

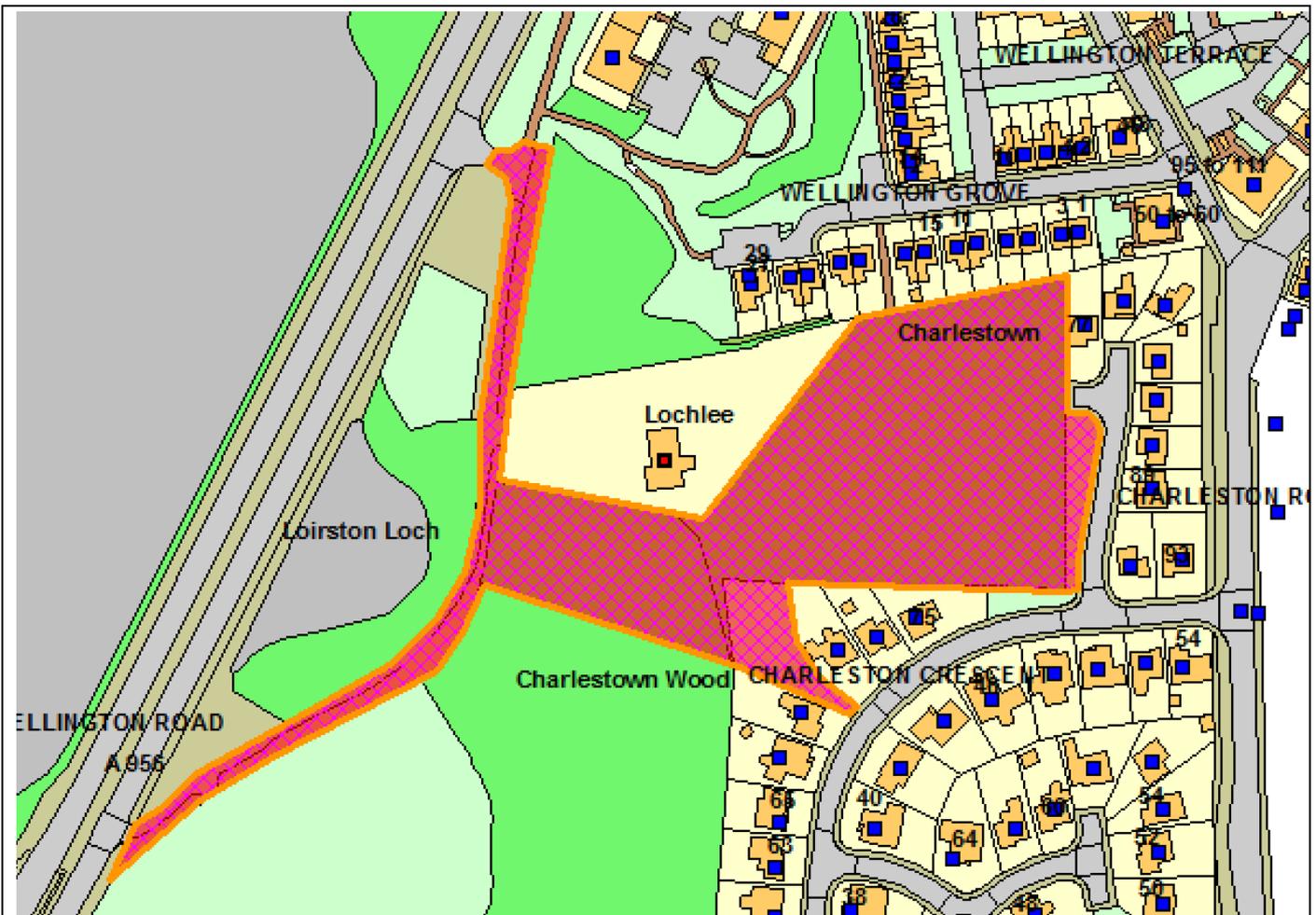


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 25th August 2022**

Site Address:	Heatherly, Wellington Road, Aberdeen, AB12 3LJ
Application Description:	Residential development (up to 24 two storey units) with amended access, open space and ancillary infrastructure
Application Ref:	211072/PPP
Application Type	Planning Permission in Principle
Application Date:	11 August 2021
Applicant:	Robert Duncan and Sheila Harrison
Ward:	Kincorth/Nigg/Cove
Community Council:	Cove and Altens
Case Officer:	Robert Forbes



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### **RECOMMENDATION**

Refuse

## **APPLICATION BACKGROUND**

### **Site Description**

This 1.5ha site comprises open space which forms part of a wider area of woodland (Charleston Wood), and adjacent land. There are areas of regenerating willow scrub and unmaintained grass / scrub on parts of the main eastern area of the site, which was previously subject to historic quarrying and land raising / infilling. The western part of the site contains some larger trees which are remnants of a more extensive historic woodland area and may have been associated with the historic use of part of this area as garden ground associated with a demolished detached house (Heatherly). The southern and eastern fringes of the eastern part of the site also contains areas of grassed amenity space which were laid out as part of an adjacent suburban housing development and contain no planting. The site also comprises the carriageway and verge of Old Wellington Road, which is accessed from Wellington Road and forms the eastern edge of Loirston Loch Local Nature Conservation Site (LNCS). The main eastern part of the site is relatively level and elevated above the surface level of the loch. The western section of the site slopes towards the loch. There are no core paths or rights of way within the site.

Wellington Grove comprises 2 storey semi-detached houses and a block of 3 storey flats. The rear of the houses faces directly to the site. The houses on Charleston Crescent are a mix of 2 storey detached houses and bungalows. To the north-west of the site is a detached house (Lochlee) which is accessed via Old Wellington Road and is oriented east-west.

### **Relevant Planning History**

None

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Planning permission in principle is sought to develop 24 houses (3- and 4-bedroom units) and associated works. No flats are proposed. The indicative layout shows a mix of detached, semi-detached and terraced houses. All houses would have private gardens, although those associated with the terraced houses would be of restricted size. The Planning Statement states there would be a mix of private and 25% affordable houses.

Vehicle access is proposed from the existing adjacent residential development to the east (Charleston Crescent) with the housing restricted to the eastern part of the site.

A total of 2,084 square metres of open space is proposed at the east and west edges of the housing area. Although public open space is proposed as part of the development, no formal recreational open space (e.g. sports pitches / facilities or allotments) are proposed. Open SUDS features (detention basins) would be significant elements of the open space within the eastern part of the site. The western part of the site would remain undeveloped with public access provided by a path link. This would provide a potential pedestrian link to Old Wellington Road to the west of the site. No direct pedestrian access link is proposed to the housing development to the north of the site (Wellington Grove).

### **Amendments**

Reduction in the number of houses proposed from 27 to 24 and amended vehicle access point to Charleston Crescent (instead of Old Wellington Road). Revised housing layout and development mix.

### **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=QWWK11BZM2H00>

- Planning Statement
- Drainage Impact Assessment (DIA)
- Noise Impact Assessment (NIA)
- Transport Statement (TS)
- Tree Report
- Ecological Survey
- Geotechnical Summary
- Grampian Housing Letter

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

The application has been referred to the Planning Development Management Committee because in excess of 5 objections have been received.

### **CONSULTATIONS**

**ACC - Contaminated Land Team** – Advise that the site may have been subject to historic land filling. Note that no environmental risk assessment has been undertaken and that reliance is placed on removal of made ground to make the site suitable for its future use (residential). Currently, it is unclear how the made ground is to be removed and the foreign debris (“non-inert material”) segregated. Recommend that an environmental risk assessment is undertaken in order to establish if the site would be suitable for the proposed end use.

**ACC - Environmental Health** – No objection. Advise that the NIA is accepted subject to implementation of recommended noise mitigation measures.

**ACC - Roads Development Management Team** – No objection. Note that a TS has been submitted and the revised indicative layout proposes to take vehicular access via Charleston Crescent, which is acceptable in principle. Advise that no off-site junction assessment / road upgrade works are needed. Advise that the proposed indicative internal road layout, which shows areas of shared surface and conventional road with segregated pavement, is acceptable in principle. Advise that further details of on-site car parking provision / design are required. Note that Charleston Road is served by regular bus services. Given the planning permission in principle nature of this application, the exact layout and design of internal layout, access, parking, drainage and servicing shall be purified via future Matters Specified in Conditions (MSC) applications and appropriate conditions. Submission of a residential travel plan should also be conditioned. No car club contribution is requested.

**ACC - Housing** – No objection. Advise that ALDP Policy H5 requires a 25% affordable housing contribution from all housing developments of 5 units or more. For developments of 20 units or more, the expectation is that the affordable housing will be delivered on-site. Social rented accommodation is in greatest need; therefore, the affordable housing provision should be 6 units provided on-site as social rent. The developer should enter into early discussions with a RSL regarding the purchase of these units as social rent.

**ACC - Schools Estates Team** – No objection. The 2018 School Roll Forecasts show that Charleston School has a rising roll and is expected to exceed capacity. Factoring the proposed dwelling units into the 2018 school roll forecast for Charleston School shows that the development will result in a maximum additional over capacity level of 7 pupils. A contribution is therefore required, to be used either for the reconfiguration of Charleston School, to create sufficient additional space to accommodate pupils from the development, or to be used towards the cost of the construction of

the proposed new school, should the new school be likely to be in place prior to Charleston School exceeding its capacity.

**ACC - Developer Obligations** – Advise that contributions are required in relation to upgrades of the core path network (£10,044), primary education (£18,445), healthcare (£15,579), open space (£4,941) and community facilities (£49,370).

**ACC - Land and Property Assets** – No objection.

**Scottish Water** – No objection. Advise that there is currently sufficient capacity for a foul only connection in the Nigg Wastewater Treatment works to service the development. For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system. The proposed development will be fed from Invercarnie Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently.

**North East Scotland Biological Records Centre** – No species records for the site. Note that the site lies close to Loirston Loch, one of the largest bodies of water in the district. That site consists of open water, reed beds and marshy grassland and is important for overwintering wildfowl. Bats are present in the wider area.

**Scottish Forestry** – No comment. Advise that the application should be determined in accordance with local and national policy in relation to development in woodland, together with related policy guidance.

**Cove and Altens Community Council** – Object on the basis of the lack of a masterplan for cove bay and the following specific reasons:

- Inadequate vehicle access
- Inadequate pedestrian accessibility
- Loss of mature trees
- Adverse impact on greenspace network / biodiversity / scrub
- Loss of wildlife habitat
- Unsuitable vehicle access from Wellington Road
- Need for enhanced street lighting
- Access from Charleston Crescent results in loss of greenspace / amenity area
- Speculative development contrary to ALDP policy
- Lack of need for more housing in the area

## **REPRESENTATIONS**

A total of 17 objections have been received from nearby residents raising the following matters: -

- Site is understood to be within the green belt / a nature reserve. Assurance was made at time of existing adjacent housing development that land would not be built on.
- Inadequate information regarding proposed layout.
- Loss of privacy / overlooking impact on adjacent housing (e.g. due to elevated site levels).
- Traffic generation / road safety concerns.
- Proposed access (via Wellington Rd) would cause disturbance and traffic noise and create a vehicular short cut through a residential area.
- Potential impact on a play park due to vehicle access via Wellington Road.
- Proposed road access to the west is onto a popular walking / cycling route.

- Noise and dust generation during construction.
- Poor connectivity to Lochside Academy / adverse impact on safe routes to school due to increased traffic.
- Adverse impact on school capacity.
- Loss of recreational / green space.
- Loss of mature trees.
- Adverse climate change impact due to loss of green space.
- Potential impact on deer, foxes and birds / other wildlife (e.g. loss of nesting sites).
- Lack of amenities and green space in area.
- Further housing development not needed in the area.

## **MATERIAL CONSIDERATIONS**

### **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.

### **National Planning Policy and Guidance**

Scottish Planning Policy 2014 (SPP) is a relevant consideration in the determination of all planning applications. It expresses a presumption in favour of development which contributes to sustainable development.

Scottish Government Control of Woodland Removal Policy (COWRP) sets out national policy for woodland / forestry and its potential removal when affected by development. Its guiding principles are that:

1. There is a strong presumption in favour of protecting Scotland's woodland resources. In line with Scottish Government's wider objective to protect and expand Scotland's woodland cover, applicants are expected to develop their proposal with minimal woodland removal. The first consideration for all woodland removal decisions should be whether the underlying purpose of the proposals can reasonably be met without resorting to woodland removal. Where woodland removal is justified, the compensatory planting (CP) area must exceed the area of woodland removed to compensate for the loss of environmental value.

2. Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for CP may form part of this balance. The proposal for CP should be judged in light of 1 above.

3. Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits.

PAN 33: Contaminated Land (2017) provides advice on the implications of the contaminated land regime for the planning system.

PAN 67: Housing Quality (2003)

PAN 68: Design Statements (2003)

PAN75: Planning for Transport (2005)

## **Development Plan**

### Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

The current SDP was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

### Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. The ALDP is now beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 was submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. Formal examination of it has commenced, with reporters appointed. Material consideration will be given to the Proposed Aberdeen Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given that the ALDP is beyond its five-year review period, consideration, where relevant, should be given to paragraph 33 of SPP which states:

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration”.

The following ALDP policies are relevant –

H1: Residential Areas  
H3: Density  
H5: Affordable Housing  
D1: Quality Placemaking by Design  
D2: Landscape  
I1: Infrastructure Delivery & Planning Obligations  
NE1: Green Space Network  
NE3: Urban Green Space  
NE4: Open Space Provision in New Development  
NE5: Trees and Woodland  
NE6: Flooding, Drainage & Water Quality  
NE8: Natural Heritage  
NE9: Access and Informal Recreation  
R2: Degraded & Contaminated Land  
R6: Waste Management Requirements for New Development  
R7: Low & Zero Carbon Buildings & Water Efficiency  
T2: Managing the Transport Impact of Development  
T3: Sustainable and Active Travel  
CI1: Digital Infrastructure

### **ALDP Supplementary Guidance (SG) and Technical Advice Notes (TAN)**

Affordable Housing SG  
Flooding, Drainage and Water Quality SG  
Green Space Network and Open Space SG  
Landscape SG  
Natural Heritage SG  
Planning Obligations SG  
Resources for New Development SG

Transport and Accessibility SG  
Trees and Woodlands SG  
Loirston Development Framework APG

### **Proposed Aberdeen Local Development Plan 2020 (PALDP)**

The PALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and it has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the PALDP;
- the level of representations received in relation to relevant components of the PALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. The following policies are relevant: H1- Residential Areas; H3- Density; H4- Housing Mix and Need; H5- Affordable Housing; NE2 – Green and Blue Infrastructure; NE3- Our Natural Heritage; NE4-Our Water Environment; NE5- Trees and Woodland; D1- Quality Placemaking; D2- Amenity; D5- Landscape design; R2- Degraded and Contaminated Land; R5 - Waste Management Requirements for New Development; R6- Low and Zero Carbon Buildings and Water Efficiency; R8- Heat Networks; I1 - Infrastructure Delivery and Planning Obligations; T2 -Sustainable Transport; T3- Parking; CI1- Digital Infrastructure.

### **Other Material Considerations**

Scottish Government Climate Change Plan 2018 - 2032 (CCP)

The Aberdeen City and Aberdeenshire Housing Need and Demand Assessment 2017 (HNDA).

ACC Open Space Audit 2010.

## **EVALUATION**

### **Principle of Development**

Given the non-strategic scale of the proposal and that it does not raise matters of a cross boundary nature, the SDP is of limited relevance in this case. The ALDP is not prescriptive regarding the end uses of the site. It zones the eastern part of the site within a general residential area, as distinct from the western section which lies within an open space area. Although the eastern part of the site lies within a general residential zoning, not all land within such a general zoning requires to be built on. The presence of undeveloped green spaces within such areas contributes significantly to their amenity. Furthermore, the site is not identified specifically as an opportunity site for residential or other development within either the ALDP or the PALDP. There is no historic or valid planning permission for its development for residential or any other purpose. Thus, the principle of development of the application site for housing has not previously been accepted. In light of the loss of woodland and open space resulting from the development, the proposal would not accord with the presumption in favour of development which contributes to sustainable development as expressed in SPP and the wider objective of woodland expansion as expressed in the CCP. The specific policy matters raised by the proposal are addressed below.

## Housing Land Supply

Figures in the HNDA identify up to 1,368 new affordable homes needed per annum over a 20-year period. This estimate of net annual housing need depends greatly on the economy and the housing market, which has become volatile. The application is essentially a speculative proposal which would potentially deliver 6 affordable houses and thus would have no significant effect on affordable housing supply. It is considered that wider housing need will be met by existing approved sites, identified on a city-wide basis for housing development through the statutory planning process and through the development of appropriate windfall sites. Given that there is no identified shortfall in housing land, as there are many allocated / partly developed housing sites for development of the nature envisaged by the proposal development, including other greenfield sites in similar suburban locations, there is considered to be no basis for approval of the development on the basis of housing land supply. Although the ALDP is now over 5 years old, the PALDP is at an advanced stage of progress and identifies major sites for residential (housing) development in the area, including nearby land at Cove, Stationfields, and Loirston, all of which are being implemented. It is considered that there is no shortfall in the supply of land for residential development within the Aberdeen area that may justify setting aside the expectations of the ALDP.

## Contaminated Land

PAN 33 states that *“Where development is to take place on contaminated land, a key element of the 'suitable for use' approach is to ensure that land is made suitable for the proposed new use (or other uses allowed under the Use Classes Order); this is the responsibility of the planning authority. Planning authorities should therefore require that applications include suitable remediation measures. If they do not, then there are grounds for refusal.”*

Due to historic landfilling on the eastern part of the site (where the housing is proposed) and in the wider area, there is a risk that ground may have been contaminated and it is unclear to what extent this results in risk to human health, the wider environment and the proposed residential end use of the site. Whilst a geotechnical summary has been provided and it is known that remediation has taken place in relation to adjacent housing development, a significant level of uncertainty remains. The conclusion of the geotechnical summary is that the made ground within the eastern part of the site, where the housing is proposed is “not suitable to construct a new housing development”. The degree of site investigation undertaken does not therefore provide sufficient clarity to conclude that a condition requiring remediation would sufficiently address the expectations of ALDP policy R2. There is also a need to ensure that any remediation works do not result in impact on the water environment, particularly given that the site drains towards Loirston Loch. It is therefore considered appropriate that a precautionary approach to development is applied in this instance.

## Impact on Existing Amenity

The submitted NIA has been reviewed and is considered to demonstrate that suitable mitigation measures could be implemented on site by condition in order to protect occupants from external noise disturbance (e.g. traffic noise). The proposed end use results in no insurmountable adverse noise impact on existing residents. Although there would be a degree of noise / dust impact and disturbance during construction, such impacts would be transient and do not warrant refusal.

Notwithstanding that residential use is in theory compatible with adjacent uses, the proposed open space and limited potential for planting within the site, it is considered that the overall loss of the existing open space within the site would result in an overall negative impact on the amenity of the wider area. The presence of the existing open space is a positive asset which is enjoyed by existing residents and contributes positively to the amenity of the wider area. Its removal and the urbanisation of the east part of the site would significantly erode the wooded character of the site.

Noting that the site layout and section drawings are stated as being ‘indicative’, the suggested site layout shows proposed buildings at the north and south edges of the site which result in privacy

concerns due to possible overlooking of existing houses. There would be around 18m separation from the closest existing facing house windows. Existing private gardens, which would be around 9m away, would potentially be overlooked at close proximity. Given the existing open space / open context of such houses, and the absence of any adjacent housing to the north, this is considered to be a significant impact. The rear upper floor windows of the proposed terraced houses at the south edge of the site would directly overlook the private garden ground of the detached houses at 71-75 Charleston Crescent. It is noted that these properties currently benefit from an open aspect over the site which contributes to their amenity. Given the two storey, terraced nature of such proposed houses and the requirement to provide daylighting to rooms it is considered that this impact could not readily be resolved by use of a condition, notwithstanding that the layout is indicative, as a similar amenity concern exists at the north edge of the site and the scale of development is such that the terraced houses could not be acceptably relocated within the east part of the site. Due to the limited size of the proposed rear gardens of the terraced houses, the absence of a strategic landscaping buffer, and the expectation of occupants of the proposed houses for sunlight penetration, it is considered that the overlooking concern could not be adequately addressed by imposition of a condition requiring screen planting. It is therefore considered that the indicative site layout does not demonstrate that the amenity concerns resulting from the proposed mixed housing development can be adequately mitigated. The proposal is therefore considered to result in likely adverse impact on the amenity of the occupants of existing houses.

A similar privacy concern exists with the relationship of the development with the 2-storey housing on Wellington Terrace to the north of the site. However, the proposed houses would be lower density and do not include terraced units. It is therefore considered that this impact could reasonably be addressed by imposing a condition requiring that all houses at the north edge of the site are bungalows, notwithstanding that the indicative layout and section shows that some of these units would be 2 storey. Whilst there would be a limited degree of shadow cast and loss of direct sunlight to adjacent residents to the north (particularly during the winter) due to the limited height of the buildings and the spacing between buildings, it is considered that this would not fundamentally compromise existing amenity.

As regards the impact on the houses to the east of the site on Charleston Crescent and the detached house to the west of the site, it is considered that the indicative layout and section demonstrates that the proposed houses would be sufficiently distant from the existing houses that there would be no impact on their privacy, sunlighting or daylighting. The proposed layout would allow scope for some intervening tree / shrub planting to provide suitable softening of the development. The proposed open space area at the eastern site frontage would afford some opportunity for enhancement by tree and shrub planting, albeit the extent of this would be constrained by the proposed SUDS feature.

### **Design Considerations**

As the proposal is for planning permission in principle, limited information has been submitted to enable assessment relative to the expectations of ALDP policy D1 and D2. The general scale form and massing of the development would be in keeping with the modern housing development to the north of the site but would be of a significantly higher density than that of the adjacent suburban housing to the south and east of the site. The amenity aspects of this are considered above. Notwithstanding the expectations of ALDP policy H3 regarding housing density, the proposed use of terraced housing at the southern edge of the site is considered to result in an adverse impact on existing amenity such that the proposed layout / density is considered to be problematic.

### **Greenspace Impact**

The site forms part of the greenspace network which is designated by the Council as an ecological resource. It is accepted that parts of the wider network have been developed to the north of the site for housing development, as highlighted in the supporting Planning Statement. However, in contrast with the current application, that was as a result of designation of such land as a specific opportunity

for residential development through the local development plan process.

The supporting Planning Statement claims that the role of the greenspace designation at the site is solely to provide an ecological link from Charleston Wood to Loirston Green. However, irrespective of its potential role as an ecological corridor, the site has intrinsic value as a greenspace, positive landscape asset, green lung and potential wildlife habitat. The development would erode this role by significantly reducing the extent of Charleston Wood and its associated value.

As the proposal would result in erosion of the physical extent of the green space network and reduction of its ecological, wildlife and landscape value, it would directly conflict with ALDP policy NE1. It is considered that this impact could not be adequately addressed by use of conditions or developer contributions towards off site greenspace / open space enhancement given the extent of woodland loss.

### **Open Space Impact**

The proposal would result in a reduction in the extent of open space within the Cove area and, conversely, an increase in the demand for open space. The site has been identified as open space within the ACC Open Space Audit and forms part of a larger area that was historically amenity woodland. The space is identified in the Audit as an area of Semi-Natural Space. This is defined by PAN 65 as:

*“Areas of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation and wildlife, including woodland and wetland areas. “*

Whilst it is accepted that there is a significant amount of open space within the wider Cove area, much of that consists of close mown grass, with no significant vegetation and therefore limited value as a wildlife resource, in contrast with the scrubland / woodland nature of the site.

On the basis of the public comments provided in the representations the site is valued by local residents as an undeveloped informal wildlife area (albeit it is undesignated, unmaintained and has no formal public access paths). It is also noted that the ecology report states that there is a large number of dog walkers using the site of the proposed housing area, presumably for recreational purposes, thereby evidencing that it is used. As the proposal results in the loss of urban green space and no replacement green space is proposed outwith the site in the locality, it directly conflicts with ALDP policy NE3.

It is considered that the proposed houses could potentially be provided on an alternative site (e.g. part of the allocated housing site nearby at Loirston) thereby avoiding the loss of open space within the site.

Although the indicative layout plan shows that significant open space could potentially be provided within the site, in accordance with the expectations of ALDP policy NE4, and delivery of such within the site could be conditioned, the usability of significant parts would be compromised due to the proposed SUDS features. It is noted that no formal recreational open space (e.g. sports pitches / facilities or allotments) are proposed. Although this deficiency could in part be met by developer obligations, the scale of open space contribution (less than £5,000) would have limited effect.

### **Tree / Woodland Impact**

The submitted tree survey notes that the development would result in loss of all tree groups within the eastern part of the site. These primarily comprise 4 individual groups of scrub willow (7-9m high).

It is noted that much of the historic ancient woodland at Cove has been lost, such that surviving fragments arguably have increased value as “wild” spaces. Whilst the site contains no protected

trees, is not included within the ancient woodland inventory and the eastern part of the site contains no mature trees, it does contain significant groups of actively regenerating scrub woodland which are of aesthetic and amenity value, both to existing adjoining residents which overlook the site and as a general public asset. The loss of such woodland is contrary to the objective of SPP, ALDP policy NE5 and the Council's wider ambitions to expand woodland cover within the city, particularly given the historic woodland cover which existed at the site.

Although there would be limited scope for provision of some replacement tree planting within the proposed development and on the grassed areas at the south and east edges of the site, which may partly address the loss of woodland, no mitigatory planting proposals have been provided. Such limited replacement planting would not address wider concerns regarding the substantive woodland loss and overall reduction in the extent of Charleston Wood. Furthermore, the proximity of existing / proposed houses would be likely to constrain the potential scope and nature of such planting.

In terms of COWPR, the proposal is considered as a change of use, from woodland to an urban use. No justification for woodland removal has been provided and the nature of development does not justify the loss of woodland. The COWRP expresses a presumption in favour of protecting Scotland's woodland resources. The biodiversity interest of the site is considered below. Under the guiding principles of the COWRP, woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting (CP) may form part of this balance. The guidance states that woodland removal, with CP, is most likely to be appropriate where it would contribute significantly to:

- helping Scotland mitigate and adapt to climate change;
- enhancing sustainable economic growth or rural / community development;
- supporting Scotland as a tourist destination;
- encouraging recreational activities and public enjoyment of the outdoor environment;
- reducing natural threats to forests or other land; or
- increasing the social, economic or environmental quality of Scotland's woodland cover.

In this case, there would be no climate change benefit, as woodland removal has a negative carbon footprint and the works are not required for climate adaptation. The works do not relate to community development and are not located in a remote rural area. The works do not relate to reducing threats to forests or increasing the social, economic or environmental quality of Scotland's woodland cover. The proposed use would not be a rural economic development and does not relate to tourism or encouraging recreational activities and public enjoyment of the outdoor environment. Thus, the proposal does not satisfy the above criteria and is contrary to ALDP policy NE5. There would be no significant additional economic or public benefit and the development is not considered to outweigh the conflict with COWRP and ALDP policy NE5. Loss of woodland would also conflict with the climate change mitigation objectives of SPP given the carbon sequestration benefits of woodland.

It is noted that there is a general lack of woodland within the wider Cove area. The continued presence of woodland within the application site is therefore of importance and would be eroded by the development. It is considered that the proposed houses could potentially be provided on an alternative site (e.g. part of the allocated housing site nearby at Loirston) thereby avoiding the loss of woodland within the site.

### **Drainage / Flood Risk**

It is noted that foul drainage from the development would connect to the existing public sewer and Scottish Water have confirmed that adequate foul drainage capacity exists. Thus, there is no basis for refusal of the proposal on grounds of foul waste capacity / generation or conflict with that aspect of policy NE6.

The submitted DIA states that due to the topography of the site it does not appear to be susceptible

to flooding. However, part of the east of the site, where the housing is proposed, is identified as being at medium risk of surface water flooding (i.e. 1 in 200 year flood risk area) within the SEPA flood risk maps. As the proposal is not a major development and does not lie within an area at risk of river / coastal flooding, consultation with SEPA site is not required in this instance. However, as the proposal would result in an increase in the number of buildings at potential risk of flooding and no flood risk assessment (FRA) has been submitted, the proposal would conflict with ALDP policy NE6.

The proposal would result in a significant increase in the extent of building and hard surfacing within the site (e.g. roads and driveways) relative to the existing situation and thus an increased risk of surface water flooding / pollution (e.g. during construction works and associated with the proposed urban use / parking areas). The submitted DIA has been assessed by ACC Roads, in relation to possible impact on roads, and they accept its recommendations. Surface water SUDS features are proposed within the proposed open space areas within the east part of the site and in the form of porous paving. The proposed SUDS features would increase the surface water storage capacity on site and the DIA claims that this will improve the current potential flooding situation. and would be adequate to address the risk of surface water flooding to occupants of the development and adjacent land. However, in the absence of a specific FRA for this site, this remains to be demonstrated. Furthermore, the DIA shows that overland surface water flood flow would be to Loirston Loch, such that there would be a degree of risk of pollution to the Loch during certain extreme flood events resulting from the change of use, relative to the existing undeveloped nature of the site (e.g. in the event that the surface water storage capacity proposed on site is inadequate).

Whilst a condition could be imposed to ensure that appropriate SUDS measures are implemented on site in accordance with the sustainability objectives and in order to minimise risk of surface water pollution discharge to Loirston Loch, it cannot therefore be concluded that the development would not adversely impact of the water quality at the Loch. Thus, there remains tension with this aspect of policy NE6 and related SG. The potential ecological risks associated with such pollution are considered below.

### **Natural Heritage Impact**

Although no detailed ecological survey has been submitted in support of the application, an ecology report has been submitted on the basis of a site survey undertaken during one day in August 2011, outwith the bird breeding season. It is noted that the report only considers some direct habitat impacts resulting from the development and does not consider possible longer term indirect impacts such as increased risk of surface water pollution, increased disturbance to wildlife due to increased pet ownership and use of domestic chemicals (e.g. herbicides / pesticides), direct impact during construction and associated with site excavation / off site soil disposal and the potential path linkage works to Old Wellington Road, including street lighting. The report makes no recommendation for compensatory woodland creation.

It is noted that the site contains no designated sites of wildlife value and is not designated as a nature conservation area. It does, however, lie adjacent to Loirston Loch LNCS. Given the distance of the proposed development area within the site from Loirston Loch, the revised access proposal, the presence of intervening trees / woodland / main road and that there are adjacent housing developments of similar scale and greater height, it is considered that the development would not adversely impact on the use of that designated site as an overwintering area for birds. It would not impact on the flight paths into the loch for waders / geese or other large birds or otherwise directly impact on their associated habitat. Given the presence of a major road (A956) which has been constructed within the LNCS and severs the eastern section of Loirston Loch, and the presence of nearby housing development, the physical context of Loirston Loch has been subject to significant urbanisation. It is therefore likely that the section of the LNCS closest to the development, which has been severed by Wellington Road, is of more limited wildlife interest and the development would not fundamentally compromise that interest.

The information provided by Nesbrec does not indicate a high degree of wider sensitivity or the likely presence of protected species within the main part of the application site where the housing is proposed. It does, however, indicate that many bird species and bats are present in the area. The loss of the willow scrub and ruderal vegetation would result in a loss of habitat which is likely to be used by certain bird species (e.g. warblers and common garden birds). Although bats may be present in the surrounding area, there are no Nesbrec records of bat sightings at the site. The submitted ecology report has assessed the suitability of the site for relevant protected mammals and states that no evidence of their presence was found. The willow scrub on the site and other surveyed trees are considered to have no bat roosting potential. It is therefore considered unreasonable to require a more detailed bat survey in this instance. It is noted that foxes and deer are not a protected species and thus no surveys can reasonably be required. The presence of foxes and deer in the area is not evidenced by Nesbrec records. Although they may be present in the site and in the surrounding area, the mixed woodland area on the western part of the main site area would be unaffected by the works (other than due to proposed path works).

A condition could be imposed to ensure that appropriate tree protection, ecological enhancement measures suggested in the ecology report and soft planting are implemented on the site in order to mitigate the development impact. Incorporation of suitable nesting boxes within the buildings and on the site would also be appropriate. However, overall, the development would result in a likely net ecological detriment due to the loss of existing undeveloped areas / woodland / scrub habitat and further fragmentation of Charleston Wood as a woodland habitat. Its potential long-term value as an ecological resource and woodland area would also be reduced as, in the long term, the unmaintained sporadic scrub area is likely to revert to more mature woodland. The development would therefore not be in accordance with the objective of ALDP policy NE8 and related guidance.

Given the deficiencies of the ecology report and supporting information and the absence of proposals for substantive compensatory woodland creation, it is considered that that the proposal would have a negative long-term impact on the ecology of the area.

### **Traffic Impact**

The submitted TS has been reviewed by ACC Roads service who have no objection to the development and do not require off site road works. Given the limited scale of the development it is accepted that the vehicle traffic generation associated with the use would have a limited impact and can be accommodated on the existing network. It is accepted that the development would result in increased motor vehicle traffic using Charleston Crescent, particularly increased use of the cul de sac at its northern end. However, no road safety concerns have been raised by ACC Roads. The development would not prejudice potential access by fire services to existing houses.

It is considered that the development would have adequate connectivity to existing public transport on Charleston Road which provides a regular bus connection to the city centre (First bus route 3).

### **Active Travel Connections / Safe Routes to School**

PAN 75 states that:

*“34. All new and re-development proposals should be designed for safety and the convenience of all users. Good design and layout of a development can significantly improve the ease of access by non-car modes.”*

The TS states that in terms of sustainable travel, the site “integrates well with the surrounding residential area”. However, that conclusion is not reflected by the proposal as submitted.

The safe routes to school assessment within the TS is significantly deficient as it does not consider the need for pedestrian and cycle connectivity to Lochside Academy. Whilst there would be potential

for active travel connection to Old Wellington Road, no such formal path link is proposed by the TS as part of the development, and this is not shown on the submitted layout plan. The TS refers to a potential informal pedestrian connection using this route. However, given the need to provide a safe cycle and walking route to Lochside Academy (to the north of the site) and the absence of any existing or proposed direct path linkage to the north (via both Old Wellington Road and Wellington Grove) it is considered that the sustainable transport findings of the TS are overstated. There would also be a requirement to provide lighting on Old Wellington Road to enhance its safety and this is not addressed in the TS. Although there is a tarred path running from Wellington Grove to the site boundary, it is not proposed to link to it. It is unclear that the applicant would have a right to connect onto it as it is not adopted by the Council. In order to enable pedestrian and cycle access and disincentivise car use, both such links are necessary. It is considered that the deficiencies of the physical path linkage identified above would not be addressed by use of a residential travel pack as referred to in the TS. A revised layout and TS would be required to address such concerns. In the absence of proposals for the physical delivery of such linkage, it is considered that the approval of the development would conflict with ALDP policy T3 and result in undue car usage.

Whilst there would be potential to create path links, limited information has been provided that adequate pedestrian and cycle connections could be provided to accord with the expectation of ALDP policy T3. In particular, it is unclear that a direct pedestrian and cycle link to the residential development to the north of the site, which provides the most direct route to existing supporting retail / other facilities could be achieved. Whilst it would be possible to condition the provision of pedestrian connections to the roads to the west, south and east of the site, it is apparent that no direct connection to the north of the site is proposed. The proposed layout would prejudice the creation of such a link. Thus, there would be clear conflict with the objectives of ALDP policy T3 and SPP. Whilst revision of the layout to include such linkage may be possible, that would reduce the development capacity of the site.

It is accepted that a condition could be imposed to require a new pedestrian / cycle route connecting to Old Wellington Road in accordance with the objective of ALDP policy NE9, although the submitted layout does not show such a link path. It is noted that Old Wellington Road does not form part of the designated cycle network however, it is likely that occupants of the site would opt to use it rather than the footway immediately adjacent to Wellington Road, as that experiences heavy traffic flows and is thus not attractive.

### **Vehicle Access / Servicing**

The proposal has been amended to address safety concerns regarding use of Old Wellington Road as a vehicle access, which is not now proposed, and avoid the potential creation of a vehicle connection through the site from Wellington Road to Charleston Crescent. Whilst the proposed access from the east is considered to address safety concerns and is acceptable in principle to ACC Roads, alternative access albeit it would have an impact on an existing grassed open space area within the adjacent housing development which is used as an informal kick about area. No insurmountable servicing concerns are considered to exist given the potential for turning of large vehicles (e.g. bin lorries) within the site without the need to reverse, subject to creation of a loop road.

### **Parking**

PAN 75 states that:

- “32. For implementation at a local level a zonal approach (to car parking) is recommended. Measures that can influence parking can include:*
- A maximum number of parking spaces being provided, underpinned where appropriate by a minimum to avoid undesirable off-site overspill parking.”*

The indicative layout demonstrates that sufficient provision could be made for residential car and

cycle parking and associated access to accord with the objective of ALDP policy T2. Provision of EV charging infrastructure could also be conditioned. However, the indicative layout demonstrates that roads and car parking would be an overly dominant visual element of the streetscape (e.g. in the vicinity of plots 22-25) and thus there is a degree of tension with the expectations of ALDP policy D1. Notwithstanding that the proposal is for planning permission in principle, this is a relevant design concern. Furthermore, the proposed communal car parking for the proposed terraced housing would be remote from the houses and would therefore potentially be at risk of misuse and may be likely to result in uncontrolled resident vehicle parking close to the house on verges / open space and potential obstruction to pedestrian access and vehicle movement. Amendment of the layout and likely reduction in the extent of open space would be required to address such concerns.

### **Energy and Water Efficiency**

Whilst no indication of likely apparatus or detailed technical information has been submitted in relation to provision of energy and water saving technology on site, as the proposal is for permission in principle and the details of the building design are not known, there would be potential to address these matters by suspensive condition in order to achieve the requirements of ALDP Policy R7 and related SG. Thus, notwithstanding such uncertainty and the general SPP objective of sustainable development, there would be no basis for refusal of the application because of conflict with policy R7.

### **Other Technical Matters**

Whilst the proposed use would generate waste, there would be adequate space for provision of suitably screened waste and recycling bins within the external areas of the site and gardens. Provision of waste and recycling storage within the site could be conditioned in accordance with the expectations of ALDP policy R6 and related SG.

It is presumed that there is adequate telecoms services (e.g. phone, internet) at the site given its location adjacent to suburban housing and thus no conflict with ALDP policy CI1. It is noted that neither the applicant nor the Council has any responsibility for provision of telecommunications infrastructure, which is delivered by private companies. It is noted that the roll out of full fibre broadband within the city is continuing (in part funded by the Scottish Government) and such services are available in the area. Thus, it would not be reasonable to impose conditions requiring service upgrades. No evidence exists that that the development would adversely impact on existing TV reception or other telecommunications signals.

Whilst no connection to the district heating network is proposed, this is not a requirement of current planning policy or guidance. Proposed policy R8 within the PALDP states that heat networks are encouraged and supported. Such heating systems are desired in terms of sustainable design. However, as guidance referred to in this policy (i.e. Aberdeen Planning Guidance regarding Heat Networks and Energy Mapping) has yet to be published, the weight which can be afforded to that policy is limited. It would not therefore be reasonable to refuse the development on the basis that no connection to a heat network is proposed. Whilst there is no planning policy requirement to consider or ensure electrical or gas connections, given the proximity of the site to existing development, it is presumed that this would not be an insurmountable technical challenge.

### **Precedent**

Whilst the supporting Planning Statement refers to a recently approved planning permission for housing development at Garthdee as a precedent for loss of open space (ref. 210843/DPP) each application must be considered on its merits. That development proposal did not lie adjacent to a LNCS, in contrast with the current proposal. Furthermore, that development was exclusively for affordable (social rented) housing, as opposed to mainstream / mixed tenure housing and was specifically identified as an opportunity site through the PALDP (OP89: Kaimhill Outdoor Centre). Thus, that approval is not considered to establish a directly relevant precedent.

### **Socio-Economic Considerations**

Whilst the development would create a degree of short-term employment during its construction, such economic benefit would not be significant in the context of the wider city region and is not considered to outweigh the adverse impacts identified above. There would be no longer term economic / employment benefits resulting from the proposal. It is recognised that there are limited non-residential supporting uses in immediate area, reflecting its suburban context, and the proposal would increase demand on existing facilities. Setting aside the matter of developer obligations addressed below, the proposed residential use would result in no substantive wider social benefits and would not result in the creation of additional supporting uses which some local residents consider to be deficient. There is no history of planning permission on the site for such development. Whilst a letter has been submitted by Grampian Housing Association it is noted that they have no direct interest in the site or planning application.

### **Other Concerns Raised in Objection**

Concerns raised regarding impacts on trees, wildlife, open space, recreation, pedestrian connectivity / safe routes to school, vehicle access, traffic generation, road safety, school capacity, privacy / overlooking, climate change impact, noise / dust impact during construction, lack of amenities / community facilities are addressed above.

It is accepted that the development is of a speculative nature and has emerged outwith the statutory local development plan process. As the site does not lie within the green belt area as identified in the ALDP, there would be no impact on the extent of the green belt or conflict with related green belt policy. As regards alleged assurances that the site would not be built on, no evidence has been provided. It is presumed that such comments may have been made by developers in relation to adjacent private housing developments. The likely amenity impacts of the development are discussed above.

As the site is not allocated for development in either the ALDP or PALDP, no masterplan or development framework has been developed for the site, in contrast with the nearby Loirston area, development of which is ongoing. The absence of a wider masterplan for the Cove area is not considered to be a relevant consideration given the primacy of the development plan, the advanced stage of the PALDP and the situation regarding housing land supply within the Aberdeen area.

The alleged lack of need for more housing development in the local area is not supported by any specific evidence but conflicts with the HNDA and the expert advice of ACC Housing Service of a continued need for provision of affordable housing. Such alleged lack of need is not a material grounds for refusal of residential development. However, given the scale of existing housing approvals it is anticipated that any such demand would be met by the development of existing allocated sites and does not warrant approval of the development.

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

Adequate physical infrastructure exists to service the development or can be enhanced in accordance with the objective of ALDP policy I1. In order to address the matters raised by the developer obligations consultee, any approval would require to be deferred pending the conclusion of a legal agreement with the Council. Such agreement would be required to address contribution requirements towards core path network (£10,044), primary education (£18,445), healthcare facilities (£15,579), open space (£4,941), community facilities (£49,370). The required delivery of affordable housing could also be addressed by a legal agreement in accordance with the expectations of ALDP policy H5.

### **Proposed Aberdeen Local Development Plan**

Although the ALDP is now beyond its 5 year time frame, the PALDP is at an advanced stage of preparation and does not identify the site as an opportunity site for development. In relation to this

particular application, the policies in the PALDP substantively reiterate those in the ALDP and the proposal is unacceptable in terms of both Plans for the reasons previously given.

## **Conclusion**

The application site has not been identified as a specific opportunity site for housing development through the statutory local planning process and is subject to significant local objection, including from the local community council. Its development would result in a number of fundamental policy conflicts in relation to loss of open space, loss of woodland, pedestrian / active travel connectivity and flooding / contamination risks. There is no proposed or approved masterplan or development framework for the site and other housing sites are under development or allocated in the local area. The proposal does not result in substantive social or economic benefits that may be considered to outweigh the adverse policy and environmental impacts. Given these concerns, and whilst aspects of the development form could be regulated by condition, it is considered that the development would not accord with the presumption in favour of sustainable development expressed in SPP. The other material considerations do not warrant approval.

Should Committee resolve to approve the application it is recommended that approval be deferred pending conclusion of a legal agreement in relation to delivery of affordable housing on site and the requested developer obligations and that conditions be imposed addressing the following matters:

- Site layout
- Vehicle access / parking provision / turning
- Pedestrian and cycle access and storage of bicycles
- Pedestrian / cycle connections
- Tree protection measures / compensatory tree planting
- Landscaping and open space provision
- Wildlife enhancement measures
- Foul drainage connection
- Surface water drainage / SUDS measures
- Micro-renewable energy and water efficiency
- Site Investigation / Remediation of Contamination
- Noise attenuation measures for occupants
- Building materials / detailing
- Site / Plot Boundaries
- Bin storage

## **RECOMMENDATION**

Refuse

## **REASON FOR RECOMMENDATION**

### **1. Open Space / Green Space / Woodland Loss**

As the proposal would result in erosion of the physical extent of the green space network, loss of woodland and reduction of its ecological, wildlife and landscape value, it would directly conflict with Aberdeen Local Development Plan (ALDP) policy NE1: Green Space Network and ALDP policy NE5: Trees and Woodlands and related guidance. It is considered that this impact could not be adequately addressed by use of conditions or developer contributions towards off site greenspace / open space enhancement / compensatory woodland given the extent of woodland / open space loss and lack of compensatory planting. As the proposal would result in the loss of urban green space and no replacement green space is proposed outwith the site in the locality, it directly conflicts with ALDP policy NE3: Urban Green Space.

## **2. Residential Amenity**

It has not been demonstrated that 24 houses can be satisfactorily accommodated on the site without causing undue overlooking of existing adjacent private residential garden ground. The proposed development would result the loss of existing valued open space / woodland within the site. Overall, the development does not therefore satisfy the amenity expectation of Aberdeen Local Development Plan (ALDP) policy H1: Residential Areas.

## **3. Pedestrian Access / Active Travel Connectivity**

Inadequate pedestrian connectivity with existing housing to the north of the site is proposed and it has not been demonstrated that adequate safe routes to Lochside Academy would be provided, such that the proposal conflicts with the objective of ALDP policy T3: Sustainable and Active Travel.

## **4. Contamination Risk**

Inadequate information has been provided to demonstrate that the site is suitable for the proposed residential end use and that the proposed development would not pose a risk to occupants / the wider environment due to historic ground contamination. Thus, the proposal would not accord with the requirements of PAN 33 and it cannot be concluded that the development would satisfy the expectations of ALDP policy R2: Degraded & Contaminated Land.

## **5. Flood Risk**

Notwithstanding the submission of drainage assessment and potential use of SUDS within the site inadequate information has been submitted to demonstrate that the proposal would comply with ALDP policy NE6: Flooding, Drainage & Water Quality as no flood risk assessment has been provided.