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To: Councillor Boulton, Convener; Councillor Stewart, Vice Convener, the Depute Provost; and Councillors Allan, Cooke, Copland, Cormie, Greig, Avril MacKenzie and Malik.

Town House,
ABERDEEN 23 January 2020

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)** are requested to meet at the Town House reception on **THURSDAY, 30 JANUARY 2020 at 9.30 am**. Member will then meet in **Committee Room 2**, in the Town house to determine the application following the site visit.

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

MOTION AGAINST OFFICER RECOMMENDATION

- 1 Procedural Note (Pages 3 - 4)

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 2 Land to the north of 15 Craighden - planning permission in principle for the erection of a two-storey 21 bed (circa) care home with associated access, car parking and landscaping (Pages 5 - 12)

Planning Reference – 190815

All documents associated with this application can be found at the following link and enter the reference number above.

<https://publicaccess.aberdeencity.gov.uk/online-applications/>

Planning Officer: Lucy Greene

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain on 01224 522123 or email lymcbain@aberdeencity.gov.uk

MOTIONS AGAINST RECOMMENDATION

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis.

It is important that the reasons for approval or refusal of all applications are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

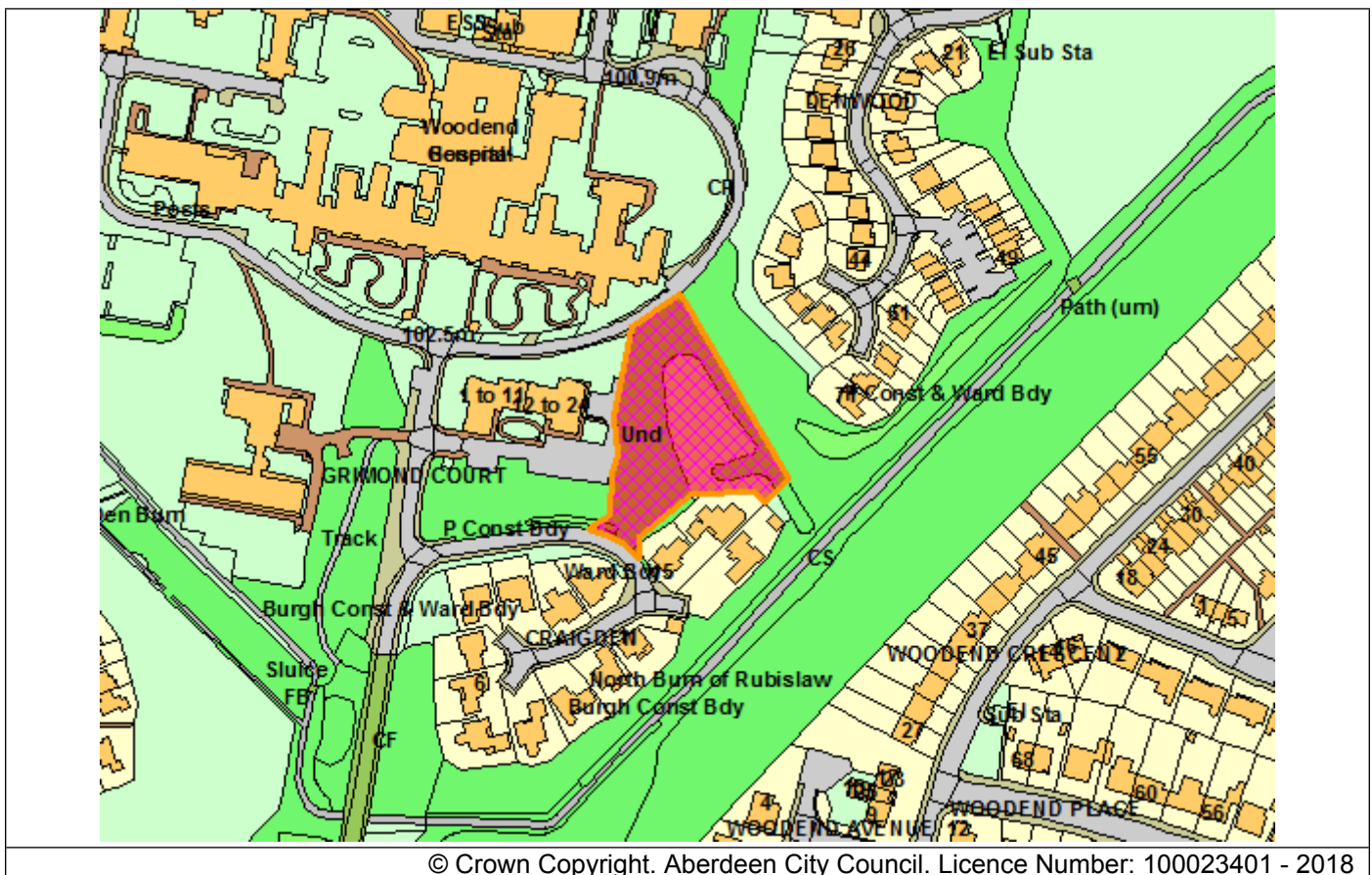
Under Standing Order 28.10 the Convener can determine whether a motion or amendment is competent, and may seek advice from officers in this regard.

With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. Officers will be given the opportunity to address the Committee on the competency of the motion. The Convener has the option to call a short recess for discussion between officers and Members putting forward a motion if deemed necessary.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2>Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 23 January 2020</p>

Site Address:	Land To North Of 15 Craigden , Aberdeen, AB15 6YW,
Application Description:	Erection of two-storey 21-bed (circa) care home with associated access, car parking and landscaping
Application Ref:	190815/PPP
Application Type	Planning Permission in Principle
Application Date:	24 May 2019
Applicant:	Rubislaw Estates Ltd.
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Woodend
Case Officer:	Lucy Greene



RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is 0.41 hectares in size and lies to the north of Queen's Road between an area of housing 'Craigden' and the Woodend Hospital site, the main building of which is Category B listed. The site consists of green open space that was approved as open space in connection with the Craigden development. The land forms a south facing slope with a change in levels of 6m (not including the steep drop in the south eastern corner).

The houses at numbers 12, 14 and 15 Craigden are directly to the south and sited at a significantly lower level, so that the first floor level corresponds approximately with ground level on site where building is proposed.

Mature trees surround the site and these are covered by Tree Preservation Order (TPO). To the south east is the Den Burn. In the south east corner, the land drops steeply towards the burn. A core path runs alongside the burn.

Within the central of area of the site, the land slopes gently towards the south east and this area contains rough grass, a large pile of the remains of trees that have been felled and shrubs towards the east side. Deer were present at the time of the case officers site visit.

The entrance to the site from Craigden consists of an overgrown former track. To the north west of the entrance the land is graded steeply up to the flatted block at Grimond Court. To the south west is the garden fence to the garden of 15 Craigden; the house has windows at upper level on the north west elevation, as does the house at 14 Craigden, including full height windows within a dormer. There are approximately 1.8m high timber fences along the boundary between the houses and the application site. The house at 14 Craigden also has a conservatory on the north east elevation, which is clearly visible in its entirety from the central area of the application site.

Relevant Planning History

97/1658 (971630) Construction of 94no. Residential Units, Formation of Access Road and Car Parking and Associated Works
Approved conditionally January 1998

98/0493 (980484) Change of two house types on plots 2 and 3 approved under 97/1658
Approved conditionally May 1998

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to develop the site for a residential care home, under Class 8 (residential institutions) in the Use Classes Order. The indicative plans show a two storey building, built into the slope of the site, so that the lower level would be at ground level to the south (front) whilst this level would be below ground level to the rear. The plans indicate 21 bedrooms which are en-suite and have a small kitchen area within an open plan space.

Bedrooms are mostly on the upper level, and on the south elevation some of these have direct access onto a decked area, which contains a dining room and parking below. On the lower level there are four rooms and staff accommodation on the eastern side of the building. The remainder of the lower level would provide a dining room and lounge, with associated kitchen, with large windows

to the south, and parking for seven cars within the rear of the lower level, in the area of the building which is below ground level (due to the south facing slope of the site). To the front of the building would be two further parking spaces.

Over the course of the application, several amended sets of drawings were submitted to show how the care home could be accommodated on the site. The care home has been reduced from 50 no. to 21. No beds in the process.

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=PRT8I4BZG5T00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there are six or more objections to the proposal. There are 18 no. objections.

CONSULTATIONS

Roads Development Management Team – No objection, parking provision appears adequate. Conditions would be required relating to detailed design of parking configuration and access dimensions, however, these appear acceptable in principle.

Environmental Health – Conditions required regarding noise assessment and odour control.

SEPA – Building would be largely above 95m AOD (above ordnance datum), which provides a freeboard of 5m above the burn. Although there is some encroachment below this level, this is negligible and there is no objection. Condition required to provide details of the floodable solum / flood compensation.

Aberdeen International Airport – Request addition of conditions to any consent granted. These would relate to location and height of building, details of landscaping and bird hazard.

Developer Obligations – Contributions required towards healthcare, core paths and open space. The relevant amounts were calculated for the provision of a larger care home and the scheme has since been revised. A revised calculation on the same basis would be needed if the application were to be approved.

Waste Strategy Team – No objection. Details of access for refuse vehicles and bin storage would be required by condition.

Scottish Water – No reply received.

Woodend Community Council – No reply received.

REPRESENTATIONS

There are 18no. letters of objection and 31 no. letters of support.

The letters of objection make the following points:

- The proposal is not in line with Policy NE1 – Green Space Network
- The proposal is contrary to Policy NE4 – Urban Green Space
- The site is unsuited to care home provision as environmental hazard, such as steep land and the Burn, lie within the vicinity and this would leave residents very constricted. There is no easy access to shops and other facilities, meaning that residents would lack freedom.
- Objector has lived in the flats overlooking the field for 7 years and has seen much wildlife, including deer, red squirrels, woodpeckers and owls
- Residential amenity would be negatively impacted, with many people's privacy and views affected;
- Increased traffic on Queen's Road junction during construction and after the development is complete will disrupt access. Access is unsafe due to a blind corner
- Serious traffic implications as the access is already congested due to traffic parking to visit Woodend Hospital;
- Loss of area of green space and reduced quality of life as a result of loss of open space;
- The land is only not better used due to the actions of the landowner (see below)
- This is amenity space for Craighden Community. However, since the current owner took ownership it has become seriously overgrown, trees have been removed and left on site in piles, and a car has been abandoned on the site;
- It is untrue, as the application states, that there is no change to existing paths and rights of way, as the amenity space would be removed from public use
- Risk of water run-off and flooding
- Concern over deliverability of landscaping and environmental benefits, as the landowner has acted in a completely different way in the past
- The land was approved as amenity land under the Cala application and there was a condition attached that referred to it.
- Proposal is contrary to Policy H1 as it would result in the loss of valued open space and would create a conflict with residential amenity
- The green space is surrounding by buildings and its loss would damage the green space network as the link would be lost.
- Loss of trees on the site due to the proposal would be contrary to Policy NE5 – trees and woodland
- Numbers 14 and 15 Craighden are significantly lower than the site, exposing them to noise and traffic disruption, no amount of landscaping would help
- The provision of care homes and the size, should be properly planned, not developed on a site in order to avoid residential restrictions.

In support of the proposal, it is stated that care homes are needed

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Planning Policy and Guidance

Scottish Planning Policy

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017)

Policy D1 – Quality Placemaking by Design

Policy D2 – Landscape

Policy I1 – Infrastructure Delivery and Planning Obligations

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and active Travel

Policy NE3 - Urban Green Space

Policy H1 – Residential Areas

Policy NE1 – Green Space Network

Policy NE5 – Trees and Woodland

Policy NE6 – Flooding, Drainage and Water Quality

Supplementary Guidance and Technical Advice Notes

SG Trees and Woodland

SG Planning Obligations

EVALUATION

Principle of Development

Policy H1: Residential Areas

The area in question is zoned under Policy H1: Residential Areas. The proposal is quasi-residential in nature. It therefore falls to be considered under the provisos within the policy:

1. Whether the proposal constitutes overdevelopment;
2. Whether the proposal would have an unacceptable impact on the character and amenity of the surrounding area;
3. Whether the proposal results in the loss of valuable and valued areas of open space. Open space being defined in the open space audit.; and
4. Whether it complies with supplementary guidance.

The topography of the site and surrounding area is such that the application itself is overlooked by flats at Grimond Place, which are on higher land and there are a large number of windows on this existing flatted block looking east across the site. This is a constraint on the proposal, however, the indicative plans do not have windows to the west, and the indoor privacy of any future

residents would not be impacted by flats at Grimond Place. The application site is at a higher level than the existing houses at Craigden. The two closest houses are number 14 and 15. The levels are such that the first floor windows of these houses are at the height of ground level within the area of the site where the proposed building would be located. The indicative plans show a building with communal space and bedrooms with outlooks southwards. There is also a terrace on the roof of the communal space, for the use of residents. All of these elements would cause overlooking of the existing houses and the proposal would be have an overly dominating presence, being on higher ground with a clear view over the conservatory at number 14 and upper level windows of both properties. There are first floor windows in the north west elevations of both existing properties, including dormer with full height windows.

Due to the nature of the site, with large mature trees to the north, rising ground along the western site boundary, with large trees on this ground, a development of this nature would need to provide significant outlook to the south. The site is constrained by the root protection areas and in order to avoid these, the development is, by necessity, sited as proposed. It is therefore inevitable that there is an impact on neighbours to the south, and this leads to the conclusion that the proposal would result in an unacceptable impact on residential amenity and constitutes over development of the site in this context. The proposal therefore fails to comply with points 1 and 2 of Policy H1.

In terms of point 3, loss of valued open space, there are two applications relevant to the site and wider area. The plans on application 97/1658 and later application 98/0493, which is a change of house types on two plots, show the area in question designated as open space Condition 13 (on 97/1658) is relevant:

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that no development shall take place unless a scheme detailing the manner in which the open space areas, as shown on drawing nos. EWA.004C and EWA.006.*, is to be managed and maintained has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the area.

There is a further Plan showing the area with planting scheme, a letter from the Green Belt company confirming in principle that it would adopt the open space and wooded areas and a further letter from the planning authority purifying the condition.

It is therefore clear that the area was included as open space with some planting and it is considered that the area was approved under the above application as open space for the development.

Although more recently, some types of recreational use of the area have been constrained by a lack of management, it continues to have significant value as natural wildspace. The area is included within the open space audit as part of a wider open space that includes the Den Burn corridor. The open space scores 16 out of 20 in the audit, which looks at a number of factors including biodiversity, sense of place, community and health. It is therefore concluded that the proposal would result in the loss of valued open space and, with that in mind, is contrary to Policy H1.

Policy NE3: Urban Green Space

For the reasons described above, the proposal does not comply with Policy NE3, that seeks to retain green space. The policy applies to smaller spaces not specifically designated as such.

Policy NE1: Green Space Network (GSN) and D2: Landscape

The GSN seeks to protect the wildlife, access, recreation and ecosystem services and landscape value of the GSN. Whilst the proposal would erode to some degree the character and function of the GSN, with appropriate landscaping it would not cause a break in the green linkages. There is some tension with this policy. Similarly the proposal is not informed by the existing landscape, as required by Policy D2, the character of this area is that the more steeply graded ground is natural open space, whilst the more level areas have been developed for housing. The site falls into the former category. The site is visible locally although the proposal would not impact upon public views of the city from busy vantage points, such as the route into the city along Queens Road.

Policy NE5: Trees and Woodland

Tree loss for the development would consist of the removal of six trees for the widening of the access from Craighden. A further six trees would be lost for health and safety. Although the trees lost for development are not especially high quality as individual specimens, taken together with the six removed for health and safety reasons, there is a loss to the value of the site as a natural greenspace and to the ecosystem within the area. A Category A sycamore would be retained, with the erection of retaining wall adjacent to the site access.

The proposed building is shown on the indicative plans as being located within the edge of the zone of influence of a number of trees. This, combined with the fact that many of the trees are on higher ground and would overshadow the north facing side of the development in particular, would result in the possibility of future pressure for further tree removal by future managers of the care home.

Policies T2 and T3: Transportation and parking

The nature of the use is that parking demand is not high and it would be accommodated in underground parking on site. There are public transport links on Queens Road and there is no objection from the Roads Team. There is no reason in principle why existing informal routes through the site should not remain. The proposal is not discordant with Policies T2 and T3.

Policy NE6: Flooding and drainage

SEPA removed an earlier objection to the proposal as it was established that levels would not significantly affect flood plains. With appropriate conditions, it could be ensured that surface water could be appropriately managed.

Policy I1: Infrastructure

Contributions would be required towards healthcare, core paths and open space. This accords with Policy I1: Infrastructure

Other matters raised by representations

Many of the matters raised are dealt with above.

The need for care homes is mentioned by those supporting the proposal. This proposal is for a relatively small provision of care accommodation, which may be used by elderly or adults with additional support needs. This use is quasi residential and may be provided on any of the many sites allocated for residential use in the city. There is no evidence of a need relating to this particular area.

The application is subject to a processing agreement.

If Committee resolve to approve the application, it is recommended that conditions are attached as recommended by consultees and including: to limit the proposal to the footprint and height indicated and further details are required of design, layout of car parking and access, bird hazard, landscaping (including along the southern boundary), bin storage and noise assessment.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

- 1. The proposal would result in an unacceptable impact on the privacy and residential amenity of the residents of Craigden, in particular at numbers 14 and 15. This would be contrary to Policy H1: Residential Areas.**
- 2. The proposal would result in the loss of valued natural green open space and trees and the erosion of the quality of the Green Space Network. It would create a tension between trees and future residents that is likely to result in the loss of further trees in the future. The proposal is therefore contrary to Policy NE5: Trees and Woodland, Policy NE4: Urban Green Space , Policy NE1: Green Space Network and Policy D2: Landscape**