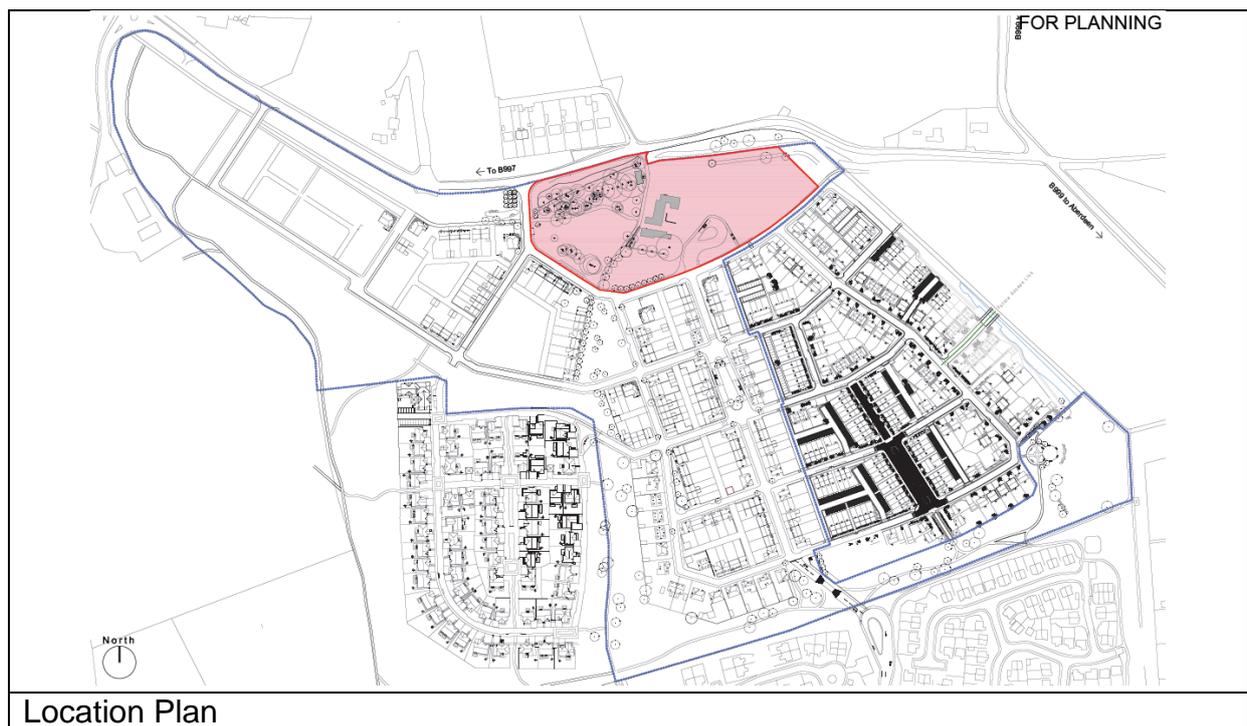


Planning Development Management Committee Detailed Planning Permission

160630: Mixed-use development including demolition of farmhouse and store; erection of 18 residential units; food retail unit; conversion of steading to form commercial units (class 1 to 3); associated footpaths, landscaping and car parking at Shielhill Road, Dubford, Bridge of Don, Aberdeen

For: Scotia Homes Ltd.

Application Date:	20 May 2016
Officer:	Robert Forbes
Ward:	Bridge Of Don
Community Council:	Bridge Of Don
Advertisement:	No neighbouring premises
Advertised Date:	01 June 2016
Committee Date:	20 April 2017



RECOMMENDATION: Approve Conditionally. Withhold issuing of decision until a total of £58,128 is received in developer contributions (in order to address impacts regarding affordable housing, education, community facilities, sport and recreation, core paths, and library facilities) or a section 75 obligation has been entered into in order to secure such contributions.

SITE DESCRIPTION

The site largely comprises undeveloped land located at the northern edge of Bridge of Don. The site is accessed from the north via Shielhill Road, although bus and pedestrian / cycle access is also available from the south via Dubford Road. The central part of the site is occupied by a derelict farmhouse and associated steading. To the south east of the steading lies a recently built bus turning area. The northern edge of the site is bounded by Mundurno Burn, which runs parallel to Shielhill Road. Mature deciduous trees lie to the west of the steading and are the subject of a Tree Preservation Order. The southern edge of the site is bounded by Sheilhill Drive, beyond which lies recently built suburban housing.

RELEVANT HISTORY

<u>Application Number</u>	<u>Proposal</u>	<u>Decision Date</u>
P120723	Erection of 550 houses - Approved	Sept 2103
P121422	Erection of 41 residential units and commercial centre Approved	September 2013, subject to conditions and s.75 obligation.

A total of 544 residential units have been granted detailed planning consent within the wider site identified in the Dubford Development Framework (refs. P120722, P12387, P121422, P131614, P141506, P141706 and P160434). Of these, 82 units are identified as affordable units. As of 01/01/17, a total of 309 housing units had been completed within this wider site, which is being developed by various housebuilders.

DESCRIPTION OF PROPOSAL

Permission is sought to redevelop the site in an alternative format to that was previously granted planning permission in 2013 (ref P121422). This would be the last phase of the approved Scotia development site at Dubford and would include residential and commercial uses.

The extent (footprint) of commercial floorspace associated with the proposed local centre would be increased (1257sqm in total relative to 900sqm as consented) but the general form, access and layout of the centre would remain as previously approved. Excluding the children's nursery 383sqm) granted under P121442, the commercial units would include a local supermarket (439sqm - use class 1) located on the site of the former farmhouse (to be demolished) and three linked units located within the former steading. These would comprise a dentist / pharmacy (184sqm - use class 2), a small retail unit (98sqm – use class 1) and a restaurant (154sqm – class 3). Ancillary car parking for 40 cars would be provided to the south of the local centre, accessed via Shielhill Drive. Servicing of the retail centre would be undertaken via the existing bus turning facility located to the east. Landscaped public space would be provided surrounding the local centre including a community playground.

A small increase in the number of house units within the site is also proposed (18 units in total relative to 11 as consented). The majority of units would be arranged in a courtyard cluster towards the eastern end of the site. They would be 1½ storey in height and would include ancillary garden ground / amenity space. A separate L

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shaped block of flats is proposed at the western edge of the site. This would be 2 storeys in height and would incorporate 4 flats, in place of 3 flats and a small office as originally consented. Dwellings would include a mix of 1/2/3 bedroom flats, and 2/3 bedroom terrace houses. A total of 28 ancillary / communal car parking spaces would be provided for the dwellings. Approval would result in a total of 551 housing units on the wider site.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZY9GBZSK688>

Transport Statement, Design Statement, Tree report, Drainage Assessment & Flood Risk Assessment, Sustainability Assessment, Archaeological Evaluation, Noise Assessment, Steading Condition Report

CONSULTATIONS

Consultee	Date of Comments	Comments Made
ACC - Roads	09/03/17	No objection on road safety / traffic generation grounds. A revised transport statement has been submitted and indicates that no additional strategic infrastructure is required to accommodate the revised development.
ACC- Env Health	16/03/17	No objection. Request a condition to ensure suitable noise attenuation for residents.
ACC- Flooding	08/03/17	No objection. Request imposition of conditions regarding SUDS in order to protect occupants and avoid creation of flood risk on adjacent land.
SEPA	13/03/17	No objection subject to imposition of conditions regarding avoidance of flood risk.
Community Council		No response received.
Developer Obligations	22/03/17	Request a total of £58,128 in contributions regarding affordable housing, education, community facilities, sport and recreation, core paths, and library facilities.
ACC- Waste Services	26/5/16	No objection.

REPRESENTATIONS

None

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the original applications at the site were the subject of Strategic Transport Fund (STF) contributions and approval of the current proposal would result in the requirement for STF being waived, within the proposed phase, which may have potential implications for the legal challenge related to STF, and in relation to other similar cases.

PLANNING POLICY

National Policy and Guidance

The key objective of the Scottish Government is sustainable economic growth. SPP (Scottish Planning Policy) relating to housing / mixed communities and town centres / retailing is of particular relevance.

Aberdeen City and Shire Structure Plan

This sets a target to increase the population of the city region to 480,000 by 2030. It identifies Aberdeen City as a key growth area and allocates a total of 16,500 housing units for the period 2007- 2016.

Aberdeen Local Development Plan 2017

LR1: Land Release Policy

NE1: Green Space Network

NE4: OpenSpace Provision in New Development

NE5: Trees and Woodlands

NE6: Flooding, Drainage and Water Quality

NE9: Access and Informal Recreation

D1: Quality Placemaking by Design

D2: Landscape

H1: Residential Areas

H3: Density

H5: Affordable Housing

NC4: Sequential Approach and Impact

NC6: Neighbourhood and Commercial Centres

R7: Low and Zero Carbon Buildings and Water Efficiency

The site is designated as a development opportunity site (OP10) – for construction of 550 housing units in the local plan period up to 2016. A flood risk assessment is required to accompany any future development proposals for this site.

Supplementary Guidance

The site lies within the Dubford Development Framework which was approved by Committee in 2012. It confirms the suitability of the site, and adjacent land, for residential and associated development, as well as establishing general development parameters which future applications are expected to conform to.

Interim planning advice relating to developer obligations, landscape, affordable housing, transport and accessibility, noise, flooding and trees is relevant.

OTHER RELEVANT MATERIAL CONSIDERATIONS

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The previous planning permissions for the site are of significant weight. It is noted that the site is subject to STF contributions, associated with the planning approvals, but the legality of the STF guidance is a matter awaiting the outcome of a legal challenge.

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.

Legal Challenge Position Statement

Combined Corp BVI Ltd has lodged an appeal against the adoption of the Aberdeen Local Development Plan 2017. The appellant seeks to quash that part of the Plan which incorporates the recommendations made by the Reporter in relation to Issue 11 – Allocated Sites and General Area Strategy; Deeside and Issue 12 – Alternative Sites; Deeside. The remainder of the proposals and policies in the Local Development Plan 2017 are not subject to legal challenge and therefore, with the exception of the sites affected by Issue 11 and 12, planning applications can continue to be determined in accordance with the adopted Local Development Plan 2017.

Development Principle

The wider site is zoned for development in the adopted local plan, it has been subject to an approved development framework and a valid planning permission exists for its development for residential and ancillary commercial purposes (P120723, P121422). Subject to conditions regulating environmental and other impacts, and to ensure policy compliance, the proposed changes resulting from this application are considered acceptable and raise no insurmountable issues.

Dubford Development Framework / Design Considerations

The proposal accords with the general aspirations of this document which is an important material consideration that weighs in favour of the development. Both the local plan and development framework envisage a total of 550 units for the whole site, including adjacent land to the east not under the applicant's control. The scale of development proposed on the current application site and its urban form are considered to accord with wider design objectives and it has been demonstrated that adequate public open space would be provided within the site. The development layout / form / scale proposed are considered to respect the suburban nature of the existing built up area to the south of the site. The standard of design is considered to exceed that of historic suburban residential development in the area. The vernacular form of the proposed courtyard housing and retail centre considered to be an appropriate contemporary expression of a traditional rural development form, which is appropriate to a housing site located at the edge of the built up area of the city adjacent to the designated green belt. The overall standard of design is considered to accord with policy D1 and development framework design objectives. Although the density of development proposed would fail to satisfy the minimum density requirements set out in policy H3 (30 units per hectare, as opposed to 11.7 units proposed) this is considered to demonstrate that the proposal would not represent

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overdevelopment of the site and reflects the fact that a significant part of the site is allocated as public open space / commercial use within the development framework and lies at the edge of the wider development site. The local plan does recognise that not all sites need to be developed at a minimum density of 30 dwellings per hectare. Sufficient public open space would be provided in accordance with policy NE4. There would be no adverse impact on the amenity of adjacent residents resulting from the scale or proximity of housing proposed and conditions can be used to ensure provision of buffer landscaping to ensure that the landscape setting of the site and adjacent green belt / green space network is enhanced in accordance with policy NE1/ D2.

Flood Risk

A flood risk assessment has been submitted in support of the application. Formal consultation with SEPA and the Council's flooding team during the application process has confirmed that flood risk, which is an issue affecting only the northern and eastern edges of the site, is not so significant that the development potential of the site is compromised, or that refusal is warranted. The form of development and location of the buildings differs little from the approved layout and is not considered to result in significant increased risk of flooding. Conditions can be imposed to ensure that the development of the site takes account of this issue. Mundurno burn is to be incorporated within the development site as part of the strategic landscape area, rather than culverted, in accordance with sustainable development objectives in accordance with policies NE6 and NE8.

Traffic Impact

The general layout, nature and scale of development are similar to that previously approved. The Council's roads officers are agreeable to the scale of car parking proposed associated with the commercial uses, although it would be marginally in excess of the Council's maximum parking standards. It is considered that the overall level of car parking for the residential uses would meet the Council's standards and would be of an acceptable level that would not be likely to result in overspill parking pressure. Public transport access to / from the development is considered to be acceptable as a bus terminus (i.e. a turning area associated with a bus route to the city centre) is located in the centre of the site. Footpath and cycle links to schools and other facilities are available through the residential area to the south of the site.

The Council's roads officers have agreed that there is no requirement for additional off-site road infrastructure (relative to that previously required by the approved development at the site). The requirement for STF payment imposed on the original planning permission for the wider site is not considered to be justified for this phase of the development given the absence of demonstrable strategic traffic impact outwith the site.

Developer Obligations

The site lies within a wider area subject to a development framework whereby development is expected to mitigate adverse impacts on existing infrastructure in accordance with Local Plan policy I1. Approval of the current application is likely to result in modification of (addendum to) the existing s.75 legal obligation for the wider site, which ensures that the required developer contributions, affordable housing and infrastructure works are delivered. The relevant contribution requirements for phase

4 (a total of £58,128 in contributions regarding affordable housing, education, community facilities, sport and recreation, core paths, and library facilities) have been identified by the developer obligations team and are considered to comply with the expectations of the Council's Interim Planning Advice. The developer has indicated a preference to address these contributions by way of up-front payment in order to avoid the need for a further s.75 obligation and its associated delay in determination. Notwithstanding the expectation within policy H5, that no less than 25% of the total number of housing units on a site be affordable, the s.75 obligation entered into by Scotia in relation to the wider site enables a lesser percentage to be provided on site and for the potential to use financial contribution to the Council as an alternative to on site provision. This is considered to be a reasonable solution in the particular circumstances given the wider sustainable development benefits of securing commercial facilities on the site for the benefit of the wider community.

Retail Impact

It is considered that the limited increased scale of the development relative to the previously approved scheme (i.e. 357sqm) is not such that retail impact assessment is required, particularly given that the approved development framework encourages provision of retail and other commercial uses within the site in order to ensure that facilities are available for local residents, thereby reducing the need to travel. Given that there are currently no non-residential facilities within the wider development site, where in excess of 300 of the approved housing units have been provided, this is a significant material consideration. The nearest existing shopping centre / neighbourhood centre is a considerable distance from Dubford (i.e. the district centre at Middleton Park), so that there is a strong likelihood that many food shopping trips are currently made by car. It is in the interest of sustainable development to ensure that such retail and other related supporting facilities are provided at the site. It is not considered that the scale of retail and other commercial facilities proposed would result in significant diversion of trade from existing centres or be likely to encourage significant car generating trips from outwith the wider area. The scale and mix of uses proposed is considered to be compatible with the identified role of the site as a neighbourhood centre for the wider residential development and is consistent with the expectations of the approved development framework. It is therefore considered that there would be no conflict with local plan policies NC4 and NC6 and SPP regarding town centres / retailing.

Landscape setting, trees and wildlife

The existing TPO protected trees and farm steading would be retained and incorporated into the development as landscape assets in accordance with local plan policies D1, D2, and NE5, albeit the former farmhouse would be redeveloped as a retail unit. It is considered that the proposed buildings and other works would be sufficiently distant from the main trees of value within the site that the integrity of the TPO would not be compromised. Although the western part of the site is designated within the Local Development Plan as Green Space Network, so there is a degree of conflict with policy NE1, the development form is consistent with that previously approved in 2013 and accords with that encouraged by the approved Dubford Development Framework. Furthermore, substantial public green space and landscaping are proposed within the site (e.g. along the burn side and in the vicinity of the protected trees). It is therefore considered that the technical conflict with NE1

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policy does not justify refusal of the development. Conditions are proposed in order to require suitable enhancement planting and landscaping works.

Noise Impact

The submitted noise assessment has been reviewed by the Council's Environmental Health Service. Although a haulage yard and mineral processing facility are located to the north of the site on Shielhill Road, that consultee has no objection to the proposal, subject to a condition requiring implementation of the recommended noise attenuation measures for residents.

RECOMMENDATION:

Approve Conditionally. Withhold issuing of decision until a total of £58,128 is received in developer contributions (in order to address impacts regarding affordable housing, education, community facilities, sport and recreation, core paths, and library facilities) or a section 75 obligation has been entered into in order to secure such contributions.

REASONS FOR RECOMMENDATION

The wider site is zoned for development in the adopted local plan, it has been subject to an approved development framework and a valid planning permission exists for its development for residential and supporting commercial purposes. Subject to conditions regulating environmental and other impacts, and to ensure policy compliance, the proposed changes resulting from this application are considered acceptable and raise no insurmountable issues. It is considered that the proposed changes to the commercial centre would improve its value to the wider residential area, would accord with the objective of sustainable development and would not result in any adverse impact on existing centres.

CONDITIONS

It is recommended that approval is given subject to the following conditions:-

(1) Drainage

No development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been 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.

(2) Construction Method Statement

No development pursuant to this planning permission shall take place unless a detailed site specific construction method statement for the development has been submitted to and approved in writing by the planning authority. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS. Such statement shall be implemented in full for the duration of works on the site - in order to prevent potential water pollution.

(3) Tree Protection

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No development shall take place unless a scheme for the protection of all trees to be retained on the site during construction works, including a retention fencing plan, 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.

(4) Tree Protection

No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

(5) Landscaping

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 include indications of all existing trees and landscaped features on the land, 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.

(6) Landscaping

All planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development 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.

(7) Boundaries

No part of the development hereby approved shall be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(8) Open space

No dwellings hereby granted planning permission shall be occupied unless the areas of public open space as identified on Drawing No.220 rev.D of the plans hereby approved (or such other drawing as may be subsequently approved) have been laid out in accordance with a scheme which shall be submitted to and approved in writing by the Planning Authority. No development pursuant to this planning permission shall take place unless such a scheme detailing the manner in which the open space is to be managed and maintained has been submitted to and approved in writing by the

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planning authority. Such scheme shall include provision for a play area comprising at least five items of play equipment and a safety surface - in order to preserve the amenity of the neighbourhood.

(9) Play Area

No dwelling hereby granted planning permission shall be occupied unless the area indicated on Plan No. 812 rev.D and 220 rev.C as a community playground is completed, laid out and equipped as a play area in accordance with a scheme that has been approved in writing for the purpose by the Planning Authority, unless the planning authority has given prior written approval for a variation. The said area shall not thereafter be used for any purpose other than as a Play Area – in order to ensure the timeous provision of play facilities.

(10) Carbon Reduction

The buildings hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' (Local Plan policy R7) has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's local plan policy R7, 'Low and Zero Carbon Buildings'.

(11) Refuse Storage

The commercial / retail uses hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(12) Cycle Parking

The uses hereby granted planning permission shall be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and is thereafter implemented in accordance with said scheme relative to the specific use / premises - in the interests of encouraging more sustainable modes of travel.

(13) Car Parking

The development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission and required for the specific premises have been constructed, drained, laid-out and demarcated in accordance with drawing Nos. 231 rev. C, 220 rev.D and 224 rev.B of the plans hereby approved, or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development and uses hereby granted approval - in the interests of public safety and the free flow of traffic.

(14) Flood Risk

Notwithstanding the provisions of Article 3 (Schedule 1) and Parts 1 and 2 of the Town and Country Planning (General Permitted Development) (Scotland) Order

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1992, as amended, no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouse, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwelling houses hereby approved within block 2 without a further grant of planning permission from the planning authority. No permanent landraising within the functional floodplain as shown by drawing 907 Rev.1 and 231 Rev.C shall take place, and post construction garden ground levels should remain as existing. - in order to minimise flood risk by avoidance of obstruction to flow within the functional floodplain.

(15) Travel Plan

No development shall take place relative to the commercial / retail uses hereby granted planning permission unless there has been submitted to and approved in writing by the planning authority, a detailed Green Transport Plan, for that part of the development. This shall outline sustainable measures to deter the use of the private car, in particular single occupant trips, encourage pedestrian / cycle access from the adjacent development site, and provide detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

(16) Noise Attenuation

The dwellings hereby approved shall not be occupied unless the following noise mitigation measures, or other measures to be agreed in writing by the planning authority, have been installed within the relevant dwelling, namely:-

1. application of RTRA 32 dB glazing specification (such as 10mm glass/12mm airspace/6mm glass or alternatively 6.4mm laminated glass/12mm airspace/6mm glass) with attenuated ventilation rated at Dne,w 38 dB provided to the living rooms facing the Shielhill Road and B999 to control road traffic noise and Breedon Aggregates facility noise.
2. application of RTRA 32 dB glazing specification with attenuated ventilation rated at Dne,w 38 dB in all bedrooms including those facing the Shielhill Road and B999 to control road traffic noise, Breedon Aggregates facility noise and helicopter traffic noise.

In order to protect the residential amenity of prospective residents

ADVISORY NOTES FOR APPLICANT

Regulatory advice for the applicant

Regulatory requirements

- 1 Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

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- 2 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

Inverdee House, Baxter Street, Torry, Aberdeen AB11 9QA Tel: 01224 266600