

## Planning Development Management Committee

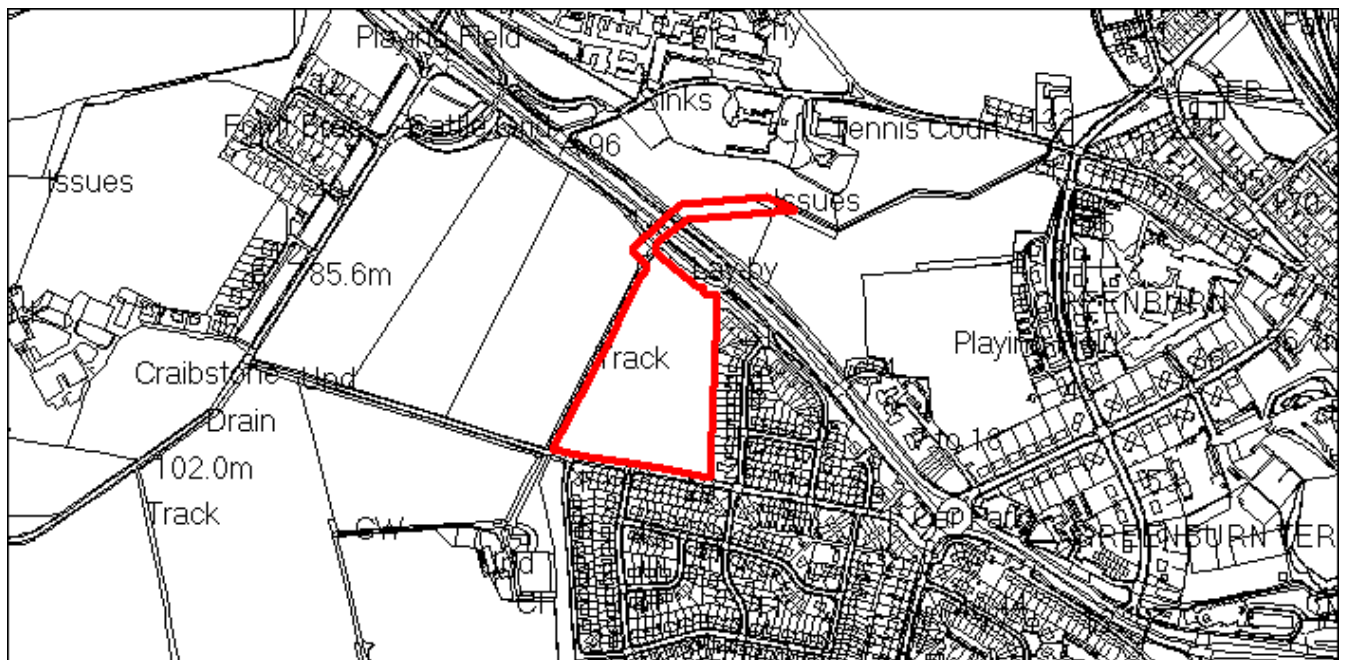
HOPETOUN GRANGE, "LAND TO NORTH  
OF"BUCKSBURN

PROPOSED DEVELOPMENT FOR 65  
RESIDENTIAL HOUSES INCLUDING  
INFRASTRUCTURE AND LANDSCAPING

For: Persimmon Homes & Rowett Research  
Institute

Application Type : Detailed Planning Permission  
Application Ref. : P130029  
Application Date: 09/01/2013  
Officer: Jane Forbes  
Ward : Dyce/Bucksburn/Danestone(B Crockett/G  
Lawrence/N MacGregor/G Samarai)

Advert : Can't notify neighbour(s)  
Advertised on: 23/01/2013  
Committee Date: 26 September 2013  
Community Council :



### **RECOMMENDATION:**

**Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to secure the identified developer contributions towards primary education, community facilities, recreation, core path networks and the strategic transport fund.**

## **DESCRIPTION**

The application site lies immediately to the west of Hopecroft Avenue and to the north of Hopetoun Grange, with the main A96 (Aberdeen/Inverurie Trunk Road), lying some 90 metres north of the northern site boundary. The site, which slopes downwards from south to north, with a 15 metre change in gradient levels, extends to an area of 3.3 hectares and comprises land which has previously been in agricultural use but is currently lying fallow. There are mature deciduous trees (mainly beech), all subject to a Tree Preservation Order (TPO 19), along the southern and western boundaries, which, along with the eastern boundary, are delineated by traditional drystone dykes. An unsurfaced track which is currently overgrown in part, lies just beyond the western boundary of the site, and extends the length of the site from north to south, providing a pedestrian link between the A96 and Hopetoun Grange. The surrounding area is characterised by residential properties immediately to the south and east, along Hopetoun Grange and Hopecroft Avenue respectively. Immediately to the north of the site is a grass bank of between 8 to 10 metres in width, and beyond this and at a lower ground level is a lay-by of approximately 125 metres in length which is accessed directly from the northbound carriageway of the A96. To the west of the site, and beyond the aforementioned unsurfaced track lies an area of agricultural land extending to some 106 hectares, identified in the Aberdeen Local Development Plan as an Opportunity Site (OP30) for 1940 homes.

## **RELEVANT HISTORY**

Ref A5/1536 – Proposal for detailed planning consent for the erection of 40 houses on part of the current application site (2.75 ha) at Hopecroft was submitted in August 2005. At this stage the application site was still zoned under GB1 (Green Belt), and on this basis the proposal was considered to be contrary to structure plan and local plan policy, resulting in a Development Plan Departure Hearing being held in December 2005. The planning application was subsequently considered by the Planning Committee on 19 January 2006, at which point the Committee resolved to express a willingness to approve the application, subject to conditions and an appropriate legal agreement, and for the application to be forwarded to the Scottish Ministers. The applicants withdrew the application in February 2008.

Ref 12/1283 – Proposal of application notice acknowledged on 18 September 2012 for the 'erection of residential units including roads, infrastructure and landscaping'.

Ref 12/1578 – An Environmental Impact Assessment (EIA) screening opinion request for proposed residential development at Hopecroft, on land to the north of Hopetoun Grange, was responded to on 5 December 2012, outlining that an EIA would not be required for the proposed development.

## **PROPOSAL**

Detailed planning permission is sought for the construction of a residential development comprising 65 dwellings on a site which extends to some 3.3 hectares and includes 2 storey detached and 2 storey cottage flatted properties with associated infrastructure and landscaping. The proposal is categorised as a major development in terms of the 'Hierarchy of Development' Regulations.

There would be 5 detached 3 bedroom houses, 18 detached 4 bedroom houses, 18 detached 5 bedroom houses, 8 detached 6 bedroom houses and 16 flats (2 bedroom) which are accommodated within blocks of 4 properties. The 16 flats would provide a level of 25% affordable housing on site.

A variety of house types are proposed but all would be two storeys in height. External materials would be a variety of stone and dry dash render with colours to be agreed. Roof coverings would be of Redland slate grey roof tiles.

The main vehicular access to the site would be taken from Hopetoun Grange with houses largely located around the perimeter of the site, but with the exception of a small group of houses lying adjacent to a central area of open space which extends to an area of approximately 1180m<sup>2</sup>. A shared surface loops around this central area, with some of the houses being served by shared driveways. 12 of the 13 houses located along Hopetoun Grange would front onto this road, with 3 shared driveways serving the 12 houses. A footpath/cycle corridor would provide an access link from Hopetoun Grange into the site, and would continue across the open space area and beyond to the northern end of the site, providing the opportunity to link with existing pedestrian routes to the east and west of the site.

The proposal includes arrangements for the treatment of surface water arising from the development, through the provision of a sustainable urban drainage system (SUDS) basin within the north-western corner of 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?ref=130029>

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

- Design and Access Statement
- Drainage Impact Assessment
- Pre-application Consultation Report
- Transport Assessment
- Tree Survey
- Tree Protection Plan and Proposed Landscaping
- Habitat Survey
- Road and Air Traffic Noise Report

A Planning Brief was also submitted in respect of the Hopecroft (OP20) site. The Planning Brief was initially presented to Development Management Subcommittee on 6 December 2012. The Committee approved the recommendations to (a) approve the Hopecroft Planning Brief as interim planning advice; and (b) for officers to implement the process to ratify the Planning Brief as Supplementary Guidance, with this process including a 4 week public consultation. A total of 12 representations were received during the consultation period and these were addressed in a summary of representations included as part of the subsequent report submitted to Development Management Subcommittee on 15 February 2013, at which point it was approved with the following

additions (a) that the airport noise contours should be based on Guidance released in 2011 and (b) to note that detailed concern expressed by local residents will be taken into account once individual planning applications are received by the Planning Authority. The Hopecroft Planning Brief was finally ratified by the Scottish Government on 14 June 2013, and at this point was formally adopted by this planning authority as Supplementary Guidance.

The main issues raised within the representations received related to density, impact on green belt, vehicular access off Hopetoun Grange, creation of wildlife corridors, traffic generation, noise, impact on trees, boundary treatments, possible loss of access to existing lane, need to improve cycle/pedestrian access.

These issues have all been addressed through the evaluation of this detailed planning application.

### **PRE-APPLICATION CONSULTATION**

A proposal of application notice for the proposed development was submitted in September 2012 (Ref 12/1283), resulting in pre-application consultation being undertaken between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development Regulations'. The consultation involved a meeting with Newhills & Bucksburn Community Council on 27 September 2012 and public meetings which took place in the Beacon Community Centre on 17 October 2012 and 20 November 2012.

The main issues raised by the Community Council related to:

- *Connectivity with existing adjoining development.* Vehicle and pedestrian/cycle links have been incorporated into the development.
- *Footpath fronting onto Hopetoun Grange.* A new footpath extending the length of the southern boundary of the development has been included in the proposal.
- *Impact of noise from the A96 on the northern boundary from the A96.* An acoustic fence and natural screening are proposed along the northern boundary which faces onto A96 and acoustically attenuated ventilators fitted to the properties fronting the northern boundary.
- *Retention of existing trees.* As outlined below, whilst trees will be lost as a result of the proposed development, a condition requiring an appropriate level of replanting has been attached to this application.

A total of 27 people attended the initial public event on 17<sup>th</sup> October, with none attending the follow-up meeting on 20<sup>th</sup> November. The main issues raised and how these issues have been addressed is detailed below:

- *Concerns regarding proposed link between Hopecroft Drive and the proposed development.* These concerns related primarily to vehicular access, and in this respect the potential for linking the proposed site is for pedestrians or cyclists.

- *Concerns about introducing access from individual dwellings onto Hopetoun Grange.* Whilst this access arrangement remains part of the proposal, the Roads Projects Team raised no concerns with this aspect of the development.
- *Important link along lane lies to the west of the site which should be retained, and potentially improved.* A condition has been attached to the granting of consent for this application which secures the upgrading of this existing path.
- *Possibility of existing bus route servicing the area.* The Transport Statement has demonstrated that public transport links are adequately provided for the proposal.
- *Concerns regarding loss of trees along Hopetoun Grange.* Whilst approval of the application will lead to the loss of trees on site, a tree survey has highlighted the poor condition of some of the trees on site, and it is felt that appropriate conditions have been attached which will secure a satisfactory level of replanting.
- *Introduction of "stand-off" area with trees and shrubs between Hopecroft Avenue and proposed development which may lead to access and safety issues.* This narrow strip of ground incorporates landscaping, which once mature, will very much reduce ease of access.
- *Concerns relating to the impact of noise from road and aircraft on proposed development, and insufficient assessment of these issues.* A road and aircraft traffic noise report has been submitted with the application, and accepted by Environmental Services. Conditions have been attached which ensure road noise issues are sufficiently addressed, and for additional survey measurements to be undertaken and appropriate noise attenuation incorporated into the fabric of the buildings, if the survey results deem this to be necessary.

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

The application has been referred to the Sub-committee because the Council has received more than 5 letters of objection in relation to the development proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

### **CONSULTATIONS**

**Roads Project Team** – No objection to the application. Request that appropriate conditions be applied including in relation to vehicular access, pedestrian and cycle access, upgrading of existing bus stops, drainage and appropriate strategic transport fund contribution. Their comments can be summarised as follows:

- The site is proposed to have one vehicular access from Hopecroft Grange. Under normal circumstances it would be a requirement for a site of this size to provide two accesses. However the layout of the site is such that there are two routes to the majority of dwellings. The main access road from Hopetoun Grange into the development will be constructed to a sufficient width to allow a fire tender to pass parked vehicles. The applicant has also agreed to construct the combined foot and cycleway with greater than normal strength in order to allow emergency service vehicles to make use of it should that be necessary.

- Driveways have been located on Hopetoun Grange in line with junction spacing requirements.
- A new footway will be constructed along the site boundary to Hopetoun Grange to an adoptable standard. At the same time, a uniform carriageway width will be provided on Hopetoun Grange matching that on the rest of the street to the east. Pedestrian access into the site from Hopetoun Grange will be delivered in two locations, both of which will be constructed to be combined foot and cycleways. The infrastructure along the access road will extend to the site boundary linking in the future to the development in the west.
- Pedestrian access to the A96 to the north is important and the applicant has agreed to upgrade the lane to the west of the site to an adoptable standard between the A96 and the point that it interacts with what will become the spine road to the future development to the west.
- Parking should be provided in accordance with the Councils parking standards. All previously highlighted concerns with regard to the positioning of car parking spaces have been resolved.
- Reference is made within the Transport Statement (TS) to the public transport services on Sclattie Park and the A96, although the TS shows the site to be better connected by public transport than it actually is. No consideration has been given to public transport journeys other than those on direct routes from the development.
- The provision of the pedestrian and cycle access to the A96 along the lane to the west of the site is essential in residents being able to gain access to the public transport services on the A96. Cycle accessibility has not been accurately assessed, and a cycle isochrone has not been provided which would show the area that would be considered to be within cycle accessibility. The residential streets within Hopetoun and Hopcroft would be considered to be acceptable for cycling. Access to the cycle route on the north side of the A96 would be achievable from the crossing point on the A96 close to the junction with Sclattie Park. While the services on Sclattie Park are outwith the 400m walk distance stipulated in national guidance they will still form an important connection.
- As the proposed development is within an area allocated for residential or mixed use within the Aberdeen City Local Development Plan a contribution will be required to the Strategic Transport Fund (STF).
- The current drainage proposals require access under the trunk road to connect the surface water and under third party land to connect the foul sewage. I would ask that conditions requiring these permissions to be in place prior to work commencing.

**Environmental Health** – No objection to the application. Request that conditions be applied to any consent to (a) protect the residents of certain properties from traffic noise; and (b) undertake a noise measurement assessment over no less than 3 days on site (Monday to Friday) in order to establish whether material adjustments need to be incorporated into the development build in order to address aircraft noise.

**Enterprise, Planning & Infrastructure (Flooding)** – Response received - no objections provided the following comments are addressed:

- The basin is constructed as per the proposed design and capable of retaining flows up to and including the 1 in 200 year storm event plus climate change
- The discharge rate does not exceed the greenfield flows as per the design calculations
- Aberdeen City Council Flooding is consulted during the construction of the connection into the watercourse to allow inspection work to be carried out if required

**Education, Culture & Sport (Archaeology)** – Response received. Request condition relating to implementation of archaeological works.

**Developer Contributions Team** – Appropriate level of affordable housing secured on site (25%), in addition to agreement having been reached on contributions for primary education, community facilities, recreation, core path networks and the strategic transport fund.

**Community Council** – No response received.

**SEPA** – Response received. No objections to the proposal provided the Drainage Assessment Issue 1 (dated 4 July 2013), which includes information on the construction phase SUDS, is approved as part of the planning consent.

**Aberdeen International Airport** – Response received. No objection to the proposal provided the following conditions were applied:

- Controlling the height of cranes operating on site;
- The submission of a detailed soft and water landscaping scheme with attention to species choice with the aim of discouraging birds to the proposed tree and shrub planting;
- Submission of details on the SUDS scheme including measures to avoid the attraction of birds;
- Ensuring any proposed lighting scheme, including for lighting to be utilised during construction, is of an appropriate design, with no light spill above the horizontal.

Aberdeen International Airport also commented that based on the 2011 noise contours, part of the area of the proposed development fell within the 57db LEQ contour and would be subjected to aircraft noise during the day and night, and on this basis the application should be considered against Policy H8 in the Local Development Plan. In addition to this, they drew attention to the Aberdeen International Airport Master Plan, published in January 2013, which details future indicative noise contours for 2020 and 2040.

**Transport Scotland** – Response received. No objections to the proposal provided the following conditions are applied:

- There shall be no means of direct vehicular access to the trunk road. Pedestrian access to the trunk road shall be restricted to the existing footpath immediately to the west of the site.

- The Applicant shall liaise with Transport Scotland and its Operating Company in regard to the timing, traffic management and standard of construction required for the pipeline crossing under the trunk road.

**Scottish Water** – Response received. No objections.

## **REPRESENTATIONS**

A total of 24 letters of representation have been received. 18 letters were submitted within the original consultation response period, and 6 further letters submitted as a result of an extended period of consultation on the Transport Statement. An additional period of 14 days of consultation was afforded to all those who had commented on transport issues within their original letter of representation, allowing them to raise any issues specifically relating to the detail contained within the Transport Statement which had not been available to view on the planning website during the initial consultation period. The objections raised have been summarised below and relate to the following matters:-

- Overdevelopment of the site
- Adverse impact on existing road network which is already congested
- Unacceptable level of car parking provision
- Impact on existing busy junction at Hopetoun Terrace
- Inaccuracies in the Transport Statement including in relation to public transport accessibility
- Impact on road and pedestrian safety as a result of increased traffic generation and manoeuvring
- Adverse impact on future residents as a result of aircraft and road noise
- Location of proposed SUDS would adversely impact on existing dwellings as a result of its proximity and likely generation of unpleasant odours
- Proposed house design is not in-keeping with that of existing properties within the surrounding area
- Inaccuracy and uncertainty concerning the eastern boundary line of the site
- Overshadowing of existing properties located on Hopecroft Drive
- House types are too large and would lead to overlooking
- Impact on existing views
- Proposed development would have an adverse impact on local services
- Effect on school capacity
- Loss of protected trees and other natural habitat
- Adverse impact of proposed development on existing tree roots and canopies
- Adverse impact on wildlife
- Inadequate consultation process
- Proposal ignores results of Public Enquiry of 2006
- Proposed development would lead to destruction of the Green Belt



Scottish Planning Policy (SPP) – This is the statement of Scottish Government policy on land use planning, and includes the Government’s core principles for the operation of the planning system and concise subject planning policies. The general policy relating to sustainable development and subject policies relating to Open Space and Physical Activity, Landscape and Natural Heritage, Transport and Housing are all relevant material considerations.

Designing Places is the statement that sets out the Government’s expectations of the planning system to deliver high standards of design in development projects and is a relevant material consideration.

Designing Streets (A Policy Statement for Scotland) is a relevant material consideration which seeks to promote pedestrian friendly developments.

PAN 77 (Designing Safer Places) highlights the positive role that planning can play in helping to create attractive, well-managed environments which help to discourage anti-social behaviour. It aims to ensure that new development can be located and designed in a way that deters such behaviour as poorly designed surroundings can create feelings of hostility, anonymity and alienation and can have significant social, economic and environmental costs.

PAN 2/2010 (Affordable Housing and Housing Land Audits). This document outlines how the planning system can facilitate the development of affordable homes by way of supplying a mixture of tenures which are affordable and are of a high standard of design in order to contribute to the creation of sustainable, mixed communities.

PAN 65 (Planning and Open Space) provides advice on the role of the planning system in protecting and enhancing open spaces and providing high quality new spaces.

PAN 1/2011 (Planning and Noise). This Planning Advice Note (PAN) provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise.

## **Aberdeen City and Shire Structure Plan**

The Structure Plan sets out the following key objectives for the growth of the City and Aberdeenshire:

Sustainable mixed communities - to make sure that new development meets the needs of the whole community, both now and in the future and makes the area a more attractive place for residents and businesses to move to.

Accessibility - to make sure that all new development contributes towards reducing the need to travel and encourages people to walk, cycle or use public transport by making these attractive choices.

## **Aberdeen Local Development Plan**

Policy I1 (Infrastructure Delivery and Developer Contributions)

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where 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.

#### 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.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and / or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review.

Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail 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)

In order to ensure the provision of appropriate levels of amenity certain principles will be applied, including:

- Privacy shall be designed into higher density housing.
- Residential development shall have a public face to a street and a private face to an enclosed garden or court.
- All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council.
- Individual houses within a development shall be designed to make the most of opportunities offered by the site for view and sunlight.
- Development proposals shall include measures to design out crime and design in safety.
- External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

#### 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 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.

Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation.

Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

#### Policy D6 (Landscape)

Development will not be acceptable unless it avoids:

- 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;
- disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
- 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.

#### Policy H1 (Residential Areas)

The site has been zoned under Policy H1 (Residential Area), where the Council seeks to retain the residential character and amenity of the area. Proposals for new residential development and householder development will be approved in principle, provided it

- does not constitute overdevelopment;
- does not have an unacceptable impact on the character or amenity of the surrounding area; and
- does not result in the loss of valuable and valued areas of open space.

#### Policy H4 (Housing Mix)

Housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan, reflecting the accommodation requirements of specific groups, in particular families and older people. This mix is in addition to affordable housing contributions.

#### Policy H8 – Housing and Aberdeen Airport

Applications for residential development under or in the vicinity of aircraft flight paths, where the noise levels are in excess of 57dB LAeq (using the summer 16-hour dB LAeq measurement) will be refused, due to the inability to create an

appropriate level of residential amenity, and to safeguard the future operation of Aberdeen Airport.

#### Policy H3 (Density)

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

- 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;
- have consideration of the site's characteristics and those of the surrounding area;
- create an attractive residential environment and safeguard living conditions within the development; and
- consider providing higher densities in the City Centre, around local centres, and public transport nodes.

#### Policy NE4 (Open Space Provision in New Development)

The City Council will require the provision of at least 2.8 hectares per 1000 people of meaningful and useful public open space in new residential development. Communal or public open space should be provided in all residential developments, including those on brownfield sites.

#### 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.

#### Policy NE6 (Flooding and Drainage)

Where more than 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:

- be the most appropriate available in terms of SUDS; and
- 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 R7 (Low and Zero Carbon Buildings)

States that all new buildings, in order to meet with 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**

The Hopcroft Planning Brief was ratified by the Scottish Government on 14 June 2013 resulting in its formal adoption as Supplementary Guidance from this date.

The following supplementary guidance documents are also of relevance:

- Delivering Identified Projects through a Strategic Transport Fund (December 2011)
- Affordable Housing (March 2012)
- Low and Zero Carbon Buildings (March 2012)
- Transport and Accessibility (March 2012)
- Waste Management Requirements in New Developments (March 2012)
- Infrastructure and Developer Contributions Manual (March 2012)

## **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 Residential Use**

The Aberdeen Local Development Plan (ALDP) identifies the application site as Policy H1 (Residential Areas) and as an opportunity site (OP20) for 30 homes. The proposal is for a development of 65 dwellings on the site, and as such is in accordance with the local development plan allocation of the site for residential use, albeit at a higher density. The Hopecroft Planning Brief, which was based on the principle of the site being developed for residential use with a capacity for around 65 units was approved by the Development Management Sub-Committee with the request that the following additions be made: (a) that the airport noise contours should be based on Guidance released in 2011; and (b) to note that detailed concern expressed by local residents will be taken into account once individual planning applications are received by the Planning Authority. The Planning Brief was subsequently ratified as Supplementary Guidance to the Aberdeen Local Development Plan by the Scottish Government on 14 June 2013.

Policy H1 (Residential Areas) states that a proposal for new development will be approved in principle if it does not constitute over development; does not have an unacceptable impact on the character and amenity of the surrounding area; and does not result in the loss of valuable and valued areas of open space. The application site was previously in agricultural use, and is now allocated for residential use, and as a result would not be categorised as open space for the purposes of this policy. On this basis alone, as the proposal would have no impact on existing open space, the principle of residential development is acceptable. In terms of assessing any likely impact which the proposed development may have on the character and amenity of the surrounding area and whether the proposal would constitute overdevelopment, these matters are examined below.

### **Density**

Part of the criteria for establishing whether a development proposal complies with Policy H1 (Residential Areas) is based on whether such a proposal constitutes over-development. Taking into account existing policy expectations in terms of

density of development outlined in both the Aberdeen City and Shire Structure Plan and Aberdeen Local Development Plan (Policy H3: Density), which state that all residential development of over one hectare should achieve a minimum density of 30 dwellings per hectare, whilst also taking into consideration the average density of the surrounding area, where a density of 20-35 units per hectare is typical, it is found that the 65 residential units proposed for this 3.3ha site, equating to 20 units per hectare, would not constitute over development.

Notwithstanding the above, it is worth noting that in establishing whether a proposed density of development is appropriate and may be considered acceptable for a specific site, the minimum levels sought through Policy H3 (ie 30 units per hectare) cannot be applied in isolation. There is a clear need for the level of proposed development on a site to be considered within the context of the surrounding area and its particular characteristics, and matters such as the relationship between buildings and the level of open space provision on site are also relevant considerations in establishing this. So whilst it is acknowledged that the 65 residential units proposed for the development is well above the current site allocation for 30 homes, this level of development is nevertheless considerably below policy expectations. However, on the basis that the suggested figure of 30 units for this site was allocated at a time when the impact of the airport noise contour line level meant there were more stringent restrictions on the development capacity of the site, and these restrictions have now been significantly reduced as a result of a change to this noise contour line, with it now just clipping the very extremity of the site, it is considered that the 65 units being proposed for the site, which was also the level of development supported by the Planning Brief for the site, is a level of development which is both appropriate in terms of the context of the site and sufficiently compliant with the relevant policy.

### **Layout, Design, Scale and Form of Development**

'Designing Places' is a statement which sets out the Government's expectations of the planning system in delivering high standards of design, and outlines the criteria which it considers necessary to achieve a successful place, including being 'distinctive', 'safe and pleasant', 'easy to get to and move around' and 'welcoming'. The layout and design of the proposed development demonstrate that these criteria have been suitably addressed, with the result that a relatively high quality design and layout has been achieved.

The original layout proposed for the site, which largely met with the expectations of the indicative layout of the Planning Brief, has been amended since the initial submission of the planning application, as a direct result of consultation responses and officer discussion. This has largely resulted in a block of residential units being set further back from the northern boundary of the site; a change in location of the SUDS basin to the north-western corner of the site; and the reconfiguration of the open space area in order to increase the number of dwellings fronting onto this area.

The proposed development layout is such that along the southern boundary it fronts onto existing dwellings along Hopetoun Grange, thus creating an appropriate link between existing and new development, and a welcome and open frontage onto this main access road. Proposed access to the site will allow ease of movement, with openings for both pedestrian and vehicular access

created along the southern boundary, and the upgrading of an existing pedestrian link to the north of the site and the A96. An area of open space extending to approximately 1180m<sup>2</sup> is proposed within a central location of the site, with dwellings fronting onto this open space and footpaths providing appropriate pedestrian access both from within the site and beyond, ensuring the delivery of a safe and pleasant area, in accordance with PAN 77 (Designing Safer Places). In addition to this, less formal areas of open space have been introduced throughout the site. These include an area lying to the north of the site within which the SUDS basin will be located, and where this wider area of open space extends across the full width of the northern boundary of the site to a depth of between 15 to 55 metres. In this respect the proposal is considered to be in accordance with PAN 65 (Planning and Open Space) and Policy NE4 (Open Space Provision in New Development), and also with Policy NE9 (Access and Informal Recreation) which seeks the inclusion of new or improved provision of public access in new developments, and also to improve existing permeability or links to green space for recreation and active travel.

The proposed development achieves an acceptable mix of house types and sizes, with a total of 11 house types being accommodated on site, ranging in size from the 2 bedroom cottage flatted properties which constitute the affordable housing contribution, to 6 bedroom detached family dwellings. The proposal is considered to be in accordance with Policy H4 (Housing Mix), which seeks to encourage a range of sizes and house types for development proposals exceeding 50 units.

Although the proposed development may not be particularly distinctive, the design and layout are nevertheless considered to be appropriate in terms of the surrounding residential area. Given that the existing dwellings in this neighbourhood are mainly dating from the 1960's and 1970's, the design detail of the proposed development will undoubtedly complement rather than match that of the existing properties, however the layout and form of development has generally taken account of existing development and is considered appropriate in this regard, with suitably spaced development, and well proportioned garden ground. Amendments to the original proposed finish of the dwellings which included a brick facing to many of the properties have been secured, thus ensuring more appropriate materials are incorporated into the build, including dry dash render and walls, gables or other small-scale features in stone. Conditions have been attached to deal with the detail of the boundary treatments and the landscaping of the site. Taking the above into account it is considered that the proposal is generally compliant with Policy D1 (Architecture and Placemaking).

The proposed development is deemed to be in accordance with Policy D2 (Design and Amenity). The layout and design of the proposed dwellings includes the provision of private garden ground to the rear of all properties within the site. The properties located along the northernmost section of the site front northwards, thus achieving optimal sunlight within their private garden ground

which lies to the south. The orientation of the remaining development on site is generally considered to be appropriate, allowing for properties to benefit from an acceptable level of sunlight. The layout of the site is such that all properties achieve a public frontage onto either a street or footpath/cycleway, along with a private face to a garden, and have incorporated boundary enclosures, the detail of which is to be submitted and agreed through conditions. A condition has also

been attached which seeks suitable external lighting provision within the site, with the detail taking into account any restriction to such lighting as a result of the proximity of the site to Aberdeen International Airport.

Although specific information on the installation of low and zero-carbon generating technology which will adequately reduce the predicted carbon dioxide emissions has not been submitted by the developer, an appropriate condition has been attached requiring the installation of such technology, and this would need to be compliant with Policy R7 (Low and Zero Carbon Buildings).

### **Visual Impact of the Development**

The application site which was previously in agricultural use, is currently lying fallow. Whilst the loss of views for existing residents within the surrounding area is not a material planning consideration, it is nevertheless apparent that the proposed development which comprises 2 storey dwellings across the site will have a significant visual impact, given its previous use and zoning within the green belt. However, the overall visual impact of the proposed development will be somewhat reduced as a result of the drop in ground levels between the southern and northern boundaries, with the 2 storey properties lying towards the northern section of the site lying at a significantly lower level than those towards the south, due to the 15 metre drop in ground levels between the southern and northern boundaries.

The site does currently benefit from screening, with a mix of mature trees, hedges and drystone dykes along all four boundaries. Whilst the proposed layout of development and access to the site will lead to the loss of some of the trees and a section of dyke to the south, this will nevertheless allow for the new development to better connect with existing dwellings along Hopetoun Grange, and appropriate landscaping will be introduced along this boundary. All existing trees will remain along the northern boundary, thus ensuring a suitable level of screening is retained between the development and the A96, with additional screening measures including an acoustic fence and additional planting being introduced along this same boundary. Whilst there will be some tree loss along the western boundary, it is considered that an acceptable level of mature trees will remain, and an appropriate level of replacement planting has been secured as part of the landscaping scheme, all of which will ensure that in time, the development will blend more successfully into its setting, ensuring that the general character of the area is retained.

### **Impact on Trees**

As outlined above, the site is bound by mature trees, mainly along the northern, southern and western boundaries. All trees within the application site are currently protected under Tree Preservation Order No 19. A tree survey report was submitted in support of the application and the Council's arboricultural planner accepted the conclusions of this report. It has been found that whilst the

loss of 40 out of a total of 80 protected trees on site is unfortunate, it is clear that given the poor condition of many of the trees, as identified in the tree survey report, that a certain number would require removal regardless of the proposed development. Taking this into account, what has been considered to be important in evaluating the proposed development, given that the site has been identified as suitable for residential development, is the need to ensure that the treed nature of the locality is adequately maintained and where possible



enhanced through the use of appropriate replacement and new tree planting, and that development is sited in such a manner as to limit the impact on existing trees. A 15 metre building line offset has been incorporated along the full length of the western boundary, which not only ensures an appropriate separation distance between the proposed dwellings and the retained and replacement trees along this site boundary, thus dealing in part with concerns relating to development impacting on tree root protection areas and canopies, but also allows the introduction of a wildlife corridor to the rear of these properties. So whilst acknowledging that the proposal may not be fully compliant with Policy NE5 (Trees and Woodland) of the ALDP, in terms of the loss of trees on site, it is considered that the conditions applied will ensure sufficient protection of the mature trees which can be retained on site, and that an appropriate level of replacement planting and landscaping is secured across the site, with a suitable focus on native species which is in accordance with Scottish Planning Policy on 'Landscape and Natural Heritage'.

### **Traffic Impacts, Access Arrangements and Car Parking**

The proposed development will have one vehicular access off Hopetoun Grange, but will include a second loop road within the internal layout of the site. The main access road will terminate midway along the western boundary of the site, however the proposed layout is such that it will allow for this road to be continued beyond the application site to the west, should there be a requirement for such a connection as a result of future development proposals for the neighbouring opportunity site (OP 30). Whilst concerns have been raised with regards the likely traffic impact of linking this neighbouring site (OP30) with the application site, it should be noted that it is not possible at this stage, in the absence of any formal application for development within the aforementioned site, to consider what the future traffic implications of linking this road to the west may be.

The internal layout of the site allows for a suitable level of vehicular and pedestrian movement, with shared surfaces having been incorporated into the road layout thereby promoting a safe environment for pedestrian use; and a clear pattern of footpaths/cycle-ways linking throughout the site and beyond to the surrounding area, encouraging connections to the wider area. Attention has been given to ensuring permeability to the north and south of the site, thereby enabling access to a range of alternative transport modes other than the car, including walking, cycling and public transport.

Whilst concerns have been raised with regards creating the main access into the site off Hopetoun Grange, in addition to introducing driveway accesses to residential properties along this stretch of road, and the resulting traffic generation and safety implications, it should be noted that the Roads Projects Team have raised no objection with regards traffic generation as a result of the proposed development, on the basis that the road network is deemed capable of

accommodating the additional traffic, and are satisfied that the small number of direct driveway accesses onto Hopetoun Grange which are being proposed road can be utilised without introducing any safety issues, and that the car parking provision for the site is of an acceptable level which meets the appropriate car parking standards.

The Roads Projects Team have raised no objection to the proposed development, but have nevertheless requested that conditions be attached to any

planning approval which would include the upgrading of an existing lane to the west of the site and the upgrading of bus stop facilities on the A96 and Sclattie Park.

Taking the above into account, it is considered that the proposal is in accordance with the general principles of 'Designing Streets', a government statement which seeks to promote pedestrian friendly developments, and also accords with Scottish Planning Policy (SPP), both in relation to 'Transport' policy for new development, and 'Landscape and Natural Heritage' policy through securing improved access opportunities, with new footpath/cycleway links and the upgrading of an existing path. The proposal is meeting the expectations of the Structure Plan in terms of ensuring an appropriate level of accessibility for the site; and is found to be compliant with Policy D3 (Sustainable and Active Travel) and Policy T2 (Managing the Transport Impact of Development).

### **Site Drainage and Flooding**

An amended layout for the site has resulted in the SUDS basin moving from the north-east to the north-west corner of the site and to a minimum distance of 50 metres from existing dwellings on Hopecroft Drive, which should address concerns raised by neighbouring residents along this road in relation to its proximity. Scottish Water raised no objection to the proposal, and based on the detail of the amended Drainage Impact Assessment submitted, SEPA agreed to the proposal. The Roads Projects Team had no objection to the proposed drainage arrangements on site but requested that a condition be attached which ensured appropriate access arrangements were in place for the drainage proposals prior to the commencement of development on site. Similarly, the Flooding Team raised no objection provided the drainage arrangements on site were in accordance with the detail included in the amended Drainage Impact Assessment.

### **Noise**

A report on road and air traffic noise was submitted in support of the planning application. Based on the findings of that report the Council's Environmental Services Team did not object to the proposal, accepting the basic principle of residential development as being appropriate for the site. They did however raise concerns about the potential impact on prospective residents of the development from road and aircraft noise sources, and have recommended that 2 conditions be applied to any planning approval which would (a) require the installation of acoustically attenuated ventilators to the lounge accommodation of all cottage flatted properties, in order to mitigate road traffic noise ; and (b) require the submission of a 3 day noise measurement survey of aircraft noise on the site which would establish whether material adjustments should be

incorporated into the construction of the dwellings (eg triple glazing, alternative insulation methods) which would mitigate noise issues arising from the results of this additional survey. The proposal incorporates the erection of an acoustic fence along the northern boundary of the site which will serve as additional mitigation for noise generated from the adjacent A96 trunk road.

The Planning Brief had identified the key constraints for the site and the proposed development to include the airport noise contour boundary. The original site layout submitted as part of this planning application identified the

north-eastern corner of the site as falling within the flight path of Aberdeen International Airport, where noise levels would be in excess of 57dB LAeq, based on the Aberdeen Airport 2006 (actual) noise contours.

However, prior to the Planning Brief being submitted to Development Management Sub-committee on 15 February 2013 it had been established that the airport noise contours applied to the proposal were incorrect, as more up-to date guidance had been issued by the airport in 2011. The Planning Brief was subsequently approved by Members on the proviso that the airport noise contours be amended in accordance with those issued by Aberdeen International Airport in 2011, and has since been ratified by the Scottish Government on that basis. This change has resulted in the 57 dB LAeq contour line which had previously cut across the north-eastern edge of the site falling back to a level where it just clips the extremity of the site boundary, and subsequently no longer directly impacts on the residential development proposed for the site, with none of the residential units falling within the affected area.

Aberdeen International Airport raised no objections to the proposed development and whilst commenting that part of the application site fell within the 57dB LAeq contour and would be subjected to aircraft noise during the day and night, stated that the proposal should be considered against Policy H8 in the local development plan. They also drew attention to Aberdeen International Airport Masterplan, published in 2013, which details future indicative noise contours for 2020 and 2040. The indicative contours bring the north-eastern section of the site back within the 57dB contour line, however in terms of assessing this planning application, these levels are based on predicted aircraft movement and cannot in themselves form the basis of limiting current development proposals.

It is particularly relevant in terms of assessing this application that the abovementioned change to the area of the site directly affected by the noise contour line is taken into consideration and on this basis the proposal is considered to be compliant with Policy H8 (Housing and Aberdeen Airport) of the Aberdeen Local Development Plan. Furthermore, should the Council's Environmental Team deem that additional noise attenuation is necessary, following receipt of a 3 day noise measurement survey, then such noise attenuation measures will be implemented through appropriate construction specification.

Whilst acknowledging that the north-eastern extremity of the site lies within Aberdeen International Airport's flight path and the northern boundary fronts onto a busy trunk road, with evident noise implications for the residential development

as a result, it is nevertheless considered that the proposal for residential development in this instance is in accordance with the proposed local development plan allocation for the site and compliant with Policy H8 (Housing and Aberdeen Airport), and suitable mitigation measures have been incorporated and may be further amended depending on the results of the above-mentioned survey.

### **Ecological Impact**

An ecological survey was initially undertaken during October 2012 (Extended Phase 1 Habitat Survey), with additional survey work undertaken during

December 2012 (Extended Phase 1 Habitat Survey Addendum). These surveys found no evidence of significant species on site (ie bats, otters, water vole, badgers and red squirrels), and whilst acknowledging the presence of other mammals within the vicinity of the site (eg foxes), in addition to nests in some of the more mature trees, it was established that there was no requirement for any protected species licence. The proposed landscaping, which includes replacement tree planting and the creation of a natural wetland habitat around the proposed SUDS basin will provide suitable habitats for wildlife, and will serve to mitigate any adverse impact on existing wildlife likely to arise as a result of the proposed development on site.

### **Impact on Residential Character and Amenity**

The surrounding area is very much characterised by residential development, mainly comprising 1½ storey, semi-detached dwellings in a fairly typical 1960's/1970's design, with these properties accessed along relatively narrow street layouts. The proposed development comprises a majority of 2 storey, detached dwellings within what is perhaps a more open street layout, but which is more in keeping with the principles of 'Designing Streets', where shared surfaces are predominant and a more pedestrian friendly layout is sought. Whilst the character and design of the proposed development is similar in many respects to that of many contemporary residential developments, the surrounding area within which the development will lie is nevertheless typical of its time, and on this basis the proposed development will perhaps not appear to be particularly in-keeping with its surroundings. However, it is considered that the design, form and layout of the proposed development is appropriate for the site and that sufficient attention has been paid to linking the proposed development with existing dwellings, in particular along Hopetoun Grange.

The proposed development will introduce 12 dwellings along the eastern boundary of the site, 9 of which will have their rear elevations facing east across their private garden ground towards the rear gardens of existing residential properties on Hopecroft Avenue, however with a separation distance of some 27 to 30 metres between the properties it is considered that an acceptable degree of privacy can be maintained. For the 3 remaining properties which are proposed along the eastern boundary, these have their gable ends facing the gable end of the property at 26 Hopetoun Grange, the rear elevations of properties between 23-25 Hopecroft Drive and the rear and gable end of the property at No 27 Hopecroft Drive, and will lie at a distance of between 5 and 12 metres from their respective common boundaries. Whilst a single gable-end window will be incorporated into the design of these 3 properties at 1<sup>st</sup> floor level, these windows

serve the upper landings of the properties and will therefore not introduce any significant impact on existing privacy in terms of overlooking of the above-mentioned properties and their gardens from habitable rooms such as bedrooms.

A distance of approximately 12 metres will separate the gable end of No 26 Hopetoun Grange and the gable end of the nearest neighbouring property proposed along Hopetoun Grange, whilst an average of closer to 25 metres will separate the remaining properties along the eastern boundary of the site with those on Hopecroft Avenue and Hopecroft Drive. These separation distances will ensure that any overshadowing introduced as a result of the proposed development would be minimal, and certainly within an acceptable level.

Although daylighting to surrounding properties would not be affected by the development, given the separation distances highlighted above, there is the potential for a small number of residential units located along the eastern boundary of the application site to cast some shadow into rear gardens for limited periods, but once again, such impact is considered to be within an acceptable level.

Taking the above into account, it is considered that the proposed development would not have an unacceptable impact on the character or amenity of the surrounding area, and as such the proposal would not be contrary to Policy H1 (Residential Areas). Furthermore, the proposal would appear to be in accordance with Scottish Planning Policy (SPP) on housing, in terms of its location next to existing residential development, its density which compares favourably with that of the surrounding area, and its character and layout, which has taken full account of the setting. The 25% of affordable housing being proposed on site, as detailed below, matches the benchmark figures set by SPP.

### **Relevant Planning Matters Raised in Written Representations**

A range of matters raised in the representations submitted have been addressed in the appropriate sections above, including issues relating to design, noise, impact upon residential amenity, trees, access, traffic, car parking and road safety. Although certain matters raised are not material considerations, such as the likely financial gains of the developer in submitting this planning application, any remaining matter which has not been previously dealt with is addressed below.

- It has been suggested that some of the supporting documents submitted were inadequate and/or insufficient in terms of their content, and whilst this was perhaps the case with regards some of the information received when the application was initially submitted, following the necessary assessment of the proposal additional information was requested and submitted, including as a result of consultee responses and comments. Comments were also made in relation to the likely independent nature of the supporting documents submitted, however in this respect the planning authority must assume, unless there is clear evidence to the contrary, that an appropriate level of professional competency and integrity is maintained by those providing the supporting documents.
- Concerns have been raised in relation to the likely adverse impact which the proposed development will have on existing local amenities, including shops and schools. In terms of the impact of the proposal on local shops,

which include a general store, a butcher and chip shop, these local amenities are likely to benefit from increased trade as a result of the proposed development, thereby helping to maintain the vitality of the existing community, rather than having a negative impact. The impact of the proposed development on local education facilities has been assessed by the Council's education service, and an appropriate level of developer contribution secured through legal agreement which takes into account existing school capacities.

- Concerns have been raised regarding local residents not being adequately notified of the proposed development, either at pre-application consultation stage or once the formal planning application was lodged.

Similar concerns were also raised in relation to notifying local residents of the planning brief process. However, it is considered that an appropriate level of public consultation took place with regards all 3 stages of the development proposal. Following submission of the Proposal of Application Notice, a meeting with the community council and 2 public events were arranged by the developers. The public events were advertised in the local press and in several local shops, as recommended by this planning authority. The statutory neighbour notification was then undertaken in terms of the formal planning application, in addition to the proposal being advertised in the press. With regards the planning brief process, a public exhibition was held in October 2012 and was attended by 30 people. In addition to this, following the planning brief being presented to Development Management Sub-committee on 6 December 2012, a 4 week period of public consultation took place in January 2013.

### **Affordable Housing/ Developer Contributions**

The proposed development is deemed to comply with the principles outlined in PAN 2/2010 (Affordable Housing and Housing Land Audits) which seeks to facilitate the development of affordable housing in order to secure sustainable, mixed communities. The proposal is in accordance with Policy H5 (Affordable Housing) which seeks 25% of the total number of units to be provided as affordable housing, with the developer having included 16 no. 2 bedroom flatted properties on site. In terms of Policy I1 (Infrastructure Delivery and Developer Contributions) a legal agreement is required in order to secure planning gain contributions to be used for off-setting the impact of the development on education, community facilities, recreation, core path network and the Strategic Transport Fund.

### **Update following Development Management Sub-committee Site Visit**

Following an earlier decision of the Development Management Sub-committee of 22 August 2013 to undertake a site visit on 29 August 2013, the decision was taken on the 29<sup>th</sup> August to defer the application pending discussion taking place with the applicant on the re-design of the site layout in order to retain the boundary wall and as many trees as possible utilising a single access point in accordance with safety requirements, and the subsequent submission of appropriate amendments.

A meeting took place between the applicant and council officers, and included attendance by the Roads Engineer from the Council's Roads Projects Team and

the Council's arboricultural planner. The discussion focussed on trying to address the issues raised by Members relating to the retention of the existing drystone dyke and trees along the northern boundary through the use of a single vehicle access along Hopetoun Grange.

The original tree survey report submitted by the applicant, the findings of which had been supported by the Council's arboricultural planner, had highlighted the poor condition of many of the trees on site. During the above-mentioned meeting this issue was raised again by the council's arboricultural planner who himself had concerns about the retention of the trees, and in particular along the northern and western boundaries, based on their poor condition and the resulting safety issue and potential risk which their retention would pose. Clarification was also

provided by the arboricultural planner on the status of the Tree Preservation Order, on the basis that whilst the trees are currently covered by TPO No 19, this protection would no longer apply in instances where the removal of trees is deemed necessary in the interests of safety, as outlined in Section 160 of the Town and Country Planning (Scotland) Act 1997. It is also worth noting that the Council's arboricultural planner granted consent in January 2013 to the current owners of the trees to carry out various trees works, including the removal of a total of 4 trees along the boundary with Hopetoun Grange due to their poor condition and the immediate risk they posed to the road users.

Taking the above into account, it has been found that whilst it was clearly the desire of Members to retain the trees along the southern boundary of the site, it has been demonstrated that their retention may have serious safety repercussions. In order to address this issue, and mitigate the impending loss of the trees, the applicant, in discussion with the Council's arboricultural planner, has proposed a scheme of replanting which would include a total of 25 heavy standard, 5 metre high trees along Hopetoun Grange, comprising a range of native species considered appropriate within the context of the residential neighbourhood (field maple, silver birch and oak) and which would allow the formation of an avenue of trees and thereby go some way towards compensating for the loss of a landscape feature along Hopetoun Grange.

It was the wish of Members that the revised site layout would allow for the retention of the existing drystone dyke and the inclusion of only one vehicle access point onto Hopetoun Grange. Whilst the amended proposal incorporates an additional vehicle access point close to the south-eastern corner of the site, this would operate as a one-way system, with access solely to the 12 no. dwellings along this section of the southern boundary coming off Hopetoun Grange, and then exiting via the new spine road within the site. The Roads Projects Team are satisfied that this amended road layout raises no safety issues and allows for appropriate access for servicing the 12 dwellings lying along the southern boundary. It is worth noting that the revised site layout would allow for the existing access to the field along the southern boundary of the site to be built up, with the re-use of existing stones from the proposed openings, and the proposed amendments would therefore result in just one additional vehicle opening along this boundary. The proposed dwellings and one-way access road would remain separated from Hopetoun Grange by a new 2 metre wide pedestrian footway, beyond which would lie the drystone dyke and an area of open ground along which the replacement trees would be planted.

Although considerable effort went into trying to secure a revised layout which would address all issues raised by Members, it was apparent that a significant site re-design would be required if all but the main vehicle access onto Hopetoun Grange were to be removed. On this basis it was considered that the revised road layout which introduces two vehicle accesses along Hopetoun Grange would not only allow for the original layout of the dwellings to be largely retained, but would also ensure potential road safety issues would be addressed. In addition to this, the amended proposal would secure the retention of a significant section of the existing and original drystone dyke, and considering the necessary removal of trees along this section of Hopetoun Grange, as outlined above, would allow for the introduction of high quality replacement tree planting along this road, thereby having a positive impact on the character of the area.

A request was made by Members during the site visit of 29 August 2013 for an additional bat survey to be undertaken in order to address their outstanding concerns relating to potential bat roosts being located on site. It should be noted that a 3<sup>rd</sup> bat survey of the site had in actual fact been undertaken by the developers in June 2013, however the resultant Tree Roost Assessment was submitted after the Committee report had been finalised. The assessment proposes that no felling of any tree identified on site as category 1 or 1\* takes place without a pre-felling bat inspection of the aforementioned tree, in order to ensure that bats are not present and that any existing roosts remain intact. If the inspection concludes that bats are not present, the assessment recommends that tree cavities are 'soft-felled' by an experienced contractor, and that bat boxes are installed in retained trees to compensate for the loss of any tree cavities. As a result of the recommended mitigation outlined in the assessment, an appropriate condition has been attached to the application.

## **RECOMMENDATION**

**Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to secure the identified developer contributions towards primary education, community facilities, recreation, core path networks and the strategic transport fund.**

## **REASONS FOR RECOMMENDATION**

Planning legislation requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The site is identified as an Opportunity Site (OP20) for residential development in the Aberdeen Local Development Plan, and on this basis the principle of the proposed development is considered acceptable.

The proposal is deemed suitably compliant with relevant national and local plan policy and guidance, including Scottish Government policy statements on 'Designing Places' and 'Designing Streets'; Aberdeen City and Shire Structure Plan objectives for new development, which seek to create sustainable mixed communities with appropriate access; and a range of local plan policy, including Policy H1 (Residential Areas), Policy D1 (Architecture and Placemaking), Policy D2 (Design and Amenity, Policy H8 (Housing and Aberdeen Airport), and Policy

H3 (Density). Whilst the proposal is perhaps not strictly compliant with Policy NE5 (Trees and Woodland), as a result of the loss of mature trees on a site which is covered by a tree preservation order, it has been established and accepted that the poor condition of some of these trees would lead to their loss regardless of the proposed development, and securing an appropriate level of replacement planting and landscaping throughout the site will mitigate such loss.

The proposal has also been deemed acceptable in terms of its compliance with a range of supplementary guidance, including securing affordable housing on site at a level of 25%, and ensuring an appropriate level of developer contributions is secured which will contribute to primary education, community facilities, recreation, core path networks and strategic transport fund, through the signing of a legal agreement. The Hopecroft Planning Brief which identified the site as being suitable for a residential development of around 65 units was ratified by the



Scottish Government in June this year and subsequently formally adopted as supplementary guidance, and on this basis now forms a material consideration in the determination of this application.

Taking the above into account it is considered that the proposed development proposal should be supported as it largely conforms to all relevant national and local plan policies.

## **CONDITIONS**

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

(1) that the Dollar flatted properties proposed as part of the residential units of the development hereby approved shall not be occupied unless acoustically attenuated ventilators have been installed within the lounge accommodation of these aforementioned properties - in the interests of residential amenity

(2) that no development pursuant to this planning permission shall take place unless there has been submitted to and approved in writing for the purpose by the planning authority, report on three days of noise measurements, to be undertaken at a representative location in the vicinity of the development. These measurements should be weekday LAeq 1 hour or 15 minute readings and calculated to obtain 18 hour LAeq (23:00 - 07:00). Whilst these measurements may be unmanned, short term measurements when helicopters are in flight overhead should also be taken. If the noise measurement assessment report demonstrates the need for noise attenuation to be incorporated into the fabric of the residential units of the development hereby approved, then such attenuation measures as may be recommended by the planning authority shall be implemented in full prior to occupation of any residential unit - in the interests of residential amenity.

(3) that the SUDS basin is constructed as per the detail included in the Drainage Assessment Issue 1 by Fairhurst dated 4 July 2013, and is capable of retaining flows up to and including the 1 in 200 year store event plus climate change - in order to ensure that the development can be adequately drained.

(4) that the discharge rate, as outlined in the Drainage Assessment Issue 1 by Fairhurst dated 4 July 2013, does not exceed the greenfield flows as per the design calculations - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(5) that no development shall take place unless there has been submitted to and agreed in writing by the planning authority detailed plans showing the visibility splays for all new road junctions, including for the 3 no. driveways accessing onto Hopetoun Grange, and thereafter the junctions shall be constructed in full accordance with the approved plans - in the interests of road safety and public safety

(6) that the development hereby granted planning permission shall not be occupied unless the lane to the west of the site between the A96 and the point that it interacts with what will become the spine road to the future development to

the west is upgraded to an adoptable standard for pedestrians and cyclists. Notwithstanding that the phasing of construction on site may impact on when safe access and use of the path by pedestrians may be available, details of the proposed upgrading work to the path must nevertheless be submitted to and approved by the planning authority, and the upgrading work must be completed prior to any residential unit being occupied - in order to ensure that the proposed development offers access to more sustainable forms of travel to and from the development

(7) that the development hereby granted planning permission shall be completed in full accordance with Drawing No DL002 Rev H which demonstrates the provision of a service strip between the street and residential dwellings along the proposed shared surface road, and that no future development takes place within the aforementioned service strip - in the interests of public safety and the free flow of traffic

(8) that no part of the development hereby approved shall be occupied unless a schedule of work relating to upgrading of bus shelters, seating, lighting, timetable information and boarding kerbs for bus stops on the A96 and on Sclattie Park identified in the Transport Statement (Issue 2 Rev 3 by Fairhurst) has been submitted to and approved by the planning authority, and subsequently the upgrading work has been implemented prior to the occupancy of any residential unit implemented - in order to encourage more sustainable forms of travel to and from development

(9) that no development pursuant to this planning permission shall take place unless formal approval has been secured for access under the trunk road (A96) and under a section of 3rd party land lying immediately to the east of the site to provide connection to the proposed surface water drainage and public sewer - in order to ensure that the proposed development can be adequately drained and that no significant alteration is necessary to the development layout should the proposed sewer connection not be achievable

(10) that no development pursuant to this 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, which scheme shall include no boundary enclosure above a maximum height of 1 metre being permitted to the front of any residential unit within the development hereby approved. 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 and in the interests of road and public safety

(11) 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 both soft and water landscaping, 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 shall also clearly identify the locations where root

barrier protection shall be implemented. The scheme shall include the proposed areas of trees/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting, with all replacement planting on site undertaken on the basis of 2 for 1 for every tree removed. Such landscaping scheme shall include a high percentage of native species both in terms of the proposed trees (eg Sessile oak, Scots pine, Field maple and aspen) and the hedgerows, whilst also taking into account that the choice of species should discourage bird activity (feeding/roosting) which may present a bird strike threat to aircraft operating at Aberdeen International Airport - in the interests of the amenity of the area and to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport through the attraction of birds.

(12) 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.

(13) 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.

(14) 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.

(15) 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.

(16) 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.

(17) that no construction work pursuant to the planning permission hereby approved shall be undertaken by crane or scaffolding of a height greater than

8.2 metres above ground level without prior consultation and approval of Aberdeen International Airport - in order to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport

(18) that no development pursuant to the planning permission hereby approved shall take place until a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of the developer's commitment to managing the risk of attracting birds to the site during excavation activities, and the measures in place for the safe dispersal of birds and thereafter the agreed measures shall be implemented in full - to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport through the attraction of birds

(19) that no development shall take place unless details of all measures for deterring birds from the proposed Sustainable Urban Drainage System scheme have been submitted to and approved in writing by the planning authority. Such details shall outline the measures being put in place to avoid endangering the safe operation of aircraft through the attraction of birds and thereafter such measures should be implemented in complete accordance with the approved details – in order to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport through the attraction of birds.

(20) that there shall be no means of direct vehicular access from the application site to the trunk road (A96). Pedestrian access to the trunk road shall be restricted to the footpath immediately to the west of the site - to minimise interference with the safety and free flow of the traffic on the trunk road.

(21) that the applicant shall liaise with Transport Scotland and its Operating Company in regard to the timing, traffic management and standard of construction required for the pipeline crossing under the trunk road (A96) - to minimise interference with the safety and free flow of the traffic on the trunk road

(22) That no development pursuant to the planning permission hereby approved shall take place unless detailed plans showing lighting schemes required during construction and for the completed development are submitted and approved in writing by the planning authority. Such lighting schemes shall incorporate flat glass, full cut off design with horizontal mountings, and shall ensure that no light spill occurs above the horizontal - to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

(23) that no development shall take place 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. Thereafter no building shall be occupied unless the 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'.

(24) that no development pursuant to this development shall take place unless further detailed specification has been submitted to and approved in writing by the planning authority clearly demonstrating that the load-bearing capacity of the proposed combined cycleway/footpath is capable for use by emergency service vehicles - in the interests of road safety and public safety.

(25) that no development pursuant to the planning permission hereby approved shall be carried out unless a method statement for the use of no-dig road and path construction within the root protection areas of retained trees has been submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area

(26) that no development pursuant to the planning permission hereby approved shall be carried out unless drawings showing specific finished ground levels, finished road levels, and finished ground floor levels of dwellings across the site have been submitted and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area

(27) that no felling of trees identified as category 1 or 1\* in the Tree Roost Assessment: Bats by EnviroCentre Ltd dated August 2013 takes place as a result of the development pursuant to this planning permission unless a pre-felling bat inspection of the aforementioned trees, as detailed under Section 4.1 Mitigation of the Assessment, is undertaken, in order to ensure bats are not present and that roosts will not be destroyed, and following inspection, should no bats be visible, that tree cavities are 'soft-felled' by an experienced contractor, and an equivalent number of bat boxes are installed in nearby retained trees to compensate for the loss of tree cavities – in the interests of protecting a suitable habitat for a protected species

(28) that no part of the development hereby approved shall be occupied unless the spine road and associated footways as shown on drawing DL002 Rev M have been constructed in full accordance with the approved plans to the legal boundary of the application site, even if this requires the demolition of a section of boundary wall, unless the planning authority has given written consent for a variation - in the interests of ensuring pedestrian connectivity and facilitating a future vehicular link to the west of the site

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.