

Planning Development Management Committee

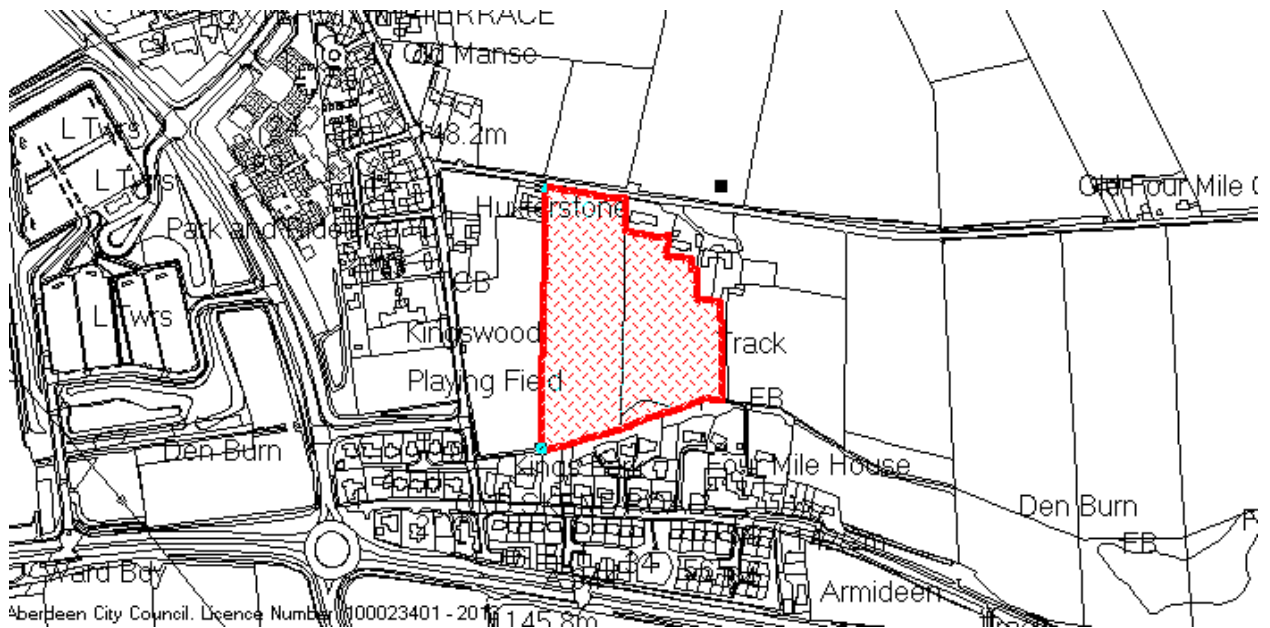
LAND AT, WEST HUXTERSTONE,
LANGSTRACHT KINGSWELLS

ERECTION OF 97 RESIDENTIAL PROPERTIES
AND ASSOCIATED WORKS

For: Stewart Milne Homes

Application Type : Detailed Planning Permission
Application Ref. : P130912
Application Date: 21/06/2013
Officer: Tommy Hart
Ward : Kingswells/Sheddocksley/Summerhill (L
Ironsides/S Delaney/D Cameron)

Advert : Can't notify neighbour(s)
Advertised on: 03/07/2013
Committee Date: 13/02/2014
Community Council : Comments



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;

1. **On-site affordable housing provision;**
2. **Strategic Transport Fund contributions;**
3. **Developer contributions towards:**
 - **Off- Site affordable housing provision;**
 - **The upgrading of local education facilities;**
 - **The upgrading of local community and recreation facilities;**
 - **The upgrading of the local core path network; and**
 - **Local healthcare facilities.**
4. **Provision of a footpath along the southern side of the Langstracht between the application site and Fairley Road, then returning down Fairley Road, and the provision of a pedestrian crossing on Fairley Road near the junction with the Langstracht.**

DESCRIPTION

The proposal relates to the eastern part of the West Husterstone Masterplan Area (OP42), the masterplan area is some 6 hectares. The area subject to this application extends to around 3.4ha and is located on the south eastern edge of Kingswells, some 4 miles to the west of Aberdeen City Centre. The application site comprises undeveloped agricultural land and slopes steeply from north south. The north of the site is bound by the Langstracht, the east and west sides by undeveloped agricultural land, whilst to the south is the Den Burn.

In terms of context, the housing along the Langstracht is generally 1 ½-storeys in height with pitched roofs, around 20-30 years old, and finished externally with grey or white drydash render. Along Fairley Road to the west, the properties are predominantly 1960's style 2-storey semi-detached properties with a brick basecourse and white drydash finish to the walls.

RELEVANT HISTORY

Site specific

Planning ref 120296 (Proposal of Application Notice) was submitted for consideration in February 2012. No further consultation, beyond that proposed by the applicant, was required.

Planning ref 120271 (EIA screening opinion request) was submitted for consideration in February 2012. It was the opinion of Aberdeen City Council that an EIA was not required.

Adjacent site to the west

Planning ref 130288 for the erection of 49 residential units, access road, drainage and SUDS basin is currently under consideration and due to be presented to the Planning Development Management Committee in January 2014.

PROPOSAL

Detailed planning permission is sought for the erection of 97 residential dwellings; and associated landscaping, open space, car parking, access road and SUDS.

Layout of the Development

For the most part, the houses are laid out with a north-south aspect with around a quarter of the properties having a south or west facing rear garden. The internal access road snakes down through the site reflecting the site topography.

Seven terraced houses would face onto the Lang Stract. An area of car parking is proposed around 1/3 of the way down the west side of the site. There are 4 blocks of terraced properties which lead down the eastern boundary and lead to five detached properties. Immediately to the south of these properties lies an area of open space, which would see existing levels reprofiled / levelled to be more useable, given the slope in the site at this point. A retaining wall would be put in place at the southern end as a result of these works. In the south-east corner of the site would be the 'back-to-back' terrace of affordable housing properties. Along the southern end of the site, there are three blocks of 3-storey townhouses and a block of 5no 2-storey terraced properties in the south-west corner. Opposite these properties lies car parking and green open space provision, towards the Den Burn. Adjacent to the western boundary, at the mid-point of the site, there are a mix of property types; 3no detached; 2 pairs of semi-detached; a terrace of 1 – 2-storey dwellings; three blocks of 3-storey townhouses and two terraces of 1 – 2-storey dwellings.

Proposed Houses

There are four different house types proposed, which would range in size from 3–5 bedrooms and comprise of 8no 2-storey detached, 4no 2-storey semi-detached, 29no 1–2-storey terraced, and 36no 3-storey townhouses

In terms of materials, the properties would be split into three character areas – Central, Den Burn and Rural.

The Rural area would be located at the northern end of the site facing the Lang Stracht. These ten properties would have white UPVC windows, timber effect doors, cream render to the external walls and grey concrete roof tiles.

The Central area comprises some 52 units and is a mixture of property types. The external walls would be finished in white drydash render, with grey concrete tiles on the roof and white UPVC windows and doors.

Lastly, to the southern end of the site would lie the Den Burn area where the remaining dwellings would have grey UPVC windows and doors, a grey chip drydash render, and grey concrete tiles on the roof.

These individual character areas are to reflect the change in design context to the surroundings.

Affordable Housing

Twenty 'affordable housing' units are proposed to the south-east corner of the site. They would be single aspect 'back to back' 2-storey 2-bed properties, with no rear gardens.

Eight properties would have a north-south aspect whilst twelve units an east-west aspect and around 7m from the eastern boundary. Being located in the 'Den Burn' character area, the buildings would utilise the materials listed above.

Access

The main vehicular access into the site would be from the Lang Stracht. The internal road would be 7.3m in length for around $\frac{3}{4}$ of its length (from the Lang Stracht to the shared surface area immediately to the south of plots 24–27). A second access is shown at the south west corner of the site, connecting into the proposed development to the west.

In terms of pedestrian connections, the plans show a footpath running through the open space adjacent to the Den Burn, footpaths alongside the internal access road, also down a slope in the open space to the rear of plots 52-55, and a link to the adjacent site to the west, at plot 5. There is also a proposal to construct an off-site public footpath west along the Langstracht which would return south onto Fairley Road for around 25m. At that point, a pedestrian crossing is proposed in the form of a dropped kerb. These off-site works would be implemented via the Roads Construction Consent (RCC) and should be controlled through the noted s75 legal agreement.

Open Space

Throughout the development site, there are pockets of open space proposed ranging from around 300sqm to around 4000sqm in size.

The principal area of would be along the southern boundary, adjacent to the Den Burn, and would have a public footpath running its length. Along this footpath four pieces of play equipment are proposed (details of which will be required to be agreed through condition).

The other main area runs from the cenral area in a south easterly direction, eitherside of the access road. The southern part would be reprofiled and retained at its southern end, to provide a more useable space.

Drainage

A drainage impact assessment (DIA) was submitted in support of the application, outlining that that two levels of treatment will be required for the Sustainable Urban Drainage System (SUDS). New surface water sewers will discharge to a cellular storage chamber within the 'Den Burn' open space, providing attenuation for the whole development.

Proposed site boundary treatment

Along the eastern boundary, a post and wire fence is proposed with a similar existing fence retained along the southern boundary. An exisitng 'dry stane dyke' along the western boundary is also to be retained, and repaired where necessary. Along the western boundary with 'Morven', there would be a concrete wall and post and wire fence provided. Whilst within the 'Rural' character area, a 900mm dry stane dyke is proposed along the frontage of properties facing onto the Langstracht and along the first stretch of access road into the site.

The boundary with 'Manse' and 'Braeside', would see a mixture of concrete retaining wall, post & wire fence and high hedge.

The dry stane dyke which currently runs north-south through the centre of the site and east-west along the northern boundary would be removed to facilitate development. The duntakings are proposed to be reused elsewhere on 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?130912>

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

Supporting documents comprise the following:

Design and Access Statement;

Access Statement;

OP42: West Huxterstone Masterplan;

Site B, West Huxterstone, Kingswells, Walkover Survey Report (Cameron Archeology Ltd 3 May 2012);

Drainage Assessment (Fairhurst, Issue 1 March 2013 [updated 22/03/2013]);

Ecological Appraisal (Northern Ecological Services, updated 20/08/2013);

Flood Risk Assessment (Fairhurst, February 2013);

Energy Efficiency Statement;

Pre-Application Consultation Report; and

Transport Statement (Fairhurst, January 2013).

PRE-APPLICATION CONSULTATION

The proposed development was the subject of pre-application consultation between the applicant and the local community, during March and May 2012, as required for applications falling within the category of 'major' developments defined in the 'Hierarchy of Development' Regulations. It should be noted that the Consultation events related to the Masterplan area as a whole, rather than this application site alone.

The consultation included a separate meeting with Kingswells Community Council (5th March 2012) which raised the following issues;

- development will impinge on the glacial valley
- the boundary of the PoAN differs from that within the Local Development Plan
- style of houses to be built
- concern over the impact on roads and Kingswells Primary School
- concern that the Green Space Network would be used for SUDS
- concern regarding the existing buildings within the Masterplan area and what would happen to them

In addition, two public consultation events were held. The first on 26th March 2012 between 3 and 8pm.

The main issues raised from that event can be summarised as;

- access to the site
- amenity of dwellings adjacent to the site
- re-opening of the Lang Stracht
- the protection of the burn and Green Space Network
- mains water pressure
- impact on schools
- house types and styles
- integration with the wider area
- affordable housing
- site layout
- materials
- orientation and insulation
- provision of bins
- parking
- SUDS
- Landscaping
- Drystone dykes
- Pavements
- Developer contributions

Following on from this initial event, a second event took place on 22nd May 2012 again between 3 and 8pm. The additional issues raised are summarised as;

- Impact on existing services
- Additional traffic
- Numbers of houses proposed
- Solar panels
- Internet connection
- Provision of play areas

Feedback was given by the applicants, to those making comments, to clarify some of these issues.

Alterations made to the proposal as a result of the consultation

As the Pre-Application Consultation was with respect to the Masterplan, it is difficult to ascertain whether any changes were made to the detailed plans, which were not available at the time of consultation.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because Kingswells Community Council have objected to the application. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – Car parking provision - no objections. Access onto Lang Stacht via an expanded 7.3m wide carriageway would accommodate emergency vehicles and allow up to 70 houses to be occupied, rather than the normal 50 units for a single 5.5m wide access road. The TA has been updated to show a n off-site footway and crossing on Langstracht / Fairley Road.

The provision of a 1.8m wide 'grasscrete' strip on to provide the extended width at sections of the internal road is acceptable. The 'swept path' analysis of vehicular movements is acceptable. Outstanding issues relating to DIA can be dealt with via a suspensive condition. In relation to the Strategic Transport Fund, the applicant has been made aware that a contribution is required.

Environmental Health – No comments.

Developer Contributions Team – A developer contributions package is required to mitigate the impact of the development, relating to: securing both on-site and contributions towards off-site affordable housing; education facilities; community facilities; playing fields; open space; library; core path network; and healthcare facilities.

Enterprise, Planning & Infrastructure (Flooding) - Accept the Flood Risk Assessment but require that all attenuation tank designs meet the 1 in 200 year storm event and that this is controlled via a planning condition.

Education, Culture & Sport (Archaeology) – Requests a condition requires the submission of a programme of archaeological work, to be approved in advance of work taking place on site.

Education, Culture & Sport (Schools and Education Establishments) – Advise of capacity constraints at Kingswells Primary, which is currently at 98% capacity - forecast to rise to 101% in 2014, then to 104% and expected to stay above 100% until the end of the decade. Internal changes have already been made to the school to accommodate pupils, thus actions will need to be taken to accommodate the projected additional pupils. Developer Contributions would be used for the purposes of expanding the current provision at Kingswells Primary.

Scottish Environment Protection Agency – No objections, subject to a condition that no built development takes place within the modelled "Corrected 200 year Flood Envelope" for the Den Burn as presented in the Drawing 9633/SK01 by Fairhurst Consultants (17.1.13).

Community Council – Kingswells Community Council object to the application. The reasons for objection can be summarised as;

1. The amount of houses proposed on the wider OP42 site would exceed the allocation in the Local Plan (being 146 v 120);
2. The 3-storey town houses are not in keeping with the masterplans aim to create a high quality village expansion that compliments the existing character of the area;
3. Kingswells Primary School will not be able to accommodate the number of children generated by the masterplan area before 2016, so careful phasing is required;
4. Object to the new access onto the Lang Stracht due to road safety fears and impact on the bus transit times;
5. The two cul-de-sacs have been provided to allow access to land under the ownership of Stewart Milne Homes, this is unacceptable;

6. The TA does not take account of 146 homes on the wider OP42 site as will be the case if both this and the application to the west are approved in their current forms;
7. The impact on the Green Space Network is unacceptable, especially where there is only a 10m wide provision; and
8. The SUDS provision (cellular attenuation system) is unacceptable as it will involve massive excavation, upheaval and destruction of the wetland area close to the Den Burn.

Aberdeen International Airport – the proposed development does not conflict with safeguarding criteria, subject to conditions relating to: measures to limit bird strike risk to Aberdeen Airport and that the fabric design of dwellings is such that noise impact, from aircraft, on residential amenity levels is mitigated. A requirement controlling the use of cranes can be included as an informative.

Police Scotland - Advise the site offers high levels of natural surveillance, that differing road surfaces identifying semi-private areas is encouraged. In curtilage resident car parking is recommended, to provide maximum surveillance. It is noted that overlooking is generally achieved. Provision of even white lighting in parking areas is recommended and that the landscaping does not impede surveillance. Terraced dwellings require rear lanes to allow access for bins, etc. and this will see the rear of properties becoming vulnerable, as such it is recommended that lockable gates are provided to allow only legitimate access. Each rear garden should be fully enclosed by an 1800 mm fence. Cycles can be particularly vulnerable to theft and storage should be located as close as possible to the main entrance to buildings, providing the highest level of surveillance. This is not the case at plots 36 – 55 and it is recommended that these be relocated next to the four parking spaces opposite the plots. It is always best practice to ensure that any public, amenity or landscape area has suitable levels of surveillance, have a clear vision field between 1-2 m and a management contract in place for future maintenance. It is advisable to, wherever possible, avoid landscaped areas at the rear of properties to avoid potential anti-social behaviour, as such the land to the rear of plots 79 - 82 should be fully incorporated into gardens.

Transport Scotland – no objections.

REPRESENTATIONS

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

1. There would not be a 15m wide landscape strip along the eastern boundary as a shelter belt has not been upheld;
2. The boundary near plots 79, 80 and 81 feature a pathway that is positioned in contact with the Mill Cottage Boundary;
3. The properties adjacent to 'Lang Stracht Manse' would impact on privacy and amenity;
4. The planned trees between the application site and 'Lang Stracht Manse' would obscure light into the south facing back garden and property; and
5. Issues relating to long-term management of trees along the boundary between the application site and 'Lang Stracht Manse'.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) is a statement of Scottish Government policy on land use planning and contains. Of particular interest is the general policy relating to Sustainable Development as well as the subject planning policies relating to Housing, Location and Design of New Development and Affordable Housing.

Designing Places is the statement that sets out the Government's expectations that the planning system delivers high standards of design in development projects.

Designing Streets (A Policy Statement for Scotland) promotes pedestrian friendly design in 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 also aims to ensure that new development can be located and designed in a way that deters such behaviour avoiding the creating feelings of hostility, anonymity and alienation resulting in significant social, economic and environmental costs.

PAN 2/2010 (Affordable Housing and Housing Land Audits). Section one of which relates to Affordable Housing and 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 and contribute to the creation of sustainable, mixed communities. A range of tenure types are appropriate, including; social rented, subsidised or unsubsidised low cost housing for sale, and mid-market or intermediate rented.

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.

Strategic Policy

Aberdeen City and Shire Structure Plan sets out vision for the local area and sets objectives in relation to; Economic growth; Population growth; Quality of the environment; Creation of sustainable mixed communities; and Accessibility.

Aberdeen Local Development Plan

Policy LR1- Land Release Policy Part A

Phase 1 release development: Housing 2007 – 2016; development on sites allocated in Phase one will be approved in principle.

Policy I1 - Infrastructure Delivery and Developer Contributions

Where development, either individually or cumulatively, will place additional demands on community facilities or infrastructure necessitating 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 situations.

Policy T2 - Managing the Transport Impact of Development

New development should demonstrate that sufficient measures have been taken to minimise the traffic generated. Supplementary Guidance provides more detailed information on requirements for Transport Assessments, Travel Plans and parking standards.

Policy D1 - Architecture and Placemaking

Seeks to ensure high standards of design, with due consideration to context and that a positive contribution to the setting is made. Factors such as scale, massing, colour, materials, details, the proportions of building elements and landscaping will be carefully considered.

Policy D2 - Design and Amenity

Sets out design and layout criteria to be addressed in new residential developments.

Policy D3 - Sustainable and Active Travel

Seeks to ensure that new developments are designed in order to minimise travel by car, improve access to services and promote healthy lifestyles, by encouraging active travel.

Policy H3 - Density

All residential developments over one hectare must:

1. Meet a minimum density of 30 dwellings per hectare (net). Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space;
2. Consider the site's characteristics and those of the surrounding area;
3. Create an attractive residential environment and safeguard living conditions within the development; and
4. Consider providing higher densities in the City Centre, around local centres, and public transport nodes.

Policy H4 - Housing Mix

Developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan. This mix is in addition to affordable housing contributions.

Policy H5 - Affordable Housing

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

Policy NE4 - Open Space Provision in New Development

At least 2.8ha of meaningful and useful open space should be provided per 1,000 people in new developments. Supplementary Guidance (Affordable Housing) provides more detailed information.

Policy NE6 - Flooding and Drainage

Applications will be required to provide an assessment of flood risk in order to show that there would be no risk from flooding. A drainage impact assessment is also required for any development over 10 homes.

Policy NE9 - Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities, 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

To ensure that low and zero-carbon generating technology is installed to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards regulations. The Supplementary Guidance (Low and Zero Carbon Buildings) provides more detailed information.

Supplementary Guidance

The Council's Supplementary Guidance "OP42: West Huxterstone Masterplan", "Affordable Housing", "Infrastructure and Developer Contributions Manual", "Low and Zero Carbon Buildings", "Open Space" and "Transport and Accessibility" are relevant planning considerations in the determination of the application.

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 Scottish Planning Policy, Designing Places, Designing Streets, other Planning Advice Notes, the Aberdeen Local Development Plan, Supplementary Guidance and the OP42: West Huxterstone Masterplan, are all relevant material considerations. The proposal constitutes a 'major' development, as defined in the 'Hierarchy of Development' Regulations. SPP sets out the Government's core principles that underpin the modernised planning system which seeks a plan-led system with a clear focus on the quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment. SPP also states that the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places, whilst protecting and enhancing the quality of the natural and built environment as an asset for that growth. It states that planning authorities should take a positive approach to development. It is in this context that the application requires to be assessed.

Principle of Residential Use

The Aberdeen Local Development Plan (ALDP) identifies the site within Part A of Land Release Policy LR1 – with an indicative allocation of 120 units, and as part of an Opportunity Site (OP42). The site is also a long-standing housing land allocation, being included in the previous Aberdeen Local Plan (2008) as Strategic Housing Land Reserve (SLHR30). These factors reflect an identified need for housing land in this area and thus there is conformity with the Housing Land section of SPP. The West Huxterstone Masterplan identifies the site as suitable for residential development. Lastly, the application is considered to accord with the Structure Plan objective relating to population growth, by providing additional housing opportunity and choice. Accordingly, the principle of residential use on the site is acceptable in terms of development plan considerations.

Design, Scale, Mix and Form of Development

'Designing Places' sets out the Government's expectations of the planning system to deliver high standards of design. It lists what the Government considers to be successful places, including being 'distinctive', 'safe and pleasant', 'easy to get to and move around' and 'welcoming'. The design and the layout of the development generally meets these broad objectives, although it is not considered that the resultant 'place' would be particularly distinctive, in that the design and finishes to the houses and the general layout are relatively standard and reflective of a generic approach to design by volume housebuilders throughout Scotland. It is this generic approach which 'Designing Places' seeks to reverse. However, taking all matters into consideration the proposals are considered to meet a reasonable standard.

The layout of the development is generally in keeping with what is shown in the Masterplan in terms of points of access, landscaping and general site layout. The internal layout of the development is designed so as to give priority to pedestrians and cyclists, rather than motorised vehicles by changes of road surface materials at key points, to prioritise pedestrian use in keeping with the principles of 'Designing Streets' and to ensure safety. A number of properties face onto the public open spaces to ensure passive surveillance, and it is considered that this is acceptable in relation to PAN 77 (Designing Safer Places).

ALDP Policy D1 (Architecture and Placemaking) seeks to ensure that all development is designed with due consideration to its context. With regards to the design of the houses, a simple design typical of Stewart Milne developments is proposed. Simplified finishes to exterior walls (smooth or drydash render) and roof finishes of grey coloured tile are generally proposed. In the sites immediate and wider context, it is considered that this approach is reflective of the limited design quality and therefore, on balance, generally acceptable. The distribution of housetypes would be spread throughout the site, with no size overly predominating in any particular location, and that approach is again very much in keeping with the surrounding context. Although it is noted that townhouses are not a housetype clearly represented in Kingswells.. It is considered that the introduction of 97 dwellings in this area is acceptable in terms of acceptable density and layout standards.

Although the site is on the periphery of Kingswells the layout of the site has sought to consider this fact, the topography of the site and the wider OP42 allocation. In respect to the wider Kingswells area, as discussed above, the design and form of development would generally reflect the prevailing design, character and pattern of development and in that regard the proposal is generally acceptable in terms of Policy D1, although not considered of a particularly high standard. Overall the layout and design of the application site is considered to comply with Policy D2 in relation to: public and private faces to development; making the most of natural sun/daylight; providing useable private gardens and other 'sitting out' areas; as well as designing out crime.

In terms of the mix of development ALDP Policy H4 encourages a range of sizes and types of accommodation in new developments. The proposal comprises a mix of 3–5 bedroom properties, of 1–3-storeys in height and varies between simple 'cottage' style terrace houses to larger detached properties, including split level and townhouse styles. It is considered that the proposed mix of properties throughout the site is varied and conforms to the underlying principles of H4.

As regards affordable housing provision, local policy and guidance seeks on-site provision and, along with National Policy, provides a definitive list of what type of tenure would be acceptable. Local Policy requires that 25% of units be affordable. It is also suggested that such units fit in with the wider development so there is no distinction between the tenures. The proposal is to provide 20 units on-site (20.62%) by means of 2 blocks of terraced 2-storey single-aspect houses, at the south-east part of the site. The remaining 4.38% requirement would be met via a commuted sum, included in the section 75 legal agreement or other suitable arrangement. Although the on-site provision is less than what is required by policy, the remainder would be addressed via a commuted sum. In relation to the design of these units, on balance, the approach is considered acceptable and is generally in keeping with the form and style of the wider development. With respect to location, there is no real integration with the wider site and the 'back-to-back' style proposed distinguishes them, however, the proposals generally conform to SPP, PAN 2/2012, the Council's Supplementary Guidance and Policy H5 on Affordable Housing.

In terms of density, ALDP policy H3 seeks a minimum of 30 dwellings per hectare. The development would provide 97 units on an area of land of around 3.4ha, resulting in a gross density of 28.5. However, taking account of the topography of the site and that areas of open space (0.8ha) should be excluded, the net density exceeds 34.6.

PAN 65 states that open space has social, environmental and economic value and is important for a wide-range of pursuits and social interactions that support personal and community well-being. Hence it is important that developments provide adequate amounts of useable open space. The application site is 3.4ha in size and would provide useable open space on-site equating to around 8000sqm (0.8ha) which is generally in line with the Masterplan requirement for the wider allocation, with the application site to the west (Ref: 130288) providing at least the remainder (0.17ha) of the 0.97ha of open space required within

OP42, in line with Policy NE4 and the Supplementary Guidance on Open Space, discussions are ongoing in this regard.

Both National and Local Policy seek to ensure that new developments help address the causes of climate change, including reducing carbon emissions from new development. Information has been provided by the applicant which indicates that a 'fabric first' approach would achieve a figure of 16%. It should be noted that there is a requirement to meet the minimum building standards regardless of our policy and there is the allowance to depart from the policy if a greater saving was made. Notwithstanding that this issue is dealt with at Building Warrant stage, a planning condition could be attached requiring details to be submitted demonstrating compliance with Planning Policy.

Impact on Residential Character and Amenity

In general terms, the proposed development reflects general form and scale of development in the locality. Although split level, back-to-back and townhouses are not common. Notwithstanding this, it is considered that these properties are reflective of the site's topography. It is further considered that the layout and relationships with existing property would not have a significant impact on residential amenity, and would be mitigated by the proposed boundary treatments and site levels. Although a number of existing properties benefit from views south towards the Den Burn, such a matter is not a material planning consideration, and any impacts would be limited and acceptable in amenity terms. It is considered that the development would meet the objectives of the Structure Plan relating to Sustainable Mixed Communities.

Visual Impact of the Development

The application site is currently undeveloped and without any real boundary screening save for the trees within the Den Burn corridor to the south. The site has a significant slope, rising around 20m in height from south to north. Currently some existing properties to the north face the site with open views to the south. Sections submitted show the properties 'Manse' and 'Braeside' would have these open views obstructed. However, the separation distance between windows, slope and boundary treatments are considered sufficient and any impact on day/sunlight or residential amenity or privacy would not be significant. Further, with specific regards to plots 79-81, which would be offset and fall down the slope thus the lesser impact would be on 'Braeside', with 'Manse' being the more obvious change.

Notwithstanding the above, it is accepted that the development will have a substantial impact on the existing character of the area given the site is currently agricultural land, however the site is allocated for development in the Aberdeen Local Development Plan and the Development Framework has a preference for residential development thereon.

The site is prominent when viewed from Fairley Road and the Lang Stracht and these views will also see a change in character and feel. With respect to the wider area, it is not considered that there would be a significant impact, mitigations including topography, landscaping and existing buildings.

Traffic Impacts, Access Arrangements and Car Parking

A Transport Assessment (TA) was submitted in support of the application, and saw updates as discussions with the Roads Projects Team progressed. Following a review of the junction modelling, it is considered that there would be no detrimental impact on the surrounding road network and thus no objections from the Roads Projects Team.

In relation to access into the site from the Lang Stracht, and to the adjacent site to the west, Roads Officers have agreed that the access can be widened to 7.3m, to allow access for emergency vehicles. This would also see potential for up to 70 dwellings to be served by this single access, rather than the standard limit of 50 dwellings off a single access. Once there is a second access into the site from the adjacent site to the west, all 97 units can then be built and occupied.

Pedestrian access along Lang Stracht and onto Fairley Road, via a new footpath ending in a dropped kerb crossing is proposed. As part of the masterplan requirements a second footpath link is proposed through the site to the west onto Fairley Road. However, this provision awaits the development of that site, with this in mind the Roads Projects Team accept the arrangements proposed.

The internal road layout would be 7.3m wide for the most part (from Lang Stracht to plots 24 – 27). Part of this widening consists of a grasscrete strip in the central part of the site, full details of which would be confirmed through the RCC.

The car parking provision for the development is considered to be satisfactory.

Given the above, it is considered that there are no conflicts in relation to: Policies T2 or NE9; Supplementary Guidance “Transport and Accessibility”; or the Structure Plan objective of ‘accessibility’.

Site Drainage and Flooding

A drainage impact assessment (DIA) was submitted and Roads and Flooding officers have no objections, subject to confirmation as to how car parking and access road drainage will be treated. This matter can be dealt with via a suspensive condition.

With regards flooding, amendments have been made to reposition buildings and areas of hardstanding such that they are not proposed within the Den Burn flood plain, land reprofiling should further mitigate risk, including to the road, which would be set at a freeboard level some 600mm above the calculated flood risk level. Thus there are no conflicts with the Local Plan Policy NE6.

School Capacity

The capacity issues at Kingswells Primary, as set out above, can be mitigated via a developer contributions package to be used for the purposes of expanding Kingswells Primary and secured through the s75 legal agreement. The developer has indicated that the site would be built in phases of 30-35 houses per year, this would help limit the scale of impact.

Relevant planning matters raised by the community council

1. The allocation for 120 units in the Aberdeen Local Development Plan is indicative only and not an absolute figure. Assessment against relevant considerations indicates that 97 properties can be accommodated, the site to the west will be considered in a similar manner and could see some 150 units rather than 120 within the OP42 allocation. This is not contrary to Local Plan policies and meets with wider sustainable population growth objectives and Policy H3.
2. This issue has been addressed in the relevant section above.
3. This issue has been addressed in the relevant section above.
4. No objections have been received from Roads officers with regards to road safety. With respect to impact on bus services, the amount of vehicles using the Lang Stracht access and the frequency of buses is such that there is unlikely to be any detrimental impact on service quality.
5. It is considered that the road layout is acceptable, the future potential for access into unallocated landholdings is not a material consideration. No objections have been received from Roads officers.
6. A technical note was submitted, as an addendum to the TA, which took account of the additional 30 units proposed within the wider OP42 allocation, this demonstrated that associated traffic could be accommodated with negligible effect on the local road network.
7. The impact on the Green Space Network is considered generally in accordance with the approved Masterplan. Further, the plans have been amended to increase the minimum width of the southern Den Burn green space to 20m. Overall the proposals are considered acceptable.
8. The SUDS proposals have been evaluated by SEPA and the Council's Flooding and Roads Projects Teams. No objections have been received about the proposed cellular attenuation system. It is worth noting that a condition has been attached to secure a 'construction management plan' and 'site waste management plan' which would provide solutions to mitigate against any negative impact on the Den Burn corridor.

Relevant planning matters raised in written representations

1. The boundary landscape treatment within the Masterplan is indicative however a landscaping condition is proposed requiring the submission of full details for approval.
2. The path adjacent to the boundary of Mill Cottage is required for rear access purposes to plots 79 – 81, this is considered acceptable and would not have any unacceptable impact on privacy or amenity.
3. This issue has been addressed in the relevant section above.
4. No detailed landscaping details have yet been provided. A suitable condition can be attached requiring the submission of a landscaping scheme to be agreed with the Council with an informative highlighting the issue.

A suitable condition can also be attached requiring the submission of a tree management scheme.

Proposed legal agreement for developer contributions

A section 75 legal agreement can secure: (1) on-site provision of 20no affordable housing units; (2) contributions towards the 'Strategic Transport Fund';

(3) developer contributions towards: education facilities; community and recreation facilities; core path network links/improvements; local healthcare provision; and affordable housing; (4) provision of a footpath along Lang Stracht from the site returning down Fairley Road ending in a new drop kerb crossing. Such an agreement would see the proposals comply with ALDP Policies: I1 (Infrastructure Delivery and Developer Contributions) and H5 (Affordable Housing); and the Supplementary Guidance on 'Affordable Housing'.

Update

At the November Planning Development Management Committee, the decision was taken to approve this application in line with officer recommendation with the added stipulation that the section 75 legal agreement required affordable housing to be provided on a pro-rata as part of to the original 70 units built.

It is the Planning Authority's opinion that the proposed additional condition would not meet the 6 tests as contained within circular 1/2010 (Planning Agreements) which states that conditions should be necessary to make the development acceptable in planning terms; serve a planning purpose; related to the development to be permitted; fairly and reasonably relate in scale and kind to the development, and reasonable in all other respects. It is considered that the the condition is not necessary to make the development acceptable, nor is it reasonable to insist that the necessary infrastructure required and building the affordable houses is required as to be delivered on a pro-rata basis and in advance of the programme of phasing which has been accepted by the Planning Authority.

In addition to the above, the condition has been causing concern during the discussions in relation to the s75 legal agreement. The applicant has advised that this requirement causes difficulties for the proper phasing of the site.

In order to deliver a pro-rata amount of on-site affordable housing as part of the first 70 units (70 units is 72% of the overall development), the applicant would have to construct 14.4 of the 20 units. This is physically impossible given that the 20 units are to be provided in two blocks of terraced 2 bedroom units – one block of 8 units and one of 12 units.

Furthermore, the location of the affordable housing makes it difficult to develop ahead of other parts of the site. Significant earthworks are required in order to properly access the affordable housing part of the site in the south east corner. Given the nature of the topography of the site, it can only be built out from north to south.

There are also Health & Safety implications of accelerating the construction of the affordable units. Should the affordable unit occupations be brought forward in the build programme this would mean that segregation of traffic would not be possible and in effect residents would have to travel through a building site to access their homes, which would cause a health and safety risk.

Lastly, it is worth noting that the affordable housing is being provided as National Housing Trust (NHT) in conjunction with the Council.

The agreement includes a longstop date by which the affordable housing must be provided on the site (April 2016). Although there is an agreement reached with Council officials on this, there are no guarantees that the affordable housing will be built by that date given the requirement of a link through to Fairley Road to facilitate more than 70 units being built and occupied on site.

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;

- 1. On-site affordable housing provision;**
- 2. Strategic Transport Fund contributions;**
- 3. Developer contributions towards:**
 - **affordable housing;**
 - **education facilities;**
 - **community facilities and recreation;**
 - **core path network;**
 - **healthcare; and**
- 4. Provision of a footpath along Langstracht onto Fairley Road and ending in a drop kerb pedestrian crossing.**

REASONS FOR RECOMMENDATION

The proposal is deemed suitably compliant with relevant national policy including Scottish Planning Policy (SPP) in relation to: sustainable development; housing, location and design of new development; and, affordable housing. Further, the proposal is considered to be acceptable in terms of Scottish Government publications: 'Designing Places', 'Designing Streets', PAN 2/2010 (Affordable Housing and Housing Land Audits), PAN65 (Planning and Open Space) and PAN77 (Designing Safer Places).

In terms of the Aberdeen City and Shire Structure Plan, the application is considered to conform to the general principles contained within the objectives 'economic growth', 'population growth', 'quality of environments', 'sustainable mixed communities' and 'accessibility'.

The proposal is considered to be of an appropriate scale, form and style of in accordance with Aberdeen Local Development Plan (ALDP) Policy D1 (Architecture and Placemaking). The approach is consistent with the OP42: West Huxterstone Masterplan and ALDP Policy LR1 (Land Release Policy). An acceptable residential environment is proposed, in accordance with ALDP Policy D2 (Design and Amenity), an appropriate mix of houses has been proposed in compliance with ALDP Policy H4 (Housing Mix) and the density is in line with the requirements of ALDP H3 (Density).

Access and parking arrangements have been agreed with the Council's Road Projects Team, as required by ALDP Policies D3 (Sustainable and Active Travel) and T2 (Managing the Transport Impact of Development), and Supplementary Guidance on 'Transport and Access'.

Details of appropriate landscaping and enclosures can be secured via condition, and open space provision is generally in accordance with ALDP Policy NE4 (Open Space Provision in New Development), and Supplementary Guidance on 'Open Space'.

Appropriate 'Developer Contributions' and 'Affordable Housing' provision can be secured through the s75 agreement, as set out above, in compliance with Policies I1 (Infrastructure Delivery and Developer Contributions), H5 (Affordable Housing), and Supplementary Guidance 'Infrastructure and Developer Contributions Manual' and '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 a determination other than in accordance with the plan.

CONDITIONS

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

(1) that no more than 70 of the hereby approved residential units shall be completed until such time as an RCC compliant road link to Fairley Road has been provided, all to the satisfaction of Aberdeen City Council, as Planning Authority - in order to allow satisfactory vehicular access to the site and ensure compliance with the West Huxterstone Masterplan.

(2) 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, such a programme shall be submitted in advance for the written approval of Aberdeen City Council as Planning Authority - in the interests of protecting items of historical importance as may exist within the application site.

(3) that no hereby approved development shall take place, unless there has been submitted to and approved in writing by Aberdeen City Council as Planning Authority, a detailed scheme of site and plot boundary enclosures. No individual dwellinghouse shall be occupied unless the approved plot boundary treatment has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(4) that no individual dwellinghouse hereby approved shall be occupied unless the car parking areas relative to that house have been constructed, drained, laid-out and demarcated in accordance with drawing No. 96333/1001 rev P of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by Aberdeen City Council as Planning Authority. Such areas shall not thereafter be used for any other purpose other than the parking of cars ancillary to the development - in the interests of public safety and the free flow of traffic.

(5) Development shall not commence until a bird hazard management plan has been submitted to and approved in writing by Aberdeen City Council as 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, measures put in place for the safe dispersal of birds, and thereafter the such approved measures shall be implemented in full – to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds.

(6) that no hereby approved development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems (with a 1 in 200 year event level) has been submitted to and approved in writing by Aberdeen City Council as Planning Authority and thereafter no individual house shall be occupied unless the drainage required for that house has been installed in complete accordance with such an approved scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(7) that no hereby approved development shall be carried out unless there has been submitted to and approved in writing by Aberdeen City Council as Planning Authority a further detailed scheme of landscaping for the site, including indications of all existing trees and landscaped areas 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 phased implementation, numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(8) that all planting, seeding and turfing comprised in the approved scheme of landscaping required by condition 7 shall be carried out in the first planting season following the completion of the 97th dwellinghouse and any trees or plants which, within a period of 5 years from such completion, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of an appropriate size and species, or in accordance with such other scheme as may be submitted to and approved in writing by Aberdeen City Council as Planning Authority - in the interests of the amenity of the area.

(9) that no hereby approved dwellinghouse shall be occupied unless a 'scheme of tree protection during development' and a plan and report illustrating appropriate management proposals for the care and maintenance of all trees/hedgerows to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by Aberdeen City Council as Planning Authority. Such approved protection/management proposals shall be carried out, unless the planning authority has given prior written approval to any variation - in order to preserve the character and visual amenity of the area.

(10) 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 Aberdeen City Council as 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" as soon as practicable - in order to preserve the character and visual amenity of the area.

(11) 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 during development' required by condition 11 without the written consent of Aberdeen City Council as 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.

(12) that no dwelling hereby granted planning permission shall be occupied unless the 'Play Area' indicated on plan No.: HUX/POS Rev F is completed, laid out and equipped in accordance with a detailed scheme, including a programme of future maintenance, which has been submitted to and approved in writing by Aberdeen City Council as Planning Authority. The approved 'Play Area' shall not thereafter be used for any purpose other than as a Play Area - in order to ensure the timely and future provision of play facilities at the site.

(14) that no more than 70 of the hereby approved dwellinghouses shall be occupied unless the road and associated footways as shown on drawing 96333/1001 Rev P, connecting to the land to the west, have been constructed in full accordance with the hereby approved plans up to the legal boundary of the application site, unless Aberdeen City Council as Planning Authority has given written consent for any variation - in the interests of ensuring pedestrian connectivity and facilitating a future vehicular link to the west of the site

(15) that no development shall take place unless the mitigation measures as identified in the Northern Ecological Services report (final report dated 20/08/2013) have been implemented in their entirety - in the interests of safeguarding the fauna and habitats on-site.

(16) at least 2 months prior to the commencement of any works, a site specific environmental management plan (EMP) must be submitted for the written approval of Aberdeen City Council as Planning Authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with such approved plan. Such plan must address the following: surface water management and pollution prevention; soils management; site waste management; and noise & dust management - in order to minimise the impacts of necessary demolition/construction works on the environment

(18) That lighting schemes required during construction phases or in association to the completed development shall be of a flat glass, full cut off design, mounted horizontally and shall ensure that there is no light spill above the horizontal - to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

(19) that no development pursuant to the planning permission hereby approved shall take place unless a scheme of street and footpath lighting has been submitted to, and approved in writing by Aberdeen City Council as Planning Authority. No development shall be carried out unless in full accordance with the scheme of lighting approved in writing by the planning authority - in the interests of public safety and protecting wildlife

(20) That none of the affordable housing units (plots 36-55) hereby granted planning permission shall be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by Aberdeen City Council as Planning Authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

INFORMATIVES

Cranes: This response applies to a maximum development height of 153m AOD. In the event that during construction, craneage or scaffolding is required, then their use must be subject to separate consultation with Aberdeen International Airport (AIA). We would like to draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome.

Sustainable Urban Drainage (SUDS): The proposed SUD ponds have the potential to attract feral geese and waterfowl, therefore details of the pond's profile and its attenuation times are requested from the applicant. If the pond is to remain dry for the majority of the year and has a rapid drawdown time, it should not be an attractant. However, should this not be the case, the scheme must outline the measures in place to avoid endangering the safe operation of aircraft through the attraction of birds.

Landscaping: All landscaping plans and all plantations should be considered in view of making them unattractive to birds so as not to have an adverse effect on the safety of operations at the Airport by encouraging bird feeding/roosting and thereby presenting a bird strike threat to aircraft operating at the Airport. Expert advice should be sought on trees and shrubs that discourage bird activity as described above.

Noise: Given the proximity of the development to the airport, all relevant insulation in building fabric including glazing, glazing and ventilation elements will be supplied and fitted in compliance with current noise attenuation regulations and tested. The Developer is advised to make themselves aware of current flight paths, including that of helicopters.

Hours of Construction: that, except as the Planning Authority may otherwise agree in writing:

- no piling work shall be carried out; and
- no construction or demolition work shall take place outwith the hours of 7.00

am to 7.00 pm Mondays to Fridays; 9.00 am to 4.00 pm Saturdays; or at any time on Sundays; except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery]

Landscaping: any trees proposed along the north boundary adjacent to 'Langstracht Manse' should avoid any undue loss of sun/daylight into that property or garden.

Waste Management: 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

Dr Margaret Bochel

Head of Planning and Sustainable Development.