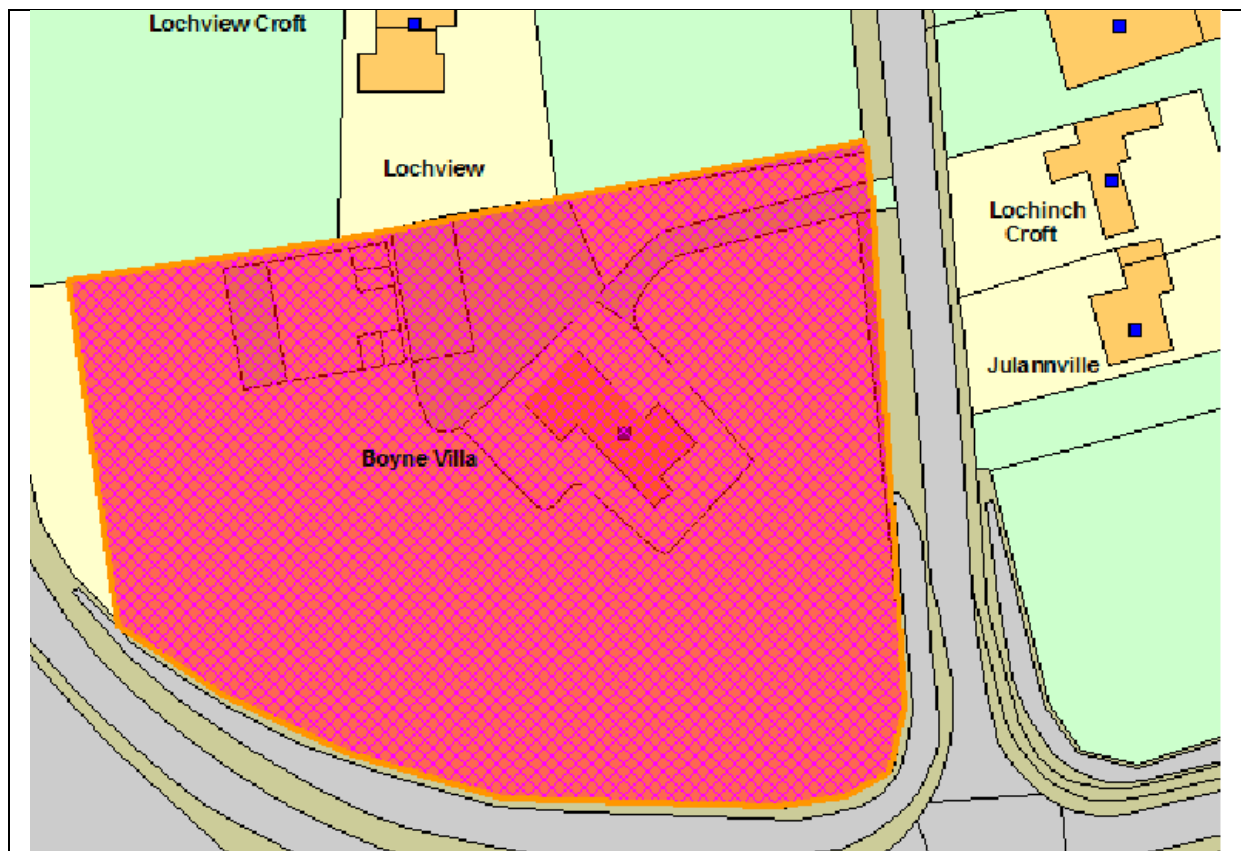


Planning Development Management Committee Section 42 (Variation to Conditions)

161093/S42: Variation of Condition 1 (transport depot on completion of AWPR) of P151878 to completion of depot with revised safety measures at Boyne Villa, Old Stonehaven Road, Aberdeen, AB12 3LL

For: CF Jennings Ltd

Application Date:	28 July 2016
Officer:	Lucy Greene
Ward:	Kincorth/Nigg/Cove
Community Council:	Nigg
Advertisement:	
Advertised Date:	



Location Plan

RECOMMENDATION: Approve the variation of condition 1 on application 151878

SITE DESCRIPTION

The application site consists of a formerly 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, which is commencing at present. 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, with the remainder of the area laid with hard core. 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

Application Number	Proposal	Decision Date
151878	Change of use from residential to transport depot office and storage/parking of vehicles.	26.04.2016 The application was approved conditionally.
161164/DPP	Erection of storage shed with associated car parking	Pending Consideration

DESCRIPTION OF PROPOSAL

The application is made under Section 42 of the Planning Act for for a new planning permission for a development of a transport depot at Boyne Villa (App.Ref: 151878) with different conditions from those attached to the previous permission for that development. The applicant wishes to alter condition 1 on the previous permission (Reference: 151878), which reads:

(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.

The amendment would allow for the transport depot element of the above permission being brought into use following implementation of various safety measures that are proposed in connection with the Aberdeen Western Peripheral Route (AWPR).

The measures are proposed on a temporary basis in order to carry out works to form the new junction of the A90 / A956. These consist of:

- Speed restriction on the south bound slip carriageway
- Prevention of right turns out of Old Stonehaven Road on the north side of the A956, by signage.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

CONSULTATIONS

Consultee	Date of Comments	Comments Made
Nigg Community Council	25.08.16	Representation – see section below
Transport Scotland	25.08.16	No objection
ACC - Roads Development Management Team	05.09.2016	<p>The proposed measures are noted: including that right turns out of Old Stonehaven Road would be prevented, whilst right turns in would be permitted – from the west bound A956.</p> <p>The measures are considered to be an improvement to the existing junction layout and are considered satisfactory in road safety terms. Operation of Boyne Villa for transport operations will then meet with ACC Roads / RDM approval provided these measures are in place.</p>

REPRESENTATIONS

Nigg Community Council wishes to challenge the findings and decision of the Roads Development Management Team. In the interests of road safety, the condition should not be altered.

PLANNING POLICY

Aberdeen Local Development Plan (LDP)

Policy T2 – Managing the Transport Impact of Development

Proposed Aberdeen Local Development Plan (PLDP)

Policy T2 – Managing the Transport Impact of Development

OTHER RELEVANT MATERIAL CONSIDERATIONS

Transport and Accessibility SG

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.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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 issue for consideration in the determination of the application is that of the conditions that were attached to the original permission (ref. 151878), but in particular transportation and road safety, specifically whether the revised condition would achieve the aims of the original condition, or whether circumstances have changed such that a different condition may be applied.

Condition 1 on the original permission was applied in order to ensure that the transportation impact of the development was acceptable on the surrounding road network.

It was considered that due to concerns about visibility to the right(west) on exiting Old Stonehaven Road, in particular when making right hand turns (to head westward), the transport depot element of the proposal should not be implemented until the AWPR was open and operational.

It has now become clear that in order to carry out the construction works to build the new junction at Charleston (A90/A956), temporary measures would need to be put in place. These measures include: the restriction of speed on the left hand south bound slip road – between the A90 and A956 (Wellington Road); and, the prevention of right turns onto the A956 (Wellington Road) when exiting Old Stonehaven Road. These works are described in the letter from the AWPR Team dated 29th July that was submitted with this application.

It is considered by the City Council's Roads Development Management Team that if and when these measures are in place then the vehicle movements associated with the transport depot would be acceptable in their impact on road safety on the surrounding road network and would thus comply with Policy T2 – Managing the Transport Impact of Development. With this in mind it is recommended that the wording of the condition is varied as below. It is considered that all other conditions attached to the original consent (151878) should remain as approved by Committee on 26 April 2016.

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 instance Policy T2 in the adopted Local Development Plan, substantially reiterates that in the proposed plan.

RECOMMENDATION: Approve application to vary condition 1 of application 151878.

REASONS FOR RECOMMENDATION

The measures proposed to be put in place temporarily during construction works for the A90 / A956 Charleston junction on the Aberdeen Western Peripheral Route (AWPR) would result in an improvement to the existing junction layout. With these measures in place the operation of Boyne Villa as a transport depot would be considered satisfactory in road safety terms. The variation of the condition to require these measures to be in place, in the period before the AWPR is fully operational would therefore be acceptable in road safety terms and would comply with transport related policy in the Aberdeen Local Development Plan as well as supplementary guidance.

CONDITIONS

- (1) That unless otherwise agreed in writing with the planning authority, the transport depot use shall not take place on the site unless either:
 - a) Measures are in place to restrict the speed on the south bound left hand slip from the A90 onto the A956; and that, the U166K Old Stonehaven Road right turn onto the A956 west bound is suspended in accordance with a scheme that has been submitted to and approved in writing by the planning authority; or,
 - b) 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 entrancein 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.

(11) That the transport depot use shall not take place unless there has been submitted to and approved in writing , in consultation with Scottish Water, by the planning authority full details of the foul drainage system for the site - in the interests of the environment, amenity and public health.