

Planning Development Management Committee

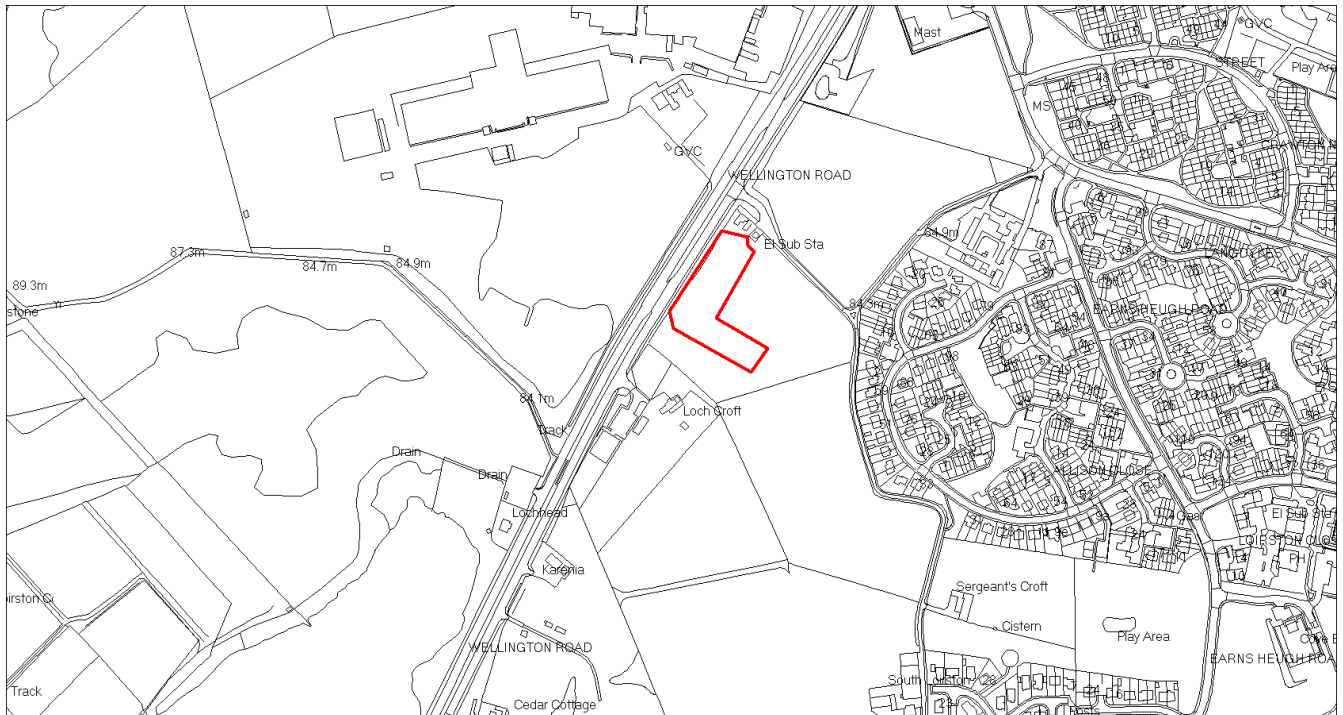
LAND TO EAST OF, WELLINGTON RD, COVE

MIXED USE DEVELOPMENT COMPRISING 45
RESIDENTIAL UNITS, 3 COMMERCIAL UNITS
(USE CLASSES 1,2,3 OR 4) AND ASSOCIATED
CAR PARKING

For: Scotia Homes Limited

Application Type : Detailed Planning Permission
Application Ref. : P130420
Application Date: 28/03/2013
Officer: Gavin Evans
Ward : Kincorth/Nigg/Cove (N Cooney/C
McCaig/A Finlayson)

Advert :
Advertised on:
Committee Date: 26 September 2013
Community Council : Comments



RECOMMENDATION: Willingness to approve subject to conditions, with consent being withheld until the existing legal agreement for the wider OP72 site has been amended to apply to this application, and the developer has made an appropriate financial contribution in lieu of on-site Affordable Housing provision via an appropriate mechanism agreed by the Council.

DESCRIPTION

The application site forms part of a wider area allocated for development on the eastern side of Wellington Road, Cove, opposite the northern end of Loirston Loch and to the west of the existing residential settlement in Cove.

HISTORY

A planning application for the erection of a residential development of 153 dwellings, detached, semi-detached, terraced and mixture of 2, 3 and 4 bedrooms (ref A5/0718) was lodged for the site by the applicant in 2005. The reporter's decision letter on an appeal against non determination of that application concluded that approval would be premature in the absence of a Masterplan for Cove, satisfactory green corridor along Wellington Road, traffic modelling and a traffic noise assessment. The application remains undetermined, though the applicant had intimated an intention to formally instruct its withdrawal on approval of application P110065.

Application P110065, submitted in January 2011, was approved on conclusion of a legal agreement in November 2012. This followed a report to the Development Management Sub-committee meeting of 18th August 2011, at which time officers recommended that members express a willingness to approve the application subject to an appropriate legal agreement securing affordable housing and planning gain contributions towards a new northbound lane on Wellington Road, sport and recreation facilities, library provision, community facilities and core paths. This application sought detailed planning permission for a mixed-use development consisting of residential development of 229 units (114 houses and 115 flats) together with commercial/retail development of 18 units (1,525 sq.m gfa) including a small food supermarket (500 sq.m gfa) on a newly created high street. Commercial space would be restricted to retail, financial/professional services and business use (Classes 1, 2 and 4 of the Use Classes Order).

In addition, full Council in 2011 expressed a willingness to approve the new Aberdeen Arena Community Stadium on land adjoining Loirston Loch on the opposite side of Wellington Road from the proposed new community, subject to a section 75 legal agreement. Planning permission has also been granted for a new business park within the Balmoral Group premises on the opposite side of Wellington Road including a new traffic light junction with the main road.

PROPOSAL

This application proposes a mixed use development within the wider development of the OP72 site at Cove, granted planning permission in November 2012. This proposal relates to a part of the site within block 2 which, at the time of the original planning application (ref P110065) was shown as accommodating a hotel building, alongside a building containing a 'market' at ground floor level and flats above. At that time it was concluded by officers that there was insufficient detail provided in relation to the hotel shown, and therefore the consent granted did not extend to that element of the proposal. The current application relates to that part of the site which was not afforded the benefit of planning permission under application ref P110065.

The proposed development incorporates three commercial units and 45 flats, along with associated car parking and landscaping. Commercial units are located on the ground floor of the respective blocks, with residential units on upper floors. An L-shaped 3 ½ storey block, containing 2 commercial units and 33 flats, presents frontages onto both Wellington Road and the newly formed high street, while an adjacent 3-storey U-shaped block, fronting onto the High Street, contains a single retail unit at ground floor level and 12 residential units above. To the rear of the L-shaped block lies a 77 space car park and associated landscaping.

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?130420>

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

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because comments have been received from the local Cove and Altens Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – The Roads Projects Team make no objection to the proposal, requesting that a condition is attached to any consent to require submission of a revised travel plan, incorporating additional material as specified in the relevant consultation response.

Environmental Health – No response.

Developer Contributions Team – Note the additional units, and advise that the per-unit rate of developer contributions will remain unchanged, with the relevant legal agreement requiring alteration to reflect the any new approval.

Enterprise, Planning & Infrastructure (Flooding) – Request that surface water drainage proposals for the development are provided. This information can be required by use of an appropriate condition attached to any grant of planning permission.

Education, Culture & Sport (Archaeology) – No response.

Community Council – Cove and Altens Community Council makes the following comments:

1. Main building is too high, and is not in keeping with the area.
2. Concerns expressed over roads layout.
3. Concern regarding Wellington Road being over capacity currently.
4. Queries whether there will be any affordable housing provision as part of this proposal.
5. Recommends that landscaping of the development incorporates local species.

6. Requests further detail of pavements.
7. Seeks clarification over treatment of boundary to Wellington Road – plants, shrubs?
8. What measures will be put in place to protect Newlands Cottage residents from noise arising from the adjacent trolley bay.
9. Seeks clarity on linkages with Wellington Road from cycle paths and pavements.
10. Seeks clarity regarding provision for retail and commercial refuse.

REPRESENTATIONS

One letter of representation was received. The objections raised relate to the following matters –

1. Objects to the close proximity of car parking and trolley storage next to boundary with Newlands Cottage.
2. Suggests that the impact of the proposal could be mitigated through retaining a 1.5-2m landscaped buffer strip along the boundary in question.
3. Seeks confirmation that an existing soakaway will not be compromised by the new development.

PLANNING POLICY

National Planning Policy

Scottish Planning Policy is relevant as are the Scottish Government policy statements on architecture, design and placemaking – “Creating Places”, “Designing Places” and “Designing Streets”.

Designing Places contains the government’s policy on urban design and planning policy. Designing Places advises that successful places display a number of qualities namely: identity; safe and pleasant environment; ease of movement; a sense of welcome; adaptability; good use of resources; and beauty.

Designing Streets builds upon the principles contained within Designing Places. One of its primary aims is to enhance the role of streets as places, rather than simply movement routes. To achieve this, a number of factors require to be taken into consideration including the block structure, street layout and detailing.

Aberdeen City and Shire Structure Plan

Most pertinently the Plan

- sets ambitious targets for the number of new houses to be built in the region by 2030.
- promotes sustainable mixed communities, a design led approach, a mix of types/sizes of homes and a more efficient use of land
- seeks to tackle climate change by ensuring developments are resource efficient

Aberdeen Local Development Plan

I1: Infrastructure Delivery and Developer Contributions

Sets out that development shall be accompanied by infrastructure, services and facilities required to support new or expanded communities. Where development would 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 facilities or facilities as necessary.

T2: Managing the Transport Impact of Development

New development will need to demonstrate that sufficient measures have been taken to minimise traffic generated. Maximum car parking standards are set out in the relevant Supplementary Guidance on Transport and Accessibility.

D1: Architecture and Placemaking

This policy requires that all new development must be designed with due consideration for its context and make a positive contribution to its setting.

D2: Design & Amenity

In order to ensure that development provides appropriate levels of amenity for residents, development should be designed with regard to a stated set of principles, relating to matters such as privacy, provision of a public face to the street, access to sitting out areas, and 'designing out' crime.

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.

H1: Residential Areas

The site lies within a designated Residential Area (H1), as defined in the Aberdeen Local Development Plan. Within such areas Policy H1 of the ALDP will apply, requiring that residential development will be acceptable in principle provided it satisfies certain specified criteria. It is further stated that non-residential uses will be refused unless (a) they are considered complementary to residential use; or (b) it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

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. Further guidance in the relevant Affordable Housing Supplementary Guidance.

RT1: Sequential Approach and Retail Impact

All retail, commercial, leisure and other development appropriate to town centres should be located in accordance with the hierarchy and sequential approach as set out below and detailed in supplementary guidance: Hierarchy of Retail Centres:-

Tier 1 – Regional Centres
Tier 2 – Town Centres
Tier 3 – District Centres
Tier 4 – Neighbourhood Centres
Retail Parks

Proposals serving a catchment area of a size similar to that of a town centre or district centre shall be located in a town centre or a district centre.

RT5: Retail Development Serving New Development Areas

Masterplans for sites allocated for major Greenfield development should allocate land for retail and related uses at an appropriate scale to serve the convenience shopping needs of the expanded local community. Sites should be in accessible locations for walking, cycling and public transport. Masterplans should indicate the delivery mechanism and timescale for the provision of retail uses.

Proposals for retail development which serves a wider catchment area will be subject to a sequential test and retail impact assessment in accordance with policy RT1. When approval is given for large convenience shops a condition may be imposed to restrict the proportion of non-convenience retail floorspace.

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. Core Paths are shown on the Proposals Map. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Further guidance available in SG: Infrastructure and Developer Contributions Manual; Transport & Accessibility; Open Space.

R2: Degraded and Contaminated Land

The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. Where there is potential for pollution of the water environment, the City Council will liaise with SEPA.

R6: Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual recyclable and compostable wastes. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Further details are set out in Supplementary Guidance on Waste Management.

R7: Low and Zero Carbon Buildings

All new buildings must install low and zero carbon generating technologies to reduce the predicted carbon dioxide emissions by at least 15% below the level set by 2007 building standards. This percentage increases as specified in the relevant 'Low and Zero Carbon Buildings' Supplementary Guidance, and presently stands at 30%.

Supplementary Guidance

Supplementary Guidance in relation to **Low and Zero Carbon Buildings** is of relevance in so far as it sets out that all new development should install low and zero carbon generating technologies to reduce predicted carbon dioxide emissions by at least 15% below 2007 building standards levels. It further states that it will be the responsibility of applicants to provide the necessary technical calculations in support of planning applications. Development will have deemed compliance if either a) it can be demonstrated that the development will exceed the 30% carbon dioxide saving required by building standards; or b) that a financial contribution of £200 per dwelling is made towards the improvement of the energy performance of the existing housing stock.

The adopted **Cove Bay Masterplan** specifies a number of key design principles and key elements that should be adhered to in planning applications for this site. The design principles are to:

- provide of a variety/choice of housing
- create walkable and interconnected neighbourhoods;
- provide clearly defined open space of various types/sizes;
- concentrate development around a high street with a mix of commercial uses in a traditional Scottish form;
- provide an additional connection to Wellington Road;
- ensure a minimum density of 30 units per hectare across the site, with higher density towards the neighbourhood centre, in accordance with the Structure Plan and to create more efficient use of land;
- clearly define architectural styles as determined by the Cove Masterplan e.g. Victorian, Scots Baronial, Coastal Vernacular, and, Arts & Crafts.

The key elements to be provided constituted a High Street, new neighbourhood centres, preserved consumption dyke, football pitch and large community green spaces.

The document was supported by an indicative Masterplan drawing to show a two dimensional representation of the principles contained in the master plan.

Other Relevant Material Considerations

The previous grant of planning permission across the wider development area is a significant material consideration. The principle of development has been established through the adoption of the Cove Bay Masterplan supplementary guidance, and the zoning of the site for residential purposes in the Aberdeen Local Development Plan.

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.

The recent approval of application P110065 is a significant material consideration, establishing the context for the development of the wider OP72 opportunity site area. The current application site lies within the site boundary of that previous application, however as noted previously, the hotel building shown on the plan was treated as 'indicative' and the consent granted did not extend to that part of the proposal. The current proposal seeks planning permission for 45 flats and 3 retail/commercial units on that part of the site, within Block 2 of the approved layout. It is noted that the approved development of the wider area was considered to be in accordance with the development plan, and so the principle of development on the site has previously been established.

The plans accompanying this application show an L-shaped site, the lengths of which extend along the eastern side of Wellington Road and the northern side of the newly formed High Street respectively. A 3½ storey building containing retail/commercial units at ground floor level and flats above would be positioned at the junction of Wellington Road and the new High Street. The principal entrance to the retail unit would be at the corner of the building, at the junction of Wellington Road and the new High Street, with a secondary entrance giving access from the car park into the northern/rear elevation. The submitted plans indicate that both street frontages would be substantially glazed. This corner block would feature a masonry basecourse at ground floor level, with first and second floors finished in dry dash render, and third floor accommodation provided in double-pitched roofspace with dormer windows.

The flats at upper level may be accessed via four points as follows: one access immediately adjacent to the secondary access to the ground floor retail unit, on the northern elevation; one in the eastern wall of the building, adjoining the other commercial unit; and two at a central point in the building, between the larger retail unit and the adjacent commercial unit, allowing access from the High Street and from the car parking to the rear/north respectively.

The adjacent 'market building', built across three full storeys, would feature similar styling, with substantially glazed shopfront space at ground floor level looking out onto the new High Street and traditional window stylings utilised in the residential units at first and second floors, above.

Zoning / Principle of Development

The application site lies within an area zoned principally for residential purposes in the Aberdeen Local Development Plan. Within such areas, residential development will be acceptable in principle, provided it would not constitute overdevelopment, that there would be no unacceptable impact on the character or amenity of the surrounding area, and that it would not result in the loss of

valuable and valued areas of open space, as defined in Aberdeen's Open Space Audit. The scale of the buildings proposed is compatible with those approved across the wider site, and reflects the site's location at a main gateway to the new development, at the junction of the newly formed High Street and Wellington Road. It is appropriate that building heights are at their highest along this new High Street, particularly at corners, where buildings often step up to address the corner and make an architectural statement. The height of the buildings is therefore appropriate to create a certain 'critical mass' of population to support the newly formed high street, and it is expected that the density of the site would reflect that urban context. Any new residential communities must be served by retail and commercial uses of a scale commensurate to that of the wider development, and as such it is entirely appropriate that new commercial/retail units be located at ground floor level on the new High Street. These will assist in serving the new community, and are of an appropriate scale to serve that local market. The proposal would not affect any identified area of open space, as defined in the Council's open space audit. It is therefore concluded that the proposal is entirely consistent with the zoning of the site within a H1: Residential area in the Aberdeen Local Development Plan.

Context within wider development

As noted previously, the current application site lies along the north-eastern boundary of the wider development site, adjacent to its principal access off Wellington Road. It is noted that in the original grant of planning permission, a hotel was shown on this site in indicative form, however there was insufficient detail to allow the planning authority to fully consider that element of the proposal. As such, the current application site benefits only from planning permission for the smaller of the two buildings, containing a single retail/commercial unit at ground floor and 12 flats in the floors above. From the approved scheme, the opposite side of the High Street would feature buildings of 2 ½ to 3 storeys, incorporating residential development alongside some ground floor commercial units, and utilising design and styling consistent with that seen throughout the site and in the current proposal.

Design & elevational treatment

The elevational treatments of the buildings are consistent with the traditional design approach taken across the site, led by the adopted Cove Masterplan and previously accepted for the development of the wider development area. In this regard, the proposed buildings will be consistent with their surroundings, demonstrating due regard for their context and making a positive contribution to their setting through the consistency in palette of materials, proportions, styling, scale and massing. Taking this into account, the proposal is considered to accord with policy D1 (Architecture and Placemaking) of the ALDP.

The approval of development across a much wider area has previously established a strong relationship with the design aspirations expressed in the approved Cove Bay Masterplan Supplementary Guidance. The approach taken at that time had been supported and praised by the Aberdeen City and Shire Design Review Panel.

Retail considerations

Three new commercial units are to be provided on the ground floor of the new buildings, with frontages onto the newly formed High Street and, to a lesser extent, Wellington Road. The provision of these retail/commercial units is consistent with the Council's aims for all new development areas to be served by retail and related uses at an appropriate scale to serve the convenience shopping needs of the expanded community. The scale of the retail and commercial element is consistent with the scale of the development and its local needs, and therefore accords with the terms of policy RT5 (Retail Development Serving New Development Areas). Policy RT5 further sets out that retail development serving a wider catchment will be subject to a sequential test and retail impact assessment in accordance with policy RT1. As the scale of this retail element is consistent with a local catchment serving the new community, it is therefore not necessary to utilise the sequential test or retail impact assessment, and there is no conflict with the terms of policy RT1 (Sequential Approach and Retail Impact).

Residential environment created

The residential amenity afforded to residents of the new development will be consistent with its location in the urban core of the new development. With density and scale of buildings at their greatest adjacent to the high street, there is no direct provision for outdoor amenity space as might be expected in more suburban parts of the wider development. The blocks present an appropriate public face to the street on the newly formed High Street, are easily accessible from both the front and rear, and make adequate provision for residents' car parking. The outlook from the rear of the new flats would be onto the communal car park and the car park of the adjacent retail units. This would be softened by the presence of strategic landscaping strips around the edges of the car park areas, and a central spine of tree planting. Whilst it would be preferable for the residential properties to be afforded the benefit of some form of amenity space, it is acknowledged that the form of development proposed is consistent with a dense urban form and a 'town centre' context. Despite the absence of sitting-out areas for residents, the proposal is, given its context within the wider development, considered to demonstrate adequate accordance with policy D2 (Design and Amenity) of the ALDP. The location of this new residential development within the urban core of the wider development encourages active travel and contributes to minimising travel by private car, as required by policy D3 (Sustainable and Active Travel) of the ALDP. It is also noted that there will be a requirement for further details of Travel Plans to be provided in relation to both the residential and non-residential elements of the proposal.

Roads, transport and access

The Council's Roads Projects team note that existing access agreements for the wider site have been extensively discussed and agreed upon through application P110065, relating to the wider site, and that the specifications of that access will be subject to the Roads Construction Consent process. It is recommended that the signalised junction be constructed prior to any occupation of the development currently proposed. It is further stated that an acceptable level of vehicle parking has been proposed within the site. Additional motorcycle parking and cycle parking has been provided following discussions with the applicant, and is to the satisfaction of the Roads Projects team. Roads officers had requested that the

applicant provide a Travel Plan for commercial elements and a Residential Travel Plan for the domestic development. The details provided are considered to represent an appropriate framework for such plans, however further submissions will be required. It is recommended that an appropriate condition be attached to any consent granted, requiring submission of finalised Travel Plan documents prior to occupation of any approved buildings. The original grant of planning permission for the wider site included a condition prohibiting occupation of any buildings until such time as the intended road junction with Wellington Road had been provided. It is reasonable to restate this condition on any consent granted, to ensure that the development can be adequately accessed prior to occupation of any units. No core paths exist across the application site, and those in the wider development area have been previously considered through separate applications. In this regard, the proposal would not compromise the integrity of any existing or potential recreational opportunities, with public access maintained throughout the site and the wider development, linking in to the existing core path network, in accordance with policy NE4 (Access and Informal Recreation) of the ALDP.

Relationship with adjacent uses and amenity

The proposed mix of residential and commercial uses is consistent with the location of the site on the newly formed High Street. Such main streets are the preferred location for higher density development and non-residential uses which both serve the new/expanded community and are complementary to the primary residential use. On this basis, it is not considered that there is any conflict arising from the relationship between the residential and non-residential elements of the proposal, and that the mix of uses is consistent with the aspirations of policy H1 (Residential Areas) of the ALDP.

Affordable Housing and Developer Contributions

With a section 75 legal agreement already having been concluded for the initial grant of planning permission, that agreement can be revised to incorporate the current application reference number. Discussions with the Road Projects Team and the Developer Contributions Team have underlined that the level of contribution required for the purposes of road infrastructure and the per-unit cost for developer contributions would be unchanged as a result of the proposal, which results in an increase of 33 units when compared to that previously approved within the current application site through application ref P110065. A financial contribution in lieu of Affordable Housing may be secured via an upfront payment prior to release of this consent. In this regard, the proposal is considered to accord with the aspirations of the relevant policies I1 (Infrastructure Delivery and Developer Contributions) and H5 (Affordable Housing) of the ALDP.

Contaminated Land

The previous grant of planning permission for the wider site had established, following consultation with the Council's Contaminated Land Unit, that the site could be rendered safe for human habitation provided certain remedial works could be undertaken. Appropriate conditions were attached to that overriding consent, and therefore it is considered that the issue of contamination on the site has been appropriately addressed. In this regard, compliance with policy R2 (Degraded and Contaminated Land) is ensured.

Waste Management/Refuse Storage

The applicant has indicated provision on the drawings for areas of bin storage, however further details will be required, and liaison will be necessary with the Council's Environmental Health section. Details of appropriate refuse storage arrangements can be obtained via the use of a condition attached to any grant of planning permission.

Low and Zero Carbon Buildings

The applicant has not provided details of how low and zero carbon generating technologies will be incorporated within the proposed development. The previous grant of planning permission made provision for air source heat pumps which, in itself, ensured compliance with the Council's target for carbon reduction. Further measures for energy and water saving were incorporated to further contribute towards reduction in emissions. It is reasonable to expect that a similar approach may be taken for the current proposal, however a condition may be attached to any consent granted to ensure that appropriate details are provided and measures implemented as may be agreed. This will ensure compliance with policy R7 (Low and Zero Carbon Buildings) of the ALDP and the associated supplementary guidance.

Community Council comments

The concerns expressed by the Community Council regarding the operation of the proposed roads layout have not been reflected in the responses received from the Council's Road Projects team, who have stated no objection to the proposed arrangement. Roads improvements commensurate to the scale of the development and its associated trip generation have been identified through the previous grants of planning permission. The scale of development proposed in this application is not, in itself, considered to fundamentally alter the manner in which the road layout would operate. As mentioned previously, the scale of buildings proposed is consistent with the location of the site at the heart of the wider development area, and it is appropriate for the highest building frontages to be facing onto the newly formed High Street. Forming a dense urban core is consistent with a more sustainable settlement pattern, and encourages the location of commercial and retail uses on this High Street, serving the new development area and helping to reduce travel by private car for convenience shopping purposes. Affordable Housing provision has been addressed elsewhere in this report, and it is expected that the increase in total numbers would be reflected by an upfront commuted payment in lieu of on-site affordable housing provision.

The recommendation that local species are incorporated into the landscaping of the site is welcomed and encouraged. Submission of a scheme for the landscaping for the site will be required by condition in the event that members resolve to approve the application, and consultation with the Council's Arboricultural Planner can ensure that an appropriate mix of local species is utilised in the landscaping of the site. Details of paving surfaces are not considered in detail at this stage, and are a matter for further consideration through the Roads Construction Consent process. The site boundary is tightly drawn around the buildings and car parking, with the result that landscaped areas onto Wellington Road lie outwith the application site, and are covered by the

overriding consent for the site, which itself was granted subject to conditions including a requirement that a scheme of landscaping be provided and, following agreement, subsequently implemented. Details of arrangements for refuse storage can be obtained via use of an appropriate condition, requiring a scheme to be provided for approval by the planning authority, in liaison with the Council's Environmental Health section. The new High Street is shown as linking to Wellington Road via a combined footway/cycleway. It is noted that condition 4 of consent P110065 requires that a combined footway/cycleway link be provided from the wider development to the footway of Langdykes Road, constructed via the existing track linking Whitehills Road to Langdykes Road.

The matter of potential noise disturbance arising from the trolley bay within the car park is addressed in the 'Matters raised in representations' section of this report, below.

Matters raised in representations

A single letter of objection was received in relation to the proposal, submitted by a resident at Newlands Cottage, a residential property located immediately to the north of the application site. The house itself lies approximately 9.5m from the shared boundary. Immediately adjacent to the boundary, within the application site, would be an area of tree planting and a trolley bay. With the boundary running at an angle to the arrangement of car parking bays and circulation road, the area immediately adjacent to the boundary is shown as featuring trees, with the nearest parking bay estimated to be approximately 13m from the house. The resident at Newlands Cottage suggests that a landscaped buffer strip might serve to mitigate any impact arising from the presence of the car parking and trolley storage. The Council's Environmental Health section has expressed no concerns regarding noise disturbance as a result of this element of the proposal, however it is reasonable to expect that some form of landscaped buffer be provided to offer some mitigation against noise arising from within the site, particularly given the presence of the trolley bay. The drawings submitted demonstrate a narrow wedge between the developed part of the site and the boundary with Newlands Cottage. The applicant has shown planting within this, and it is appropriate to require details of that planting to be provided through a condition attached to any consent granted. This can ensure that planting has a degree of height and volume which may offer some limited noise buffer for the adjacent residents. As regards drainage of the site, it will be necessary for the applicant to demonstrate that the application site can be adequately drained, and if this site can deal with its own drainage, it should not interfere with the existing drainage arrangements on the adjacent Newlands Cottage site.

Summary

Having regard for the matters raised above, it is concluded that the proposed development demonstrates due regard for the relevant provisions of the development plan, and that no material considerations have been identified which would warrant determination other than in accordance with the plan. The proposal represents an appropriate scale, form and style of development which would form part of the wider development of the area. This is consistent with the Masterplan prepared for the area, and incorporates commercial/retail units of an appropriate scale to serve the new community. The proposal is consistent with

the zoning of the site for residential purposes, which allows for complementary non-residential uses where there would be no undue impact on the existing residential amenity. An appropriate residential environment has been proposed for future residents of the new units, access and parking arrangements have been agreed with the Council's Road Projects Team, and details of appropriate landscaping can be secured via condition. It is therefore recommended that members express a willingness to approve the application subject to conditions, but that consent be withheld until such time as necessary modifications have been made to the existing section 75 legal agreement covering the wider site, and up-front payment has been made in lieu of on-site affordable housing, based on the increase in units. This is necessary in order to ensure that affordable housing and developer contributions are commensurate with the scale of development ultimately proposed across that wider site.

RECOMMENDATION: Willingness to approve subject to conditions, with consent being withheld until the existing legal agreement for the wider OP72 site has been amended to apply to this application, and the developer has made an appropriate financial contribution in lieu of on-site Affordable Housing provision via an appropriate mechanism agreed by the Council.

REASONS FOR RECOMMENDATION

The proposal represents an appropriate scale, form and style of development which would form part of the wider development of the area, in accordance with policy D1 (Architecture and Placemaking) of the ALDP. This approach is consistent with the Cove Masterplan prepared for the area, and incorporates commercial/retail units of an appropriate scale to serve the new community, in accordance with policy RT5 (Retail Development Serving New Development Areas). The proposal is consistent with the zoning of the site for residential purposes, which allows for complementary non-residential uses where there would be no undue impact on the existing residential amenity, and the associated policy H1 (Residential Areas). An appropriate residential environment has been proposed for future residents of the new units, in accordance with policy D2 (Design and Amenity), access and parking arrangements have been agreed with the Council's Road Projects Team, as required by policy T2 (Managing the Transport Impact of Development) and details of appropriate landscaping can be secured via condition. No existing access routes would be compromised by the proposal, in accordance with policy NE9 (Access and Informal Recreation) of the ALDP. Appropriate Developer Contributions and Affordable Housing provision can be ensured through appropriate modification to the s75 agreement covering the wider development site and a standalone upfront payment in lieu of on-site affordable housing, ensuring compliance with policies I1 (Infrastructure Delivery and Developer Contributions) and H5 (Affordable Housing). It is therefore concluded that the proposed development demonstrates due regard for the relevant provisions of the development plan, and no material considerations have been identified which would warrant determination other than in accordance with the plan.

CONDITIONS

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

(1) that no residential unit within the development hereby approved shall be occupied unless a combined footway/cycleway link from the new community to the footway of Langdykes Road has been constructed via the existing route of the track that links Whitehills Road to Langdykes Road and in accordance with a further detailed scheme that has been submitted to, and approved in writing by, the planning authority; unless the planning authority has given written consent for a variation - in the interests of achieving satisfactory access to sustainable transportation

(2) that none of the commercial units hereby approved shall be used other than for uses within Use Classes 1, 2 or 4 of the Use Classes (Scotland) Order 1997 unless planning permission has been granted for a change of use of the unit - in the interests of traffic safety, the free flow of traffic and in order protect the amenity of adjoining residents.

(3) that no development pursuant to the planning permission hereby approved unless a full site waste management plan for the processing of construction and demolition waste has been submitted to and approved in writing by the planning authority. No work shall be carried out unless in accordance with the approved plan unless the planning authority has given written consent for a variation – to ensure that waste on the site is managed in a sustainable manner

(4) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(5) 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.

(6) 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.

(7) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal 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.

(8) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan, incorporating both the residential and non-residential elements of the proposal, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

Dr Margaret Bochel

Head of Planning and Sustainable Development.