

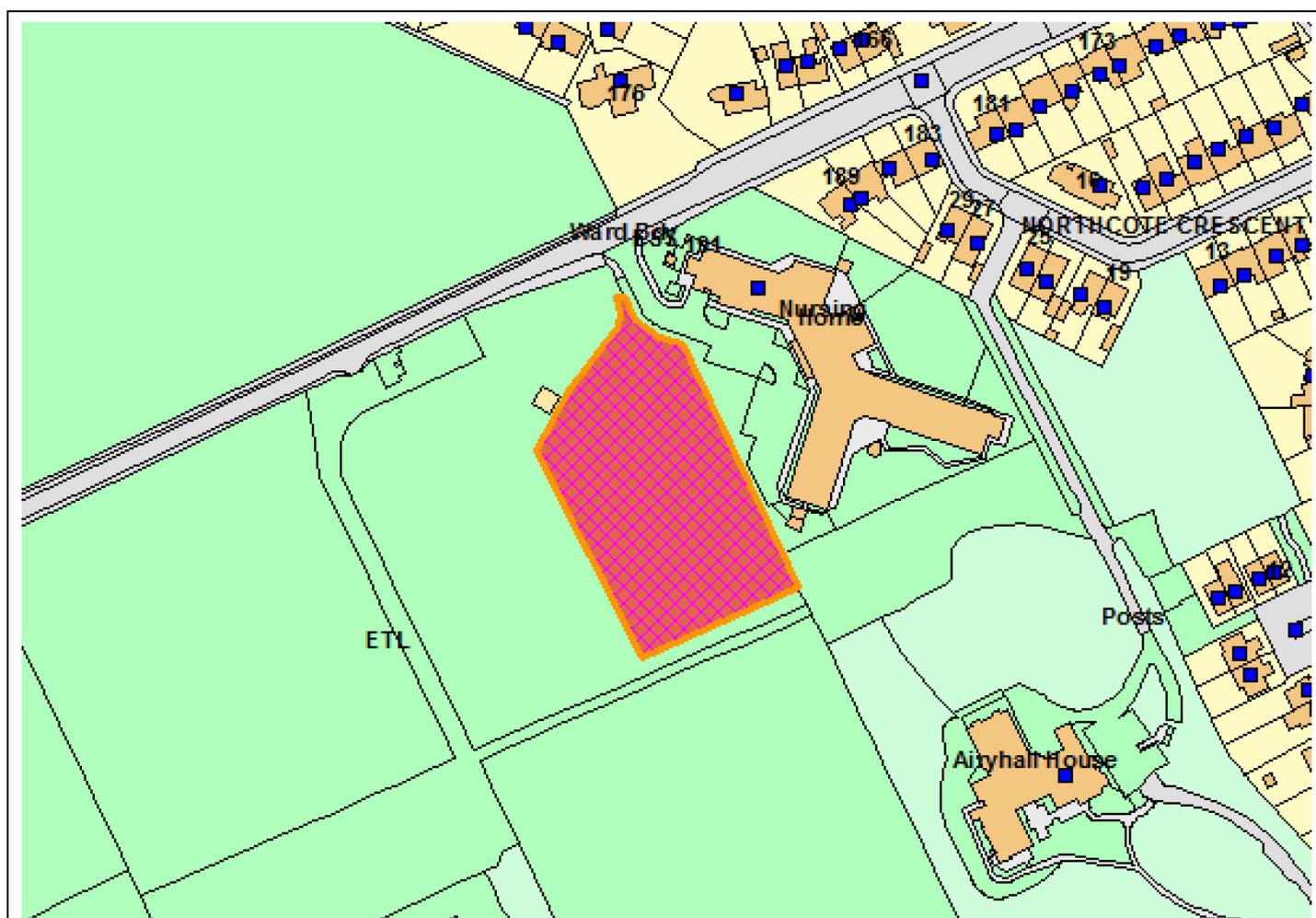


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 12 January 2023**

|                          |   |
|--------------------------|---|
| Site Address:            | Site west of Northcote Lodge Care Home, Craighton Road, Aberdeen                      |
| Application Description: | Erection of nursery, including car parking, landscaping and associated infrastructure |
| Application Ref:         | 220772/PPP  |
| Application Type         | Planning Permission in Principle  |
| Application Date:        | 16 June 2022  |
| Applicant:               | Drum Real Estate Investment Ltd & Kingswellies Nursery Ltd.                           |
| Ward:                    | Airyhall/Broomhill/Garthdee   |
| Community Council:       | Braeside and Mannofield   |
| Case Officer:            | Aoife Murphy  |



## **RECOMMENDATION**

Refuse

## **APPLICATION BACKGROUND**

### **Site Description**

The application site lies to the south of Craigton Road and comprises an undeveloped piece of unused agricultural land to the west of the city. To the east of the site lies Northcote Lodge Care Home, while the remainder of the existing unused agricultural land bounds the site to the west and south. The site falls within the Green Belt and on land designated as Green Space Network, while the land to the east falls within a residentially zoned area. Existing boundary treatments to the north, adjacent Craigton Road, and east consist of a low-lying drystone wall. Trees can be seen along part of the eastern boundary between the site and the existing care home and to the south of the site. The site falls with the Pitfodels Conservation Area and there are two claimed Rights of Way, GC57 and GC54, that run to the east and south of the site, respectively.

### **Relevant Planning History**

None relevant to the application site.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Planning Permission in Principle (PPP) is sought for the erection of a children's nursery, including car parking, landscaping and associated infrastructure. Although this is an application for PPP, an indicative site plan has been submitted showing a linear building running north-south towards the eastern boundary, with parking located to the north west of the proposed building and open space located to the west, south and east. It is proposed to utilise the existing access to the care home, which comes off Craigton Road and lies to north east, which would create a 'Y' style access leading to the car park and building beyond.

It is noted that while a site plan has been submitted, this plan is only indicative and is subject to change. Supporting information states that the nursery would accommodate 120 children with 32 car parking spaces, 15 cycle spaces and 6 scooter spaces as well as bin storage facilities.

### **Amendments**

None.

### **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=RDKBP6BZGZM00>

- Archaeology Desk Assessment
- Drainage Assessment
- Environmental Walkover Survey and additional update
- Market Assessment Report
- Planning Statement
- Planning Sustainability Statement
- Supporting Statement
- Transport Statement
- Tree Survey
- Amended Transport Statement

- Amended Planning Statement
- Bat Survey – addendum to Environmental Walkover Survey
- Plant List – addendum to Environmental Walkover Survey
- Supporting regarding site location

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

The application has been referred to the Planning Development Management Committee because there have been six or more timeous objections to the application, as such the application falls outwith the Scheme of Delegation.

### **CONSULTATIONS**

**ACC - Environmental Health** – no comments or observations.

**ACC - Roads Development Management Team** – has advised that it has no objection to the proposal subject to further detail being conditioned.

**ACC - Waste and Recycling** – upon reviewing the revised plans and in respect to the amended location of the bin store, the Service has no objection to this development.

**Archaeology Service (Aberdeenshire Council)** – has reviewed the submitted Archaeological Desk-Based Assessment and are in agreement with its recommendations. As such, the Service are recommending that, in this particular instance, a programme of archaeological works condition is attached should the application be approved.

**Braeside and Mannofield Community Council** – objects to the application as the area is protected and valuable as an amenity for the local community. Furthermore, the proposal does not comply with the Green Belt policy, the development would impact on and result in the loss of habitat and the resultant increase in traffic due to the nature of the proposal.

The Community Council also reviewed all additional information submitted by the agent and has advised that they are maintaining their objecting to the development in line with the comments above.

**Scottish Water** – has no objection to this application.

### **REPRESENTATIONS**

Thirteen (13) representations have been submitted all objecting to the application. The matters raised have been summarised as follows:

- Development would result in the loss of an amenity used by local residents
- Development detrimental to character of the general area
- Development would erode designation of Green Belt
- Site is designated as green space
- Site falls within the Pitfodels Conservation Area
- Development would impact on the operation of the care home during construction and operation
- Impact on amenity during construction
- Impact on and disruption to wildlife habitats
- Impact on natural heritage including trees
- Fails to comply with Aberdeen Local Development Plan policies and guidance

- Impact on traffic and road safety concerns
- Development could be located elsewhere, e.g. Braeside School

## **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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

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

#### **National Planning Framework 4**

National Planning Framework 4 (NPF4) was laid before Parliament as a revised draft for approval on 8<sup>th</sup> November 2022 and is scheduled for final Parliament approval on 11<sup>th</sup> January 2023. Although NPF4 has not yet been formally adopted it is now a material consideration in the assessment of planning applications. The weight to be given to it prior to its adoption is a matter for the decision maker. It is considered that NPF4 will carry more weight once it has been approved by Parliament. In the case of this application, while the following assessment focuses on the policies of the adopted Local Development Plan, consideration has been given to NPF4 and its relevant policies and outlines where such conflicts lie.

#### **Scottish Planning Policy (SPP)**

### **Development Plan**

#### **Aberdeen City and Shire Strategic Development Plan 2020**

The current Strategic Development Plan for Aberdeen City and Shire 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**

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 five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) 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 policies are relevant –

Policy D1 - Quality Placemaking by Design

Policy D2 - Landscape

Policy D4 - Historic Environment

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy T5 - Noise

Policy CF2 - New Community Facilities  
Policy NE1 - Green Space Network  
Policy NE2 - Green Belt  
Policy NE5 - Trees and Woodlands  
Policy NE6 - Flooding, Drainage and Water Quality  
Policy NE8 - Natural Heritage  
Policy NE9 - Access and Informal Recreation  
Policy R6 - Waste Management Requirements for New Development  
Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency

### **Supplementary Guidance (SG) and Technical Advice Note (TAN)**

- Landscape SG
- Transport and Accessibility SG
- Natural Heritage SG
- Trees and Woodland SG
- Flooding, Drainage and Water Quality SG
- Green Space Network and Open Space SG
- Resources for New Development SG
- Children's Nurseries SG
- Materials TAN

### **Proposed Aberdeen Local Development Plan 2020**

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

Policy WB3 - Noise  
Policy NE1 - Greenbelt  
Policy NE2 - Green and Blue Infrastructure  
Policy NE3 - Our Natural Heritage  
Policy NE5 - Trees and Woodland  
Policy D1 - Quality Placemaking  
Policy D2 - Amenity  
Policy D4 - Landscape  
Policy D6 - Historic Environment  
Policy R5 - Waste Management Requirements from New Developments  
Policy R6 - Low and Zero Carbon Buildings and Water Efficiency  
Policy T2 - Sustainable Transport  
Policy T3 - Parking

### **Other Material Considerations**

Pitfodels Conservation Area Character Appraisal

## **EVALUATION**

The application requires to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan presently comprises the Aberdeen and Aberdeenshire Strategic Development Plan 2020 (SDP) and the Aberdeen Local Development Plan 2017 (ALDP). The emerging policy context, as set out in the Proposed Aberdeen Local Development Plan 2020 (Proposed ALDP), has undergone Examination by Scottish Ministers, is awaiting adoption by Aberdeen City Council and is therefore a relevant material consideration.

In respect to the principle of development, the site is currently designated as Green Belt and Green Space Network (GSN) and therefore in terms of the current ALDP the relevant policies are Policy NE1 - Green Space Network and Policy NE2 - Green Belt. With regards to the Proposed ALDP, the site would remain as Green Belt and GSN, for which Policy NE1 - Greenbelt and Policy NE2 - Green and Blue Infrastructure are relevant. It is noted that the site formed part of three Bids to the Proposed ALDP 2020, B09/12 for 70-75 residential units, B09/13 for 30 residential units and B09/14 for a care home and garden centre. All bids were assessed as being undesirable by the Planning Service in the Main Issues Report 2019 and no allocations are proposed for this site in the Proposed ALDP 2020. As such, the assessment of this application will fall to Policies NE1 and NE2 of both plans as they are the principal policies in respect of the sites land zoning.

However, as the proposal includes a new community facility, Policy CF2 - New Community Facilities is also relevant and such proposals will also be subject to meeting the criteria of the Children's Nurseries SG. A full assessment against all principal and relevant policies and SG's will be carried out below.

### **Principle of Development**

The aim of the Green Belt is to maintain the distinct identity of Aberdeen by defining its physical boundaries clearly. Safeguarding the Green Belt helps to avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen's landscape setting and providing access to open space. All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials.

With the foregoing in mind Policy NE2 is explicit in stating that: *'no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal.'*

Although there are various exceptions to the above statement, these principally apply to small-scale development associated to existing activities or essential infrastructure. There is no provision in Green Belt policy for the formation of new development other than replacement dwellings or the small-scale conversion of former agricultural buildings. The proposed development is therefore contrary to Policy NE2.

In relation to GSN, Policy NE1 states that: *'The Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network, which is identified on the Proposals Map. Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.'*

While the site is currently unused agricultural land, its forms part of a corridor that connects the woodland to the east with the GSN to the west. Therefore, any development on this location would seek to erode the character and function of the GSN, failing to comply with Policy NE1.

With respect to Policy CF2, this policy outlines that proposals for new community facilities shall be supported, in principle, provided they are in locations convenient to the community they serve and are readily accessible, particularly to public transport, pedestrians and cyclists. While the Children's Nurseries SG states that the main considerations for determining such applications will be

- The likely effect on the character of the area, especially where the building would be completely removed from residential use and whether it would impact on a conservation area and/or listed building;
- The potential for car parking and traffic congestion caused by both staff and parents dropping off and collecting children; and
- Noise from children, both internally and externally.

The SG gives further advice on developments within residential/mixed use areas and non-residential/industrial areas. However, neither of these is relevant to the assessment of this application and therefore cognisance must be given to the aspects highlighted under the bullet points above.

While assessment against Policy CF2 is being considered under the section 'Principle of Development', the content of Policy CF2 does not outweigh the fact that the site is zoned as Green Belt or GSN, Policy NE2 and NE1, respectively, which in terms of hierarchy of policies are considered to be the primary policies against which this application should be assessed.

In terms of supporting information, the applicant has advised of the need of such a development and the requirement of Local Authorities or private facilities to fulfil the provision of 1140hours per year for 3-5 year olds, hence the submission of this application. The applicant in this case currently has a facility within Kingswells which has a waiting list with over 100 children. A Market Assessment Report has also been submitted, which states that the development would provide spaces for 0-5 year olds, with provision for funded places. It is envisaged that this development would capture demand for residents who live in the immediate vicinity, although a catchment area has not been outlined, with the supporting information stating that there is a need for further facilities in the AB15 area. AB15 is an extensive area that extends from Rosemount to Bielside, it includes Clinterty to the north and encompasses Kingswells and is therefore a large and expansive geographical area. This would lead the Planning Service to believe that there is no specific catchment for this facility with the potential that it would serve children city wide as there would be no specific limitations given that it is a private nursery.

While the information contained in the aforementioned report is useful and provides an overview of the need for further nursery places in Aberdeen, it does not provide justification as to why such a development should be located on this Green Belt site, a designation which is in place to ensure sprawling development does not take place. The Planning Statement does however highlight the conflict with Policy NE2, but notes that there are no alternative sites in the control of the applicant that could accommodate the development. However, in respect of this it is noted that the applicant is not the owner of this site, with the application form and associated land certificate advising that the land belongs to someone else. As such, it would appear that the applicant does not have control over this site either. The Statement further advises that the development would be in compliance with the aims of draft National Planning Framework 4 (NPF4) and its encouragement of 20-minute neighbourhoods, that the development of this site would not result in coalescence with Cults and that there is significant green space remaining.

Further supporting information has been submitted in response to the comments made by the Community Council, it outlines that while the application would see the development of this site, if approved, it would only lead to a small extension of the settlement whilst retaining a significant area of green space and Green Belt therefore not leading to coalescence. Additionally, the existing woodland and woodland paths would be retained and finally the site represents low

ecological value as demonstrated through the supporting survey. This statement also provides further information on the need for this development outlining the perceived gap in the market, noting the allocated sites and community facilities within 1 mile of the proposed site.

Having reviewed all supporting and relevant information, it is considered by the Planning Service that this is not a small scale development and ultimately its approval would result in the loss of a portion of the Green Belt regardless of its size. While the Planning Service does have the ability to recommend departures from relevant policies, that is only in certain circumstances where development has been justified. In this case, while the applicant has claimed there is a need, a matter which is not being disputed by the Planning Service, the issues that arise with this development relate to site selection, a matter which has not been duly considered or explored by the applicant. Therefore, it is the Planning Service position the use of this site and ultimately the loss of a section of the Green Belt and GSN has not been justified.

Furthermore, while the applicant advises that this development would only result in the loss of a small portion of Green Belt, the fact of the matter is that the site is outwith the boundary of the settlement and wholly included within the Green Belt. Encroachment into this area, such as what is being proposed here, does not lend itself to safeguarding the Green Belt as required by the Local Development Plan, but results in the intrusion of this area. Therefore, approval of this application would undermine the value of the Green Belt and has the potential to set a precedent for further development in this location and throughout Aberdeen's administrative area, especially in such cases where the development has not been suitably justified. Further to the requirement of the Local Development Plan to protect the Green Belt, Scottish Planning Policy (SPP) advises that the Green Belt is there to direct development to the most appropriate location, to protect and enhance the character, landscape setting and identity of the settlement and to protect and provide access to open space (paragraph 49). In this case it is considered that this development does not support SPP's aim for the Green Belt, which would directly impact and result in the loss of a section of the Green Belt, affecting the character, landscape setting and the site's/surrounding areas identity.

The Planning Statement also makes reference to this development being in a sustainable and convenient location. In respect of this, SPP advises that in terms of sustainability, *"the aim is to achieve the right development in the right place; it is not to allow development at any cost"* (paragraph 28), with the document further advising that *"planning should direct the right development to the right place"* (paragraph 39). In this case, it is not considered that this site is the right place for this development. As highlighted above, there are strong reasons to protect the Green Belt and not to support inappropriate development, especially in cases where a development has not been justified. Given the potential catchment of this proposed nursery, the Planning Service are not satisfied that it would be sustainable, a matter which is fully considered under the *Transport Impacts* section below and therefore fails to adhere to the aims of SPP.

Reference has also been made to NPF4 in respect of 20-minute neighbourhoods. NPF4 now has some materiality in assessment of planning applications given that it has been laid before Parliament for approval. Policy 15 of NPF4 advises that *"development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods"*, with the aim of the policy being *"to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options"*. However, as highlighted above, given the potential catchment and location of this site, the Planning Service are not satisfied that this development would comply with Policy 15 as it would not create or contribute to a connected and compacted neighbourhood. Furthermore, while not referenced in the supporting information, the intent of Policy 8, which relates to Green Belts is directly relevant. This policy advises that it seeks to *"encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably"*. The outcomes of this policy is to do the following:

- Direct development to the right locations, increase urban density and prevent unsustainable growth.
- To protect and enhance the Green Belts character, landscape, natural setting as well as the identity of settlements.
- To support nature networks and manage land in order to help tackle climate change.

Overall, it is considered that the proposal does not comply with the aims and intent of the relevant policies of NPF4 for the reasons highlighted above.

In respect of the Children's Nurseries SG, it is considered that a building here which seeks to develop an undeveloped site would ultimately effect and irrevocably change the character of this area, a matter which is discussed below. Matters relating to design, access, parking and noise will be considered under subsequent headings. In respect to Policy CF2, it advises that "proposals for new community facilities shall be supported, in principle, provided they are in locations convenient to the community they serve and are readily accessible", however as noted above, this site would not be a location that is appropriate or overly convenient owing to its extensive catchment. Additionally, the site that it is not considered suitable for development. As such, the proposal cannot be considered compatible with the aforementioned policy. Furthermore, Policy CF2, as mentioned above, does not outweigh the materiality of Policies NE1 and NE2 or that of SPP.

In respect to the Proposed ALDP, the aims of Policies NE1 and NE2 substantively reiterate that of the current plan and therefore do not need to be considered again. Overall, the development fails to comply with Policies NE1 and NE2 of both the current and Proposed ALDP with no material considerations or justification being submitted to allow for a departure from these policies.

In light of the above, the Planning Service are not in a position to support the principle of development in this case, as such a development has not been suitably justified, would result in the loss of an existing undeveloped Green Belt site, which is also designated as Green Space Network and finally the proposal would result in a permanent change to the character of the area. Therefore, the proposal fails to comply with Policies NE1, NE2, CF2 and the associated Children's Nurseries SG or SPP.

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

Policy D1 – Quality Placemaking by Design requires high standards of design, that look to meet six essential qualities of placemaking. Furthermore, Policy NE2 requires proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials.

However, in this case, the application is for PPP as such no details on the finalised layout or overall design have been submitted for assessment, such information would need to be considered at a subsequent application stage should this application be approved. Although it is noted that a proposed site layout plans and visualisation have been submitted, these cannot be used in the assessment of the application as they are indicative.

In terms of the siting of the development on this site, as highlighted under principle of development, the siting is considered to be an issue given the location of the proposed development within the Green Belt. As such, this aspect cannot be supported by the Planning Service given that it is deemed to not comply with Policy NE2.

The site itself is set back from Craigton Road, it is presumed that this is to avoid conflict with the existing mast that sits within the field. As mentioned, an indicative site plan has been submitted which shows the proposed, albeit subject to change, location of the development within the site. This plan shows the access to the development being shared with the existing access that serves

the care home to the east, creating a 'Y' junction from Craigton Road, which would then lead to an area of car parking. The building would be located further south of the area of hardstanding, with areas of green space to the west and along the eastern boundary. While visualisations of the proposed building have been submitted in support of this application, detailed elevation drawings have not been provided, once again this is owing to the fact that the application is for PPP. While such information is not required for a PPP application, given the requirements of Policy NE2, the principal policy, in respect of design and layout, it is considered that an appropriate assessment cannot be undertaken. Fundamentally, a PPP application seeks to establish the principle of development, but in this case, a requirement of the principal policy is for the development to be of the highest quality in terms of siting, scale, design and materials, matters which cannot be considered given the lack of information, therefore, it is debateable whether the application can be duly considered against the criteria of Policy D1 and design requirements of Policy NE2.

However, the Planning Service would like to point out that these aspects are subservient to the fact that the site is not acceptable for such a development, owing to the reasons highlighted under the section above. As such, this information was not requested for this reason.

In respect to the character of the landscape and Policy D2 - Landscape, which seeks to ensure development improves and enhances the setting and visual impact, the site sits within the River Valley Landscape Character Area, with key characteristics including but not limited to, dramatic river valleys of the Dee and Don; diverse and extensive wooded areas; and a nucleated settlement pattern. The site sits on the boundary of the residential area, which is clearly delineated by the care home sitting to the east. Sporadic development lies to the west of the site, beyond existing trees before moving into a suburban area of Cults. Overall, it is considered that the development of this site, which currently sits vacant, would disrupt the landscape to some degree. However, it may be that siting it further back within the site may have less of an impact on the existing landscape character. At this time however, full consideration of this aspect is difficult to undertake given the limited information submitted with the application.

In light of the above, there are concerns with aspects of the development in respect to siting, layout, design and landscape and therefore the development cannot be considered compliant with Policy D1 - Quality Placemaking by Design, Policy NE1 - Greenbelt and Policy D2 – Landscape.

### **Historic Environment**

As the development sits within the Pitfodels Conservation Area, consideration must be given to Policy D4 - Historic Environment, which seeks to protect, preserve and enhance the historic environment in line with national and local guidance. In this case and similar to the assessment made under 'Siting, Layout, Design and Landscape', the Planning Service have no details of the proposal, bar an indicative visualisations and therefore cannot undertake a full assessment of the development against Policy D4. It is noted that just because a development is located within a conservation area, that does not mean that a contemporary building would not be welcomed, however, that assessment would come down to the detail in terms of design and materials, with a requirement for the development to be of the highest quality of design.

However, it should be noted that the Pitfodels Conservation Area Character Appraisal advises that Craigton Road is characterised by more open views across fields with Plan 4 of the appraisal showing this site to be a key vista. As such, while a full assessment cannot be undertaken, regardless of the finalised design there is a risk that such a development would interrupt these views to the detriment of the conservation area.

### **Transport Impacts**

Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel are both required to assess this development. In respect of Policy T2, it requires that new developments must demonstrate that sufficient measures have been taken to minimise traffic

generated and to maximise opportunities for sustainable and active travel. While Policy T3 requires new developments to be accessible by a range of transport modes. This proposal and the submitted Transport Statement has been assessed by the Roads Development Management Team, with comments provided in relation to the access, parking and accessibility in respect of sustainable and active travel.

With regards to the access, the site is to be accessed from a new priority junction created from the access road to Northcote Lodge Care Home, which itself takes access via a priority junction onto the adopted Craigton Road. This is to be the sole access point for motorists, cyclists, and pedestrians. At this time, it is noted from the indicative layout that the new access does not meet the care home access road at 90 degrees and therefore does not meet the City Council's standards. However, such a matter could be suitably addressed at a subsequent application stage should the application be approved.

In terms of parking, as per the Transport and Accessibility Supplementary Guidance, the maximum permitted parking would be 0.8 parking spaces per staff member, with the applicant advising that there would be 26 staff members. Whilst there is no specific guidance in the Supplementary Guidance for drop off space numbers, having reviewed the expected peak AM and PM vehicle trips (29), some of which will be staff, it is agreed that 10 pick-up/drop off spaces would be acceptable. As such, the Team has advised that any parking within the site should be clearly marked for their intended use, e.g. "Staff Only". As such, the proposal is for 32 parking spaces, allocated as 20 for staff, 10 for pick up / drop off and 2 disabled parking. While the plans indicate such a provision, the submitted site plan is only indicative and therefore further details, including bay measurements etc., would be required to fully assess this aspect of the proposal at a subsequent planning application stage.

Cycle parking has been proposed with 15 cycle storage spaces and 6 scooter spaces, based upon the proposed staff and child numbers this is acceptable. However, these parking spaces should be within 50m of the entrance of the development in a prominent location and should be covered. Full details of these would be required at a subsequent planning application stage.

In terms of accessibility by a range of transport modes, it is acknowledged that the site fronts onto Craigton Road, which is serviced by existing adopted footways, additionally, it is proposed that a new footway is to be constructed on the western side of the access road to the Northcote Lodge Care Home to provide access into the nursery. In terms of cycle access, this would be via the existing roads network as there is no cycle lanes in the vicinity. Finally, in respect of existing bus services, the Team notes that there are bus stops less than 400m from the site. However, these are located within the residential area, with the nearest stops being between 160 and 220m to the east on Airyhall Avenue and Craigton Road, with the stops on Craigton Road being a stand rather than a shelter.

However, despite the facilities that serve the site, the Planning Service does have its concerns regarding the developments ability to maximise opportunities for sustainable and active travel, this is due to the fact that the facility would not solely serve those in the surrounding residential areas, but also those city wide. As such, given the location of the development on the outskirts of the built area, it is considered that there will be a heavy reliance on cars, with parents opting to drive their children to and from the nursery. This is considered to be a reasonable and realistic view to take with such a development, however, this results in a development that is not fully compliant with either Policy T2 - Managing the Transport Impact of Development or Policy T3 - Sustainable and Active Travel. Furthermore, the location has not been suitably justified and it is considered that other sites may have been more appropriate to encourage sustainable and active travel, but it would appear that this was not duly considered by the applicant.

A number of representations highlight concerns regarding traffic and congestion as a result of the proposed development. This has not been highlighted as a concern for the Roads Development Management Team with the Service advising that a trip generation assessment has been carried, showing 383 daily people trips, of which 164 would be vehicle movements. Such movement are not considered to have any adverse impact on the local road network, thus further traffic impact analysis is not required.

The Children's Nurseries SG advises that the potential for car parking and traffic congestion caused by both staff and parents dropping off and collecting children should be considered. These matters have been assessed by the Roads Development Management Team with no concerns noted in the consultation response.

Overall, while the Roads Development Management Team do not object to this proposal, subject to conditions relating to further details of access and parking, it is considered that the approval of such a use, would result is a development that is heavily reliant on cars rather than encouraging sustainable and active travel. Therefore, the proposal cannot be in full compliance with the aforementioned policies and there are no material considerations that outweigh or minimise the effects of the development.

### **Natural Heritage – Trees**

Policy NE5 - Trees and Woodlands advises that there is a presumption against all activities and development that will result in the loss of, or damage to, trees that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. In this case there are several trees that bound the site to the east and south, as such a Tree Survey has been submitted and reviewed by the Planning Service. Overall, the proposal seeks to retain the existing tree stock with minimal impact. It is however noted that the existing tree stock is in relatively poor condition due to poor management. Whilst it is worthy of retention in the short to medium-term, and this is welcomed by the Planning Service, it would be beneficial to seek additional tree planting as part of the wider landscaping scheme to allow for the introduction of higher quality trees to ensure long-term sustained tree cover is achieved. Such a request would be deemed appropriate by the Planning Service and would be sought via a condition should permission be granted.

### **Natural Heritage – Ecology**

Policy NE8 - Natural Heritage requires the Planning Service to take into account direct and indirect effects on sites protected by natural heritage designations or those that contain or may contain species, protected or otherwise. In this case an Environmental Walkover Survey Report was submitted in support of the application. However, the report lacked a detail description of habitat and a plant list which is an essential part of the habitat survey. Furthermore, while no surveys have been recommended in the report, further bat surveys were required given that outside lighting would be proposed, which may have a significant impact on habitat especially along the south and east boundaries of the site.

In respect of the information above, further information was submitted to satisfy the Planning Service. The information, including the detailed plant list and bat survey, is acceptable at this time, although it is noted that bats are present in the area. As such, this development may result in harm upon the protected species, however, such harm would not be direct, but would be a result of lighting from the development. So, while the information submitted is acceptable at this time, further details of lighting would be required to ensure that appropriate mitigations are in place to avoid conflict the surrounding habitats. Such information can be conditioned with information submitted at a subsequent planning application stage should the application be approved.

While there is no direct impact on the natural heritage as identified in the submitted survey, the Planning Service are concerned regarding the location of the development and the subsequent

impact on the GSN. As highlighted above, the while the site is currently unused agricultural land, identified as improved grassland that forms part of a corridor that connects existing woodland and GSN. As such, the development of this site has the potential to have an indirect impact on the character and function of the GSN. Given that the GSN is designated to encourage connectivity between habitats, improve the viability of species and the health of previously isolated habitats and ecosystems, the development of this site would not seek to promote that aim.

Therefore, in respect of Policy NE8, while there is no ultimate conflict, owing to the location of the development, the proposal cannot be deemed acceptable to the Planning Service given that it would be in direct conflict with the aims of the aforementioned policy as well as Policy NE1 - Green Space Network.

### **Drainage**

In respect of Policy NE6 - Flooding, Drainage and Water Quality, a Drainage Assessment has been submitted in support of this application, which advises of the drainage arrangement for the proposed building. In terms of foul drainage, the development will connect to the public infrastructure. With respect to surface water drainage, surface water would be collected before being run through a filtration process and then onto the public infrastructure. This is deemed to be appropriate and in line with the requirements of Policy NE6.

### **Access**

Policy NE9 - Access and Informal Recreation requires that new development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, Core Paths, other paths and specifically in this case rights of way.

Two claimed rights of way bound the site to the east and south, GCS57 and CS54, respectively, which connect to other claimed rights of way to the east and west. Having carried out a site visit of these paths, it is clear that they are well used and easily accessible and lead to a wider network of paths through the surrounding fields. While it doesn't appear that these paths would be affected by the proposal, in the interest of promoting outdoor access and informal recreation and to support Policy NE9, these paths should not be affected by the development and the applicant should seek to ensure that long-term access is retained. Given that the Planning Service do not have full details of the site layout at the time, it would be considered appropriate that a condition(s) be applied to ensure that these paths are not affected by development and remain open for the public to use both during the construction and operation of the facility should it be approved. This would ensure compliance with the aforementioned policy.

### **Waste**

Policy R6 - Waste Management Requirements for New Development requires that all new development must have sufficient waste storage for all waste materials. In this case, the indicative site plan shows an area for a bin store adjacent the proposed access. The location of this store has changed since the application was submitted as both Waste and Recycling and Roads Development Management highlighted concerns regarding accessibility for refuse vehicles and distance from the access. Upon review of the amended plans, both Services are satisfied with the new location, however as highlighted above, this plan is only indicative and should permission be granted further details of the bin store would be required to satisfy Waste and Recycling, Roads Development Management and the Planning Service. Subject to such a condition, it would appear that the proposal as it currently stands complies with Policy R6 - Waste Management Requirements for New Development

### **Low and Zero Carbon and Water Efficiency**

A Planning Suitability Statement was submitted in support of this application, which outlines potential technologies that could be utilised to comply with Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency. However, full details still need to be submitted and approved,

should permission be granted, this would be requested by condition which would be dealt with at a subsequent planning application stage. Subject to such a condition, compliance with Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency cannot be confirmed.

### **Other Technical Matters**

It is noted that there is an electricity pylon located along the northern boundary of the site, but outwith the application boundary. As part of the Scottish and Southern Energy Networks (SSEN) infrastructure it was considered prudent to contact them to ascertain if there would be any impact of this proposal on that pylon or indeed vice versa. SSEN has advised that in this case there is no defined wayleave corridor in place, but that generally development should be outwith 25m of the centre line of the Over Head Line (OHL) for operational and public safety purposes. In this case, the proposal sees development of a car park, within 25m of the OHL but as the application is for PPP, no specific detail has been provided. In order to be able to ascertain if there is a public safety risk details of the development, including the car parking, drainage infrastructure and constructions methods, would be required to ascertain if the proposal has the potential to destabilise the pylon. Should the application be recommended for approval, information on this matter could be requested via condition, however, approval of this application would suggest that in principle development of this site would be possible, but in general terms this is not the case owing to the issues over the suitability to development this site as highlighted above. This development has the potential to impact on existing infrastructure that is not in the control of the applicant. While this aspect of the proposal cannot be assessed against any local policies, as none are relevant, the Planning Service do have concerns regarding the development of the site which are beyond the fact that the site is designated as Green Belt and GSN.

With regards to the Children's Nurseries SG, as highlight above, such development should not result in any impact in terms of noise from children, both internally and externally. In respect of this Environmental Health has been consulted and has advised that the Service has no comments or observations to make against this proposal and therefore require no information in respect of noise. Nevertheless, it is acknowledged that a number of representations highlight concerns regarding noise and the potential impact on the amenity of the surrounding area and specifically the nursing home that lies to the east. However, it is considered that given the location of the development, the existing tree belt that is in place and the apparent orientation of the building and outdoor play space, it is unlikely that there would be any direct impact on the general amenity of the surrounding area. Furthermore, given the proposed hours of operation, there would be no impact from the development into the late evening or night. As such, while the concerns highlighted are noted, the proposal as it stands complies with Policy T5 - Noise.

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

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is not considered acceptable in terms of both plans for the reasons previously given.

### **Matters raised by the Community Council**

Braeside and Mannofield Community Council has advised of their objection to this proposal for several reasons, initial concerns related to the development of this Green Belt site as well as a potential impact on flora and fauna and increased traffic levels. These matters have been given due consideration by the Planning Service, who has also noted concerns regarding the loss of this Green Belt site and the resultant impact on GSN. In terms of traffic, as noted, this was not a major concern to the Roads Service, but inevitably the development would result in increased car journeys to and from the area.

The Community Council also provided two additional comments in response to information submitted by the applicant. These comments have been reviewed and considered throughout the assessment of this application and are a material consideration.

## **Matters raised in Representations**

Matters raised through submitted representations are material considerations and generally these matters have been considered under the relevant headings above, where matters have not been considered, they will be addressed below.

- Development would result in the loss of an amenity used by local residents – *the area appears to be used by local residents for walking, this would be disrupted should the development be approved. However, this area is not identified as open space and is in private ownership, therefore its amenity value is limited to the fact that it contributes to the local character, Green Belt and GSN, but it is appreciated that the site could be utilised for activities such as dog walking and therefore its development would result in the loss of an amenity space.*
- Development detrimental to character of the general area – *this matter has been addressed above.*
- Development would erode designation of Green Belt – *this matter has been addressed above.*
- Site is designated as green space – *this matter has been addressed above.*
- Site falls within the Pitfodels Conservation Area – *this matter has been addressed above.*
- Development would impact on the operation of the care home during construction and operation – *this matter would need to be managed carefully by the applicant should the application be approved, but it is a matter that is outwith the remit of the Planning Service.*
- Impact on amenity during construction – *Should the application be approved, it would be limited to normal construction hours as per the Control of Pollution Act 1974.*
- Impact on and disruption to wildlife habitats – *this matter has been addressed above.*
- Impact on natural heritage including trees – *this matter has been addressed above.*
- Fails to comply with Aberdeen Local Development Plan policies and guidance – *this matter has been addressed above.*
- Impact on traffic and road safety concerns – *this matter has been addressed above.*
- Development could be located elsewhere, e.g. Braeside School – *It is not for the Planning Service to suggest where development should be, but to assess the applications that are submitted. In this case, the Planning Service do have concerns regarding the location of this development as highlighted above.*

## **RECOMMENDATION**

Refuse

## **REASON FOR RECOMMENDATION**

1. That the proposed development would not be for purposes considered essential for agriculture, woodland, or forestry, it would not be a recreational use associated with the existing agricultural or rural setting and would not be associated with mineral extraction or landscape renewal, nor would the proposal meet any of the exception criteria for development in the Green Belt. Additionally, it is considered that the development would represent an impact on the landscape setting of the Green Belt. Furthermore, the development is considered to represent the erosion of the character and function of the designated existing Green Space Network, as such it is considered that the development has the potential to impact existing habitats, especially given the Green Space Network has been designated to protect, promote and enhance wildlife value. As such, the development is contrary to Policy NE2 - Green Belt and Policy NE1 - Green Space Network of the Aberdeen Local Development Plan 2017, would represent a departure from the adopted Development Plan Strategy, Scottish Planning Policy and National Planning Framework 4.

2. That the development would result in a change of the existing rural landscape character of the site to its detriment. As such, the proposal is contrary to Policy D2 - Landscape of the Aberdeen Local Development Plan 2017 and the associated Children's Nurseries Supplementary Guidance.
3. Due to the sites location within the Pitfodels Conservation Area, while no finalised details of the development have been submitted for assessment, it is considered that a development of any nature would interrupt the open views of this vista which is noted as being a key characteristic of the area within the Pitfodels Conservation Area Character Appraisal. As such, there is a risk that the development would interrupt these views to the detriment of the conservation area, which is contrary to the requirements of Policy D4 - Historic Environment.
4. That due to its location, which is considered removed from the established residential area, the proposal does not constitute sustainable development and is therefore considered contrary to Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel of the Aberdeen Local Development Plan 2017.