

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION
HEARING
15 March 2021**

ABERDEEN, 15 March 2021. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION HEARING. Present:- Councillor Boulton, Convener and Councillors Allan, Cooke, Copland, Cormie, Greig, MacKenzie and Malik.

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

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

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 – BINGHILL HOUSE, BINGHILL ROAD ABERDEEN - 200750

1. The Committee heard from the Convener who began by welcoming those present at the remote hearing and provided information on the running order. She explained that the first person to address the hearing would be Mr Gavin Clark, and asked that speakers adhere to their allocated time in order for the hearing to run smoothly and in a timely manner.

The Committee then heard from Mr Gavin Clark, Senior Planner, who addressed the Committee in the following terms:-

Mr Clark began his presentation by displaying a number of photos of the site in order to give members a better sense of the application site.

Mr Clark explained that given the proposal was for planning permission in principle. The applicants had submitted a site plan which was merely for indicative purposes to demonstrate what could be accommodated on the site, with future applications required for the approval of matters specified in condition required to address aspects such as layout, siting and design of the proposed units and the layout of the proposed road. The indicative plan had the access in the western site of the site taking access from Bingham Road, with the main build elements located in the central, western and northern section of the site. The retirement home was shown as being located centrally within the site adjacent to the café, to the south of the existing Bingham House which was not proposed for development at this time. Mr Clark advised that it should be noted that this layout was for information purposes only and the planning authority were looking at the red line boundary only at this stage.

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Mr Clark advised that the application constituted a major development and due to it being contrary to the principle policies of the local development plan required a Pre Determination Hearing. The proposal was subject to statutory pre-application consultation with applicants and officers presenting to the Pre Application Forum in September 2019. The Pre Application Consultation Report formed part of the current submission. Mr Clark intimated that no assessment of the merits or failings of the proposal were made within the report.

Mr Clark advised that the site was zoned as Green Belt and Green Space Network Policy and noted that Policy NE1 advised that:

- Council would protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network and
- Proposals for development that were likely to destroy or erode the character and/or function of the Green Space Network would not be permitted.

Mr Clark also indicated that Policy NE2 stated that “no development would 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”.

It is also stated that proposals for development associated with existing activities in the Green Belt would be permitted but only if all of the following criteria were met:

- a) the development was within the boundary of an existing activity;
- b) The development was small scale;
- c) The intensity of activity was not significantly increased; and
- d) Any proposed built construction was ancillary to what exists.

Mr Clark advised that Policy NE2 made no provision for development of the level proposed and the application therefore represented a significant departure from the Development Plan and the requirement for this hearing. He explained that it should also be noted that Binghill House was listed in November 2014 as a Category C listed building. As a result of its listed status, there was a duty on Planning Authorities in determining applications to have a special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possessed.

Mr Clark explained that other aspects that would need to be taken into account during the determination of the planning application included the landscape impact from the proposed development, the impact on natural heritage including protected species and trees and the site’s accessibility.

Mr Clark further explained that the proposed local development plan was approved by Full Council in March 2020 and represented the settled view of the Council. The allocation of green belt and green and blue infrastructure (currently green space network) was proposed to be carried forward to the proposed local development plan. Statutory

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consultation on the plan was carried out in the latter part of 2020 with 261 responses supporting the sites continued exclusion from the proposed plan.

In terms of representations, it was noted that the proposal itself had received 173 representations, which included 147 in objection, 24 in support and 2 neutral comments. Cults Bieldside and Milltimber Community Council had also objected to the proposed development and these comments and representations were summarised in the associated report in the agenda.

Mr Clark explained that colleagues in Roads Development Management had raised no objection to the proposal and developer obligations had advised of contributions towards the core path network, healthcare and community facilities. All other technical consultees were content with the proposal and other aspects could be controlled via condition, all of which were summarised in the associated report.

Mr Clark concluded by stating that following this meeting a report would be prepared for the Planning Development Management Committee with a full and detailed assessment of the proposed development and a recommendation to Members would be included.

The Convener then invited Mr Michael Cowie, Engineer, to address the Committee. Mr Cowie explained that as this was a planning permission in principle, Roads Development Management had assessed the application indicatively to see if the principles were acceptable at this stage and to evaluate if any engineering solutions were feasible.

Mr Cowie noted that the site was outwith walking and public transport links so private shuttles would be required from the applicant.

Mr Cowie also explained that in relation to the indicative layout, an alternative drawing was included in the Transport Statement which showed a slightly different access from Binghill Road to the south east of the site. Mr Cowie also noted there would be an emergency only access too.

Mr Cowie noted that the statement from the applicant showed the proposed trips on the shuttle bus and they would be made outwith peak times.

Mr Cowie also advised that there were proposed pedestrian connections to the existing Milltimber and surrounding areas, and in the Transport Statement it was proposed to extend and tie in the footway extension to the east of Binghill Road which was partially being carried out with the new Milltimber School development.

Mr Cowie explained that as the application was in the early stages, more details would be required and would be assessed in due course however at this stage Roads did not object to the application.

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Members then asked questions of Mr Clark and Mr Cowie and the following information was noted:

- The amount of trees that could be lost was indicative at this stage, however was 22 at present;
- It was roughly 25 metres from this proposed development to the new primary school;
- 110 metres of trees at the access to the site were covered by a Tree Protection Order;
- An archaeological dig would be required; and
- In terms of the shuttle bus, this might need to be incorporated into the legal agreement.

The Convener then invited the applicant to address the Committee, and the speakers consisted of Mr Steve Crawford and Mr Stephen Barker, Halliday Fraser Munro, Professor Norman Hutchison, Independent Advisor Housing for an Ageing Population, University of Aberdeen and Mrs Shona Buyers, applicant.

Mr Crawford began the presentation and explained as this was a major application, substantial public consultation had been carried out and all necessary supporting information had been lodged. He noted that there were no objections from technical consultees and developer obligations had been established to cover core paths, healthcare and community facilities. Mr Crawford also noted that they had met with Police Scotland and this development would not be a gated community, and Police Scotland were in agreement. Binghill House would be utilised for administrative/social uses and for visitors.

Mr Crawford advised that they had listened to public comments and as a result had changed the layout of the proposal. Binghill House would still be at the heart of the new retirement community, with the village centre and cottages moved further north away from neighbouring properties. The mature woodland and the majority of the trees would be retained with all of the proposed facilities still being provided. The revised layout allowed for a more compact village centre to be created next to Binghill House. It would also leave more open space to the south of the garden adjacent to neighbouring properties.

Mr Crawford provided details on the indicative layout of the proposal and highlighted these with visualisations.

Mr Crawford provided details on the demand side and an ageing population. He explained that by 2039 it was projected that people aged 65 and over would account for 18.6% of the total population of Aberdeen, and Cults Bieldside and Milltimber had a higher than average elderly population with 13.3% over 65 and 6.1% over 80. This was compared to Aberdeen City as a whole with 10.8% and 4.2% respectively.

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Mr Crawford advised that house builders were predominantly building family homes, not age specific housing, and noted that often the design was not suitable for the elderly and required expensive adaptations to be made. He noted that elderly people were having to buy family housing due to a lack of choice with respect to size, design and tenure. Mr Crawford outlined that the proposed development in Milltimber offered the chance to give the local community the choice of housing type suitable to serve the ageing population, with accommodation built for seniors with all the latest technology embedded in the design to assist with 'care in the community'.

Mr Crawford explained that demand for senior housing was rising nationally and locally, and the new supply of senior housing was very low compared with family housing and first time buyer flats.

In conclusion Mr Crawford advised that there were four main key considerations. Firstly, was the city planning well enough ahead to meet the housing need and offering enough choice for its ageing population, and where else could this type of development be provided if not on sites such as this. Secondly, were the objections so substantive that they could not be overcome. Mr Crawford highlighted that there had been no technical constraints or technical objections to the proposal. He also advised that it was in line with the Community Plan and supported through positive representations to the application. Thirdly, he considered whether the proposal could be designed to meet the requirements of an ageing population and the context of the site, and suggested that the indicative layouts proved that there were options for developing the site, with the woodland maintained with limited tree loss and enhanced/managed for longevity and age diversity, noting that the existing house would become an integral element of the development. Finally, Mr Crawford considered whether the application offered wider community benefits, and noted that it introduced new public uses and access to what was currently a private house and its gardens, with, for example, an onsite shop, café, allotments, public paths and play areas.

Professor Norman Hutchison, Professor of Real Estate at the University of Aberdeen, then addressed the Committee and provided information on the demand and supply of senior housing. Professor Hutchison advised that there were strong demand-side pressures due to a significant demographic shift with a growing percentage of the population in Scotland aged over 60, which was the legacy of the baby boom in the 1960s.

Professor Hutchison explained that across Scotland the changes were going to be very significant and noted that:

- By 2035, 30% of the population would be over 60, whereas presently the figure was 23%;
- By 2039, 800,000 people would be age 75 or over – a staggering 85% increase;
- Focusing in on Aberdeen, by 2039 it was projected that around 19% of the total population would be aged 65 and over; and

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- More specifically in 2021, Cults, Bieldside and Milltimber had a higher than average elderly population compared to the rest of Aberdeen City.

When looking at the demographic change Professor Hutchison advised that it should be noted that as people aged the incidence of disability and illness increased, and thus not only would there be more senior citizens, but also more seniors who would require specialised housing to meet their needs, whether it be the result of a stroke or the impact of dementia.

Professor Hutchison advised that the Planning Scotland Act (2019) introduced a duty for Scottish Ministers to report on the housing needs of older people and disabled people and the focus would be on how the planning system operated to ensure that new housing met the needs of seniors and the disabled. He noted that this requirement was now embedded in legislation.

Professor Hutchison advised that the supply of senior housing in Scotland was fragmented and mainly consisted of residential flats and single storey dwellings within mixed age, urban settings. Retirement villages were very rare in Scotland with only two in operation in Scotland at present, both very popular.

Professor Hutchison indicated that the development at Binghill House offered the chance to give the local community an exciting choice of housing type, suitable to serve the ageing population, accommodation built for seniors with all the latest technology embedded in the design, to assist with care in the community.

In summary Professor Hutchison explained that there was a demand and supply mismatch for senior housing and noted that it was clear the demand for senior housing was rising nationally and locally.

Mrs Buyers, applicant, also spoke about the application. Mrs Buyers explained that she was previously Shona Donald and noted that over generations the Donald family had been part of the local Milltimber community and had tried to help improve local amenities as much as they could by gifting land for the Church and Community Centre. As a family they were committed to protecting and enhancing the Deeside community.

Mrs Buyers explained that she had lost both her parents within 3 months of each other and as a result had inherited Binghill House and policies and the farming land surrounding it. She noted that she had managed to lease the house sporadically but it had proved not to be economically viable and she had to think of alternatives for the future use of the house. Mrs Buyers advised that she had hoped to turn Binghill House and policies into an Active Retirement Village which arose from her personal experience with her own parents. Mrs Buyers noted that when her mum had been ill she had needed constant care but her dad had still been active and he had wanted to stay in Milltimber where he had lived for most of his life but that there was nothing in the community to fulfil their needs.

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Mrs Buyers advised that she had started to research the area and concluded there was a significant lack of bungalows in the area which was what her dad needed. Following this she had contacted Halliday, Fraser, Munro for guidance on the way forward with her vision. Mrs Buyers explained she had other options with regard to Bingham House and the surrounding land but following in her dad's footsteps she wanted to choose an option that she felt would benefit and enhance Milltimber.

Mrs Buyers advised she grew up in Bingham House and was eager for any future development to retain the parkland and trees as far as possible. She noted that she had been closely involved in every stage of the planning and had also been engaging with the local Community Council and people living in Milltimber throughout the process. Mrs Buyers explained that she had listened to concerns and adjusted the plans to try and accommodate the local people and over the last year or so she had read many articles which were encouraging a development such as was proposed which was enlightening that her vision for Bingham was being recognised as the way forward for age related living in Scotland.

Members then asked questions of the applicant and the presenters and the following information was noted:-

- In regards to the proposed allotments, these could be used by the wider community;
- There was a suggestion that e-bikes could be utilised on the site, along with walkway connections to the wider community;
- The principle of the shuttle bus was that it would be a permanent service to allow people to access a wider field if they wished;
- Bingham House would be retained as it was and used as an administration centre, with the upstairs potentially a visitor bedroom;
- The operator of the development would pay for the shuttle service;
- The car parking would be in line with the Council standards;
- Electric charging points would be also be part of the development; and
- They hoped that the development would be operated by a single operator.

The Committee then heard from Mr Colin Morsley, Planning Liaison Officer for Cults, Bieldside and Milltimber Community Council.

Mr Morsley explained that Cults, Bieldside and Milltimber Community Council had given this application careful consideration over many months within a context of major ongoing housing construction sites to the east and west of the Milltimber settlement and the threat of development to the south if a current appeal was to be successful.

Mr Morsley advised that they had extensive discussions with local residents and the applicants and had agreed to object to the application on the grounds that:

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- The application was a departure from both the Aberdeen Local Development Plan 2017 and the proposed Aberdeen Local Development Plan 2020;
- The land was zoned as Green Belt and Green Space Network in both of those plans;
- The development lay above the generally recognised 95 metre contour below which most Lower Deeside settlements were situated;
- Their decision supported and respected the views of a significant slice of the neighbouring community who were naturally concerned about maintaining their current level of amenity.

To conclude, Mr Morsley advised that their Community Plan encouraged the provision of suitable retirement friendly housing in Lower Deeside enabling a choice of opportunities for older residents to downsize as appropriate to their circumstances.

Members then had the opportunity to ask questions of Mr Morsley.

The Committee was then addressed by Mr Bruce Anderson, a local resident. Mr Anderson explained that this application was only supported by 5 people in the Cults, Bielside and Milltimber catchment area with 150 objections. Mr Anderson also noted how the Community Council had withdrawn their earlier support and now objected to the proposal.

Mr Anderson explained that the application was wholly contrary to many of the principles and requirements in the Local Development Plan and highlighted that page after page of principles and requirements were ignored with the proposal and it constituted a significant/ major departure from the Local Development Plan.

Mr Anderson also noted that the proposal represented a major incursion into the Green Belt and if granted would be used as a precedent for future expansion both west and east and he advised that he could see nothing in the application which would allow a departure from the Local Development Plan.

In regards to the loss of trees, Mr Anderson advised that 17 trees were removed immediately prior to the application being submitted and there were plans to remove a further 28, a total of 45 trees. Mr Anderson spoke about the principle of cutting down trees, which were not protected by a Tree Protection Order.

Mr Anderson also spoke about how this model of care was not supported by the health, social work or housing authorities as there was no age diversity. This was highlighted by the Community Council in relation to the recent Inchgarth application. Mr Anderson noted that the elderly should be integrated and part of normal communities, not isolated.

Mr Anderson also explained that the site was too remote from services and the residents would be isolated at the top of a steep hill, which was windswept and icy in the winter.

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Mr Anderson also advised that there would be a significant and adverse impact on the local primary care services which were already overstretched and this was highlighted by the Community Council in relation to the recent application for Milltimber South.

Mr Anderson also advised that the proposed junction with its close proximity to the new primary school would be very unsafe particularly before and after school and the pavements on Binghill Road and the junction on to North Deeside Road would require upgrading.

Mr Anderson also explained that the local wildlife which included numerous red squirrels and bats would be endangered.

Mr Anderson advised that he could find no evidence of input from experts in care of the elderly or nursing home provision and had also seen no evidence for more nursing home capacity in the area and no market research for this type of housing with 40 properties for sale. He indicated that there was a range of properties readily available.

Finally Mr Anderson suggested that instead the current primary school site, once the new school opened, would be an ideal site for a small more appropriate development, being central to the community and close to public transport. He noted this was a brownfield site which was favoured in the Local Development Plan and asked that the application be refused.

The Committee then had the opportunity to ask Mr Anderson questions.

The Committee was then addressed by Mrs Carolyn Annand, a local resident. Mrs Annand explained that she was a 61-year-old, active retiree with an e bike, the target population at which this development proposal had been aimed. However Mrs Annand noted that she was strongly opposed to the proposal for a number of reasons.

Firstly Mrs Annand questioned the need for the development. She outlined that to deviate away from the Aberdeen Local Development Plan, the applicant would be required to demonstrate a clear need, however she felt in this instance that there was not a supply shortage of residential housing for older people. Mrs Annand felt that the development proposed was not required with no evidence of a shortage of quality retirement homes to the west of Aberdeen city and noted that there were currently 43 residential retirement properties for sale in the West End and Deeside corridor of Aberdeen City, with 31 between Cults and Milltimber.

Mrs Annand also noted that there was the potential to expand development of Woodland Grove in Milltimber, which had planning permission for a further stage. The developers had not pursued due to insufficient interest. Woodland Grove was developed around a beautiful old building.

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Mrs Annand also noted there were eight nursing care homes to choose from in the West End of Aberdeen and in the Deeside corridor there was plenty of nursing home provision.

Secondly, Mrs Annand spoke about the practicality of the proposed site. Within the Aberdeen Local Development Plan, she explained that clear guidelines were set out for developments aimed at the changing age profile of the city, advocating integrated developments well connected to local facilities, communities and public transport links. Mrs Annand felt that this site was unsuitable for the proposed development. She explained that in terms of public transport, the nearest bus stop was over 1 kilometre away from the junction leading to the new development and noted that the site was at the top of a very steep hill as well as being detached from the local community.

Thirdly Mrs Annand provided details on an alternative option. She noted that an alternative considerably more appropriate site was available on the existing Milltimber Primary School, which had already been identified in the local development plan as a brownfield site.

Fourthly, Mrs Annand spoke about environmental concerns and noted that aside from the points already covered, there were a number of serious environmental impacts that would make this development completely unsuitable for the local area. This included the removal of large mature trees and the impact on the local wildlife.

Mrs Annand advised that the Aberdeen Local Development Plan stated that any development should not result in the loss of, or damage to, trees and woodlands. It also states that developments must demonstrate that they safeguarded or enhanced biodiversity and protected species. Mrs Annand advised that nothing that had been presented in favour of the application was compliant with either of these requirements.

Mrs Annand also explained that the access road junction would be very close to the entrance to the new primary school on Bingham Road, which posed a safety risk with traffic from the development entering onto an existing housing estate. The proposed site of the road opened up the potential for even more development between this and surrounding green space and she felt that Milltimber was already overdeveloped.

In conclusion, Mrs Annand asked that members reject this application as it was not required and went against many key factors detailed in the Aberdeen Local Development Plan relating to meeting local needs, green space, the environment and age specific facilities provision.

Members then had the opportunity to ask questions of Mrs Annand.

The Committee then heard from Mr Stuart Jackson, a local resident who had lived in Milltimber for 25 years. Mr Jackson highlighted the amount of objections submitted in response to the proposal and outlined that he was pleased to see the application had been modified, as he thought it was clearly contrary to the 2017 and 2022 Aberdeen

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Local Development Plan. Mr Jackson noted that the applicant had been very generous to the village but felt this development was not required.

Mr Jackson outlined that there was no real requirement for housing in the area and advised that the development of Tor Na Dee house into the Woodland Grove Retirement complex took over 12 years to complete due to low demand, with the final home in the third phase only being sold at the end of 2020, with 8 properties at Woodland Grove currently available for purchase. He also advised that due to the low demand, phase 4 had been placed on indefinite hold with an area in excess of 1.25 acres of zoned and approved land adjacent to Tor Na Dee/Craig Court available for immediate development should any additional requirement be identified.

Mr Jackson explained that the primary access to and from the development would be on Binghill road which was a relatively narrow road without pavement on the east side for the majority of its length. He noted that the new pavement on Binghill Road local to the new primary school would not be extensive and would include a new vehicular entrance to Milltimber primary school for a staff car park. As a result the bulk of Binghill Road would not have pavement on its east side.

Mr Jackson also advised that since 2019, residents on Binghill Road had endured continually increasing volumes of heavy construction traffic accessing/aggressing the current phases of CALA Homes developments towards the top of Binghill Road. Mr Jackson also indicated that residents had endured disturbance due to the new Milltimber primary school being built. He explained that as a result of all of the construction etc in the local area, dust and noise pollution would continue well into the end of the decade.

Mr Jackson asked the Committee to refuse the application and noted that should a developer in the future be looking to consider the need for additional age specific retirement housing in Milltimber, they should consider establishing a low carbon, affordable active retirement development at the soon to be vacant Milltimber Primary School site on Monearn Gardens which would most certainly be within the heart of the community.

The Convener thanked all those who attended the remote hearing, specifically those who had presented their case, submitted representations and provided information. She advised that the Chief Officer – Strategic Place Planning would prepare a report for submission to a meeting of the Planning Development Management Committee (PDMC) for subsequent consideration and determination.

COUNCILLOR MARIE BOULTON, Convener