

Full Council

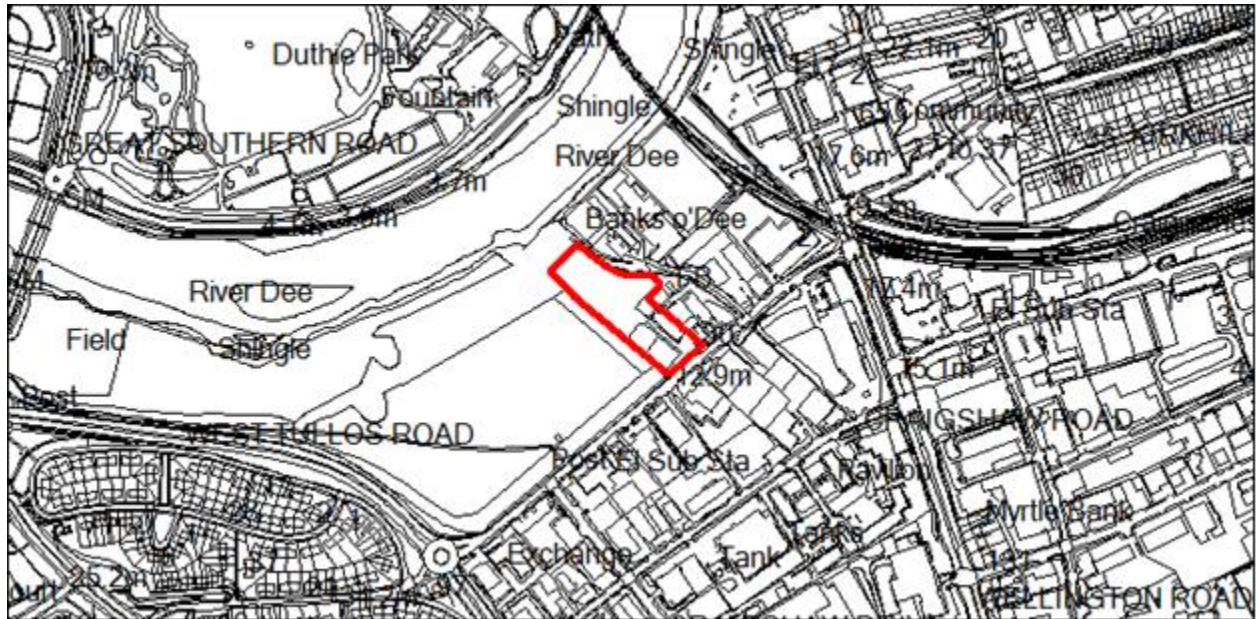
34-40 ABBOTSWELL ROAD, ABERDEEN

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 / A Finlayson)

Advert : Dev. Plan Departure
Advertised on: 01/04/2015
Council Meeting: 16 December 2015
Community Council : No response received



RECOMMENDATION:

Refuse

DESCRIPTION

The site of approximately 1.05 hectares comprises land within the West Tullos Industrial Estate, located on the north side of Abbotswell 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.
- A Pre-Determination Hearing for this application was undertaken on Tuesday 2 June 2015. This was preceded by a site visit in the morning, with presentations at the Council Chamber thereafter.

PROPOSAL

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. The nearest development to the River Dee would be Block A at a distance of approximately 55 metres. In respect of the proximity to the existing tree belt to the west, Block C is indicated as only being approximately 1 metre from the existing canopy, while Blocks A and D would be approximately 2.5 metres at their closest point. Each block 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:

- 11 spaces in the courtyard to the rear of Block C;
- 42 spaces to the north of Block C, on the opposite side of the internal access road;
- 50 spaces in the vicinity of Block B; and
- 39 spaces in the vicinity of Block A.

Furthermore, following revision to the proposals during the course of the application, provision is also being made for the inclusion of a car club space, and a further space for an electric charging point. Provision is also made for secure bicycle and motorcycle storage.

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.

In respect of the issues raised during the Pre-Application Consultation process, the following aspects were acknowledged within the submitted PAC Report:

- Impacts on roads infrastructure and capacity;
- Impacts upon education provision within the area; and,

- Support was voiced for the inclusion of affordable housing within the development.

In response to the issues raised above, the applicant has sought to support their proposals through the provision of supporting information to the application. This sought to indicate that any additional traffic movements associated with the development would be mitigated against. This includes the submission of a Transportation Assessment. In respect of the concerns over School Capacity, the latest School Roll Forecasts indicate that both Kirkhill Primary and Kincorth Academy are operating well below capacity based on 2017, which would be a realistic target date for the completion on site should planning permission be approved. In light of the low turnout at the Pre Application Consultation stage, and the associated low level of feedback received, no other amendments were made to the application proposals.

REASON FOR REFERRAL TO COUNCIL

This planning application requires to be determined by the Full Council under legislation introduced in August 2009 as part of the Scottish Government's modernisation of the planning system. Section 14 (2) of the Planning etc (Scotland) Act 2006 amends the Local Government (Scotland) Act 1973 to the effect that where a planning application has been the subject of a Pre-Determination Hearing under section 38A of the 2006 Act, the planning application must be decided by the Full Council. In this instance a Pre Determination Hearing was held in light of the proposal being a Major Development which represents a significant departure to the planned strategy of the Development Plan. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

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.

Education - The proposed development will be contained within the school catchment areas for Kirkhill Primary School and Kincorth Academy. There is sufficient capacity within both these schools to accommodate the anticipated number of pupils to be generated by the development, and for this reason no specific provisions are required to be made by the developer.

Environmental Health – No objections to the application, although there are concerns with regard to potential noise nuisance from road traffic, and exposure to air pollution. If recommended for approval, a condition should be attached in respect of the submission of a noise assessment. In addition, the developer should be mindful of the location of the ventilation scheme, particularly at lower levels. Suitable bin storage areas would also require to be provided.

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 – No longer object to the proposals on flood risk grounds. Require that conditions be added in respect of finished floor levels being provided in accordance with the details contained within the submitted Flood Risk Assessment, and a further condition requiring the implementation of the Environmental Management Plan.

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 Governments 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 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: 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.

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

At the outset of the consideration of this application, is the general principle of redeveloping this site which is located within a Business/Industrial allocation within the Adopted Local Development Plan (LDP). The LDP is clear in identifying that uses for Business/Industrial within allocated areas, should be retained for such purposes.

From the wider perspective, the Council currently maintains a healthy supply of Business and Industrial Land in the City. In the 2014 Employment Land Audit (prepared for Aberdeen City and Aberdeenshire), it identified that there were 246 hectares of established employment land in the City. A further 140 hectares of land are also considered as Marketable Employment Land. Ambitious targets are set within the Strategic Development Plan, which would see 175 hectares of employment land to be developed in the City up to 2035. The SDP indicates that a minimum supply of 60 hectares of Marketable Employment Land should be available at all times. In this instance, in light of the existing stock of employment land maintained in the City, the loss of the 1.05 hectare site would not have a demonstrable impact on the overall supply of employment land in the City.

However, while the supply of employment land would be maintained at the required levels, the question remains as to whether the proposed development itself, is suitable for this location. While it is acknowledged that there are a mixture of uses in the immediate surrounding area to the north of Abbotswells Road, and a few historical residential properties, it must be acknowledged that since the roll-out of the latest reform of the Planning System in Scotland, the Scottish Government have highlighted that this is a plan-led system. As such, development proposals must be assessed in accordance with the development plan, unless material considerations indicate otherwise. While the presence of the Nursing Home is in close proximity to the site, any surrounding existing industrial development could be a nuisance to the proposed use.

In parallel, the applicant has sought to review the current allocation within the Local Plan, through the Development Plan review process, as well as through the submission of this planning application. The Proposed Local Development Plan was submitted for Examination in November 2015, following the previous

consultation on the Plan between March and June of this year. The Council's response to the applicants development bid and representation to the LDP has indicated that "Aberdeen City Council has assessed this site, considered it undesirable, and rejected it on the grounds set out in the Proposed Plan Site Assessment Report (CD31). There is potential for conflict between new residential development and existing business and industrial uses which are present on the site. The narrow site means that there is insufficient space for a buffer between the proposed residential area and existing business. This means that it will be difficult to maintain an acceptable external amenity for residents. This could lead to complaints which could in turn, prejudice the operation of the existing businesses. In addition the narrow site means it will be difficult to develop high rise development with a sufficient buffer between it and the significant tree belt to the west".

The settled view of the Council at this time is therefore that the site is not appropriate for residential use in either the extant, or the proposed Local Development Plan. The non-allocation for the site for residential use will be dealt with at the Examination of the Proposed Local Development Plan (PLDP) and thus it can be argued that that approval of this application would be premature pending the outcome of the PLDP. Furthermore, approval at this stage could undermine the credibility of the PLDP process. The Council, at the meeting of the Communities, Housing and Infrastructure Committee on 27 October 2015, agreed to submit the Aberdeen Local Development Plan Proposed Plan 2015 to Scottish Ministers for examination. As such the planning authority have already taken the decision that the site should remain as Business/Industrial Land. Therefore any outcome to contradict that decision would not be consistent with previous Committee decision, and reduce credibility of the established LDP process.

Accordingly, the development proposals are considered to be contrary to the planned strategy within the Development Plan, and in particular would be contrary to Policy B11 of the Adopted Local Development Plan. As noted above, while the position with the Employment Land Supply has been considered, similarly the Housing Land Supply is also a material consideration. In this instance, the Strategic Development Plan, and extant LDP include significant allocations for new housing in the City. As such, it is not considered that there is any necessity to release further land for housing, that is not already included as a Development Plan allocation, or opportunity site. If granted planning permission, the development of this site could therefore jeopardise the delivery of the allocated sites within the LDP.

Site Layout and Design

While the principle of the development has not been established, it is considered necessary to ensure that the proposals are assessed against the remaining policies of the development plan.

As would have been evident to those Members present at the Pre-Determination Hearing Site Visit, the site is fundamentally constrained due to its long narrow

shape, the presence of a sewer wayleave, and the proximity to the existing watercourse along the eastern boundary. As such, this renders this a complex site to prepare an adequate layout to comply with design policy requirements.

In this instance, a number of revisions have been tabled by the applicant not only make improvements to the site layout to meet with the requirements of Roads and Waste Officers, but also to improve aspects of the design.

From a general perspective, it is expected that sites brought forward should be compliant with the Council's Development Plan policies in respect of the provision of adequate open space for new residents. In this instance, there would technically be a deficiency in the space provided. This is further evidenced by the domination of car parking in parts of the application site. However, in light of the proximity to the substantial area of open space adjacent to the western boundary of the site, the deficiency in open space is partially mitigated through the availability of this substantial area of open space adjacent to the site.

However, when it comes to the proposed layout itself, the aforementioned limitations due to the site shape have constrained the ultimate built solutions for the site. Block A towards to the north of the site adjacent to the River Dee, is of the greatest architectural merit as part of the current proposals. Its scale of 6 storeys would make the most of opportunities for views and sunlight. While this would terminate above the existing tree canopy when viewed from the northern side of the River Dee, it would not be unacceptable from the perspective of the impact on the landscape character of the area. The remaining blocks of between 4 and 5 storeys, are of less design merit. While improvements have been made to the design, and particularly the materials utilised for the upper floors of the respective blocks, the overall appearance of those blocks do appear relatively mundane and uninspiring in comparison to the aspirations of the Planning Authority to ensure that new development is of the upmost quality, whilst respecting the character and setting of its location.

Furthermore, while improvements have been made to elements of the layout, it remains to be the planning authorities opinion that notwithstanding the conflicts with the wider principle for the development, the design and layout are also not of an appropriate standard particularly in respect of the design, and the proximity to the existing trees/woodland to the west of the application site. In respect of the latter, as noted above a tree belt/woodland runs along the western and northern boundaries of the site. Due to the elongated nature of the site, and the number of units currently proposed, the footprint of the development is close to the site boundaries, and based upon the submitted drawings, the buildings would be as little as 1.5 to 2.5 metres away from those existing trees. Such close proximity between buildings and trees can lead to numerous problems. Firstly, there is potential for the root systems of such trees to suffer damage, which could in the longer term, affect their ultimate retention. Furthermore, the proximity to trees would also have a respective impact on the daylight/sunlight that would be afforded, particularly to flatted properties with west facing windows. This can in turn lead to pressures for felling of those trees, as well as maintenance issues

arising from falling leaves, and small branches. However, due to the site constraints, it has not proven possible to amend the footprint locations of the blocks, without impacting upon the road alignment, and the associated sewer wayleave.

Consultation Responses / Technical Matters

Following the consideration of the submitted Transportation Assessment, Roads Officers have confirmed that they do not object to the proposals and their acceptance of the proposed level of car parking. While not to the full standards which would be permitted in this instance, the provision of the car club space, and financial contribution towards a vehicle / and the provision of an electric charging point thus enhancing the sites sustainability credentials is considered to mitigate against this shortfall. Should the development ultimately be approved, then a contribution would also be required for the provision of a new bus shelter on Wellington Road, the main transport corridor in the vicinity of the application site.

As noted above, Education Officers have advised that the respective primary and secondary schools are both under capacity, and that no contributions would be sought for education purposes as a result of this development. However, the Developer Contributions Team has confirmed that should Members ultimately resolve to grant planning permission, then contributions secured through an associated s75 developer obligation would also be necessary towards: affordable housing; Community Halls; Sports and Recreation; and, Core Paths.

In respect of flooding and drainage initial concerns had been raised by SEPA in respect of the potential flood risk of the proposals. Through the submission of additional information in the form of an updated Flood Risk Assessment, and the confirmation of built floor levels, SEPA have removed their objection to the proposals, subject to the imposition of the two planning conditions listed above.

In their consultation response, Environmental Health Officers raised some concerns from the perspective of noise from road traffic, and exposure to air pollution. While not objecting to the proposals, they have indicated that a noise assessment would be necessary should planning permission be granted, and that consideration would have to be given to the positioning of the ventilation for the flatted properties, particularly towards the street frontage and at lower levels. Furthermore, the layout has been considered by the waste officer whom is satisfied from the perspective of circulation for refuse vehicles. In addition, the Contaminated land team have also indicated that further site investigations would be necessary if the proposal is approved.

Part of the development site includes a small traditional granite building. This at one time, would have been likely to be used a residence, and latterly converted for an office associated with the wider commercial use. Policy D4 Aberdeen's Granite Heritage, identifies that the conversion and adaptation of such buildings is favoured. If the redevelopment of this site for residential use had been established in principle, then it would have proven difficult for the existing building

to have been successfully incorporated. As such, it would be unreasonable to demand that this building be retained. However, should Members be minded to grant planning permission for this development, then it would be necessary to attach a condition to require that the granite duntakings from this building be re-used elsewhere within the development site.

Matters Raised in Representations

In respect of the matters raised in representations that have not already been raised above, each shall be addressed in turn.

- 3) This area has been a green belt over Inverdee Park and onto Duthie Park. Any development would therefore blocks views.

Response – The site is not located within the Green Belt, although the adjacent parkland does fall within land allocated as Urban Green Space (Policy NE1) and the Green Space Network (Policy NE3). Notwithstanding the loss of private view is not a material planning consideration.

Summary

As outlined above, it is considered that the general principle of this development has not been established through either the Adopted Local Development Plan, or the Proposed LDP which shall shortly be considered at Examination. It is not considered that the circumstances raised by the applicant, sufficiently address a need for housing on this site, particularly given the generous allocation on sites through the LDP itself. Furthermore, through analysis of the development proposals, they are also considered to be of a standard which falls short of expectations for new development in the City, as required through LDP policy.

In the event that Members are minded to grant planning permission for this application proposal, then it would be necessary to have the applicant enter into a s75 planning obligation in respect of developer obligations towards: Affordable Housing; the City Car Club; the Strategic Transport Fund; Community Facilities; Sports and Recreational Facilities; the Core Path Network; and the provision of as new bus shelter on Wellington Road

Furthermore, in such an instance, planning conditions would also be required in respect of: external finishing materials; boundary treatments; SUDS/drainage/Flood Protection measures; localised road improvements; landscaping; tree protection; ground investigations and mitigation; car/cycle/motorcycle parking; a noise assessment; waste/recycling provision; a residential travel plan framework; and Low and Zero Carbon generating technologies.

Proposed Aberdeen Local Development Plan

As noted within the wider evaluation above, the Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the

Communities, Housing and Infrastructure Committee of 27 October 2015. 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 representation and is regarded as an unresolved issue to be determined at the Examination, and
- the relevance of these matters to the application under consideration

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In relation to this particular application the policies of the Proposed Local Development Plan largely reiterate those of the extant Local Development Plan. Specifically, the application site is retained within the Business and Industrial zoning around the Tullos area. As such, the proposal would continue to be a departure from the emerging Development Plan strategy.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1) The site lies within an area allocated as Business and Industry within the Adopted Local Development Plan 2012. Such areas are supported through Policy BI1 which indicates that in these areas, such uses shall be retained. The proposed development does not comply with the policy in that it does not represent a type of development that would safeguard existing business and industrial land, nor support it through the provision of ancillary facilities. Sufficient land has been identified for new residential development through the Local Development Plan, and therefore approval would undermine the long-term strategy of the ALDP.

2) The proposed design and layout of the development, and in particular the elevational treatment, and proximity to existing trees adjacent to the site, is not considered to accord with the requirements of Policies D1 - Architecture and Placemaking and D2 - Design and Amenity of the Adopted Local Development Plan. as the proposal if approved would result in a development which is not considered to be designed to result in a positive contribution to its setting, and a layout which would be dominated by the primary road and associated car parking.