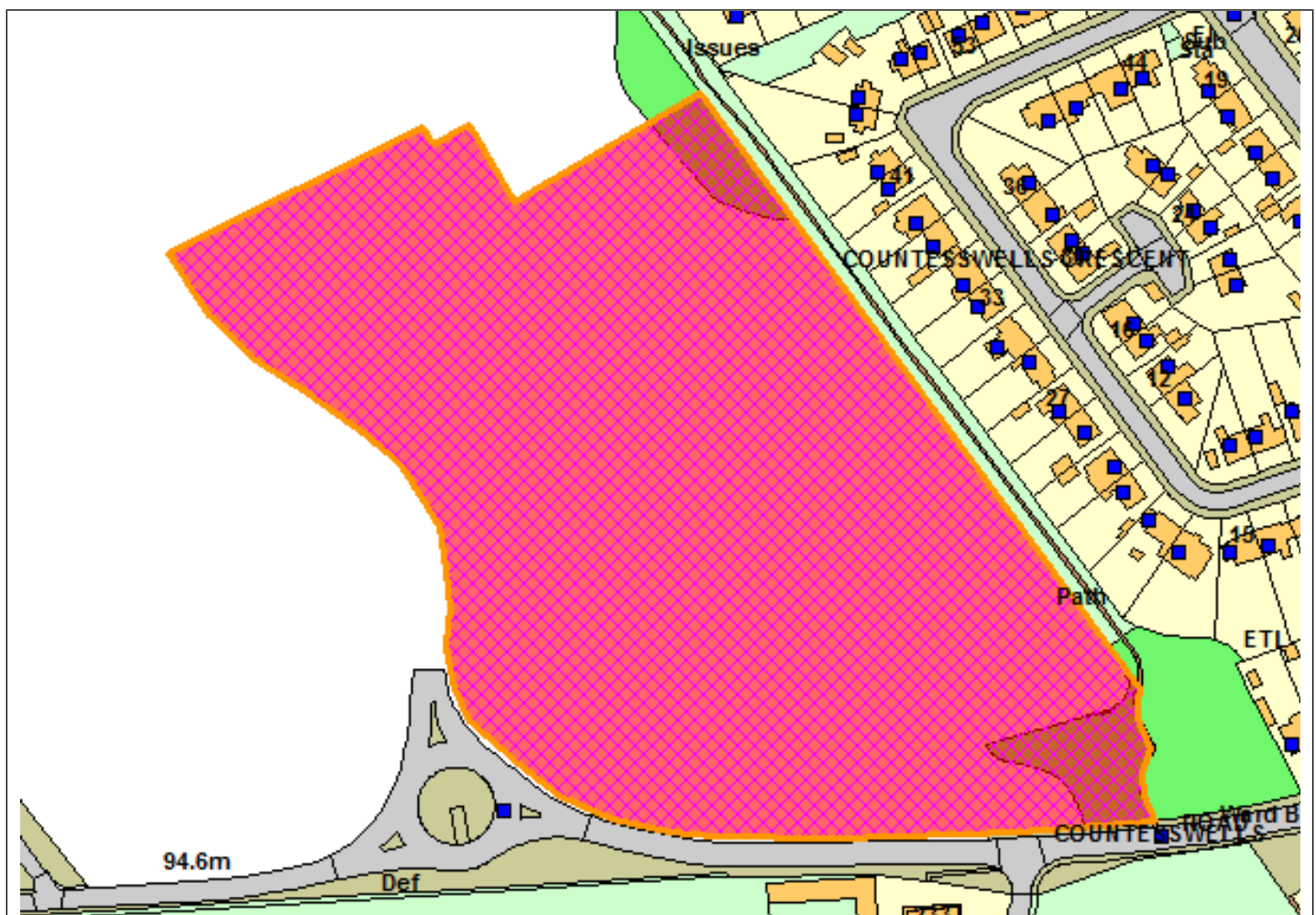




# Planning Development Management Committee

Report by Development Management Manager

<b>Site Address:</b>	Pinewood Zone F, Countesswells Road, AB15 8AT,
<b>Application Description:</b>	Erection of 116 dwellings comprising of 2 apartment blocks, 35 houses and retirement apartment block, with amenity space and associated infrastructure
<b>Application Reference:</b>	170243/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	10 March 2017
<b>Applicant:</b>	Dandara
<b>Ward:</b>	Hazlehead/Ashley/Queens Cross
<b>Community Council</b>	Craigiebuckler And Seafield
<b>Case Officer:</b>	Jamie Leadbeater



## RECOMMENDATION

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**Approve Conditionally, subject to completion of a Section 75 legal agreement**

## APPLICATION BACKGROUND

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### Site Description

The site comprises a parcel of undeveloped land equating to 3.84 hectares which contains a sparse arrangement of mature trees to the north of Countesswells Road, and to the south-west of dwellinghouses on Countesswells Crescent. The existing trees are located primarily along the south-west side and south-eastern corner of the site. An over-head power line cuts across the site within the southern-most quarter of the site.

A core path lined with mature trees separates the north-east boundary of the site with the rear gardens of houses on the western side of Countesswells Crescent. The area of land to the north-west of the site is currently being developed for housing as part of Zone G within the wider Pinewood development, as is land to the west which forms Zone D. Vehicular access to the site is obtained from a newly formed roundabout off Countesswells Road to the south-east of the site.

### Relevant Planning History

Application Number	Proposal	Decision Date
160593	POAN for major residential development comprising 100 – 250 homes, including retirement village, amenity space and associated infrastructure	Further Consultation Not Required (January 2017).
131027	MSC for purification of Conditions 2, 3, 6, 7, 9 and 10 to consent granted under application 072132	Approved Conditionally (January 2014)
131055	MSC for purification of Condition 12 (siting, design and external appearance of buildings and landscape) to consent granted under application 072132	Approved Conditionally (December 2013)
072132	PPiP for residential development and Formation of access roundabout and access roads.	Approved Conditionally with legal agreement (August 2010)

## APPLICATION DESCRIPTION

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### Description of Proposal

Erection of 116 dwellings comprising of 2 apartment blocks, 35 houses and retirement apartment block (for persons aged 55 and over), with amenity space and associated infrastructure.

### Market Units

The market units would be developed within 2 apartment blocks (comprising 9 x 2 bedroom apartments in each) and 35 houses made-up from a mixture of semi-detached and detached houses each to be served with their own parking spaces and garden area to the front and enclosed rear garden area.

The apartment blocks would be 3 storey in height and have flat roofs, finished in a combination of a white smooth render, horizontal timber cladding and further artificial cladding. Each apartment at first and second floor level would be served by a projecting balcony. Access to each apartment block would be obtained via communal ground floor entrance and would have its own associated communal amenity space and secure bicycle store, as well as dedicated communal parking area.

The houses would be made-up of 3 different house types: The Ash (8 units) - a 3 bedroom two storey house with pitched roof and projecting two storey front gable with associated open canopy porch with windows and doors throughout; The Rowan (17 units) - a 3 bedroom one and half storey house comprising front gable, single box dormer and open porch canopy on the front elevation and a large box dormer with photovoltaics on the front with doors and windows throughout; and, The Lime (10 units) – a 2 bedroom bungalow with two pitched adjoining pitched roof elements, creating front and rear gable, with windows and doors to be located throughout. In terms of external finishes, all house types would be finished in a smooth white render and artificial roof tiles. Windows, doors and cladding materials have yet to be specified.

#### Over 55 retirement block

The retirement block would comprise of 63 apartments within a 4 storey flat roof building set on a rectangular footprint. The development would be accompanied by an enclosed courtyard area in the middle and landscaped private gardens areas to ground floor units around the periphery. A dedicated communal car parking area would be provided for the units to the south of the apartment building.

In terms of design, first and second floor units would each be served by a projecting balcony area whilst top floor/penthouse units would be served by wrap-around balcony areas. The main exterior of the building would be finished in a combination of a white smooth render and horizontal timber cladding, whilst the top floor units would be fully clad in a synthetic grey material.

#### Open Space

Most open-space associated with the development would be located around the western and southern peripheral areas of the site which would contain a footpath network and a combination of existing mature trees and new trees. The footpath network would provide connections to Zone G of the wider Pinewood development to the north, a new bus stop just north of the existing roundabout off Countesswells Road, and across the southern boundary of the site to the existing footpath running along the north-east boundary. The Landscape Strategy provides greater detail on proposed furnishings etc.

### **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=OMJTNWBZJG300>.

The following documents have been submitted in support of the application –

- Drainage Impact Assessment;
- Design & Access Statement;
- Ecology Report;
- Low & Zero Carbon Statement;
- Landscaping Plan;
- Planting Schedule;

- Pre-Application Consultation report;
- Residential Travel Pack;
- Refuse Plan;
- Supporting Statement;
- Transport Statement;
- Tree Survey.

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because 1) there have been more than 5 valid objections submitted against the application, and 2) the local Community Council has objected.

## **CONSULTATIONS**

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**Craigiebuckler & Seafield Community Council** – Object, on the basis of the following: 1) the density of the development is an adverse departure from the 2013 consent for the site; 2) the 4 storey apartment building would have an adverse visual impact on the skyline of the Hazlewood Estate; 3) the 4 storey building would have an adverse impact on the outlook and privacy of homes bordering the site; 4) applicant has shown no evidence of undertaking a hydrology survey to support the proposals; 5) No provision has been made for visitor parking and that this is likely to lead to cars being parked on neighbouring streets.

**Developer Obligations Team** – A Developer Obligations assessment has been issued to the applicant which sought delivery of affordable housing against the mainstream housing units as well as contributions towards healthcare and towards the upgrade of the adjacent Core Path, the terms of which the applicant has agreed to.

**ACC - Environmental Health** – No objection, but recommend conditions be attached seeking a Noise Impact Assessment to establish traffic noise mitigation measures for the development. The consultation response also clarifies that the traffic generated from the development is unlikely to give rise to a significant air quality impacts across the wider city, including in defined Air Quality Management Areas (AQMAs).

**ACC - Flooding & Coastal Protection** – No objections and conditions considered necessary to apply to any subsequent consent.

**ACC - Housing Strategy & Performance** – The Supporting Statement has been reviewed. Affordable housing would be below the current expected rate, but this has been taken up with the applicant and an agreement has now been reached.

**Police Scotland** – No real concerns, however it is recommended the developer takes into account relevant guidance in which to design-out the potential for crime.

**ACC - Roads Development Management Team** – No objection, subject to a number of suspensive conditions. The conditions cover the following: 1) need to evidence a public transport operator agreement; 2) need to show how appropriate traffic-calming measures can be introduced within the development; 3) need to show how a temporary turning-circle could be provided for refuse vehicles and visitors prior to the internal road layout being connected to another phase of the wider development; 4) details of secure motorcycle and bicycle parking; and 5) need for a Residential Travel Plan to be issued to all new occupants following agreements with the Planning Service.

**Scottish Environment Protection Agency (SEPA)** – No objection, subject to one condition requiring the submission and approval of a Construction Environment Management Plan (CEMP) prior to commencement of development which details how the water environment will be protected during construction and how materials and waste will be managed on site.

**Scottish Water** – No response

**ACC - Waste Strategy Team** – No objection. Standard comments provided regarding provision in of bins for each unit and the associated costs to provide these which is to be burdened by the developer, plus guidance on how stores shall be arranged within the site to cater for the ease of bin collections by the Waste Service.

## **REPRESENTATIONS**

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A total of 11 letters of representation have been received, 1 of which was received outwith the period for public comment and 2 of the letters were received from the same postal address. As such, it is deemed in line with the Council's Scheme of Delegation that 9 valid representations have been received, all of which objected to the application. The material planning issues raised in the letters have been summarised as follows:

- The proposed 4 storey building (block c) would give rise to a loss of residential amenity to properties on Countesswells Crescent in terms of loss of daylight, privacy and creation of overshadowing;
- The site would be 'overdeveloped' by virtue of the increase in residential units compared to the previously approved scheme;
- The proposed 4 storey building would set a precedent for 'high-rise' development in the surrounding area;
- The proposed design of the houses and apartment blocks would not be visually appealing;
- The development would endanger the health of long-established trees lining the path to the north-east;
- Development could result in excess surface water migrating to the gardens spaces of properties along Countesswells Crescent; and,
- Countesswells Roads could not cope with the increase in traffic levels generated by the development which could give rise to road safety concerns.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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.

### **Aberdeen Local Development Plan (2017) (ALDP)**

- Policy LR1: Land Release Policy
- Policy D1: Quality Placemaking By Design
- Policy D2: Landscape
- Policy I1: Infrastructure Delivery and Planning Obligations
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy H3: Density
- Policy H4: Housing Mix

- Policy H5: Affordable Housing
- Policy NE1: Green Space Network
- Policy NE4: Open Space Provision in New Development
- Policy NE5: Trees and Woodland
- Policy NE6: Flooding, Drainage and Water Quality
- Policy NE9: Access and Informal Recreation
- Policy R6: Waste Management Requirements for New Development
- Policy R7: Low and Zero Carbon Buildings and Water Efficiency
- Policy CI1: Digital Infrastructure

### **Supplementary Guidance and Technical Advice Notes**

- Pinewood Hazeldene Planning Brief (Planning Advice)
- Affordable Housing (Supplementary Guidance)
- Open Space and Green Infrastructure (Supplementary Guidance)
- Flooding, Drainage and Water Quality (Supplementary Guidance)
- Low and Zero Carbon Buildings, and Water Efficiency (Supplementary Guidance)

### **Other Material Considerations**

- Planning history of site
- Current housing market conditions
- Designing Street guidance

## **EVALUATION**

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### **Principle of Development**

The application site is designated as a Residential Area on the ALDP 2017 Proposals Map, and prior to this the site was granted Planning Permission in Principle (PPP) in August 2010 for residential development under application P072132. This approval also covered Zones D, E and G within the wider Pinewood-Hazeldene residential development. Subsequent to the outline approval, a Matters Specified in Condition (MSC) application was approved for 54 units on the site under application P131055 which included a combination of detached and semi-detached housing units and some associated open-space. Taking all the above matters into consideration, the proposed development accords with the essence of Policy LR1 in the ALDP 2017 and therefore the principle of residential development on the site is considered acceptable.

### **Layout, Siting and Design**

In terms of layout and composition, consideration of policies H3 (Density) and H4 (Housing Mix) in the ALDP underpin the primary expectations of all new major housing developments across the city which can have a large influence on a site layout. The proposed development would include associated communal landscaped areas, the merits of which will be discussed later in the evaluation, as would the merits of the proposed internal road layout.

Policy H3 in the ALDP seeks to ensure that new housing developments would achieve a minimum density of 30 units per hectare, as well as having consideration for the site's characteristics and desire to achieve an attractive residential environment. The proposed development would just achieve the required minimum density, unlike the previously approved scheme for the site. As such, there is clearly merit in the current revised proposals in this respect.

Policy H4 in the ALDP states that housing developments larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, which reflects serves families and the requirements of different age groups. This policy goes on to state that this mix should include 1 and 2 bedroom units, offered in market and affordable units. This proposal does go some way to

achieve the mix required by the policy. It makes provision for specifically designed apartments to cater for people aged 55 and over (older age group) and also offers a range of mainstream housing units from bungalows to detached two storey houses, which can cater for young couples, families with children and also possibly the less physically able. However, none of the units within the development would be 1 bedroom and affordable housing is to be provided off-site. As such, the proposal would not be fully compliant with Policy H4 in the local development plan. Should the application be approved, it would be necessary for the Planning Authority to maintain long-term control over who occupies the proposed 'retirement' units in Block C. It is thought this could be achieved by imposing a condition on requiring persons to be 55 years old or older to ensure long-term provision for older people wishing to downsize from larger house types.

In general terms, the proposed individual house plots would be well proportioned to afford prospective residents their own dedicated amenity space. Timber fences of at least 1.8m in height would be erected in line with the Landscaping Strategy to define the rear curtilage of each unit, which should be in place prior to the occupation of a house unit to ensure that adequate privacy could be obtained. The location of parking spaces to the front of individual house units would be provided within the front curtilage and clustered communal parking would be afforded to all 3 apartment blocks. The arrangement for houses would be consistent with those found in other already implemented zones within the wider Pinewood-Hazeldene development and therefore would accord with the existing character of the area but it should be pointed out that this arrangement does not accord with the principles of Designing Street guidance, which will also be later touched on in the 'access, parking and connectivity' section of the evaluation. In terms of making provision for refuse collection, the Waste Service has been consulted on the application and presented no objection. The proposed Site Plan and associated Refuse Plan demonstrate that provision has been made to store waste for individual house types within the rear curtilage and provides a pathway primarily to the rear of each unit to enable presentation of waste bins on the internal road. Furthermore, the Refuse Plan outlines where communal waste storage facilities are proposed to be positioned within the curtilage of each apartment block. The siting of each would be within a proximity to the entrance doors of each block that aligns with Waste Service's expectations. The design details of the proposed communal bin stores however would need to be submitted for further consideration by the Planning Authority, which can be controlled through condition if the application is approved. In short, it is considered the proposed refuse layout would accord with the expectations of Policy R6 in the ALDP.

In terms of landscaping, the applicant has submitted a Landscaping Strategy with an associated Planting Schedule. The proposed strategy includes the retention of existing trees and re-building of traditional stone dyke along the south-western side of the site as well as planting a significant number of new trees around the southern and western periphery of the site, as well as planting 2 areas of bulbs within the two southern corners of the site nearest Countesswells Road. These elements of the strategy would sit in peripheral grassed areas which would also contain the proposed footpath network. Further into the development, new hedging would be provided to define open space between Block B and Block C (retirement block) to soften the visual appearance of the development and provide an appropriate balance of hard and soft landscaping within the development to the benefit of public visual amenity. Taking the composition of the proposed Landscaping Strategy and associated Planting Schedule into account, it is considered acceptable given it would suitably aid the development's visual integration within the semi-rural woodland setting of the wider Pinewood-Hazeldene development, which would be primarily viewed from Countesswells Road to the south of the site. Providing such proposals are implemented in full, which can be controlled through condition if the application is approved, then it would satisfy the relevant expectations of Policy D2 in the ALDP.

In terms of siting of buildings, Policy D1 and H1 within the ALDP the Site Plan and Site Section drawings demonstrate that the physical relationship between apartment blocks and the mainstream house types would avoid overlooking and privacy issues by virtue of separation

distances and the orientation of balconies and windows in apartment blocks and the proposed houses. Furthermore, the Site Section drawing demonstrates that the separation and comparable heights between the different buildings on internal roads would present a positive variation to the streetscene which typifies a 'good housing' mix as expected under Policy H3. In terms of the amenity impact of the development on existing neighbouring sites, it is acknowledged that the greatest concern relating this development is the potential residential amenity impact of the 4 storey apartment retirement block (Block C) on properties on the south-western side of Countesswells Crescent. In terms of proximity, the apartment block would be sited at least a minimum of 38m from the nearest windows serving habitable rooms within the semi-detached houses on Countesswells Crescent. This distance would far exceed the standard 18m rule needed to design-out overlooking potential. Whilst the distance between windows in the apartment block and the nearest rear garden boundary pertaining to the nearest houses on Countesswells Crescent would be much shorter, between 18m and 20m, the existing intervening mature trees primarily should screen out any additional impact arising from the height of windows and balconies – even during winter months - in the apartment block. Subsequently, it is not envisaged that apartment Block C would give rise to any undue privacy impacts. In addition to this, Block C would not pose an undue overshadowing or loss of daylight impacts on the basis of the c. 40m separation distances between buildings plus the existing intervening trees are higher and therefore are more likely to have an impact in this respect. For the avoidance of doubt, it is not envisaged that the any other building with the proposed development pose an undue amenity concerns on other neighbouring sites.

In conclusion, the proposed site layout and siting of the development has been extensively reviewed at pre-application stage following dialogue between the Planning Service and the applicant, which has included the input of the Council's Urban Designer. The proposed layout reflects the final discussions between the two parties, and whilst it would not fully comply with policy and guidance, is considered acceptable on the basis that the merits outweigh the drawbacks.

In terms of the design of the proposed mainstream housing units, these are considered acceptable on the basis that their design, scale and layout would be coherent with the existing house types that have already been built by the applicant to the north of the site within the wider Pinewood-Hazeldene development. With regards to the proposed 3 apartment blocks, whilst there are not presently any buildings of this type in the local area, their contemporary form and appearance of would complement the design and appearance of the different house types within the rest of the site and the site's context as a semi-rural partly wooded setting. Whilst the proposed finishing materials are considered acceptable in principle, further details/samples are sought to ensure their quality ties in with other buildings in the wider development which could be controlled through condition. Overall, it is considered that the proposed design scheme would comply with the relevant expectations of Policy D1 in the ALDP.

### **Energy Efficiency, Water Efficiency and Digital Infrastructure**

Notwithstanding the merits of the house and apartment block designs, there is an expectation that all new permanent habitable buildings would meet modern energy and water efficiency standards to minimise long-term carbon usage and water extraction from the River Dee in order to comply with Policy R7 in the ALDP and its associated supplementary guidance. Whilst the applicant has submitted a supporting statement titled 'low and zero carbon' outlining their intention to ensure the proposed habitable buildings would meet the desired energy efficiency standards and indicated the possible mechanisms in which to achieve such levels, it would still be prudent to seek demonstration of the actual efficiency and techniques levels before the buildings are built to ensure the expectation of the policy is met. This can be controlled through condition if the application is approved.



In addition, it is expected under Policy CI1 in the ALDP that all residential units would have access to modern, high-speed communications infrastructure. Whilst it is anticipated the developer would ensure such infrastructure is in place prior to occupation of the proposed units, it would be prudent to apply a condition to any subsequent consent which seeks clarity from the applicant/developer what quality of digital infrastructure would be installed timeously to cater for modern living standards.

### **Access, Parking and Connectivity**

Policy T2 in the ALDP states that new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel, which includes increasing local public transport services and making provision for access by bicycle and on foot. Policy T3 in the ALDP states that new development must be accessible by a range of transport modes with an emphasis on active and sustainable travel, specifically the internal layout of developments must seek to prioritise walking, cycling and public transport connectivity in line with the principles of Designing Streets guidance and the policy's associated supplementary guidance.

The proposed development would obtain vehicular access from a new road heading northwards from an existing roundabout to the south-east of the site. The proposed access road has already been approved as part of the planning for the development of other zones within the Pinewood-Hazeldene development. As touched upon in the previous section, the internal layout of the site would comprise an internal footpath network which is connected to the different areas of the development i.e. apartment blocks, houses and the Over 55 apartment complex, as well as new bus stop to the south-west and an existing core path to north-east.

The Roads Development Management Team (RDMT) has reviewed the proposed site arrangement and the submitted a Transport Assessment. They have posed no objection to the proposals in line with the above ALDP policies and the Designing Streets guidance, but have highlighted that the development would not comply with the principles of Designing Streets due to the fact that driveways are proposed to be located in front of the mainstream housing units instead of be positioned within private parking in small parking courtyards to the rear of the properties. In addition, the RDMT have recommended that 5 conditions be attached to any subsequent consent, the nature of which are all specified in the consultation comments above. The Planning Service has considered the merits of all such proposed conditions and is of the view they should competently address the current shortfalls in the detail of the proposals to ensure the development would comply with the essence of policies T2 and T3 in the ALDP and their associated supplementary guidance.

In addition to the above, the proposal makes provision for 2 new connections to the existing Core Path network running along the north-east boundary of the site which has been welcomed by the Council's Environment Policy team. This should ensure the development promotes use of active travel and improved use of an existing Core Path and therefore would comply with the relevant aims of Policy NE9 in the ALDP. Whilst the existing footpath is in a poor state of repair, the applicant has agreed to make contributions in way of money towards the upgrade of the footpath on top of the Section 69 infrastructure payment they made in August 2013. These funds would be secured through a Section 75 legal agreement payment if the application is approved.

### **Drainage and the Water Environment**

The applicant has submitted a Drainage Assessment and Drainage Plan outlining their proposed SuDS provision which has been reviewed by the Council's Flooding & Coastal Protection team and SEPA, which neither consultee has objected to. SEPA has, however, sought use of a condition on any subsequent consent requiring the developer to provide a Construction Environment Management Plan (CEMP) for the Planning Authority's approval in consultation with SEPA to ensure clarity is provided on the applicant/developer intends to mitigate against damage

to watercourses during the construction. The reasoning for this centres on their assertion that drainage works within the wider Pinewood/Hazeldene development to date have led to a reduction in the amount of water flowing in local watercourses. The applicant has already engaged in discussions with SEPA over how to address the issue, and the CEMP would provide further comfort that the proposed development would not have any greater impact. As such, it is considered competent to impose such a condition. Should any engineering operations need to be carried out as part of the development within a watercourse or disposing into a watercourse, then a separate CAR (Controlled Activities Regulations) license would need to be obtained from SEPA. This legal obligation can be relayed to the applicant through use of an informative on any subsequent consent.

It is acknowledged that local residents, primarily residing on Countesswells Crescent, have raised objections to the proposals on the basis of a similar issue touched on by SEPA, as well as raising the concern that garden areas have become damper since works in the wider Pinewood-Hazeldene development has taken place. Whilst these concerns are recognised, no strong evidence provided to the Planning Service to date has verified that the on-going development in the area is directly the cause of changes to neighbour's garden areas. Furthermore, the nature of the concerns appear to be centred around ground water movement and not surface water disposition, which is a civil issue which would need to be addressed outwith the planning process with the applicant/developer direct.

### **Natural Environment**

The application site has already been primarily cleared following the applicant's intentions to implement their previous consents and prior to that the site was regularly maintained. As such, it is not considered the site has any significant ecological sensitivities on review of the submitted Ecology Study also. The main natural constraints to the site are the mature trees existing within it and those overhanging the north-eastern side boundary. The coverage of trees within the south-east corner of the site forms part of the Green Space Network identified on the ALDP Proposals Map.

Policy NE5 in the ALDP has a presumption against the loss of trees or woodlands that contribute towards landscape character and local amenity, and therefore measures should be taken to mitigate against any damage being incurred to such natural assets. The applicant has submitted a Tree Survey, which includes identification of Root Protection Areas (RPAs) for each tree currently within the site and adjoining the site along the north-east boundary, which the Planning Service has considered in consultation with the Council's Environmental Policy Team. The footprint of all buildings would not encroach on Council-managed trees lining the Core Path to the north-east, but they would fall within the site. The Over 55 retirement block (Block C) would lie closest to these trees but by way of comparison the footprint of the development would be set further into the site than the previously approved development which could still technically be implemented if this application is not approved. The proposed means of mitigating against the risk of damage to such important trees of local amenity and landscape value during construction, is to impose standard conditions on any subsequent consent which ensures that protective fencing is erected prior to commencement of development and also to ensure that no fires are lit within 5m of such trees to avoid the risk of fire damage. Providing these conditions are adhered to, then the development would comply with the crux of the Policy NE5.

Policy NE1 in the ALDP makes a presumption against the loss of areas of the Green Space Network (GSN) as the policy aims to protect, promote and enhance of the value of the space for both use by local residents and wildlife. The proposed Site Plan shows that the footprint of buildings would not encroach onto the GSN and it would be incorporated into the open-space associated with the development which should ensure its long-term protection. As such, it is considered the proposal complies with the abovementioned policy.

The Environment Policy Team has raised some concerns about the impact of lights from construction work taking place during winter months could disturb bats roosting in trees along the north-east boundary of the site. Whilst the applicant has not expressly states that such lighting interventions would be used during the construction process, the Planning Service recognise that this scenario could arise given how short daylight hours would be during winter months and that bats can be become active during dark hours. Whilst the applicant/developer will acknowledge they have a statutory duty not to intentionally kill or harm bats, the Planning Service are of the view it would be prudent to impose some form of formal control over any lighting to mitigate against undue harm/disturbance to bats. It is therefore recommended this could be achieved through imposing a condition which seeks approval of an appropriate Lighting Strategy if the application is approved.

### **Affordable Housing**

Policy H5 in the ALDP 2017 states that housing developments of 5 or more units are expected to contribute no less than 25% of the total number of units as affordable housing. The associated Supplementary Guidance on affordable housing sets-out the options of how developers can deliver the expected level of affordable housing with a preference being on-site delivery, but off-site delivery or by way of a 'commuted sum' is deemed acceptable also. The SG does go on to make provision for a reduction in the level of affordable housing expected where a developer can demonstrate that exceptional costs towards other elements of the development render it unviable at the normal expected level of 25%.

In the case of this proposal, the applicant is proposing to deliver 10% of the proposed market housing numbers (53 units) as affordable units off-site in line with the historic arrangement for a housing delivery across the wider Pinewood-Hazeldene development when consenting to the original Planning Permission in Principle applications. For the avoidance of doubt, the Planning Service has been of the view since August 2016 - when pre-application discussions commenced with the applicant - that the proposed Over 55/retirement flat units would not trigger an affordable housing assessment which the Developer Obligations Team are also comfortable with. In line with the provisions of the SG, the applicant has also undertaken a viability assessment which has been reviewed by the Planning Service to demonstrate that the proposed development would not be a financially viable proposition at 25% affordable housing given the terms of the land deal to purchase the site and current market conditions. As such, the Planning Service has agreed that the original 10% delivery level would be reasonable to accept in this case. Subsequently, whilst the current proposals does not strictly accord with Policy H5 in the current local development plan, the proposals would align with relevant provisions made in the SG for a lower level of affordable housing than what is prescribed in the policy.

### **Developer Obligations**

The Developer Obligations team has been consulted to determine the appropriate level of developer contributions for the proposed development. Heads of Terms have been agreed with the applicant for the delivery of affordable housing off-site, as well as payment of contributions towards healthcare and the upgrade of the Core Path running along the north-east boundary. It is envisaged these would be secured from one of, or a combination of, 'planning agreements'. The Heads of Terms take into account infrastructure payments already made by the applicant through a Section 69 agreement in August 2013 and the previously agreed arrangement for the delivery of affordable housing under application P070132, as well as financial viability of the site in the context of the land deal struck with the Council when acquiring the site. Providing a Section 75 legal agreement covering the above contributions can be agreed, signed by all relevant parties and registered with the Registers of Scotland then the proposal would be deemed compliant with aim of Policy I1 in the ALDP.

### **Heads of Terms of any Legal Agreement**

Heads of Terms have been agreed with the applicant to secure the delivery of affordable housing off-site in line with the terms of previously agreed legal arrangement associated with the planning consent granted under application P072132. The HoTs do include the contributions towards Healthcare (£46,675) and upgrade of the adjacent Core Path (£16,963), but these may yet be paid in an upfront Section 69 payment.

### **Matters Raised in Representations**

- 1. The site would be 'overdeveloped' by virtue of the increase in residential units compared to the previously approved scheme*

The current proposals would increase the density of development for Zone F when compared to the previously approved scheme, the current level of development is considered acceptable on its own merits following extensive pre-application discussion between the Planning Service and the applicant, which included the input of the Council's Urban Designer.

- 2. The proposed 4 storey building would set a precedent for 'high-rise' development in the surrounding area*

Whilst the proposed 4 storey development is considered acceptable in this particular case, it is not to say that other developments of a similar height and scale would be in other locations on surrounding sites. Each proposal is determined on its own merits.

- 3. The proposed design of the houses and apartment blocks would not be visually appealing*

The proposed house types and apartments blocks are considered to be coherent with the character and appearance of already consented and implemented developments within the wider Pinewood-Hazeldene development and therefore are considered visually acceptable.

- 4. The development would endanger the health of long-established trees lining the path to the north-east*

The proposed development would not be positioned any closer to the existing mature trees within the site than the previously approved housing scheme and therefore it is not considered the development would endanger the health of such trees providing appropriate tree protection measures are implemented during construction, which would be controlled by condition.

- 5. Development could result in excess surface water migrating to the gardens spaces of properties along Countesswells Crescent*

The wider Pinewood-Hazledene development is currently served by a SuDS basin to accommodate excess surface water, which the proposed development would be connected to. Whilst it noted that local residents have raised concerns with their local councillor and the Craigiebuckler & Seafield Community Council about changes in the water migration pattern within the surrounding area, no evidence has been provided to tie these changes and affects to this development. Notwithstanding this, the issue of groundwater migration is deemed civil matter. Both the Council's Flooding & Coastal Protection Team and SEPA have both been consulted on the proposals and have not raised any flooding concerns.

- 6. Countesswells Roads could not cope with the increase in traffic levels generated by the development which could give rise to road safety concerns.*

As stated in the 'access and parking' section of the evaluation above, the Roads Development Team have been consulted and it is considered that the existing road infrastructure could cope with the expected level of vehicular traffic generated from it.

## **Conclusion**

In conclusion, the principle of residential development on the site is considered acceptable. Whilst the current proposals would significantly increase the density of development on the site compared to the previously approved housing scheme, it would enable the delivery of high quality mainstream market housing as well as specifically-designed accommodation to meet the needs of people aged 55 and over. The proposed development would not pose any undue amenity impacts on existing neighbouring properties and would provide good connections to the existing core path network as well as making provision for areas of public open-space. Whilst access to the development would primarily be made car there it the expectations that the residents could make use of a bus service and high-speed broadband connectivity in which to reduce the dependency on the use of private vehicles. The site has no significant nature conservation sensitivities and therefore the development would not give rise to any loss of protected habitat. Overall, it is considered that the development complies with most relevant policies in the Aberdeen Local Development Plan 2017, and where there lies some misalignment with policy, other material considerations dictate otherwise. The application is therefore recommended for approval, and if approved, it is recommended that the consent is not issued until the completion of an associated Section 75 legal agreement to secure payment of developer contributions and delivery of affordable housing off-site.

## **RECOMMENDATION**

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Approve Conditionally, subject to completion of a Section 75 legal agreement

## **REASON FOR RECOMMENDATION**

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In principle, the proposed use of the site is considered acceptable by virtue of its allocation on the ALDP 2017 Proposals Map. Furthermore, the proposed development would be of a density, layout and design which balances' the delivery of different house types to cater for a range of age groups with affording prospective residents a high quality of general residential amenity without unduly compromising the existing level of residential amenity afforded to neighbouring residents. The development would be suitably connected to the existing core path network and would be served by a suitable connection to the public road network, whilst also providing scope for a public transport operator to provide a service for residents. Whilst the level of affordable housing to be provided would not strictly comply with the expectations of Scottish Planning Policy and local planning policy, the applicant has sufficiently demonstrated why this would not be achievable in this instance. The proposed development would not have a significant adverse impact on the natural environment. Overall, the proposed development would comply with the relevant provisions of policies: LR1, D1, D2, I1,T2,T3, H3, H5, NE1, NE5, NE6, NE9, R6, R7, CI1 in the Aberdeen Local Development Plan 2017. In instances, specifically regarding housing mix and affordable housing, where the proposals are not strictly compliant with relevant ALDP policy other material considerations dictate otherwise. The proposal is therefore deemed acceptable.

## **CONDITIONS**

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- 1) Prior to occupation of the first unit, the applicant/developer shall submit a Residential Travel Plan to the Planning Authority for approval in consultation with the Roads Service, and once approved shall be issued to the new owners of each unit prior to their occupation.

Reason: To ensure occupants are made aware of the different ranges of transport available to accessing the development.

- 2) Prior to commencement of development, the applicant/developer shall provide evidence to the Planning Authority, for their approval, that they have reached an agreement with a public transport operator in which to provide a bus service from the bus stop shown on the approved Site Plan within a time period to be agreed with the Planning Authority after the first unit is occupied.

Reason: To ensure the development can be served by a sustainable means of transport.

- 3) Prior to commencement of development, the applicant/developer shall provide full details of traffic-calming measures to be implemented within the development to the Planning Authority for approval in consultation with the Roads Service. Once approved, the traffic-calming measures shall be implemented in a timescale to be agreed with the Planning Authority.

Reason: To ensure the development complies with Designing Streets guidance and minimizes the risk of road safety issues.

- 4) Prior to commencement of development, the applicant/developer shall submit details of how a temporary turning-circle could be provided allow to refuse vehicles and visitors to turn within the prior to the internal road layout is connected to the zone to the north of the site. Once approved, the turning circle shall be implemented until the internal road network is connected to the adjoining phase of development.

Reason: To ensure visiting vehicles have sufficient space in which to safely manoeuvre within the site in order to minimise road safety risk.

- 5) Prior to commencement of development, the applicant/developer shall provide full details/samples of all external finishes to the hereby approved building including downpipes, roofing materials, doors, windows and balustrade for approval by the Planning Authority.

Reason: To ensure that the development would remain in-keeping with the character and appearance of the surrounding area/

- 6) Prior to occupation of the first unit, the applicant/developer shall provide full details of secure storage for motorcycles and bicycles within the site for the approval by the Planning Authority. Once approved, the secure storage facilities shall be implemented in full prior to occupation of the first unit.

Reason: To ensure occupants means of transport can be securely stored thus minimizing the opportunity for crime.

- 7) Prior to commencement of development, the applicant/developer shall provide full details of the energy efficiency rating of each individual habitable building within the development for approval by the Planning Authority. Once approved, the construction of each building should be carried out to ensure that the approved energy efficiency levels are achieved.

Reason: To ensure compliance with Policy R7 in the ALDP 2017 and its associated Supplementary Guidance.

- 8) Prior to commencement of development, the applicant/develop shall submit details of water-saving technologies and techniques to be incorporated into the design of each new building within the site for approval by the Planning Authority. Once approved, all water-savings measures shall be implemented in full prior to the occupation of each unit.

Reason: In order to minimise water abstraction from the River Dee and to comply with the requirements of Policy R7 in the ALDP 2017 and its associated supplementary guidance.

- 9) Prior to commencement of development, protective fencing shall be placed around the Root Protection Areas (RPAs) pertaining to each tree to be retained outlined in the 'Tree Survey Drawing' which accompanies the submitted Tree Survey and shall remain in-situ until all buildings work associated with the buildings closest to each fence has been completed.

Reason: To ensure that existing trees of high landscape character and amenity value are not damaged or removed during the construction phase of development.

- 10) No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the Root Protection Areas of each tree identified on the submitted 'Tree Survey Drawing' 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 trunk.

Reason: In order to ensure adequate protection for trees adjacent to the site during the construction of the development.

- 11) Prior to commencement of development, the applicant/developer shall submit details a Lighting Strategy which outlines where they intend to position lights within the site during the construction phase of development. Once approved, the Lighting Strategy shall strictly be adhered to throughout the course of construction to minimise disturbance to bats roosting in the area.

Reason: To ensure bats likely to be roosting within trees in the surrounding area are not unduly disturbed.

- 12) Prior to commencement of development, the applicant/developer shall submit a Construction Environment Management Plan (CEMP) for approval by the Planning Authority in consultation with SEPA which details how the existing water environment will be protected during construction and how materials and waste will be managed on site. Once approved, the CEMP shall be adhered to in full for the timeline set out in the approved document unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the construction phase of development does not give rise to any undue adverse impacts on the natural water environment.

- 13) Prior to occupation of the first unit, the developer shall implement the proposed SuDS scheme in full unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the development does not give rise to any undue localised flooding.

- 14) Prior to commencement of development, the applicant/developer shall submit a statement to the Planning Authority for approval, detailing how the development shall have/ provide access to modern, up to date high speed communications infrastructure. Thereafter each phase of development shall be supported by a detailed statement setting out how such measures have

been designed into the built form and what standards of digital connectivity this will bring. The approved measures shall thereafter be implemented in accordance with the approved details.

Reason: To ensure compliance with Policy CI1 in the ALDP 2017 and Scottish Planning Policy.

- 15) That any person occupying any unit with the hereby approved 'Over 55 retirement' apartment block (Block C) on a temporary or permanent basis shall be of an age of 55 years old or over.

Reason: In the interests of maintaining control over who occupies this part of the development.

- 16) All hard and soft landscaping proposals shall be carried out in accordance with the approved Landscaping Strategy and Planting Schedule, which shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

#### **ADVISORY NOTES FOR APPLICANT**

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- 1) Any engineering works within the water environment will require authorisation from the Scottish Environment Protection Agency (SEPA) under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). SEPA are contactable on: 01224 266609.
- 2) Prior to making a connection to the public water supply and sewerage system, maintained by Scottish Water, the applicant/developer shall need to obtain the separate prior approval from Scottish Water in order to legally do this. Scottish Water is contactable on: 0800 389 778.
- 3) The applicant/developer should contact ACC Waste Service a minimum of 2 months prior to occupation of each unit.



