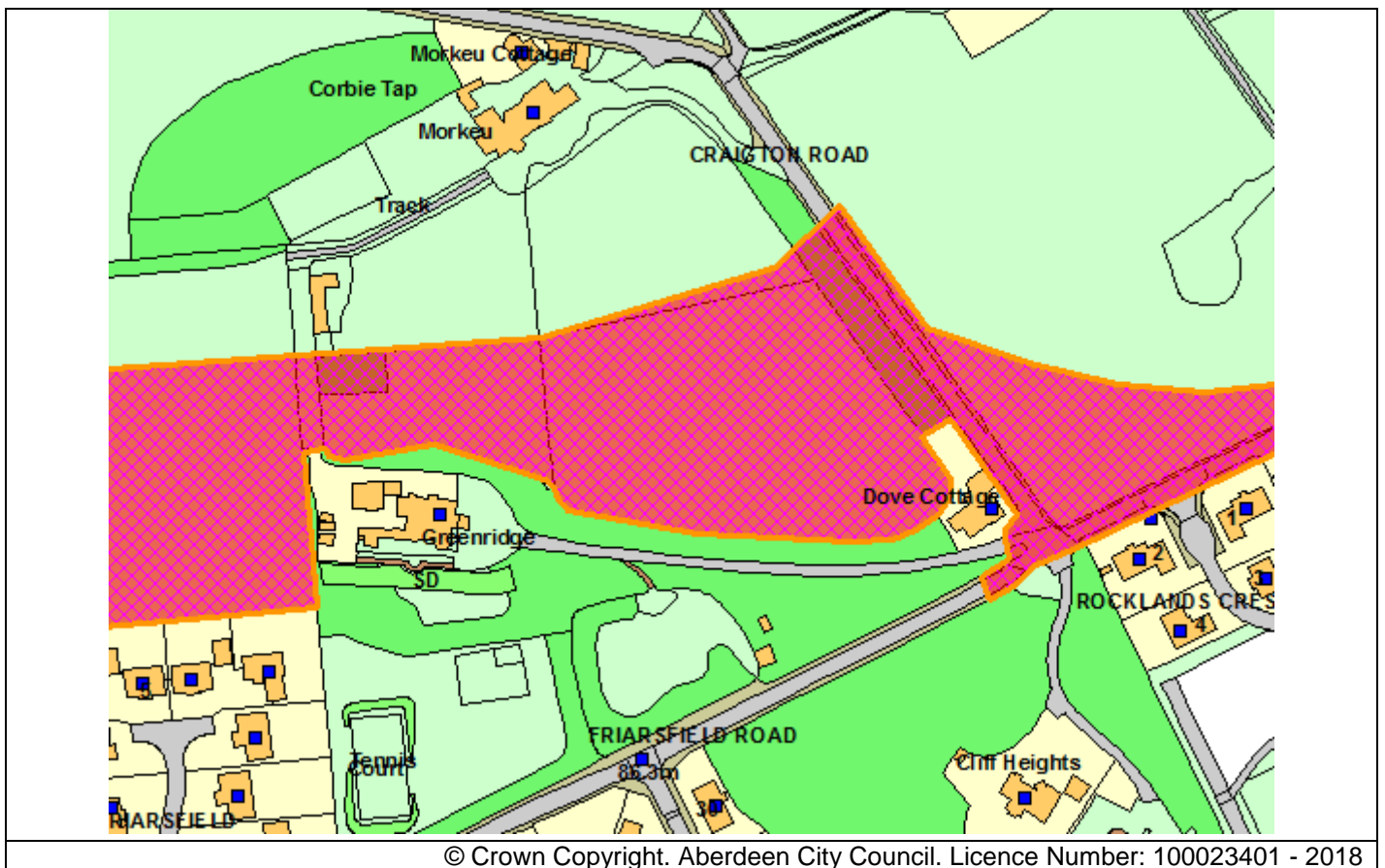


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:**

|                                 |                                                                                                                                                               |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Site Address:</b>            | Morkeu, Craigton Road, Aberdeen, AB15 9PT                                                                                                                     |
| <b>Application Description:</b> | Proposal for the construction of the Friarsfield Link Road, development of 19 residential units (including affordable housing) and associated ancillary works |
| <b>Application Reference:</b>   | 170307/DPP                                                                                                                                                    |
| <b>Application Type</b>         | Detailed Planning Permission                                                                                                                                  |
| <b>Application Date:</b>        | 24 March 2017                                                                                                                                                 |
| <b>Applicant:</b>               | CALA Management Ltd                                                                                                                                           |
| <b>Ward:</b>                    | Lower Deeside                                                                                                                                                 |
| <b>Community Council</b>        | Cults, Bieldside And Milltimber                                                                                                                               |
| <b>Case Officer:</b>            | Nicholas Lawrence                                                                                                                                             |



## RECOMMENDATION

**Willingness to approve subject to a legal agreement in respect of completion of the link road, developer contributions (Secondary Education £10,540.00; Community Facilities £36,225.00; Core Path Network £7,366.00; Open Space £3,623.00; Healthcare £20,267.00; and £41,250 affordable housing) as set out in the Developer Obligation consultation response, agreement on primary schooling arrangements, and appropriately worded planning conditions.**

## **APPLICATION BACKGROUND**

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### **Site Description**

The site totals some 3 ha in area and adopts a partial elliptical linear shape on an approximately east-west axis and occupies the north-eastern aspect of the designated Friarsfield Opportunity Site (OP41) as shown on the Proposals Map to the Aberdeen Local Development Plan 2017 (LDP). The site is bounded to the north by countryside and to its southern, eastern and western boundaries by residential areas that front Friarsfield Road (i.e. the A93), together with Greenridge' a category B listed building to the south and east of the site.

### **Relevant Planning History**

| Application Number | Proposal                                                                                                     | Decision Date                                                           |
|--------------------|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 110559             | Change of use from agricultural land to housing development (10 units)                                       | Decision issued 04.01.2012                                              |
| 120340             | Residential development of 81 units (including affordable housing), public open space, SuDS and access works | Decision Issued 26.11.2013;<br>Non-material variation issued 21.06.2017 |
| 140272             | Residential development of 107 private dwellings and 12 affordable apartments and ancillary works            | Decision Issued 10.12.2016                                              |

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

In brief, planning permission is sought for the erection of 19 dwellings, including 4 affordable units, together with associated landscaping and the construction of the eastern element of the proposed distributor road from Kirk Brae to Craigton Road. The distributor road is a longstanding commitment and will address current/future road capacity and road safety issues and facilitate release of the housing allocation on the opportunity site that is currently constrained by the capacity of the road network in Cults.

In terms of composition, the western residential element comprises 4 detached dwellings serviced off the distributor road by a singular access; whereas, the balance of the residential element (i.e. to the east) embraces 8 semi-detached and 3 detached properties, together with 4 "cottage flats" that constitute the affordable housing. The two residential elements are linked to each other by the distributor road. The development proposed areas of tree planting bordering both the link road and dwellings and is augmented by areas of hedging and boundary walls, features that are common to the area.

On the matter of design and form, the dwellings provide accommodation across two levels, with simple pitched roofs and can best be described as polite suburban housing that utilise a simple

palette of materials. The domestic form of the open market housing is also carried over to the affordable units that adopt the appearance of a row of cottages.

The disposition of the developmental elements is shown on Drawing No. PL-01 Rev I (Site Plan).

## 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=ON87A4BZJO000>.

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

- Ecological Appraisal and Protected Species Survey
- Drainage Assessment
- Planning Supporting Statement
- Tree Survey

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because 12 letters of objection have been received, together with one neutral representation. Accordingly, the application sits outside the scope of the Council's Scheme of Delegation. The application has been referred to the Planning Development Management Committee because

## CONSULTATIONS

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**Developer Obligations Team** - Obligation payments sought in respect of Secondary Education £10,540.00 (Cults Academy – reconfiguration of accommodation); Community Facilities £36,225.00 (Airyhall Community Centre – accommodate more community groups); Core Path Network £7,366.00 (Core Path 63 - widening to enhance access for more user types and abilities); Open Space £3,623.00 (open space at DE 23 Craigton); Healthcare £20,267.00 (provision of additional capacity for GP space at Cults Medical Practice); and £41,250 affordable housing (commuted sum for 0.75 of a unit).

On the matter of primary education - The application site is within the catchment area for Cults Primary School which is already over capacity. Education & Children's Services are unable to support this application as there is no available capacity at the school with no opportunity to extend or reconfigure.

**ACC – Education** - Education and Children's services confirm that the proposal cannot be supported as there is no available capacity at the Primary School and the Service cannot provide the required school places for any additional housing in the Cults zone.

**ACC - Environmental Health** - No observations

**ACC - Housing Strategy & Performance** - No objection

**ACC - Flooding and Coastal Protection** - No objection subject to conditions regarding the Sustainable urban Drainage System

**ACC – Environmental Policy** - No objection subject to condition regarding further survey work

**ACC - Roads Development Management Team** - Outstanding matter to be addressed by planning conditions

**ACC - Waste Strategy Team** - No objection

**Scottish Environment Protection Agency** - No objections

**Scottish Water** - No response

**Forestry Commission Scotland** - No objection as there is any proposed woodland removal in respect to the Scottish Government's Policy on Control of Woodland Removal.

**Cults, Bieldside and Milltimber Community Council** - The Community Council object for 5 principal reasons:

1. Overdevelopment of the Opportunity Site
2. Harm the landscape and character of the area
3. Affect amenity of the Friarsfield Way residents
4. Flooding of existing garden areas
5. Prematurity

## **REPRESENTATIONS**

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12 representations have been received objecting to the proposed development. The expressed concerns are summarised below:

- Not in accordance with the Local Development Plan
- Should not be any affordable housing
- Will cause flooding
- Decrease property values
- Lack of pedestrian crossing and impact upon road safety

## **PLANNING POLICY FRAMEWORK 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.

### **Planning Policy Framework and Material Considerations**

#### National Planning Policy and Guidance

- National Planning Framework 3
- Scottish Planning Policy
- Designing Streets
- Designing Places
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 67 Housing Quality
- PAN 68 Design Statements

- PAN 77 Designing Safer Places
- PAN 78 Inclusive Design
- Planning and Open Space
- Scottish Government - On Line Flooding, Planning and Waste Management advice

### Aberdeen Local Development Plan 2017 (LDP) & Supplementary Guidance (SG)

- D1 Quality Placemaking by Design
- D2 Landscape
- I1 Infrastructure Delivery and Planning Obligations
- T3 Sustainable and Active Travel
- H1 Residential Areas
- H3 Density
- H5 Affordable Housing
- NE4 Open Space Provision in New Development
- NE5 Trees and Woodland
- NE6 Flooding, Drainage and Water Quality
- NE8 Natural Heritage
- NE9 Access and Informal Recreation
- R6 Waste Management Requirements for New Developments
- SG Resources for New Development
- SG Landscape
- SG Planning Obligations
- SG Affordable Housing
- SG Flooding, Drainage and Water Quality
- SG Natural Heritage
- SG Trees and Woodland
- SG Open Space and Green Infrastructure
- SG Transport and Accessibility.

## **EVALUATION**

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### **Main Issues**

The main issues in this matter are: firstly, whether the proposed development is acceptable in principle; secondly, whether the proposal in its detailed adversely affects the character and amenity of the area; thirdly whether the proposal constitutes overdevelopment; fourthly, impact upon areas of open space; and fifthly, adequacy and delivery of social and physical infrastructure.

### **Assessment of Main Issues**

#### Principle of the Development

The site is within a residential area as set out under policy H1 of the LDP that will permit in principle new residential development provided; it does not have unacceptable impact upon character and amenity of the surrounding area; does not constitute overdevelopment; does not result in the loss of valuable open space; and is compatible with Supplementary Guidance. In addition, the site forms part of OP41 within the LDP, supported by the Friarsfield Development Framework (the Framework), that allocates the overall area for residential development subject to the provisions of the Development Plan.

The principle of the proposed development is therefore acceptable provided the aforementioned factors are taken into account.

### Impact upon Character and Amenity of the Area

#### *Character*

The character of the surrounding area, save that to the north, and the consented residential development within the Opportunity Site is of a suburban form.

In this regard the western element of the proposed development clearly reflects and responds to the suburban style of development to the south (i.e. Friarsfield Way) both in terms of approximate plot size, disposition, design form, together with the use of a singular vehicular access point and turning head arrangement. Consequently, this aspect of the scheme reads as an extension of the Friarsfield Way housing, albeit at a raised level, and the wider residential development and is not deemed to be out of character with the area.

The eastern aspect of the site as with its western counterpart adopts a suburban form and by the espousal of a simple palette of materials and dwelling styles provides unity and coherence across the development and to neighbouring residential development. This aspect of the development is not out of character with the immediate and wider area.

In terms of house design; the dwellings can be described a polite suburban residences either as detached, semi-detached or the 'cottage flats' and are not considered to be inappropriate to either the site or wider area. Consequently they are not considered not to harm the character of the area and thereby accord with policies D1 and H1 of the LDP, together with national guidance.

On the matter of landscape; the Framework notes that the area is, in part, defined by pockets of woodland and field edges created by walls or hedges. The proposed development builds upon these elements with the creation of a hedgerow fronting the link road and to the rear of the western residential element, together with stonewalling. The proposal involves the removal of 30 trees and a group of trees to accommodate the link road, a number of which are unviable and have been the subject to damage through grazing. The scheme does include the planting of some 87 trees facing the distributor road as well to the southern aspect of the mainstream residential development.

It is considered that the form of the landscaping will not harm the character of the area and this aspect of the proposal accords with the provisions of the LDP (policy D2 – Landscape), Supplementary Guidance, and the Framework.

#### *Impact upon Amenity*

The impact upon amenity from the proposed development was raised by the Community Council in respect of the residents of Friarsfield Way to the south of plots 1-4. It is accepted that privacy and the protection of general amenity constitutes a material consideration in determining development proposals and is an important objective in ensuring that residents proposed developments and those of properties bounding any development site feel at ease within and outwith their properties. This position is covered within the explanatory text to LDP policy D1 and within Scottish Planning Policy.

It recognised that due to the topography of the site and the embankment plots 1-4 are at a level of above numbers 4, 5, 6, and 7 Friarsfield Way. The dwellings are set back from the earthed embankment that forms a backdrop to the rear gardens of 4-7 Friarsfield Way. However, the rear elevations of the proposed dwellings is some 60 metres from the rear elevations of the Friarsfield

dwellings and such a separation distance coupled to its elevation is not considered to raise any adverse impacts upon amenity. This is also considered to be the case in terms of the garden areas that are separated by 25 metres and enclosures. It should be noted that between the two groupings of dwellings there are a series of garages and tree planting.

### Overdevelopment

Overdevelopment in connection with residential development is usually referenced in terms of dwellings per hectare (dph). LDP policy H3 (Density) requires that all housing developments larger than 1 hectare achieve a net density of 30 dph. However, the density of housing under the policy has to take account of the sites characteristics and that of the surrounding area, together with creating attractive residential environments. The Framework recognises the surrounding residential densities (average 22 dph) and the topography and features of the Opportunity Site and places forward a notional density of between 9.5 and 15 dph.

In this regard the net dph (i.e. dwellings, access roads, private garden spaces, and incidental open space) equates to 19 dph. Therefore the quantum of development is not considered to constitute overdevelopment. Whilst the dph figure is below that set within the LDP, it is considered appropriate having regard to the Framework, the topography of the site, requirement to provide a singular access point off the distributor road, and the creation of attractive residential environments. Consequently, it is considered that the proposal accords with the aspirations of the Development Plan, the Framework, Supplementary Guidance, and national planning policy.

### Loss of Open Space

The Framework, which embodies the advice set in LDP policies provides approximately 4 ha of open space, focused mainly along the Cults Burn, which is in excess of the requirement set in the LDP.

Notwithstanding the above, the proposed development provides areas of additional open space and structural landscaping that links with existing areas of open space and landscaping (e.g. tree planting along the link road; tree planting to south of residential areas and open space between plot 4 and the cottage flats) to other parts of the OP41 site.

It is considered that the proposed development adds to the open space and thereby accords with the open space and landscaping policies of the LDP, the Framework, Supplementary Guidance, and national planning policy.

### Adequacy and delivery of social and physical infrastructure

The proposed development has both negative and positive impacts in relation to social and physical infrastructure.

#### *Social*

In regard to social infrastructure, it is noted above that there is no available capacity at Cults Primary School to cater for this development and it is possible that capacity will only be available in 2023. However, allowing for the scale of development and to mitigate this shortfall for a temporary period primary school aged pupils could be bussed to other school/s where space is available and this matter could be addressed in the legal agreement.

#### *Physical*

The distributor road will alleviate current capacity issues associated with Friarsfield Road and improve road safety. The road will facilitate the delivery of the housing set within the Framework and in turn create a better quality of residential environment for those residential areas serviced by Friarsfield Road.

## **Other issues**

### Affordable Housing

LDP policy H5 (Affordable Housing) requires housing development of 5 units or more to contribute no less than 25% of the total number of units as affordable housing. The proposed development is required to provide 4.75 units, which allowing for the proposed affordable units produces a shortfall of 0.75 units. The shortfall can be addressed by way of a commuted sum.

The proposed split between on-site provision and commuted payment accords with the provisions of the Development Plan and Supplementary Guidance.

### Flooding

Policy NE6 of the LDP, in brief, will not permit development if it would increase the risk of flooding. The Flood Team of the Council require clarification that the existing Sustainable urban Drainage Scheme (SuDS) already in place on the site has enough volume capacity to deal with the proposed development. The Flood Team are content that this can be addressed by way of a planning condition.

### Roads

The Roads Development Management Team is of the view that the proposed distributor road will meet the safety standards in terms of visibility requirements and that a Roads Construction Consent will be required for the construction of the access junctions, thereby providing further control over the development.

Concern was raised with regard to the provision of a bus stop only on the south side of the distributor road between the housing areas as the proposed bus route involves a loop that would take the busses back in the direction of the city (i.e. using the north side of the road). The Applicants have agreed to provide a bus stop on the north side of the distributor road and this can be addressed via a planning condition.

### Natural environment

The application documentation in respect of the proposed development has highlighted that there was evidence of squirrel foraging and the site also provides suitable habitat for bat activity and roosting; badger foraging and a variety of breeding birds. However, no protected species were discovered on site during surveys.

Mindful of the potential for the site to harbour areas for bats either to forage or roost it is considered appropriate that a full bat survey is undertaken prior to development commencing and the findings of the survey should be implemented in agreement with the Local Planning Authority.

### Prematurity

In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a LDP is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the



cumulative effect would be so significant, that granting permission could prejudice the LDP by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the LDP. A proposal for development which has an impact on only a small area would rarely come into this category.

As the site has been allocated for residential use, is not a significant development, is included within an up to date LDP, and cognizant that each application is considered on its particular merits there is no reason to justify a determination of this application on the basis of prematurity.

### Listed Buildings

The proposed development will not harm the setting of Greenridge a category B listed building

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

The heads of terms of the legal agreement should include, albeit not limited to the developer obligation payments, completion of the link road linked to occupation of the proposed units; and bussing / primary schooling arrangements.

### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics. In coming to this assessment the Planning Authority has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **RECOMMENDATION**

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W Willingness to approve subject to a legal agreement in respect of completion of the link road, developer contributions (Secondary Education £10,540.00; Community Facilities £36,225.00; Core Path Network £7,366.00; Open Space £3,623.00; Healthcare £20,267.00; and £41,250 affordable housing) as set out in the Developer Obligation consultation response, agreement on primary schooling arrangements, and appropriately worded planning conditions.

### **REASON FOR RECOMMENDATION**

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The proposed development will assist with the delivery of the distributor road which underpins the delivery of the housing set out in the Framework and subject to the provisions of the legal agreement in respect of securing arrangements in respect of primary schooling it is considered that the development accords with the aforementioned policies of the Aberdeen Local Development Plan 2017 and Supplementary Guidance, Scottish Planning Policy, and national planning guidance.

### **CONDITIONS**

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#### Hard landscaping

No development shall commence until details of the hard landscaping, including details of the pathways, have been submitted to and approved in writing by the local planning authority. All hard

landscaping works which form part of the approved scheme shall be completed prior to the first occupation of any part of the development.

Reason: To enhance the appearance of the development and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2017

#### Soft landscaping

No development shall commence until details of the soft landscaping (including details of any trees or hedges to be retained and measures for their protection during in the course of the development, proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt this includes the embankment to the south of plot 1- 4 as shown on DRAWING No. PL01 Rev I.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2017.

#### Soft landscaping (implementation / maintenance)

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any part of the development or the completion of the development, whichever is the sooner; 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1, D2 and NE5 of the Aberdeen Local Development Plan 2017

#### Protection of existing trees

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2017

#### Materials / Hard Landscaping

The development hereby permitted shall not commence until samples of the materials (including colour) to be used in the construction of the external surfaces, including road and other areas of hardstanding, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policy D1 of the Aberdeen Local Development Plan 2017.

### Refuse and Recycling

The development hereby permitted shall not commence until a scheme for the storage of refuse and recycling, including the design of the enclosures, have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full as approved prior to the first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To comply with policy R6 of the Aberdeen Local Development Plan 2017

### Boundary treatments / details

Prior to the commencement of development details of the proposed boundary treatments, including any gates, walls and/or fences shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be implemented prior to the first occupation of any of the buildings and retained in perpetuity.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 of the Aberdeen Local Development Plan 2012.

### Retention of parking area

The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with Supplementary Planning Guidance on Transport and Accessibility

### Cycle parking

The development hereby permitted shall not commence until details of secure parking facilities for the occupants of, and visitors to, the development hereby permitted have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the first occupation of any part of the development hereby permitted and shall be retained for use at all times.

Reason: To provide adequate levels of cycle parking and to promote sustainable forms of transportation and to comply with policies T3 and D1 of the Aberdeen Local Development Plan 2017 and Supplementary Guidance on Transport and Accessibility.

### Biodiversity Measures

No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of any of the dwellings hereby approved

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy NE8 of the Aberdeen Local Development Plan 2017.

### Permitted Development Rights

Notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any order revoking and re-enacting that Order with or without modification) no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouses, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwellinghouses hereby approved without a further grant of planning permission from the local planning authority.

Reason                    The Local Planning Authority considers that further development could cause detriment to the visual amenity of the area and for this reason would wish to control any future development to comply with policies H1 and D1 of the Aberdeen Local Development Plan 2017

### SuDS

No development shall commence until details that the existing SuDs Scheme already in place on site have enough volume capacity to deal with the increased volume from the proposed development and the details shall include, details regarding the capacity of the Cellular storage crates at Rosefield Gardens, construction phase SuDS, information regarding the localised interception of surface water run- off and the protection of the permanent drainage system, and the manhole calculations for the Manholes for M30 & M200 events summer and winter that would need to be carried out using FHE13.

Reason                    In in interest of avoiding flooding to comply with policy NE6 of the Aberdeen Local Development Plan 2017

### Bus Stops

Notwithstanding the submitted drawings the dwellings hereby approved shall not be occupied until details of the bus stops on the north and south carriageways of the approved distributor road, including location, design and crossing points over the road have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in complete accordance with the agreed details.

Reason                    In the interests of public safety and to comply with policy T3 of Aberdeen Local Development Plan 2017

## **ADVISORY NOTES FOR APPLICANT**

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