

Planning Development Management Committee

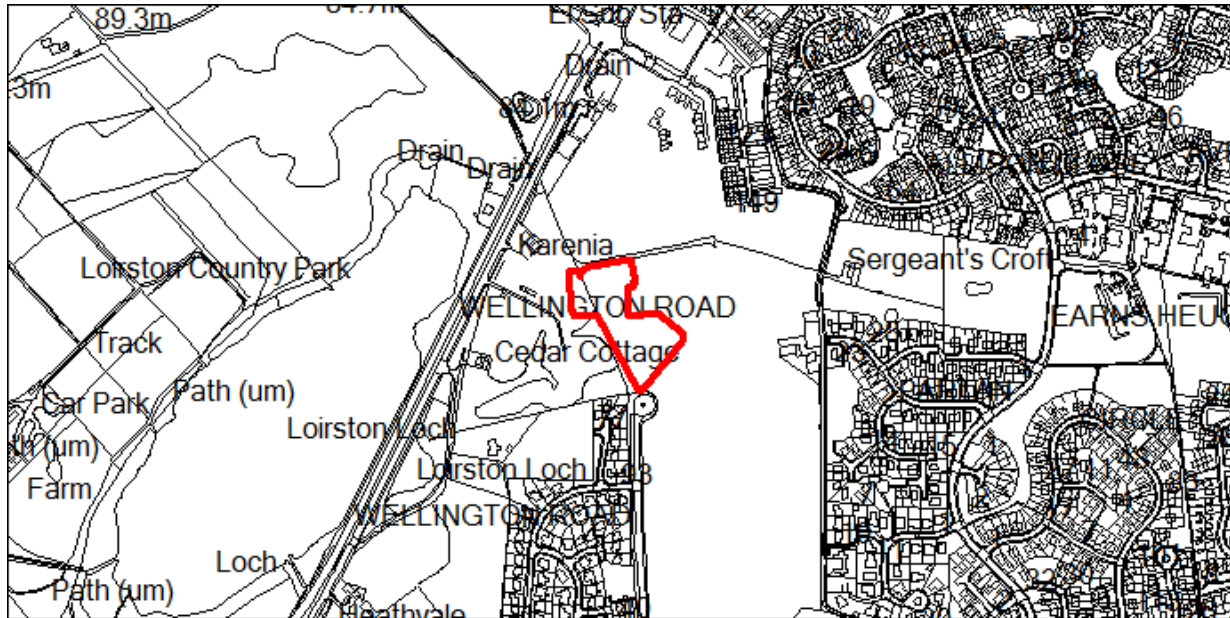
CHARLESTON ROAD, LAND AT

PROPOSED RESIDENTIAL DEVELOPMENT
CONSISTING OF ERECTION OF 29 HOUSES
AND 18 FLATS, AND ASSOCIATED
INFRASTRUCTURES

For: Kirkwood Homes Ltd

Application Type : Detailed Planning Permission
Application Ref. : P140494
Application Date: 15/04/2014
Officer: Tommy Hart
Ward : Kincorth/Nigg/Cove (N Cooney/C
Mccaig/A Finlayson)

Advert : Can't notify neighbour(s)
Advertised on: 07/05/2014
Committee Date: 24/07/2014
Community Council : Comments



RECOMMENDATION: Willingness to approve conditionally. Consent to be withheld until a legal agreement is secured to deliver affordable housing and developer obligations contributions towards a new northbound lane on Wellington Road, sport and recreation facilities, library provision, community facilities and core paths

DESCRIPTION

The application site is around 1.03ha in size, is irregular in shape and lies to the immediate south of the consumption dyke which bisects the wider Masterplan area.

The ground within the immediate area is generally undulating in nature with a cover of overgrown grassland and gorse. No trees are present within the application site. The land associated with planning ref 110064 has hoardings around it in order that some remediation work can take place safely. The south-west corner of the site would access onto Charleston Road, which currently terminates at a turning circle which is to be upgraded and incorporated into the road layout of the wider masterplan area for improved access. Beyond that turning circle, there is a long-standing residential area, characterised mainly by detached suburban houses.

To the north of the application site, work has begun (to varying degrees) on the housing and commercial development by Stewart Milne Homes, Scotia Homes and Persimmon Homes.

RELEVANT HISTORY

All of the area south of the consumption dyke was, from the 1970's until 1995, used for either sand and gravel quarrying or landfill activities whilst the small area to the north of the dyke has had no other use since agricultural activity ceased some time ago.

Planning reference 110062 for the formation of a public road and associated services was submitted in January 2011. At the same time, planning application no's 110063, 110064 and 110065 (for a mixed use community of 737 dwellings including a new high street with commercial and retail uses) were submitted. The applications were reported to and recommended for approval to the Development Management Sub-Committee in August 2011.

There have been a number of applications to vary elements of the above approvals, namely refs: 130420, 120605, 120582 and 111305 with work currently underway these sites.

PROPOSAL

Planning permission is sought for the erection of 29 houses and 18 flats, to be laid out generally as per the approved layout of application 110064, namely; at the northern end; two rows of houses (terraced and detached) with a north-south aspect bisected by a shared surface access and car parking area; at the southern end of the site, there would be 2no blocks of flats, with terraced, detached and semi-detached properties located around the periphery. An area of car parking would be situated behind the properties towards the western boundary.

The vehicular and pedestrian access has been designed to fit in with the previous approval for this part of the site and join into the wider approved layout.

In terms of design and materials, a simplified local vernacular design is proposed throughout which generally resembles the approach to design and external finish taken in the approved Scotia Homes development (ref 110065) to the west, specifically; gable-end tabling, pitched roof drop-dormers and smooth cement window & door surrounds, whilst introducing modern elements in respect to UPVC windows & doors and slate tiles to the roof.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140494>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the Cove and Altens 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 – the internal road layout allows a 6m aisle between parking bays to allow for safe manoeuvring; the cycle and motorcycle parking provision is acceptable; as is the swept path analysis. There are no objections.

Environmental Health – the refuse storage areas should be considered as part of the whole development and agreed with the Waste Team.

Waste Team – the information submitted is acceptable and no objections are forthcoming.

Contaminated Land Team – no objections to the application but would request that conditions 5 and 6, relating to contaminate land, of planning approval 110064 are applied to this application.

Developer Contributions Team – there is an existing s75 Legal Agreement in place which will meet the developer obligations for this application.

Enterprise, Planning & Infrastructure (Flooding) - the surface water drainage proposals as outlined in the DIA are acceptable in terms of storage volume, levels of treatment and discharge rates and therefore there are no objections. It is highlighted that the overall SuDS scheme should be in line with the original masterplan DIA.

Education, Culture & Sport (Archaeology) – an archaeological programme of works is requested to be conditioned, to be submitted and approved prior to works beginning on site.

Scottish Environment Protection Agency – Contaminated Land; the application site is within an area where remediation works to address significant risks from contaminated land are currently being carried out, in relation to application ref 110064. The application site is immediately adjacent to the Charleston Landfill licence boundary and as such there is the potential for migration of landfill gas, ground stability and contaminated land issues. The Local Authority should therefore consult with the relevant colleagues and attach conditions as necessary. Drainage; no objections are forthcoming in respect to drainage. Pollution Prevention; a condition is requested for a site specific construction environmental management plan (CEMP) to be submitted (ideally 2 months before work begins on site).

Community Council – object to the application on the following ground - there is no usable public space within the whole development (456 houses). Confirmation is also sought with regards pedestrian footpath provision and maintenance responsibility of the open spaces once the development is complete.

REPRESENTATIONS

No letters of representation/objection/support have been received other than that of the community council.

PLANNING POLICY

Aberdeen Local Development Plan (ALDP)

Policy H1 – Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if (1) does not constitute over development; (2) does not have an unacceptable impact on the character or amenity of the surrounding area; (3) does not result in the loss of valuable and valued areas of open space.

Policy H5 – Affordable Housing

Developments of 5 or more houses shall provide 25% of those units as 'affordable'.

Policy D1 – Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration to its context and make a positive contribution to its setting.

Policy D2 – Design and Amenity

The purpose of the policy is to ensure adequate levels of amenity via the following principles; (1) Privacy shall be designed into higher density housing; (2)

Residential development shall have a public face to the street and private face to an enclosed garden or court; (3) All residents shall have access to sitting-out areas; (4) Car parking within a private court shall take up no more than 50% of the space; (5) Flats and houses shall be designed to make to most of opportunities offered by views and sunlight; (6) development proposals shall include measures to design out crime and design in safety; and (7) external lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky

Policy NE4 – Open Space Provision in New Development

New developments are expected to provide 2.8ha of open space per 1000 people.

Policy I1- Infrastructure Delivery and Developer Contributions

Development is expected to be accompanied by infrastructure, services and facilities to support the scale and type of development proposed.

Supplementary Guidance

The Cove Bay Masterplan is a relevant material consideration 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.

Principle of Development

The principle of a residential development has already been established by virtue of the ALDP land designation and by the previous permission (planning ref 110064) for the site which was approved in November 2012.

Design, scale and form of development

ALDP Policy D1 (Architecture and Placemaking) states that new development must be designed for its context and make a positive contribution to its setting. This general policy has been translated into detailed, site specific guidance in the form of the Cove Bay Masterplan which provides a useful framework for assessing the merits of the proposal in terms of how well it creates a successful place in terms of its design, layout, open space provision and connectivity. In terms of design of the properties, the properties are aligned to the aspirations of the Cove Bay Masterplan and the houses proposed by Scotia Homes (planning ref 110065) adjacent to the north-west. In terms of scale and form, the properties would generally be as per the approved previously plans. The proposed plans integrate well with the wider masterplan area and retain and build on the overall 'place'. Taking into account the design and layout of the proposal, it is considered that they conform to the overarching principles of ALDP Policy D1.

With respect to ALDP Policy D2, all the houses have been designed to have a public and private face and are considered acceptable in that respect. The houses would have individual gardens. The orientation of most of the properties is such that the most would be made of views and sunlight. Although the flats do not have specific areas for sitting out, this is no different to what was previously approved and consideration has been taken of the open space provision close by. Lastly, for the most-part, car parking is provided on the side streets. The exception is the relatively large area of car parking between the 2 blocks of flats on the western boundary. The layout of the car park is generally as per the approved layout in terms of amount of hardstanding. The agent has introduced a reasonable level of landscaping within the area to reduce the impact of the hardstanding, which will be secured through a planning condition.

Taking account of the above, there is no conflict with ALDP Policy D1, D2 or the Cove Bay Masterplan.

Traffic impacts, access arrangements and car parking

It is considered that the impact of the traffic resulting from this development would be less than the approved plans, given that there would be six less houses within the development. The access arrangements and car parking layout are generally as per the previous approval. There are no objections forthcoming from the Roads Projects Team. The application is acceptable in this respect.

Air Quality

In terms of air quality, there was a suspensive condition the previous grant of permission (110064) which requested the submission of an Air Quality Assessment and subsequently this condition was purified. Given that there would be fewer properties on site than would have been assessed; there is no requirement to ask for another assessment to be undertaken.

Open space provision

There is limited open space provision proposed within the application site and this is consistent with the plans for this section which were previously approved. The proposal cannot be seen in isolation but must be considered in the context of the wider masterplanned area. Within the wider masterplan area, a total of 3.05ha of open space has already been approved. Although slightly below the requirement of 3.2ha, it was considered at that time that the spaces proposed would be high quality and generously planted with a good mix of native and ornamental trees. Further, there are other adequate open spaces within close proximity to the Cove Bay Masterplan area, namely Loirston Green. In that respect, the application is considered to be acceptable in terms of open space provision and does not conflict with the principles of ALDP Policy NE4.

Relevant planning matters raised by the Community Council

In relation to the point raised about open space provision, this has been dealt with in the preceding section.

With regards the questions raised regarding pedestrian footpath provision, this would generally be in line with the previous approval. As for the maintenance

responsibility of the open spaces once the development is complete, it is likely that this will be under a factoring agreement although the planning authority would not normally receive such details at this stage.

Proposed Legal Agreement for Developer Contributions

A s75 Legal Agreement is already in place with respect to approvals 110063, 110064, 110065 and 111305 in relation to developer obligations and affordable housing. Kirkwood Homes are required to be included in that s75 legal agreement by way of a variation to the deed to ensure the same obligations upon Kirkwood Homes as the other developers. In that respect, the application would be compliant with ALDP Policies H5 and I1.

RECOMMENDATION

Willingness to approve conditionally. Consent to be withheld until a legal agreement is secured to deliver affordable housing and developer obligations contributions towards a new northbound lane on Wellington Road, sport and recreation facilities, library provision, community facilities and core paths

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 Aberdeen Local Development Plan which is consistent with the Cove Bay Masterplan and the previous approval. The proposal is consistent with the zoning of the site for residential purposes, and as such there is no conflict with 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 are acceptable. Details of appropriate landscaping can be secured via condition. Appropriate Developer Contributions and Affordable Housing provision can be ensured through appropriate modification to the s75 agreement covering the wider development site, 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.

it is recommended that approval is granted with the following condition(s):

(1) that no development pursuant to the development hereby approved shall take place unless a pre and post construction access strategy has been submitted for the further approval of the Planning Authority and thereafter, unless otherwise agreed in writing, no dwellinghouse shall be occupied unless said strategy has been implemented in full – in the interests of ensuring adequate pedestrian and vehicular accessibility to the site and the wider area

(2) that no development pursuant to the planning permission hereby approved shall be occupied unless traffic orders have been promoted to:

(i) stop up the existing junction of Whitehills Road and Wellington Road,

(ii) make the length of Whitehills Road, from its junction with the unsurfaced track that leads to Langdykes Road to its junction with Cove Road, a no through road (residents and emergency access only)

(iii) make the length of unsurfaced track from Whitehills Road to its junction with Langdykes Road a route for pedestrians and cyclists only (no vehicles) unless the planning authority has given written consent for a variation

- in the interests of traffic/pedestrian safety and sustainable transportation and to achieve the aims of the Council's adopted Core Paths Plan.

(3) that no residential unit within the development hereby approved shall be occupied unless a paved and lit 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

(4) that no development pursuant to the planning permission hereby approved shall take place unless a site specific Construction Environmental Management Plan (CEMP) for construction work has been submitted to and approved in writing by the planning authority (in consultation with SEPA and other agencies). The plan will, inter alia, detail measures, including mitigation and monitoring, to minimise odour and dust and to control noise from plant, equipment and site operations to prevent any nuisance or public health risk on the occupants of adjacent residential properties. It will include a construction method plan detailing the impacts of heavy vehicles and any machinery to be operated including the timings and routings of lorry movements to and from the site with the aim of minimising movement along residential streets. No development shall be carried out unless in accordance with the approved plan, unless a variation has been approved in writing by the planning authority. - in the interests of public health and the amenity of adjoining residents and to control pollution of air, land and water

(5) 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

(6) 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 hard and soft landscaping for the site which scheme shall include the proposed areas of tree/shrub planting including details of numbers, densities, locations, species,

sizes and stage of maturity at planting, as well as materials to be used for pavements and roads - in the interests of the amenity of the area.

(7) that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of new areas of planting has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

(8) that all soft and hard landscaping comprised in the approved scheme 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.

(9) that 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 the planning authority. No unit shall be occupied unless the scheme has been implemented in full accordance with the scheme of lighting approved in writing by the planning authority - in the interests of public safety and protecting wildlife

(10) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 100271/2200E or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(11) that the development hereby granted planning permission shall not be occupied unless provision for facilities for storage of domestic waste and recyclable material as detailed on Plan No 1351/P/-/03 or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to preserve the amenity of the neighbourhood, in the interests of public health and in order to promote waste recycling

(12) that no development pursuant to the planning permission hereby approved shall take place unless a further detailed specification of the energy and water saving measures that would be installed in every residential unit is submitted to and approved in writing by the planning authority and no residential unit shall be occupied unless these have been installed, unless the planning authority has given written consent for a variation - in the interests of promoting sustainable use of resources and to reduce carbon emissions.

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

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

(15) that no development shall take place unless a scheme detailing all external finishing materials to the walls, doors and windows of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

INFORMATIVES

1. that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

(a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;

(b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or

(c) 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] - in the interests of residential amenity.

Dr Margaret Bochel

Head of Planning and Sustainable Development.