

Planning Development Management Committee

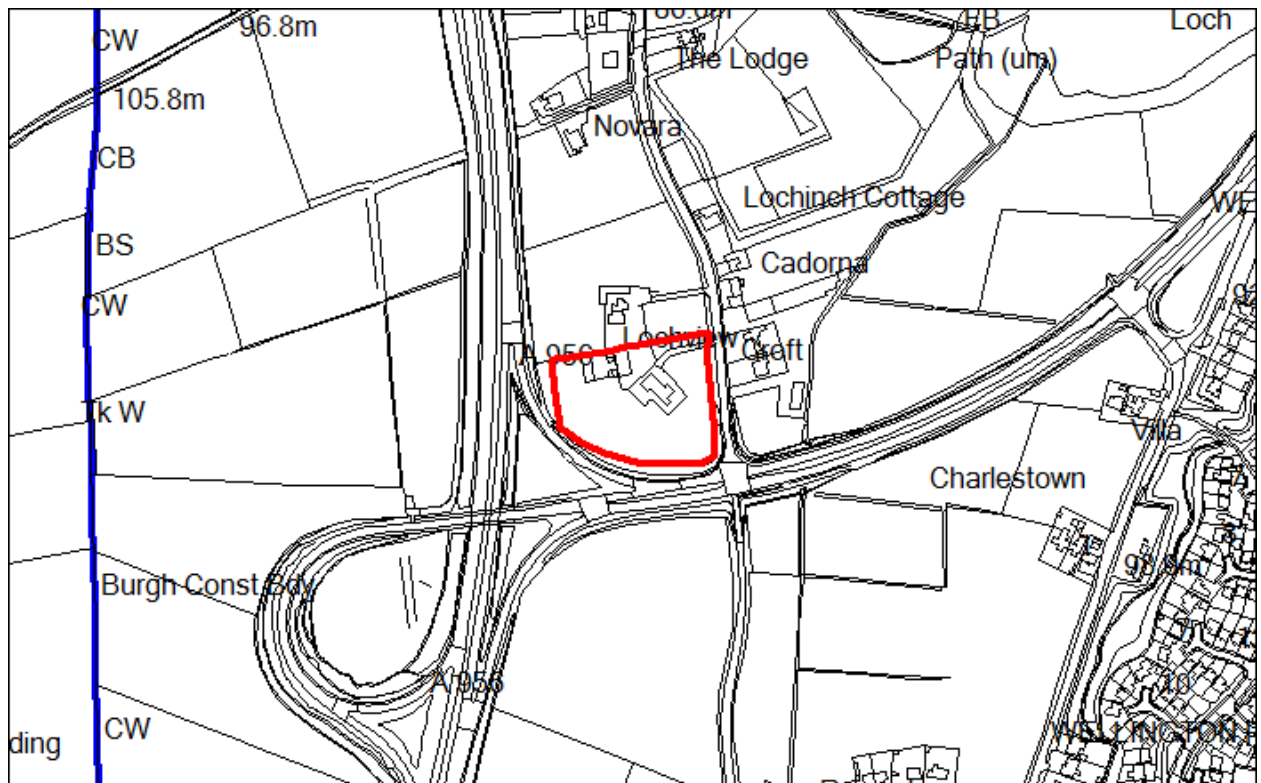
BOYNE VILLA, OLD STONEHAVEN ROAD,
CHARLESTON, NIGG

CHANGE OF USE FROM RESIDENTIAL TO
TRANSPORT DEPOT OFFICE AND
STORAGE/PARKING OF VEHICLES.

For: CF Jennings Ltd

Application Type : Detailed Planning Permission
Application Ref. : P151878
Application Date: 03/12/2015
Officer: Lucy Greene
Ward : Kincorth/Nigg/Cove (N Cooney / A
Finlayson/S Flynn)

Advert : Can't notify neighbour(s)
Advertised on: 23/12/2015
Committee Date: 21 April 2016
Community Council : Comments



RECOMMENDATION: Approve conditionally, subject to the securing of
developer obligations for Strategic Transport Fund contribution.

DESCRIPTION

The application site consists of an existing residential plot containing a detached house. The area in question is a total of 1.15 hectares in size. The plot is located at the junction of Old Stonehaven Road and Wellington Road, and bounds the junction of the A90, with Wellington Road. Both junctions will be replaced as part of the Aberdeen Western Peripheral Route. Access into the Boyne Villa plot, is taken from the northern end of the site via Old Stonehaven Road, which runs along the eastern site boundary. On the site at present, is a single storey 'Z' plan house and domestic scale areas of hardstanding, with the remainder of the area laid out as a garden. There are also small trees along the site boundary adjacent to Old Stonehaven Road and larger coniferous trees along the Wellington Road (southern) boundary. Also running alongside the site boundary on Old Stonehaven Road, is a drainage ditch.

RELEVANT HISTORY

No relevant history.

PROPOSAL

The application proposal is for a change of use of the site to be used as a transport depot and associated office. The existing house would be used as the office space, whilst the western area of the garden would be used for the parking of vans and lorries. There would also be a car park to the north east (front) of the house, for the use of the employees. The applicant's agent has confirmed that the business would employ 27- 30no. full time staff, approximately 24no. of the staff would be lorry drivers. The submitted layout plan shows 18no. lorry stances on site.

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=151878>

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

The documents are:

Transport Statement by Cameron and Ross, February 2016.

Drainage Impact Assessment by Cameron and Ross, March 2016.

Letter from Applicant's Agent – planning statement, April 2016.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there is an objection from the Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – There is no footway leading to the site entrance. Cycle access is reasonable. Cycle and motorcycle parking are

required. There is an over provision of car parking based on the standards for the office use, however, the difference is insignificant. Improved visibility splays are required at the entrance, this would be achievable within road verge and land under the applicant's control.

Whilst the traffic generated by the office element of the use would be acceptable on the existing road network, there are road safety concerns regarding the implementation of the transport depot use, with the current layout of the junction onto Wellington Road. This junction is being replaced as part of the Aberdeen Western Peripheral Route (AWPR) works. A condition should be attached so that the transport depot use does not take place until the replacement junction is in place. A travel plan framework has been included in the transport statement, and this should be implemented.

A Strategic Development Fund payment would be payable for the transport depot element of the use.

Transport Scotland – Does not propose to advise against the granting of planning permission.

Environmental Health – Responded, no comments.

Developer Contributions Team – No comments.

Communities, Housing and Infrastructure (Flooding) - No outstanding concerns.

Community Council — Two letters were received from Nigg Community Council and the following points were made:

- That the change of use would go against the extant and proposed local development plan policies , where the area is zoned as residential;
- The condition of the road is unsuitable for any additional HGV traffic;
- It was understood that the junction of the Old Stonehaven Road, onto the Wellington Road was to be closed (however, the Communtiy Council now understands that this is not the case);
- Impact on residential amenity of a transport depot use;
- It was noted that work has taken place prior to gaining planning permission and that in recent heavy rain, the works are alleged to have exacerbated the flooding of Old Stonehaven Road.

Following submission of the Transport Statement, which was felt to be difficult for the Community Council to assess as it is overly lengthy, further representations expressed:

- Concern about right turning movements out of Old Stonehaven Road onto Wellington Road. Although this junction will be altered, vehicles would still be required to cross the dual carriageway and central reservation to turn right. The Community Council considers that this is likely to be hazardous.

REPRESENTATIONS

Three letters of representation/objection have been received.

One of these letters, sent on behalf of FedEx, states that there is no objection to the proposal whilst requesting that, in order to maintain safe operations to both premises, consideration to given to:

- Restrictions during development, preventing contractor's cars and vehicles parking along the adopted section of Old Stonehaven Road;
- Restrict on-road parking to minimise turning difficulties;
- Ensure adequate vision splays and sight lines are maintained during and after site redevelopment

The objections raised relate to the following matters –

- That the land is designated residential in the Local Development Plan (LDP) and the proposal would contravene that;
- That the property would be lost to the local housing market;
- That there is no mains sewage and the use could overload the system;
- That vehicular access is dangerous, in particular heading south onto the A90 and also coming from the south and having to cut across traffic in the slip lane onto Wellington Road;
- The junction onto Old Stonehaven Road is designed for light residential use only;
- Access can also be taken from Redmoss Road which is single track in places and unsuitable in terms of width and construction;
- Surface water drainage is a concern as there is a lack of formal drainage in the area and the ditch is currently unable to cope, resulting in flooding across the road;
- That the property owner has already undertaken works without permission:
 - o to lay the hardcore over an area that could accommodate a significant number of vehicles;
 - o to install a pipe along the ditch where the entrance way was widened; and,
 - o to depose of topsoil on the roadside;
- There are probably other sites available in industrial areas, rather than turn this unique site into a vehicle depot;
- That road works related to the Loriston development area, will result in the closing of the Old Stonehaven Road / Wellington Road junction, with traffic using a new signalised junction into Loriston. This will provide access (including to the application property) more suited to a residential area and amenity.
- Noise and disturbance created by the works that were carried out by planning permission;
- That hours of operation would need to be restricted;

PLANNING POLICY

Strategic Development Plan (SDP)

Economic Objective

Aberdeen Local Development Plan (LDP)

Policy LR1 – Land Release

Opportunity Site OP77

Policy T2 – Managing the Transport Impact of Development

Policy D3 – Sustainable and active travel

Policy D6 – Landscape

Policy NE6 – Flooding and Drainage

Proposed Aberdeen Local Development Plan (PLDP)

Policy LR1 - Land Release

Opportunity Site OP59

Policy D2 - Landscape

Policy T2 – Managing the Transport Impact of Development

Policy NE6 – Flooding, Drainage and Water Quality

Supplementary Guidance

Loirston Development Framework

Transport and Accessibility SG

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.

The issues for consideration in the determination of the application are:

- The appropriateness of the proposed use on this site and in this particular location, in terms of the zoning policy in the LDP;
- Impact on residential amenity;
- Impact on visual amenity;
- Transportation and road safety; and,
- Flooding and Drainage

Principle of Development and Residential Amenity

The site at Loirston is identified for an allocation of 1500 homes and 11ha employment land. The wider Loirston site benefits from being close to a major junction with the Aberdeen Western Peripheral Route.

The Development Framework for Loirston does not allocate any of the homes or employment to this particular site. The swath of land immediately to the east of the A90 (including the application site) is described as a mix of existing uses, with parcels of land in separate ownership. The 'Land use and Density' plan in the DF shows the area that includes the application site, as 'existing residential and employment'. It is, therefore, not the case that the area is zoned residential, nor is it zoned employment. The zoning policy is LR1 – Land Release, with further guidance being contained within the Loirston Development Framework, on the locations of the homes and employment allocations within the framework area.

There is a mix of uses: residential (houses), the FedEx depot, (which is almost opposite the application site) and small scale workshops. The area is affected by the proximity of the A90 and Wellington Road. Between the application site and the homes proposed as part of the Loirston DF area, there would be areas of landscaping and trees. The area proposed for employment uses is that area

immediately to the north of Wellington Road and further east than the application site. The Loirston DF shows a new access road approximately 350m further east than Old Stonehaven Road

It is considered that given the location of the site, close to main roads and taking into account the mix of uses in the area, the proposed use would be acceptable in principle. The operation of the depot would generally involve the vehicles leaving the site, typically early morning, with staff arriving around 6.30am and leaving soon thereafter, the vehicles would return around 6pm. The applicant's agent has stated that there can be times where vehicles need to leave at 5am and return at 10pm. Although the typical pattern would involve a reasonably large number of vehicle movements, it is within the context of the site access being close to Wellington Road. The area is currently affected by traffic noise and activity and it is considered that the impact of the proposed use on the existing level of residential amenity would not be significant. For this reason, it is considered unnecessary to restrict hours of operation. The proposal accords with policy in the LDP and the Loirston Development Framework.

The application is also consistent with the objective of the Strategic Development Plan to provide opportunities that encourage economic development, as it allows for the expansion of an established business which the applicant's agent confirms is well-established (since 1971) and is currently on a constrained site.

Travel and Transportation

Policy T2 describes when transport assessments will be required. A Transport Statement was submitted, with a level of information to the satisfaction of the Roads Development Management Team. Providing that the transport depot use is implemented only after the AWPR junction is completed, the Roads Development Management Team is satisfied that with the level of traffic associated with the proposed depot use, the junction would function safely. Although traffic would have to cross Wellington Road to access the AWPR (the concern expressed by the Community Council) visibility would be improved to a level considered to be safe.

Conditions are recommended to prevent the transport depot use being implemented prior to the AWPR junction, to require implementation of the travel plan, to ensure that cycle and motorcycle parking would be provided and to provide a degree of separation in pedestrian access into the site. The proposal would comply with Policy T2 and Policy D3.

Landscape

The landscape policies describe how development shall conserve existing landscape features and protect and enhance views of the City when seen from busy public vantage points. This is a major road junction at the southern gateway into the city area and as such it is important that the development would not be overly visible. The site is screened by existing trees that are both within and outwith the site and also an existing area of trees close to the north east corner of the A90 junction. The landscape proposals for the AWPR include an area of woodland to the immediate south of the site, that would create further landscape buffer between the public vantage points on the road and the site. Views into the site when approaching from either direction on the A90 would be screened, by the relative levels of the road and the site, and by trees. Views from Wellington

Road would also be screened by trees. There would also be conditions attached to any permission, requiring the submission of landscaping plans and their implementation and retention as landscaped areas. Therefore, in terms of visual amenity and landscape impact the proposal is considered to be acceptable and complies with LDP Policy D6.

Flooding and Drainage

A Drainage Impact Assessment has been submitted to the satisfaction of the Flooding Team. This includes the proposal for a detention basin and calculations in relation to the ability of the sustainable urban drainage system proposed to cope with heavy rainfall events. A condition would be attached to any permission granted to ensure that the measures approved, are implemented.

In terms of lack of public sewer connection, surface water would be drained through SUDS, there would be an insignificant increase in the foul drainage. This latter matter would be a matter for the management of the site operator.

Matters Raised in Objections

The unauthorised works on site were not carried out by the applicant and are not relevant to the current application.

In terms of access via the surrounding road network, the proposals within the Loirston DF are for the main access into the framework development area to be via a new road, with junction onto Wellington Road approximately 350m to the east. There would be no reason or benefit for vehicles from the site to travel along Redmoss Road, rather than Wellington Road.

In terms of the requests from FedEx, vehicles creating an obstruction are a matter for the police. There is no justification for parking restrictions.

In terms of the loss of a residential site, the building would be retained and there are sufficient new residential plots within the area.

Although not relevant to the determination of the application, the applicant has undertaken a site search, including sites where planning permission would not be required.

Noise and disturbance during construction works is not a reason to refuse planning permission, and would be dealt with through Noise Nuisance powers.

The other matters raised in objections are dealt with in the paragraphs above.

Proposed Aberdeen Local Development Plan

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 are regarded as unresolved issues 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 this particular case, the relevant policies substantially reiterate those within the extant LDP.

RECOMMENDATION: Approve conditionally, subject to the securing of developer obligations for Strategic Transport Fund contribution

REASONS FOR RECOMMENDATION

The proposed office and transport depot would accord with the zoning policy LR1 – Land Release Policy in the adopted Aberdeen Local Development Plan 2012 (LDP) and the Proposed Aberdeen Local Development Plan (PLDP), as well as the supplementary guidance within the Loirston Development Framework, which proposes that the area retain its existing mixed use character. With a condition preventing the depot use from taking place until the replacement junctions of A90/Wellington Road and Wellington/Old Stonehaven Road are complete, the proposal would be acceptable in terms of road safety.

Measures to ensure pedestrian and vehicular safety, cycle and motorcycle parking would be required by condition and the proposal would thereby comply with Policies T2 and D3 in the LDP and Policy T2 in the PLDP.

CONDITIONS

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

(1) That the transport depot use shall not take place on the site unless there has been completed and open to traffic, the Aberdeen Western Peripheral Route (AWPR) junction of the A90 / A956 Wellington Road, at Charleston, including the Old Stonehaven Road / A956 Wellington Road junction – in the interests of road safety.

(2) That the transport depot use shall not take place unless there has been implemented on site a scheme to provide:

- a. Safe pedestrian access to the site,
- b. Visibility splays at the site entrance

in accordance with plans to be submitted to, and approved in writing by, the planning authority – in the interests of pedestrian and vehicular safety.

(3) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall also include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(4) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the commencement of use of the office and/or depot whichever is the earlier and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(5) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(6) That the office and depot use hereby granted planning permission not take place unless a scheme detailing cycle and motorcycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(7) That no external lighting shall be installed on site other than in accordance with a scheme and details that have been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of residential amenity and road safety.

(8) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems in accordance with the Cameron and Ross (March 2016) Drainage Impact Assessment, or such other as is subsequently submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(9) Vehicle parking and turning areas shall not be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(10) That neither the office nor the transport depot use shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan based on the framework within the Cameron and Ross Transport Statement dated February 2016 (or such as other as is subsequently approved). Thereafter the travel plan shall be implemented, including monitoring and reporting - in order to encourage more sustainable forms of travel to the development.

