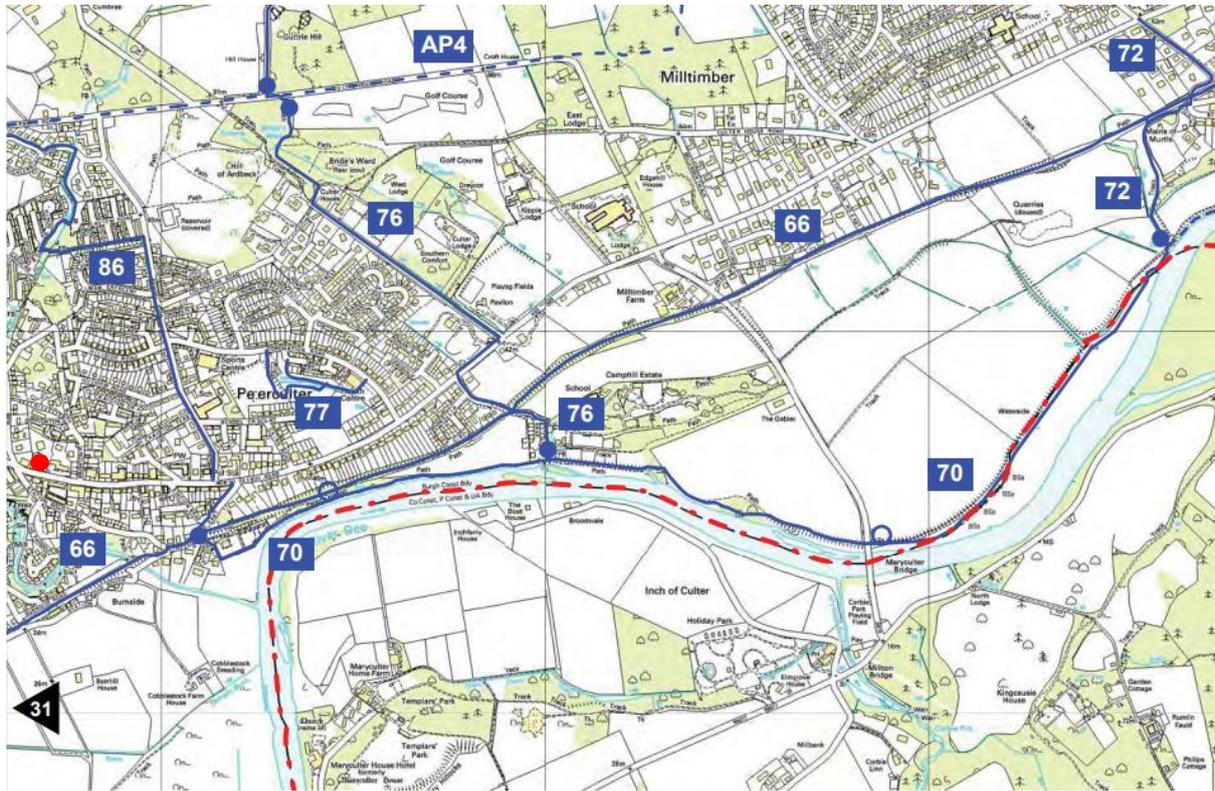
Key
 F Fridays only
 NF Not Fridays
 A Operates on Aberdeenshire Schooldays only
 B Operates on Aberdeenshire School Holidays only
 ↓ To comply with Drivers Hours regulations, this journey connects at indicated locations. The connection is guaranteed, through fares are available and customers may remain on the vehicle, which operates through.
 - Stop not served

You can also check journey information by going online at stagecoachbus.com, or by signing up for email updates.

Extract from Stagecoach Service 201 Timetable confirming 30 minute frequency of service

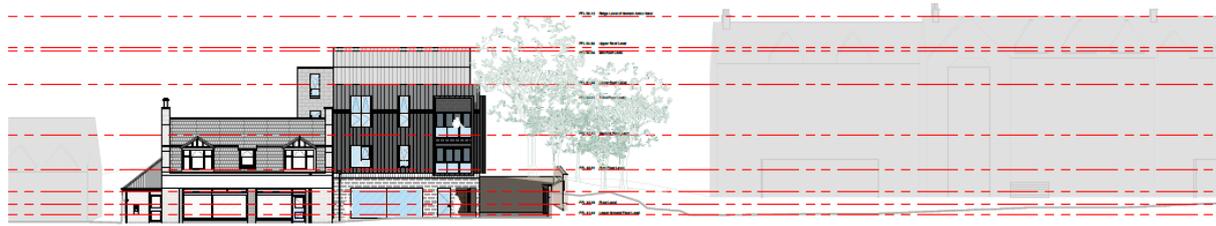


Location of Application Site in relation to existing Cycle Network



Location of Application Site in relation to existing Core Path Network

Appendix 2: Proposed Elevation along North Deeside Road



Spar Store

Proposed Development

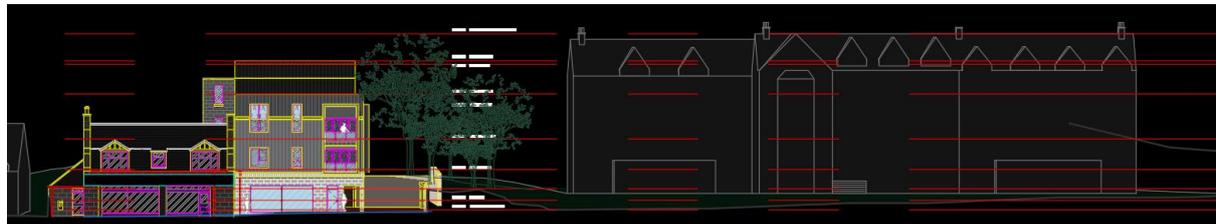
4 Storey Apartments (former Gordon Arms Hotel)



Spar Store

Proposed Development

4 Storey Apartments (former Gordon Arms Hotel)



Proposed Development

4 Storey Apartments (former Gordon Arms Hotel)

Appendix 3: Relevant Extracts from Scottish Planning Policy (June 2014)

Policy Principles

This SPP introduces a presumption in favour of development that contributes to sustainable development.

28. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

29. This means that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;

9

Scottish Planning Policy

- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

Development Management

32. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

33. Where relevant policies in a development plan are out-of-date²² 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. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

34. Where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

35. To support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. In the spirit of planning reform, this should be proportionate to the scale of the application and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Clarity on the information needed and the timetable for determining proposals can be assisted by good communication and project management, for example, use of processing agreements setting out the information required and covering the whole process including planning obligations.

Scottish Planning Policy

Placemaking

NPF and wider policy context

36. Planning's purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people's needs. The Government Economic Strategy supports an approach to place that recognises the unique contribution that every part of Scotland can make to achieving our shared outcomes. This means harnessing the distinct characteristics and strengths of each place to improve the overall quality of life for people. Reflecting this, NPF3 sets out an agenda for placemaking in our city regions, towns, rural areas, coast and islands.

37. The Government's policy statement on architecture and place for Scotland, Creating Places, emphasises that quality places are successful places. It sets out the value that high-quality design can deliver for Scotland's communities and the important role that good buildings and places play in promoting healthy, sustainable lifestyles; supporting the prevention agenda and efficiency in public services; promoting Scotland's distinctive identity all over the world; attracting visitors, talent and investment; delivering our environmental ambitions; and providing a sense of belonging, a sense of identity and a sense of community. It is clear that places which have enduring appeal and functionality are more likely to be valued by people and therefore retained for generations to come.

Policy Principles

Planning should take every opportunity to create high quality places by taking a design-led approach.

38. This means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term. This means considering the relationships between:

39. The design-led approach should be applied at all levels – at the national level in the NPF, at the regional level in strategic development plans, at the local level in local development plans and at site and individual building level within master plans that respond to how people use public spaces.

Planning should direct the right development to the right place.

40. This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of **brownfield land** before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.

- *Distinctive*

41. This is development that complements local features, for example landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

- *Safe and Pleasant*

42. This is development that is attractive to use because it provides a sense of security through encouraging activity. It does this by giving consideration to crime rates and providing a clear distinction between private and public space, by having doors that face onto the street creating active frontages, and by having windows that overlook well-lit streets, paths and open spaces to create natural surveillance. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

- ***Welcoming***

43. This is development that helps people to find their way around. This can be by providing or accentuating landmarks to create or improve views, it can be locating a distinctive work of art to mark places such as gateways, and it can include appropriate signage and distinctive lighting to improve safety and show off attractive buildings.

- ***Adaptable***

44. This is development that can accommodate future changes of use because there is a mix of building densities, tenures and typologies where diverse but compatible uses can be integrated. It takes into account how people use places differently, for example depending on age, gender and degree of personal mobility and providing versatile greenspace.

- ***Resource Efficient***

45. This is development that re-uses or shares existing resources, maximises efficiency of the use of resources through natural or technological means and prevents future resource depletion, for example by mitigating and adapting to climate change. This can mean denser development that shares infrastructure and amenity with adjacent sites. It could include siting development to take shelter from the prevailing wind; or orientating it to maximise solar gain. It could also include ensuring development can withstand more extreme weather, including prolonged wet or dry periods, by working with natural environmental processes such as using landscaping and natural shading to cool spaces in built areas during hotter periods and using sustainable drainage systems to conserve and enhance natural features whilst reducing the risk of flooding. It can include using durable materials for building and landscaping as well as low carbon technologies that manage heat and waste efficiently.

- ***Easy to Move Around and Beyond***

46. This is development that considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. It would include paths and routes which connect places directly and which are well-connected with the wider environment beyond the site boundary. This may include providing facilities that link different means of travel.

Consultee Comments for Planning Application 211791/DPP

Application Summary

Application Number: 211791/DPP

Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ

Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Case Officer: Robert Forbes

Consultee Details

Name: Mr Michael Cowie

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for erection of 14no. residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure at High Point, 242 North Deeside Road, Peterculter, Aberdeen AB14 0UQ.

It is noted that initial Roads Development Management comments in regard to this application were lodged 12th January 2022, since such the applicant has provided further detail and submissions in regard these comments.

As per previous, it is confirmed that the proposed level of associated parking provision of 18no. spaces, which equates to provide 1 space per unit, is considered acceptable given associated cycle storage and proximity to public transport. It is confirmed since such comments the applicant has detailed and confirmed that the parking provision meets the minimum parking dimensions of 2.5m x 5m and 6m aisle width, therefore is acceptable.

Additionally, associated cycle parking/storage provision has been clarified to provide space for 18no. bikes which shall provide space/storage for each flat/unit.

Within previous comments it was sought for further consideration and design given to the upgrade of the existing vehicular access to the site to create a betterment at this location. The applicant has since provided further proposal in this regard which is to build out the access and have been in contact with Roads Officers to discuss, it has also been advised that the existing bus stop location can be moved east slightly in order to tidy up this congested location. It is confirmed that Roads Officers have also liaised with the Public Transport Unit (PTU) to agree on such alterations to this existing bus stop which would be the movement of flagpost sign, bay markings and kassel kerbs, while retaining the existing bus shelter location.

In regard to this access upgrade and bus stop alterations, the exact details/design of such shall be purified via required Section 56 Roads Construction Consent (RCC). However, the principle and indicative design of this is accepted.

It is noted and confirmed that from a Roads Development Management perspective that the applicant has addressed previous comments, therefore have no further observations and have no objections to this application.

Appendix 5: Extract from Aberdeen City and Aberdeenshire Retail Study 2013

A4: Aberdeen City

Pitney Bowes Business Insight
Consumer Retail Expenditure Summary (£ Per Annum)
Prepared by: AnySite



Prepared For: Braniff Associates
Project: Area 4: AHMA

Area:	Area 4: AHMA				
Description	2010 Per Person	2011 Per Person	2012 Per Person	2017 Per Person	2022 Per Person
Food	1,490	1,508	1,533	1,574	1,607
Alcoholic Drink	286	298	315	310	320
Tobacco	226	240	246	201	171
Books Newspapers Magazines	146	139	137	117	99
Books	48	44	44	41	38
Newspapers and Magazines	98	94	94	76	61
Clothing and Footwear	868	915	944	1,323	1,610
Footwear	119	122	127	173	213
Clothing	750	793	817	1,150	1,397
Furniture/Floor/Textiles	385	379	376	379	411
Furniture/Floor Coverings	272	265	259	243	254
HH Textiles/Soft Furnishings	113	114	116	136	158
Audio-visual Equipment	445	420	396	753	993
Domestic Appliances	64	63	63	74	82
AV/Photo/Optical Goods	364	341	317	658	893
Telephone/Fax Equipment	17	16	16	21	18
Hardware and DIY Supplies	280	275	276	286	296
China Glass and Utensils	60	61	61	60	64
Repair/Maintenance Materials	101	97	98	97	90
Tools/Equip for Home/Garden	50	50	53	58	63
Gardens/Plants/Flowers	68	66	63	71	78
Other Goods	1,203	1,202	1,212	1,401	1,656
Chemists' Goods	384	388	389	431	498
Jewellery/Watches/Clocks	99	115	122	111	111
Non-durable HH Goods	70	67	68	72	72
Bicycles	25	26	26	31	37
Recreational Goods	472	454	455	598	762
Other Miscellaneous Goods)	153	152	151	159	175
Total Goods	5,329	5,376	5,435	6,344	7,163
Convenience Goods	2,170	2,208	2,255	2,232	2,231
Comparison Goods	3,159	3,168	3,178	4,112	4,931
Bulky Goods	335	328	322	316	335
DIY Related Goods	263	256	256	265	272
Price Base:	2010	2011	2012	2011	2011

Appendix 6: Photograph of Co-op Development at 279-281 North Deeside Road



Appendix 7: Report of Handling for Planning Application Ref: P141089 (Mixed Use Development at 279-281 North Deeside Road

Signed (authorised Officer(s)):

277-281 NORTH DEESIDE ROAD, PETERCULTER

PROPOSED MIXED-USE DEVELOPMENT
COMPRISING 10 2-BEDROOM FLATS A RETAIL
UNIT AND 2 OFFICES

For: Culter Properties, Mr Kenny Pratt

Application Type : Detailed Planning Permission

Application Ref. : P141089

Application Date : 17/07/2014

Advert : Can't notify neighbour(s)

Advertised on : 06/08/2014

Officer : Gavin Clark

Creation Date : 26 November 2014

Ward: Lower Deeside (M Boulton/A Malone/M Malik)

Community Council: No response received

RECOMMENDATION: Willingness to approve subject to conditions, but to withhold the issue of the consent documents until the applicant has provided developer contributions towards affordable housing, community facilities/ meeting spaces, sports contributions, library facilities, core path networks and the Strategic Transport Fund.

DESCRIPTION

The site is located within the established village centre of Peterculter, and is located on the southern side of North Deeside Road. The site was previously used as a car sales facility (which has since been demolished, with the site cleared). There is difference in levels between the front and rear of the site, the lowest part of the site is approximately 3m below street level. An area of overgrown land is located in the south-east section of the site, and is accessed via a dilapidated stairwell. There are houses to the immediate south of the site, but at a significantly lower level. The main street through the village consists of a mixture of shopping, commercial and residential uses with parking along the roadside.

The site is rectangular in shape, with a frontage of 45m along the south edge of North Deeside Road and a depth of between 36m and 41m. The site extends to approximately 1675 square metres.

RELEVANT HISTORY

An application for planning permission (Ref: 140233) presently has a willingness to approve subject to a number of conditions and the conclusion of a legal agreement. This application proposes the erection of sixteen flats with associated car parking and landscaping.

The previous car sales outlet was established for a number of years and in 2000 received outline consent (now planning permission in principle) (Ref: A0/0606) for a residential development. This application was approved by Planning Committee on the 7th September 2000, although it was never implemented.

An application for planning permission in principle for a residential development (Ref: P091782) was approved by Planning Committee on the 17th June 2010. This was followed up by application (Ref: 130872), which was submitted in June 2013 for the approval of matters specified in Condition 1 (Means of Access, siting, design and external appearance of building and landscaping). This application was withdrawn in January 2014, and the planning permission in principle has since expired.

PROPOSAL

The application seeks detailed planning permission for the erection of 10 two-bedroom flats (two at lower ground floor, four at first floor and four and second floor level), a retail unit (at ground floor level) and two office units (located at lower ground floor level) with associated landscaping and car parking facilities.

The proposed building would be four storeys in height, with three storeys located above street level, and one at basement level. The walls on the first three storeys of the front elevation, which includes the basement level, would be constructed in natural granite (walls, lintols and cills). The top storey (both front and rear) would be constructed in a zinc standing seam with matching flashings. The first three storeys on the rear elevation would be constructed in a smooth cement render (colour off-white). The flat roof would be constructed with a sarnafil single ply membrane (colour off-grey), with zinc flashings to the fascia and soffit. The windows, doors and screen would be constructed with high-performance pre-finished double glazed timber windows, doors and screens (frame colour – dark grey).

The entrance feature would be constructed with zinc standing seam and matching flashings. The handrails and balustrades would be powder coated in galvanised steel (and coloured dark grey). The projecting balconies and semi-enclosed balconies would also contained powder coated pressed metal flashings. The semi-enclosed balconies would be constructed in a multitude of colours including red, green, blue and yellow.

The property would have a maximum height of 11m. As the basement would be located below street level, the top three storeys would be visible from North Deeside Road, and would have a height of approximately 8.5m from street level. The building would extend approximately 37m along North Deeside Road, and would have an overall width of approximately 10.5m. The properties on either side of the site are one-and-a-half storeys, with a height of approximately 6.7m above street level.

As mentioned previously, the retail unit would be located at ground floor level. The retail unit would cover an area of approximately 350 sqm with access taken centrally from North Deeside Road; deliveries to the site would also be taken from an access on the front elevation of the site. Refuse storage (for all uses) would also be taken from North Deeside Road, on the easternmost corner of the site.

Two office units would be located at ground floor level. Both of these units would measure approximately 93 sqm and would be accessed via the proposed car parking area to the rear of the property.

Two of the flatted properties would be located at ground floor levels and would each cover an area of approximately 82 sqm. Each of these properties would have two bedrooms (facing onto light wells on North Deeside Road) with a kitchen dining area facing towards both the car park and landscaped area to the rear.

The properties on first and second floor level would all contain two bedrooms with kitchen/ dining/ living areas facing southwards overlooking Deeside. These flatted properties range in size from 66sqm to 95sqm. Three of the properties at first floor level would include semi-enclosed balconies and the other would include a small balcony. A small terrace would be afforded to all properties at second floor level, overlooking South Deeside.

Access would be taken from the north-west corner of the site. A visibility splay of 2.4m x 25m would be provided, as agreed with colleagues in the Roads Projects Team, and in line with the access which previously existed on site. Ramped access is required due to the gradient of the site; this would be at a gradient of 1:50 for the first 8m. The access to the site would be 5m wide. In addition, the applicants propose 24 car parking spaces (12 residential spaces, three mixed residential/ retail spaces, three office spaces and ten spaces afforded to the retail use, including four to the front), two motorcycle parking spaces and 12 cycle storage spaces would all be provided. The cycle storage facility would be located in the eastern section of the site to the immediate south of the garden area, would measure approximately 2.4m x 5m with an overall height of 2m.

Areas of landscaping would be provided throughout the site, with private useable garden space located in the eastern and southern sections of the site. Small areas of planting would also be located to the rear of the building, to the immediate east of the access to the car park and in the south-west corner of the site.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=141089>

On accepting the disclaimers enter the application reference quoted on the first page of this report.

- Phase 2 Site Investigation – dated 30th June 2014
- Drainage Impact Assessment – dated July 2014
- Design Statement - dated July 2014
- Noise Impact Assessment – dated 3rd July 2014

CONSULTATIONS

Roads Projects Team – have raised no objection to the application, and are content with the level of car parking (including the mixed elements), cycle parking within the curtilage of the site. A condition would be inserted requiring the submission of further details in relation to how the car parking would be split and controlled.

Details in relation to delivery vehicles, and the formation of four parking spaces and the new access, which would be located on North Deeside Road, would require Roads Construction Consent and permission from Traffic Management. An informative and appropriate condition has been inserted into the consent in this regard. A condition stating that the gradient of the access road should be no more than 1:12 and have a non-slip surface has also been inserted.

The service is content with the findings of the Drainage Impact Assessment. They have also noted the level of contribution required towards the Strategic Transport Fund. This would be provided via a Section 75 Legal Agreement.

Environmental Health – have made comment with regards to the submitted Noise Assessment, and note that no consideration has been given for potential plant noise from the ground floor retail units. Note that it would be difficult to provide this information at the current time, and this is a matter that could be controlled via adequate planning condition.

Contaminated Land – have reviewed the submitted Contaminated Land Assessment and have noted a general acceptance of the submitted report. They have advised that the proposal should not be fully discharged until a Verification Report has been received, and agreed, by the Planning Authority.

Developer Contributions Team - have advised that contributions will be required in relation to affordable housing, community facilities/ meeting places, sports contributions, library facilities and the core path networks. This is to be concluded as part of a S75 Legal Agreement.

Communities, Housing and Infrastructure (Flooding) – have confirmed their satisfaction with the levels of drainage information submitted, this matter will be discussed later in this report.

Community Council – no response received

REPRESENTATIONS

Five letters of representation have been received. The objections raised relate to the following matters –

1. That the addition of a further retail unit in Culter would have an overly negative effect on surrounding businesses;
2. The retail units business activity (deliveries) would contribute to an increase in traffic at what is already a busy crossing; concerns in relation to the access to the site, pedestrian safety, and the levels of car parking that would be associated to the various elements of the development;
3. Issues raised in relation to the boundary treatments, including safety and privacy issues;
4. Flooding: concerns were raised in relation to foul drainage proposals, surface water proposals, and the assessment of flood risk;
5. Concerns raised about landscaping, particular the area to the rear, including a mature tree, which has been requested for removal

Positive comments:

1. The proposal is more acceptable than the previous scheme, due to a reduction in levels of noise pollution (due to the re-location of the bin storage area);

PLANNING POLICY

Aberdeen Local Development Plan

Policy RT1: Sequential Approach and Retail Impact: states that all retail, leisure and other

development appropriate to town centres should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance: Hierarchy of Retail Centres:-

Tier 1: Regional Centre

Tier 2: Town Centres

Tier 3: District Centres; and

Tier 4: Neighbourhood Centres

Retail Parks

Policy RT2: Out of Centre Proposals: states that retail, commercial and other development appropriate to town centres, when proposed on a site that is out of centre, will be refused planning permission if it does not satisfy all of the following planning requirements:

- No suitable site in a location that is acceptable in terms of Policy RT1 is available, or likely to become available in a reasonable time;
- There will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres;
- There is, in qualitative or quantitative terms, a proven deficiency in the provision of the kind of development that is proposed;
- The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycle and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would be dependent solely on access by private car; and
- The proposed development would have no significantly adverse effect on travel patterns and air pollution.

Policy RT3: Town, District and Neighbourhood Centres: states that proposals for changes of use from retail to non-retail use in town, district and neighbourhood centres will only be allowed if:

1. the proposed alternative use makes a positive contribution to the vitality and viability of the shopping centre;
2. the proposed alternative use will not undermine the principal retail function of the shopping centre or the shopping development in which it is located;
3. the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant);
4. the proposed use caters for a local need; and
5. the proposed use retains or creates a live and attractive shop frontage.

Policy I1: Infrastructure Delivery and Developer Contributions: states that development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of development proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

Policy T2: Managing the Transport Impact of Development: states that new developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Maximum parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1: Architecture and Placemaking: to ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportion of building

elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D2: Design and Amenity: in order to ensure the provision of appropriate levels of amenity the following principles will be applied:

1. Privacy shall be designed into higher density housing;
2. Residential development shall have a public face to a street and a private face to an enclosed garden or court;
3. All residents shall have access to sitting out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council;
4. When it is necessary to accommodate car parking within a private court, the parking must not over dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in higher density schemes;
5. Individual flats within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeat standard units laid out with no regard for location or orientation are not acceptable;
6. Development proposals shall include measures to design out crime and design in safety; and
7. External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Policy H5: Affordable Housing: developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing.

Policy R2: Degraded and Contaminated Land: states that the City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a suitable level for its proposed use.

Policy R6 Waste Management Requirements for New Development: states that housing developments should have sufficient space for the storage of residual, recyclable and composite wastes. Flatted developments will require communal facilities that allow for separate storage and collection of these materials. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Policy R7: Low and Zero Carbon Buildings: all new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. Compliance with this requirement will be demonstrated by the submission of a low carbon development statement.

Emerging Aberdeen Local Development Plan

- Policy D1: Quality Placemaking by Design
- Policy NC4: Sequential Approach to Impact
- Policy NC5: Out of Centre Proposals
- Policy I1: Infrastructure Delivery and Planning Obligations
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy T5: Noise
- Policy H1: Residential Areas
- Policy H3: Density
- Policy H5: Affordable Housing
- Policy R2: Degraded and Contaminated Land
- Policy R6: Waste Management Requirements for New Development
- Policy R7: Low and Zero Carbon Buildings, and Water Efficiency
- Policy CI1: Digital Infrastructure

Supplementary Guidance

- Infrastructure and Developers Contribution Manual
- Landscape Guidelines
- Low and Zero Carbon Buildings
- Transport and Accessibility
- Waste Management
- Hierarchy of Retail Centres

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

Principle of Development:

The application site is located within an area designated as a local neighbourhood centre within the Aberdeen Local Development Plan. Policy RT3 (Town, District and Neighbourhood Centres) of the ALDP advises that proposals for changes of use will only be permitted under certain circumstances. The proposal includes a retail unit at ground floor level as well as two office units at lower ground floor level. Although the site has never been in Class 1 Use the proposed development is encouraged and would comply with the general principles of Policy RT3 (Town, District and Neighbourhood Centres) as the proposal would make a positive contribution in terms of vitality and viability, would not undermine the principle retail function of the centre, would be likely to cater for a local need, and would create a live and attractive shop frontage.

The proposal is required to be assessed against Policy RT2 (Out of Centre Proposals), which advises that retail, commercial and other development appropriate to town centres, when proposed on a site that it out of centre, will be refused planning permission if it does not satisfy a number of planning criteria.

It is quite clear that there would be a number of vacant sites throughout the city that could accommodate a retail unit of this size; however none of these are located within the settlement of Culter, for this reason it is considered that the Class 1 element would be acceptable in this location. The proposed store would serve a local need, within a clearly defined settlement. For the reasons mentioned elsewhere within this evaluation, the proposal would positively impact on the vitality and viability of the retail centre and would accord with the general principles of the Hierarchy of Centres SPG. There are also very few retail units of this size and in this part of Culter, the proposal would provide a positive contribution, and would provide a need to the people of the village. The site is also in close proximity to a number of key links, being located on the A93, which has good public transportation links and good walking links throughout Culter (as the proposal is located within the centre of Culter). For the reasoning above, and elsewhere within this report, the development would not have a significant impact on travel patterns or air pollution. For the reasoning mentioned above, the proposal is considered to be generally compliant with the general principles of Policy RT2 (Out of Centre Proposals) of the ALDP.

The proposed flatted dwellings would have a positive contribution to the surrounding area. The proposal would contribute to the local housing stock and, as a result of the above, the proposal is considered to accord with Policy rt2 (Out of Centre Proposals) and RT3 (Town, District and Neighbourhood Centres) of the ALDP.

Roads and Access:

The proposed access arrangements and parking provision have been arrived at following consultation with the Council's Roads Projects Team, who have advised of their general satisfaction with the proposal, subject to the insertion of a number of conditions.

The proposal includes 28 car parking spaces which would be split between the residential, office and retail development. Four spaces (including one disabled) would be located on North Deeside Road and would be related to the retail element. Outwith the retail units opening hours these spaces would be used by delivery vehicles. This would be controlled by a Traffic Regulation Order (TRO) (which is to be subject to a planning condition and informative). To the rear of the plot 6 spaces would be allocated to the office unit (with three of these being split with the residential use), 12 spaces allocated solely for the residential use and 6 spaces allocated for the retail unit. Control over these spaces would be controlled via planning condition.

The percentage of parking per flat provided would meet the Council's guideline for one bedroom flats, which is in line with similar developments that have recently been approved within the surrounding area. The proposal could potentially result in additional on-street parking on North Deeside Road, however the development is relatively small scale and the proposed level of car parking would be likely to only result in minimal, if any, overspill parking occurring. The proposal would therefore have a negligible impact on the surrounding road network. The proposed level of car parking and the splits between retail, office and residential is considered sufficient.

Ten cycle parking spaces would also be provided in a secure compound in the south-east corner of the site. The proposal accords with this element of guidance (which requires one cycle parking space per flat). One cycle space would also be required in association with the retail unit, no details of this space have been submitted, and would therefore be requested via an appropriate planning condition.

Access to the site would be taken from North Deeside Road. Visibility splays of 2.4m x 25m would be provided, in line with the previous access. Whilst this is not the adopted standard for accesses from new housing developments, it is considered acceptable in this instance; given that it is an existing approved access, which was associated with the car sales facility.

The proposal is in a sustainable location, given its proximity to a public footpath and cycle path on the former Deeside Line, its location in the centre of Culter and its location of the no 19 bus route, together with a number of Stagecoach services.

Whilst the level of parking proposed does not accord with the Transport and Accessibility SG, the level of cycle parking, along with the proposed access are acceptable. The proposal would be unlikely to result in an unacceptable level of indiscriminate parking on the surrounding road network as a result of the shortfall in parking spaces. The proposal is therefore considered to be acceptable in this regard.

Architecture and Placemaking:

The proposed development is set within a plot extending to approximately 1675 square metres. The

surrounding area is mixed use in nature, with residential properties on either side. The surrounding area is characterised by a variety of property heights and types, ranging from single storey shops, one and a half storey properties and three/ four storey residential blocks on the northern side of North Deeside Road. There is no consistent height/ pattern of development. The proposed building is higher than those in the surrounding area and it is clear that the proposal would have an impact on the existing settlement. The impact is not considered to be to an unacceptable degree, given that there is no defined building height/ settlement plan and given the variety of building types and heights in the surrounding area, which range from single storey shop units to a 3 ½ storey block on a neighbouring site. The proposal would not have an unacceptable impact on the adjacent one and a half storey buildings and the building line would not be altered to an unacceptable degree. This element of the proposal is therefore considered acceptable.

It is proposed that the front and side elevations of the property would be finished in granite. The use of this material is welcomed, and is considered to complement the properties in the surrounding area, which are predominantly granite built with slate roofs. Although the site is vacant, the proposal would replace a building which was of no architectural merit. The use of other materials, including zinc on the top floor, coloured zinc on the rear balconies and render on the rear elevation is considered acceptable. The use of these additional materials would have a neutral impact on the character and appearance of the surrounding area.

For the reasons stated above, the proposed development is considered to have been designed with due regard for its context and would make a positive contribution to its setting, and therefore accords with the general principles of Policy D1 (Architecture and Placemaking) of the ALDP.

Design and Amenity:

It is important to ensure that an appropriate level of amenity is provided within each development; in addition, privacy is something which should be incorporated into each development. The proposal would have a negligible impact in terms of loss of privacy and overlooking. Each property (particularly those at upper floor level) would overlook the rear gardens of the properties on both North Deeside Road and Station Road West. This situation would not be dissimilar to a number of other properties on North Deeside Road and the separation distances from the flatted properties to those on Station Road West is likely to mean that any overlooking/ loss of privacy would be negligible. The balcony designs on half of the properties on the rear elevation have also been designed in such a way as to minimise any overlooking issues (to either side of the proposed building) and as a result the proposal would have a negligible impact in terms of privacy and overlooking.

Daylighting and shadowing calculations have also been undertaken; there would be no unacceptable impact on the residential properties located in the surrounding area.

The development has a public face onto North Deeside Road, with a private face overlooking the proposed car parking and a landscaped/ amenity area. All residents of the proposal would have access to sitting out areas, either by way of rear balconies/ terraces, which would be south facing and a communal area which would be located in the east/ south-east area of the site. The proposal would see more than 50% of the rear garden being utilised as car parking facilities. This element of the proposal is considered acceptable; the flatted properties at ground and first floor level would have access to balconies and sitting out areas, whilst the properties at second floor level would have access to a terraced balcony. A small area of landscaped ground located in the south-east corner of the site for the use of all residents, in particular those at lower ground floor level. Extensive planting would also help add to the character of the site and lessen the impact of the car parking area on the level of amenity afforded to occupiers of the properties.

The proposal has been designed in such a way as to make opportunities offered by views and sunlight, with living rooms and balconies being south facing and providing views over the Dee Valley and allowing for a sufficient level of sun lighting.

The proposal does not offend any of the other criteria set out in this policy and whilst not fully in accordance (in terms of the parking layout and amenity space), the proposal does not offend the general principles of Policy D2 (Design and Amenity) of the ALDP.

Low and Zero Carbon Buildings

The application does not include any details to demonstrate how Low and Zero Carbon Generating Technologies will be incorporated into the development, or alternatively how the buildings could achieve deemed compliance with the Council's published 'Low and Zero Carbon Buildings' Supplementary Guidance. On this basis it will be necessary to attach an appropriate condition to secure such information should planning permission be approved and to ensure compliance with Policy R7 (Low and Zero Carbon Buildings) of the ALDP and associated Supplementary Guidance.

Waste Management:

The applicant has provided details for the storage of waste. This would be located inside the building, and accessed via North Deeside Road on the north-east corner of the site. The layout and facilities provided have been agreed in consultation with the Waste Management Team who have no objections to the proposal. Subsequently, the proposal is considered to accord with Policy R6 (Waste Management Requirements for New Development) and its associated Supplementary Guidance – Waste Management.

Flooding:

The Roads Projects Team and Flooding Team have advised of flooding concerns in the wider area. The proposal would depend on a pumping station to discharge the surface water run-off and the foul water to the North Deeside Road Scottish Water sewer. In case of failure of the pump, the properties located on the southern boundary may be affected.

The Roads Projects Team has advised that these issues could be resolved to an acceptable degree and an appropriate condition has been inserted to ensure all drainage issues are rectified prior to commencement of development.

It has also been advised that the applicants should consult with Scottish Water to ensure that connection to the local network would be provided. The applicants have been made aware of this, and an informative has been attached to the consent in this regard.

Landscaping

A landscaping plan was submitted by the applicants. The proposal includes the following planting:

- Rear Elevation/ Access: would include low level shrub planting at the rear of the apartments; fastigate trees and shrub planting would be located in the south west section of the site;
- The useable garden space in the eastern section of the site would include a mixture of tree and shrub plating, grassed areas and a footpath, along with the cycle storage facility in the south-east corner of the site.

- The useable garden space in the south-east corner of the site and would be accessed via an existing staircase. This would include mixed shrub planting including specimen shrubs and a grassed area and would cover an area of approximately 90 sqm.

The proposed planting layout is considered to be acceptable and would help contribute to an acceptable level of amenity space that would be associated with the residential development.

Contaminated Land:

The applicants have submitted a Contaminated Land Assessment due to previous concerns highlighted on the site. The proposal has been assessed by an authorised officer within the Council, who has agreed with the conclusions and recommendations of the submitted report. Remedial works would be implemented during the construction of the development.

A condition is proposed in relation to the submission of a verification report, to be submitted to, and approved in writing by the Planning Authority. Subject to the above findings and appropriate condition, the proposal does not offend the principles of Policy R2 (Degraded and Contaminated Land) of the ALDP.

Matters raised in letters of representation

As mentioned previously, five letters of representation have been received, the issues highlighted can be addressed as follows:

1. This matter has been addressed within the evaluation section of the report (principle of development) and would add to existing shop facilities within Peterculter; it is considered that the proposal would enhance the viability and vitality, and provide a welcome addition to, the village centre;
2. The Council's Roads Projects Team is content with both the level of parking proposed and deliveries to the site; these matters have been discussed in the evaluation section of this report and would be controlled via an appropriate planning condition.
3. Some details have been submitted in relation to boundary treatments, with the applicants indicating that the existing wall is to be retained, cleaned and made good to receive new coping and render finish to match the proposed property. A new section of block work boundary wall would be located on the southern boundary to match existing. The existing granite boundary wall (closest to the north-east corner of the site is to be retained and made good and a new 1.8m high timber fence is to be added around the perimeter of the lower garden). Finalised details of the boundary treatments are to be requested via planning condition;
4. The evaluation section of this report discusses the flooding matter in more detail; it is considered that this matter could be adequately addressed;
5. A satisfactory level of landscaping would be provided; and would be controlled via planning condition. The mature tree has not been indicated for removal and this would be a matter for both the current applicant and neighbour to resolve;

There were no issues raised in the letters of representation which would warrant refusal of planning permission.

Developer Contributions and Affordable Housing:

The proposed development has been subject to assessment by the Aberdeen City and Aberdeenshire Developer Contributions Team. The applicants are aware of this requirement, and have intimated

their agreement to make the required payments in full. As a result of this the proposal is considered to accord with Policy I1 (Infrastructure Delivery and Developer Contributions) and the associated Infrastructure and Developers Contribution Manual.

In terms of affordable housing, it has been noted that 25% affordable housing, by way of 2.5 low-cost ownership homes would be provided as part of the proposal. This would be provided by way of a developer contribution. It is therefore considered that an appropriate level of affordable housing could be provided on site, in accordance with the principles of Policy H5 (Affordable Housing) of the ALDP.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application the proposal is considered to accord with the general principles of the emerging local development plan for the same reasoning that it accords with the adopted local development plan. There are no material changes that would alter the recommendation to approve planning permission.

Conclusion

In summary, the proposed development relates to the site of a former car showroom within a neighbourhood centre as identified in the Aberdeen Local Development Plan. The proposed uses do not offend the principles of Policy RT2 (Out of Centre Proposals) RT3 (Town, District and Neighbourhood Centres), and includes an element of retail use, which has never before been present on site. Permission has also been granted previously for residential use on site. The density of development is also considered to be acceptable. The Council's Roads Projects Team, Environmental Health Service, Flood Prevention Unit, Contaminated Land Team and Waste Management Service have also found the proposal acceptable, subject to appropriate conditions. An appropriate level of financial contributions has been agreed with the applicant, and would be subject to a legal agreement. The level of landscaping/ planting provided is also considered to be acceptable, and would be controlled and implemented via appropriate conditions. The proposal is considered to be consistent with all other relevant policies of the ALDP and its associated supplementary planning guidance. The proposal is therefore put forward with a willingness to approve, subject to condition, and the conclusion of a S75 Legal Agreement.

RECOMMENDATION

Willingness to approve, subject to conditions, but to withhold the issue of the consent documents until the applicant has provided developer contributions towards affordable housing, community facilities/ meeting spaces, sports contributions, library facilities, core path networks and the Strategic Transport Fund.

REASONS FOR RECOMMENDATION

The proposed development does not contravene the terms of Policy RT2 (Out of Centre Proposals), Policy RT3 (Town, District and Neighbourhood Centres) of the Aberdeen Local Development Plan and provides an appropriate design, scale and form of development, in accordance with Policy D1 (Architecture and Placemaking). The proposal has also been assessed to have an acceptable impact on the character and amenity of the surrounding area, and will be designed in such a way as to minimise the overall impact on residential amenity, although there would be less parking and landscaping, the proposal accords with the overall aims of D2 (Design and Amenity of the Aberdeen Local Development Plan).

An appropriate level of Developer Contributions, will be made by the applicant; and therefore the proposal does not offend Policy I1 (Infrastructure Delivery and Developer Contributions).

Whilst the level of parking proposed does not accord with the Transport and Accessibility Supplementary Planning Guidance in terms of the number of parking spaces for the residential units, the level of cycle parking, along with the proposed access is considered to be acceptable. Notwithstanding the shortfall in on-site parking, the proposal would be unlikely to result in an unacceptable level of indiscriminate parking on the surrounding road network. The proposal is therefore considered to be acceptable in this regard.

It is considered that an appropriate level of planting and amenity space will be provided within the curtilage of the site, given the confined nature of the site, and the balconies that would also be afforded to the properties on the upper floors. Appropriate mitigation measures have been undertaken and, subject to condition, the proposal accords with Policy R2 (Degraded and Contaminated Land). Waste provision has been provided in line with Policy R6 (Waste Management Requirements for New Development). An appropriate condition will also be inserted to ensure compliance with Policy R7 (Low and Zero Carbon Buildings).

CONDITIONS

It is recommended that approval is granted subject to the following conditions:-

- (1) That the development hereby approved shall not be occupied unless the car parking and motorcycle areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 4441-20K 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 - in the interests of public safety and the free flow of traffic.
- (2) That none of the units hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing no. 4441-20K have been provided - in the interests of encouraging more sustainable modes of travel.
- (3) That the mixed use development hereby granted planning permission shall not be occupied unless details for one Sheffield cycle stand located close to the retail units entrance have been submitted to, and approved in writing, and thereafter implemented to the satisfaction of the Planning Authority – in the interest of encouraging more sustainable modes of transport.
- (4) That the mixed use development hereby granted planning permission shall not be occupied unless full details have been submitted to, and approved in writing by the planning authority showing details of how the rear car parking area will be split between the three uses, this may

include signage indicating which spaces are used for each use, and thereafter implemented to the satisfaction of the Planning Authority – in the interests of public safety and the free-flow of traffic.

- (5) That the mixed use development hereby granted planning permission shall not be occupied a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' Supplementary Guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.
- (6) that all planting, seeding and turfing comprised in the approved scheme of landscaping (Drawing No. HLD K155.14/SL-03) 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 - in the interests of the amenity of the area.
- (7) That the mixed use development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 900 (Revision 3) and the submitted Drainage Statement (dated July 2014) or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan/ documentation - in order to ensure that the proposed development can be adequately drained.
- (8) That the mixed use development hereby granted planning permission shall not be occupied unless the refuse storage facilities as highlighted in drawing no. 441-04P has been provided – in order to preserve the amenity of the neighbourhood and in the interests of public health.
- (9) That the mixed use development hereby granted planning permission shall not be occupied unless a glazing system which provides a minimum of 38 dB, Rw and 32 dB, Rtr noise attenuation shall be installed in all bedrooms facing North Deeside Road such that the internal noise levels do not exceed the WHO recommended noise criteria of 30 dB LAeq, 2300 – 0700 hours with windows closed but trickle vents open has been installed to the satisfaction of the planning authority – to protect occupiers of the flatted properties from road traffic noise.
- (10) That the mixed use development hereby granted planning permission shall not be occupied a report has been submitted and approved in writing by the planning authority 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 – to ensure that the site is suitable for the use and fit for human occupation.
- (11) That the mixed use development hereby granted planning permission shall not be occupied unless finalised details of all boundary treatments have been submitted to, and approved in writing by the planning authority said details shall thereafter be implemented to the satisfaction of the planning authority – in the interests of visual amenity.
- (12) That the mixed use development hereby granted planning permission shall not be occupied unless full details of the proposed railings to the front of the property have been submitted to, and approved in writing by the planning authority, said details shall thereafter be implemented to the satisfaction of the planning authority – in the interests of visual amenity.
- (13) That the mixed use development hereby granted planning permission shall not be occupied unless full details of the granite walls, lintols and cills, zinc finishing and balcony detailing have been submitted to, and approved in writing by the planning authority, said details shall thereafter be implemented to the satisfaction of the planning authority – in the interests of visual amenity.
- (14) That prior to the commencement of development, full drainage details shall be submitted to, and approved in writing by the Planning Authority. These details shall include full surface water run-

off details and foul water connections and confirmation of Scottish Water's acceptability of the proposal - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

- (15) That prior to the occupation of any residential property, all areas of open space as shown on drawing HLD K155.14/SL-03 and 441-20K shall be provided, and shall remain in perpetuity – in the interests of amenity of the area.
- (16) That the retail unit hereby granted planning permission shall not be occupied unless full details of any plant or machinery associated with the retail unit have been submitted to, and approved in writing, by the planning authority – in the interests of visual and residential amenity of the surrounding area.
- (17) That deliveries to the retail unit hereby granted planning permission shall not occur outwith the hours of 0700-1900 hours, Monday to Saturday and 1000-1600 hours on Sundays - in order to protect the amenity of the adjacent residents.
- (18) That the proposed layby at the sites frontage requires a Traffic Regulation Order (TRO) to control the times by which parking is permitted. This will accommodate deliveries without causing disruption to the surrounding road network. The retail unit hereby granted planning permission shall not be occupied until such a time as a suitable Traffic Regulation Order (TRO) has been agreed and implemented – in the interest of public safety and the free flow of traffic.

INFORMATIVES:

1. That, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:
 - (a) Out with the hours of 7.00 am to 7.00 pm Mondays to Fridays;
 - (b) Out with the hours of 9.00 am to 4.00 pm Saturdays; or
 - (c) At any time on Sundays, except (on all days) for works inaudible out with the application site boundary.

[For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

2. The formation of four parking spaces on North Deeside Road and the development vehicle access will require Roads Construction Consent. The applicant is to contact Colin Burnet (Tel: 01224 522409) of the RCC team to discuss the requirement of this.
3. It has been agreed that the parking area on North Deeside Road will act as a delivery layby. This requires specific restrictions placed on it using a Traffic Regulation Order to ensure that the area is available to delivery vehicles at the correct times. The applicant should contact Doug Ritchie (Tel: 01224 522325) of the Traffic Management section to discuss this at the earliest opportunity.