

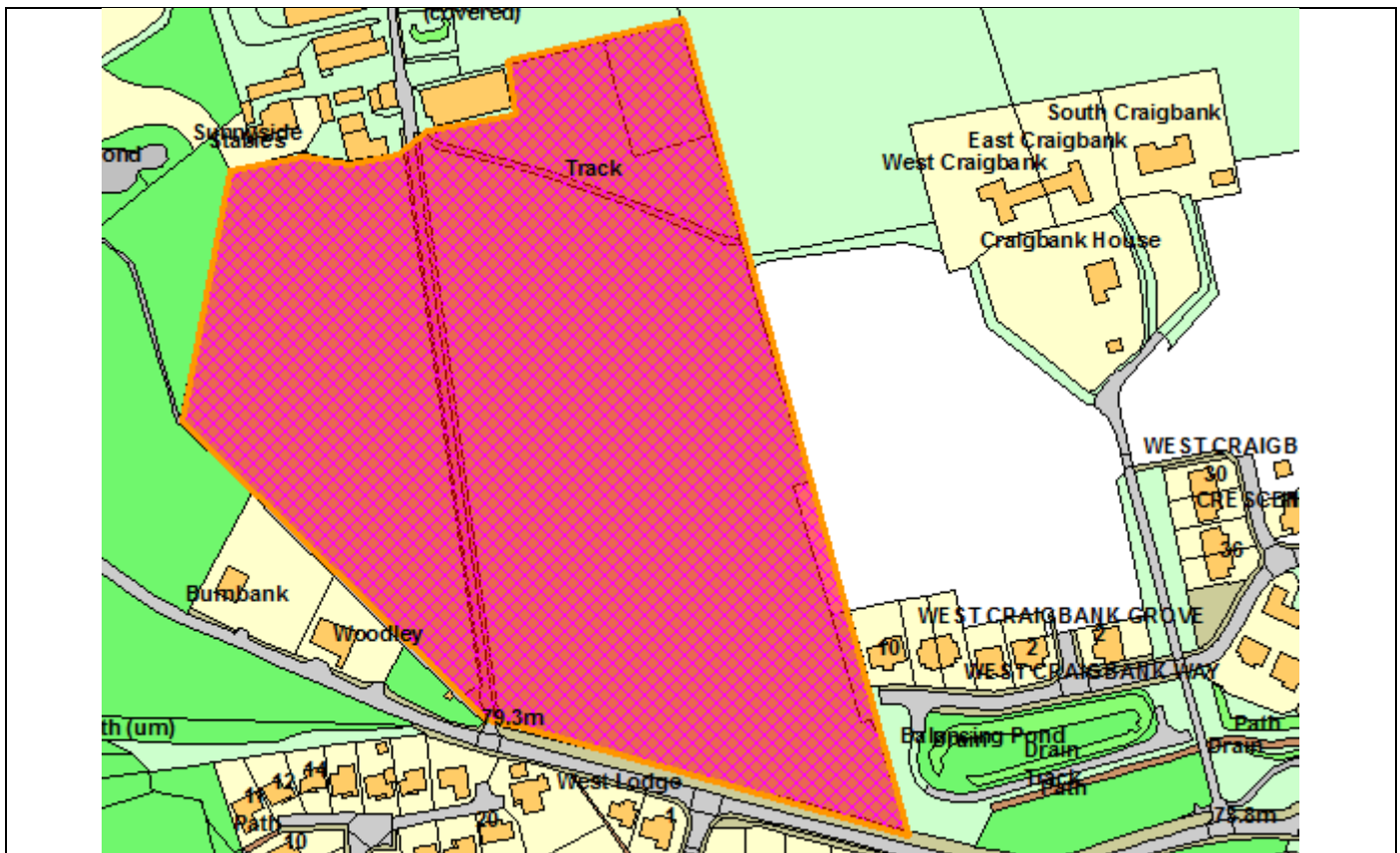


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 24<sup>th</sup> September 2020**

|                                 |   |
|---------------------------------|---|
| <b>Site Address:</b>            | Kirk Brae (Land to North Of), Cults, Aberdeen.  |
| <b>Application Description:</b> | Residential development of 78 dwellings with associated access, parking, landscaping and other associated works |
| <b>Application Ref:</b>         | 200171/DPP  |
| <b>Application Type</b>         | Detailed Planning Permission  |
| <b>Application Date:</b>        | 14 February 2020  |
| <b>Applicant:</b>               | CALA Management Ltd   |
| <b>Ward:</b>                    | Lower Deeside   |
| <b>Community Council:</b>       | Cults, Bieldside and Milltimber   |
| <b>Case Officer:</b>            | Gavin Clark   |



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## **RECOMMENDATION**

Willingness to approve subject to conditions and a legal agreement to secure developer obligations towards the provision of affordable housing, the core path network, primary education, secondary education, healthcare facilities and open space.

## **APPLICATION BACKGROUND**

### **Site Description**

The application site extends to around 5.3ha and lies to the north of Kirk Brae. The site forms the western section of the allocated OP41 Friarsfield site, 'suitable for up to 280 homes.' The land is currently used for grazing in association with Sunnyside Stables, which are located to the immediate north of the application site boundary. The eastern stables buildings lie within the OP41: Friarsfield designation. The site rises from Cults Burn northwards, with areas of undulation throughout the site (from around 77m to 94m above ordnance datum).

The site is bounded to the east by phase 2 of the Friarsfield development, which is currently under construction, to the north by Sunnyside stables which includes a mixture of housing, farm buildings and stables, to the west by an area of woodland and to the south by a number of residential properties which are located on the northern side of Kirk Brae. The established residential area of Cults is located opposite, on the south side of Kirk Brae. Two residential properties, Burnbank and Woodley are located on the south-western boundary of the site, at a lower level, and on the northern side of Kirk Brae. Core Path 87 runs through the middle of the site, on the access track to Sunnyside stables and is bound by a drystone dyke: it thereafter provides a connection to Core Path 54, which is located to the south-west of the application site boundary.

### **Relevant Planning History**

An application (Ref: 181115/DPP) was withdrawn in January 2019 for a residential development of 85 dwellings with associated infrastructure, open space and strategic landscaping.

Planning permission (Ref: 200688) was granted in July 2020 for change of use from farmland to ménage with associated works. This permission relates to the removal of the ménage from within the current site boundary to the field to the immediate north and is understood to have now been implemented.

#### **Within the OP41 Friarsfield Allocation:**

Planning permission (Ref: 170307/DPP) was approved in November 2018 for the construction of the Friarsfield Link Road, development of 19 residential units (including affordable housing) and associated ancillary works. This consent has largely been implemented, with the link road now open.

Phase 1: Planning permission (Ref: 120340) was approved in November 2013 for a residential development of 81 units (including affordable housing), public open space, SUDS and access works. This development has been completed and occupied.

Phase 2: Planning permission (Ref: 140272) was approved in October 2016 for a residential development of 119 units (including affordable housing), in addition to ancillary works. This development remains under construction, with a number of the units now occupied.

There have been various other applications for change of house types, advertisements and alterations to the associated legal agreements, which are not considered to be of relevance to the determination of this application.

## **APPLICATION DESCRIPTION**

## Description of Proposal

The proposal seeks detailed planning permission for the erection of 78 residential properties with associated accesses, parking, landscaping and other associated works. The proposal has been amended since the original submission with a reduction in numbers from 82 units to 78, various revisions to the overall layout of the development and the replacement of the proposed flatted properties with a row of terraced dwellings.

The proposal includes 16 different house types and would be a mixture of detached (62), semi-detached (4) and terraced (12) properties, which equates to a split of approximately 80% detached, 5% semi-detached and 15% terraced properties. Several of the properties would have integral garages, with a small number of detached garages also proposed. An electricity sub-station is proposed in the south-west section of the site.

Two accesses would be provided from the Phase 2 development to the east, with access roads running through the development. Parking would generally be located within each plot, with communal parking for the terraced properties located adjacent to these. The existing core path 87, which runs through the site would be retained and incorporated within the development, providing a north-south and east-west link. Parts of the existing drystone dyke would also be removed and used elsewhere within boundary treatments.

Areas of open space would be located along the southern boundary of the site, with associated planting, footpaths and a children's play areas proposed within the site. A small "feature" area of open space would be located within the north-east section of the site, with other small areas of planting located throughout the development. The proposal would also connect into the existing SUDS basin (which is to be extended to facilitate the development), which is located within the site to the immediate east, within the green corridor around the Cults Burn.

## 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=Q5HXZWBZFM700>

*Design and Access Statement: February 2020:* introduces the proposal, as assessment of the site, design evolution and details of the development proposals. This was followed by a Planning Statement Addendum in July 2020 which provided a further summary and details on the amendments since the original application submission.

*Tree Survey and Arboricultural Report and Tree Survey Schedule: July 2020:* provides details of the tree survey details and the proposed development. Appendices include proposed tree protection measures, a tree survey schedule, constraints plan, tree protection plan, methodology statement and tree quality assessment chart.

*Transport Statement: January 2020:* introduces the proposal, policy context, site accessibility, development access proposals and car parking, a residential travel pack framework, trip generation and traffic impact and an overall summary/ conclusion. A Roads Lighting Design Classification Report was also submitted in support of the application.

*Drainage Assessment – Issue 3 – July 2020:* provides an assessment of the drainage impact, associated drawings, calculations and a surface water maintenance schedule.

*Pre-Application Consultation Report – February 2020:* provides an introduction, context, details of

previous consultations, current consultations and an overall conclusion. Several appendices are also provided including the Development Framework PAC Report, the previous PoAN's, press adverts, invitations to neighbours, consultation materials and feedback forms.

*Ecological Assessment: February 2020:* provides an introduction to the proposal, gives a legislation and policy context, a methodology, details of existing site conditions, an assessment of nature conservation value, impact assessment and mitigation and an overall summary.

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the proposal is a "major" development, has been subject to more than 6 timeous letters of objection and an objection has been received from Cults, Bieldside and Milltimber Community Council. Consequently, the scheme falls out with the Council's Scheme of Delegation.

### **Pre-Application Consultation**

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 require pre-application consultation on all applications for major development. A previous Proposal of Application Notice (Ref: 171169/PAN) was submitted in September 2017 and it was agreed that the current application could be submitted on the basis of this PoAN given the red line boundary would remain the same. Further consultation was required, however, in order to consult interested parties on the updated planning application.

The consultations on the current application included a meeting with Cults, Bieldside and Milltimber Community Council in December 2019 and a public exhibition at CALA Homes' Cults Parks Sales Office on 21<sup>st</sup> January 2020. An advert was also placed in the local press and letters were sent out to owners of neighbouring properties in respect of this exhibition.

Around 25 people attended the public event, including representatives from the Community Council. Two formal written responses were received, with seven further responses submitted. Issues raised included traffic/ roads issues, construction issues, details in relation to the consultation process, schools and other various issues including levels, heights of the affordable units, the location of bus stops and the provision of children's play areas.

The applicants have provided feedback on the issues and concerns raised. In some instances, this has led to changes/improvements in the proposals whilst others have remained as originally shown with justification given. These responses are contained within the Pre-Application Consultation Report which was submitted with the application.

### **CONSULTATIONS**

**ACC - Developer Obligations** – Contributions have been agreed in relation to the core path network (£37,051), secondary education (£39,051), healthcare facilities (£101,948) and open space (£18,227). In terms of affordable housing, the applicant is to provide eight affordable housing units on site and a financial contribution of £977,500.

**ACC - Waste Strategy Team** – have advised of the waste management requirements for the proposed development.

**ACC - Housing** – would support the provision of 10% affordable units on site as proposed but have stated that their preference would be for the further 15% to be provided on site rather than via a commuted sum.

**ACC - Education** – initially commented that there is no longer capacity within Cults Primary School to accommodate the further increase in pupil numbers that the application is likely to generate and that due to the concerns regarding primary education provision, the application could not be supported.

Following a review of updated school roll forecast information for Cults Primary School the Education service have confirmed no objection to the application. The development is still expected to result in Cults Academy going over capacity, so a contribution is required to assist with reconfiguration of the school to generate the additional capacity required. No primary education contribution is required.

**ACC - Environmental Health** – no objection to the application. They have requested the insertion of conditions relating to the submission of an air quality dust risk assessment and a site-specific dust management plan. They have also requested the insertion of an informative in relation to hours of construction work.

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

**Scottish Environment Protection Agency** – no objection to the application. They have requested the insertion of conditions relating to the protection and enhancement of the water environment and the provision of green measures within the development. They have also provided some general advice regarding the levels of landscaping proposed within the development.

**Scottish Water** – no objection. Advise that there is sufficient capacity at both the water and wastewater treatment works.

**Police Scotland** – no objection. Have advised that the applicant should liaise with Police Scotland for the purposes of designing out crime and achieving a “Secured by Design” award. An informative has been added in this regard.

**Cults, Bielside and Milltimber Community Council** – object to the application. They note that the principle of development has been established but retain concerns about the submitted application including the pace of development in the area, and the burden this has on school, health and road infrastructure. They also make the following comments, noting that the response was received on the initial layout, which has addressed some of the issues raised:

1. The density of development is greater than that proposed in the earlier phases and it was not possible to comment on whether the green space provision meets NE4 of the ALDP, but the proposal has less green space than suggested in the Development Framework.
2. The site layout is very linear and rather boring compared with previous phases or as suggested in the Development Framework.
3. The proposed housing mix is predominantly of 4/5 bed detached houses; they would prefer this phase of development to have a higher proportion of smaller and affordable homes.
4. Concerns were raised regarding the three-storey block of flats proposed, with two storey buildings a preferred option. They would also prefer the affordable housing located closer to Kirk Brae due to potential occupants being less likely to have access to a car.
5. Request assurances that Core Path 87, which follows the access through the site, will be maintained. They would also like to see a separate path, or the road widened with a “green

belt" along it. The path parallel to Kirk Brae and Cults Burn from Friarsfield Road to the new pedestrian crossing should be extended within the development and there should be a crossing and signs to Core Path 54, which could be covered by developer contributions.

6. No mention of children's play facilities. They would also like more biodiverse planting in the public areas rather than the white birch that is proposed.
7. They note that the Drainage Statement contains requirements for the site contractor to manage site drainage during the construction period. The sloping site raises the threat of unwanted effluent into the Cults Burn so it is essential that these requirements are strictly enforced during construction by the developer and ACC. Existing properties opposite the previous phases have suffered from dust nuisance during construction so we would expect an effective dust restriction policy to be enforced. Finally, the construction site entrance should be located to ensure good visibility splays in both directions along Kirk Brae. Ideally, the existing construction site entrance should be maintained.

A further response was received from Cults, Bielside and Milltimber Community Council on the 15<sup>th</sup> September 2020. They maintained their objection to the application as they retained the following concerns regarding the development:

1. The proposed development is intended to drain surface water into Cults Burn via an extended SUDS. We are unable to critique the Fairhurst Drainage Assessment 128386 in detail but in view of persistent severe weather events affecting Cults, Aberdeen City Council should satisfy itself that this proposed development would have no adverse effect on properties further downhill in Cults before a planning decision is made.

Although ACC's view is that the heavy rain in August was a 1 in 300-year event, significant rainfall seems to be occurring much more frequently than that. We are concerned that current drainage design standards (as presumably applied by Fairhurst) are not keeping up with climate developments and that monsoon-type events may require monsoon-type measures. Anecdotally the flooding situation in Cults seems to have worsened as the Friarsfield development has progressed and the long-term suitability of drainage provision in the earlier phases should also be reviewed.

2. We understand that CALA has advised residents of Craigton Road who customarily take access using the Sunnyside access track that this will not be available to them during construction of Phase 3 and that they must rely on using Craigton Road. Access rights of existing residents should be respected.
3. No separate Construction Environment Management Plan has been submitted for this phase, but in view of the proximity to existing properties on Kirk Brae and Friarsfield Phase 2 we consider that a refreshed CEMP should be submitted and adhered to during construction, with particular emphasis on noise, dust, surface water run-off and safe access/egress for construction vehicles.
4. We welcome the revised housing mix and the substitution of terraced and semi-detached houses for the previously proposed flats.
5. Following our discussions with Mr Simon Scott, we consider that the land owned by his family to the West of the site could make a valuable additional amenity space for residents and a wild play area for children, on the lines of the letter from Halliday Fraser Munro dated 12 March 2020. It could also create the possibility for a new footpath linking through to the Countesswells development via Colthill Farm.

6. The proposed children's play area is welcome but is located at the edge of the site and close to Cults Burn and the SUDS. Adequate security needs to be provided against water danger. A play area closer to the centre of the site would be more suitable.
7. We welcome the extension of the footpath along Kirk Brae from the new pedestrian crossing to the existing private access to Sunnyside. We would like to see this extended further to provide a direct crossing to the Foggieton Woods path CP54. This would require a wayleave across a triangular piece of ground between the existing Sunnyside access and Kirk Brae (ownership unclear).
8. We also think that an informal worn path would soon appear from the Sunnyside access to South of plots 69-71 running parallel to Cults Burn to the South West of the sub-station so it would be preferable to provide a made footpath from the outset to avoid damage to the proposed wild flower meadow planting.

## **REPRESENTATIONS**

16 letters of representation have been received (15 letters of objection and 1 neutral representation). The matters raised can be summarised as follows:

1. Queries the requirement for further housing, given that there are hundreds/ thousands of properties for sale in the Aberdeen area. Suggests that brownfield sites in the surrounding area should be developed instead to ensure green space is retained.
2. The proposal will result in the destruction of a further area of open space that will result in the loss of numerous species, with animals being forced out (blue/ coal tits, yellow hammers, bullfinches, woodpeckers, bats, heron, deer and red squirrels)
3. The development should provide enhanced areas of green space and children's play facilities should be provided within the development. One of the comments also stated that land to the west/ woodland could be utilised for further open space/ children's play facilities.
4. The development would be a perfect opportunity to provide safe access to Foggieton Woods by extending the footpath, with the current situation being dangerous. This could also include the provision of lighting to the woodland.
5. Concerns were also highlighted regarding the impact on the livery business and how users would access Foggieton Woods on horseback. Comments were also received that could see the existing Core Paths extended to link CP 54 and 87, with CP54 also extended to provide a new section of footway.
6. Concerns were highlighted in relation to noise and disturbance to horses within the livery business both during construction and post construction from any new residents.
7. Several the objections highlighted issues regarding access to the livery yard and stables and whether the access track would be retained for existing users. The objections also raised concerns about who would maintain this track in the future; also stating that the crossing over the stream could not cope with increase in traffic usage. Comments also noted the proposed demountable barrier and how this would work in practice for existing users/ in an emergency. There were also concerns that users of the new houses would utilise the access tack to access Craigton Road and Kirk Brae.
8. Concerns regarding the private access road and the removal of the drystone dyke, which

adds to the character and appearance of the surrounding area. Queries were raised as to whether this could be retained within the development. Concerns in relation to the road layout, which has changed from an open sweeping configuration to a denser grid of streets. Concerns were also raised that the western edges of the site would be quite remote from the Link Road (and bus stops), which will result in increased traffic levels of West Craigbank Way and West Craigbank Avenue

9. Concerns were raised regarding the increase in the volume of traffic along Kirk Brae, in addition to the condition of the road. Also concerns that there was no mention of HGV's, vehicle horse trailers, horse trucks and horses on the road's classification report.
10. Concerns were raised regarding the design of the flatted block within the development and that three storey blocks were not found elsewhere within the development and it would look out of place sat in the highest part of the development site.
11. Concerns were raised regarding the house types proposed, noting that a better mix of housing types would be required. Concerns were also raised that 25% affordable housing was not being provided on site. Also highlighted regarding the layout of the proposed development and whether what was being proposed tied in with the aspirations of the Friarsfield Development Framework. One letter also suggested that some of the plots would be located on land designated as Green Belt and that there were inaccuracies with the submitted site plan as some of the areas highlighted in blue were not within the ownership of the applicant.
12. Concerns were also highlighted regarding the density of development proposed noting 82 houses on 5.3 ha – which equates to 15.5 houses per hectares – Cults Park 119 on 11.9 – 10 houses per hectare. The FDF suggests a range between 9.5 and 15 dwellings per hectare – suggesting a maximum of 79.5 on site.
13. One objection noted that the end of the road and the footpath in the north-east corner of the site between plots 30 and 31 appears to presume further development to the north.
14. Various concerns were also highlighted regarding the impact on the amenity of properties in the surrounding area. This included significant overlooking issues from Plots 80-82, which would sit at a much higher level than the existing houses below. The objection also noted that Plots 70 and 76-78 also have a finished floor level 3-4m higher than current elevations that would result in massive levels of cut and fill within the development site given the existing ground levels.
15. In addition to previously mentioned comments on the drystone dykes, concerns were also received regarding the proposed boundary treatments, particularly the proposed 1.8m high fencing that would be located along the western boundary of the site.
16. Queries were also raised as to whether improvements could be made to the entrance facilities to the site and whether strategic landscaping could be provided along the southern boundary of the site as per the terms of the FDF.
17. Several the objectors raised concerns about the impact of the proposed development on primary and secondary education provision, as well as the potential impact on medical facilities in the surrounding area.
18. Concerns were raised regarding proposed construction hours. Noting that the Council



propose working hours of 7am – 7am and that this should be amended to 8am – 6pm to protect surrounding residential amenity.

19. Concerns were also raised regarding dust management and it was suggested that a more rigorous dust management plan should be submitted in support of the planning application.
20. Concerns were raised that there was no mention of green sources of energy such as solar panels or ground source heat pumps.
21. Flooding was also highlighted as a potential issue, with no information submitted in relation to construction phase surface water management.
22. The proposal could result in increased loitering and vandalism on Craigton Road and at the empty Waldorf School.
23. One objection suggests that the City Council should commission a study on the long-term impact of current developer practices in Aberdeen to ascertain if they can be squared with long term environmental social objectives.
24. Concerns were also highlighted regarding the pre-application consultation process and that not all interested parties were made aware of the events prior to the formal submission of the application for planning permission.
25. A query was raised as to why Aberdeen International Airport was consulted on the planning application.
26. Comments were also made regarding the gross development value of the development proposed along with the total cost that the development has so far on neighbouring properties in the surrounding area.
27. One representation suggested that an area of land to the immediate west of the application site boundary should be included within the development, allowing for ecological enhancement of the site. There is also no agreement to remove trees out with the application site boundary.

The neutral letter of representation queried the need for further housing and requested an increase in the level of affordable housing per development.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

### **National Planning Policy and Guidance**

- Scottish Planning Policy (SPP)

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

The Strategic Development Plan 2020 was published in August 2020. The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years and promotes a spatial strategy for the next 20 years. All parts of the Strategic Development Plan area will fall within either a Strategic Growth Area or a Local Growth and Diversification Area. Some areas are also identified as Regeneration Priority Areas. The following general targets are identified; promoting diversified economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change and limiting the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

### **Aberdeen Local Development Plan (2017)**

- OP41: Friarsfield
- LR1: Land Release Policy
- D1: Quality Placemaking by Design
- D2: Landscape
- I1: Infrastructure Delivery and Developer Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H1: Residential Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- NE1: Green Space Network
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodlands
- NE6: Flooding, Drainage and Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R6: Waste Management Requirements for New Development
- R7: Low and Zero Carbon Buildings, and Water Efficiency
- CI1: Digital Infrastructure

### **Supplementary Guidance (SG)**

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

## **Proposed Aberdeen Local Development Plan (2020)**

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether – these matters have been subject to public consultation through the Main Issues Report; and, the level of objection raised in relation these matters as part of the Main Issues Report; and, the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies are of relevance to the determination of this application. OP41: Friarsfield, LR1: Land Release Policy, WB1: Healthy Developments, WB2: Air Quality, WB3: Noise, NE2: Green and Blue Infrastructure, NE3: Our Natural Heritage, NE4: Our Water Environment, NE5: Trees and Woodlands, D1: Quality Placemaking, D2: Amenity, D4: Landscape, D5: Landscape Design, R5: Waste Management Requirements for New Development, R6: Low and Zero Carbon Buildings, and Water Efficiency, I1: Infrastructure Delivery and Developer Obligations, T2: Sustainable Transport, T3 Parking and C11: Digital Infrastructure.

## **EVALUATION**

### **Principle of Development**

The Aberdeen Local Development Plan (ALDP) identifies the site as part of an Opportunity Site (OP41 – Friarsfield), which also benefits from a residential land designation (Policy H1), which is allocated for 280 residential units. The site is also a long-standing housing land allocation, being included within the previous two Local Development Plans (dating back to 2008). Phases 1 and 2 of the development have either been constructed or are under development and the current application relates to Phase 3 of the development and seeks to “complete” the land designation of the OP site. The site is also subject to the adopted Friarsfield Development Framework, which identifies it as suitable for residential development. The principle of residential development on site has therefore been established. The other relevant matters in relation to the determination of this application will be discussed below.

### **Friarsfield Development Framework (FDF)**

The vision of the adopted FDF is for an attractive, high quality and sustainable residential development that will be integrated well into the surrounding area. It aims to achieve the following.

- a high-quality residential environment that meets a variety of housing needs while giving due consideration to the infrastructure and safety issues;
- successful integration of the site with the surrounding area, ensuring new development fits well in the landscape as well as providing links from the site to the wider area;
- attractive open space and opportunities for continued recreation on the site while retaining and enhancing access to the Core Path Network;
- safeguard existing site features, enhance green space provision and include strategic landscaping, efficient connections to pedestrian and cycle path linkages, public transport and city roads networks.

The FDF sets out the development potential of the site, indicating suitable housing land at 3 distinct areas, namely; 'Morkeu', 'Friarsfield' and 'Sunnyside', with mention being made with regards to materials to be used and house sizes (generally 2-storey) and density (9.5 – 15 houses per hectare) which would be acceptable. There is also mention of land which is required to be set aside for open space and landscaping strips as well as drainage provision. The current application relates to Phase 3 of the development 'Sunnyside'.

The FDF goes on to state that 'Sunnyside will promote the continuation of the Linear Park frontage. Development therein will be determined by the topography, with retention of field boundary features and Sunnyside Brae. The northern boundary will comprise landscape planting to afford a backdrop when viewed from Kirk Brae and offer screening when viewed from the north.'

## **Layout, Siting and Design**

Policy D1 states that *"all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities are required to be compatible with the scale and character of developments"*. The policy goes on to state that proposals should be distinctive, welcoming, safe and pleasant, easy to move around, adaptable and resource efficient.

The layout would see the provision of 78 units that would be laid out in various patterns mostly set within generous plots, which is the prevailing character of developments in the surrounding area. 16 different house types are proposed and would be a mixture of detached (62), semi-detached (4) and terraced (12) properties, which equates to a split of approximately 80% detached, 5% semi-detached and 15% terraced properties. Several the properties would have integral garages, with a small number of detached garages also proposed.

The layout would meet the broad objectives of D1, in that it is considered to demonstrate due consideration for its surrounding context with the development being of a similar design, although slightly denser than Phase 2 to the east, with a number of detached and semi-detached properties located to the north of Kirk Brae overlooking the Cults Burn area.

It is noted that there would be a degree of tension with Policy H4: Housing Mix of the ALDP in that the proposal would be providing 80% detached houses, 5% semi-detached and 15% terraced. Previous phases have provided a 65%/ 35% split of detached to semi-detached / terraced/ flats and that would have been the preference in this instance. Notwithstanding, the proposal will provide 16 different house types of varying layout, siting, design and architectural tweaks that would ensure that all properties did not look the same, as well as utilising a couple of different types of render/ material. In light of this, the housing mix in this instance is considered appropriate for the surrounding context and can be supported.

In terms of site context, the proposed layout would generally reflect the design and layout of previous phases of development that have been accepted by the Planning Authority and are on the whole reflective of the aspirations of the Development Framework (noting that not all aspirations of this document are being met – as discussed elsewhere in this report). The layout is therefore considered to be acceptable in this instance and would comply with the general terms of D1.

It is noted that the FDF suggested that a larger area of strategic landscaping should be provided to the front of the site. The current layout continues the frontage provided within Phase 2 and it would look odd if additional landscaping areas were provided in this location. The level of the area of landscaping provided to the front of the site is therefore appropriate for the site context and there is no significant conflict with the FDF or policy in this regard. The FDF also goes on to state that a landscaping buffer should be provided along the northern boundary, it is noted that this would be

partially provided on the north-eastern and western boundaries, but not entirely along the northern boundary as envisaged by the FDF. The absence of strategic planting between these sections would be replaced by the existing farm complex, which would provide some form of buffer on the northern boundary of the site along with the proposed boundary treatments. A compromise on compliance on this element of the FDF is accepted in this instance. The FDF also states that the field boundaries should be retained, and this matter will be discussed below.

In terms of boundary treatments, it is noted that one of the bigger issues raised in representations was the drystone dyke which ran through the site on either side of the Sunnyside Stables access track / Core Path 87. It is not proposed to retain this in its entirety, and it would not be possible to do so given the current layout, site levels and number of units proposed. Stone from the dykes will however be re-used on elements of the boundary treatments running along the north - south road and will be used as an attractive feature around the communal open space area in the north-eastern section of the site. This alternative approach and layout which provide attractive and prominent features as a memory of the former drystone dykes, is considered acceptable in this instance. Several other boundary treatments are proposed through the development including post-and-wire fencing on the western boundary to the woodland – providing a semi-rural feel, timber fencing between the properties and stone walls elsewhere on the public face of more prominent plots. The boundary treatments proposed are shown in greater detail on Drawing No: 29948/0003 Rev B.

A further consideration relates to the topography of the site, noting that it undulates significantly from north to south (ranging from 94m AOD in the northern section to 77 AOD in the south. In this regard several retaining walls and cut-and-fill of land will be required to facilitate the development. Cross-sections and other details have been submitted to the satisfaction of the Planning Service to show that the development can be accommodated on site without impacting on the surrounding landscape setting and amenity and the layout is therefore considered acceptable.

In terms of density, Policy H3 of the ALDP seeks a minimum density of 30 dwellings per hectare. The proposed development would provide 78 dwellings on a 5.3ha site, resulting in a density of around 14.7ha. When the open space is taken into consideration this would equate to a net provision of around 17.4 dwellings per hectare, which whilst much lower than suggested by planning policy, is in line with the terms of the FDF which suggested densities of 9-15 dwellings per hectare, and the density of properties in the surrounding area which vary from 6 to 20 dwellings per hectare. The density of development proposed is therefore accepted as being in keeping with the character of the area.

### **Impact on Character/ Amenity of Surrounding Area**

The surrounding area has a mixture of residential properties including the recent larger two storey dwellings located to the east and smaller 1-2 storey semi-detached and detached properties that are located to the south of the site on the north and southern sides of Kirk Brae. Most of the properties in the surrounding area benefit from generous garden grounds and the layout of development proposed is generally considered to respect the character and appearance of the surrounding area. It was acknowledged that the initially submitted plans showed that a number of the plots in the south-western section of the site may have resulted in an adverse impact on two properties (Woodley and Burnbank) to the south-west. The layout has therefore amended to remove some plots and re-align a number of others that would have sat significantly higher above these existing properties. As part of the new development, much of this south western area is now to be retained as open space/ landscaped areas.

Earlier concerns regarding the siting and impact of the proposed flatted block in the northern part of the site have been resolved through its removal and replacement by terraced houses, which would have less of an impact on both the stables that are located to the immediate north of these buildings and the wider landscape setting.

As a result of the revised layout, the proposal is considered to be an acceptable form of development that would not have an adverse impact on the character and appearance of the surrounding area and is broadly in line with the FDF.

### **Visual Impact**

It is acknowledged that the application site is currently an undeveloped area of land associated with Sunnyside Stables used as equestrian grazing. The site is fairly undulating from south to north, with planting around the south-western and western periphery. The provision of housing on the site will therefore have a visual impact on the site and change its character; the site is however allocated for residential development and the fields to the east have already been development as part of this allocation. The level and design of development will generally follow that of earlier phases and the change to the appearance of the surrounding area is accepted. The rising landform to the north, proposed planting and existing stables buildings will provide a suitable backdrop and setting for the proposed housing.

### **Transportation**

The proposal has been assessed by colleagues in Roads Development Management. In this instance the proposal would take access from Phase 2 of the development via West Craigbank Way and West Craigbank Avenue. The existing track that runs through the site to Sunnyside Stables, whilst being altered as part of the development would be retained as a private access for the existing properties to the north, with bollards installed at its southern access on to Kirk Brae. The internal road layout provides suitable access to all the residential properties proposed, with footpath connections also proposed to existing phases to the east and onto Kirk Brae to the south. It is also noted that the link road that was a requirement of the Development Framework has recently become operational on Craigbank Drive.

In terms of walking and cycling, colleagues in RDM noted that the proposal provides suitable and adequate pedestrian footpath links throughout the site, which in turn provides connections to the existing development and surrounding uses. It is also acknowledged that the safe routes to school route has previously been established and upgraded for previous phases of development, with traffic lights and associated crossing located to the immediate south-east of the application site boundary on Kirk Brae.

In terms of parking, colleagues in RDM are content that adequate parking facilities would be provided for each of the plots. The flatted properties have been removed and the on-site facilities that would be used for the terraced properties would meet with the standards as set on in the Transport and Accessibility SG.

In terms of the location of the affordable houses and the associated walking distance to the existing bus stop on Hillview Drive is approximately 500m, which would be more than the 400m recommended in the SG. It is also noted that bus stops are proposed on Craigbank Drive and these would be located a similar distance from the affordable units. Whilst it would have been preferable to have these properties located closer to the bus route, the layout proposed is considered to be the best solution for the site in this instance and the resulting slight tension with Policy T3 is accepted.

The proposal is considered to comply with the general provisions of Policy T2 and its associated SG: Transport and Accessibility of the ALDP.

### **Waste Management/ Servicing**

The proposal has been assessed by colleagues in Waste Management, who have raised no

objection to the proposed development following the submission of amended plans. They did note that Plot 70 is at a dead end and that a refuse truck would block the road when any bins are being emptied, and that the “pull” distance would be more than 25m, however this is not a reason for objecting.

Swept path analysis (SPA) was also provided in relation to the servicing of the whole site. The revised SPA was reviewed by colleagues in Roads Development Management and they noted the findings to be acceptable, noting that the site can be adequately serviced. As a result of the above the proposal is considered to comply with Policy R6 and the associated SG: Resources for New Development of the ALDP.

## **Drainage/ Flooding**

A drainage assessment has been submitted in support of the application. The document states that new foul sewers will serve the development and will be located within new roads and areas of open road where required. Each plot will discharge to the new sewer via a single disconnecting chamber located within its own curtilage.

In terms of surface water drainage, the report concluded that the mitigation indices provided by the detention basin and filter trench combination outweigh the pollution hazard indices of the development and the SUDS measures are deemed adequate for the proposed site. Surface water sewers will be provided and located in the new roads and open space where necessary and run-off from the internal roads will be drained directly to the new sewers via traditional trapped gullies. Run-off from individual plots will also drain to these sewers via a single disconnecting chamber located within its own curtilage.

The new surface water sewers will discharge to an existing detention basin located within an area of open space in the south-east corner of the development, which currently serves Phase 2 of the development. This will be extended westwards to accommodate the increase of additional surface flows from this development. Attenuated flows will then be directed to a filter trench immediately downstream prior to discharging to the adjacent watercourse (Cults Burn). Attenuation volume will be provided within the extended detention basin in order to contain the run-off volumes generated by the critical 10-year, plus climate change, rainfall return event. The extended detention basin will also contain run-off volumes generated by critical rainfall events up to and including the 200 years, plus climate change, rainfall return event. The attenuated discharge from the entire development will not exceed the agreed greenfield rate to the adjacent watercourse.

In terms of construction phase SUDS, an appropriate condition will be inserted on to the consent requiring further detail on how surface water arising during construction will be dealt with and agreed with the approved contractor prior to development commencing on site. This will be detailed in the required Construction Environment Management Plan (CEMP).

The drainage information has been reviewed by colleagues in RDM, who have raised no objection to the matters raised. A condition will be added to the planning approval ensuring that development is carried out in accordance with the recommendations of the document.

SEPA have also made comment on the proposal. They have noted that development should be designed to prevent any deterioration in the water environment. They noted that the supporting information states that Cults Burn has been realigned and canalised in the past and “supports little aquatic or emergent macrophyte vegetation.” The burn has been straightened historically and kept straight by grey bank protection on both banks, the watercourse now has an unnaturally coarse bed and is over deep so that it is significantly disconnected from its natural floodplain. As such the proposed development provides a good opportunity to significantly improve the burn. To enable this, they have suggested use of an appropriate condition, which is proposed in the recommendation.

Subject to the aforementioned conditions, the proposal is considered to be acceptable from a flooding and drainage perspective and the proposal therefore complies with Policy NE6 and its associated SG: Flooding, Drainage and Water Quality of the ALDP.

## **Natural Heritage**

An ecological survey was submitted in support of this application, which included a Phase 1 Habitat Survey to allow an evaluation of the ecological resource and to assess the ecological issues associated with the development.

In terms of Cults Burn/ LNCS/ River Dee SAC it has suggested the provision of SUDS for control of construction run-off and for attenuation and storage of operational run off, noting that that residual impacts should be negligible. A suitable condition requiring the submission of a Construction Environment Management Plan (CEMP) is proposed.

The survey also noted that there would be a negligible habitat loss on site, with the retained green space and new domestic gardens having the potential to increase local biodiversity. It also suggests the retention of field boundaries where possible and considers there will be a negligible impact on surrounding woodland. A retained and enhanced greenspace along the burn will help to preserve the integrity of the riparian corridor and that the enhanced green space along this corridor will also preserve the foraging opportunities for species such as badgers. It also noted that the scheme is likely to have a negligible impact on bats.

The proposal was assessed from a natural heritage perspective by colleagues in Environmental Policy, who had no concerns with the LNCS and with the general details provided with the current proposals. The proposal would therefore not conflict with Policy NE8 of the ALDP.

In terms of landscaping, various areas of planting are proposed throughout the development and there are illustrated on drawing 478.12.01c. The planting schedule includes over 120 trees including alder, common birch, aspen rowan, maple and weeping willows. Shrubs are also proposed along with areas of grassland and meadow mixes, which would more than compensate for those being lost. Details are also included on scheduled maintenance and an appropriate condition can be used to ensure that any dead trees are replaced. The proposal was amended from the original submission to include more native species at the request of colleagues in Environmental Policy, who are content with the landscaping now proposed. The proposal would therefore not conflict with Policy D2 of the ALDP.

In terms of trees, colleagues in Environmental Policy have retained concerns in relation to trees and the proximity of the development (formation of rear gardens) to the Root Protection Area (RPA) of trees adjacent to the site. The rear gardens of Plots 61-69 would be within the 'Zone of Influence' tree falling distance of a number of trees along the western boundary, but it is noted that no buildings would be located within these areas. It is noted the impact on root protection areas on existing trees and the formation of garden ground within the zone of influence creates a tension with Policy NE5 and its associated SG. However, the issue is not considered to be significant enough to warrant refusal of planning permission and the tension with Policy NE5 can be accepted in this instance.

SEPA have commented on the proposal in addition to other aspects that have been addressed elsewhere have and to support the delivery of environmental enhancement measures, they have suggested the use of a planning condition requiring the submission of a schedule of green measures to offset the environmental impacts and contribute to and enhance the natural environment and support Policy D1 of the ALDP. This is considered acceptable.

It was also suggested that opportunities to properly link Core Path 87 to Core Path 54 should be



investigated, as there is an opportunity to improve this connection across Kirk Brae. There are however land ownership constraints with providing this, as some of the land required is not within the ownership of the applicant. It is therefore acknowledged that provision of this connection is out with the control of the applicant and cannot be delivered by this application. This matter could be investigated by the Council, however, with the potential for core path contributions to be utilised for this upgrade. In this instance the revised layouts and the provision of foot paths connections within the development are appropriate, in addition to an agreed financial contribution to core paths and there would be no significant conflict with Policy NE9 of the ALDP in this instance.

### **Open Space Provision**

The submitted site plans shows areas of open space within the application site, which would predominantly be located within the southern section of the site close to Cults Burn and adjacent to a similar open space strip that has been provided within Phase 2. This area would form part of the Green Space Network. This area would also include the provision of children's play facilities. A smaller "village green" is also provided within the north-east section of the site and it is proposed to upgrade the core path which runs through the site from Sunnyside Stables to the immediate north. There are also other small areas of green space that would be provided throughout the development. The area of open space at the front of the site would equate to approximately 7650 sqm with the village green equating to approximately 750sqm. Whilst it is appreciated that all this space would not be entirely useable given the steep gradients within the south-west corner of the site, the level provided on a site extending to approximately 53,000 sqm is considered to be acceptable in this instance. It is also noted that properties within this development would have good access to other facilities such as Foggieton Woods to the south west of the application site.

In terms of Policy NE9 and aspirations of the FDF it is noted that there is an expectation of the maintenance of recreational opportunities on site – in relation to the retention of the core path link through the site and the provision of a recreational path "trim trail" through the strategic landscaped area. Both of these are to be provided and as a result it is considered that these elements of the proposal would comply with the aspirations of the FDF and with Policy NE9 of the ALDP.

It is also noted that a developer obligation of £18,227 would be provided for further open space provision/ enhancement in the surrounding area. Taking these matters into account, the proposal is considered to be acceptable. There would therefore be no significant conflict with NE4 of the ALDP.

### **Affordable Housing**

Although the preference of the Council is for 25% provision on site in line with the terms of planning policy, the Planning Authority have accepted the established approach put forward by the applicant, in line with how Phases 1 and 2 of the development were dealt with. These sites formed part of OP51, which was zoned for residential development in the 2008 Local Development Plan at a time where the AH contribution was 10% on site. The accepted approach is delivery of 10% affordable housing on site with a 15% commuted sum, as is proposed through this application.

Ideally the affordable houses could have been located more centrally within the site and closer to the bus routes, but their location has been accepted within the northern section of the site as appropriate. Their grouping, rather than spread across the site may also be more beneficial if a Registered Social Landlord's to take them on. In this respect, there is an element of conflict with Policy H5 of the ALDP. It is not considered that these concerns would warrant a reason for refusal of planning permission in this instance.

### **Education**

The application site is within the school catchment zones for Cults Primary School and Cults

Academy. Within their initial consultation response colleagues in Education objected to the proposal as concerns were raised that Cults School is currently significantly over subscribed and will remain so until 2022 and there is no possibility of adding further classroom space due to previous alterations that have taken place.

Following the receipt of further information, which included updated school roll forecast information for Cults Primary School, which indicated capacity for residents of the proposed development, colleagues in Education removed their earlier objection to the development. The Developer Obligations Report stated that *“factoring the proposed dwelling units into the 2018 school roll forecast shows that the development will result in the school capacity being exceeded by a maximum of 4 pupils later in the forecast period. However, as this level is lower than the current over-capacity level, and there is no current plans in place to increase capacity at the existing primary school, a contribution is not considered appropriate in this case”*

They also noted that, in terms of secondary education, Cults Academy is close to full capacity and is likely to exceed full capacity by 2022. Reconfiguration work would be required at the school in order to provide additional capacity for pupils generated by this development. A contribution of £39,525 has therefore been agreed with the developer towards the provision of additional capacity through the reconfiguration of floor space within the existing school building.

The proposed development is therefore considered to be acceptable from an education perspective.

### **Noise/ Air Quality**

The proposal has been assessed by colleagues in Environmental Health. They have suggested the insertion of planning conditions requiring the submission of an air quality (dust) risk assessment and a site-specific dust management plan. Both of these matters will be controlled via conditions. They have also suggested the insertion of an advisory note in relation to noise from site/ ground preparation and construction works to ensure works taking place between 7am and 7pm Monday – Friday and between 8am and 3pm on a Saturday. Subject to the above being carried out there would be no conflict with Policies T4 or T5 of the ALDP.

### **Developer Obligations/ Legal Agreement**

In addition to the above contribution toward Secondary Education and previously mentioned Affordable Housing, the applicants have agreed developer obligations towards the Core Path Network (£37,051), Health Care Facilities (£101,948) and Open Space (£18,227). These will be controlled via a legal agreement. Subject to the provision of these contributions the proposal would comply with Policy I1 and its associated SG: Planning Obligations of the ALDP.

### **Sustainability**

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) requires all new buildings to meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology in accordance with the associated supplementary guidance. The policy also requires all new buildings to use water saving technologies and techniques. Conditions can be attached requiring details to be submitted demonstrating that the buildings would comply with these requirements.

### **Digital Infrastructure**

All new residential development will be expected to have access to modern, up-to-date high-speed communications infrastructure. The proposal is located within an urban location, with a check of the OFCOM website confirming that the area has access to standard and superfast broadband. The

proposal would therefore comply with Policy CI1 of the ALDP.

### **Matters Raised by Community Council**

Considering each of the points raised by the Community council (above) in turn:

1. The density of development is considered acceptable following the submission of the revised layout and has been discussed elsewhere within this report.
2. The site layout has been revised from the original submission and is more in line with that envisaged within the FDF. The Planning Authority have noted that these is still elements of conflict with the FDF.
3. It is noted that the preference would be for a greater mix of houses. This matter has been discussed elsewhere within this report.
4. The flatted block has been removed from the development as the Planning Service shared the same concerns as the Community Council and replaced by terraced properties. It is noted that the preference would be for the affordable housing units to be located closer to Kirk Brae, this has not occurred in the revised layout and this matter has been discussed elsewhere in this report.
5. It is noted that the core path will need to be diverted during the construction phase and an alternative route will need to be agreed with the Council prior to these works taking place. The extension of the existing footpath along Kirk Brae has been discussed already in this report and would be difficult to implement given land ownership constraints and the width of the land on the southern side of Kirk Brae.
6. Children's play facilities are to be provided in the southern section of the site adjacent to Cults Burn. A revised planting scheme has been provided and agreed with colleagues in Environmental Policy and it is noted that there are some constraints regarding what can be planted.
7. More biodiverse planting in the public areas will be sought rather than the white birch that is proposed.
8. Drainage has been discussed in detail in the evaluation section of this report. A dust management plan would also be conditioned as part of this planning consent. The applicants have noted that it would be difficult to keep the existing site compound as development progresses due to construction traffic having to pass further residential properties. It is therefore likely that any such compound would be accessed via Kirk Brae.

In response to the Community Council's further comments of the 15<sup>th</sup> September the following responses are made:

1. The flooding comments are noted. The findings of the Drainage Impact Assessment have been noted and designed in accordance with current standards. The proposal is considered to be acceptable in this regard.
2. This is a civil matter between relevant interested parties. If there is a right of access then this will likely need to be maintained during construction works.
3. This matter is to be controlled via an appropriately worded planning condition requiring the

submission of a CEMP. There are also conditions requiring the submission of an Air Quality Dust Risk Assessment and Dust Management Plan.

4. Comments noted.
5. This matter has been discussed in the representations section of this report and the additional area of land was not considered necessary to make the development acceptable. It is out with the application site and OP41 allocation boundary and does not form part of the current application.
6. Finalised details of the children's play area will be controlled via an appropriately worded planning condition. Its location close to the front of the site is considered to be acceptable.
7. This matter has been discussed elsewhere in the report.
8. This is not a material planning consideration. The proposed layout of the footpaths within the site and links to the core path network are considered acceptable.

### **Matters Raised in Representations**

Considering each of the points raised by representations (above) in turn:

1. The need for additional housing as proposed is not a material planning consideration. The site is allocated for residential development and the number of units proposed is in line with this allocation.
2. The site is allocated for residential development and the loss of open space has therefore previously been agreed. The loss of species and animals on the land is noted and the findings of the ecological assessment has been accepted by colleagues in Environmental Policy. The development would introduce greater ecological variety in terms of new planting and landscaping compared to the existing grass fields.
3. The land to the west is out with the application site boundary and residential zoning and could therefore not be included as an additional area of open space within the confines of the current application. Additional areas of open space are not required to make the development acceptable.
4. The potential provision of a link to Foggieton Woods by way of upgrading the core paths has been discussed elsewhere within this report.
5. This matter has also been discussed elsewhere in this report. The use of the private track and any restrictions on it would be a civil matter between the applicant and the other owners of the track.
6. Noise and disturbance have been discussed elsewhere within this report.
7. This is not a material planning consideration and would be a civil matter that would need to be resolved between interested parties. Bollards are to be put in place to restrict new residents using the access onto Kirk Brae.
8. The removal/ alterations to the drystone dyke has been discussed elsewhere within this report. It is noted that the dyke is to be moved and reused within other parts of the

development. The layout, proximity to bus stops has also been discussed elsewhere. It was always expected that the layout would involve traffic utilising West Craigbank Way and West Craigbank Avenue.

9. Roads information has been assessed by colleagues in RDM and considered acceptable. It was not considered a requirement to include all of the suggested vehicle types within the road's classification report.
10. The flatted block has been removed from the development.
11. The housing mix has been discussed elsewhere within this report, as has the percentage of affordable housing and compliance with the FDF. None of the properties would be located on land designated as Green Belt.
12. Density of the development has been discussed elsewhere and the reduction in numbers ensures that the density of development complies with the suggested figures located in the FDF.
13. This is not a material planning consideration.
14. The layout has been amended and a number of these properties have been removed from the development to ensure no adverse impact on residential amenity. Some cut and fill will be required to facilitate the development, but it has been reduced to the minimum necessary to facilitate the development and is considered not to have a significant detrimental landscape or visual impact.
15. Boundary treatments have been discussed elsewhere in this report. The timber fence that was originally to be located along the western boundary has been replaced by 1m high post-and-wire fencing.
16. Revised plans have been submitted showing improvements to the strategic landscaped area located at the front of the site. The amendments are considered to be acceptable.
17. Primary and secondary education has been discussed elsewhere within this report.
18. Hours of construction has been discussed elsewhere within this report.
19. Dust management has been discussed elsewhere within this report with an appropriate condition added to the consent.
20. Green energy (or low and carbon) is a matter that will be controlled via an appropriately worded planning condition.
21. Flooding/ drainage has been discussed elsewhere within this report.
22. Loitering and vandalism is not a material planning consideration to the determination of this application. It is noted that Police Scotland commented on the planning application and their recommendations will be added as an informative to this permission.
23. This issue is not material to the determination of this application.

24. The pre-application consultation procedures carried out were agreed with the Council and considered appropriate in this instance.
25. There was no requirement to consult Aberdeen International Airport on the planning application.
26. This is not a material planning consideration.
27. The inclusion of further land to the west was not required to make the proposal an acceptable form of development. This matter is not material to the determination of this application.

### **Proposed Aberdeen Local Development Plan**

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

### **RECOMMENDATION**

Willingness to approve subject to conditions and a legal agreement to secure developer obligations towards the provision of affordable housing, the core path network, primary education, secondary education, healthcare facilities and open space.

### **REASON FOR RECOMMENDATION**

The principle of residential development has previously been established on site and is recognised in the Adopted Aberdeen Local Development Plan as OP41: Friarsfield. The development is also considered to be generally compliant with the terms of the Friarsfield Development Framework as well as Policies LR1: Land Release Policy and H1: Residential Areas of the Aberdeen Local Development Plan.

The development has also been designed with due consideration for its context and would make a positive contribution toward the character and appearance of the surrounding area in accordance with Policies D1 (Quality Placemaking by Design) and D2 (Landscape). An appropriate density of development would be provided, consistent with the density and pattern of development in the surrounding area, broadly in accordance with Policy H3 (Density), although it is acknowledged that there is a deviation from the minimum density strived for by H3, to reflect the sites surrounding context.

It is noted that the development conflicts slightly with Policy H4 (Housing Mix) and H5 (Affordable Housing), but material considerations have overcome the policy tension in this instance.

The Green Space Network would run along the frontage of the site, and it is noted that there would be some impact on natural habitats, which are inevitable given the site's zoning. The site's layout has been designed in such a way that the landscape buffer to the front of the site (where the green space network designation is allocated) would be retained to keep an acceptable amount of open space and wildlife habitats. The proposal would therefore have no significant detrimental impact on the character or function of the Green Space Network, nor on existing natural habitats and species, in accordance with Policies NE1 (Green Space Network) and NE8 (Natural Heritage).

Subject to a number of appropriate conditions the proposal would be adequately accessible, would appropriately mitigate its impact on existing local facilities and infrastructure, and would be adequately drained without increasing flood risk, all in accordance with Policies: Policies T2

(Managing the Transport Impact of Development), T4 (Air Quality), T5 (Noise), I1 (Infrastructure Delivery and Planning Obligations), NE6 (Flooding, Drainage & Water Quality) and NE9 (Access and Information Recreation). A tension with Policy T3: Sustainable and Active Travel is noted but is not sufficient to alter this recommendation.

Subject to conditions, the development would accommodate appropriate waste management provisions for each plot and all of the dwellings would benefit from low & zero carbon and water efficiency technologies, as well as being supplied with adequate digital infrastructure, all in accordance with Policies R6 (Waste Management Requirements for New Development), R7 (Low & Zero Carbon Buildings & Water Efficiency) and C11 (Digital Infrastructure) of the ALDP.

An acceptable area of communal open space would be provided as required by Policy NE4 (Open Space Provision in New Development). Appropriate tree protection measures and landscaping would be provided and overall, and whilst it is noted that there is some conflict with Policy NE5 (Trees and Woodland) in that some of the garden grounds of properties on the western side of the development would lie within the Zone of Influence of some existing trees, this is considered acceptable in this instance.

The proposal is considered to comply with relevant policies of the Aberdeen Local Development Plan and its associated Supplementary Guidance, and where there is policy tension, these have been justified by other material considerations. There are no material planning considerations that would warrant the refusal of consent in this instance.

The proposal has also been assessed against policies OP41: Friarsfield, LR1: Land Release Policy, WB1: Healthy Developments, WB2: Air Quality, WB3: Noise, NE2: Green and Blue Infrastructure, NE3: Our Natural Heritage, NE4: Our Water Environment, NE5: Trees and Woodlands, D1: Quality Placemaking, D2: Amenity, D4: Landscape, D5: Landscape Design, R5: Waste Management Requirements for New Development, R6: Low and Zero Carbon Buildings, and Water Efficiency, I1: Infrastructure Delivery and Developer Obligations, T2: Sustainable Transport, T3 Parking and C11: Digital Infrastructure of the Proposed Aberdeen Local Development Plan and the development is considered to be acceptable for the reasons previously given.

## **CONDITIONS**

### **1. ENHANCEMENT OF THE WATER ENVIRONMENT**

Prior to commencement of any work [in any phase/on site] a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA, SNH or other agencies as appropriate. Without prejudice to the foregoing generality, and as a minimum, this shall include:

- a) Confirmation of the location of all existing water bodies on site and demonstration of how they have been incorporated into the layout of the development, including appropriate buffer zones;
- b) Investigation of and where viable, detailed information relating to the realignment of any watercourses on site including the Cults Burn;
- c) Full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200-year flow unless otherwise agreed with the Planning Authority in consultation with SEPA.

All works on site must be undertaken in accordance with the approved scheme unless

otherwise agreed in writing with the Planning Authority. Reason: to improve and protect the water environment and to prevent an increase in flood risk.

## 2. GREEN MEASURES

No development (including site stripping, service provision or establishment of site compounds) shall commence on site unless a schedule of green measures, in line with SEPA's response PCS/170155 of 09 03 20 has been submitted to the Planning Authority. The schedule, detailing the measures that have been investigated and will be implemented on site, should be submitted prior to the commencement of development on site for the written approval of the Planning Authority, in consultation with SEPA and implemented in full. Reason: to ensure adequate protection of the water environment and contribute to and enhance the natural environment in accordance with Scottish Planning Policy.

## 3. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) shall commence on site until a site-specific Construction Environmental Management Plan(s) (the "CEMP") has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The CEMP must address the following issues (i) surface water management including construction phase SUDS; and (ii) site waste management including details of re-use on-site and off-site disposal of demolition materials. Thereafter development shall be undertaken in accordance with the approved CEMP. Reason - In order to minimise the impacts of necessary demolition / construction works on the environment.

## 4. DRAINAGE ASSESSMENT COMPLIANCE

No unit within the hereby approved development shall be occupied unless all drainage works detailed in the approved Drainage Assessment (128386-DA Issue 3) produced by Fairhurst or such other plan/ document as may subsequently be approved in writing by the planning authority for the purpose of detail have been installed in complete accordance with the said plan for that phase / unit. Reason - In order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

## 5. LOW AND ZERO CARBON

No development associated with any residential dwelling shall take place unless a scheme detailing compliance with the Council's Resources for New Development Supplementary Guidance has been submitted to and approved in writing by the Planning Authority. Thereafter no units shall be occupied unless any recommended measures specified within that scheme for that unit for the reduction of carbon emissions have been implemented in full. Reason - to ensure that the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance: Resources for New Development.

## 6. LANDSCAPING – APPROVED SCHEME

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme (as shown on Drawings No: 423.03.01D, 423.03.02D and 423.03.03D) and shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of



the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long-term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

## 7. PLAY AREA PROVISION

No residential unit shall be occupied unless (i) finalised details of the proposed play area; (ii) details of the boundary treatments for the proposed play area and (iii) a phasing plan for their provision, have been submitted to and approved in writing by the Planning Authority. In designing the scheme reference should be made to Part 8 of the Council's Open Space Supplementary Guidance. Reason - In order to ensure satisfactory provision of play facilities.

## 8. TREE PROTECTION

The tree protection measures shall be carried out in complete accordance with the approved scheme (Ref: 0117(116)-02 – PROT). Reason: In order to preserve the character and visual amenity of the area.

## 9. STORAGE OF MATERIALS

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks. Reason - in order to ensure adequate protection for the trees on site during the construction of the development.

## 10. AIR QUALITY (DUST) RISK ASSESSMENT

No development (including site stripping or service provision) shall take place unless an Air Quality (Dust) Risk Assessment for the construction phase of development has been submitted to and approved in writing by the Planning Authority. Such risk assessment shall be carried out by a suitably qualified consultant in accordance with the Institute of Air Quality Management document "Guidance on the Assessment of Dust from Demolition and Construction 2014". Thereafter development shall be carried out in accordance with the approved plan. Reason: in order to control air pollution from dust associated with the development in accordance with Policy T4 – Air Quality.

## 11. DUST MANAGEMENT PLAN

No development (including site stripping or service provision) shall take place unless a Dust Management Plan for the construction phase of development has been submitted to and

approved in writing by the planning authority. Such management plan shall specify dust mitigation measures and controls, responsibilities and any proposed monitoring regime. Thereafter development (including demolition) shall be undertaken in accordance with the approved plan. Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy T4 - Air Quality.

## **ADVISORY NOTES FOR APPLICANT**

### **HOURS OF OPERATION**

To protect the amenity of the occupants of existing nearby residences from noise resulting from demolition, site/ground preparation, and construction works, I recommend the following controls are applied:

1. Works with an element of noise should not occur outside the following hours:

|                  |              |
|------------------|--------------|
| Monday to Friday | 0700 to 1900 |
| Saturday         | 0800 to 1300 |
2. No works with an element of noise should occur on a Sunday.

### **SCHEDULE OF GREEN MEASURES**

The level of information as required by Condition 2 could include the sustainable management of green space, creation of habitats linked to the SUDS, rainwater harvesting/ sustainable water measures, environmental education through the use of interpretive boards to highlight for example what the SUDS features are and the benefits they deliver, use of native plant species in landscaping, active travel and path connecting the development to public transport routes and electric car charging points etc. SEPA would also recommend the reuse of any non-contaminated material on site from demolition activities and the reduction of waste during the construction phase in accordance with the waste hierarchy of reduce, reuse and recycle.

### **CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

It is recommended that the CEMP is submitted at least two months prior to the commencement of any works on site; this is to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the proposals moving forward.

The CEMP should also demonstrate that the proposals adhere to the Guidance for Pollution Prevention (GPPs) Notes, the Guidance on the Construction of SUDS (CIRCA C768) and the CAR Practical Guide for the CAR General Binding Rules (GBR's) 10 and 11. Reference to the NetRegs website for guidance on waste management. All waste, including demolition waste, should be managed in accordance with the waste hierarchy to reduce, re-use and recycle.

### **POLICE SCOTLAND LIAISON**

It is recommended that the developer liaise with Police Scotland Architectural Liaison Officer at each stage of development, for the purposes of designing out crime using the principles of Crime Prevention Through Environmental Design (CEPTED). Police Scotland would also 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.