

## Pre-determination Hearing

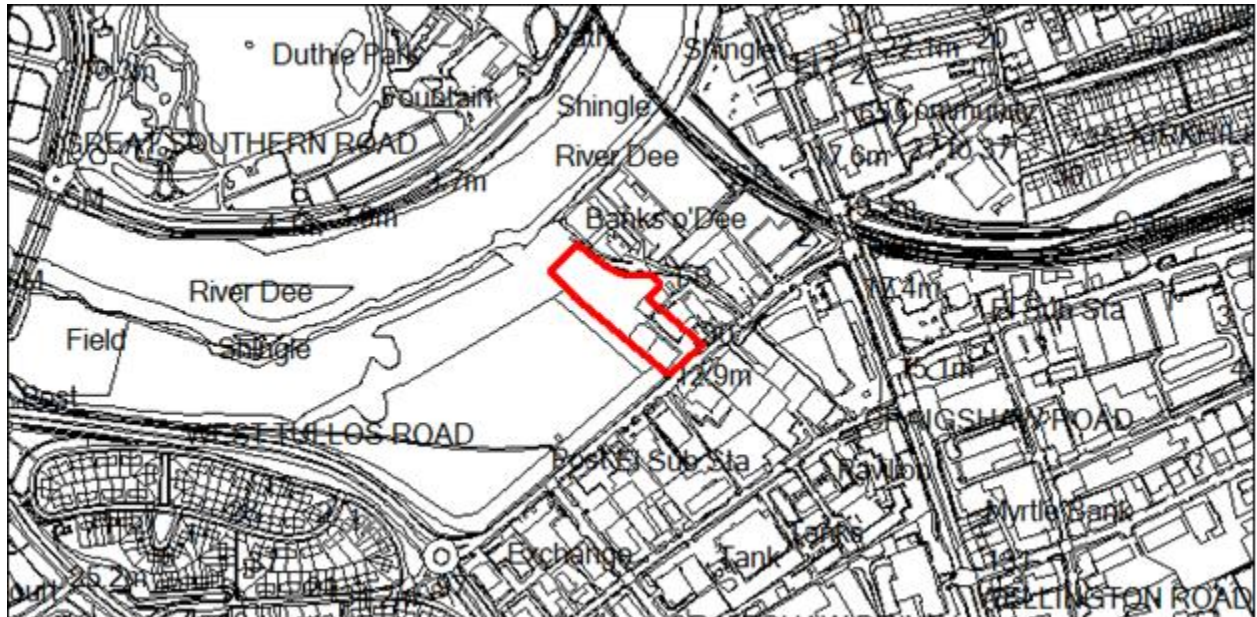
34-40 ABBOTSWELL ROAD, ABERDEEN

DEMOLITION OF EXISTING BUSINESS AND INDUSTRIAL BUILDINGS AND THE ERECTION OF A 100 UNIT FLATTED RESIDENTIAL DEVELOPMENT INCLUSIVE OF 24 AFFORDABLE UNITS, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING.

For: Stewart Milne Homes & John Lawrie Group

Application Type : Detailed Planning Permission  
Application Ref. : P150343  
Application Date: 09/03/2015  
Officer: Paul Williamson  
Ward : Kincorth/Nigg/Cove (N Cooney/C Mccaig/A Finlayson)

Advert : Dev. Plan Departure  
Advertised on: 01/04/2015  
Hearing Date: 2 June 2015  
Community Council : No response



**This report provides information for the Pre-determination Hearing required to be held for major applications deemed to be a significant departure from the development plan.**

The purpose of the hearing is for elected members to hear the views of the applicant, and if requested those who have made representations on the application, prior to the application being determined at a future meeting of the Full Council. There is, therefore, no evaluation of the proposal and no recommendation.

This report will be augmented by presentations made at the hearing.

## **DESCRIPTION**

The site of approximately 1.05 hectares comprises land within the West Tullos Industrial Estate, located on the north side of Abbotswells Road and to the east of the open space alongside West Tullos Road, and the River Dee. The land, which includes 4 vacant buildings and associated yard space, has most recently been in industrial use. Neighbouring uses also include the 2 storey Banks of Dee Nursing Home, and the Banks of Dee Sports Centre. Also in close proximity are a small number of residential properties (generally of two storeys), and a modern office block 'Collingwood House' which is also of two storeys.

The site is also characterised by the presence of a substantial bank of trees along the western and northern boundaries of the site. Along the eastern boundary is an unnamed tributary (burn) which flows into the River Dee to the north. The burn contains a number of trees and bushes along its embankments, which act as a visual buffer to the Nursing Home beyond.

In respect of the boundaries of the site, there is a 2.2 metre high palisade fence to the western and northern boundaries. On the western side, the fencing is also on top of a stone rubble retaining wall. To the east is a 1.8 metre high vertically boarded timber fence. At the southern end of the site, the boundary is made up from existing buildings, and a large metal security gate.

## **RELEVANT HISTORY**

- Planning permission (71/12/49) for the construction of a warehouse was granted in 1971.
- An application (CP81/12/168) for change of use to bulk chemical storage was approved on 17 December 1981.
- Planning permission (85/1539) for the erection of an office complex was granted on 11 September 1985.
- Planning permission (89/315) for the formation within a warehouse was granted on 20 April 1989.

- Planning permission (A1/2069) for the erection of a temporary inspection unit was granted on 21 January 2002.
- Planning permission (A5/1934) for the change of use of warehouse building from general storage to a machine welding shop was withdrawn in September 2006.
- Planning permission (A6/2254) for the retention of an existing workshop building was granted on 17 January 2007.
- A Proposal of Application Notice (141601) for the demolition of existing buildings and erection of a flatted development with associated access, car parking, and landscaping works was submitted on 22 October 2014. The proposals were subsequently considered at the pre-application forum meeting on 15 January 2015.

## **PROPOSAL**

The applicant shall speak at the Pre-Determination Hearing to describe the proposals.

This application for detailed planning permission is for the demolition of existing buildings and erection of a flatted residential development with associated access, car parking and landscaping works.

The proposals would see the demolition of all the existing buildings on site. The seven existing sycamore trees (of between 5 and 8 metres in height) on site alongside the access road, would also be felled to accommodate the development.

The form of development would see the erection of four separate flatted blocks on site. Each shall be described in turn:

Block A (Feature Block) – Is indicated towards the north west corner of this elongated site, and the closest to the River Dee. It would contain a total of 28 open market units, spread over a total of six storeys of accommodation.

Block B (Linear Block) – Would be located in a relatively central position on site adjacent to the internal access road through the site. It would contain a total of 32 open market units spread over 4/5 storeys, in a dog-leg shaped form.

Block C (Courtyard Block) – would be located beside the southern boundary of the site, adjacent to the internal access road. It would contain the 24 affordable flats proposed as part of the development in an L-shaped block.

Block D (Frontage Block) – is also indicated as an L-shaped block which fronts towards Abbotswell Road and the internal access road, and would contain 16 open market units over 4 storeys of accommodation.

In respect of materials, it is proposed to utilise smooth render, textured facing blockwork, and timber cladding on the elevations. The roofs would principally be clad with a standing seam metal material, or a membrane system for flat roofs. The windows are merely referred to as having grey coloured frames, while balconies would include projecting steel balustrades, and glass.

A total of 142 car parking spaces are shown for the entire development. They would in essence be spread between 4 specific areas of parking:

- 20 spaces in the courtyard to the rear of Blocks C/D;
- 28 spaces to the north of Block C, on the opposite side of the internal access road;
- 20 spaces accessed off the internal access road between Block C and Block A; and
- 74 spaces to the north of Blocks A/B.

The internal access road would be formed using a mixture of bitmac, and sett paving (cassies) for the traffic calming features. The parking areas themselves would be formed with porous block paviers.

In respect of open space within the site, the submitted plans show factored public open space principally being located around the site frontage opposite Block D, and around the frontage of Block B. Other amenity space is indicated around Blocks A, C and D. The submitted plans also indicated the provision of a scheme of landscaping including trees and shrubs throughout the site, including within the car parking areas. In total 0.27ha of open space is proposed.

## **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=150343>

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

The supporting documents include:

- 3D Visualisations;
- Pre-Application Consultation Report (Ryden – February 2015)
- Justification for Loss of Employment Land Report (Ryden – February 2015)
- Planning Supporting Statement (Ryden – February 2015)
- Design Statement (MRT Architects February 2015)
- Drainage Assessment (Fairhurst, Issue 3 – March 2015)
- Flood Risk Assessment (Fairhurst – February 2015)

- Geo-Environmental Desk Study (Fairhurst – February 2015)
- Geo-Environmental Interpretative Report (Fairhurst – March 2015)
- Outline Environmental Management Plan (Fairhurst – March 2015)
- Tree Survey and Arboricultural Impact Assessment (Envirocentre – Amended April 2015)
- Phase 1 Habitat and Protected Species Survey (Envirocentre – January 2015)
- Transportation Assessment (Fairhurst – January 2015)

## **PRE-APPLICATION CONSULTATION**

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

- The developer initially contacted both Torry Community Council, and Kincorth and Leggart Community Council (in light of its proximity to the boundary of the site), in order to present an overview of the development proposals.
- Kincorth and Leggart Community Council accepted the request for the applicant/agent to attend a meeting, and this took place on Monday 8 December, at Our Lady of Aberdeen Church Hall, Kincorth. A short presentation was made, and an exhibition board prepared.
- Following the advertisement of an event in the press on Monday 1 December 2014, a public event was held on Tuesday 9 December 2014 between 2 and 8 pm at the Banks of Dee Sports Centre. It took the form of an exhibition and 'drop-in' session. Five A1 mounted boards were used to display information relating to the proposed development. Information displayed related to: the history of the site; the Local Development Plan; Site Layout Plan and 3D Visualisation; and, the planning process. Feedback forms were provided. The event was attended by 4 people. This included two members of Torry Community Council; Councillor Alan Donnelly, and the President of Banks of Dee Football Club. A total of three feedback forms were returned.
- A subsequent presentation was made to Torry Community Council at their meeting on Thursday 15 January 2015 at Torry Academy. This was of a similar format to that provided to Kincorth and Leggart Community Council.
- The developer also wrote to local ward members inviting them to the public event.

## CONSULTATIONS

**Roads Development Management** – No objection. Conditions would be required in respect of the car parking layout; 2 electric car parking spaces; cycle/motorcycle parking; minor carriageway/footway improvements to Abbotswell Road; a new cantilever bus shelter to Wellington Road; and, a residential travel plan framework. Contributions towards the Strategic Transport Fund and the contribution towards a city car club vehicle would be controlled through the use of a s75 planning obligation.

**Environmental Health** – No comments received.

**Environmental Health (Contaminated Land)** – No objection, although further information is required. Another round of groundwater analysis is necessary, which may require further monitoring in due course. A supplementary site investigation and investigation for PCB's shall be required following the demolition of buildings on site. A pre-demolition asbestos survey shall be necessary. Once the supplementary site investigation and updated risk assessment have been undertaken, the Service shall be in a position to fully consider the Outline Environmental Management Plan.

**Waste Services** – No objection. No envisaged issues for vehicle manoeuvring. The bin store locations are improved, and the dimensions of them meet the required criteria.

**Developer Contributions Team** – Outlined that contributions would be required towards: Affordable Housing; Community Halls; Sports and Recreation; and Core Paths. Any contribution towards the Strategic Transport Fund (STF) shall be advised directly by Roads Development Management Officers.

**Communities, Housing and Infrastructure (Flooding)** - No comments received.

**Scottish Environment Protection Agency** – Object to the application on the lack of information on flood risk and that it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69, and also lack of information on the buffer strip adjacent to the watercourse. Additional information has been requested, and is being prepared, although has yet to be submitted. If this objection is ultimately lifted, then SEPA advise that a condition requiring the implementation of the Environmental Management Plan is attached.

**Scottish Natural Heritage** – No comments.

**Torry Community Council** – No response received.

## REPRESENTATIONS

One letter of objection has been received. The objections raised relate to the following matters:-

- 1) The additional impacts on an already congestion local road network;
- 2) The existing signalised junction from Abbotswell Road onto Wellington Road does not allow many vehicles through in each phase, and this would only get worse; and,
- 3) This area has been a green belt over Inverdee Park and onto Duthie Park. Any development would therefore blocks views

## **PLANNING POLICY**

### **National Policy and Guidance**

#### Scottish Planning Policy (SPP)

Scottish Planning Policy reiterates the Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. One further core value is to be plan-led, with plans being up-to-date and relevant.

SPP introduces a presumption in favour of development that contributes to sustainable development. Decisions should be guided by various principles including:

- Giving due weight to economic benefit;
- Supporting good design and the six qualities of successful places;
- Making efficient use of existing capabilities of land, buildings and infrastructure;
- Supporting delivery of accessible housing, business, retailing and leisure development; and,
- Avoiding over-development.

The presumption in favour of sustainable development does not however change the statutory status of the development plan as the starting point for decision making. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

### **Aberdeen City and Shire Strategic Development Plan**

The overall vision of the strategic development plan (which was approved by Scottish Ministers in March 2014) is that:

“Aberdeen City and Shire will be an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business.

We will be recognised for:

- Our enterprise and inventiveness, particularly in the knowledge economy and in high-value markets;
- The unique qualities of our environment; and
- Our high quality of life”.

The aims include:

- Making sure the area has enough people, homes and jobs to support the level of services and facilities needed to maintain and improve the quality of life; and

- Help create sustainable mixed communities, and the associated infrastructure, which meet the highest standards of urban and rural design and cater for the needs of the whole population.

The strategy focuses development on places where there are clear opportunities to encourage people to use public transport.

The Strategic Development Plan includes objectives relating to:

- Economic growth;
- Sustainable development and climate change;
- Population growth;
- Quality of the Environment;
- Sustainable Mixed Communities; and,
- Accessibility.

### **Aberdeen Local Development Plan**

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, as so far as material to the application, unless material considerations indicate otherwise.

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 types of developments proposed.

Policy T2 – Managing the Transport Impact of Development: New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Policy D1 – Architecture and Placemaking: To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy 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 space to an enclosed garden or court;
3. All residents shall have access to sitting out areas;
4. Where 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;
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;



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.

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.

Policy D4 – Aberdeen’s Granite Heritage: The City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area. Conversion and adaptation of redundant granite buildings will be favoured. Where a large or locally significant granite building that is not listed is demolished, the City Council will expect the original granite to be used on the principle elevations of the replacement building.

Policy D6 – Landscape: Development will not be acceptable unless it avoids:

1. significantly adversely affecting landscape character;
2. obstructing important views of the City’s townscape;
3. disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;

Policy BI1 – Business and Industrial Land: Aberdeen City Council will support the development of the business and industrial land allocations set out in this Plan. In addition to the provision of new sites, it is important to safeguard from other development pressures the supply of existing industrial and business land throughout the city.

Policy H3 – Density: The City Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential developments over 1 hectare must:

1. meet a minimum density of 30 dwellings per hectare (net);
2. have consideration of the sites characteristics and those of the surrounding area;
3. create an attractive residential environment and safeguard living conditions in the development; and
4. consider providing higher densities in the City Centre, around local centres, and public transport nodes.

Policy H4 – Housing Mix: Housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan, reflecting the accommodation requirements of specific groups, in particular families and older people.

Policy 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.

Policy NE1 – Green Space Network: The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

Policy NE3 – Urban Green Space: Permission will not be granted to use or redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space for any other use other than recreation or sport.

Policy NE4 – Open Space Provision in New Development: The City Council will require the provision of at least 2.8 hectares per 1000 people of meaningful and useful public open space in new residential development.

Policy NE5 – Trees and Woodlands: There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity.

Policy NE6 – Flooding and Drainage: Development will not be permitted if:

1. it would increase the risk of flooding;
2. it would be at risk itself from flooding;
3. adequate provision is not made for access to waterbodies for maintenance; or
4. it would result in the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Applicants will be required to provide an assessment of flood risk where a development is likely to result in a material increase in the number of buildings at risk of flooding.

Policy NE8 – Natural Heritage: Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy.

Policy NE9 – Access and Informal Recreation: New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way.

Policy 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.

Policy R6 – Waste Management Requirements for New Development: Housing developments should have sufficient space for the storage of residual, recyclable and compostable wastes. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials.

Policy R7 – Low and Zero Carbon Buildings: All new buildings, in meeting buildings regulations energy requirements, must install low and zero carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 standards.

## **Proposed Aberdeen Local Development Plan**

Policy D1 – Quality Placemaking by Design: All development must ensure high standards of design and have a strong and distinctive sense of place which is as a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities: distinctive; welcoming; safe and pleasant; easy to move around; adaptable; and, resource efficient.

Policy D2 – Landscape: Developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity.

Policy D3 – Big Buildings: The most appropriate location for big buildings is within the city centre and its immediate periphery. Big buildings must be of a high quality design which complements or improves the existing site context.

Policy D5 – Our Granite Heritage: Throughout Aberdeen the Council seeks the retention and appropriate re-use, conversion and adaptation of all granite features, structures and buildings. Where the retention and re-use of a granite feature, building or structure, in whole or part, is unviable then the visible re-use of all of the original granite as a building material within the development site is required.

Policy I1 – Infrastructure Delivery and Planning Obligations: Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and types of developments proposed.

Policy T2 – Managing the Transport Impact of Development: Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Policy T3 – Sustainable and Active Travel: New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise

walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Street layouts will reflect the principles of Designing Streets and meet the minimum distances to services as set out in the supplementary guidance.

Recognising that there will still be instances in which people will require to travel by car, initiatives such as like car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

Policy B1 – Business and Industrial Land: Aberdeen City Council will in principle support the development of the business and industrial land allocations set out in this Plan. In addition to the provision of new sites, it is important to safeguard the supply of existing industrial and business land throughout the city from other development pressures.

Policy H3 – Density: The City Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential developments over 1 hectare must:

1. meet a minimum density of 30 dwellings per hectare (net);
2. have consideration of the sites characteristics and those of the surrounding area;
3. create an attractive residential environment and safeguard living conditions in the development; and
4. consider providing higher densities in the City Centre, around local centres, and public transport nodes.

Policy H4 – Housing Mix: Housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan, reflecting the accommodation requirements of specific groups, in particular families, older people, and people with particular needs. This mix should include smaller 1 and 2 bedroom units and should be reflected in both the market and affordable housing contributions.

Policy 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.

Policy NE1 – Green Space Network: The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

Policy NE3 – Urban Green Space: Permission will not be granted to use or redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space for any other use other than recreation or sport.

Policy NE4 – Open Space Provision in New Development: The City Council will require the provision of at least 2.8 hectares per 1000 people of meaningful and useful public open space in new residential development.

Policy NE5 – Trees and Woodlands: There is a presumption against all activities and development that will result in the loss of or damage to trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.

Policy NE6 – Flooding, Drainage and Water Quality: Development will not be permitted if:

1. it would increase the risk of flooding;
2. it would be at risk itself from flooding;
3. adequate provision is not made for access to waterbodies for maintenance; or
4. it would require the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Applicants will be required to provide and assessment of flood risk where a development is likely to result in a material increase in the number of buildings at risk of flooding.

Policy NE8 – Natural Heritage: Some of the species found in Aberdeen are protected under international and national law while others are identified as being of local importance. If it is suspected that a Protected Species is present on a development site, then a survey will be recommended as part of a planning application. If evidence of a protected species is found, then the surveyor will be required to identify the possible impacts of the development on it.

Policy NE9 – Access and Informal Recreation: New development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, core paths, other paths and rights of way

Policy 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.

Policy R6 – Waste Management Requirements for New Development: All new developments should have sufficient space for the storage of general waste, recyclable and compostable wastes where appropriate. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials.

Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency: All new buildings, in meeting buildings regulations energy requirements, must install low and zero carbon generating technology (LZCGT) to reduce the predicted carbon

dioxide emissions by at least 20% below that required by the Scottish building regulations at the time of the application.

To reduce the pressure on water extraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques.

Policy CI1 – Digital Infrastructure: All new residential and commercial development will be expected to have access to modern, up-to-date high speed communications infrastructure.

### **Supplementary Guidance**

- Affordable Housing;
- Bats and Development;
- Drainage Impact Assessments;
- Infrastructure and Developer Contributions Manual;
- Landscape Guidelines;
- Low and Zero Carbon Buildings;
- Open Space;
- Transport and Accessibility;
- Trees and Woodlands; and
- Waste Management.

### **THE NEXT STEPS**

Following the hearing the application will be assessed rigorously in terms of planning policy, the details of the proposal and the economic, environmental, amenity and traffic impacts. This will be reflected in a subsequent report which will be prepared for consideration by the Council in due course. The report will also take into account all written comments made by the consultation bodies and members of the public and all matters raised at the hearing.

If the Council supports the application then the application will require to be notified to the Scottish Ministers as the proposed development is a significant departure from the development plan. On the other hand if the Council resolves to refuse permission then the applicants have a right of appeal to the Scottish Ministers.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.