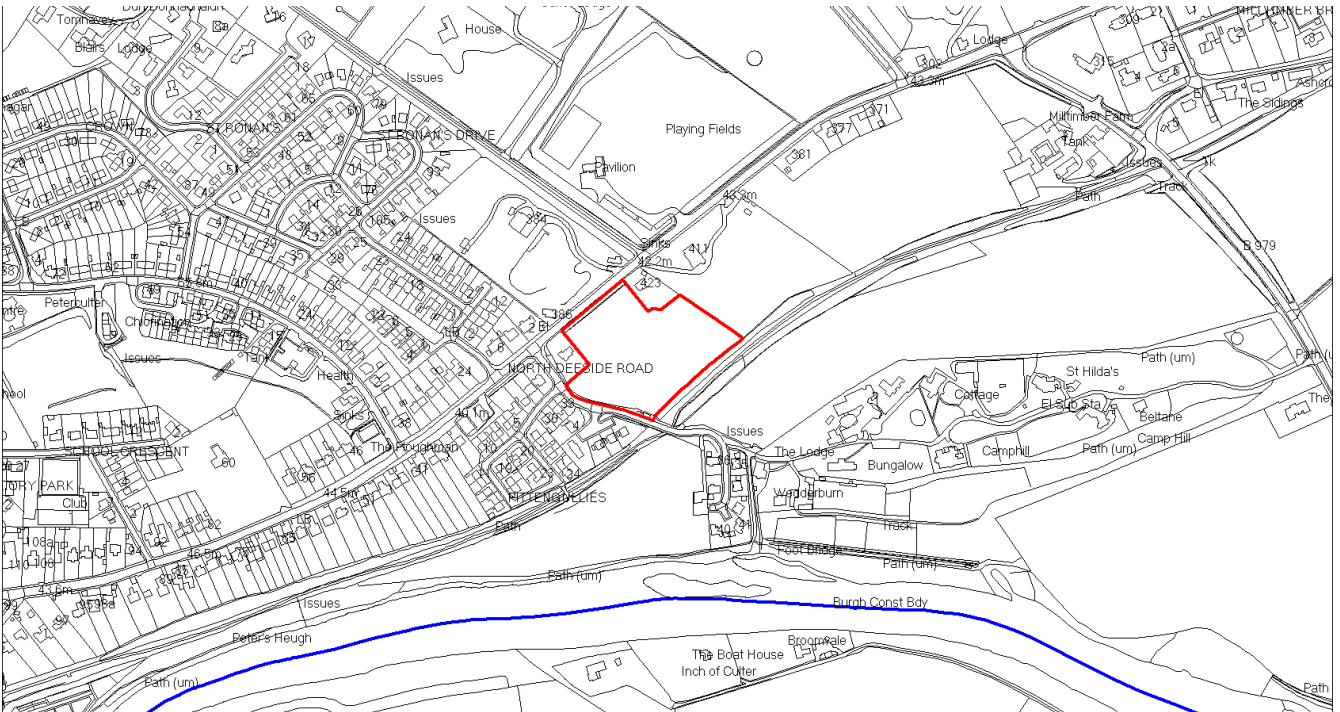


LAND ADJ TO NTH DEESIDE ROAD,  
PITTENGULLIES BRAE, PETERCULTER

ERECTION OF 32 NO.UNIT RESIDENTIAL  
DEVELOPMENT WITH ANCILLARY SITE  
WORKS AND LANDSCAPING

For: Bancon Developments Ltd

Application Type : Planning Permission in Advert : Can't notify neighbour(s)  
Principle Advertised on: 13/03/2013  
Application Ref. : P130230 Committee Date: 22 August 2013  
Application Date: 21/02/2013 Community Council : Comments  
Officer: Donna Laing  
Ward : Lower Deeside (M Boulton/A Malone/M  
Maik)



**RECOMMENDATION:**

**Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has made a payment to the Council to secure the identified developer contributions towards affordable housing units, provision of community facilities and recreation, library, core path improvements, healthcare and strategic transport fund.**

## **DESCRIPTION**

The application site, which extends to some 1.72 hectares is located to the south of North Deeside Road, and abuts Pittengullies Brae. The site sits immediately on the eastern outskirts of Peterculter. The site is zoned within the Aberdeen Local Development Plan 2012 as an opportunity site. The opportunity site, OP59: Peterculter East, is noted within the local development plan as being capable of providing a development of 25 homes.

At present the site is a field, used for the grazing of horses. At the North Deeside Road, north west of the site, there are two existing dwelling houses, these sit out with the site boundary but influence the shape of the development site. These two houses, due to the lie of the land, sit below North Deeside Road with the roof of each premises visible.

The site has an undulating nature and slopes down approximately 18m from North Deeside Road towards the South Deeside line, which form the south eastern boundary of the site. There are mature trees sitting out with the site on its north east and south east boundary, with the canopy of these trees spreading onto the site. The boundary enclosure along the tree line comprises a stone dyke, with a wire fence running beside this. The boundary enclosure to Pittengullies Brae is a wire fence, while on North Deeside Road there is a mixture of stone wall, shrubbery and timber fencing

## **RELEVANT HISTORY**

The site was rezoned in the Aberdeen Local Development Plan 2012 from green belt to OP59: Peterculter east and rezoned as land release policy, for the development of 25 homes.

P130229 – erection of 8 no. unit residential development with ancillary site works and landscaping – pending. There is a current detailed planning permission for the development of 8 units within the boundary of the Planning Permission in Principle Site.

P130845 – Signage application – pending

## **PROPOSAL**

This application seeks Planning Permission in Principle (PPiP) for the construction of dwelling houses. The site would take access from two points; firstly 8 no. units would be accessed from North Deeside Road while the remainder of the site would be accessed from Pittengullies Brae. A new road would be routed through the site, and a path would be created linking the 8 units closest to North Deeside Road with the remainder of the site. A play park would be created for the site, located in the northern corner. At this stage, the applicant seeks to establish only the general principle of development at the scale proposed on the application site, and so detailed design proposals do not form part of this application. Such detailed design proposals would require to be the subject of a further application, relating to Matters Specified in Conditions (MSC), in the event that members are minded to approve this application.

It should also be borne in mind that a detailed planning application (P130229) has been submitted for 8 units on the site.

## **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130230>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

A tree report and a drainage impact assessment have been submitted for this site.

## **REASON FOR REFERRAL TO SUB-COMMITTEE**

The application has been referred to the Sub-committee because a total of 9 letters of objection have been received, along with a letter of objection from the statutory community council, Cults, Bielside and Milltimber Community Council. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Project Team** – response received – no objection yet requested a number of conditions were added relating to access, upgrading of sustainable transport methods and flood routing.

**Environmental Health** – no response received.

**Developer Contributions Team** – response received - contributions are also sought towards the provision of affordable housing units, provision of community facilities and recreation, library, core path improvements, healthcare and strategic transport fund.

**Enterprise, Planning & Infrastructure (Flooding)** – Response received – satisfied with the drainage impact assessment and the SUDS pond. A condition has been requested to provide a condition survey, preferable through CCTV, of the culverted watercourse adjacent to the development and in the immediate downstream, to clarify the suitability of the connection of the drainage layout to this watercourse.

**Education, Culture & Sport (Archaeology)** – response received - No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post-excavation and publication work.

**Scottish Environment Protection Agency** – response received – conditions should be attached on the submission of a construction management plan and refuse segregation, storage, collection and management of residential waste.

**Community Council** – response received

- There has been a lack of consultation with the community council on this application, the applicant has engaged with Culter Community Council but not Cults, Bielside and Milltimber Community Council.
- The OP59 Peterculter site is zoned for 25 units, we object to the proposal exceeding this threshold
- There is concern regarding traffic turning onto and from the site directly onto North Deeside Road, especially traffic turning out into North Deeside Road in an easterly direction. All traffic should be directed to Pittengullies Brae first

- SUDS planning for application 130229 and 130230 should be considered for the whole site as one. There are existing drainage and sewage overflow issues and jointly with Culter Community Council we ask that these be resolved via planning gain for this OP site.

## **REPRESENTATIONS**

8 letters of objection have been received. The objections raised relate to the following matters.

### 1. Infrastructure

#### *Traffic*

The existing difficult access and egress from Pittengullies Brae would be increased,

Congestion and queuing would increase in the village

All traffic should be directed to Pittengullies Brae first.

The creation of cul-de-sacs is not acceptable. The site should be redesigned with the creation of a circular route off Pittengullie Brae. The upper section of the site will then be at a lower level than proposed.

The increase in traffic on Pittengullie Brae will be dangerous for the children of Camphill and would impact negatively upon the experience and safety of pedestrians (including children with special needs) using Camphill Estates western entrance. This entrance would become more important after the construction of the Aberdeen Western Peripheral Route

#### *Services*

The infrastructure cannot cope as it is – public transport, council services, schools, health services

#### *Drainage*

SUDS planning for application 130229 and 130230 should be considered for the whole site as one. There are existing drainage and sewage overflow issues; we ask that these be resolved via planning gain for this OP site.

### 2. Impact on Amenity

#### *Impact on view and attractiveness of Peterculter*

Building on this site will spoil the view of the valley as you come into Peterculter

Disappointed the SR4 zoning has been lost; ribbon development and loss of open space/parkland will reduce the attractiveness of Peterculter

A retaining wall and 6 ft fence should be erected on the south east boundary of 423 North Deeside Road to provide a degree of privacy, prevent overlooking and reduce visual/noise impact from the play park

#### *Construction noise and visual effects*

The increase in proposed numbers from 25 units to 33 units would add to the scale and possible duration of noise and visual effects during construction, and subsequently during winter months where the screening effects of the trees between the development site and Camphill Estate is reduced.

The proposal would raise serious concerns for the Camphill Communities due to the potential impact.

There will be a visual impact from the site on those using the South Deeside Line, and this would be compounded by the increase in numbers from 25 units to 33 units. The noise from the building works will cause huge trauma to the children attending Camphill School and limit their quality of life.

#### *Ground levels*

The ground levels will be raised significantly and the proposed dwellings would completely overpower the existing houses in close proximity to the site. The earth works to raise plots 5 and 8 are extensive and would not allow plots 1 and 4 to enjoy the view from the naturally sloping site

#### *Trees*

The large Ash tree would be required to be removed to accommodate the footpath in plot 9. The footpath should be re-routed. The Hawthorne tree at the north of plot 4 should be retained as it provides a level of privacy and reduces noise from the North Deeside Road

The type and placement of any trees should be considered as they would have the potential to obscure the outlook of 423 North Deeside Road should they grow too tall

#### *Facilities*

The play area should be bigger and should cover proposed plot 22. A retaining wall and 6 ft fence should be erected on the south east boundary of 423 North Deeside Road to provide a degree of privacy, prevent overlooking and reduce visual/noise impact from the play park.

### 3. Intensification of site

The number of units, 33, does not comply with the 25 allocated within Aberdeen Local Development Plan.

### 4. Other

The 30mph speed limit should be relocated past Avondow to the corner before Kippie Lodge.

## **PLANNING POLICY**

### Scottish Planning Policy

Paragraph 66 of the Scottish Planning Policy outlines there is a commitment from the Scottish Government to increase the supply of new homes and the planning system should contribute to raising the rate of new house building by identifying a generous supply of land for the provision of a range of housing in the right places.

### **Strategic Development Plan**

#### Aberdeen City and Shire Structure Plan

Sets strategic growth and policy areas for the City and Shire and outlines by 2030 there are to be 36,000 new homes proposed for Aberdeen City. The land allocations are set out within the local development plan.

Sustainable Mixed Communities section – page 22 - For all housing development of over one hectare in strategic growth areas to be in line with approved supplementary guidance and generally have no less than 30 dwellings per hectare.

## **Aberdeen Local Development Plan**

### Policy LR1: Land Release Policy

#### Part A – Phase 1 Release Development: Housing 2007 -2016; and employment 2007 -2023

Housing and employment development on sites allocated in Phase 1 will be approved in principle within areas designated for housing or employment. Development on an allocated site or in close proximity to an allocated site that jeopardises the full provision of the allocation will be refused.

### Policy I1: Infrastructure Delivery and Developer Contributions

Development must be accompanied by the infrastructure, services and facilities required to support new or expanding communities and the scale and type of developments proposed. Where development either individually or cumulatively will place 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.

New infrastructure will either be provided by the developer or through financial contributions.

### Policy T2: Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Maximum parking standards for a number of modes of transport are set out in Supplementary Guidance on Transport and Accessibility and details the standards that different types of development should provide.

### Policy D1: Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

### Policy D2: Design and Amenity

Policy D2 sets out a series of criteria for new development, intended to ensure that an appropriate level of amenity can be secured for residents of both that new development and neighbouring land and buildings.

### Policy D3: Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active

travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order – walking, cycling, public transport, car and other motorised vehicles.

#### Policy D6: Landscape

Development will not be acceptable unless it avoids:

1. significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it;
2. obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
3. disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
4. sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

#### Policy H3: Density

The Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential development of over one hectare must:

1. meet a minimum density of 30 dwellings per hectare (net). Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space;
2. have consideration of the site's character and those of the surrounding area;
3. create an attractive residential environment and safeguard living conditions within the development; and

#### Policy H5: Affordable Housing

Housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing.

#### Policy NE4: Open Space Provision in New Development

The City Council will require the provision of at least 2.8 hectares per 1,000 people of meaningful and useful public open space in new residential development.

Communal or public open space should be provided in all residential developments.

#### Policy NE5: Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable. Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction.

#### Policy NE6: Flooding and Drainage

Development will not be permitted if:

- 1 it would increase the risk of flooding:-
  - a) By reducing the ability of the functional flood plain to store and convey water;
  - b) Through the discharge of additional surface water; or
  - c) By harming flood defences.
- 2 it would be at risk itself from flooding

Where more than then 10 homes or greater than 100m<sup>2</sup> floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must:

- 1 be the most appropriate available in terms of SUDS; and
- 2 avoid flooding and pollution both during and after construction.

#### Policy NE9: Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

#### Policy R6: Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual, recyclable and compostable wastes. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.



### Policy R7: Low and Zero Carbon Buildings

All new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

### **Supplementary Guidance**

#### Infrastructure and Developer Contributions Manual

The purpose of this Infrastructure and Developer Contributions Manual is to provide clear guidance on the methodology used to identify infrastructure requirements and the criteria that should be used to calculate developer contributions to support new development.

#### Transport and Accessibility Supplementary Guidance

The guidance examines a number of transport and accessibility issues that may have to be considered as part of a planning application.

#### Affordable Housing

Outlines affordable housing provision and the delivery of this on site or by securing a contribution.

#### Open Space

Outlines the different types of open space and the ratios required for different sizes of development

#### Trees and Woodlands

Outlines policy and legislation on trees and protection measures required during construction periods and outlines the requirements within a tree survey.

#### Drainage Impact Assessment

The guidance provides information on the requirements on the submission of Drainage Impact Assessment and emphasises the requirements for SUDS.

#### Waste Management

Developments should provide enough space for the storage and collection of waste access to such facilities.

#### Low and Zero Carbon Buildings

The purpose of this supplementary guidance is to provide the methodology for developers to demonstrate compliance with Aberdeen Local Development Plan policy R7.

### **EVALUATION**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

### Principle of Development

Scottish Planning Policy outlines a commitment to increase the supply of new housing and the Aberdeen City and Shire Structure Plan outlines by 2030 there are to be 36,000 new homes proposed for Aberdeen City. The land allocations are set out within the local development plan. The principle of residential development on this site will, in the first instance, be established by considering how it relates to the zoning of the site, Policy LR1: Land Release Policy. The site is zoned Opportunity Site 59: Peterculter East for the development of 25 homes within the first phase of development from 2007 to 2016. Therefore, housing development on this site will be approved in principle, with the detail of the application being assessed through both this application and subsequent applications.

### Scale and pattern of development, design and amenity

#### *Scale and pattern of development*

As this application seeks Planning Permission in Principle (PPiP), the application is to establish the acceptability of a proposal without having to develop the detailed proposal. The applicant is not required to submit full details of any new dwellings. Such details can be secured as part of a later application relating to Matters Specified in Conditions (MSC).

The original indicative layout submitted has been amended due to concerns regarding the possible of overshadowing on the site from the mature trees surrounding the site. There were concerns the overshadowing would have a detrimental impact on amenity of some of the indicative plots. The number of houses shown in the indicative plan is now 32 and is not likely to change.

As the proposed site sits to the eastern edge of Peterculter the pattern of development surrounding the site is, for the most part, one of large plots and a high degree of open space. The zoning surrounding the north east and south east edges of the site are Policy NE2: Green Belt and Policy NE1: Green Space Network. To the north west and south west of the site the zoning is Policy H1: Residential. The historic pattern of development to the eastern edge of Peterculter along the southern side of North Deeside Road, comprises plots with houses in close proximity to North Deeside Road and large gardens running down to the South Deeside Line. This pattern of development has been broken by the creation of Pittengullies Brae/Circle, to the west of the proposed site, in which the pattern of development is much smaller plots and one and two storey detached and semi-detached properties. The indicative layout would follow the pattern of development of Pittengullies Circle more than the historic pattern of development. Point 2 of Policy H3: Density of the Aberdeen Local Development Plan states development must have consideration of the site's character and those surrounding it. The indicative design would be comparable to the modern pattern of development at Pittengullies Circle.

The local development plan outlines the opportunity site could accommodate 25 homes. The increase in number from units from 25 is acceptable. Consideration should be given to Policy H3: Density of the Aberdeen Local Development Plan and the Aberdeen City and Shire Structure Plan which outline for housing developments over 1 hectare a minimum density of 30 dwelling per hectare (net)

must be met. The provision of 32 units for a 1.72 hectare site therefore would not comply with policy which would require 51 houses be developed. The proposed density in the surrounding area is approximately 28 units per hectare. The provision of 32 units, which would equate to approximately 19 units per hectare would not constitute over development.

The density of the proposed site as requested by policy Policy H3: Density of the Aberdeen Local Development Plan cannot be applied in isolation. There is a clear need for the level of proposed development to be considered within the context of the surrounding area and the particulars of the site itself, give a better measure of a sites capacity. From the detail supplied within the indicative plans it would be noted that the density of the site falls below this as the site occupies 1.72 ha, however, due to the nature of the site this is to be expected.

#### *Design and amenity*

The indicative layout of the houses would appear to follow the criteria as outlined in Policy D2: Design and Amenity of the Aberdeen Local Development Plan. The houses would have public face to the street and a private face to an enclosed garden, with residents having access to sitting out areas, either private or communal gardens. As there is no requirement within a PPIP application to submit full details of the proposed dwellings, proper consideration of Policy D2: Design and Amenity of the Aberdeen Local Development Plan and Policy D1: Architecture and Placemaking of the Aberdeen Local Development Plan cannot be undertaken until full design proposals are submitted at the Matters Specified in Condition stage.

#### *Open space*

Open space provision has been included within the proposal through the inclusion of a play park to the north of the application site. The open space audit has deemed that for every 1000 residents there should be approximately 2.8 ha of open space. The open space provision is to be calculated on a ratio of this requirement, therefore the approximate open space requirement would be 0.3ha. As the site layout is indicative the layout of the openspace would be dealt with at a later date through Matters Specified in Conditions applications and at this stage consideration with Policy NE4: Open space provision in new development and the supplementary guidance: open space can be undertaken.

#### Landscape and Trees and Woodlands

The landscape character of the site is noted for its undulating nature and the prominence of mature trees which are located out with the site boundary, and in particular those trees on the north east and south east sides of the development. The development would not lead to the disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them. The existing use of the site does not relate to these categories, however, the North Deeside Line does run to the south east of the site, and the proposed development would be in close proximity to this recreational area. There are other sections of the South Deeside Line where the gardens of premises and the premises themselves are in close proximity to the North Deeside Line. The impact on landscape character and sense of place would not be fully assessed until detail of the proposed houses is finalised through the Matters Specified in

Conditions applications, however, it should be noted that the application would lead to a substantial change in the character of the site, as at present the site is a field. The principle of development has identified on this site by its allocation as an opportunity site through the Aberdeen Local Development Plan 2012. The indicative drawings aim to maintain the sloping characteristic of the site and the tree belts beyond the boundary of the sites, therefore some of the landscape character and elements which create a sense of place are to be retained with the information known to date. The proposal would not sprawl into a green space buffer. The proposal therefore would accord with the principles of Policy D6: Landscape of the Aberdeen Local Development Plan.

The applicant has provided a tree survey in support of this application. This identifies a total of four trees for removal as a result of poor condition. The majority of the existing trees and woodland would be retained. The Council's Arboriculture Planner has stated no objection to the proposed development, and has requested that certain conditions be attached to any grant of planning permission, relating to landscaping/tree planting and measures for the protection during construction of those trees to be retained. Taking these matters into account, the proposal is considered to accord with the relevant provisions of Policy NE5: Trees and Woodlands of the Aberdeen Local Development Plan and the Trees and Woodlands Supplementary Guidance.

#### Drainage/Flood Risk

A drainage impact assessment has been submitted for the site, which includes SUDS pond details. This has been assessed by the Council's Flooding Team and by the Council's Roads Project Team. The flooding team is satisfied with the drainage impact assessment and SUDS pond. A condition has been requested to provide a condition survey, preferable through CCTV, of the culverted watercourse adjacent to the development and in the immediate downstream, to clarify the suitability of the connection of the drainage layout to this watercourse. The Roads Project Team has also assessed the application and have requested a condition be attached relating to flood routing.

Scottish Environment Protection Agency (SEPA) was consulted on the application and have stated that they would not object to the application provided conditions are attached to any approval relating to the submission of an environmental management plan and details provided on the segregation storage, collection and management of residential waste. The drainage impact assessment and the SUDS pond elements of the proposal have also been assessed by SEPA. Policy NE6: Flooding and Drainage of the Aberdeen Local Development Plan and the supplementary guidance: Drainage Impact Assessments have been satisfied through the production of the drainage impact assessment and by conditions attached relating to the condition survey of the culvert and the production of a construction management plan.

#### Transport and Access

The indicative layout proposes access into the site from two points, one from the north west of the site onto North Deeside Road and the other to the south west of the site onto Pittengullies Brae. The proposal has been assessed by the

Council's Roads Project Team who have no objection to the proposed development, noting a number of conditions to be attached relating to upgrading of bus stops, provision of a link path to the South Deeside Line, refuse collection and visibility splays and will be determined through a Matters Specified in Conditions application.

The footpaths surrounding the site are proposed to be widened to 2m and a footpath is proposed to run along Pittengullies Brae close to the opening of the South Deeside Line. Access to public transport has also been addressed and upgrading of the bus stop. Taking these matters into account, it is considered that the proposal demonstrates accordance with Policy T2: Managing the Transport Impact of Development of the Aberdeen Local Development Plan with further consideration required of the Transport and Accessibility supplementary guidance through the Matters Specified in Conditions application.

There are 2 core paths in close proximity to the site, core path 66: Deeside Way (South Deeside Line) runs to the south of the site and core path 76: Culter House Road to River Dee runs to the west of the site. The upgrade of the footway on Pittengullies Brae will improve access to these core paths thereby improving provision for public access and links to green space for recreation and active travel, thereby complying with Policy NE9: Access and Informal Recreation of the Aberdeen Local Development Plan and with Policy D3: Sustainable and Active Travel of the Aberdeen Local Development Plan.

#### Developer Contributions

The site has been assessed by the Developer Obligations Team who has advised, in order to comply with Policy I1: Infrastructure Delivery and Developer Contributions of the Aberdeen Local Development Plan, Policy H5: Affordable Housing of the Aberdeen Local Development Plan, Infrastructure and Development Contributions supplementary guidance and the Affordable Housing supplementary guidance, there are a number of areas where financial contributions should be sought from the developer, in addition to the addressing the need for affordable housing. These obligations include the provision of 8 affordable housing units, provision of community facilities and recreation, library, core path improvements, healthcare and strategic transport fund. Agreement in principle has been reached with the applicant and a legal agreement is required in order to ensure that this is appropriately controlled. It is recommended that permission is withheld pending the conclusion of a legal agreement in relation to developer contributions/affordable housing provision.

#### Low and Zero Carbon Buildings

The application does not include details of how Low and Zero Carbon Generating Technologies will be incorporated into the proposed development, however, such details can be obtained as part of a future application through the use of an appropriate condition. The proposal cannot be assessed against Policy R7: Low and Zero Carbon Buildings of the Aberdeen Local Development Plan and the Low and Zero Carbon Buildings Supplementary Guidance at this stage.

## Waste

Policy R6: Waste Management Requirements for New Developments and the Waste Management supplementary guidance cannot be assessed at this stage, however, such details can be obtained as part of a future application through the use of an appropriate condition.

## **Material Planning Considerations raised by objectors**

### General Statement

The application is for Planning Permission in Principle and seeks to establish only the general principle of development at the scale proposed on the application site. The details of many of the issues raised by objectors are to be dealt with at a further application stage.

### Infrastructure

#### *Traffic impact*

Is it likely that due to the development there may be an increase in traffic from and to the site. The developer has tried to mitigate this through the provision of two access and egress points. The application has been subject to consultation with the Council's Roads Projects Team who has deemed they have no objection to the proposal. The site is located within walking distance to amenities within the Peterculter District Centre and is located next to a bus stop, to which improvements are proposed, a cycle route and to Core Paths which will encourage more sustainable modes of transport. A footway is also proposed to run alongside the site, thereby providing a footway on both sides of Pittengullies Brae, rather than just on one side as it is at present. There are a number of core paths surrounding the site therefore it is expected that there is already a high percentage of movement along the boundary of the site. Access to the core paths and to the site itself may increase with the additional housing in this area, however, Pittengullies Brae does sit within a 30 mph speed limit zoning and due to the layout of the road with corners cars would be expected to be driving at the speed limit if not lower. The additional housing in the area may make car drivers more aware that they are in a built up area and that they are required to drive accordingly, and to the conditions presented to them.

#### *Services*

Has been discussed under the section titled Developer Contributions

#### *Drainage*

The drainage has been discussed under the section titled Drainage/Floodrisk

### Impact on Amenity

#### *Construction noise and visual effects*

The site is well screened and buffered from the Camphill Estate by the trees, the bunding of the South Deeside Line and the distance of 84m from the edge of the site to the edge of Camphill Estate. The proposal aims to retain the boundary feature of the trees but also there would be a condition attached requiring landscaping, therefore there is the possibility of an increase in the screening due to the proposal. There are other sections of the South Deeside Line whereby there is housing in close proximity therefore this pattern of development is not alien to this setting. The construction noise from the development of the site

would be short term and buffered by the distances involved and screening from trees. The increase in housing numbers is discussed within the report already under the section entitled Scale and pattern of development

#### *Impact on view and attractiveness of Peterculter*

The views and impact on landscape character were discussed under the section of the report titled landscape and trees and woodlands. The zoning of the site has been discussed under the section Principle of Development.

#### *Ground levels*

The ground levels are shown by a cross section drawing of the site. These do show areas where land is to be built up and there is a substantial difference in height between some plots. As the details of the individual houses are not yet known, nor is the details of the landscaping, the boundary features et cetera the relationship between the proposed and existing dwellings and between the proposed dwellings would be addressed through a further application for Material Specified in Condition.

#### *Trees*

The tree report highlights the Ash tree (tree number 23) as being retained. The Hawthorne tree (number 19) is to be retained. The drawings of the site are indicative therefore the layout of the path may be changed from what is shown on the drawings at present if the trees is viewed as an important landscape and character feature

#### *Facilities*

The play area has been discussed under the section entitled open space. The boundary treatment will also be conditioned.

### 3. Intensification of site

The intensification of units has been discussed above in the section scale and pattern of development.

### 4. Other

The repositioning of the 30mph sign is not a material planning consideration.

### **Material Planning Considerations raised by Community Council**

The applicant is not obliged to consult with the community council as this is not a major application.

The number of units has been discussed under the section scale and pattern of development.

The application has been assessed the Council's Roads Project Team and traffic concerns have been discussed under the heading transport and access.

The SUDS issues have been addressed under the section titled Drainage/Flood Risk

### **Summary**

In summary, this application proposes an appropriate type of development in an area zoned under the land release policy for the erection of 25 homes. The use of the site on principle would be acceptable. There are a number of issues that

require to be addressed though condition and further applications are expected through Materials Specified in Conditions. The site is located in close proximity to public transport facilities, local amenities, core paths, and recreation space. The landscape character and impact on trees has been assessed, and further information has been submitted regarding these features, again these aspects are to be subject to condition. The drainage and SUDS arrangements have been assessed by the relevant Council and statutory bodies who have deemed these to be satisfactory. Further detail is required of the condition of the culvert and flood routing, which will be achieved through condition

## **RECOMMENDATION**

**Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has made a payment to the Council to secure the identified developer contributions towards affordable housing units, provision of community facilities and recreation, library, core path improvements, healthcare and strategic transport fund.**

## **REASONS FOR RECOMMENDATION**

The development hereby approved is of an appropriate type for the land use zoning, LR1: Land Release Policy of the Aberdeen Local Development Plan. The proposal has been assessed by Developer Contributions who have outlined a number of financial and physical contributions required, the proposal would therefore accord with Policy I1: Infrastructure Delivery and Developer Contributions of the Aberdeen Local Development Plan, Policy H5: Affordable Housing of the Aberdeen Local Development Plan, Infrastructure and Development Contributions supplementary guidance and the Affordable Housing supplementary guidance. The proposal would accord with the principles of Policy D6: Landscape of the Aberdeen Local Development Plan and with the relevant provisions of Policy NE5: Trees and Woodlands of the Aberdeen Local Development Plan and the Trees and Woodlands Supplementary Guidance. The proposal is subject to a condition relating to the condition survey of the culvert and the production of a construction management plan, yet the indicative drainage layout and the SUDS proposal would accord with Policy NE6: Flooding and Drainage of the Aberdeen Local Development Plan and the supplementary guidance: Drainage Impact Assessments. Access arrangements are subject to assessment against Policy T2: Managing the Transport Impact of Development of the Aberdeen Local Development Plan with further consideration required of the Transport and Accessibility supplementary guidance, Policy NE9: Access and Informal Recreation of the Aberdeen Local Development Plan and Policy D3: Sustainable and Active Travel of the Aberdeen Local Development Plan. Further information would be required to comply with Policy R7: Low and Zero Carbon Buildings of the Aberdeen Local Development Plan and Low and Zero Carbon Building supplementary guidance and also with Policy R6: Waste Management Requirements for New Developments and Waste Management Supplementary Guidance. The proposal accords with the relevant provisions of the Development Plan. No matters raised in representations or through consultation have been of sufficient weight to warrant determination other than in accordance with the Development Plan.



## CONDITIONS

**it is recommended that approval is granted subject to the following conditions:-**

(1) that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration - - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(2) that this planning permission in principle shall lapse unless a further application for approval of the matters specified in condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;

(i) the expiration of 3 years from the date of this grant of planning permission in principle;

(ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

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

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

(i) means of access,

(iii) layout of development,

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

(iv) the landscaping of the site

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

(4) that no development shall take place unless details of the siting, layout, and materials of the dwellings have been submitted to, and approved in writing by, the planning authority. Thereafter the dwellinghouses shall not be occupied unless built in full accordance with details so approved - in order to ensure that the development demonstrates due regard for its context and makes a positive contribution to its setting, as required by policy D1: Architecture and Placemaking

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

(5) notwithstanding the drainage plan submitted, that no development shall take place within the application site until the applicant has carried out and submitted to, and been approved in writing by, the planning authority (i) a condition survey, preferably through CCTV, of the culverted watercourse adjacent to the development and in the immediate downstream; and (ii) an assessment of flood routing; and, if required, an updated drainage impact assessment, Sustainable Urban Drainage System and outline any flood routing mitigation measures required. Thereafter the development shall not be occupied unless built in full accordance with the details approved - in order to clarify the suitability of connection to the watercourse, to safeguard water qualities in adjacent watercourses, to ensure that the proposed development can be adequately drained and to ensure that the 200 year rainfall event flooding can be accommodated.

(6) that at least two months prior to the commencement of the development, a full site specific Construction Environmental Management Plan (CEMD) shall be submitted to and approved in writing by the planning authority in consultation with SEPA and thereafter all works associated with the development shall be carried out in accordance with the approved CEMD - in the interests of pollution prevention.

(7) that no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(8) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area and to minimise the visual impact of the buildings.

(9) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(10) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(11) that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

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

(13) That no development shall be undertaken unless provision has been made within the application site for the segregation, storage, collection and disposal of residential refuse in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(14) that no development pursuant to this grant of planning permission shall be undertaken unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full – to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(15) that no development pursuant to the planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety – in order to preserve the amenity of the neighbourhood.

(16) that no dwellings hereby granted planning permission shall be occupied unless the area/areas of public open space including the play area as identified on Drawing No. OPL-01C of the plans hereby approved (or such other drawing as may be subsequently approved) have been laid out in accordance with a

scheme which shall be submitted to and approved in writing by the Planning Authority. No development pursuant to this planning permission shall take place unless such a scheme detailing the manner in which the open space is to be managed and maintained has been submitted to and approved in writing by the planning authority. Such scheme shall include provision for a play area comprising at least five items of play equipment and a safety surface. The said area shall not thereafter be used for any purpose other than as a Play Area - in order to preserve the amenity of the neighbourhood and to ensure the timeous provision of play facilities

(17) That no development shall take place unless there has been submitted to and agreed in writing by the planning authority a scheme for the provision of public footpaths along the road frontages of the site and the provision of a footpath on the south side of the site to the east of Pittengullies Brae linking to the South Deeside Line. Thereafter the public footpaths shall be constructed in full with the scheme submitted and by the occupation of the first unit - in the interests of public road safety and the encouragement of sustainable transport.

(18) that no part of the development shall be occupied unless a schedule of work relating to the upgarding of bus shelters, which may include seating, lighting, shelter, raised kerbs and timetable provision for the bus stops on the westbound and eastbound bus stop has been submitted to, and approved in writing by the planning authority, and subsequently the upgrading work has been implemented prior to the occupancy of any residential unit implemented - in the interests of sustainability and to encourage a reduction in the level of private car trips generated by the development

(19) that no development shall take place unless there has been a submitted to and agreed in writing by the planning authority detailed plans showing visibility splays for all new road junctions, including driveways on to Pittengullies Brae, and thereafter the junctions shall be constructed in full accordance with the approved plans. Further to this the layout of internal roads and the front garden spaces of the properties be developed without obstruction - in the interest of road safety and public safety.

(20) that no development shall take place unless there has been a submitted to and agreed in writing by the planning authority detailed plans showing measure to reduce speeds in the internal road layout - in the interest of road safety and public safety.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.