

Planning Development Management Committee

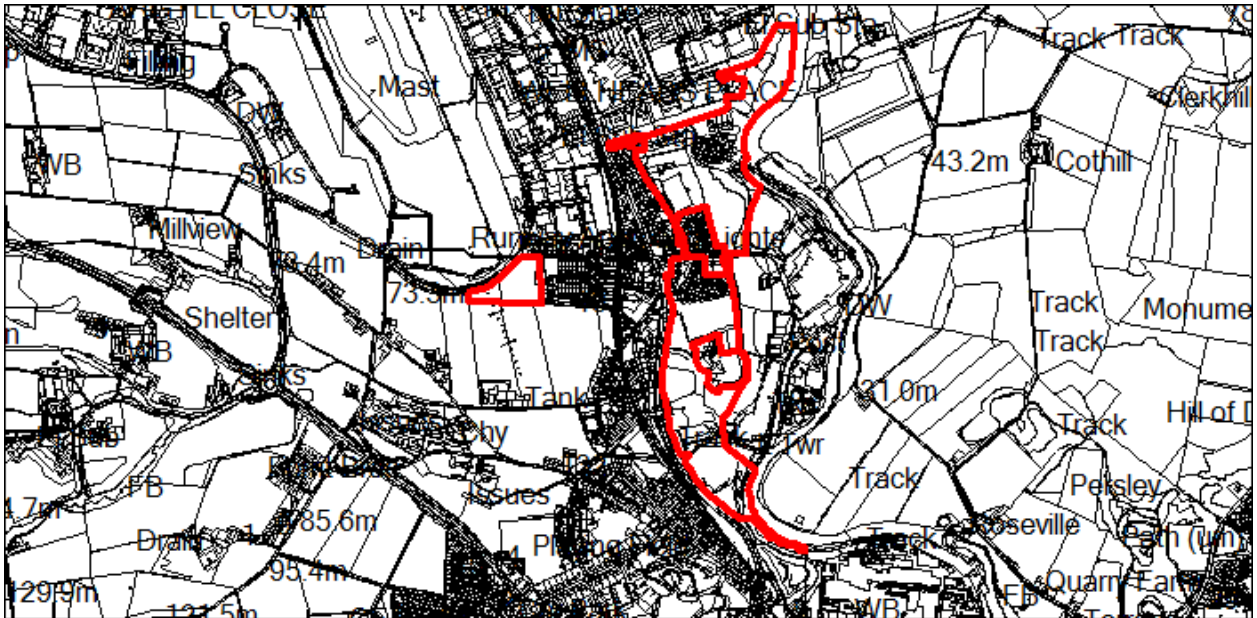
STONEYWOOD ESTATE, MARKET STREET,
STONEYWOOD

APPLICATION TO VARY CONDITION 16 (I) TO
AMEND THE NUMBER OF HOUSES THAT MAY
BE OCCUPIED ON THE APPLICATION SITE
FROM 50 HOUSES TO 140 HOUSES.

For: Dandara Ltd

Application Type : Section 42 Variation
Application Ref. : P141316
Application Date: 22/08/2014
Officer: Paul Williamson
Ward : Dyce/Bucksburn/Danestone(B Crockett/G
Lawrence/N MacGregor/G Samarai)

Advert : Can't notify neighbour(s)
Advertised on: 10/09/2014
Committee Date: 4 December 2014
Community Council : Comments



RECOMMENDATION:
Approve subject to conditions

DESCRIPTION

The application relates to all of the development phases (N1, N2, N3, N4a/N4b, N5, S1a/S1b, S2, S3, S4, S5 and S6) of the Stoneywood Estate site, currently being developed by Dandara. The site abuts Stoneywood Road, together with Polo Park (a development by Bancon Homes) and Polo Gardens to the east. To the north is Farburn/Stoneywood Park Industrial Estate, while to the east is the River Don, and the Stoneywood Paper Mill.

The application relates to works associated to 5 new and/or altered junctions onto Stoneywood Road, referred to as Junctions RJ1 – RJ5, all required to enable the development to be fully accommodated on the road network.

RELEVANT HISTORY

On 24th May 2011 the Enterprise Planning and Infrastructure Committee approved the Stoneywood Estate Development Framework and Masterplan as interim planning guidance pending adoption of the Aberdeen Local Development Plan. The Local Development Plan was subsequently adopted in February 2012. The Development Framework and Masterplan has therefore been adopted as supplementary guidance to the Plan.

Planning permission in principle (ref 110790) for for a “proposed residential development of approximately 425 houses with a mix of supporting and ancillary facilities including a neighbourhood centre, landscaping, open space and recreational facilities” was approved by the Development Management Sub-Committee on 2nd May 2012.

Condition 16 of that permission, stated:

“(i) that no more than 50 houses on the application site shall be occupied unless the scheme of improvements to the junction at Stoneywood Road/Stoneywood Terrace/Market Street, as shown on SBA drawing number A064659/A/SK001, or such other drawing as may subsequently be approved in writing for the purpose by the planning authority, has been implemented and is fully operational;

(ii) that in addition to (i) above no individual development plot on Block N4a shall be occupied unless the access junction joining Stoneywood Road at the North East corner of the application site has been implemented and is fully operational;

(iii) that in addition to (i) above; (a) no individual development plot in Blocks S1a, S1b, S2, S3, S4 and S5 shall be occupied unless the development accesses on the south side of Stoneywood Terrace and junctions RJ3 and RJ4 shown on p28 of the Design and Access Statement and SBA drawing numbers A064659/A/SK002 and SK005 or such other drawings as may be approved in writing for the purpose by the planning authority, together with their associated

link roads have been constructed and are available for public use; and (b) no individual development plot in Block S6 shall be occupied unless junction RJ5 shown on page 28 of the Design and Access Statement and SBA drawing number SK004, or such other drawings as may be subsequently approved in writing for the purpose by the planning authority, and link road through Block S5 have been constructed, are available for public use and are fully operational - to ensure that satisfactory access is gained to the development and in the interests of public safety and the free flow of traffic”.

Subsequently, a planning application (Ref: 130192) was submitted in light of alterations to the wider composition of the development and access points which varied condition 16 of the original approval to read:

(i) that no more than 50 houses on the application site shall be occupied unless a scheme of improvements to the junction at Stoneywood Road/Stoneywood Terrace/Market Street, as shown on SBA drawing number A064659/A/SK001, or such other drawing as may subsequently be approved in writing for the purpose by the planning authority, has been implemented and is fully operational;

(ii) that in addition to (i) above, none of the houses in Block N4a shall be occupied unless a scheme ensuring that the length of the access road leading from junction RJ1 and lying to the east of 324 Stoneywood Road, can only be used by emergency vehicles, cyclists and pedestrians, has been submitted to, and approved in writing by the planning authority and has been fully implemented;

(iii) that in addition to (i) above; (a) the development access on the south side of Stoneywood and Junction RJ3 (as shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK005 or such other drawing as may be approved in writing for the purpose by the planning authority) shall be constructed prior to the occupancy of any individual development plot but need not be made available for public use until completion of all houses on development Blocks S1a and S1b; (b) Junction RJ4 (as shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK002 or such other drawing as may be approved in writing for the purpose by the planning authority) shall be constructed but need not be made available for public use until completion of all houses on Development Blocks S2, S3 and S4; and (c) that Junction RJ5 (as shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK004 or such other drawing as may be approved in writing for the purpose by the planning authority) shall be constructed but need not be made available for public use until completion of all houses on Development Block S5;

(iv) no individual development plot in Blocks S2, S3 and S4 shall be occupied unless the development access on the south side of Stoneywood Terrace and junction RJ3 shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK005 or such other drawing as may be approved in writing for the purpose by the planning authority, together with their associated link roads have been constructed and are available for public use;

(v) no individual development plot in Blocks S5 shall be occupied unless the development access on the south side of Stoneywood Terrace and junction RJ4 shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK002 or such other drawing as may be approved in writing for the purpose by the planning authority, together with its associated link road has been constructed and is available for public use;

(vi) no individual development plot in Block S6 shall be occupied unless junction RJ5 shown on page 28 of the Design and Access Statement and SBA drawing number SK004, or such other drawings as may be subsequently approved in writing for the purpose by the planning authority, and link road through Block S5 have been constructed, are available for public use and are fully operational - to ensure that satisfactory access is gained to the development and in the interests of public safety and the free flow of traffic.

The reason on which the Council based that decision was that there would be no adverse impact on traffic circulation or road safety if the variation to condition 16 of planning permission in principle reference 110790 was approved.

PROPOSAL

This is an application for a Section 42 variation to the re-worded condition 16 to allow a greater level of development to be occupied in light of the delay in implementing the necessary junction improvements at Stoneywood Road/Market Street/Stoneywood Terrace and occupation of an additional 90 houses over an above the original 50 prior to the provision of the road improvements.

The applicants propose that condition 16 be reworded to read - **“(i) that no more than 140 houses on the application site shall be occupied unless the scheme of improvements to the junction at Stoneywood Road/Stoneywood Terrace/Market Street, as shown on SBA drawing number A064659/A/SK001, or such other drawing as may subsequently be approved in writing for the purpose by the planning authority, has been implemented and is fully operational;**

The remaining parts of the condition (ii to v) would remain as previously amended through 130192.

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=141316>

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 application has been the subject of six letters of objection – representing a significant level of opposition to a development proposal. Furthermore, the application has also been the subject of a formal objection by the Dyce and Stoneywood Community Council who represent the area. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection. The original condition restricting the level of occupation to 50 units, was not one that was derived through the results of traffic modelling, but one which was perceived to allow the junction improvements to move forward and minimise local delays. However, subsequent developments in the area have been approved which have left the Dandara junction improvements redundant, with an increased level of improvements now required. In order to effectively minimise the overall inconvenience to the road network, it has been discussed and agreed that the expanded works shall be undertaken in the near future. There is agreement over the finding of the traffic impact analysis, in that the additional traffic (from the additional 90 units) would result in minimal additional delay (3.2% and 3.7% in the am and pm peak periods respectively). Any such small delay in the meantime as a result of increased occupation within the site before the junction improvements would be minimal compared to the delays that would be caused by undertaking two separate sets of road works to the required levels for each application.

Environmental Health – No observations.

Enterprise, Planning & Infrastructure (Flooding) – No observations.

Dyce and Stoneywood Community Council – Strongly object to the proposals in light of road safety concerns, especially the serious risk to children attending Stoneywood Primary School. They also raised the following points:

- 1) The Stoneywood (Dandara) and BP (Goodman) developments have nothing to do with each other and are nearly 1 km apart. Therefore there is not “more than one development which requires alterations to be implemented at the junction”;
- 2) A full application for the BP site has not even been submitted and could be a year or more before any work starts;
- 3) The role of the planning department is to manage development and ensure that planning conditions are complied with. The original condition was put in place due to serious congestion and road safety issues, and should be adhered to;
- 4) All well as disruption to traffic , the safety of all road users (including pedestrians and children) must be taken into account in planning matters.

REPRESENTATIONS

Six letters of objection have been received, raising the following matters –

- 1) Congestion at the junction has become worse in recent months due to the increased level of occupation at the Stoneywood site;
- 2) There is a real danger to children crossing the road to go to and from school;
- 3) The applicant has carried out their own notification to local residents of the proposal, but many addresses have not been notified;
- 4) The use of the Aberdeen Citizen newspaper is not sufficient to undertake public notification of the development proposals;
- 5) The proposal should have been notified as a project of public concern;
- 6) Queried when the Transportation Assessment was undertaken and the validity of detail contained therein;
- 7) The essential road works should not be delayed;
- 8) The road surface in the vicinity has already started to deteriorate; and,
- 9) No more houses should be occupied unless the RJ2 junction works are fully implemented, and the adjacent Toucan crossing for the school put in place.

PLANNING POLICY

Aberdeen Local Development Plan – The Stoneywood development site falls within an area allocated for LR1 (Land Release) purposes.

Policy I1 – Infrastructure Delivery and Developer Contributions: Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

Policy D3 – Sustainable and Active Travel: New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved.

Supplementary Guidance

SG on Transport and Accessibility.

Other Relevant Material Considerations – the phasing of development relative to the provision of road infrastructure is the main material consideration relating to the application

EVALUATION

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the planning authority in determining the application only to consider the question of the condition(s) subject to which the previous planning permission should be granted. The planning authority has the option to approve the permission subject to new or amended conditions or to approve planning permission unconditionally. Alternatively the planning authority can refuse the application, which would result in the conditions on the original application remaining.

The Local Development Plan LR1 (Land Release) allocation is not directly relevant to the determination of this application. Planning permission in principle has previously been granted and development has commenced/been completed on parts of the site.

The developers are seeking this s42 variation to allow the occupation of an additional number of dwellings prior to the necessary junction improvements at Stoneywood Road/Stoneywood Terrace/Market Street. This delay in programmed provision has arisen following emergence of other developments within the Dyce/Stoneywood area, which also necessitate further similar but more substantive works to the local road network, and would otherwise have left the applicants programmed improvements redundant. As such, rather than having two sets of intrusive road improvements at the same location, it has been considered prudent to undertake a single conjoined set of improvements, albeit delayed in comparison to when the initial smaller scale improvements had been envisaged.

This approach is considered proportionate and reasonable. Roads officers have raised no objection to the proposal and they consider that the original condition restricting the level of occupation to 50 units, was not one that was derived through the results of traffic modelling, but one which was perceived to allow the junction improvements to move forward early and minimise local delays. Roads officers have agreed the findings of the submitted traffic impact analysis and consider that any delay in network improvements in the meantime, as a result of increased occupation within the site, would be minimal compared to the delays that would be caused by undertaking two separate sets of road works.

In terms of progress by Dandara, at the middle of November 2014, Building Standards Officers advised that there were 84 completions on site within the Stoneywood Estate. The applicant has outlined that the level of 140 units should align with the timescales for the completion of the junction improvement works which are being undertaken by a third party (Goodman) who are developing the former BP office HQ site. Roads Officers have indicated that the Roads Construction Consent for these works, is imminent. As such, in order to avoid roadworks over the festive period, it is anticipated that works would formally commence early in 2015.

Community Council Objection

The points raised by the Dyce and Stoneywood shall be addressed in turn, if they have not already been addressed above.

With regard to point 1, while the Community Council consider that Dandara and Goodman development have nothing to do with each other this is not considered to be the case. Both development have an impact on the local road network, and both require improvements to be undertaken. As the Goodman impact requires further improvement, beyond the level required by the applicant to this application (Dandara), they shall be undertaking the enhanced level of improvements as per arrangements previously identified. Dandara will contribute towards the cost of these enhanced improvements, on a pro rata basis. No concerns have been raised by Roads officers with regard to road users/pedestrians/school children, in the period prior to the completion of the said road improvements. It remains that the other requirements of the conditions shall have to be adhered to, in respect to the provision of other road improvements including pedestrian crossings on Stoneywood Road.

Letters of Objection

The points raised are evaluated as numbered in the representations section above.

Points 1 and 6 - Roads Officers are satisfied with the traffic impact analysis undertaken by the applicant in respect of the additional traffic flows associated with a further 90 dwellings being occupied prior to the implementation of the required road improvements.

Point 2 - relates to road safety and is covered by the Roads consultation response. Roads officers have no objection to the proposal on road safety or traffic grounds.

Point 3 - the applicant undertook their own informal notification to selected local residents to keep them informed of matters. There is no statutory requirement to do so. Statutory neighbour notification was undertaken by Aberdeen City Council.

Point 4 - questioned the use of the Aberdeen Citizen newspaper for undertaking public/press notification of development proposals. The Council have made the decision to use the Citizen for this purpose. The alternative of using the Press & Journal and/or the Evening Express would result in significantly less people in the City, as a whole, being reached than via the Citizen (the total circulation of the P&J or EE in the whole of Scotland is less than the circulation of the Citizen in Aberdeen City). As such, the Council are meeting their statutory obligations with regard to notification of such applications in the local press.

Point 5 – there are strict criteria for advertising projects of public concern. The current application would not trigger such an advertisement.

Points 7 and 9 have already been addressed above, while point 8 is not a matter for consideration as part of this application, and is a roads maintenance responsibility.

In summary, Roads officials have no objection to the application. While it would be desirable to have already have the road improvements undertaken, the fact that they would almost instantly become redundant due to wider developments in the area. It is considered, by officers, that the most appropriate and proportionate solution is to see, one combined set of road works. There is no sound planning reason for not approving the application as requested by the applicant. It is therefore recommended that Condition 16 be amended on that basis and be subject to the wording in the Recommendation section below.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

There would be no adverse impact on traffic circulation or road safety if the variation to condition 16 of planning permission in principle reference 110790 and 130192 is approved.

The proposal complies with the terms of planning permission in principle ref 110790, in particular condition 16, which is the subject of this application. Accordingly, there is no conflict with Policies I1 or D3 of the Adopted Local Development Plan. It further complies with the requirements of the approved Stoneywood Development Framework and Masterplan, which is contained in supplementary guidance in the adopted Aberdeen Local Development Plan in that the general principles of the access points to the overall development remains as previously approved.

CONDITIONS

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

1. (i) that no more than 140 houses on the application site shall be occupied unless the scheme of improvements to the junction at Stoneywood Road/Stoneywood Terrace/Market Street, as shown on SBA drawing number A064659/A/SK001, or such other drawing as may subsequently be approved in writing for the purpose by the planning authority, has been implemented and is fully operational;

(ii) that in addition to (i) above; (a) that the development access on the south side of Stoneywood and Junction RJ3 (as shown on p28 of the Design and Access Statement and SBA drawing number A064659/A/SK005 or such other drawing

as may be approved in writing for the purpose by the planning authority) shall be constructed prior to the occupancy of any individual development plot but need not be made available for public use until completion of all houses on development Blocks S1a and S1b; (b) that Junction RJ4 (as shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK002 or such other drawing as may be approved in writing for the purpose by the planning authority) shall be constructed but need not be made available for public use until completion of all houses on Development Blocks S2, S3 and S4; and (c) that Junction RJ5 (as shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK004 or such other drawing as may be approved in writing for the purpose by the planning authority) shall be constructed but need not be made available for public use until completion of all houses on Development Block S5;

(iii) no individual development plot in Blocks S2, S3 and S4 shall be occupied unless the development access on the south side of Stoneywood Terrace and junction RJ3 shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK005 or such other drawing as may be approved in writing for the purpose by the planning authority, together with their associated link roads have been constructed and are available for public use;

(iv) no individual development plot in Blocks S5 shall be occupied unless the development access on the south side of Stoneywood Terrace and junction RJ4 shown on p28 of the Design and Access Statement and SBA drawing number AO64659/A/SK002 or such other drawing as may be approved in writing for the purpose by the planning authority, together with its associated link road has been constructed and is available for public use; and

(v) no individual development plot in Block S6 shall be occupied unless junction RJ5 shown on page 28 of the Design and Access Statement and SBA drawing number SK004, or such other drawings as may be subsequently approved in writing for the purpose by the planning authority, and link road through Block S5 have been constructed, are available for public use and are fully operational - to ensure that satisfactory access is gained to the development and in the interests of public safety and the free flow of traffic.

- in the interests of road safety and the free flow of traffic.

Dr Margaret Bochel

Head of Planning and Sustainable Development.