

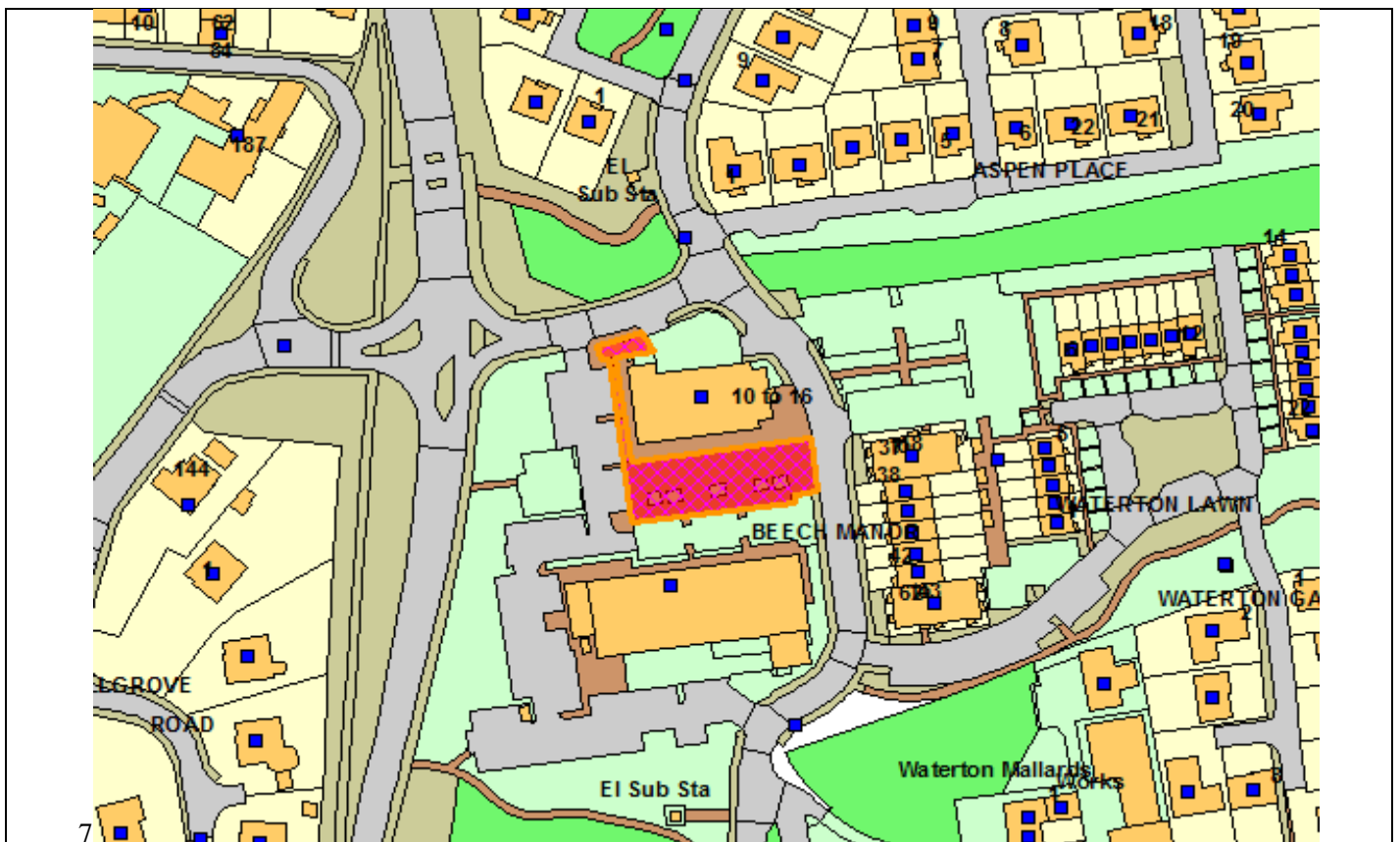


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 21 January 2021

Site Address:	S2, Stoneywood Estate, Stoneywood, Aberdeen AB21 9LA
Application Description:	Approval of matters specified in conditions (1): (i-access), (ii-siting), (iii-siting design), (iv-landscaping), 10 (SUDS) and 14 (waste management) for planning permission in principle ref. P110790 for the erection of cafe (class 3) with outdoor seating area
Application Ref:	200196/MSC
Application Type	Approval of Matters Specified in Cond.
Application Date:	14 February 2020
Applicant:	Dandara
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce And Stoneywood
Case Officer:	Lucy Greene



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RECOMMENDATION

Approve Conditionally

Site Description

The application site lies between the existing M&S and Co-op buildings at Stoneywood. This is the mixed-use commercial area that forms part of the Stoneywood Estate development by Dandara and acts as a central focal point to the new housing built to the north and east. The application site is also contained by the 3 ½ storey flats and 2 ½ storey townhouses that front onto the east side of Beech Manor. The area is presently laid out as public open space with hard and soft landscaping, containing benches, individually planted young silver birch trees and four small landscaped beds each containing a silver birch tree (nine (9no.) trees in total) and is hard surfaced. The Design Statement describes it as the main civic square within the Stoneywood development and a key focal point.

To the east is Beech Manor from which vehicles access the commercial car parks, whilst to the west is Stoneywood Road (A947), with an area of grass between the car park and the road. A path leads between Stoneywood Road and the car park immediately to the west of the site.

Relevant Planning History

Application Number	Proposal
P110790	Proposed residential development of approximately 425 houses with a mix of supporting & ancillary facilities including a neighbourhood centre, landscaping, open space & recreational facilities
Approved on: 02/05/2012	

APPLICATION DESCRIPTION

Description of Proposal

The application seeks the approval of matters specified in Condition 1 (design, layout & landscaping), Condition 10 (SuDS) and Condition 14 (waste storage) pertaining to the Planning Permission in Principle (PPP) granted under application 110790.

The application proposal is for the erection of a café / coffee shop of approximately 70m² in size and roughly square in footprint. There would be an accompanying external area indicatively containing six tables, west of the coffee shop.

Two benches would be relocated within the site and three silver birch trees would be removed within the footprint and immediately adjacent to the café.

The proposed building would be single storey and flat roofed, largely fully glazed to three elevations with a timber clad section to the east end where the building would contain 'back of house' facilities. The roof would be clad in a 'zinc like' cladding with fascia in the same material. The roof would overhang supported on corner posts on the front elevation to create a canopy. Refuse would be stored in an area to the rear and cycle parking stands are shown next to the front elevation.

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=Q5LAYLBZFPC00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because

there is an objection from the Dyce and Stoneywood Community Council.

CONSULTATIONS

ACC - Roads Development Management Team – Following submission of a parking survey, satisfied that there is sufficient parking within the wider area. The Swept Path Analysis (SPA) for delivery vehicles in the car park is acceptable, the parking layby should be chamfered at 45 degrees on both sides to accommodate delivery vehicles. Notes that the applicant would schedule deliveries with their supplier so that the time of arrival is known, and outside peak customer hours, allowing parking bays to be used for car parking at other times.

With regard to parking on Beech Manor, it is recommended that “At any time” restrictions be implemented on the west side of Beech Manor to prevent customers parking there and on the pavement. This should be conditioned.

ACC - Environmental Health – No comments received

Dyce and Stoneywood Community Council – object to the proposal, for the following reasons:

- The proposed café would result in the loss of public open space and trees and is therefore not consistent with Policy NE4: Open Space Provision in New Development and Supplementary Guidance: Open Space;
- The objection reflects the opinions of local residents who consider that the proposal would have a negative effect on residential amenity and is therefore not consistent with Policy H1: Residential Areas.

REPRESENTATIONS

Four (4no.) representations have been received in respect of the application, these were all objections and are for the following reasons:

- The site already has two retail outlets, both of which serve takeaway hot drinks and convenience food and one of which has a café area;
- Views from residents’ properties will be impacted with the loss of the town square feel and introduction of rear elevation of a cafe;
- The proposal would compromise privacy of residents;
- Increase in litter;
- Beech Manor is not yet adopted, has become a ‘rat run’ and due to on street parking, the road is dangerously narrow, the situation would be exacerbated by the proposal;
- Customers and heavy goods vehicles would block residents’ driveways on Beech Manor;
- Delivery vehicles would be likely to use Beech Manor as a ‘loading bay’, which would create disturbance for residents;
- Car park is too small to accommodate visitors to a further unit;
- Impact on property values;
- There are no speed restriction or ‘children playing’ warning signs within a family oriented area and traffic would increase with another business;
- The café seating area could attract more children to the square at night, abusing landscaping and fixtures;
- Comments relating to landscaping around the replacement football pitch, which was carried out minimally and is not maintained

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.

Aberdeen Local Development Plan (2017)

Policy H1 – Residential Areas

Opportunity Site OP17 – Stoneywood

Policy D1 – Quality Placemaking by Design

Policy T5 – Noise

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

Policy R6 – Waste Management Requirements for New Development

Policy R7 – Low and Zero Carbon Buildings and Water Efficiency

Policy NE4 – Open Space Provision in New development

Policy NE5 – Trees and Woodland

Supplementary Guidance and Technical Advice Notes

Stoneywood Estate Development Framework and Masterplan;
Transport and Accessibility.

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.

EVALUATION

Principle of Development

The application site falls within an area identified as S2 within the Stoneywood Development Framework (DF). The public space is described within the Design Principles section of the DF as being defined by mixed use buildings, with active frontages. Café use is included within the list of possible uses. The DF describes a primary street passing through a mixed use area and public space. The layout as built differs slightly from the DF layout, with residential use to the east of Beech Manor, the primary street, and the mix of uses and public space to the west. The proposal would be located within part of the public space, however, the public space around the building would remain, with public as well as private external space. There is also further public space which exists on the east side of Beech Manor. It is therefore concluded that the proposal is not

discordant with the DF.

In terms of Policy H1, it remains to be considered whether the café use would be complementary to residential use in this particular instance. There are several aspects to this: noise and activity of customers, disturbance from vehicular movements associated with the café and visual amenity. These are considered further below in relation to Condition 1 of planning permission in principle P110790.

Matters Specified in Conditions:

Condition 1 – Access, siting, design and landscape

“That no phase shall be developed pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application for that phase has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; these matters being details of the

(i) means of access,

(ii) siting,

(iii) design and external appearance of the building(s) and

(iv) the landscaping of the site

- in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006”.

In terms of access, the existing car park has been shown to have sufficient spaces free at various times throughout the day for visitors to the café to be accommodated, although it is also envisaged that many trips would be made by residents on foot and to multiple destinations. Deliveries would be arranged at less busy customer times and there are a number of double parking bays alongside the café which could be used, the swept path analysis shows that these are accessible by a van. With a condition requiring parking restrictions to be applied on Beech Manor when it is adopted in the near future, it is considered that the proposal would be acceptable in terms of both access and the impact of vehicular movements on residents nearby.

The café would be a small pavilion, sited to provide frontages to three sides, whilst not immediately opposite residential accommodation. The building would lie to the immediate south of the Coop / office building. Its frontage would be to the west onto an area of external seating, which would be adjacent to the benches in the public space and to the existing trees. Although some of the space would be ‘private’ there would be eight (8 no.) benches for public use. The combination of these would further animate the space, which was little used during case officer site visits during the summer.

The café would be single storey and timber clad to the east elevation, it would be more than 31m from the front elevation of the flats. There would also be two trees between the café and flats, with others within the area between the Co-op and the Café. Although these are currently relatively small, their contribution to the visual appeal of the public space, will become increasingly significant. The relationship in terms of massing, siting and design and appearance is considered acceptable.

The applicant has submitted a statement identifying the open space within the wider development and showing that this complies with Policy NE4, whilst much of this public space would remain undeveloped.

Noise

A Noise Impact Assessment (NIA) was received which assesses predicated noise from customers

in the café, in the external seating area and plant. The assessment finds the levels to be acceptable in terms of the nearest residential property, having established appropriate levels with the Environmental Health Service prior to submission. The recommendation is that the levels are set conservatively to protect the occupiers of the café itself as levels would be acceptable in terms of the nearest residential property. A condition is recommended that would require implementation of the recommendations of the NIA. The proposal would be consistent with Policy T5 – Noise.

In terms of landscaping, three existing trees would be removed for the development, these are young silver birch and would be replanted elsewhere. There would remain landscaping within the area to contribute to the character of the public space.

Condition 10 - SUDS

“that no construction work on any phase of development, including the construction of roads and paths, shall take place unless details of the proposed SUDS measures for that phase, road or path have been submitted to, and approved in writing by, the planning authority. No residential or commercial unit shall be occupied, and no road or path shall be brought into use, unless the approved SUDS measures for that particular unit, road or path have been implemented and are fully operational - to ensure that the site is properly drained and in the interests of sustainability”.

The proposal would not change the amount of hard surfaced area on the site. The applicant has confirmed that the area is currently drained to the Stoneywood surface water sewer which delivers treatment and attenuation and the construction of a café would not change the surface water catchment.

Drainage for surface water would remain as existing, there is no increase in the extent of hardsurfaced area.

Condition 14 - refuse

“that none of the residential units or commercial properties in any phase shall be occupied unless a detailed scheme showing the arrangements for the segregation, storage, collection and management of residential, commercial and business waste arising from within that phase has been submitted to, and approved in writing by, the planning authority and the scheme has been implemented - in the interests of sustainability and to ensure that waste is properly stored, collected and disposed of”.

Refuse storage would take place to the rear of the café where would be a small enclosure for bins. This arrangement provides sufficient space in a suitable location and is acceptable.

Matters Raised in Objections

Many of the matters raised in objections and the Community Council’s response have been dealt with above, the following should also be noted:

- Only those matters covered by the above-noted conditions may be considered through the current application;
- Café customers wishing to consume their purchases within the area would be likely to sit within the café external area where the café would be responsible for clearing tables;
- Beech Manor is due to be adopted and can therefore be covered by the condition relating to parking restrictions. Speed restrictions and other signage would also be erected where necessary at that point, as a consequence of this proposal.

- Impact on property values is not a material planning consideration and impact on residential amenity is dealt with above;
- The café would be responsible for the security of its tables, chairs and property. There is no reason to suspect that the proposal would encourage anti social behaviour;
- Matters relating to the remainder of Stoneywood are not relevant to this particular application.

Proposed Aberdeen Local Development Plan

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

RECOMMENDATION

Approve conditionally

REASON FOR RECOMMENDATION

The proposal would be sited appropriately as a small pavilion between the larger retail, office and residential buildings, and would help animate the public space by expanding the diversity of uses, consistent with the Stoneywood Development Framework. By reason of the external appearance, massing, control of noise from plant and existing landscaping, the proposal would complement its surroundings with no detrimental impact on residential amenity anticipated. The proposal would be therefore be consistent with policies H1: Residential, D1: Design and T5: Noise in the Aberdeen Local Development Plan 2017.

Sufficient parking provision would be available within the existing car park, whilst deliveries and cycle parking would be provided for, all in accordance with policies T2: Managing Transport and T3: Sustainable and Active Travel.

CONDITIONS

1. Benches, Refuse and Cycle storage

That the café shall not be brought into use unless the benches, refuse storage and cycle storage are provided as shown on the approved drawings, or others as may be subsequently agreed in writing with the planning authority.

Reason: To ensure the provision of seating within the public space.

2. Low and Zero Carbon Equipment

That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance and Policy R7 of the Aberdeen Local Development Plan 2017 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.

Reason: 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'.

3. Parking Restrictions

That the use shall not take place unless there have been implemented on site parking restrictions "at any time" on this stretch of Beech Manor between the southern extremity of the unit to the south of the site (M&S) and the northern extremity of the unit to the north (Co-op and office) or thereabouts, in accordance with a plan to be submitted to and approved in writing by the planning authority, unless otherwise agreed in writing.

Reason: In the interests of road safety.

4. That no development shall take place unless a plan showing the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented. Any trees which within a period of 5 years from the date of this approval, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason: in the interests of the amenity of the area and to ensure adequate protection for the trees on site during the construction of the development.

5. Noise

That the café shall not be used unless the conclusions and recommendations of the Noise Impact Assessment by CSP Acoustics, dated 24th May 2018 have been implemented in full and remain operational and in place, unless otherwise agreed in writing with the planning authority.

Reason: in the interests of the amenity of the occupiers of nearby buildings.

ADVISORY NOTES FOR APPLICANT

That, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

- (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) outwith 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 outwith 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.