



Strategic Place Planning

Report of Handling

Site Address:	High Point, 242 North Deeside Road, Peterculter, Aberdeen Peterculter AB14 0UQ
Application Description:	Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application Ref:	211791/DPP
Application Type:	Detailed Planning Permission
Application Date:	21 December 2021
Applicant:	Matnic Ltd
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Robert Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

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

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

Relevant Planning History

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

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

APPLICATION DESCRIPTION

Description of Proposal

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

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

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

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

Amendments

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

Revised road access detail

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R4FBA0BZJ4700>

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

CONSULTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

REPRESENTATIONS

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

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

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

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

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

PAN 65: Planning and Open Space (2008):

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

PAN 67: Housing Quality (2003)

PAN75: Planning for Transport (2005):

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

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

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

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

PAN 77: Designing Safer Places (2006)

PAN1/2011 (Planning and Noise)

Development Plan

Strategic Development Plan (SDP)

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

Local Development Plan

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

Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the SPP which states:

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

The following ALDP policies are relevant –

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

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

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

Proposed Aberdeen Local Development Plan 2020 (PALDP)

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

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

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

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

Other Material Considerations

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

EVALUATION

Principle of Development

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

Density / Scale

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

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

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

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

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

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

Design

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

Impact on Retail Centre

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

cannot be assured).

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

Residential Amenity

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

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

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

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

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

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

Pedestrian Access

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

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

Vehicle Access

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

Parking

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

Servicing

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

Landscape / Open Space Provision

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

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

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

Tree Impact

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

Drainage

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

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

Ecology Impact

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

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

Crime Risk

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

Economic Benefit / Viability

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

Affordable Housing / Developer Obligations

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

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

Energy and Water Efficiency

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

Other Technical Matters

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

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

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

Proposed Aberdeen Local Development Plan

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

Other Concerns Raised in Objection

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

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. Insufficient Information

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

2. Residential Amenity

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

3. Overdevelopment

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

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

4. Design Quality

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

5. Adverse impact on Peterculter Neighbourhood Centre

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

6. Road Safety (Access)

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

7. Sustainable Development

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

THE NOTICE OF REVIEW STATEMENT

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

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

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

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

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

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

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

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

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

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

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

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