

## **Planning Matters**

### **Rubislaw Quarry Hill of Rubislaw Development for 299 Rented Flats**

A planning appeal to the Scottish Government was submitted on Thursday 26th July, The Planning and Environmental Appeals Division (DPEA) have a website with documents relating to the case. <http://dpea.scotland.gov.uk/>

**Grounds for appeal.**

#### **Reasons for refusal**

**3.1 Although the Decision Notice only gives one reason for refusal, it contains five different elements as follows:**

- the adverse visual impact the proposal would have based on its scale and massing which is contrary to Policy D3 - Big Buildings of Aberdeen Local Development Plan;
- there is insufficient onsite parking provided which would lead to overspill parking on residential streets;
- there is a lack of suitable capacity to accommodate the educational needs of the development;
- there would be an adverse impact on the wildlife on the site; and
- the quality of the design does not meet the requirements of Policy D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan.

The case officer is Smerah Akbar and the reporter is Ms Claire Milne, a decision has been made that the reporter will have an unaccompanied site visit.

**Smerah Akbar**

**Scottish Government | Planning and Environmental Appeals Division**

**4 The Courtyard | Callendar Business Park**



**Callendar Road**

**FALKIRK, FK1 1XR**

**Direct Number: 0131 244 8182**

**Main Number: 0300 244 6668**

**Main office email: [DPEA@gov.scot](mailto:DPEA@gov.scot)**

DPEA Case Reference	PPA-100-2092 
Case Status *	Not yet ready for allocation to reporter ▼
Target Date	22 Oct 2018 
Case Type *	Planning Permission Appeal ▼
Application Type	Planning permission
Case Owner	Akbar, Smerah - Email: smerah.akbar@gov.scot - Tel: 0131 244 8182
Main Contact	Carttera Private Equities
Agent	Margaret Bochel
Applicant	Carttera Private Equities
Authority	Aberdeen City Council
Authority Reference	180368/DPP
Next Oral Process Details	

**180368/DPP Residential development (across ten storeys and three basement levels) consisting of 299 private flats, gym, function room, public heritage bistro, promenade, car parking and amenity space**

Reference	180368/DPP
Application Received	Mon 12 Mar 2018
Application Validated	Wed 14 Mar 2018
Address	Land Adjacent To Rubislaw Quarry Hill Of Rubislaw Aberdeen AB15 6XL
Proposal	Residential development (across ten storeys and three basement levels) consisting of 299 private flats, gym, function room, public heritage bistro, promenade, car parking and amenity space
Status	Pending
Appeal Status	Unknown
Appeal Decision	Not Available



Council planners recommended that the controversial planning application be approved pointing to economic benefits and that the unusual design would add “something different” to the skyline.

## **Dandara Zone F**

### **Planning application: 170243, Erection of 116 dwellings comprising of 2 apartment blocks, 35 houses and retirement apartment block, with amenity space and associated infrastructure.**

There has been some uncertainty regarding the status of this planning application and whether the houses that are being built next to the site of the planned retirement flats are per the original planning permission or as per the revised plans.

Councillor Martin Greig contacted the planners at the City Council and a site visit by the planning inspector was organised. Still waiting on feedback from the planning inspectors visit.

Planning application 170243/DPP remains "undetermined". In September 2017, the Planning Committee gave approval subject to a legal agreement which has not been finalised.

The conditions are:

Requirement to complete a Section 75 legal agreement. The S75 legal agreement to secure the following:

- Payment of 10% Affordable Housing commuted sum against Over 55 accommodation units
- Securing affordable housing against the mainstream housing units in accordance with the terms of the S75 attached to the overarching PPiP
- Controlling occupancy of Over 55 units to people 55 years old or older into perpetuity;
- Payment of Core Path contributions (£16,963);
- Payment of Healthcare contributions (£46,675).

There are earlier planning permissions on the land at Pinewood and Hazledene - including the area referred to as Zone F - which remain live. It is not clear yet if any work ongoing is specific to the undetermined application 170243/DPP. It is possible that work is being legitimately undertaken in relation to an earlier consent.

On 28th August 2018 the plans were approved conditionally:

## DECISION NOTICE

### The Town and Country Planning (Scotland) Act 1997 Detailed Planning Permission

Miss Natasha Douglas  
Dandara  
16 Beech Manor  
Stoneywood  
Aberdeen  
UK  
AB21 9AZ

With reference to your application validly received on 10 March 2017 for the following development –

**Erection of 116 dwellings comprising of 2 apartment blocks, 35 houses and retirement apartment block, with amenity space and associated infrastructure at Pinewood Zone F, Countesswells Road**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **GRANT PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents.

Drawing Number	Drawing Type
F_APL_21	Location Plan
F_APL_103 REV C	Site Layout (Proposed)
F_APL_130	Other Elevation (Proposed)
F_APL_133	Site Cross Section
F_APL_131	Other Elevation (Proposed)
F_APL_30	Site Layout (Landscaping)
F_APL_112	Elevations and Floor Plans
F_APL_131 REV I	Other Elevation (Proposed)
F_APL_141	Other Elevation (Proposed)
F_APL_21	Location Plan
F_APL_61 REV B	Elevations and Floor Plans



F_PIF_100	Site Layout (Drainage)
F_APL_104	Other Elevation (Proposed)
F_APL_104 REV B	Other Elevation (Proposed)
F_APL_134	Site Cross Section
F_APL_62 REV B	Elevations and Floor Plans

## REASON FOR DECISION

The reasons on which the Council has based this decision are as follows –

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

## CONDITIONS

This permission is granted subject to the following conditions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

(10) No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the Root Protection Areas of each tree identified on the submitted 'Tree Survey Drawing' without the written consent of the planning authority, and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunk.

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

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

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

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

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

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

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

(14) Prior to commencement of development, the applicant/developer shall submit a statement to the Planning Authority for approval, detailing how the development shall have/ provide access to modern, up to date high speed communications infrastructure. Thereafter each phase of development shall be supported by a detailed statement setting out how such measures have been designed into the built form and what standards of digital connectivity this will bring. The approved measures shall thereafter be implemented in accordance with the approved details.

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

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

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

**Date of Signing:** 22 August 2018

Daniel Lewis





## **Planning Application Summary with Decisions**

Date	Planning Application Number	Address	Description	Type	Status	ACC Status	Decision Date	Decision
09/03/2017	170243	Pinewood Dandara Zone F Countesswells Road AB15 8AT	Erection of 116 dwellings comprising of 2 apartment blocks, 35 houses and retirement apartment block, with amenity space and associated infrastructure	Detailed Planning Permission		Approved	22/08/2018	APPROVE Conditionally & Legal Agreement
04/10/2017	171196	22 Kinaldie Crescent	Subdivision of residential curtilage and erection of single house	Detailed Planning Permission		Pending		
15/12/2017	171493		Installation of telecommunication cabinet	Telecommunication		Permitted	27/12/2017	Permitted Development
25/01/2018	180092	62 Springfield Road, AB15 7RS	single storey extension	Detailed Planning Permission		Approved	27/02/2018	APPROVE Unconditionally
23/01/2018	180080	51 Anderson Drive, AB15 4UA	replacement of existing conservatory and single storey extension to rear	Detailed Planning Permission		Approved	06/03/2018	APPROVE Unconditionally
12/01/2018	180039	47 Woodburn Gardens , AB15 8JT	replacement garage to side	Detailed Planning Permission		Approved	07/02/2018	APPROVE Unconditionally
08/01/2018	180013	Zone A Dandara Pinewood/Hazledene Development	Discharge of planning obligations relating to section 75 agreement	Modification /Discharge of Planning Oblig		Approved	26/04/2018	APPROVE Modification/Discharge

19/02/2018	180224	Zone A-E Dandara Pinewood/Hazledene Development	- Major development of approximately 250 residential units including amenity space and associated infrastructure	Proposal of Application Notice			02/03/2018	Further Consultation Required
09/02/2018	180163	21 Kepplestone Gardens Aberdeen AB15 4DH	Proposed alteration works to form enclosed front entrance area	Cert. of Lawfulness (Proposed)		Certificate issued	15/02/2018	Issue Cert. of Lawfulness
12/03/2018	180368	Rubislaw Quarry Hill of Rubislaw Development for 300 Rented Flats	Residential development (across ten storeys and three basement levels) consisting of 299 private flats, gym, function room, public heritage bistro, promenade, car parking and amenity space	Detailed Planning Permission		Refused	21/06/2018	REFUSED [7 votes to 2]
27/03/2018	180458	Hazlehead Academy	Proposed installation of replacement windows and replacement of roof lights	Cert. of Lawfulness (Proposed)		Certificate issued	14/05/2018	Issue Cert. of Lawfulness
16/03/2018	180396	7 Craigiebuckler Terrace	Erection of 1.5 storey extension to gable end	Detailed Planning Permission		Approved	11/06/2018	APPROVE Unconditionally
15/03/2018	180382	James Hutton Institute	Work to Protected Trees	Works to Tree Preservation Order		Approved	15/03/2018	APPROVED Unconditionally
09/03/2018	180345	41 Springfield Avenue	Erection of single storey extension with decking to rear	Detailed Planning Permission		Approved	01/05/2018	APPROVED Conditionally

19/04/2018	180622	James Hutton Institute	Work to Protected Trees	Works to Tree Preservation Order		Approved	09/05/2018	APPROVED Unconditionally
30/04/2018	180667	Nevada Bob's Springfiel Road	Gym and changing rooms	Detailed Planning Permission		Approved	29/06/2018	APPROVED Conditionally
01/05/2018	180688	25 Viewfield Road		Detailed Planning Permission		Approved	13/06/2018	APPROVED Unconditionally
02/05/2018	180701	Dandara Zone F	Work to Protected Trees	Works to Tree Preservation Order		Approved	30/05/2018	APPROVED Unconditionally
14/05/2018	180761	107 Springfield Road	Single Storey Extension	Cert. of Lawfulness (Proposed)		Certificate issued	15/05/2018	Issue Cert. of Lawfulness
18/05/2018	180790	12 Beckram Terrace	single storey extension	Detailed Planning Permission		Approved	10/07/2018	APPROVED Unconditionally
01/06/2018	180879	29 Woodburn Crescent Aberdeen AB15 8JX	1.5 storey gable end extension incorporating garage	Detailed Planning Permission		Approved	10/08/2018	APPROVED Unconditionally
05/06/2018	180895	41 Springfield Avenue Aberdeen AB15 8JJ	Erection of dormer to front and extension to garage at rear	Detailed Planning Permission		Approved	03/08/2018	APPROVED Unconditionally
15/06/2018	180979	30 Macaulay Drive Aberdeen AB15 8FL	Work to 2 Protected Trees	Works to Tree Preservation Order		Approved	09/08/2018	APPROVED Conditionally
20/06/2018	181009	15 Springfield Place Aberdeen AB15 7SF	Erection of single storey extension to side	Detailed Planning Permission		Pending	23/08/2018	APPROVED Unconditionally
29/06/2018	181111	9 Woodburn Avenue Aberdeen AB15 8JQ	Erection of single storey extension to rear including alterations to the external steps and installation of railings	Detailed Planning Permission		Approved	14/08/2018	APPROVED Unconditionally



[illegible]

**Planning Applications as per weekly planning list July 2018:**

Reference	181393/TPO
Application Received	Mon 06 Aug 2018
Application Validated	Mon 06 Aug 2018
Address	The James Hutton Institute Countesswells Road Aberdeen AB15 8QH
Proposal	Works to 1 Protected Tree; T1 - Beech - Fell to ground as diseased
Status	Pending

Application Type	Works to Tree Preservation Order
Expected Decision Level	Not Available
Case Officer	Kevin Wright
Community Council	Craigiebuckler And Seafield
Ward	Hazlehead/Ashley/Queens Cross
District Reference	Not Available
Applicant Name	The James Hutton Institute
Applicant Address	Countesswells Road Aberdeen AB15 8QH
Environmental Assessment Requested	No

Application Validated Date	Mon 06 Aug 2018
Expiry Date	Not Available
Determination Deadline	Sun 30 Sep 2018

