

Signed (authorised Officer(s)):

PHASE 3, DUBFORD, BRIDGE OF DON

PROPOSED RESIDENTIAL
DEVELOPMENT - PHASE 03 CONSISTING
OF 115 UNITS (71 HOUSES AND 44
APARTMENTS) AND ASSOCIATED
LANDSCAPING AND INFRASTRUCTURE
SERVICES

For: Scotia Homes Limited

Application Type : Detailed Planning
Permission
Application Ref. : P141506
Application Date : 09/10/2014
Advert : Can't notify
neighbour(s)
Advertised on : 11/12/2014
Officer : Robert Forbes
Creation Date : 7 October 2015
Ward: Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)
Community Council: No response received

RECOMMENDATION: Approve subject to conditions and subject to modification of (addendum to) the existing s.75 legal obligation for the wider site to ensure that the required developer contributions, affordable housing and infrastructure works are delivered.

DESCRIPTION

This 6.9 hectare site is located at the northern edge of the built up area of Bridge of Don and comprises part of a wider development site. The site was previously used as arable farmland, for mineral extraction / infill and for industrial purposes. It has a moderate north-easterly aspect with the high point being at its south-west corner. There is a steep embankment up to the land to the west. The site drains towards Mundurno Burn, which flows east along the north boundary. Adjacent land extending to the south and east forms part of a wider housing development area, which is under construction. To the north of Shielhill Road lie redundant quarry workings with associated industrial / storage uses and a row of detached inter-war houses. The western boundary is formed by Perwinnes Moss, which is designated as a Local Nature Conservation Site. Scotstown Moor SSSI lies about 500m to the south-west.

PRE-APPLICATION CONSULTATION

The applicant has undertaken Development Framework and pre-application Public Consultation exercises prior to the submission of this application, and has

submitted an associated report in support of the application, in accordance with relevant regulations.

RELEVANT HISTORY

Outline planning permission for the residential development of the wider site, including community facilities and improvements to an area of adjoining green belt (ref A3/192) was submitted by Scotia and was refused at committee in 2003. A subsequent planning appeal was dismissed, following a public inquiry, in October 2004, as was a related claim for expenses against the Council. The reasons for dismissal included: contravention of structure and local plan policies; prematurity in light of pending local plan review; conflict with national policy regarding sustainable transport, including reducing the reliance on private cars; and potential adverse impact on the local and trunk road networks due to uncertainty regarding the proposed closure of Shielhill Road to vehicular traffic.

A request for a screening opinion under the EIA Regulations was submitted in 2011. The response from Aberdeen City Council was that a formal EIA was not required for the 550 dwelling development currently underway, of which the site forms a part.

Four other detailed planning applications for residential development on various parts of the wider site (ref. 120722, 121422, 121387 and 131614), which total 417 units, and for permission in principle for a total of 550 units (ref 120723) have been approved by the planning authority in 2013, subject to conditions and a legal obligation. The detailed permissions are currently being implemented. In addition, the land to the east, within the wider local plan opportunity site has been granted approval for 99 units, subject to a legal obligation, so that, in total, there is currently 516 consented dwellings.

A planning application (160648) to modify the existing legal agreement at the wider Dubford site to include the current planning application has been submitted and awaits determination.

PROPOSAL

Detailed planning permission is sought for the erection of 115 dwellings (71 houses and 44 flats), together with related engineering / infrastructure works and provision of associated open space and parking areas, as part of a phased development of the wider area. A variety of dwelling types and sizes are proposed. A total of 17 of the proposed units are identified as affordable. The application is supported by a suite of technical documents and related information including: flood risk assessment; and transport assessment.

Vehicle access to the site would in part be provided by development of adjacent land, under the applicant's control, in order to provide connections to Dubford Road and Shielhill Road. It is intended that the southern access from Dubford Road would only be used by buses and emergency services, in addition to

pedestrians and cyclists. New road accesses would be formed from Shielhill Road, to the north of the site. Off-site road works are proposed at nearby junctions, including at the B999, where it is proposed to divert Shielhill Road onto private land not under the applicant's or the Council's control. A segregated shared cycle / footpath, which would act as a 'safe route to school' from the development, would be provided through the adjacent development to the south and east. A segregated footway is proposed through a landscape area proposed along the site edges.

The extent of public open space is 3.4 hectares (48% of the site area). This would include a remote footpath / cycle way and SUDS area at the north boundary. The gross site density is 16.7 dwellings per hectare. Excluding the proposed open space areas, the density of development proposed is some 34 units per hectare. Public open space areas would be created along the fringes of the site (including a buffer strip with the existing business premises to the south west and along the LNCS edge) and along the proposed footpath / cycle route. An intervening landscaping strip would provide buffer planting and a shared cycleway/footpath parallel to Shielhill Road and the Burn of Mundurno.

The proposed dwellings are located at the north-west corner of the wider development framework area. The houses are a mix of detached, semi-detached and terraced types. They are a mix of 1 ½, 2 and 3 storey in height and of varying internal sizes. Private garden areas and parking is largely concentrated to the rear and in-curtilage. Detached garages are also proposed, partly accessed by rear lanes and partly frontage accessed via driveways. The flats are 3 storeys in height and generally located on corners in order to ensure strong built frontages. They are a mix of 1 and 2 bedroom sizes. Communal car parking, bin storage and amenity space would be provided for these units. Materials would be largely rendered walls, with some use of synthetic masonry, and concrete roof tiles.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=141506>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

Transport Statement, Drainage Impact Assessment, Design and Access Statement, Planning Statement, Pre-application Consultation Report, Sustainability Statement, Design Statement, Flood Risk Assessment, Landscape and Visual Impact Assessment, Archaeological Assessment, Ecological Assessment, Contamination Remediation Strategy, Noise Impact Assessment.

CONSULTATIONS

Roads Development Management- No objection, subject to implementation of various road / access improvements, which are also required in relation to implementation of previous consented phases of the wider Dubford housing development. Advise that STF contribution is also required;

Environmental Health – No objection. Comment in relation to the need for noise mitigation measures due to proximity of industrial premises and for mitigation of contamination;

Developer Contributions Team - The development will require to provide an appropriate level of affordable housing on site, and contributions towards enhancement of: education; community facilities; sports and recreation facilities (outwith the site); libraries; health care facilities; and, improvement works and links to the Core Path network in the vicinity. These matters are to be included in a legal obligation via an addendum to the existing S75 agreement relative to P120722;

Communities, Housing and Infrastructure (Flooding) – No observations;

Education, Culture & Sport (Archaeology) – No objection;

Scottish Environment Protection Agency – Request that conditions be imposed in relation to flood risk and construction management;

Community Council – No response received;

Education, Culture and Sport (Educational Provision) – where 5 or more new residential units – Advise that, as the site is within the planned Dubford / Murcar development, the likely increase in school aged pupils has been taken account of. Rezoning of the area from Scotstown to Greenbrae primary school has taken place and a planned extension of the latter will cope with forecast additional pupils.

REPRESENTATIONS

One letter of objection has been received from a nearby resident. The objection relates to the matters of traffic impact on existing roads in the area and need for upgrading of lighting.

PLANNING POLICY

National Policy and Guidance

The key objective of the Scottish Government is sustainable economic growth. SPP (Scottish Planning Policy) as it relates to housing and transport is of particular relevance.

Aberdeen City and Shire Strategic Development Plan (ASSDP)

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

Aberdeen Local Development Plan 2012 (ALDP)

The site is zoned as Land Release policy LR1 within the ALDP. It is also identified within the Dubford and Murcar masterplan zone. Table 5 of the ALDP

and policy LR1 allocate the site within the phase 1 housing release (2007-2016) and states that housing development will be approved in principle. The ALDP also identifies the site as part of opportunity site 25 (OP25). OP25 allocates the wider site for some 550 residential units but notes a risk of flooding. ALDP appendix 4 identifies a possible requirement for contributions for additional secondary school capacity at Bridge of Don academy and the extension of medical / dental practices at Dubford.

Other policies of relevance include: I1, T2, D1, D2, D3, D6, H3, H4, H5, CF2, NE1, NE4, NE6, NE8, NE9, NE10, R6 and R7.

Proposed Aberdeen Local Development Plan

This zones the site as a residential area (H1). It maintains the opportunity site designation (OP10) for the wider area covered by the development framework, which anticipates development of 550 homes.

Supplementary Guidance

The site lies within the Dubford Development Framework which was approved by Committee in 2012 and confirms the suitability of the site, and adjacent land to the south and east, for residential and associated development.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

Principle of Development

The proposed residential development accords with the aspirations of the Strategic Development Plan, in particular its targets for housing provision.

The allocation was pursued through the 2012 local plan preparation process, with the site being identified for development by the Council and subsequently ratified by the reporter appointed by the Scottish Government. This process was supported by a process of community and pre-application consultation by the applicant, in the preparation of a development framework, and this has subsequently informed the development approach taken. The approval of PPP (Ref: 120723) sets the principle for development of 550 units at this wider location (excluding the land to the east where an additional 99 houses have approval). A more detailed assessment of the proposal in relation to the relevant planning policies is considered below.

Although the site has a history of refusal, including examination at a public inquiry in 2004, this predates the above factors. The local and regional planning policy context is therefore fundamentally different from that which existed at those

times. As regards the reporter's concerns regarding the sustainability of the site, in terms of compliance with Scottish Government policy regarding transport and impact on the road network, these issues are considered below.

Dubford Development Framework (DDF)

The proposal accords with the general aspirations of the DDF, an important material consideration in favour of the development. Both the local plan and development framework envisage a total of 550 units for the wider site. The scale, form and heights proposed are considered to accord with the wider design objectives and it has been demonstrated that adequate public open space would be provided in accordance with policy NE4. The location and extent of open space also accords with the development framework. The development layout/ form/ scale proposed is considered to respect the suburban nature of the existing built up area to the south, and so accords with policy D1. The proposal would act as a suitable low density edge adjacent to the nature conservation site to the north, and public roads and would allow scope for provision of mitigatory buffer landscaping along edges. Although the urban form is of suburban character, with traditional vernacular inspired house type designs used elsewhere locally by the developer (e.g. at Cove and Ellon), the standard of design is considered to be compatible with 'designing streets' and takes some account of 'designing places' and is thus considered acceptable in terms of policies D1 and D2. The proposed materials and finishes are compatible with those of adjacent phases of the wider development. The relatively generic housing types and non-traditional materials are considered acceptable, given the absence of conservation constraints in the area. Additionally the non-vernacular nature of the suburban housing developed to the south and the relatively contained nature of the site, off main approaches to the city, are positive considerations.

The net density of development proposed would accord with the minimum requirements in policy H3 (30 units per hectare) and suitable residential amenity / outdoor space would be provided (e.g. through provision of garden ground / amenity space and generous levels of public open space). There would be no adverse impact on the amenity of adjacent residents resulting from the scale or proximity of housing proposed and conditions can be used to ensure provision of additional buffer landscaping to ensure the landscape setting of the site is enhanced. The proposal is not therefore considered to represent overdevelopment.

Flood Risk

Formal consultation with SEPA and the Council's Flooding Unit has confirmed that flood risk is more an issue directly affecting land at the northern and eastern fringes of the wider site, rather than the application subjects. In this case it is not so significant that the development potential of the site for housing is compromised or that refusal is warranted. Conditions can be imposed to ensure

that the development takes account of this issue in accordance with sustainable development objectives and it is thus considered in accordance with policies NE6 and NE8. The proposed SUDS pond / basin adjacent to the Mundurno Burn, at the northern edge, is designed as part of the wider strategic landscaping and would provide landscape and wildlife benefits, in addition to reducing flood risk.

Landscape Setting

Clearly the scale and nature of development will result in landscape change. However, such change has already been established in principle, thus it is not necessary to revisit the principle of this issue. Although the development will be visible from adjacent roads, it would have limited visibility on main road approaches to the city from the north, being set low in the landscape relative to the existing housing to the south. Subject to implementation of suitable buffer planting / boundary treatment, the landscape impact is considered acceptable in terms of policy D6. In time the visual impact of the development will be further softened as the required tree planting / strategic landscaping matures.

Nature Conservation Impact

The site lies adjacent to 'Perwinnes Moss', a designated Local Nature Conservation Site (LNCS). The development would have no direct effect on this LNCS and its wider wildlife value could be supported/ enhanced by creation of buffer and additional planting within the application site. A condition is required to ensure native landscape planting. Furthermore, the creation of a footpath network within the site would improve public access to this important open space. Neither would there be direct effect on the SSSI at 'Scotstown Moor', as this lies some distance to the south-west and is bisected by Dubford Road. As the application site drains to the north and east, away from Scotstown Moor, its development would have no indirect impact on the hydrology of this SSSI's wetland habitat. The proposal is therefore considered to accord with policy NE8. Otherwise the existing TPO protected trees and former farm steading lie outwith the application site and are not directly impacted by the current proposal.

Transport / Roads

Provision of footpath and cycle links are required to adequately connect the development to the existing path network / developed areas, in order to discourage car use and ensure compliance with local plan policies D3, T2 and related SPP regarding transport. Such works include off-site interventions on land which is not under the control of the applicant, or the Council. This is a matter which is addressed by the existing legal obligation, associated to the PPIp, which includes use of developer contributions to enhance the core path network.

It is intended that the site will be serviced by an extension of the existing bus route on Dubford Road northwards through the adjacent site, thereby ensuring that residents of the development would have access to a bus service within reasonable walking distance. Conditions are required in order to ensure

provision of suitable footpath connections from the site to the existing bus stop(s) and to provide a green travel plan. Notwithstanding the reporter's concerns regarding the adequacy of public transport connection to the site back in 2004, a financial contribution was not considered necessary to enable enhancement of the bus service to / from the site when PPiP was granted in 2013. It is therefore considered to be unreasonable to now impose such a burden in relation to development of part of that consented site.

The Council's roads engineers do not express objection regarding the likely traffic impact on the road network, subject to various mitigation measures, including: off site road works/ junction improvements (some on third party land) as set out in the Transport Assessment; and contribution to the Strategic Transport Fund. Some of these off-site measures have already been implemented and others can be addressed by either use of planning conditions or developer contributions / planning obligation. Road officers are satisfied regarding the proposed internal road layout and the proposed provision of street lighting.

Developer Obligations

The applicants have previously agreed comprehensive planning gain package for this site and the wider development, set out in a Section 75 Agreement. This includes: affordable housing provision (15% provision on site and a commuted sum equivalent to 10%, thus a total of 25%), in order to accord with policy H5; contribution to enhance education / community and sports / recreation facilities (outwith the site), libraries; and improvement works and links to the Core Path network in the vicinity.

Although the precise level of affordable housing proposed within this application is less than the 15% minimum figure agreed for the wider site (i.e. 11.3%), when assessed against the requirements of the wider site and the associated S.75, this will be balanced out by over provision elsewhere within the PPiP area. This arrangement is acceptable to the Council's housing service and planning gain advisor. It is not considered that the technical on-site shortfall would warrant refusal of the development given that the affordable housing delivery for the wider site is controlled by the s.75 obligation and the current application is simply a later phase of that wider development.

Although the ALDP indicates a possible requirement for contribution for enhancement of secondary school capacity, consultation with the Council's education service and developer obligations team has shown that this is not in fact required. However, a contribution is required in relation to enhancement of primary education facilities and this is addressed by the existing legal obligation for the wider development.

As the developer obligation matters are addressed in the legal obligation associated to the PPiP, it is not appropriate to revisit these issues. However, the

section 75 will require modification (an addendum) to cover the current application.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application the plan has no substantive change in policy effect.

Conclusion

Subject to imposition of conditions to ensure that the site is appropriately developed, and that the development adheres to the existing legal obligation to ensure infrastructure provision, the proposal accords with the development plan. The other material considerations and traffic impact do not warrant refusal of the application.

RECOMMENDATION

Approve subject to conditions and subject to modification of (addendum to) the existing s.75 legal obligation for the wider site to ensure that the required developer contributions, affordable housing and infrastructure works are delivered.

REASONS FOR RECOMMENDATION

The principle of residential development on this site has been established by the adopted local plan policy and by the approved development framework. Subject to provision of required off site infrastructure and conditions to mitigate the impact of the development, there are no insurmountable policy constraints or material considerations that warrant refusal.

CONDITIONS

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

- (1) No dwelling hereby approved shall be occupied unless a detailed scheme of site and plot boundary enclosures for the development has been submitted to

and approved in writing by the Planning Authority. No dwelling shall be occupied unless the said scheme has been implemented in accordance with an approved phasing plan, or unless otherwise agreed with the planning authority - in order to preserve the amenity of the neighbourhood and ensure provision of an appropriate buffer with the adjacent local nature conservation site.

(2) That no development shall take place unless a programme of works in relation to development, implementation and adoption of the site specific SUDS scheme of drainage works, as detailed in Cameron and Ross drawing 988, or such other scheme as may be approved by the planning authority, together with related drainage connections within the site, has been submitted to and approved in writing by the Planning Authority. Thereafter no part of the development hereby approved shall be occupied unless the drainage has been installed in complete accordance with the said SUDS scheme, as designed to meet the requirements of Sustainable Urban Drainage Systems - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(3) No dwellings hereby granted planning permission and located within the relevant development phase shall be occupied unless the areas of public open space as identified on Drawing No. 310 of the plans hereby approved (or such other drawing as may be subsequently approved) have been laid out in accordance with a phasing scheme which shall be submitted to and approved in writing by the Planning Authority. No dwelling shall be occupied unless a scheme detailing the manner in which the open space is to be managed and maintained has been submitted to and approved in writing by the planning authority and is subsequently implemented. Such scheme shall include provision for a play area comprising at least five items of play equipment and a safety surface - in order to preserve the amenity of the neighbourhood.

(4) No development pursuant to the planning permission hereby approved shall be carried out, other than formation of access roads and site compounds / preparatory works, unless a further detailed scheme of landscaping for the site has been submitted to and approved in writing for the purpose by the planning authority. This scheme shall include indications of all existing trees and landscape features on the land (e.g. the burn), and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(5) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with

others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(6) That no development shall take place unless there has been submitted to and agreed in writing by the planning authority details of the proposed footpath links to the existing path network, including detailed specifications and routing of both the adoptable footpath / cycle routes to the east of the site and the informal paths to the south and west to connect with Scotstown Moor. Thereafter no part of the development shall be occupied unless the said path works have been implemented in full - in the interests of sustainable development and provision for pedestrians and cyclists.

(7) That no dwelling within the site shall be occupied unless a detailed Residential Travel Plan for the development has been submitted to, and approved in writing by, the planning authority, and evidence of its subsequent distribution to prospective occupants has been provided by the developer. This plan should outline / encourage sustainable measures to deter the use of the private car, in particular single occupant trips. - in order to encourage more sustainable forms of travel to / from the development.

(8) That none of the flatted units hereby granted planning permission shall be occupied unless a scheme detailing secure cycle storage provision on site has been submitted to, and approved in writing by the planning authority, and is thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(9) That each dwelling hereby approved shall not be occupied unless provision has been made within the site for the related off-street parking of motor vehicles in complete accordance with Plan No.301 rev.B, or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety.

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

(11) No development, including any land raising, should take place within the functional flood plain, as shown in Figure 3.4 of the submitted Flood Risk

Assessment. No development shall take place unless a detailed plan showing ground levels and finished floor levels for each property in the development should have been submitted to and approved in writing by the planning authority, in order to confirm that the correct design flood levels have been taken into account across the site. Finished floor levels for all properties should be a minimum of 600mm above the design flood level as reported in the submitted Flood Risk Assessment. This flood level has been estimated at between 38.8mAOD and 49.4mAOD – in order to avoid creation of a flood risk to occupants and to ensure flood prevention;

(12) No development shall take place pursuant to this permission, including site preparation, unless a site specific construction environmental management plan (CEMP) has been submitted to and approved by the Planning Authority. This shall be implemented in full during construction. The CEMP must be site specific and detailed with an annotated site plan showing how identified watercourses will be fully protected during the construction phase. This should include details of construction SUDs, recognising that the site is not free-draining, to prevent siltation and discolouration to the nearby watercourses. Monitoring and maintenance plans, wet weather and emergency response plans should also be included – in order to prevent water pollution;

(13) The relevant dwellings shall not be occupied unless the requirements of option 2 of the Environmental Noise Assessment (para. 7.11) regarding glazing / ventilation have been implemented in full, in respect of each dwelling, and are thereafter maintained in situ.

(14) No building shall be occupied on site, unless the planning authority has given written consent for a variation, unless:

1. documented evidence of all ground works/ remedial works undertaken within the landfilled area are provided and agreed with the Planning Authority, as described in the Remediation Strategy,(Proposed Residential Development, March 2014, Fairhurst). Information should include details of materials identified, sorting and processing methods, waste transfer notes for materials removed from site and any chemical testing undertaken to assess suitability of materials for re-use on site;

2. a report specifically relating to the buildings has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the buildings have been carried out as detailed in the Remediation Strategy (Proposed Residential Development, March 2014, Fairhurst). The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out

in full accordance with the remediation plan.

- reason: to ensure that the site is suitable for use and fit for human occupation

INFORMATIVES

1. In order to protect occupants of the neighbouring residences from any potential noise nuisance, demolition and building works should not occur:

- a) outwith the hours of 7am to 7pm on Monday to Friday;
- b) outwith the hours of 9am to 4pm Saturdays; and
- c) at any time on Sundays, except for works inaudible outwith the application site boundary.

If piling operations are to be carried out, agreement should be reached with this Service regarding hours of operation.

2. The developer may wish to use the Council's waste service. Contact-

Waste Aware Team

Kittybrewster Office

38 Powis Terrace

Aberdeen

AB25 3RF tel: 08456 08 09 19 Email: WasteAware@aberdeencity.gov.uk