

## Planning Development Management Committee

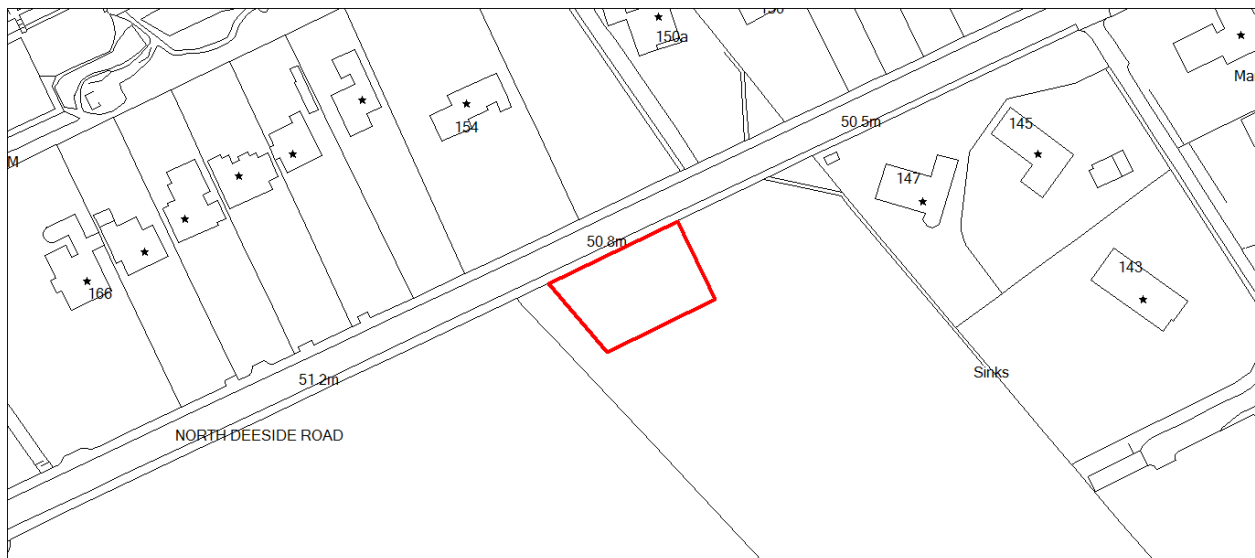
LAND SOUTH OF NORTH DEESIDE ROAD,  
OPPOSITE NO'S 152 & 154, NORTH DEESIDE  
ROAD, MILLTIMBER

ERECTION OF TEMPORARY SALES CABIN  
FOR A PERIOD OF 8 MONTHS

For: CALA Homes (North) Ltd

Application Type : Detailed Planning Permission  
Application Ref. : P151182  
Application Date: 06/08/2015  
Officer: Hannah Readman  
Ward : Lower Deeside (M Boulton/A Malone/M  
Maik)

Advert : Can't notify neighbour(s)  
Advertised on: 19/08/2015  
Committee Date: 17/09/2015  
Community Council : Comments



### RECOMMENDATION:

**Approve subject to conditions**

## **DESCRIPTION**

The application site relates to 0.1 hectares of green belt land, located within an overgrown field on the south side of North Deeside Road. The nearest residential properties are located over 50m to the east and north. The site is immediately bound to the south, east and west by open agricultural green belt land that also forms part of the green space network. Residential properties occupy substantial plots on the northern side of North Deeside Road. Access is via a field gate that crosses a footpath.

## **RELEVANT HISTORY**

P150400 – Detailed planning permission for the erection of a sales cabin for the period of 1 year was refused under delegated powers in April 2015. Reasons for refusal were: that the proposal was contrary to green belt policy NE2, negative impact on the landscape setting, the green space network and it would introduce a road safety hazard.

P150469 – Advertisement consent for a non-illuminated monolith sign and hoarding was refused in May 2015 as it was: not in relation to an authorised use, would not be compatible with the use of an agricultural field and would have an adverse impact on the visual amenity of the landscape.

## **PROPOSAL**

Detailed planning permission is sought for the erection of a sales cabin until March 2016. The cabin would measure 10m in width, 6.75m in depth and 3m in height. It would be characterised by a flat roof, cedar timber cladding painted black and grey framed windows. The principle elevation would face North Deeside Road and contain double doors and two large windows. The east facing elevation would have two fixed, glazed panels and a single glazed door whilst the south and west facing elevations would be mainly timber clad with small single windows. A bellmouth crossing/ access junction/ road and four parking bays are also proposed, as well as an enclosing 1m high wood cleft chestnut fence.

All signage shown on the submitted plans is subject to separate advertisement consent.

## **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=151182>

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

- Planning Statement
- Transport Assessment
- Oldfold Farm – phase 1 site plan and construction timetable

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Development Management Committee because the Community Council have objected to the application. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Development Management** – No objection following a review of the transport assessment;

**Environmental Health** – No observations;

**Flooding** – No observations;

**Community Council** – Object due to the proposal being contrary to Local Development Plan Policies D6, NE1 and NE2 and raise concerns about the proposal setting a precedent. If approved, conditions should be attached regarding the restoration of the land.

## **REPRESENTATIONS**

None.

## **PLANNING POLICY**

### **Aberdeen Local Development Plan**

#### Policy D6 (Landscape)

Development will not be acceptable unless it avoids:

1. Significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place';
2. Disturbance, loss or damage to important recreation, wildlife or woodland resources;
3. Sprawling onto important or necessary green spaces or buffers between places or communities with individual identities.

#### 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 of the network will not be permitted.

#### Policy NE2 (Green Belt)

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal. The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:
  - a) The development is within the boundary of the existing activity;
  - b) The development is small scale;
  - c) The intensity of the activity is not significantly increased;
  - d) Any proposed built construction is ancillary to what exists.

2. Essential infrastructure, such as electronic communications infrastructure and electricity grid connections, transport proposals identified in the LDP, as well as roads planned through the masterplanning of new housing and employment allocations, which cannot be accommodated other than in the greenbelt.

### **Proposed Aberdeen Local Development Plan**

The following policies substantially reiterate the policies in the adopted Local Development Plan:

Policy D2 – Landscape (Policy D6 in the ALDP)

Policy NE1 – Green Space Network (Policy NE1 in the ALDP)

Policy NE2 – Green Belt (Policy NE2 in the ADLP)

### **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.

This application relates to the desire to have a sales cabin in association with a residential development that obtained detailed planning permission in August 2015 via a matters specified in conditions application (planning ref 150260) of the planning permission in principle application (ref 130378). This PPIP was for a development of approximately 550 house units, commercial space, a primary school and infrastructure improvements. This associated development is located some 360m east of the application site, and on the north side of North Deeside Road. The applicant advises that locating a sales cabin on the site of the proposed residential development is not be possible at this time, due to essential infrastructure works and the phasing of the development not permitting a suitable location. Therefore, the proposed green belt location has been selected to host a sales cabin until March 2016, at which point it is anticipated that the 'permanent' sales suite and show home on site would be completed.

A previous application for a sales cabin of a similar size at the application site was refused in April 2016 as the proposal was not considered to meet the exception criteria allowing development in the green belt (policy NE2), and would have an adverse impact upon the high standard of visual amenity, landscape character and the value of the green space network (policies D6 and NE1). However, since this refusal, the applicant has reduced the scale of the overall scheme whereby approximately 25% less of the site is developed, a change to the boundary treatment from hoarding to wood cleft fence (ensuring more open views to the south would remain) and production of significant additional information to demonstrate the 'exceptional circumstances' the applicant believe warrant a departure from the Local Development Plan.

In this context it is understood that the sales cabin is required at this early point in the development stage, to allow for the best possible opportunity, during a market downturn, for the forthcoming development of phase 1 (comprising 60 homes) to

be successful and to initiate an interest and sales that will allow the development to move forward prior to the completion of the show homes (plots 1 and 2 of drawing A1-01-01 REV Q) and onsite sales centre (plot 5). These facilities are advised to be on track for completion in February 2016. The temporary sales cabin cannot be located on the 'Oldfold' development site before this time due to site utility works that have to tie in with the Aberdeen Western Peripheral Route (AWPR) road closures. Furthermore, the narrow entrance to the site requires a new junction to be created onto North Deeside Road and the works associated with this cover the majority of the site frontage, which results in no publically accessible safe area on which to locate and service/ access such a cabin. These initial construction works (distributor roads and foundations) and associated machinery and storage units would leave no accessible and safe area for the cabin to be located until after February 2016.

The proposed green belt site has been selected as the nearest available alternative location in the short term. Submitted information suggests that, based on the CALA development at Friarsfield in Cults, the visitor numbers would be 8 per week with peak days being at the weekend. Roads Development Management Officers have reviewed the submitted Transport Assessment and note that the A93 is a busy district distributor road and creating a new access onto it would usually be a cause for concern. However, given that the site is only required until March 2016 and evidence demonstrates that the number of trips associated with it will be minimal, they have no objection. There are also suitable footways and a controlled crossing point between this site and the Oldfold development site ensuring that if required, customers and staff would be able to walk between the two sites safely.

Overall, despite the application being contrary to policies: D6, NE1 and NE2, the Council is satisfied that this application poses the only sensible and justified option for a sales cabin for the Oldfold Development at this time, warranting a justifiable departure from the development plan. Conditions have been attached to limit the permitted length of time that the cabin be located on the green belt site and to ensure that the ground is fully restored to its original state of farmland immediately thereafter.

The Cults, Bielside and Milltimber Community Council have objected to this application, on the basis that they consider it contrary to Local Plan Policies D6, NE1 and NE2. This position is not disputed, as has been discussed above. However, they were also concerned that this application would raise a possible precedent for the use of green belt land in this area for development and that supporting even a temporary permission would diminish arguments preserving greenbelt in future development bids. Whilst this concern is understood, it is reiterated that every site is assessed on a case by case basis and on the specific information provided in order to come to an informed outcome. Given the need to consider each application on its merits and the fact that identical proposals do not generally happen, then a precedent would not be set as a result of this application being approved – as generally there is not such thing in a development management context. A final comment expressed that a clear condition regarding the restoration of the land to its current condition should be

included should this application be recommended for approval – this has been included.

#### 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, policies D2, NE1 and NE2 substantively reiterate the content of existing policies and therefore raise no additional material planning considerations.

### **RECOMMENDATION**

#### **Approve subject to conditions**

### **REASONS FOR RECOMMENDATION**

The proposed temporary sales cabin and associated ground works are contrary to policies D6: Landscape, NE1: Green Space Network and NE2: Green Belt of the Adopted Local Development Plan. However, substantial evidence has been submitted in the form of a transport statement and a planning statement detailing the reasons why the sales cabin is required and why it can't be located elsewhere. On this basis, the proposal is supported for a limited time period and subject to a condition for ground restoration.

### **CONDITIONS**

- (1) That the sales cabin hereby granted planning permission shall not remain on the site after a period of 6 months expiring 31<sup>st</sup> March 2016 – that the character and siting of the cabin is not such as to warrant its retention for a period longer than that specified in this permission.
- (2) That the site hereby granted consent is fully restored to grazing ground comprising wild grasses within 4 weeks of the consent expiry date thereby being 28<sup>th</sup> April 2016. – in the interests of protecting the character of the green space network, the green belt and the visual amenity of the area.

### **INFORMATIVE**

The access junction layout is to be designed to Aberdeen City council standards. The development will require to be subject to a section 56 procedure – please contact Colin Burnet on 01224 522409 to discuss this matter in detail.