

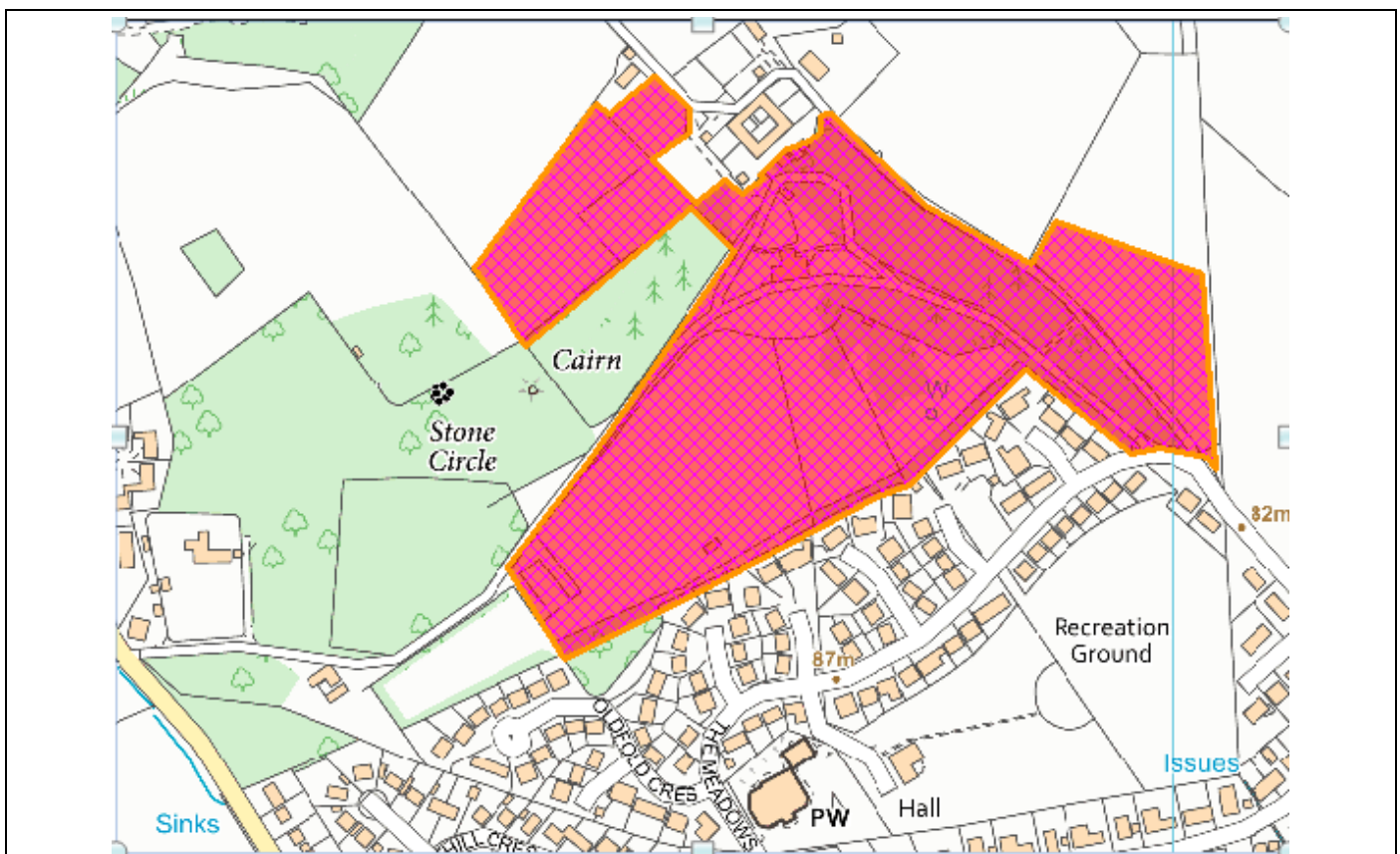


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 20<sup>th</sup> May 2021**

<b>Site Address:</b>	Binghill House, Binghill Road, Aberdeen, AB13 0JL.
<b>Application Description:</b>	Erection of active retirement community (circa 60 units in mix of apartments, cottages and houses and 20-bed nursing home) including small-scale local shop and café, community allotments and associated infrastructure
<b>Application Ref:</b>	200750/PPP
<b>Application Type</b>	Planning Permission in Principle
<b>Application Date:</b>	3 July 2020
<b>Applicant:</b>	Mrs Shona Buyers
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside and Milltimber
<b>Case Officer:</b>	Gavin Clark



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## **RECOMMENDATION**

Refuse

## **APPLICATION BACKGROUND**

### **Site Description**

The application site extends to approximately 8.4 hectares and is located to the immediate north of the settlement boundary of Milltimber and is accessed via Binghill Road. The site currently accommodates the Category "C" listed Binghill House (listed in November 2014) and its associated landscape setting, which include mature trees and areas of grassland. The trees at the main access to the site, for the first circa. 110m of the driveway are covered by a Tree Preservation Order (TPO125: Binghill Road). The driveway is in the south-eastern section of the site, running through the existing treeline toward the house, which sits in the northern section of the site.

The site is bound by the settlement of Milltimber to the south, and by areas of agricultural land and woodland on the other sides. A steading development also sits to the north of the site, with further residential properties located on Contlaw Road to the west and the residential development of Oldfold located to the south-east. Two scheduled monuments (Binghill House Stone Circle and Cairn) are located to the north-west of the site, out with the application site boundary.

The application site is allocated as Green Belt (Policy NE2) and Green Space Network (Policy NE1) in the adopted Aberdeen Local Development Plan 2017, with similar allocations contained in the Proposed Aberdeen Local Development Plan 2020 (Green Belt NE1) and Green and Blue Infrastructure (NE2).

### **Relevant Planning History**

A proposal of application notice (Ref: 190857/PAN) was submitted in May 2019 for a mixed-use major development incorporating a new retirement community, the extension to and conversion of Binghill House to a care home (Class 8), new purpose built retirement and residential accommodation (Class 9 houses and flats - up to 140 units) and other supporting uses anticipated to include a small local shop, food & drink or service uses (Classes 1, 2 & 3) and community allotments.

An Environmental Impact Assessment (EIA) screening opinion (Ref: 191893/ESC) was issued in January 2020 advising that an EIA was not required for a mixed-use development incorporating a new retirement community, the extension to and conversion of Binghill House to a care home (Class 8), new purpose built retirement accommodation (Class 9 houses and flats - up to 56 units) and other supporting uses anticipated to include a small local shop and cafe (food & drink) and service uses (Classes 1, 2 & 3). It was the view of the Planning Service that the development did not require an EIA, however, there were potentially significant impacts on the existing green space and ecology. Detailed ecology, habitat, and tree surveys to recognised standards along with appropriate mitigation and a Construction Environment Management Plan would be required to accompany the submission of any application for planning permission.

Planning permission (Ref: 130408) was granted in August 2014 for alterations to Binghill House to form three residential apartments. This permission was not implemented and has since expired.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

This application seeks Planning Permission in Principle (PPiP) for the erection of what is described by the applicant as an active retirement community (circa 60 units in mix of apartments, cottages and houses and 20-bed nursing home) including small-scale local shop and café, community allotments and associated infrastructure.

The indicative layout shows a new access being created from Binghill Road in the south-east section of the site. This area is also shown to accommodate the SUDS basin along with areas of

landscaping. The residential/ mixed use element is shown as being located to the south, south-east and south-west of Binghill House. Allotments are shown to the north-west with a village green to the immediate south of the house and landscaping, footpaths and roads running throughout the site.

It should be noted that as the proposal is for PPIp the above details are for illustrative purposes only and finalised details would be required through any future applications for either detailed planning permission or approval of matters specified in condition. The purpose of the PPIp application is to set out the parameters for an appropriate mix, layout, and scale of development.

### **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=QCW9G1BZIO100>

These include:

*Archaeology Desk Based Assessment and Walkover Survey: January 2020:* this document includes an archaeological background to the site, a walkover survey, and details of required works/ mitigation measures. Various appendices including historic sites within 1km of the site and photographs were included in the document.

*Heritage Planning Statement: Updated January 2021:* this document was updated at the request of the Planning Authority. It looked at various aspects including an assessment of the setting of Binghill House, an outline of the proposal, an assessment of impact on setting of the proposals and a summary.

*Planning Support Statement: July 2020:* provides an introduction, details of the proposal, planning context, discussion, and overall conclusion.

*Pre-Application Consultation Report: July 2020:* details events that took place prior to submission of the application including consultations undertaken, summary of consultee views and alterations made to the proposal as a result of the consultation and various appendices.

*Senior Living Support Statement: July 2020:* looks at various issues including demographics, the demand for senior housing, government policy, supply of senior housing, design and details of nursing homes and residential care homes.

*Drainage Statement: July 2020:* looks at existing site conditions, ground condition, potential flood risk, foul drainage proposals, surface water proposals, construction phase, future maintenance along with various appendices.

*Transport Statement: July 2020:* discussed the development proposals, expected traffic generation, parking provision, sustainable travel opportunities and an overall conclusion.

*Supporting Environmental Walkover Survey: July 2020:* looks at various environmental aspects of the proposal including designated sites, a phase 1 habitat survey as well as impacts on a number of animals including badgers, bats, breeding birds, birds of prey, red squirrels, water vole, pine marten and reptiles/ amphibians. Various appendices were submitted in support of the survey including details of trees with bat roost potential and site photos.

*Updated Badger Survey and Badger Protection Plan: March 2021:* provides details of the site, including locations of badger setts, discussed the impact on the proposals on badgers and details a badger protection plan. Various appendices were also included including details of the location of the setts, and associated photographs.

*Landscape Statement: January 2021:* provides a landscape context, landscape design principles and details of the indicative site plan.

*Tree Survey Report: July 2020:* provides details of the site, the Arboricultural impact from the development, discusses zone of influence, tree protection, underground service installation, an Arboricultural method statement and various appendices. Also included were an arboricultural assessment plan and arboriculture impact plan.

*Design Statement: January 2021:* looked at various areas including the vision of the proposed development, precedent, site details, a site appraisal, design concept, design proposals along with an overall conclusion.

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

The application has been referred to the Planning Development Management Committee because the proposal is a major development, it is a significant departure from the adopted local development plan, Cults, Bieldside and Milltimber Community Council have objected to the application and the proposal has been subject to 147 timeous letters of objection; consequently the proposal falls out with the Scheme of Delegation.

### **Pre-Application Consultation**

This application is accompanied by a Pre-Application Consultation Report (PAC Report), as required by the relevant regulations for all planning applications concerning developments in the major category.

The applicants held a statutory pre-application consultation event on the 20<sup>th</sup> of June 2019 from 1pm – 7pm. An advertisement was placed in the Evening Express on the 12<sup>th</sup> of June 2019 giving notice of the consultation event. Posters were also displayed in three places in Milltimber and leaflets were posted to properties in the vicinity of the site (which were agreed with the Planning Service). These notices included details of the location, date, and timing of the event as well as a short description of the development and details of how to obtain further information about the proposals. In addition, notices were sent to the local Cults, Bieldside and Milltimber Community Council and the local ward members at least 7 days ahead of the meeting.

At the consultation event display boards were produced to illustrate the proposed development and supplementary aerial images and indicative masterplans were available for viewing at the event. Attendees were asked to register their attendance and were offered forms to provide feedback. Attendees were given a brief verbal introduction to the format of the event, the layout of the boards and display information and invited to ask questions of the Project Team at any time.

The applicant has advised that approximately 85 people signed into the public event, but it is estimated that over 100 people attended the event over the course of the day. Comments received verbally following pre-application discussions, at the event, or on returned comments forms (50 completed responses) focussed on the following themes:

- Principle of Development
- Access
- Traffic
- The need for this style of housing
- Mainstream housing
- Environmental Impact

These responses are summarised in the PAC report along with the applicant's commentary on whether/ how the proposals have taken them into account.

In addition, members of the design team attended the 23<sup>rd</sup> May 2019 meeting of Cults, Bielside and Milltimber Community Council and presented the proposed development to those in attendance. Follow up meetings were held with the Planning Liaison Officer and one further member of the Community Council on 27<sup>th</sup> June 2019 as they were unable to attend the original meeting. A further meeting with the Planning Liaison Officer and two members of the Community Council was held on 18<sup>th</sup> November 2019.

On 20<sup>th</sup> September 2019, the applicant gave a presentation of the proposal to the Council's Pre-Application Forum. This presentation contained details of the original proposal submitted at the time of the PoAN, the vision for the development, the history of the site and the consultation undertaken. Also presented were amendments to the development which were being considered at the time and the rationale for these amendments. An independent advisor to the project and an expert on senior living accommodation spoke as part of the presentation evidencing the need for the style of development being proposed, and how it differs to the style of retirement accommodation currently being provided in Scotland.

### **Requirement for a Pre-Determination Hearing and Determination of Application**

The proposed development is classed a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal is considered to be a significant departure from the Development Plan by virtue of it being a major development located on an undeveloped and unallocated site within the Green Belt, wherein Policy NE2 'Green Belt' of the Aberdeen Local Development Plan applies, but does not allow for development of this type within its stated exceptions.

Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 the Planning Authority was required to give those who make representations an opportunity to appear before and be heard by a committee of the authority at a Pre-Determination Hearing. In addition, until 1 March 2020, any planning application which was the subject of a pre-determination hearing under S38A of the Town and Country Planning (Scotland) Act had to be determined by Full Council as per the Local Government (Scotland) Act 1973.

The Planning (Scotland) Act 2019 was passed by the Scottish Parliament in June 2019 and makes substantial changes to the 1997 Act. The implementation of the Act is underway and some of its provisions are now in force. Provisions were brought into force in Quarter 1 2020 removing the requirement for full Council to make decisions on applications where there has been a pre-determination hearing. Therefore, this application may be determined by Planning Development Management Committee.

The proposal was subject to a Pre-Determination Hearing on the 15<sup>th</sup> of March 2021. The Hearing afforded the applicant and those who submitted written representations on the proposed development the opportunity to verbally present their arguments/ case directly to the Planning Development Management Committee. The minute from that hearing can be found in the Council website along with the agenda pack and a recording of the event:

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=7835&Ver=4>

The hearing was addressed:

- By officers from Aberdeen City Council on the planning and roads considerations pertinent to deciding the planning application.
- By the applicant and the applicant's representatives in terms of the merits of the proposed development; and
- By Cults, Bielside and Milltimber Community Council and three local residents speaking against the development.

Members asked several questions of both the Council officers, the applicant's representatives, and residents. The minute of the hearing has been scrutinised to make sure that any material planning issues and points raised have been addressed in the evaluation of this application.

## **CONSULTATIONS**

**Archaeology Service (Aberdeenshire Council)** – Advise that, if approved, a condition should require that no works in connection with the development should commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

In this instance this programme of works will include (with reference to the Desk-Based Assessment as submitted):

- Site 11 (ruined building) – Level 1 Building Survey undertaken of this structure.
- Site 3 (outhouse) – Photographic Survey undertaken of this structure.
- Site 12 – two trenches across this alignment to identify the former formal paths and circular garden features as identified on the 1st Edition OS Map and investigate how they were constructed, materials used etc.
- 10% Evaluation of the area south of the current Binghill House encompassing much of the 'central' section of development in an attempt to locate the old house of Binghill/Drum well. (this would be a corridor running south of the main house that includes the area marked for the new village green, retirement apartments and retirement cottages); and
- Site 1 Binghill House Level 1 standing building survey prior to any alterations.

**ACC - Developer Obligations** – Advise developer obligations are required towards the Core Path Network (£26,784), Healthcare Facilities (£73,697) and Community Facilities (£131,652), Affordable Housing (25% on-site via Low Cost Home Ownership) and request the delivery of high quality on-site open space provision.

**ACC – School Estate Team (Education)** – confirmed in their response to colleagues in Developer Obligations that given the nature of the development and assuming there will be age restrictions on the occupants, no contributions were required to primary or secondary education.

**ACC - Environmental Health** – Due to the location of the proposed development, the occupants of surrounding existing residential property may be exposed to risk of dust impacting on amenity during each phase of the works (E.g. Preparation, earthworks, construction and track out). Provision of suitable mitigation measures can address this. Therefore, the following is requested -

- An 'Air Quality (Dust) Risk Assessment' by a suitably qualified consultant is carried out in line with the IAQM 2014 Guidance entitled 'Guidance on the Assessment of Dust from Demolition and Construction' to predict the likely dust levels and impact on air quality including a determination of its significance.

- A Dust Management Plan produced in line with the guidance (based on the outcome of the Dust Risk Assessment) submitted and agreed in writing with this Service detailing the necessary dust control measures to be implemented.

Environmental Health also note from the application that a café is proposed as part of the development. It is also highly likely that some catering operations will take place in the nursing home. Full details of the proposed Local Extract Ventilation (LEV) systems would therefore be required from the applicant in order to demonstrate that systems for either facility will have satisfactory measures in place to mitigate any potential odour issues, which may affect the amenity of existing and proposed residential properties nearby. It is therefore requested the following 'details for approval' relating to odour and noise control, which would be required prior to determination:

- A suitable extract ventilation assessment by a competent person, in line with relevant guidance for example, the EMAQ guidance document 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (or equivalent as suitably demonstrated) and associated references. This assessment must predict the impacts of odour associated with the specific type and level of cooking activities to be undertaken and fully demonstrate the effectiveness of any proposed mitigation measures to; extract filter, neutralise, and disperse cooking fumes produced at the premises. Details of this assessment including evidence to demonstrate adequate odour control must be submitted for review, in the form of a suitable report to the satisfaction of the Environmental Health Service; and
- A Noise Impact Assessment by a suitably qualified noise consultant to predict impacts of noise associated with the proposal and establish the extent of any noise controls. The methodology for such an assessment must be agreed with this Service. Details of this assessment including evidence to demonstrate adequate noise control must be submitted for review, in the form of a suitable report to the satisfaction of the Environmental Health Service.

Environmental Health also suggested that, in order to protect the amenity of the occupants of existing nearby residential properties, any development works at the proposed development (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours: Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours.

**ACC - Structures, Flooding and Coastal Engineering** – Advise that a Flood Risk Assessment is not required and that any drainage issues should be dealt with by officers in Roads Development Management.

**Police Scotland** – have provided general guidance on crime levels in the surrounding area and encouraged the applicants to contact them at an early stage in relation to access control/ lockable gates, perimeter fencing and vehicle parking, lighting, landscaping, alarm systems, permeability and maximising natural surveillance. It was also noted that mention was made in the response to the potential for a gated community, further clarification was sought from Police Scotland, who clarified that this was not a requirement, more a suggestion.

**NatureScot (formerly Scottish Natural Heritage)** – whilst they were not formally consulted on the proposals, they confirmed that a badger licence had been granted for the development site.

**ACC - Roads Development Management Team** – have provided the following comments:

Walking and Cycling: the site proposes to provide internal pedestrian footpath connectivity looping round the overall site, while providing connections to the existing adopted footpath network onto Bingham Road and Oldfold Crescent directly to the south of the site, which in turn connects further to

wider Milltimber area and North Deeside Road (bus links). Clearer details of the internal footpaths adjacent to the road (if any) shall be required at future date of a Matters Specified in Conditions (MSC) application.

It is noted within supporting 'Transport Statement' (TS) the intention to tie in and extend new pedestrian footpath up the east side of Binghill Road which is being implemented as part of the new Milltimber Primary School. It is confirmed that this is required and should be conditioned as part of any approval of this application.

In terms of the site being served by cycle provision this shall be on-street via Binghill Road until such times it can tie in with North Deeside Road and the Deeside Way (part of National Cycle Route) to the south. Binghill Road and the wider Milltimber area has recently had imposed upon it a new mandatory 20mph speed limit and increased traffic calming measures, making it safer for on-street cycling.

Public Transport: the nearest bus route to the site is on North Deeside Road (south of site). This route provides regular services along North Deeside Road into the heart of the City and City Centre. It is noted that bus stops for such services are just out with the desired distance of the site but are still considered walkable for future employees. It is also noted that the applicant proposes a shuttle bus to assist residents reaching local amenities.

Parking: It is noted within the supporting TS all parking shall be provided as per ACC Supplementary Guidance, all standards are also referenced within, it is confirmed such provision shall be required. Indicative provision has been shown on the site plan, but conditions should be attached to confirm and quantify this on-site at stage of a MSC application.

Additionally, details of other associated parking provision are required to be provided, such as disabled parking, cycle parking (residents/staff) and minibus/coach parking. Motorcycle parking is also referenced but typically this is accommodated within standard vehicle parking, however, should the applicant wish to provide designated motorcycle parking that would be no concern.

Due to the Scottish Government initiative for almost complete decarbonisation of road transport by 2050, new developments are required to provide electric vehicle provision, further information on this can be found within ACC Supplementary Guidance.

Given the PPIP nature of this application, finalisation of the above shall come as part of detailed follow-up application, therefore suitable conditions shall require to be placed on any approval.

Development Access / Construction Consent: It is noted that the proposed site shall be served by a new T-junction onto Binghill Road with an additional emergency vehicular access, it is confirmed that such access means is required. Although, indicative within overall site plan exact details on the width and footpath provision shall require to be confirmed via condition and final design of the site. It is also noted that the proposed is as per scoping with Roads Development Team.

It should be noted that the proposed new vehicular accesses and footpath extension shall be subject to a Section 56 Roads Construction Consent (RCC) procedure and require to be designed and constructed to Aberdeen City Council standards.

Refuse and Servicing: It is noted and confirmed that an appropriate condition should be attached in order to provide full details of how both the residential and care home aspects of the site shall be served in terms of refuse and deliveries which includes swept path analysis for refuse vehicles accessing/egressing the overall site.



**Local Network Impact:** It is confirmed and noted that the applicant has evidenced through the supporting TS that the proposed development shall have no adverse effect on the localised network and the nearest junctions, while most trips shall be out with the peak periods as well given the nature of the development. Therefore, Roads Development Management have no further observations in this regard.

**Travel Plan Framework (Residential Travel Pack) / Safe Routes to School:** It is noted that within the supporting TS the applicant has provided an outline of a proposed Residents Travel Pack, this outlines appropriate objectives and aims to promote alternative and sustainable transport methods. A finalised Residential Travel Pack shall require to be conditioned along with that for a Staff Travel Pack.

**Drainage Impact Assessment:** It is noted that the applicant has provided a supporting 'Drainage Assessment' which outlines appropriate drainage and SUDS proposals. It should also be noted that all additional aspects of roads drainage in relation to new constructed accesses shall be included and subject to the Section 56 RCC.

**Scottish Environment Protection Agency** – initially objected to the proposal on the grounds of lack of information on potential impacts on Groundwater Dependent Terrestrial Ecosystems. SEPA also provided some commentary on disruption to wetlands including peat land, pollution prevention and environmental management, drainage, existing groundwater abstractions and environmental enhancements through placemaking. They have also given details of regulatory requirements. Following the receipt of additional information, SEPA removed their objection in November 2020.

**Scottish Water** – Currently unable to confirm capacity at the Invercarnie Water Treatments Works and Nigg PFI Wastewater Treatment Works. Request that the developer complete the pre-development enquiry forms. A review of their records indicates that the proposed activity falls within a drinking water catchment where a Scottish Water abstraction is located. Also noted that Scottish Water will not accept any surface water connections into their combined sewer system.

**Cults, Bieldside And Milltimber Community Council** – following the submission of further information they have confirmed that they object to the planning application. The reasons for objection are that the application is a departure from the Aberdeen Local Development Plan (ALDP) 2017 and the Proposed ALDP 2020, the land is zoned as Green Belt/Green Space Network in ALDP2017 and Proposed ALDP 2020 and that development is above the generally recognised 90m contour.

## **REPRESENTATIONS**

The proposal was initially subject to 173 letters of representation (147 in objection, 24 in support and 2 neutral comments). Following re-notification of neighbours, a further 6 objections were received from parties who had previously commented on the proposal. The matters raised have been summarised and responded to in the section of this report titled "Matters Raised in Representation".

## **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.

Where a proposal affects a listed building, sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses.

## **National Planning Policy and Guidance**

### Scottish Planning Policy (SPP)

Scottish Planning Policy (SPP) was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy 2014 as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

Scottish Ministers, through SPP, expect the planning system, amongst other things, to focus on outcomes, maximising benefits and balancing competing interests; play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities; and be plan-led, with plans being up-to-date and relevant.

SPP's identified outcomes include achieving: a successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places, a low carbon place – reducing our carbon emissions and adapting to climate change; and a natural, resilient place – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.

Paragraph 15 highlights the role of SPP to set out how these outcomes should be delivered on the ground. By locating the right development in the right place planning can provide opportunities for people to make sustainable choices and improve their quality of life. Paragraph 28 states, as a policy principle, that the planning system should 'support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost'.

As regards the green belt, paragraph 49 advises that, for most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by: directing development to the most appropriate locations and supporting regeneration; protecting and enhancing the character, landscape setting and identity of the settlement; and protecting and providing access to open space.

Again, in the context of development planning, paragraph 52 sets out that local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include: development associated with agriculture, including the reuse of historic agricultural buildings, development associated with woodland and forestry, including community woodlands, horticulture, including market gardening and directly connected retailing, recreational uses that are compatible with an agricultural or natural setting, essential infrastructure such as digital communications infrastructure and electricity grid connections, development meeting a national requirement or established need, if no other suitable site is available and intensification of established uses subject to the new development being of a suitable scale and form.

In terms of listed buildings, paragraphs 135 to 137 are also of relevance, these include paragraphs which state that the planning system should promote the care and protection of the designated and non-designated historic environment and also enable positive change in the historic environment.

Changes should be sensitively managed to avoid or minimise adverse impacts on the fabric or setting of the asset and ensure that special characteristics are protected, conserved or enhanced.

In addition, paragraph 141 advises that *“where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building, or its setting should be appropriate to the character and appearance of the building and setting.”*

Paragraph 202, in the context of development management, states that ‘The siting and design of development should take account of local landscape character’, and that ‘developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement’. Paragraph 203 states that ‘Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment’.

Paragraph 214 advises that *“the presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application.”*

In addition to Scottish Planning Policy, the following National Planning Policy/ Guidance are also considered to be of relevance to the determination of this application:

- Historic Environment Policy for Scotland (HEPS)
- Managing Change in the Historic Environment: Setting

### **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)**

- D1: Quality Placemaking by Design
- D2: Landscape
- D4: Historic Environment
- D5: Our Granite Heritage
- NC7: Local Shop Units
- I1: Infrastructure Delivery and Developer Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality

- T5: Noise
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- NE1: Green Space Network
- NE2: Green Belt
- 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)**

- Landscape
- Conversion of Buildings in the Countryside
- The Sub-division and Redevelopment of Residential Curtilages
- 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.

In terms of the Proposed Aberdeen Local Development Plan, a development bid was put forward for the site (B0947 – Binghill House). This also included an area of land to the west. The recommendation was that the site was undesirable and was not taken forward as a development site in the Proposed ALDP.

The following policies are of relevance to the determination of this application: WB1: Healthy Developments, WB2: Air Quality, WB3: Noise, WB4: Specialist Care Facilities, NE1: Green Belt, NE2: Green and Blue Infrastructure, NE3: Our Natural Heritage, NE4: Our Water Environment, NE5: Trees and Woodland, D1: Quality Placemaking, D2: Amenity, D4: Landscape, D5: Landscape Design, D6: Historic Environment, D7: Our Granite Heritage, R5: Waste Management Requirements

for New Development, Low and Zero Carbon Buildings, and Water Efficiency, H3: Density, H4: Housing Mix and Need, H5: Affordable Housing, VC10: Local Shop Units, I1: Infrastructure Delivery and Planning Obligations, T2: Sustainable Transport, T3: Parking and CI1: Digital Infrastructure.

### **Other Material Planning Considerations**

- Housing Need and Demand Assessment 2017
- Housing Land Audit

## **EVALUATION**

### **Principle of Development**

In terms of the principle of the proposal, national and strategic guidance (including the Strategic Development Plan) supports the Green Belt in its role of directing development to appropriate locations, protecting access to open space and protecting and enhancing the character and landscape setting of settlements. SPP identifies types of development that may be appropriate in a Green Belt setting and Policy NE2 (Green Belt) of the ALDP further expands on this.

In respect of Paragraphs 193-203 of SPP, the key considerations are: whether the proposal result in the protection, enhancement and promotion of access to a key environmental resource and whether the nature and/or scale of the proposed development would have an unacceptable impact on its natural environment.

As mentioned above, the application site is located to the immediate north of the settlement boundary of Milltimber and relates to an area of designated Green Belt and Green Space Network land within the curtilage of, and surrounding, the Category C listed Binghill House. The majority of the land to the west, north and east of the site follows a similar designation, with land to the south forming part of the settlement and land to the south-east forming part of the Oldfold land release designation. The proposal would result in built development on a large percentage of the application site, with the applicant indicating within the submitted supporting information that some areas of open space and woodland would be retained within the site. The role of the Green Belt, and the setting of the City as described above would be seriously compromised if the development as proposed were to proceed.

In terms of the ALDP, and as mentioned above, the site is zoned as both “Green Belt” and “Green Space Network” in the Aberdeen Local Development Plan. Policy NE2 “Green Belt” states that no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal.

There are certain exceptions listed in Policy NE2, being proposals related to the provision of essential infrastructure (e.g. electronic communications infrastructure, electricity grid connections), proposals for the conversion and extension of buildings historic or architectural interest, proposals for the replacement of existing houses on a one-for-one basis and proposals for development associated with existing activities in the green belt. Development will only be permitted in these circumstances if all of the following criteria are met: the development is within the boundary of the existing activity; the development is small-scale; the intensity of activity is not significantly increased; and any proposed built construction is ancillary to what exists. In addition, all proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials.

The key issues for consideration are whether the proposed development complies with the uses identified as being appropriate within the green belt, and secondarily the extent of the impact upon

the character and landscape setting of the surrounding area, which the green belts seeks to protect. As mentioned above, Policy NE2 presumes against development, with some exemptions.

In relation to the first point, the proposal is for what is described by the applicant as an active retirement community of circa. 60 units in a mix of apartments, cottages and houses and 20-bed nursing home including small-scale local shop and café, community allotments and associated infrastructure. The proposal would not be for purposes considered essential for agriculture, woodland, or forestry, it would not be a recreational use associated with an agricultural or rural setting and would not be associated with mineral extraction or landscape renewal.

With regard to the exemptions it is noted that the proposal does not involve development associated with essential infrastructure, or the conversion of an historic building, or a replacement house, or with an existing activity on site (as it could not reasonably or legitimately be argued that the development is an extension of or related to the existing house/residential use of the site), the proposal would not be small scale, the intensity of activities on site would be significantly increased and the development would not be ancillary to what exists on site.

Consequently, the proposal would fail to comply with the aspirations of Scottish Planning Policy and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan. In circumstances such as this, where a development is considered to be contrary to the provisions of the development plan, Section 25 of the Planning (Scotland) Act 1997 (as amended) requires the planning authority to consider whether there are any material planning considerations that would allow a departure from policy and this is assessed later in this report.

### **Green Space Network**

Policy NE1 (Green Space Network) states that the Council will protect, promote, and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network (GSN), which is identified on the Proposals Map. Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted and where major infrastructure projects or other developments necessitate crossing the Green Space Network, such developments should maintain and enhance the coherence of the network. In doing so, provision should be made for access across roads for wildlife and outdoor recreation.

Although the proposal does include some connections to the wider path networks from within the site, a significant percentage of the GSN would be lost to facilitate the development, which would result in the loss of most of the wildlife, ecosystem and landscape value of the area. The proposed development would not be capable of mitigating the loss of green space to the degree required to maintain a functioning GSN. Enhanced features as indicated within the supporting statements would not compensate for the loss of this significant area, which would be substantially altered due to the scale of residential development proposed within the curtilage of the site.

The impact on protected species and other landscape designations is discussed further in the “Natural Heritage” section below, but it is the view of the Planning Service that the proposed development would destroy and erode the character and/or function of the GSN in this location and the proposed development would therefore fail to comply with Policy NE1 (Green Space Network) of the ALDP.

### **Senior Living/ Proposed Development Type**

The applicants have submitted various documents in support of the application regarding the proposed use, noting that planning for an ageing population is considered critical to creating successful and inclusive places. The applicant also notes that there is nothing within The Town and Country Planning (Use Classes) (Scotland) Order 1997 which would align with the use proposed and, therefore, there is nothing set in planning law that would constitute “retirement living”. Essentially the proposal would be a housing development that would be restricted by age via a legal

agreement. The applicant considers that retirement villages such as that proposed within this planning application can deliver the type of age-specific housing that the city needs and that the limited scale of development is appropriate for the site.

At the Pre-Determination Hearing (PDH) the applicant stated that the Planning Authority has little control over the inclusion of age-specific housing in the larger allocated housing sites within the city, and furthermore that the type of lower density retirement community development proposed is precluded from all other allocated housing sites because it cannot compete on land values against mainstream house builders. Whilst these comments are noted, no substantive evidence in terms of land values has been submitted by the applicant to support these claims and, with that in mind, there is no reason to conclude that that other, more suitable brownfield sites or sites allocated for residential development within the city could potentially accommodate such development.

The supporting information also argues that the need to cater for a growing ageing population is a national issue that needs tackled at a local scale and that current planning policies and allocations would not be able to deliver an appropriate mix of age-specific housing that the city needs.

The submitted Senior Living Statement discusses national housing challenges, household sizes and the government policy response. Specific reference is made to the current strategy for senior housing contained within the policy document: *Age, Home and Community: A Strategy for Housing for Scotland's Older People: 2012-2021 (Scottish Government 2011)* and noting that further strategies are under development. The supporting statement argues that the proposed development would address the policy initiative by building housing which promotes independent living and would give residents a choice in their housing type, without having to move out of the neighbourhood.

The report also discussed the provision of nursing homes in Aberdeen and noted that four were present within the Cults, Bielside and Milltimber area providing capacity for 217 beds. The applicant argues that the works proposed on site would offer residents the comfort and easy access to nursing services and given the shortage of bed space of this type across the city, the addition of new supply will help satisfy some of the demand for end of life nursing care (in relation to the nursing home provision) and take pressure off local authority provisions. It should be noted that the current form of development for the proposed nursing home is deficient in information regarding layout and external spaces. Further information in this regard would be essential at MSC stage.

The application's supporting documentation considers the specific housing need for elderly persons. The Planning Service does not dispute that there is a demographic trend which indicates an increase in the age groups of persons over 60. This is reflected in population projections from the National Records for Scotland and in the Aberdeen City and Shire Housing Need and Demand Assessment 2017. However, the city-wide need and locational requirements of such bespoke proposals to address specific strategic housing needs are best assessed through the Development Plan process. This proposal on this specific site was a developer bid submitted as part of the Proposed Aberdeen Local Development Plan and has already been rejected by the Council as being unsuitable for residential development as a result of evaluation carried out as part of that process..

There is a suite of policies in both the extant Local Development Plan and the Proposal Local Development Plan which establish a framework for a mix of housing types across a range of sites delivering balanced and mixed communities which should meet the needs of wider society. This would align with the Housing Need and Demand Assessment 2017 which considers that the informal social network of older people is likely to be their local neighbourhood and to move people from that may increase social isolation. It is better to provide a range and mix of sites, across all parts of the city, which allow need to be met within an existing community rather than address it through a proposal which would address such need out with the community and with removed access from its services and benefits.

Whilst the Planning Service note the issues raised in the above three paragraphs, one of the overarching aims of the land use planning system articulated by SPP is to secure the right development in the right place. For the reasons highlighted in this report, it is concluded that this site is not the correct location for the type of development proposed.

### **Housing Land Supply**

As noted above, the application site is designated as Green Belt in the ALDP and thus is not allocated for residential development. The Development Plan is the most appropriate place to consider the need for new housing land and the allocation of specific sites. This is in line with the plan-led system emphasised by SPP.

Aberdeen City Council undertook its call for sites process in 2018 and consulted on its Main Issues Report in 2019 as part of the review of the Local Development Plan. This was the appropriate opportunity to consider new sites for allocation or re-zoning. A bid, B0-47, was submitted for the application site that promoted the allocation of the site as residential and a retirement community. This bid was assessed as part of the call for sites process and it was recommended as undesirable for re-zoning. It was therefore not included in the Proposed Aberdeen Local Development Plan.

The Aberdeen City and Shire Structure Plan 2009 and Strategic Development Plan 2014 set Housing Requirements which were met through housing allocations in subsequent Aberdeen City and Aberdeenshire Local Development Plans. The Strategic Development Plan 2020 has set a Housing Supply Target and Housing Land Requirement for subsequent Aberdeen City and Aberdeenshire Local Development Plans. This has resulted in the need for the Aberdeen City Local Development Plan to allocate a limited amount of housing land for the period 2020-2032. Land is required for a total of 5,107 homes in Aberdeen city and 8,172 homes in the Aberdeen Housing Market Area. These allocations should primarily come through brownfield sites and utilise the current “constrained” supply in the first instance. Both the Aberdeen City Council and Aberdeenshire Council Proposed Local Development Plans comprise sufficient allocations to meet the housing allowances of the Strategic Development Plan 2020.

Such historically generous levels of housing land allocations have resulted in a continuously robust 5-year and post 5-year effective housing land supply across both the Aberdeen and Rural Housing Market Areas (33,671 homes as per the Housing Land Audit 2020).

The Housing Land Audit 2020 shows that for Aberdeen City this has resulted in:

- A five-year effective land supply of 6,542 homes.
- Post five-year effective supply of 10,017 homes.
- Total effective land supply of 16,559.

At a housing market area level this has resulted in:

- The Aberdeen Housing Market Area having a 7.1-year supply.
- The Rural Housing Market Area having a 5.4-year supply.

The consideration of land supply in the context of a planning application is measured against the effective land supply within the Local Development Plan’s area and how this relates to the Housing Supply Target. However, housing land allocations are made and monitored on a housing market area basis as opposed to a Council basis.

This focuses the argument on the amount of currently available land or the effective land supply. Consideration can be given to sites that can start within the 5 years from the date of the Housing Land Audit and what rates of completion are programmed. Therefore, the supply is the land that is made available and the rate that it can be delivered at. Currently there is a robust land supply across the Aberdeen Housing Market Area.



Accordingly, with the above commentary in mind, there is no justification for granting planning permission for the development proposed on this application site, as there is sufficient and a robust supply of housing land - both within the city boundary and also within the Aberdeen Housing Market Area.

### **Layout, Scale and Design**

Issues of layout, scale and design will need to be considered against Policy D1 - Quality Placemaking by Design and Policy D2 – Landscape. Policy D1 advises that all development must ensure high standards of design and have a strong and distinctive sense of place which takes into account the context of the surrounding area and must offer opportunities for connectivity which take in to account the character and scale of the development.

In this instance, the proposal is for PPIp and an indicative site plan has been submitted to demonstrate how a level of development could potentially be accommodated on site in line with that described in the description of development. In terms of the general principles as set out in Policy D1, the proposed development could be seen to promote well-being, and would potentially provide a safe and pleasant environment that would be easy to get around. This indicative drawings submitted shows locations for the residential and mixed-use elements, as well as the vehicular access points, indicative internal road layouts, pedestrian access, and footpath connections. It also gives a general idea of areas of open space, areas of replacement tree planting and the location of the required SUDS/ drainage basin.

Notwithstanding the fact that the site layout is currently indicative due to the type of development proposed, it is considered that the proposal would potentially conflict with the principles of Policy D1. The proposal fails to respond to the sites context, in that it does not show that due consideration has been given to the siting, scale, massing, etc of the development, or natural environment or ecology of the site, or the setting of the listed building. As advised above, proposals should have due consideration for their context, and for the reasons detailed elsewhere in this report, the setting of the site within the Green Belt and the adverse impact on the parkland setting of the listed building indicate that the development has not been adequately designed with that in mind.

Indeed, it has not been demonstrated by the applicant that the number of residential units and overall development for which planning permission is sought could be successfully and appropriately accommodated within the grounds of the listed building without adversely affecting its setting, or without potentially harming the landscape character, setting and ecology of this part of the green belt. The indicative site layout does not provide a harmonious form that could be considered to complement the existing listed building and its landscaped curtilage setting and potentially does not illustrate a high quality new 'village' layout as an extension to the established setting. It is therefore difficult to argue that the proposed development could comply with the general principles of Policy D1 (Quality Placemaking by Design) and the development would therefore fail to comply with the principles of this policy.

Policy D2 (Landscape) requires that developments have a strong landscape framework, which "improves and enhances the setting and visual impact of developments, unifies urban form, provides shelter, creates local identity and promotes biodiversity". Any application must be accompanied by a landscape strategy and management plan, incorporating hard and soft landscaping design specifications.

The applicant has submitted a Landscape Statement in support of the proposals, which indicate that much of the existing tree coverage on the site boundaries would be retained and enhanced with new planting. Colleagues in the Environmental Policy Team have reviewed this document and note that there would be a negative impact with the proposed removal of individual park trees away from the boundaries, as identified within the submitted Tree Survey. As a result of these works it is considered that likely harm would be caused to the Green Belt/ landscape character of the

surrounding area. It should be noted that the impact of the development on existing tree stock is discussed further below.

The Planning Service acknowledge that the concept of creating varied open spaces including a village green, communal garden, wildflower areas, allotments for food growing and a SUDS basin would all bring opportunities to enhance, to some extent, habitats, biodiversity, and landscape in the remaining areas of undeveloped land in the application site. Whilst these proposed enhancements are positive features of the proposal, the proposal is not a development site as identified within the Development Plan the provision of these elements in a much-reduced undeveloped area is not considered to outweigh that wider harm that would be caused to the Green Belt and surrounding landscape character as explained elsewhere in the report.

From a landscape perspective, whilst the indicative site plan shows a generous amount of open space within and surrounding the proposed development, as discussed above, the proposal is not a development site and would result in the substantial loss of open space within a Green Belt/ Green Space Network setting. The indicative proposals also do not show private garden boundaries, which could also reduce the size of communal areas within the site.

Guidance also advises that any new development should be situated out with the Zone of Influence (ZOI) of trees to be retained within the development site to avoid conflict regarding privacy, blocked light, trees falling and avoiding negative impacts on tree conditions, long term health and stability. In this instance, no evidence has been submitted to demonstrate that all of the development would, or could be out with the ZOI and it is therefore difficult to ascertain whether the level of development described could be adequately provided without impacting on ZOI's.

The applicant has also indicated that new tree planting would be required to replenish stock lost because of the development. This would require specimens that were favourable habitat for red squirrels, and those that could support such species should be retained through a modified site layout. As mentioned in the below evaluation regarding trees and woodland, the Planning Service consider that the proposal fails to comply with NE5.

Were planning permission to be approved, robust screening between the development and existing properties to the south is also encouraged. The inclusion of a play area for visiting children and outdoor exercise equipment should also be encouraged. All of the above will be required within a detailed landscaping scheme, which would be required to include details of existing features, replacement tree planting and finalised details of those to be retained, shrub and hedge planting, details of grassed and wildflower areas, details of other habitats and SUDS features, the incorporation of children's play areas and equipment for older generations, details of the proposed allotments, hard landscape elements, construction elements and maintenance/ management details.

It is also noted that several the objectors and the Community Council made comments about the development being located above the 95m contour. A review of Council mapping systems suggests that all Lower Deeside housing areas (Cults, Bielside, Milltimber and Cutler) sit below the 95m contour. There are isolated houses above this level, but the main built up areas do not extend above the 95m contour. The proposal would extend the developed area higher up the valley sides to close to the 105m contour.

Whilst it is noted that the vast majority of the development would be located above this contour, there is potential for the development to be sited in such a way to ensure that the impact is not negative/ adverse in this regard.

It is considered that the development has areas of conflict with Policy D2, given that the proposal has a potentially negative impact in landscaping terms. There is potential for a number of these

issues to be resolved and reviewed by appropriately worded conditions and the tensions with D2 are not considered to be significant enough to warrant refusal of consent regarding this policy aspect.

Policy H3 (Density) discusses the requirement of an appropriate density of development on all housing allocations and windfall sites. It also advises that all residential developments of more than one hectare should have a minimum density of 30 dwellings per hectare and densities should have consideration to the site's characteristics and those of the surrounding area and should create attractive residential environment and safeguard living conditions within the development.

As discussed in other areas of the report, this is not an allocated site, and therefore elements of this policy would not be relevant in this instance. As this is not an allocated site, nor considered to be a development site, the assessment against Policy H3 is of little relevance in this instance.

Policy H4 (Housing Mix) advises that housing development, such as that proposed, will be required to achieve an appropriate mix of sizes, which should reflect the accommodation requirements of specific groups. This mix should include smaller 1- and 2-bedroom units and should be reflected in both the market and affordable housing contributions. This approach helps to create mixed and inclusive communities by offering a choice of housing.

Notwithstanding that the principle of housing on site is not acceptable, if taken in isolation, there is no conflict with the aspirations of this policy given that an appropriate mix of housing is proposed including the proposed nursing homes and individual dwellings. Given the types of development proposed it is not anticipated that larger dwellings would be provided or required.

### **Mixed-Use Element**

It is noted that the proposal also includes provisions for a small-scale shop and café, indicatively shown centrally within the site. These are of a scale typical of such a development and would not require a retail impact assessment to determine the impact on similar uses within the surrounding area. The uses are indicated as being open to all users, although they would not be in a particularly accessible location (given the constraints discussed later in this report) and would be primarily utilised by residents of the retirement community. The retail/ mixed-use element would be contrary to Green Belt policy for the reasoning discussed previously.

### **Impact on Setting of Listed Building**

Policy D4 (Historic Environment) of the ALDP states that *"the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP (replaced by HEPS) and its own Supplementary Guidance"*. It further states that *"high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas or historic gardens and designated landscapes, will be supported"*.

Historic Environment Scotland's document: Managing Change in the Historic Environment: Setting provides various areas of guidance regarding the setting of listed building. Amongst other things it advises that *"setting often extends beyond the property boundary or curtilage of an individual historic asset into a broader landscape context"*. The document also provides details on what could contribute to the setting of the listed building, how to assess the impact on change and potential mitigation measures.

Regarding the above potential impacts, the applicant was requested to submit a Heritage Statement (HS) undertaken by an independent party (and revised from their original submission). This reviewed various aspects including the history of the house, an assessment of the setting of Binghill House, outline of the proposal, an assessment of the impact on the setting of the proposals and an overall summary/ conclusion.

The HS contends that the house does not appear to be strongly visible from the south, either from the village or areas of open space to the south, with tree planting retained and used to screen the house, although it does acknowledge that the design of the house suggests a more dominant presence in the landscape. The document also acknowledges that the proposal alters the setting of the house by replacing the land to the immediate south of Binghill House with an informal village green and small-scale housing. It contends that the house would retain its character as a small country villa, set within a green, garden frame, and has a much greater design interaction with its surroundings, and as long views to the south (over existing trees) are retained, and argued that the alterations to the setting are not negative in principle.

The HS has been reviewed by the Council's Senior Conservation Officer who has noted that the document provides a useful analysis of the site but does not share the same conclusions. Section 6.1 of the Heritage Statement states that *'Although the house was therefore separate from the landscape of the parkland with little visual connection, the design of the house, with its large bay windows, implies a certain, more open, relationship with the parkland. Architecturally the house therefore has a somewhat problematic relationship with the landscape as designed: the main south facing façade has grand generous bay windows, yet these never (apparently) took advantage of the views over Milltimber and Deeside. Given that the screening trees are mature and possibly predate the current house it would appear that this was always the case'*. The Planning Service (which includes the Council's Senior Conservation Officer) are of the opinion that the views over the parkland, although somewhat interrupted by trees, are not completely obscured and the relationship is somewhat underestimated by the HS. It should also be acknowledged that trees are part of the view and there is currently no view beyond the site boundary due to the presence of the housing development in the immediate south (other than views from Binghill House over the tops of the houses towards the Dee Valley) – the view is the meadows and the formally planted trees to the south of the house which are distinct from the avenue design of the driveway and the woodland belt surrounding parts of the site (i.e. part of a diversity of planned planting). There is still a clear and positive relationship between the house and the parkland/ field which has always provided the setting of and aspect from the house.

Section 6.4 goes on to state *'The view from the house will be affected by the proposed development as the current car park and front 'lawn' will be made into a village green/square, with a direct relationship with the house: this should not be seen as a negative change. Given the slope, long views from the upper levels of the house should be over the roofs of the proposed buildings towards the Dee valley and should be generally unaffected apart from at low level'*. The Planning Service do not share this contention, noting that the change from a view of open parkland/field and mature trees to a modern housing development is not a positive change in the proposed form and the applicant has not adequately demonstrated that housing/ development could be accommodated without harming the setting.

As set out in section 4 (4.1,4.2 and 4.3.3, 4.6) of the HS, there is a certain amount of separation and screening between the main house and the parkland/field to the front of the property. This may be true to a certain extent, but constructing a retirement village in the grounds of and in front of the main frontage of the listed building, including a village square directly in front of the house would negatively impact on the setting of this building unless greater context evaluation and consideration is given to the form of buildings and open space proposed, notwithstanding the Green Belt allocation in the ALDP and in the PALDP. The proposed development would be in proximity and visible from the listed property and within its curtilage. This would change the short distance views from the main property from a mature landscape of trees and a field to views of a retirement village or at the very least given the topography of the site the roof tops of a retirement village. It is essential that the forms of development within the parkland/field respect the position of the house as a listed building and form a positive relationship which encourages use of the open space between the two area.

As a result of the above assessment, it is the strong opinion of the Planning Service that the proposed development would have an adverse impact on the setting of the Category "C" listed Bingham House, and the proposal would therefore fail to comply with Scottish Planning Policy, Historic Environmental Policy for Scotland, Policy D4 (Historic Environment) of the Aberdeen Local Development Plan and Managing Change in the Historic Environment: Setting.

In terms of archaeology, the comments received have been discussed in the consultation section above, subject to the insertion of such conditions the proposal would be generally compliant with the aspirations of D4 (Historic Environment).

### **Natural Heritage**

Policy NE8 advises that direct and indirect effects on sites protected by natural heritage designations, be they international, national or local, are important considerations in the planning process and will need to be carefully considered in planning applications.

Regarding the above, various documents have been submitted in support of the application including an Environmental Walkover Survey and Badger Protection Plan, along with Tree Surveys (an issue discussed below). The walkover survey concluded that the site has *"moderate ecological value as it possesses many large girthed mature trees and has patches of woodland ground flora including Pignut, Primrose, Lesser Celandine, Comfrey and Bluebell. All other habitats have relatively low ecological value, being species poor and/ or heavily modified"*. The survey goes on to advise that *"there is an abundance of badger signs throughout the site and a number of active setts were found during site surveys"*. The survey also acknowledged that *"although no signs of Red Squirrels were found, there are a large number of records of this species form within the footprint of the development site"*. A number of birds including starling, house sparrow, dunnock, willow warbler and stock dove, along with barn owl are acknowledged as potentially using the site for nesting, although no roosts or nest sites were found during the survey.

As mentioned above, there are active badger setts within the development site and immediately adjacent to it, with numerous signs of badger activity found during the surveys. The survey notes that the proposed development would result in the loss of one badger sett and two inactive badger setts and a quantity of foraging habitat. Two other badger setts within 30m of the exclusion zone may be impacted by the construction works. Any setts which are removed will be replaced. The applicant has advised that SNH (now NatureScot) has granted a badger license to disturb badgers and destroy setts, with appropriate mitigation/ alternative setts required prior to the commencement of any site works. The applicant also proposes the construction of two artificial setts in two areas adjacent to the proposed development site along with monitoring for at least three weeks to ensure badgers find these new setts.

The amended and updated badger information has also been reviewed by officers in the Council's Environmental Policy Team, who note that the site is an ideal location for badgers, with setts and activity identified within the application site. Overall, they consider the mitigation measures in the Badger Survey to be potentially acceptable but note that some of the measures proposed may not be entirely feasible because some of the artificial setts would be located close to the proposed access roads. Some of the setts are also to be located out with the application site boundary (but on land in the ownership of the applicant). The findings of the Badger Survey/ Protection Plan suggest a level of direct impacts from the proposal on badgers that is potentially contrary to the terms of Policy NE8 despite the mitigation measures proposed.

The applicant has advised that a licence has been granted for the site by NatureScot, which allows for the destruction of two badger setts and the disturbance of one annex and one outlier badger sett for the purposes of the development proposed. NatureScot have confirmed this and advised that the works would be required to be carried out in accordance with the submitted Badger Survey and Badger Protection Plan. As these consents are in place, and NatureScot are generally content with

the mitigation measures proposed, the impact on badgers is not considered to be so extensive that it would warrant refusal of the planning application in this instance. If planning permission was to be granted, it would be expected that an updated Badger Survey and Badger Protection Plan, along with finalised locations of new setts, be submitted prior to the commencement of development, a matter which could be controlled in a future MSC application.

In relation to bats, it is noted that the woodland on site provides suitable foraging habitats for bats, with additional foraging within the surrounding woodland. No evidence of occupation by bats was found in the trees on the site, although it is noted that a number of trees had roosting potential, with eleven of those trees to be removed on health and safety grounds. If these trees were removed, then they would be inspected for roosts over a 24-hour period and any bats found removed and placed in a bat box within adjacent trees. The applicant also proposes the provision of eight bat boxes, which would be mounted on trees within the development site. It should also be noted that if any bat roosts are noted then it would be expected that development would stop on site until any appropriate licences are granted by NatureScot.

In relation to birds, as noted above, the site has the potential to provide suitable foraging and nesting habitats for a variety of species. The mature trees on site have holes and crevices which could provide suitable nesting. The survey recommends that site works are undertaken out with the bird breeding season and that habitats on site could be enhanced by installing bird boxes within areas of woodland around the vicinity of Bingham House.

In terms of red squirrel, the survey noted that there is no evidence of dreys within the development site, but there is evidence of squirrel nibbled cones in the woodland to the north and north west of the driveway. The report does acknowledge that the site is within the core range for red squirrels and there are 33 records of red squirrels in the area. The applicant proposed mitigation by way of a Red Squirrel Survey to identify the presence of dreys prior to commencement of site works, and if such are found then a license from NatureScot would be required to allow works to proceed.

There were no signs of water voles or reptiles, and no records of water voles within 2km of the site. The proposed development would have no negative impact on such species. The same conclusion was reached for Pine Martens, with no suitable den sites uncovered during site surveys.

The various documents submitted in support of the proposal have been reviewed by colleagues in the Environmental Policy Team, who note that sections of the supporting Planning Statement does not adequately describe how natural heritage and biodiversity would be assessed, affected and enhanced by the outline proposal, although it is noted that the information has been described above (and detailed in the walkover survey). Colleagues note the offering contained within the survey, although they consider that significant enhancements could be provided within the development area over and above the suggested bird and bat boxes. They have suggested that a biodiversity section should be included in the more detailed proposals (MSC stage), which in turn should tie in with both the landscaping and architectural elements of the plans and be guided by the ecological impact assessment. Examples of this could include boundary treatments which leave gaps underneath or contain holes large enough for passage of smaller wildlife such as hedgehogs. Swift bricks could also be considered for suitable structures/ buildings.

The Council's Countryside Officer has also commented on the proposal, and notes that a number of roe deer are known to inhabit the surrounding area, and that measures would need to be put in place to ensure that there would be no adverse impact on such species, noting that there is a requirement on land owners to undertake deer management, where needed, and on the Planning Authority to ensure that the welfare of deer is not negatively impacted by planning or other decisions.

In this instance, it is not in doubt that the removal of a green field site and its replacement would have some impact on the species that are located both within the site and the surrounding area.

The applicant has demonstrated that the appropriate consents are in place regarding some of these species, and the walkover surveys indicate that further mitigation measures could be put in place to ensure that others are not adversely impacted upon. Several further documents would be required at MSC stage to confirm this, were planning permission to be approved. Therefore, whilst there is an element of conflict with Policy NE8 (Natural Heritage) of the ALDP, the impact is not considered to be of such an extent that it would warrant refusal of the current application, given the mitigation measures that could be provided both within the site, and on other land adjacent that was within the control of the applicant.

### **Trees and Woodland**

Policy NE5 notes a presumption against all activities and development that will result in the loss of, or damage to, trees and woodland that contribute to nature conservation, landscape character, local amenity or climate change adaptation or mitigation. In addition, the Town and Country Planning Scotland Act 1997 (as amended) advises that there is a duty on the Planning Authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of condition, for the preservation or planting of trees.

A Tree Survey and associated information has been submitted in support of the application. This acknowledged that there would be an initial loss of 22 trees, which would likely increase due to some of the proposed interventions such as the use of geogrid to provide roadways and the proposed parking that is indicatively shown in close proximity to trees. Notwithstanding the figure quoted for tree loss, concerns have been raised by colleagues in the Environmental Policy Team regarding the extent that the development imposes on the existing trees zone of influence (ZOI). The indicative site plan shows a significant proportion of the buildings within the ZOI and proposed garden areas to an even greater extent. This could lead to further tree loss due to lack of light, perceived nuisance, and perceived risk. The submitted Arboricultural Impact Assessment explores the impact on several of the specific properties (whilst noting the layout is indicative and the layout is subject to change). This document focuses more on tree failure and impacts on the actual building(s). Whilst it is only one aspect to consider, it is an issue that leads to tree loss and the need for ongoing inappropriate levels of tree works.

The proposed development is clearly contrary to Policy NE5 and its associated SG: Trees and Woodland as the development would result in the loss of trees both in the short and long term, with insufficient space within the development site to adequately compensate for the levels of loss proposed. Whilst the plans are only indicative at this stage there would appear to be very little scope for development on site of the scale proposed without significant impact on the short and long-term retention of existing tree stock.

In addition to the above, as the proposal is for development that does not comply with Green Belt policy and there are no other material planning considerations overriding this, it is considered that the extent of the tree loss is unacceptable, and the proposed development has the potential to harm habitats found within the development site (such as trees being potentially occupied by a number of species such as red squirrel), resulting in a tension with the aspirations of Policy NE8 (Natural Heritage).

### **Transport and Accessibility**

With regards to sustainable and active travel, Policies T2 - Managing the Transport Impact of Development and T3 - Sustainable and Active Travel are relevant to the assessment of the development.

Policy T2 requires all new developments demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Considering what is proposed a Transport Statement (TS) was required to support the proposal along with a Travel Plan.

Regarding the above, the proposal has been subject to consultation with officers in the Roads Development Management Team, who have raised no objection in principle to the development proposed. The applicant has submitted various documents in support of the proposal from a transportation perspective including a Transport Statement (TS) which looked at expected traffic generation, parking provision and sustainable travel opportunities.

The applicant proposes a new T-junction on to Binghill Road, with an additional emergency vehicular access. Various drawings and calculations were included within the TS regarding the proposed junction, and although only indicative, the documentation indicates that such an access would be feasible without having an adverse impact on the surrounding road network. Finalised details on the width of the road and associated footpath provision and other design details could be controlled via an appropriately worded condition. Roads Construction Consent would also be required for these works.

The impact on the local road network has also been reviewed by Roads officers. The evidence submitted through the supporting TS indicates that the development would have no adverse impact on the local network and surrounding junctions, with most trips anticipated to be out with peak periods. Roads Officers therefore have no objection regarding this aspect of the proposal.

On the basis that only an indicative site layout has been provided, the parking requirements for the development are not clearly defined at this stage and would be dependent on the number of bedrooms per flat/ dwelling and the gross floor area of the retail and commercial units, having regard to the Transport and Accessibility SG. If planning permission were to be granted, details of parking space locations and numbers would be subject to a future MSC application. Further details regarding staff parking, cycle parking, minibus parking, motorcycle parking and cycle parking and EV vehicle charging would also be required at this later stage.

As a result of the above consultation response and assessment by Roads officers it is considered that, subject to appropriate conditions, the proposal could comply with Policy T2: Managing the Transport Impact of Development of the ALDP, as well as with the associated Supplementary Guidance: Transport and Accessibility.

In terms of Policy T3 (Sustainable and Active Travel), new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, it is also noted within guidance that any new developments should be within 400m of public transport links. The internal layout of developments must prioritise walking, cycling and public transport penetration. In addition, links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient, and safe for people to travel by walking and cycling. Regarding this proposal, the acceptability of links to the site from the surrounding road networks are thus required to be evaluated.

In terms of walking and cycling, it is noted that the indicative site plan shows pedestrian footpath connectivity around the site internally, as well as providing potential connections into the surrounding network on Binghill Road, Oldfold Crescent; as well as additional connections to the north toward the woodland and agricultural land to the north. In terms of the Oldfold Crescent connection, it is noted that, whilst the applicant has control of this land up to its boundary, they do not control the land beyond this. Whilst the ownership of this is not clear, it is likely to be either owned by the Council or factored to the owners of the properties in this location. Therefore, its delivery would be dependent on agreement/ cooperation with a third party.

The only realistic connection to the south at the time of writing this report would, therefore, be along the proposed access road, or by utilising the existing driveway which would allow connections to Milltimber and North Deeside Road where the bus stops are located. It is anticipated that further



details of internal footpaths, along with proposed connections to the external footpath network could be controlled via condition.

In terms of the site being served by cycle provision, it is anticipated that this would be the above mentioned connections, which would tie in to Bingham Road, North Deeside Road and eventually the Deeside Way (part of the National Cycle Route) to the south. The submitted TS indicates it is also intended to tie into and extend the new pedestrian footpath on the eastern side of Bingham Road, which is being implemented as part of the new Milltimber Primary School. Further details on these connections would also be required with any future planning application.

Comments have also been received regarding public transport, with the nearest connections being more than 1km from the site on North Deeside Road – this is more than double the 400m recommended in guidance. Roads officers acknowledge that these connections are out with the desired distance of the site but are still considered walkable for future employees. It is noted that the applicant proposes delivery of a shuttle bus to assist residents in meeting local amenities. This matter was raised at the PDH, and concerns were raised in relation to the deliverability of the shuttle bus, for example, who would operate it, how the Planning Authority could ensure that it is actually provided, how the Planning Authority could ensure that it is provided indefinitely and who would pay for it. The applicant has responded on this aspect and advised that it remains the intention to provide this facility, and that its retention could be incorporated into the required legal agreement as well as the required Green Travel Plan. The Planning Service have significant concerns regarding the location of the site, and whilst this issue could be controlled and delivered via a legal agreement, it would be a private bus transport that would be utilised solely by occupants of the community.

Whilst Roads officers have raised no objections regarding this aspect of the proposal, the Planning Service retain concerns about the location of the development from a public transportation perspective, being located atop a steep hill on Bingham Road, which would not be easily walkable by proposed residents (given the nature of the proposed development and anticipated age demographics). Whilst it is noted that the applicant proposes to provide a shuttle bus to overcome this issue, which would be controlled by a legal agreement and detailed further within the required Green Travel Plan. Whilst, the above is not an ideal solution, and the proposal fails to comply with elements of Policy T3 in that it would be located a significant distance from transport links, and may not be particularly well connected to the surrounding network, the solutions put forward by the applicant are considered to be a reasonable compromise (if controlled via legal agreement) and the tensions with the aspirations of Policy T3 (Sustainable and Active Travel) are not considered to be so significant as to warrant an additional reason for refusing this application.

The submitted TS also notes the requirement for the submission of a Residents Travel Pack, which would outline appropriate objectives and aims to meet sustainable transport methods. This matter could be controlled via an appropriately worded condition.

### **Waste/Refuse**

Policy R6 - Waste Management Requirements for New Development requires that all new developments should have sufficient space for the storage of general waste, recyclable materials, and compostable wastes where appropriate. Flatted developments would require communal facilities that allow for the separate storage and collection of these materials. The commercial/retail aspect of the development should include recycling facilities, where appropriate. Details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste.

Regarding the above, the proposal has been subject to consultation with both colleagues in the Waste Management Team and Roads Development Management Team. They have noted that the proposal is for PPIp and offer comments regarding the layout of the development, such as the road to the tennis courts (and the dwellings shown in proximity to these) having no turning head. They

have requested the insertion of conditions requiring details of the storage of waste materials, including the location and potential collection points, a swept path for a refuse collection vehicle and further details for bin stores (if required). They have also advised of the facilities required for the development.

Given the proposal is only for PPIP finalised details of the road layout have not been submitted. The roads would need to be designed in such a way that is suitable for bin, without having knock-on impacts on the positions of buildings and thus possibly the impact on trees. This could only be confirmed once the detailed layout has been drawn up. Waste Management have confirmed no objection to the proposed development and the development could therefore comply with the principles of Policy R6 and its associated SG.

### **Drainage/ Flooding**

As per the requirement of Policy NE6 - Flooding, Drainage and Water Quality, a Drainage Impact Assessment (DIA) will be required for both the residential and non-residential aspect of the development. The DIA should detail how surface water and wastewater will be managed. Surface water drainage associated with development must be the most appropriate available in terms of SuDS and avoid flooding and pollution both during and after construction.

Regarding the above, the applicant has submitted a Drainage Assessment in support of the application which looks at various aspects and notes that there are no open watercourses or ditches within the site, nor its immediate vicinity. It also notes that pits were dug, and no ground water entries were encountered. These remained dry to their final depths at the time of investigation. A review of the SEPA flood map also indicated that there was no flood risk associated with the site.

The development proposes connection to the existing foul water sewer which is located to the south of the site and a new foul sewer is proposed within the development which would be put forward for adoption by Scottish Water. The DIA shows the foul drainage connections being made down the existing access road, it may be difficult to do this without causing harm to the protected trees at each side of the access (which are covered by the Tree Preservation Order, therefore a different route may be required, including running along the existing access road. Further details demonstrating this impact would be required at MSC stage, were planning permission to be approved.

In terms of surface water proposals, it is proposed to use permeable pavement construction and for the main tarmac road areas any surface water would be collected via gullies and discharged to the SUDS basin within the south-east section of the site, which would be designed to store up to the 1 in 200 year storm event. The document also indicates that the private houses would be drained to private plot soakaways where possible. The proposed design also includes all roof water from buildings to be collected via a piped system and routed via the SUDS detention basin.

The document has been reviewed by various consultees. Scottish Water have advised that they were unable to confirm water capacity and wastewater capacity at their associated treatment works and advised the applicant to contact them to discuss this matter further. It should be noted that this would be a matter for the applicant to resolve. It is not essential for this to be resolved during the application process.

Colleagues in Council's Flooding Team have advised that a Flood Risk Assessment is not required and that any drainage issues should be dealt with by officers in Roads Development Management. In turn, Roads officers note that the applicant has provided a supporting 'Drainage Assessment' which outlines appropriate drainage and SUDS proposals. It should also be noted that all additional aspects of roads drainage in relation to new constructed accesses shall be included and subject to the Section 56 RCC. They offered no objection regarding the information submitted.

SEPA also commented on the proposals. They noted that the management of surface water would be controlled under their regulatory scheme and there was no further information required in this regard. They had no adverse comments on the proposal in terms of drainage or existing groundwater abstractions.

As a result of the above, and subject to the insertion of conditions requiring finalised details of drainage requirements for the whole site at MSC stage, the proposal would not conflict with the aspirations of Policy NE6: Flooding, Drainage and Water Quality or the associated SG: Flooding, Drainage and Water Quality.

### **Noise/ Air Quality**

Policy T4 (Air Quality) advises that proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Service. In addition, Policy T5 (Noise) advises that there will be a presumption against noise generating developments, as identified in a Noise Impact Assessment, being located close to noise sensitive developments.

Regarding the above, relevant information has been submitted to, and reviewed by, colleagues in Environmental Health. They are content that mitigation measures by way of an Air Quality Dust Risk Assessment and Dust Management Plan could be submitted by way of an appropriately worded planning condition to protect the residents of surrounding existing residential properties from risk of dust during works on site. Subject to the insertion of such conditions the proposal would not conflict with the aspirations of Policy T4.

In terms of noise, colleagues in Environmental Health note that a café is proposed as part of the development. It is also highly likely that some catering operations would take place in the nursing home. Full details of the proposed Local Extract Ventilation (LEV) systems would therefore be required from the applicant in order to demonstrate that systems for either facility will have satisfactory measures in place to mitigate any potential odour issues, which may affect the amenity of existing and proposed residential properties nearby. A Noise Impact Assessment by a suitably qualified noise consultant would be required which would predict impacts of noise associated with the proposal and establish the extent of any noise controls that might be required to be implemented. These matters could be controlled via condition. Environmental Health also request an informative regarding the hours of operation during development. Subject to the insertion of appropriate conditions it is considered that the development would comply with ALDP Policy T5 (Noise).

### **Developer Obligations**

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. The level of infrastructure requirements and contributions will be outlined by the Council, through the Developer Obligations Assessment and will relate to the development, in line with Policy I1 - Infrastructure Delivery and Planning Obligations.

The proposal has been subject to consultation with the Developer Obligations Officer, who has advised that contributions are required towards the Core Path Network (£26,784), Healthcare Facilities (£73,697) and Community Facilities (£131,652) and also request the delivery of high quality on-site open space provision. Colleagues in education have also confirmed that, subject to the conclusion of a legal agreement restricting the age of occupants of the development contributions towards primary and secondary education would not be required due to the nature of the development proposed. The applicant has provided written confirmation that she is agreeable to the above contributions along with the affordable housing discussed below. The above matters

could be controlled via condition (provision of open space), with the required monetary contributions controlled via a legal agreement. Subject to this there would be no significant conflict with Policy I1 of the ALDP.

### **Affordable Housing**

Policy H5 advises that housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing. In accordance with para 6.2 of the SG the proposed nursing home would be exempt from the requirement to provide an affordable housing contribution. However, the normal 25% requirement would apply to the remaining 60 units.

Colleagues in Housing have suggested that the affordable housing provisions should be provided by way of Low-Cost Home Ownership (LCHO). They have noted that the type of housing proposed is pretty much untested as LCHO and have no evidence to suggest that there is a requirement for LCHO, but they see it as the only feasible delivery of affordable housing on this site. As per the above policy, the affordable housing requirement for this site equates to 15 units and the preference would be for a mixture of houses and flats to reflect the development as a whole. The provision of affordable housing has been agreed by the applicant and the provision of such facilities could be controlled via legal agreement to ensure that the required contribution is provided on site as per the above request. Provision of such facilities would meet the provisions of Policy H5 (Affordable Housing) and its associated SG: Affordable Housing.

### **Open Space**

Policy NE4 - Open Space Provision in New Development requires new developments to accommodate an area of open space within the development site. As per the policy the Council require at least 2.8Ha per 1,000 people of meaningful and useful open space. The Supplementary Guidance on Open Space states that open space standards are based on number of residents within a new development, which can be calculated using the average number of people who live in each dwelling. These figures are outlined in the Supplementary Guidance.

In this regard it is noted that the proposal is for planning permission in principle, with the indicative site plan indicating various areas of open space throughout the development, both centrally within the site and at the edges of the site, including utilisation of the existing mature trees within the site. A large proportion of the site would remain wooded, especially the eastern part, so it could potentially be questionable whether these areas could be utilised as "open space". That being said, finalised details would be required at MSC/ DPP stage to ensure full compliance with the policy, but it is considered that the development has potential to comply with the aspirations of Policy NE4 and its associated SG relating to Open Space.

### **Access and Information Recreation**

Policy NE9 – Access and Informal Recreation advises that developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel. There is an existing path network in the vicinity of the site, therefore every effort should be made to show connectivity to these areas.

As mentioned in other areas of the report the proposal is for planning permission in principle and finalised elements of these aspects have not been provided. The indicative site plan shows various connections to the south and surrounding area, and whilst the Planning Service have raised concerns regarding the deliverability of the connections to Oldfold Crescent, it is considered that the development could provide suitable connections internally and to the surrounding network, with further details required at later stages. The proposal would not conflict with the aims and aspirations of Policy NE9 at this stage.

### **Low and Zero Carbon Developments**

All new buildings must 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. Whilst no details have been submitted in this regard, this matter could be controlled via an appropriately worded planning condition to ensure compliance with Policy R7 and its associated SG.

### **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 on the edge of the settlement of Milltimber, and a check of the OFCOM website confirms that the site has access to standard and superfast broadband. The proposal would therefore comply with Policy CI1 of the ALDP.

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

In terms of the PALDP, it is noted that the site would remain zoned as Green Belt and Green and Blue Infrastructure (previously Green Space Network). The wording of these policies generally follows those of the adopted ALDP and for those reasons the principle of development would remain unacceptable for similar reasons. The above report also advises that the developer put forward a bid for the site to be included in the PALDP, which was rejected and considered undesirable to include.

The PALDP does include a couple of new policies, which are of relevance to this application. These are Policies WB1: Healthy Developments and WB5: Specialist Care Facilities.

Policy WB3 advises that *“national and major developments, and those requiring an Environmental Impact Assessment must submit a Health Impact Assessment (HIA) to enhance health benefits and mitigate any identified impacts on the wider determinants of health; this may involve planning obligations.”*

Given the current stage of the PALDP, which is still to be subject to examination by Scottish Government Reporter, it is the view of the Planning Service that a Health Impact Assessment could not be required, which precludes a detailed assessment against this policy, notwithstanding the weight to be attached to it.

Policy WB5 advises that *Proposals for new residential care facilities (such as Care Homes, Nursing Homes, Sheltered Living) should; 1. Be well-connected; located close to public transport links and community amenities for residents and staff, and provide visitor parking; and 2. Meet design and amenity standards in line with other types of ‘residential’ developments.*

In terms of the above, the previous evaluation of the proposed development has raised concerns about the connectivity of the development and the links to public transport, being more than 1km from public transport. The second point of the policy could only be addressed at MSC stage. As a result of the above it is likely that the proposal would have an element of conflict with Policy WB5 (Specialist Care Facilities) of the PALDP. The adopted ALDP has primacy at this time, and the PALDP is still to go through examination by the Reporters. Despite the element of tension with the above policy this would not warrant a reason for refusal of the application.

In relation to this application, the remaining policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given.

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

It is noted that at various times in the application process that Cults Bieldside and Milltimber Community Council have offered indicative conditional support (where it listed 10 matters that would

need to be addressed satisfactorily) and neutral stances toward the proposed development. Following the submission of revised plans they have confirmed that they now object to the proposal on the basis that the application is a departure from the Aberdeen Local Development Plan (ALDP) 2017 and the Proposed ALDP 2020, the land is zoned as Green Belt/Green Space Network in ALDP2017 and Proposed ALDP 2020 and that development is above the generally recognised 90m contour.

The matters in relation to the principle of development have been discussed elsewhere in the report, where the Planning Service agree that the principle of the development fails to comply with the overarching policies of the ALDP and PALDP. The evaluation above also discussed compliance or non-compliance with other policies within the plan, noting a number of which would also comply following the submission of further information at MSC stage.

In terms of the final matter raised regarding development above the 95m contour, it is noted that Policy NE2 is about protecting landscape character and setting. A review of Council mapping systems suggests that all of Lower Deeside housing areas (Cults, Bielside, Milltimber and Culter) sit below the 95m contour. There are isolated houses above this level, but the main built up areas do not extend above the 95m contour. The proposal would extend the developed area higher up the valley sides to close to the 105m contour. The matter has been discussed above.

## **Matters Raised in Representation**

### *Objection: Principle of Development*

1. The impact on the green belt/ loss of green belt and farming land. *Response: the matters in relation to the principle of development have been discussed elsewhere within this report.*
2. Contrary to Policy NE1 as the development would destroy or erode the character of the Green Space Network. *Response: this issue has been discussed elsewhere in the report.*
3. The proposal is contrary to the Strategic Development Plan as it does not make efficient use of the transport network reducing the need for people to travel and make sure that walking, cycling and public transport are attractive choices. *Response: the transport/ sustainability aspects of the proposed development have been discussed elsewhere in this report.*
4. The proposed development would not improve people's living standards and would damage the green belt. Before developing in the green belt, it should be determined whether it is more important to leave a legacy to "conserve, enhance or restore existing landscape facilities". *Response: the matters raised above have been discussed elsewhere in the report, including the principle of development and the impact on the surrounding landscape.*
5. The development is in the wrong location, at the top of a hill on Bingham Road, making it difficult to access, especially for elderly residents. In addition, there are no immediate amenities and there is no other means of transportation other than car. *Response: the matters raised have been discussed elsewhere in this report.*
6. The Senior Living Report selectively pulls out part of a report with some offers of support on social and moral grounds. *Response: The type of development proposed has been discussed in the evaluation section of this report.*
7. There is already adequate provision for retirement living in Milltimber (examples provided include the development at Tor-Na-Dee which has a number of properties for sale). Considerable choice for senior living within the area from residential nursing homes to retirement homes. *Response: the application requires to be assessed against the relevant policies of the development plan and housing land requirements and that the available of properties for sale in the surrounding area is not a material planning consideration.*
8. The proposal would set an undesirable precedent for developments of a similar nature in the future. *Response: the proposal could set an undesirable precedent for developments of a similar nature, if approved., for example it could lead to a precedent for inappropriate development in the green belt etc.*

9. The site is not included for development in either the 2017 ALDP or the Proposed ALDP 2022. *Response: the allocation of the site/ designation has been discussed elsewhere in the evaluation of this report.*
10. The development would have an adverse impact on the character and amenity of the surrounding area and would result in over development of the settlement of Milltimber. The density of development is too high. *Response: it is clear that the development would have an impact on the character and amenity of the area, arising due to the loss of Green belt land and the parkland setting of the listed building. Density is discussed elsewhere in this report.*
11. The impact of breaching the 95m Deeside Valley contour. *Response: this comment is noted, this issue, which has also been mentioned by the Community Council has been discussed in other sections of this report.*
12. The development will have an adverse impact on the amenity of residents at Binghill Steading, particularly due to the location of the car parking facilities. *Response: if planning permission is granted, any finalised layout would need to ensure that there was no adverse impact on neighbouring residential amenity.*
13. Is the proposal an inclusive facility or gated community – there is conflicting information as contained within the supporting information and the consultation response as submitted by Police Scotland. *Response: updated comments have been received from Police Scotland and discussed elsewhere – the proposal is not for a gated community and this was only a suggestion put forward by the police.*
14. The proposal does not including plans for Binghill House – which will be subject to a separate application – this should be included to assess the community needs and intentions of the developer – if not then an application should be submitted for Binghill House and assessed simultaneously. *Response: there was no requirement to include Binghill House in the application. The Planning Service did request the submission of a Heritage Statement, which assessed the impact on the setting of the Category C listed building. This has been discussed elsewhere in the report.*
15. The proposed allotments – concerns about noise and vermin. *Response: the location of the allotments is acceptable and would have been a welcome addition to the scheme. If there were any concerns about noise or vermin then these could be investigated under separate Environmental Health legislation.*

### Natural Heritage

16. The development would see the removal of a number of mature trees from within the development site, a number of deciduous trees would be severely damaged at roots during construction works, trees were felled on site prior to submission of the planning application and that there are a number of protected trees within the development site. *Response: this matter has been discussed in the Trees and Woodland section above. It should also be noted that not all trees on site are protected, meaning that these could have been removed prior to the submission of the planning application without any form of consent from the Planning Authority.*
17. The development would have an adverse impact on local wildlife including deer, red squirrels, bats, owls, woodpeckers, red kites, chaffinch, greenfinch, goldfinch etc. The proposal would also adversely impact on badger setts on site. Bat roosts also frequent areas around Binghill House. Comments on works to surrounding development sites – including damage undertaken to existing badger setts. *Response: the impact on species has been discussed in the “Natural Heritage” section above.*
18. An Environmental Impact Assessment (EIA) should have been undertaken to assess the impact on flora and fauna including wildlife. *Response: It was the view of the Planning Service that the development does not require an EIA, however, there were potentially significant impacts on the existing green space and ecology. Detailed ecology, habitat, and tree surveys to recognised standards along with appropriate mitigation and a Construction Environment*

*Management Plan would be required to accompany the submission of any application for planning permission.*

19. Wildlife and green areas are becoming sparse and the proposed development would remove an area of natural greenery. *Response: issue noted, as the recommendation is to refuse planning permission the existing wildlife habitat and green spaces would be preserved*
20. The route of the proposed road goes through an area that contains a natural spring and two species of marsh orchid. *Response: these issues were not highlighted in the submitted reports. Further ecological assessments may be required if planning permission were to be approved.*
21. General impact on the environment in terms of loss of heritage and loss of habitats. *Response: this issue has been discussed in the "Natural Heritage" section above.*
22. The development does not show any representation of environmentally sustainable construction. *Response: this matter could be controlled in a Construction Environment Management Plan, were planning permission granted.*
23. The existing path networks around fields, past the steadings and around Myrtle Den should be protected. New recreational paths should be created to extend the network and give access to parts of the local heritage. In addition, access to the forests within the upper sections of Myrtle Den should be reopened to the public. *Response: there is no development proposed outwith the site. Developer obligations monies could potentially be utilised to upgrade the surrounding core path networks. It is noted that footpath connections are proposed within the site.*
24. Landowners should uphold the Scottish Access Code and residents should continue to respect their responsibilities. *Response: this is not a relevant material planning consideration.*
25. The new access roads should not disrupt the existing rural paths used by residents. *Response: this would potentially be a civil matter, although if the routes in question were either core paths or rights of way then the Council (in consultation/ agreement with the applicant) would have certain responsibilities in these situations to ensure that alternative routes are provided during development.*
26. A new footpath is shown leading from the proposed development to Oldfold Crescent, this path goes through untouched woodland area out with the ownership of the applicant and the boundaries of this planning application making it an unacceptable and invalid proposal. There is no reference to the path in the transport statement, bringing high levels of pedestrian footfall to Oldfold Crescent, with adverse amenity impact on residents. *Response: this would potentially be a civil matter, if the path cannot be provided, then connectivity with the surrounding area may not be adequate. This issue has been discussed in greater detail within the evaluation section of this report.*

## Traffic

27. The development would result in increased traffic levels. *Response: this matter has been discussed elsewhere in this report.*
28. There is poor access to the site via public transport and insufficient public transport in Milltimber. The proposed shuttle bus to North Deeside Road is unlikely to be practical for most residents. Also queries on what guarantees can be provided about the proposed shuttle bus. *Response: these matters have been discussed elsewhere in this report, in the section regarding sustainable and active travel.*
29. Infrastructure is unable to cope with the additional traffic around Milltimber and road limits of 20mph should be fully applied. *Response: this matter has been discussed elsewhere. Officers in Roads Development Management consider that the proposal is acceptable.*
30. There is a risk to children attending the new primary school, which is near the new junction and impacts on children crossing Binghill Road. *Response: no objection has been received from Roads Development Management regarding the proposed junction. It is not anticipated that the increase in car borne journeys as a result of the development would have such an adverse impact on road safety.*



31. The proposed café and shop may lead to more traffic on Binghill Road. *Response: no objection has been received from Roads Development Management regarding this element of the proposal, who do not consider that the additional journeys would be to such an extent that would cause a road safety issue.*
32. There are several inadequacies within the submitted Transport Statement. *Response: the TS has been reviewed by Roads officers RDM and considered acceptable.*
33. Access to the Binghill Farm buildings has not been considered – access to Binghill Farmhouse/ Steadings would involve a sharp 90 degree turn from new access on to existing track – which would not be suitable for refuse vehicles and lorries etc. The road up to the steadings is not suitable in winter and the new junction would further exacerbate this issue. The TS does not consider access to existing properties. Refuse collection from Binghill Farm buildings – there is no indication on the submitted information on where bins would be collected from. *Response: access to properties within the surrounding area has been considered by Roads Development Management, who consider it to be acceptable. If there are access rights/ ownership issues over this area of land, then this is a civil matter between the applicant and the respective owners.*
34. Parking should be moved away from existing houses and should not require any tree removal. *Response: The Planning Service note concerns over the location of parking in proximity to trees and concerns regarding the impact of development has been discussed elsewhere.*
35. Issues with the proposed access to the site, which is located on a bad bend. *Response: Roads Development Management consider the access to the site to be acceptable, with finalised design details required at MSC stage.*
36. The assumption of 1 car per 3 residents would be a gross understatement based on the distance and incline to public transport. *Response: requirements for parking provision have been proposed in accordance with the Supplementary Guidance: Transport and Accessibility and are considered acceptable to Roads Development Management.*
37. Impact from construction traffic – who will repair any damage? *Response: this would be a civil matter, although it would be expected that any damage, if demonstrated as being caused by the development, would be repaired by the applicant.*
38. There is a lack of EV charging infrastructure. *Response: further details on EV charging facilities would be required at MSC stage.*

### Drainage

39. There are several local drainage issues – the area is incapable of taking additional surface water drainage from such a development. *Response: the submitted information has been reviewed by colleagues in Roads, Flooding and SEPA, who have raised no objections to the mitigation measures/ details proposed.*
40. Increased flood risk to existing houses downhill due to building on existing fields. *Response: no adverse flooding concerns have been raised by consultees and the submitted information indicates that the area is not within an area at high risk of flooding.*
41. Concerns with the location of the proposed SUDS pond, particularly as it is near the new primary school and the threat/ danger that this would cause to children. *Response: the location of the SUDS basin is considered acceptable, with finalised details required at MSC stage. This could include potential boundary treatments that would lessen any impact.*

### Other Matters

42. Too many construction sites around Milltimber (including Milltimber South, Contlaw Road and Oldfold) and there are a number of empty properties already in Milltimber, including retirement flats in existing locations such as Tor-Na-Dee (care home), Hawkhill House (nursing home) and Binghill Grove (over 55s development). Only two blocks from three were built at Tor-na-Dee as there was no further demand. *Response: these comments are noted*

*and have partly been discussed in the above evaluation. The sites are within the adopted development plan or brownfield sites that were considered appropriate for development.*

43. The development should take place on a brownfield site. OP43 – Milltimber Primary School would be a more appropriate location for a village-based retirement cottage/ complex. *Response: this is not a material consideration to the determination of this application.*
44. The whole thrust for planning for the elderly is to keep them integrated in their local communities – if the move is required it should be into centrally located communities and amenities. If ageing population needs are to be met then they should be provided in the current Oldfold plan or elsewhere, to preserve the integrity of Bingham House. *Response: this matter has been discussed within the above evaluation.*
45. A community building would help ensure that this development would be able to integrate with the existing community of Milltimber. *Response: mixed use elements are proposed within the development that could be utilised by the existing community. This includes a café, shop and potentially the proposed allotments.*
46. What evidence do developers have for such provision from the social work department/ health board – there have been no comments from the medical practices. *Response: there was no requirement to consult the social work department/ health board on such proposals. The proposal has been subject to consultation with the Developer Obligations Officer, who has advised of required contributions towards the medical practices. This would have involved consultation with NHS Grampian.*
47. The development would not help meet the zero carbon targets. *Response: this matter is discussed in the low/ zero carbon section above, it is not anticipated that the carbon emissions, for example, from motorised transport to and from the site would be to such an extent that would warrant refusing the application. .*
48. Business developments such as this looking to make a profit should not be encouraged. *Response: this is not a material planning consideration.*
49. The proposed development would have an adverse impact on local amenities, such as GP practices and would not be of a benefit to the community. *Response: the response received from the Developer Obligations Officer confirmed no adverse impact on the local GP practice subject to the provision of appropriate contributions. It is not considered that the development would have an adverse impact on other amenities to such an extent that would warrant refusal on that aspect alone.*
50. Noise concerns from both construction and because of the development. *Response: noise during construction could be controlled via appropriate Environmental Health legislation. Standard informatives will be inserted should permission be granted.*
51. The proposal would have an adverse impact on mental health due to the erosion of recreational spaces. *Response: it is not considered that the impact on mental health would be impacted to such an extent that would warrant refusal of permission.*
52. Concerns that other areas of land will be sold off to developers. *Response: this is not a material planning consideration.*
53. The development would have an adverse impact on both leisure and culture. *Response: the development site has shown footpaths and connections within the site, which would allow connections to the wider area, and would also potentially open the scheduled monuments located to the north. It is not anticipated that there would be an adverse impact in terms of leisure and culture.*
54. There would be adverse impacts on the capacity at local schools. *Response: no school capacity issues have been raised. Also, as a retirement village, it is unlikely that there would be children of school age living within the development. A response from colleagues in Education has been discussed above.*
55. The development would make outdoor learning at the nearby primary school difficult and dangerous. *Response: it is not considered that the impact of the development would have an adverse impact on the adjacent school, given that the development would be located more than 180m from the school site boundary with existing residential properties located between.*

56. There are no local amenities in Milltimber – small shops are not attractive to small businesses. *Response: the applicants have proposed a shop. The Planning Service cannot determine whether it would be attractive or not, and it would be up to whoever was running the shop to make it successful.*
57. In terms of the Land Reform Act (2003) are there any concerns with providing community facilities on site? *Response: this is not expected to be an issue, given the community areas could be in the control of one owner/ factor, and the applicant indicating that the site would be open to members of the public to utilise facilities such as the café and allotments, this is not considered to be a significant issue.*
58. Where are local children expected to play? There is a play area mentioned, where is this to be located? *Response: the provision of such facilities would be controlled via condition, with further details required at MSC stage.*
59. Where do I walk my dog as all the green spaces are being developed? *Response: this is not material to the determination of this application.*
60. The developers should apply for a nursing home (Binghill House) solely without any further houses or associated facilities. Is this the only way to secure the future of Binghill House and minimise the impact on setting? *Response: The Planning Service need to consider the development that is in front of it.*
61. Adverse impact on burial grounds, stone circle and stone cairn to the north of the tennis courts. *Response: these are outwith the development site. The development is unlikely to have an impact on these features.*
62. Concern in relation to neighbour notification procedures. Feel that due process has not been adequately followed. *Response: neighbour notification procedures were carried out correctly. The proposal was also advertised in the local press as potentially impacting on the listed building, along with a site notice presented at the site boundary.*
63. Neighbouring landowner has commented that adjacent boundaries would likely be fenced off to protect privacy. *Response: this would be a civil matter between interested parties. Any fencing on adjacent land may require planning permission in its own right depending on height, design and location.*
64. There is no statement on the number of staff proposed. *Response: this information is not required at the current stage.*
65. Impact in relation to amenity value to the community. *Response: the applicant has indicated that the amenities proposed including the allotments, café and shops would be open to members of the public. The proposal could therefore have an added amenity value to members of the wider community.*

#### *Additional Comments Received Following Re-Notification*

66. Concerns highlighted in relation to the Community Council's stance of "neutral" in relation to the application. *Response: it is noted that the Community Council now object to the application following re-consultation.*
67. Concerns that the Council were only re-notifying neighbours within 20m of the application site boundary and not every objector/ contributor who had previously commented on the proposal. *Response: neighbour notification was undertaken in accordance with Planning legislation – this would not have stopped other interested parties commenting on the proposal.*
68. Development at Woodland Grove has been slow and that the developer would not be proceeding with phase 4 of that development. *Response: comments noted, although this is not considered material to the determination of this application.*
69. Support the principle of providing appropriate housing for the elderly and active retirement. However, the principles are also that they should be well integrated into local communities and close to a range of local facilities. Older people should not be isolated from others. These principles are set out in the "Joint Strategy for the Elderly in Grampian". Note that other sites in Milltimber would be suitable for this type of development. *Response: comments noted. The Planning Service are supportive of the principle of such uses, but in the correct locations. The*

*above evaluation explains why this is not the correct location for such a use. It should be noted that a search of the internet could find no copy of the document mentioned above. It should be noted that other sites could include sites allocated in the ALDP, with each site considered on its own merits.*

70. Note reference to the Community Plan – where there is a general comment for the need for housing for the elderly. The current proposal is totally at odds with the principles and requirements within it. *Response: comments noted, this is not a material planning consideration.*
71. The developer should contribute towards the expansion of the health centre, improvements to the junction on to North Deeside Road and improvements to Binghill Road. *Response: contributions have been agreed with the Developer Obligations Officer toward health care, no contributions were requested from Roads Development Management regarding junction improvements.*
72. The Council should seek comments from the Health Board, social work department and housing department. There is no evidence of the Council seeking advice from any professional with any expertise in care of the elderly or nursing home provision. *Response: input from the bodies identified is not required in order for a full and robust assessment of the proposed development and determination of the planning application to be undertaken by the Planning Service.*
73. The revised documents do not address the issues raised in numerous previous objections. Concerns over whether the Heritage Statement could be truly independent, and concerns with several its recommendations and statements contained within the document. *Response: the findings of the Heritage Statement have been discussed elsewhere within this report.*
74. Concerns that only indicative plans have been submitted and the uncertainties that this brings about – plans lack any dimensions which would help understand the scale of development. *Response: the applicant is only required to submit such a plan for applications for planning permission in principle.*
75. No reference to capacity limits for residents and employee vehicles, parking, increased traffic, school traffic and how this would be managed. *Response: Roads Development Management have indicated that the level of development and thus associated traffic would not adversely impact on the local road network.*
76. Residents have access to many walking paths in and around the area including views from the “eastern garden” much of which is being claimed as benefits to the community. *Response: comments noted.*
77. If planning permission in principle is granted what is to stop the developer making significant changes later? Would also request the submission of plans, elevations, and material details at this stage. *Response: as mentioned previously, the level of information submitted is the minimum necessary at this stage. Whilst further details may have been beneficial, the applicant would be required to submit these at a later stage. Were planning permission to be approved the development would need to be undertaken in line with the parameters of the description of development and “significant changes” could not be made to the proposal.*
78. The development would have an adverse impact on red squirrels, which are found in the surrounding area. The removal of further mature trees would have a disastrous effect on the local red squirrel population – what action is being taken to safeguard these animals? *Response: the impact on red squirrels has been discussed elsewhere in this report.*
79. There is an outbuilding that is not referred to in the submitted plans – the area where it is located suggests a car park would be in its place. Various other concerns with the red line boundary, location of the allotments, access to the allotments and routes through the trees – which may lead to the loss of further trees. *Response: comments noted, finalised details of the layout of the development would be required at MSC stage, this would footpath locations, updated tree surveys and the location of any existing buildings on site.*
80. What powers will the Council have to ensure that the proposed shop and café at the outset of the development? *Response: if deemed important elements of the proposal the Planning*

*Authority could control the provision of such facilities via phasing of the development (through the submission of a phasing plan).*

81. Request that copies of the ecological reports be made available on the Council's website. *Response: this information is not publicly available. The term "sensitive" or "protected" refers to species that are vulnerable to persecution or over-exploitation. To safeguard them from deliberate harm, known locations of such species should only be made public at an imprecise resolution. The list of sensitive species in Scotland was prepared by Scottish Natural Heritage (now Nature Scot) based on expert conservation advice and scientific overview.*
82. The developers state that "all comments from technical consultees have been addressed". What are these and can copies of the responses be provided? *Response: relevant consultee responses were available to view on the public website.*

### **Support:**

83. The development has been done in a generous and sympathetic way to respect the heritage of the site and realistic to the demand for retirement accommodation in the area. The development would provide a mix of apartments, cottages and houses for over 60s designed to maintain and extend independence. *Response: the principle of development and the layout have been discussed elsewhere in this report.*
84. The site is a prime location for development and is being undertaken by a group of people who care for the area and have been an ally to improvements to the community in the past and would represent a much needed addition to the area. Oil is in decline, and a high-quality retirement village would keep people and their disposable income in the area – benefiting shops, cafes and businesses in the area. *Response: the principle of development and the layout have been discussed elsewhere in this report. For reasoning previously given, this location is not considered acceptable for the proposal brought forward.*
85. The use of the field to the east as a driveway would eliminate the possibility of development on this land and the site entrance is a favourable change that would allow the existing Bingham Farmhouse access road to be safer due to the requirement to remove the hedge row. *Response: it is noted that Roads officers find the proposed road layout acceptable, it wouldn't necessarily stop any future development, although any such proposals would be subject to a separate application.*
86. There is an increased need for care homes/ retirement villages in general - the concept of an active retirement community is appealing and there are few developments that have been built for the ageing population. *Response: comments noted, but development should occur on sites allocated for residential development in the ALDP or on brownfield sites.*
87. The proposal would have little impact on residential amenity and screening could alleviate concerns. *Response: This matter has been discussed elsewhere.*
88. The proposal will encourage people to remain independent as long as possible. *Response: comments noted.*
89. Residents can live independently in housing adapted for difficulties of increasing age with the confidence that care is available nearby as those needs increase. The care home nearby provides further assurances. *Response: comments noted.*
90. Model works well at Inchmarlo - a community integrated into the environment. A similar community would benefit Aberdeen and can be developed to retain the wooded character of the area. *Response: comments noted, and the principle of the development has been discussed elsewhere.*
91. The development would make Bingham House an integrated part of the community – providing it with a sustainable future. *Response: comments noted, and the principle of the development has been discussed elsewhere.*
92. Proposal would give wider benefits to all in Milltimber community of all ages - access for walking and cycling, new facilities shop/ cafe allotments - older people could make a significant contribution to the local community in other ways. *Response: comments noted, and the principle of the development has been discussed elsewhere.*

93. While the Council provides sheltered and very sheltered housing in Aberdeen there is a long waiting list, and these may not be suitable for those wishing a private option. *Response: comments noted, although this issue is not considered relevant to the determination of this application.*
94. The current pandemic has highlighted mental health issues around loneliness and such a village would improve quality of life for many older people living alone and there are many published studies which show how important independent living and physical activity is for older people. *Response: comments noted, and the principle of the development has been discussed elsewhere.*
95. Creation of jobs during construction and long term. *Response: comments noted.*

### **Neutral Comments**

96. Access should be provided to recumbent stone circle and cairn, which would enhance amenities of the area and measures would need to be put in place to protect these structures. *Response: it is noted that the stone circle and cairn are located out with the application site boundary.*
97. Would support the scheme if all mature trees protected and the areas exempt from new buildings. *Response: impact on trees has been discussed elsewhere in this report.*

### **Matters Raised at Pre-Determination Hearing**

It should be noted that many of the issues raised at the PDH and included within the associated minutes of the meeting have been addressed above. The minutes of the PDMC are within the agenda pack for this meeting of the Planning Development Management Committee. These include matters raised by the applicant noting that technical issues with the proposal have been addressed, and clarification that Police Scotland were not looking for the introduction of a gated community. It is noted that the layout of the proposal may have changed due to public comment, but as mentioned above the layout is indicative and subject to change. The issues in relation to loss of trees and open space have also been discussed elsewhere.

The comments about demand for housing are noted, and have also been discussed, where the Planning Service concluded that this is not the correct location for the type of development proposed.

The comments from Professor Hutchison and the applicant are also noted (with regards to senior living) and have been discussed elsewhere. However, in response to some specific comments made by Professor Hutchison, it is not considered that any of the matters raised would alter the Planning Authority's concerns regarding the proposed development. In regards to the applicant's concluding comments, it is noted that the allotments would be open to the community, in terms of the use of e-bikes within the development could be included within the travel plan, the issue with the shuttle bus has been discussed above (regarding sustainable transport) and it should be noted that the conversion of Bingham House does not form part of this application and would likely be subject to a future application were permission to be approved.

The Community Council comments are noted and have been discussed elsewhere in this report.

In terms of the objector's concerns, the level of objection is noted along with details regarding the principle of development in the Green Belt. The loss of trees and demand for the type of development proposed have also been discussed, along with impact on health facilities, access to the site, wildlife, other potential sites for the development, and the suitability of the site.

Overall, it is considered that the matters raised by the applicants, Community Council and objectors have been addressed within this report.

### **Conclusion**

The above evaluation concluded that the proposed development conflicts with a number of the policies contained within the adopted Aberdeen Local Development Plan.

- The principle of development fails to comply with Policies NE1 (Green Space Network) and NE2 (Green Belt) of the Aberdeen Local Development Plan,
- The applicant has failed to adequately demonstrate how a level of development could be accommodated on site without adversely impacting on the setting of the Category “C” listed building, therefore conflicting with elements of Policy D1 (Quality Placemaking by Design) and D4 (Historic Environment), along with various other national documents
- The proposal would result in the loss of a number of mature trees within the development site, thereby conflicting with Policy NE5 (Trees and Woodland) and
- The proposal would fail to comply with similarly worded policies in the Proposed Aberdeen Local Development Plan, which also does not support the principle of development on site.

The report also notes tension and non-compliance with other policies contained within the document including T3 (Sustainable and Active Travel), D2 (Landscape) and NE8 (Natural Heritage), although the Planning Service were of the view that these tensions are considered to be not significant enough to warrant refusal of planning permission in their own right.

The proposal is therefore recommended for refusal for the reasons detailed below. It should be noted that if Members are minded to approve the application contrary to officer recommendation, this would need to be subject to the conclusion of a legal agreement and a suite of conditions which are detailed at the end of this report.

## **RECOMMENDATION**

Refuse

## **REASON FOR RECOMMENDATION**

1. The proposal would not be for purposes considered essential for agriculture, woodland, or forestry, it would not be a recreational use associated with an agricultural or rural setting and would not be associated with mineral extraction or landscape renewal. In addition, whilst it could be argued that the proposal is within the boundaries of an existing activity, it is not small-scale, it would significantly increase activity on site and would not be ancillary to what exists. The proposal would also destroy or erode the character and/ or function of the Green Space Network. Consequently, the proposal would fail to comply with Scottish Planning Policy, Policy NE1 (Green Space Network) and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan, as well as with Policies NE1: Green Belt, NE2: Green and Blue Infrastructure of the Proposed Aberdeen Local Development Plan.
2. The proposed development has not demonstrated sufficient consideration for its context and has not demonstrated an acceptable form of proposed development that respects the setting of the Category “C” listed Bingham House, nor has the applicant adequately demonstrated how an acceptable level of development could be accommodated on site whilst having due consideration for its surrounding context. The proposal would therefore fail to comply with Scottish Planning Policy, Historic Environment Policy for Scotland, Managing Change in the Historic Environment: Setting, Policy D1 (Quality Placemaking by Design), Policy D4: Historic Environment of the Aberdeen Local Development Plan and with Policy D1 (Quality Placemaking) and Policy D6 (Historic Environment) of the Proposed Aberdeen Local Development Plan.
3. The proposed development would see the removal of a minimum of 22 trees, with the potential for further tree loss due to development potentially being undertaken within the Zone

of Influence of a number of trees. The proposal is therefore contrary to Policy NE5 (Trees and Woodland) of the Aberdeen Local Development Plan, its associated Supplementary Guidance: Trees and Woodland and Policy NE5: Trees and Woodland of the Proposed Aberdeen Local Development Plan in that these policies have a presumption against all activities and development that will result in the loss of, or damage to, trees and woodland that contribute to nature conservation, landscape character, local amenity or climate change adaptation or mitigation

### **COMMITTEE RESOLUTION TO APPROVE**

If Members are minded to approve the application contrary to officer recommendation it is recommended that this should be:

Subject to a legal agreement to ensure (i) payment of the required developer obligations and associated affordable housing provisions as contained within the Development Obligations response; and (ii) an age restriction on the occupation of the housing to ensure that at least one member of the household is over 55 in line with the type of development proposed by the applicant and to ensure that there is no requirement for a contribution towards mitigating the impact of the proposal on education (local school capacity); and (iii) provision of a shuttle bus to allow connections to the wider network.

Members should also attach the following conditions:

Standard timing condition for Planning Permission in Principle and submission of Matters Specified in Conditions and commencement of development. This would include a detailed levels survey of the site and cross section showing proposed finished ground and floor levels of all buildings relative to existing ground levels at a fixed datum point.

Details of layout, design and external appearance of all buildings and ancillary structures; vehicular and motorcycle parking; short and long term secure cycle parking; electrical vehicle charging facilities in accordance with the associated Supplementary Guidance; storage and collection arrangements for waste and recyclables; boundary enclosures around individual homes and other premises; and details of play zones, play equipment and all other areas of open space, including the allotments to be provided and a phasing Plan for the delivery of the development, including the proposed access road, landscaping, footpath connections and areas of public open space. A condition regarding phasing and associated mechanisms for the delivery of the café, shop allotments and nursing home is also likely to be required if members consider these to be material considerations in favour of the development.

From a road's perspective, details of the layout and finish of roads including the new access onto Binghill Road and the proposed emergency access, visibility splays, parking, footpaths and cycle paths, details of servicing arrangements for both the residential, care home and commercial elements of the proposal, the submission of a residential travel pack and staff travel pack, travel plan, an updated drainage impact assessment and connections to the wider network. Waste Management have also requested conditions requiring details of the storage of waste materials, including the location and potential collection points, a swept path for a refuse collection vehicle and further details for bin stores (if required).

In terms of archaeology, a written scheme of investigation including details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. The works should include surveys of the ruined buildings, trenches to identify former paths, a 10% evaluation of the area to the south of Binghill House and a standing buildings survey of Binghill House.



In terms of Environmental Health considerations, (1) An Air Quality (Dust) Risk Assessment and (2) Dust Management Plan (based on the outcome of the Dust Risk Assessment). In addition, a condition would be required in relation to a (3) suitable extract ventilation assessment for equipment associated with the café which predict the impacts of odour associated with the specific type and level of cooking activities to be undertaken and fully demonstrate the effectiveness of any proposed mitigation measures and a (4) Noise Impact Assessment by a suitably qualified noise consultant to predict impacts of noise associated with the proposal and establish the extent of any noise controls.

From a natural heritage perspective, (1) an Ecological Impact Assessment with more detailed proposals including plans for appropriate biodiversity enhancements, (2) a more detailed assessment of the bat roost potential for trees including a bat activity survey, (3) a seasonal breeding bird survey, (4) an updated badger survey with details of licencing conditions/ plans, (4) plans for immediate pre-works checks and detailed within a Construction Environment Management Plan (5) Invasive non-native species mitigation plan, (6) detailed biodiversity enhancements , (7) a detailed landscaping scheme, (8) an updated tree survey along with details of tree protection measures and the storage of materials on site, (9) further details showing the location of proposed bat and bird boxes, (10) the submission of a breeding birds survey, should development be undertaken during the breeding bird season, (11) the submission of a red squirrel survey and (12) an updated Phase 1 habitat survey and (13) details showing the enhancement of green/ blue infrastructure and sustainable placemaking.

Other information that would be required would be (1) low/ zero carbon details, (2) details relating to the provision of full fibre broadband, (3) confirmation from Scottish Water of water and wastewater connections.

Informatives would also be required regarding working hours during the commencement of development, advice on Police Scotland's "Secured by Design" initiative and details of the waste management requirements for the development.