

Planning Development Management Committee

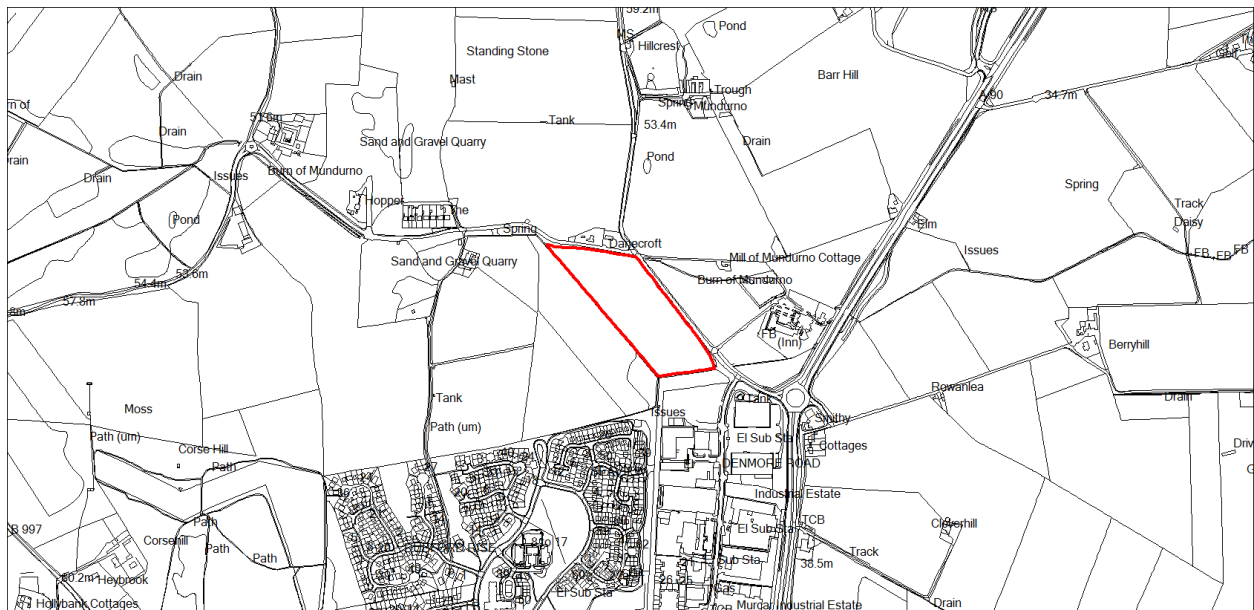
(LAND SOUTH OF), SHIELHILL ROAD,
MUNDURNO, DUBFORD

ERECTION OF 99 NO. HOUSES WITH
ASSOCIATED CAR PARKING, LANDSCAPING
AND DRAINAGE.

For: Chingmere Limited

Application Type : Detailed Planning Permission
Application Ref. : P131851
Application Date: 18/12/2013
Officer: Robert Forbes
Ward : Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)

Advert : Dev. Plan Departure
Advertised on: 08/01/2014
Committee Date: 21 August 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 developer contributions, off site road infrastructure improvements and on site affordable housing, all as requested by the roads and developer contributions consultees; and
- the applicant has demonstrated that the land required to secure the provision of the path and road links required to connect with the development located outwith the site to the west is within their control, by means such as entering into a legal agreement with the adjacent landowner(s).

DESCRIPTION

This 4 hectare site is located at the northern edge of the built up area of Bridge of Don and is undeveloped. It is gently undulating with a slight southerly aspect. The site drains towards the Mundurno Burn, which runs along the west and south boundaries. The site was previously used as arable farmland and contains no vegetation or landscape features protected by designation, although scrub is present along the burnside and native orchids have been recorded in the marshy grassland present at its north-west and south-east corners. Giant hogweed is also present at the north-west site corner and along the burn. To the north of the site, across Shielhill Road, lies farmland and a row of detached houses. To the south, beyond an area of buffer woodland, the site is bounded by an industrial estate, with typical late 20th century suburban housing located further to the west. The western boundary is formed by the Burn of Mundurno, beyond which a residential development is underway.

RELEVANT HISTORY

Outline planning permission for the residential development of the adjacent site to the west, including community facilities and improvements to an area of adjoining green belt (ref A3/1922) was refused at committee in 2003. A subsequent planning appeal was dismissed, following a public inquiry, in October 2004, as was a related claim for expenses against the Council. The reasons for dismissal included: contravention of structure and local plan policies; prematurity in light of pending local plan review; conflict with national policy regarding sustainable transport, including reducing the reliance on private cars; and potential adverse impact on the local and trunk road networks due to uncertainty regarding the proposed closure of Shielhill Road to vehicular traffic.

Planning permission in principle for erection of 550 dwellings on the adjacent land (which forms the main part of the OP25 allocation within the current Local Development Plan) was granted at Committee in 2013 (ref. 120723). Various companies (Scotia, Barratt and Cala) are currently developing various parts of this site, under various detailed approvals.

Detailed planning permission (ref. 121387) for erection of 191 houses on the immediately adjacent site, to the west, was granted in 2013 and is currently under construction (by Barratt). This approval indicated future access links to connect with the current application site across the Mundurno Burn, however, there is no obligation for the that developer to construct such links, neither are

details required to be submitted or approved, as that site is able to connect southwards to existing bus services and community facilities.

PROPOSAL

Detailed planning permission is sought to erect a 'major' residential development. A mix of dwelling types is proposed, including detached, semi-detached and terraced houses, together with associated open space, parking and roads infrastructure. The houses are of 2 storeys and of a style relatively typical of many current suburban developments in the city, with pitched roofs clad with concrete tiles and harled walls. Landscaped open space is proposed along the burn and the northern site boundary. A beech hedge is proposed alongside the B999.

The main access is from the B999, to the east. A path is proposed to the south, along the B999, to connect with Denmore Road. Pedestrian / cycle links are indicated to the west, to connect with adjacent housing development, across the Burn of Mundurno. A secondary access road is also indicated to provide potential emergency access. However, these path and emergency access routes require development on land outwith the site boundaries, are controlled by a third party, and no details of such links have been provided.

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=131851>

Design Statement; Landscape Plan; Transport Assessment; Air Quality Assessment; Flood Risk Assessment; Ecological Assessment; Drainage Layout; Noise Report; Archaeology Report; and Habitat Report

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

PRE-APPLICATION CONSULTATION

The proposed development was subject to pre-application consultation between the applicant and the local community, as required for applications falling within the category of 'major' as defined in the 'Hierarchy of Development' Regulations. The consultation included one public meeting.

REASON FOR REFERRAL TO COMMITTEE

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

CONSULTATIONS

Roads Projects Team – No objection regarding traffic generation or parking. Note that provision of acceptable links to public transport nodes is dependent on

provision of off-site footpath links, via the adjacent development to the west (currently under construction by Barratt). Also advise that a contribution to the strategic transport fund (STF) is required. Contributions are also required for minor road improvement schemes in the vicinity.

Environmental Health – No objection, subject to implementation of noise attenuation measures, due to exposure to traffic and industrial noise.

Developer Contributions Team – Request on-site provision of affordable housing, and developer contributions for enhancement of education, community facilities, healthcare, sports and recreation, libraries, and STF. Also advise that on site core path connections are required.

Enterprise, Planning & Infrastructure (Flooding) - Advise that full surface water drainage proposals and a drainage impact assessment are required.

Education, Culture & Sport (Archaeology) – No objection. Request that a condition is imposed to allow site investigation prior to development works.

Scottish Environment Protection Agency – No objection, subject to imposition of conditions regarding: provision of a 6m buffer strip to protect the burnside from development; foul drainage measures; flood risk mitigation; and environmental management.

Community Council – Object due to: alleged inadequate on site car parking provision; the proposed reduction of the speed limit on the B999; traffic congestion; lack of provision of pavements within the site; and potential development to the north of the B999.

REPRESENTATIONS

3 letters of objection/support have been received. The objections raised relate to the following matters –

Traffic impact / inadequate road infrastructure; disturbance during construction; giant hogweed infestation along the burn; overdevelopment of housing / lack of amenities; inadequate provision of landscaping along the northern boundary (to soften the impact on neighbouring houses).

A letter of support has been submitted on behalf of the applicant, which sets out their intentions regarding delivery of the path connections to the adjacent site.

PLANNING POLICY

National Policy and Guidance

The key objective of the Scottish Government is sustainable economic growth. SPP (Scottish Planning Policy) as it relates to housing and transport is of particular relevance. SPP expresses a presumption in favour of development that contributes to sustainable development.

Designing Places / Designing Streets and PAN 44 (Fitting New Housing Development into the Landscape) are of direct relevance and emphasises the importance of good design.

Aberdeen City and Shire Strategic Development Plan (ACSDP)

The ACSDP sets a target to increase the population of the city region to 480,000 by 2030. It identifies Aberdeen City as a key growth area and allocates a total of

16,500 housing units for the period 2007- 2016.

Aberdeen Local Development Plan 2012 (ALDP)

The site is zoned as Land Release policy LR1 within the ALDP. It is also identified within the Dubford and Murcar Masterplan zone. Table 5 of the ALDP and policy LR1 allocate the site within the phase 1 housing release (2007-2016) and states that housing development will be approved in principle. The ALDP also identifies the site as part of opportunity site 25 (OP25). OP25 allocates the wider site for some 550 residential units but notes a risk of flooding. ALDP appendix 4 identifies a possible requirement for contributions for additional secondary school capacity at Bridge of Don academy and the extension of medical / dental practices at Dubford.

Other policies of relevance include: I1, T2, D1, D2, D3, D6, H3, H4, H5, CF2, NE1, NE4, NE6, NE8, NE9, NE10, R6 and R7.

Supplementary Guidance

The site lies within the Dubford Development Framework, which was approved by Committee in 2012 and confirms the suitability of the site, and adjacent land to the west, for residential and associated development.

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.

Development Principle

The site has been allocated for housing development in the adopted local development plan, and a development framework for the development of it and the adjacent land to the west as housing has been approved by the Council. The provision of housing on the site also accords with the growth aspirations of the strategic development plan. Subject to agreement between the applicant, the Council and the owner / developer of adjacent housing sites, the required infrastructure to support the development can be provided and made accessible to prospective residents, in accordance with the objectives of local plan policy I1. Although there is currently a degree of uncertainty regarding delivery of the required path links through the development to the west of the site, the applicant has advised that they are in discussion with the adjacent developer/landowner regarding this matter. Conditions and a legal obligation are required in order to address amenity and public safety matters and to secure the required developer contributions and off site road / transport infrastructure.

Land-Use

The above paragraph establishes the principle for residential development. However, in order to see a mix of uses in the wider development (in the interests of sustainable development and minimisation of traffic generation, and in accordance with the objectives of local plan policies T2 and CF2 and SPP), the

approved Development Framework envisaged this part site would be of an entirely residential nature, but that commercial uses are envisaged within the adjacent land to the west, which is not controlled by the applicant. It is therefore considered unreasonable to insist that non-residential uses are provided within the site, given the wider Framework. However, it is essential that pedestrian linkage is provided to the west in order that such facilities and existing further afield supporting facilities (e.g. schools / shops / bus stops) are accessible to residents of the proposed housing, all in the interests of sustainable development.

It should be noted that local plan policy does not specifically require that a mixture of uses or supporting facilities are delivered within such major greenfield housing release sites. In this specific case, the local plan OP25 designation makes no reference to the need for delivery of non housing uses within the wider site.

Density

The gross density of development proposed is approx. 25 units per hectare. The net density (excluding public open space, etc.) is about 34 units, which complies with policy H3. The extent of open space provision (approx. 1 Hectare) is considered to accord with policy NE4. These figures are considered acceptable in the context within which the site is located, being a suburban, mixed density development with areas of open space, adjacent to the green belt boundary. The proposal is therefore not considered to be overdevelopment.

Cumulative Impacts

Whilst OP25 envisaged a total of 550 units being delivered for the whole of the opportunity site and the proposal would result in a potential overall total of 650 units, the local plan figure is considered to be indicative and given the above discussion this variance is considered acceptable. The potential cumulative impacts resulting from implementation of the combined developments at Dubford have been examined by the relevant consultees and are not considered to be unacceptable.

Design / Layout

As regards the layout and form of development envisaged, the proposal is considered to conform with the expectations of the Development Framework. The two storey suburban nature of the development is in keeping with historic forms of settlement expansion within the wider Bridge of Don area and is appropriate to that context, notwithstanding the undeveloped land across the B999. Although the proposed development lacks a strategic buffer zone along the boundary with the B999 (which is the green belt boundary), this is not required by the Development Framework and the development layout has been amended, during the application process, in attempt to create a suitable boundary treatment along this prominent approach to the city. It is considered that this boundary treatment would be further enhanced by the provision of a low stone dyke, in recognition of the rural context across the B999 and this is a matter that can be addressed by condition. The wider extent and disposition of open space within the site is considered to be appropriate, as it emphasises existing assets such as the burn

and adjacent woodland and provides adequate screening at the northern and southern edges.

Although the urban form of the development would be heavily influenced by the road layout, the standard of design is considered to be compatible with 'designing streets' and takes some account of 'designing places'. Thus it is considered acceptable in terms of policies D1 and D2. The proposed materials and finishes are compatible with those of the adjacent 'Barratt' development currently under construction. A mix of dwelling types and sizes would be provide in accordance with policy H4.

Landscape / Wildlife Impact

Implementation of the development will clearly result in landscape change, due to urbanisation. However, the existing nature conservation value of the site is limited due to its pre-existing use as farmland and the absence of woodland. Given that no housing development is proposed within the western edge of the site, which is designated in the LDP as green space network, there is no fundamental conflict with policy NE1. In the longer term, the natural heritage value of the burnside would be enhanced by the proposed native woodland planting along its edge and within proposed public open space areas. In addition to providing open space of landscape benefit and allowing the development to integrate with its setting, in accordance with the objectives of PAN 44, such open space would also enable the translocation of native orchids which are present within the site and would be affected by the development. Subject to imposition of conditions, the proposal is therefore considered to accord with policies D6, NE1 and NE8.

Drainage

The development avoids encroachment of housing onto the functional floodplain of the Mundurno Burn and suitable SUDS would be incorporated within the open space, in accordance with the objectives of policy NE6. The layout has been amended in order to ensure that a suitable buffer area is preserved between the burn and the proposed housing, with intervening open space areas. SEPA now have no objection to the development subject to conditions in order to protect the aquatic environment.

Traffic

The Council's roads officers are satisfied that the traffic generation resulting from the development would have no insurmountable impact on the local road network. Notwithstanding the comments of the Community Council, they are also satisfied with the level of car parking provision on site, and with the internal layout and pedestrian facilities within the development. The proposed road access position is acceptable in terms of public safety. Provision of the secondary emergency access to the west is not required, at the outset of the development, and therefore does not preclude commencement of development at the site. A condition can require a limit of 50 units being developed prior to provision of this secondary access. Provision of off site road infrastructure required can be secured by conditions / legal obligation and developer contributions relating to traffic impact.

Developer Contributions

A range of contributions have been sought by the Council's advisors and negotiations with the applicant are ongoing. Although the specific type and extent of affordable housing proposed is to be finalised, the applicant has no objection to on site provision - in accordance with the objectives of policy H5. It is anticipated that 15% of units proposed on site would be affordable (in accordance with the ratio achieved at the adjacent site) and that an additional financial contribution would be secured for off site provision, subject to future negotiation.

Objector Concerns

The concerns regarding traffic impact and alleged inadequate local road infrastructure are not accepted, as the Council's road's officers have no objection. Reduction of the traffic speed limit on the B999 is desirable in the interest of public safety and can be achieved by implementation of road traffic orders. Given that it is not in the interest of sustainable development to encourage overprovision of car parking; given the requirement to provide open space, SUDS and garden ground within the development; and in order to ensure adequate amenity for occupants and address environmental concerns, it is not considered appropriate to amend the development to address the Community Council's concerns regarding lack of parking and footpaths.

No development is currently planned to the north of the site, or across the B999, and such land lies within the green belt as designated in the adopted local plan. The prospect of any future development there is therefore not a material consideration in determination of this application.

The matter of control of giant hogweed on the site and adjacent land is primarily a matter for the existing landowners to address. This is not a matter for the planning authority to intervene in, as other statutory controls exist to address this concern.

Disturbance during construction is considered to be a transient matter that does not warrant imposition of planning conditions or refusal of the development . The Council has separate powers in relation to control of noise nuisance, should there be concerns expressed in relation to that during construction.

Whilst it is recognised that the wider Bridge of Don area is perceived as being deficient in terms of provision of amenities, the developer has agreed, in principle, to the provision of developer contributions to address the deficiencies identified by the Council's Planning Gain advisor. Provided that the necessary off-site footpath and cycle links are delivered to allow prospective residents to sustainably access such facilities (e.g. schools, shops, community and sports facilities), it is considered that this is not a matter which warrants refusal of the application.

It is also considered that adequate buffer planting is proposed along the northern site boundary and conditions are suggested requiring details of and implementation of landscaping.

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 developer contributions, off site road infrastructure improvements and on site affordable housing as requested by the roads and developer contributions consultees; and**
- **the applicant has entered into a legal agreement with adjacent landowners to secure the provision of the path and road links required to serve the development located outwith the site to the west;**

REASONS FOR RECOMMENDATION

The site has been allocated for housing development in the adopted local plan and a development framework for development of it and the adjacent land to the west has been approved. Subject to agreement between the applicant, the Council and the owner / developer of adjacent housing sites, the required infrastructure to support the development can be provided. Conditions and a legal obligation are required in order to address amenity and public safety matters and to secure the required developer contributions and off site road infrastructure.

CONDITIONS

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

(1) No development, including land raising, or temporary construction works / site compounds, shall take place within the functional flood plain as shown on figure 3.4 of the flood risk assessment by Envirocentre, dated December 2013. Finished floor levels for all properties shall be a minimum of 600mm above the design flood level as reported in table 3.2 of that flood risk assessment. No development shall take place pursuant to this permission unless a detailed plan showing finished ground levels and floor levels for each property within the development has been submitted to and approved in writing by the planning authority - In order to minimise the risk of flooding.

(2) No development shall take place pursuant to this permission unless a plan indicating a 6m buffer strip adjacent to all watercourses has been submitted to and approved in writing by the planning authority. This buffer strip shall be maintained free of development and construction activity during the construction and implementation of the development. No construction activity or development shall take place within it without the written agreement of the planning authority - in order to protect water quality and ecology.

(3) No development shall take place pursuant to this planning permission unless a site specific environmental management plan has been submitted to and approved in writing by the planning authority. This shall include site specific details for the protection of the watercourses including detailed site plans showing protection and mitigation proposals - in order to protect water quality and ecology.

(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 this planning permission shall commence unless a detailed site specific construction method statement for the site has been submitted to and approved in writing by the planning authority. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS. Such statement shall be implemented in full for the duration of works on the site - in order to prevent potential water pollution.

(6) That no development shall take place unless there has been submitted to and agreed in writing by the planning authority a scheme for provision of footpath and cycle connection to the site from Denmore Road. Thereafter none of the dwellings shall be occupied unless the said foot / cycle path has been implemented in full, unless otherwise agreed in writing with the planning authority? - in the interests of pedestrian / cycle connection and sustainable development.

(7) That no development shall take place unless a scheme for the provision of proposed footpath / cycle links, together with associated bridge crossings over the burn of Mundurno, to connect the proposed dwellings with the adjacent housing development under construction to the west of the site, has been submitted to and approved in writing by the planning authority, or planning permission has been secured for such links. Thereafter none of the dwellings shall be occupied unless the said foot / cycle path has been implemented in full - in the interests of pedestrian / cycle connection and sustainable development.

(8) That no development shall take place unless a scheme for the provision of a secondary emergency access route, together with associated bridge crossing over the burn of Mundurno, to connect the proposed dwellings with the adjacent housing development under construction to the west

of the site, has been submitted to and approved in writing by the planning authority or planning permission has been secured for such link. No more than 50 dwelling houses shall be occupied unless the proposed emergency access road and bridge link as detailed has been the approved details and is fully operational - in the interest of public safety and provision of secondary emergency access.

(9) That no development shall take place within the application site, other than with the agreement of the planning authority, unless 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 / recording items of historical importance as may exist within the application site.

(10) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. The dwellings hereby granted planning permission shall not be occupied unless the required boundaries have been implemented in full, unless the planning authority has agreed to vary such requirements - in order to preserve the amenity of the neighbourhood and protect the approach to the city.

(11) That no dwellings hereby granted planning permission shall be occupied unless the areas of public open space (softscape, excluding private gardens, as identified on Drawing No.294/ P3 of the plans hereby approved, or such other drawing as may be subsequently approved) have been laid out in accordance with a scheme which shall be submitted to and approved in writing by the Planning Authority. No development pursuant to this planning permission shall take place unless such a scheme detailing the manner in which the open space is to be phased, managed and maintained has been submitted to and approved in writing by the planning authority. Such scheme shall include provision for a play area comprising at least five items of play equipment and a safety surface - in order to preserve the amenity of the neighbourhood.

(12) 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 landscape features on the land, and details of any to be retained, together with measures for the protection and translocation of the northern march orchids within the site 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.

(13) 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.

(14) that no dwelling hereby granted planning permission shall be occupied unless a Childrens' Play Area is completed, laid out and equipped as a play area in accordance with a scheme that has been approved in writing for the purpose by the Planning Authority, unless the planning authority has given prior written approval for a variation. The said area shall not thereafter be used for any purpose other than as a Play Area - in order to ensure the timeous provision of play facilities.

(15) that the dwellings hereby approved shall not be occupied unless provision has been made within the site for the off-street parking of motor vehicles in complete accordance with Plan No.A5143/P12C, or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety and the free flow of traffic.

(16) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions pecified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(17) The dwellings hereby approved shall not be occupied unless the required noise mitigation measures, as detailed in the approved noise assessment and shown on drawing no. A5143/P02N, have been implemented in full, unless the planning authority has given prior written approval for a variation - in the interests of residential amenity.

INFORMATIVES

The developer is advised that no dwelling should be ouccupied unless there has been submitted to and approved in writing by the Council a detailed Residential Travel Plan, which outlines sustainable measures

to deter the use of the private car, in particular single occupant trips and encourages other transport modes- in order to encourage more sustainable forms of travel to / from the development. Please contact the Council's Transport Strategy Planner on 523327.

The applicant is advised that giant hogweed is present within the site and is advised to contact SNH and SEPA if further information is required in relation to the responsibilities of the landowner / developer regarding management and eradication of this invasive and potentially hazardous plant species.

Dr Margaret Bochel

Head of Planning and Sustainable Development.