

Planning Development Management Committee

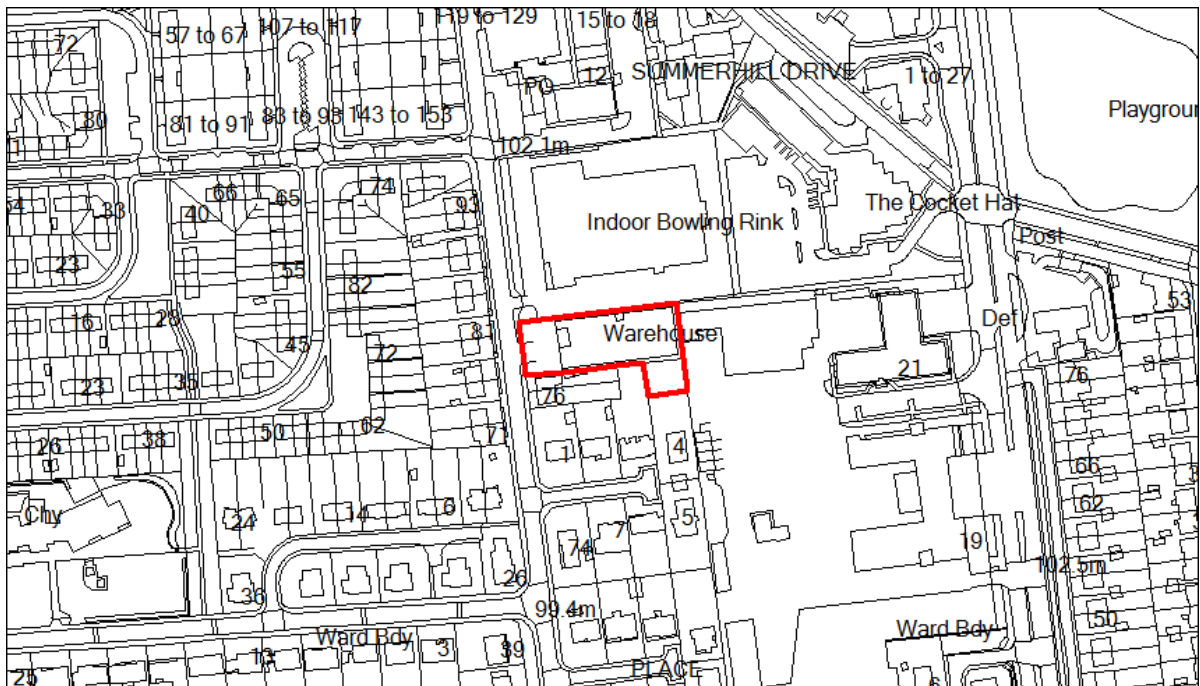
80 SUMMERHILL ROAD, ABERDEEN

CONSTRUCTION OF 26 AFFORDABLE FLATS
FOR LANGSTANE HOUSING ASSOCIATION

For: Dandara Ltd / Langstane Housing
Association

Application Type: Detailed Planning Permission
Application Ref.: P141755
Application Date: 04/12/2014
Officer: Andrew Miller
Ward: Kingswells/Sheddocksley/Summerhill (L
Ironsides/S Delaney/D Cameron)

Advert: Can't notify neighbour(s)
Advertised on: 14/01/2015
Committee Date: 19/03/2015
Community Council: No response
received.



RECOMMENDATION:

Willingness to approve conditionally. Consent to be withheld until a legal agreement is secured to ensure the development is restricted to solely affordable housing and developer obligations towards Primary and Secondary Education, the Core Path Network and the Strategic Transport Fund.

DESCRIPTION

The application site forms a warehouse building and an area of garden ground that once formed part of the feu of 4 Endrick Place. The warehouse, currently occupied by Somebody Cares, covers an area of 1225 sq metres (approx.), and fronts to and is accessed from Summerhill Road to the west, with an area of car parking approximately 445 sq metres to the front of the warehouse.

The surrounding area contains a mix of uses, with residential properties to the south and west of the site. The residential uses consist of 2 storey granite build houses fronting to Summerhill Road to the west of the site, detached bungalows dating from c. 1980s in Endrick Place and three flats contained in what was two semi-detached granite built houses fronting to Summerhill Road to the south of the site.

Relating to the non residential uses, the Aberdeen Indoor Bowling Club is to the north of the site, itself a large single storey building with pitched roof and car park surrounding the building. The Cocket Hat Restaurant and Premier Inn hotel on North Anderson Drive is located to the north east of the site. The North Area Headquarters for Scottish Fire and Rescue (both the old and new fire stations with associated outbuildings and yards) is to east of the site.

RELEVANT HISTORY

None

PROPOSAL

Detailed planning permission is sought for the erection of 26 affordable flats in two blocks. One block (Block A) would be sited to the west of the site fronting to Summerhill Road and contain 8 flats over two storeys. Block A would measure 16.6 m wide by 21.3 m long, reaching a height of 5.9 m. The block would be 5.4 metres from the pavement to the east of the west of the site, 8 metres from the southern boundary of the site and 1.4 metres from the northern boundary with the Bowling Club.

The other block (Block B) would be situated to the east of the site and be three storey in height containing 18 flats. Block B would measure 16.6 m wide, 28.4 m long and 8.7 m in height. It would be sited 2 metres from eastern boundary with the Fire Station, 1.5 m from the northern boundary with the Bowling Club, 8.2 m from the boundary with the flats to the south of the site and 23.2 m from the boundary with 4 Endrick Place to the south east.

Both blocks would be flat roofed with balconies on several elevations of the blocks. They would be finished in a mix of dark brick work and light render. Cycle

lockers are also proposed to the front of each building, in the south western corners of each block.

21 car parking spaces are proposed along with 4 secure motorcycle spaces. The parking would be separate in two areas, 13 between blocks A and B and 8 to the south of block B. Amenity space would be provided to the south of block B beyond the parking area. Two bin stores would be provided within the car parks, one to the south of each block. An area of amenity ground would be provided in a small leg of the site to the south east. Access to the site would be provided from the west of the site to Summerhill Road, to the south of Block A.

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=141755>

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 attracted six or more in time letters of objection (eight in this instance). Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management –

- Parking provision has been provided in line with the parking standard for rented accommodation for Registered Social Landlord's – 21 spaces. (Parking standard is 0.8 spaces per flat). Secure parking for 27 bicycles and 4 motorcycles has also been provided in line with parking standards.
- Requirement for 2.4 m x 60 m visibility splay to be achieved and maintained at entrance to site from Summerhill Road. Recommended that a condition be placed to ensure this is achieved and maintained.
- Swept path analysis showing refuse truck using the site has been provided and this is acceptable.
- The calculations and drainage proposals contained within the Drainage Impact Assessment submitted with the application are acceptable.
- Contributions towards the Strategic Transport Fund are necessary.

Environmental Health – No observations

Flooding – No observations.

Contaminated Land –

- Recommend condition be attached requiring contaminated land survey to be undertaken and submitted for approval. Where contamination is found, the survey should be accompanied by a remedial scheme.
- Where any contamination is found, the necessary remedial measures should be undertaken as part of the development.

Developer Contributions Team – Contributions sought towards the following:

- Primary Education (Pupils Zoned for Fernielea Primary) taking account of the current average over capacity over a five year period for the published 2013 school roll forecasts.
- Secondary Education (Pupils Zoned for Hazelhead Academy) taking account of the current average over capacity over a five year period for the published 2013 school roll forecasts.
- Core Path Network (Core Path 27: Den of Maidencraig to Anderson Drive) is identified as being an infrastructure facility necessary for the purposes of recreation and sustainable active travel. The cumulative impact of the development on the nearby path would require a contribution towards widening and surfacing the path with granite dust.

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

Scottish Environment Protection Agency –

- No objection to the development subject to condition recommended requiring a Construction Method Statement to be submitted and approved by the Planning Authority, in consultation with SEPA, prior to development commencing.
- Recommend a minimum depth of 500 mm between the porous paving and the sub-base in order to achieve an adequate level of SuDS treatment.
- Recommend that the sub-bases can provide a satisfactory level of SuDS treatment to the surface water run off from the roof and main access road.
- Informative notes on discharge to public sewers as well as regulatory advice recommended.

Waste Management –

- Development will require 2 x 1280 litre general waste bins, 2 x 1280 recycling bins and 2 x food waste bins.
- No garden waste provided as assumed that amenity areas of flats will be factored.
- Position of bins not ideal as residents have to cross the access to dispose of waste.

- Whilst reversing distances of refuse vehicles should be no more than 7 metres, the proposed development is acceptable in this instance. No parking should be permitted in the access road as this could obstruct access for the bin collection.
- Provide specifications for bin storage.

Community Council – No response received.

Education, Culture and Sport (Educational Provision) – Development would result in an additional 3 pupils which along with other developments in the area will take the school to the point where a new classroom would be needed, therefore a suitable contribution is necessary.

Scottish Water – No objections.

REPRESENTATIONS

Eight in time letters of objection have been received. The objections raised relate to the following matters –

1. Lack of parking provided on site and surrounding streets do not have capacity to accommodate overspill. Area already suffers from overspill parking from Bowling Club.
2. Introduction of disabled parking on Summerhill Road would improve safety for veterans living in houses across the road. (A number of houses on the opposite side of Summerhill Road from the application site are owned by the Scottish Veteran's Garden City Association).
3. Increase in volume of traffic on Summerhill Road.
4. Development of this scale would impact on road safety.
5. Loss of privacy of properties to the south as a result of the development.
6. Smells and overspill from bins to south east of the site would impact on the properties to the south. It would be preferable if the bins were situated to the rear nearer Block B.
7. The proposed staking Ivy/Hendra and Virginia Creeper could further undermine the vulnerable boundary wall.
8. It is hoped that there is no damage to the mature trees to the south east of the site.
9. Impact on residential amenity in terms of noise, nuisance and general activity from flats.
10. Out character with the surrounding area.
11. Developer will be putting pressure on this application to be approved given need for affordable housing.

The following matters raised in the letters of objection are not material planning considerations and cannot be taken into consideration in the determination of the planning application:

- Tesco sold on property eight years ago with outline planning permission for 18 units, not 26. (NOTE – there is no record of an application/consent for this in Aberdeen City Council's Records).
- Application for garage in objectors garden had to be lessened in scale at Development Management's request.
- Has the neighbour who has moved because of this development received compensation?

PLANNING POLICY

Aberdeen Local Development Plan

H1 – Residential Areas

Within existing residential areas (designated H1), proposals for new residential development and householder development will be approved in principle if it:

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. Open space is defined in the Aberdeen Open Space Audit 2010;
4. complies with Supplementary Guidance on Curtilage Splits; and
5. complies with Supplementary Guidance on House Extensions

H5 - Affordable Housing

Housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing. Further guidance on the provision of affordable housing from new developments is available in Supplementary Guidance on Affordable Housing.

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.

D1 – Architecture and Placemaking

New development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, proportions, coupled with the physical characteristics of the surrounding area, will be considered in assessing that contribution.

D2 – Design and Amenity

In order to ensure the provision of appropriate levels of amenity the following principles will be applied:

1. Privacy shall be designed into higher density housing.
2. Residential development shall have a public face to a street and a private face to an enclosed garden or court.
3. All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council.
4. When it is necessary to accommodate car parking within a private court, the parking must not dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in high density schemes.
5. Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable.
6. Development proposals shall include measures to design out crime and design in safety.
7. External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

T2 – Managing the Transport Impact of Development

Maximum car parking standards are set out in Transport and Accessibility Supplementary Guidance, detailing the standards that development should provide.

NE6 – Flooding and Drainage

Where more than 10 homes or greater than 100 sq m of floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must:

1. Be the most appropriate available in terms of SUDS; and
2. Avoid flooding and pollution during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided.

R2 - Degraded and Contaminated Land

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

environment, that could arise from the proposals. Where there is potential for pollution of the water environment the City Council will liaise with SEPA.

R6 – Waste Management Requirements for New Development

Housing Development should have sufficient space for the storage of residual, recyclable and compostable wastes.

R7 – Low and Zero Carbon Buildings

All new buildings, in meeting building regulations requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

Supplementary Guidance

Sub-division and Redevelopment of Residential Curtilages

- Contains standards and guidance to take into account when considering impact on residential amenity (privacy, overshadowing, loss of light, etc.).

Transport and Accessibility

- Contains parking standards for all development.

Affordable Housing

- Identifies that where social rented housing is the preferred means of delivering affordable housing provision, that the units remain as such in perpetuity and appropriate provision should be inserted into a legal agreement.

Proposed Aberdeen Local Development Plan

Related policies within adopted ALDP in brackets after policies, all of which have similar principles.

D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking*)

I1 – Infrastructure Delivery and Planning Obligations (*I1 - Infrastructure Delivery and Developer Contributions*)

T2 – Managing the Transport Impact of Development (*T2 – Managing the Transport Impact of Development*)

H1 – Residential Areas (*H1 – Residential Areas*)

H5 – Affordable Housing (*H5 – Affordable Housing*)

NE6 – Flooding and Drainage (*NE6 – Flooding and Drainage*)

R2 – Degraded and Contaminated Land (*R2 – Degraded and Contaminated Land*)

R6 – Waste Management Requirements for New Development (*R6 – Waste Management Requirements for New Development*)

R7 – Low and Zero Carbon Buildings, and Water Efficiency (*R7 – Low and Zero Carbon Buildings*)

Other Relevant Material Considerations

None.

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 Housing

The site is located in an area zoned as residential in the ALDP. Associated policy H1 creates a presumption in favour of residential uses. Point 9 of the representations raised concerns about the impact on the amenity of neighbouring houses as a result of the redevelopment of the site for residential use in terms of noise and general activity. The change of use of the site from a warehouse/storage use to residential is considered acceptable in principle, being compatible with the residential uses to the south and west of the site. The north of the site is bounded by an area zoned as Mixed Use, though the uses to the north of the site (Bowling Club, Hotel and Shops) are considered to be suitable neighbouring uses for residential properties.

Design and Siting

Policy D1 of the ALDP states that all new development should be designed with due consideration for its context. In this case, the proposed flats would be developed in two blocks. Both blocks would be of a similar architectural style – flat roofed and of a modern style when compared to the surrounding area which contains a variety of styles and scales. Block A would be two storey, in keeping with the height of the block of three flats to the south and the houses to the west on Summerhill Road. It would also follow the established building line to the south of the site. Block B would be larger at three storeys in height, particularly when compared with the bungalows to the south in Endrick Place, though would be of a comparable massing when compared to the non-residential buildings to the north and east of the site.

Relating to the pattern of development, the eastern side of Summerhill Road is characterised by cul-de-sacs, with 6 to the south of the application site. It is considered this proposed development would result in a continuation of this development/street pattern.

Taking account of the nature of the surrounds and the fact that sufficient separation has been provided between the proposed flats and the bungalows to

the south, the scale and siting of the two blocks of flats are considered to be acceptable in this instance.

The design of the blocks are modern and simple, with the use of contrasting materials (dark brick and light render) breaking up the visual massing of the blocks of flats. The surrounds of the site contain no specific architectural theme or character, there being a variety of different house styles and types, as well as non residential buildings. One representation made reference to the fact the development would be out of keeping with the area (point 10). Whilst different from buildings in the surrounding area, the flats would not have an adverse impact on the character. Rather, when compared with the existing warehouse building on the site, the blocks would result in an improvement in the appearance of the locality.

Taking account of the above considerations in respect of the siting, scale and design of the proposed flats, the proposals are considered to accord with the requirements of policy D1, whereby they are of an acceptable scale and sited appropriately for their context, while being designed at a level appropriate to the character of the surrounding area.

Amenity Provision

Policy D2 of the ALDP contains a number of criteria against which new residential development should be assessed against relating to Design and Amenity. The proposed development in this instance would have a public face to the road (relating to Block A),

Block B on the other hand does not provide a public frontage per se, being located at the end of a cul-de-sac, however taking account of the existing pattern of development on the east side of Summerhill Road, the arrangement of buildings and the orientation of the development would reflect and reinforce that pattern and thus is considered to be acceptable in this instance.

Private amenity ground has been provided to the rear of the flats (south western corner), though this in itself would be insufficient useable space for 26 flats. There would be a loss of trees within the development site, though this would be necessary in delivery of the amenity space. One representation raised concerns about the potential loss of mature trees to the south east of the (point 8). The trees themselves are of little or no value to the amenity of the surrounding area, being an unsuitable species and too large, alongside their location to the rear of the buildings.

Balconies have been provided to some but not all flats in light of the lack of space provision. A condition is recommended to ensure the balconies are provided as part of the development. Taking account of the type of housing development (affordable) and compared with other flatted developments in the nearby area, whilst not fully compliant with the requirements of D2, the proposals are considered to be only just acceptable in this instance.

Impact on Surrounding Area

Consideration must be given to the impact of the proposed development on the surrounding land uses, particularly the neighbouring residential uses. Whilst targeted mainly at feu splits, the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance can be applied in instances where brownfield sites are to be developed into residential uses. In this case, the points in respect of privacy, loss of light and overbearance are relevant. The latter two would not be experienced by the residential properties to the south taking account of their aspect in relation to the site, whilst sufficient separation between Block A and the houses to the west on Summerhill Road has been provided in relation to their height.

Relating to privacy, representations (point 5) raised concerns that the development would result in a loss of privacy as Block A would look directly into properties to the south. Taking account of Block A's height and location, the distance between the block and the gardens to the rear of the small block of three flats to the south would be sufficient to ensure there would be no significant loss of privacy to these properties. Relating to Block B, sufficient screening is provided to the south east of the site, particularly from the trees within the feu of 3 Endrick Place that would provide screening between numbers 2 and 3 Endrick Place. The provision of amenity ground along with the separation between number 4 Endrick Place and Block B would not give rise to a significant loss of privacy.

In light of the points above, it is considered sufficient screening is in place between the development and the gardens of the properties to the south.

Notwithstanding this, the provision of a balcony on the west elevation of block B at the third floor may give rise to a loss in privacy of the garden to the rear of the block of three flats to the south of the site. As such a condition recommending the deletion of this from the scheme is recommended.

Parking/Access

In assessing parking provision, policy T2 requires all development to be served by parking in line with the Council's parking standard and refers to the Council's Supplementary Guidance on Transport and Accessibility (SGTA) for parking standards for development. In this instance, the development is classed as affordable rented social accommodation, with the relevant standard being 0.8 parking spaces per unit. The proposed development satisfies this standard, providing 21 parking spaces. Whilst a number of objectors raised concerns about the lack of parking provision on site (point 1 of the Representations), as the proposal complies with the relevant parking standard the development cannot be refused on the basis of a lack of parking.

In addition, motorcycle parking and bicycle parking have been provided in line with the Council's required standards.

It is noted concerns were raised on potential impacts on road safety for disabled road users, as there are war veterans houses on the opposite side of the Summerhill Road (point 2 of the Representations). In their consultation response, Roads Projects noted that many of these houses already have driveways, however requests for Disabled Parking spaces can be requested by Blue Badge holders to the Council's Road Safety and Traffic Management section.

The Council's Roads Development Management team support the application in light of the above parking requirements. In addition, the applicant has also demonstrated the provision of a swept path analysis for refuse vehicles using the site to the satisfaction of Roads Development Management. A condition requiring the visibility splay, as shown in a plan provided with the application, to be provided and maintained is also recommended for inclusion.

Point 3 of the Representations raised concerns about the increase in traffic associated with the development and point 4 raising concerns regarding the impact of the development on road safety. Appropriate access has been provided (per the points above) with Roads Development Management raising no objections to the proposals. As such, the proposals are considered to provide safe and suitable access to all road users, with the surrounding network having capacity to accommodate any additional traffic.

Taking account of the above considerations, the proposals are considered to satisfy the requirements of policy T2 as well as the SGTA.

Drainage

Surface water drainage for the site has been provided via a SuDS soakaway, whilst foul drainage would connect to the public sewers. In principle, both methods of drainage are acceptable. The Drainage Impact Assessment (DIA) provided with the application identifies the SuDS measures put in place including porous paving within the car parking spaces. The Council's Roads Development Management team were satisfied with the proposals in terms of drainage and the findings of the DIA submitted alongside the application. It is noted that the Council's Flooding Unit raised no objections to the development. Taking account of the above considerations, the proposals are considered to accord with the requirements of policy NE6 – subject to conditions as recommended.

Contamination/Pollution

Policy R2 requires contaminated land to be restored, reclaimed or remediated to a level suitable for its proposed use. The Council's Contaminated Land team have identified potential contamination issues on the site given historic uses on the site. As such a condition requiring a contaminated land survey to be undertaken is recommended for inclusion. Should any contamination sources be found, a remediation strategy be submitted. The condition also requires any necessary mitigation works proposed as part of the remediation strategy to be carried out.

The surface water sewer in the area discharges to the Den Burn. During the construction phase of projects, there is an increased risk in pollution to the local environment, including an increased risk in sediment run off, contaminant discharge and spillages. SEPA have recommended that a condition be placed requiring a Construction Management Plan to be submitted and approved in consultation with them prior to development commencing.

Waste

In serving the development, bin storage areas have been provided, one for each block. The Council's Waste Services have recommended the required details for the bins to serve the development. No specific details of the bin storage scheme have been provided with the application, though areas have been identified for storage. A condition is recommended requiring a waste storage scheme to be submitted for further consideration.

It is noted that the waste services have commented that it would not be ideal for residents to cross roads to access bins. In this instance the access to the car park is a shared surface and taking account the lack of capacity surrounding the flats to accommodate this, coupled with the low volume of traffic associated with the development and shared surface provision, the bin locations are considered acceptable in this instance, noting that they are within recommended distances for residents to access.

An objection received (point 6) raised concerns about the smell from the bins. The indicative locations of the bins are also such that they would not have an adverse impact on the neighbouring properties, being located away from the houses/flats themselves. Whilst no details were provided with the application, a condition is to be placed to ensure a suitable enclosure is provided.

Affordable Housing

The scheme applied for is identified for affordable housing. The supporting statement provided with the application identifies the applicant's intent for the development to serve as the affordable housing contribution for housing developments at Pinewood/Hazeldene. Whilst it is acknowledged this is the wish for the developer, the consideration over whether this is an acceptable means for the affordable housing provision for those developments does not form part of the consideration of this application, rather it is for consideration under their respective consents and associated legal agreements.

As for this application, the need to retain affordable housing for such purposes is recognised, per guidance contained with the Council's Affordable Housing Supplementary Guidance. Therefore it is recommended that the developer enters into a legal agreement with the planning authority to restrict the development to affordable housing.

One objection (point 11) made reference to the planning permission being "pushed through" because of the developer putting pressure on the fact it is

affordable housing. This is not a material consideration - all applications for housing, be they affordable or open market, require to go through the same planning processes and scrutiny.

Developer Obligations

The Developer Obligations assessment for the development has identified the need for contributions towards education and core paths, in addition to contributions towards the Strategic Transport Fund by Roads Projects.

In respect of education, pupils from the development would fall within the catchments for Fernielea Primary and Hazelhead Academy, both of which are over capacity taking into consideration school roll forecasts, accordingly contributions towards primary and secondary education are sought in this instance.

The Council's Education section has also noted that the development would result in an additional 3 pupils from 2017 to 2021 at Fernielea catchment area, and this along with other developments in the area would result in the need for an additional classroom at the school.

Cumulative impacts of development on the core path network are also taken into account and it is expected developers contribute to this. Contributions are sought in this instance for the widening and resurfacing of core path 27 (Den of Maidenraig to Anderson Drive). Contributions towards the Strategic Transport Fund have also been identified.

In securing the above contributions, it is recommended that the contributions are to be delivered under a legal agreement with the planning authority.

Low Carbon Buildings

Policy R7 requires all new development to install low and zero-carbon generating equipment to reduce the predicted carbon dioxide emissions of the development by at least 15% by 2007 building standards. As a material consideration, building standards have changed since 2007 and exceed the requirements of those specified in R7. It is therefore considered that the application for a building warrant will cover energy efficiency issues at a level higher than the requirements of this policy, under legislation separate to the planning process.

Landscaping/Lighting

No details of lighting have been provided with the application and as such a condition is recommended requiring this information to be submitted for further consideration.

Landscaping information was provided with the application detailing the shrubs and climbers to be planted. It is considered that the provision of smaller shrubs on the site rather than large trees is suitable in this instance, given the limited

space on the site and the mature trees to the south east of the site. A condition is recommended requiring the landscaping to be provided.

Point 7 of the objections is noted in respect of the potential impact of the landscaping and its impact on the structural stability of the wall. The boundary walls surrounding the site appear to be in a relatively good condition, capable of accommodating any planting. An application for a building warrant will cover issues relating to structural stability of boundaries as a result of the works proposed.

Legal Agreement

The application has come forward as a development for affordable housing, a legal agreement ensuring the development remains affordable housing is necessary in this instance. The development has attracted lower parking standards in light of this. Should the development not be restricted to affordable housing, then there would be a requirement for a higher parking standard which the development would fail to meet in its current form.

In addition, the legal agreement would also ensure developer obligations towards primary and secondary education, the core path network and strategic transport fund are paid as part of the development.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the relevant policies and designations are similar to those of the adopted ALDP. Therefore the above evaluation is considered sufficient in respect of the requirements of the proposed ALDP.

Conclusion

Taking account of the above considerations, it is considered the proposals are an acceptable form of residential development subject to conditions as recommended and the withholding of consent until a legal agreement securing developer obligations and affordable housing is secured.

RECOMMENDATION

Willingness to approve conditionally. Consent to be withheld until a legal agreement is secured to ensure the development is restricted to solely affordable housing and developer obligations towards Primary and Secondary Education, the Core Path Network and the Strategic Transport Fund.

REASONS FOR RECOMMENDATION

The redevelopment of the site for residential use complies with the requirements of policy H1 – Residential Areas of the Aberdeen Local Development Plan 2012 (ALDP), whereby the development of residential flats would not conflict with the amenity of the surrounding area. The flats are designed and sited with due consideration for their context, in line with the requirements of policy D1 – Architecture and Placemaking. Whilst a degree of amenity space has been provided, the provision of amenity space is lesser than the expected under policy D2. In addition Block B fails to provide a public frontage, however taking account of the settlement pattern and the housing type, the layout is considered acceptable in this instance.

The development would not have a significant impact on the amenity and privacy of neighbours, per the guidance contained within the Council's Supplementary Guidance on The Sub-division and Redevelopment of Residential Curtilages.

Relating to parking, sufficient parking has been provided in line with the standards contained within the Council's Transport and Accessibility Supplementary Guidance and subsequently complies with the requirements of policy T2 – Managing the Transport Impact of Development.

SuDS drainage and a connection have been provided for the development in line with the requirements of policy NE6 – Flooding and Drainage.

Consideration has also been given to potential contamination on the site and an appropriate condition requiring a contaminated land survey to be undertaken with any recommended remedial measures is recommended for inclusion, in line with the requirements of policy R2 – Degraded and Contaminated land.

Relating to the provisions of the proposed Aberdeen Local Development Plan, the requirements of the relevant policies are similar to those of the adopted ALDP, and such the proposals are considered to comply with the policies of the proposed Aberdeen Local Development Plan insofar as they are relevant.

CONDITIONS

1. That none of the flats with balconies proposed, as identified on drawing no APL_10 Rev A, shall be occupied unless the balconies have been

provided for use – in order to ensure the balconies are delivered as part of the scheme, their provision considered necessary to provide useable amenity space for residents of the development in accordance with policy D2.

2. Notwithstanding the details shown on drawing no. APL_10 rev A or any drawing superseding this and agreed with the planning authority, the balcony on the western elevation of Block B at third floor level shall be omitted from the scheme – in order to avoid any detriment to the privacy of neighbouring properties.
3. No development other than works of demolition and site clearance shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites – Code Of Practice" and other best practice guidance and shall include:

- a) an investigation to determine the nature and extent of contamination
- b) a site-specific risk assessment
- c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed
- d) verification protocols to demonstrate compliance with the remediation plan

The dwelling shall not be occupied unless

- any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and
- a report specifically relating to the dwelling has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the dwelling has been carried out, unless the planning authority has given written consent for a variation.

The flats shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation - to ensure that the site is suitable for use and fit for human occupation

4. That all planting, seeding and turfing comprised in the approved scheme of landscaping (drawing no APL_30 Rev A) 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.
5. That no development shall take place unless a scheme for external lighting has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of public safety.
6. That no development shall take place unless samples of all external finishing materials to the roof and walls 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.
7. That the visibility splay as shown in drawing no 900 Rev 4 hereby approved shall be provided and maintained free of any obstruction above 1 metre in height (measured from the level of the public carriageway) from the first occupation of the development and shall be maintained in perpetuity – in the interests of road safety, to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on Summerhill Road.
8. That no development shall commence until details of the SuDS sub-base have been provided and approved by the Planning Authority (in consultation with SEPA), that demonstrate a minimum depth of 500 mm of the sub-base from the porous block paving – in order to ensure an acceptable level of SuDS treatment.

INFORMATIVES

During construction work the applicant and/or the developer should remain vigilant for signs of bats, if they come across any bats or any signs of bats, all work in that area must cease immediately and Scottish Natural Heritage must be contacted for further advice.

It should be noted that as bats are a European Protected Species, as listed in the Conservation (Natural Habitats &c.) Regulations 1994 it is illegal to:

- Deliberately kill, injure, disturb or capture/take European Protected Species of animal
- Damage or destroy the breeding sites or resting places of such animals.

Dr Margaret Bochel

Head of Planning and Sustainable Development.