

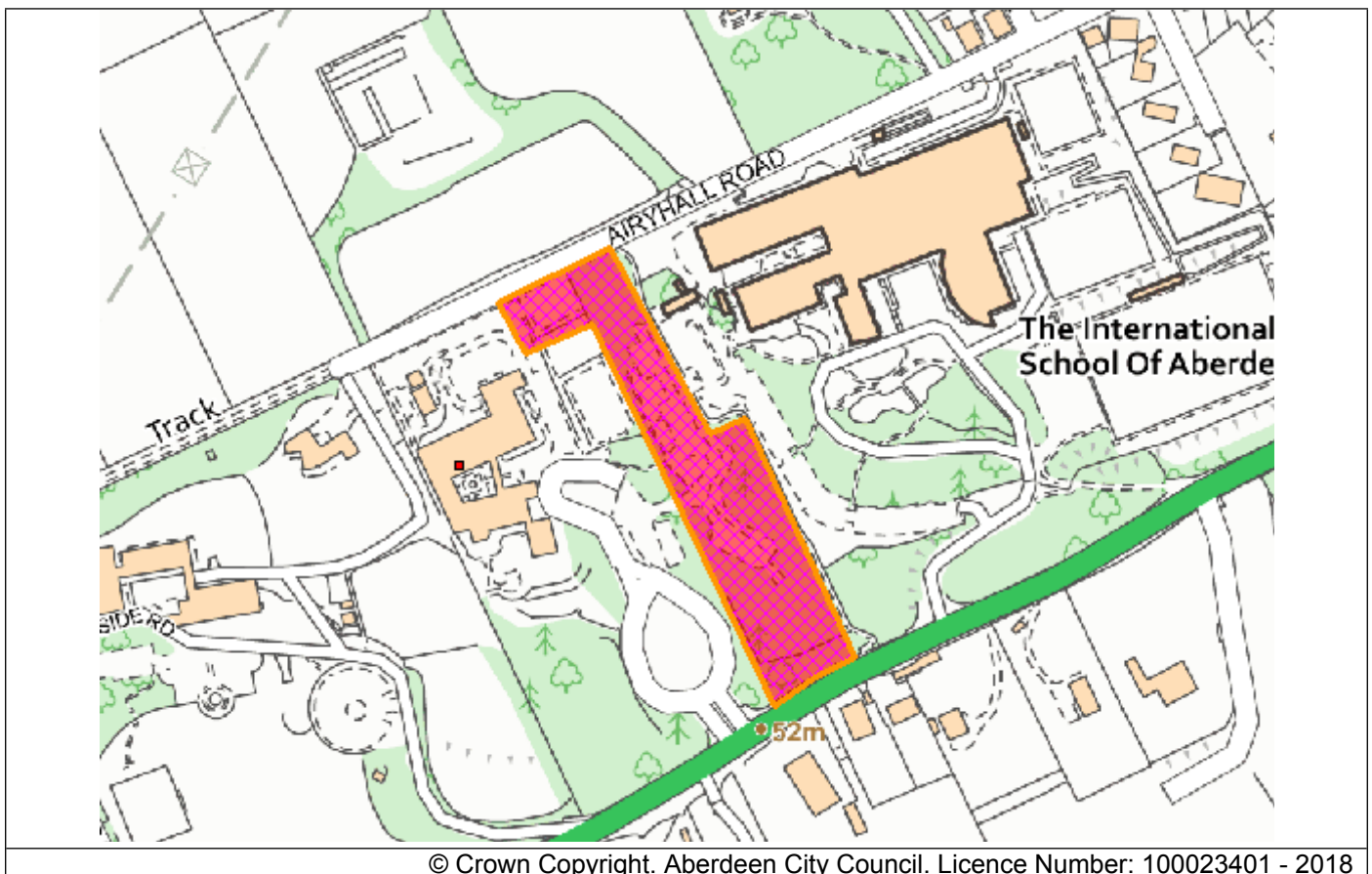


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 5<sup>th</sup> December 2019**

<b>Site Address:</b>	The Marcliffe at Pitfodels, North Deeside Road, Cults, Aberdeen, AB15 9YA
<b>Application Description:</b>	Erection of 65-bed care home over 2, 3 and 4 storeys with associated landscaping, car parking and infrastructure
<b>Application Ref:</b>	191074/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	5 July 2019
<b>Applicant:</b>	Meallmore Ltd / The Marcliff Ltd
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Braeside and Mannofield
<b>Case Officer:</b>	Gavin Clark



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## RECOMMENDATION

Approve Conditionally, Subject to Conclusion of Legal Agreement

## **APPLICATION BACKGROUND**

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### **Site Description**

This application relates to an irregular shaped site extending to approximately 1.1 hectares, located to the west of the existing Marcliffe Hotel and to the east of the International School of Aberdeen. The site is located within the Pitfodells Conservation Area and is sited approximately halfway between Aberdeen and Cults. It is bounded to the north by an unsurfaced track (Airyhall Road - a Core Path), to the south by North Deeside Road. A tarmac footpath (also a Core Path) runs the length of the eastern boundary between the site and the grounds containing the International School of Aberdeen.

The site currently includes extensive areas of gravel and bitmac surfaced car parking with specimen and mature coniferous and broadleaved trees most prominently extending along the front half of the site towards North Deeside Road, but also located along either boundary and throughout the site. The trees along the North Deeside Road frontage are protected by a tree preservation order, whilst the others are protected by the fact that they are located within a conservation area.

Vehicular and pedestrian access would continue to be taken from the existing loop driveway and core path from North Deeside Road. Pedestrian access from Airyhall Road could also be taken from the north.

### **Relevant Planning History**

Planning permission (Ref: A8/1478) was approved in July 2009 for an extension to the adjacent Marcliffe hotel to form 228 new bedrooms, reception, function, lounge, leisure and spa accommodation including multi-level underground parking to provide 264 spaces on land between the hotel and North Deeside Road. A section 42 variation (ref: P140775) was approved in September 2014 to 'renew' the life of planning permission A8/1478 for a period of three years, expiring on 18 September 2017. A further section 42 variation (Ref: 170606/S42) was approved in August 2017 to further "renew" the life of the aforementioned planning permission for a period of three years expiring on the 30<sup>th</sup> August 2020. This consent therefore remains valid and can be implemented.

Planning permission for the development of the International School of Aberdeen campus (Ref: A7/0937), immediately to the east was granted in December 2007. A proposal for an extension to the International School (Ref: P140552), at the north-west corner of the rear wing, close to the north east boundary with the site, was approved in May 2014. This consent was implemented.

An application for planning permission (Ref: P141672) was withdrawn by the applicant in July 2015 for the demolition of the existing Marcliffe Hotel and spa and erection of 189 residential units, along with open space, parking and associated infrastructure.

An application for planning permission (Ref: P140224) was withdrawn by the applicant in December 2014 for the demolition of the existing Marcliffe Hotel and the erection of a Class 4 Office and associated infrastructure works.

There have also been a number of other applications for alterations and extensions to the adjacent hotel, none of which are of particular relevance to the determination of this planning application.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

The proposal seeks detailed planning permission for the erection of a 65-bed care home set over 2-4 storeys with associated landscaping, car parking and infrastructure.

The building itself, which would be built in the overspill car parking area for the adjacent hotel, would be four storeys on its front (southern elevation) and, due to the slope of the land which falls from north to south, would be two storeys on its rear (northern) elevation. It would have an overall maximum height of approximately 17.9m (11.1m on its southern elevation), width of 33.8m, length of 68.7m and approximate floor area of 350 sqm. Materials proposed would include a beige render, natural granite facing blocks, aluclad windows and doors, standing seam cladding and concrete slate effect roof tiles.

The proposal would include the formation of 49 car parking spaces, 27 of these would be located to the front of the building for use as resident/ visitor parking, with a further 22 spaces provided for staff to the rear (north). The existing core path would be upgraded with lighting to allow access to North Deeside Road to the south, and the existing nearest bus stops to the site would also be upgraded. Vehicular access would be taken from the existing access (shared with the hotel) onto North Deeside Road.

The submitted arboricultural information indicates the loss of at up to 43 trees to facilitate the development (32 trees to accommodate the proposal and 11 trees for reasons of good arboricultural practice), mainly surrounding the proposed building. The trees proposed for removal include sycamore, ash and horse chestnut.

### **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=PU688IBZHJ000>.

- *Design and Access Statement (Updated October 2019)*: looks at various issues including context, access and connectivity, design proposals, materials and provides visualisations for the proposed development;
- *Supporting Planning Statement (October 2019)*: looks at the site, planning history, the proposed development, planning context, a discussion of how the proposal complies with the development plan and an overall conclusion;
- *Daylight and Sunlight Report (October 2019)*: provides an assessment of the daylight and sunlight provision for the proposed development. This also sets out criteria, simulation inputs and provides details of the results as well as an overall conclusion;
- *Bat Survey (submitted November 2019)*: provides an assessment of bat roost potential within trees within the development site. It concludes that there would be no loss of bat roosting habitat;
- *Noise Impact Assessment (submitted September 2019)*: provided an analysis of the site including an assessment of the adjacent hotel use;
- *Tree Survey Report and Schedule (updated November 2019)*: provides an analysis of the site and details of the survey results;
- *Drainage Statement (July 2019)*: includes an assessment of the site, foul water calculations, run-off rates, surface water attenuation and details of the drainage layout for the proposed development;
- *Transport Statement (and updated statement (July and September 2019))*: provides details of the site, site accessibility, development proposals and access arrangements, traffic impact from the development, a travel plan framework and an overall summary/ conclusion. An updated statement was submitted following comments received from colleagues in Roads Development Management.

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

The application has been referred to the Planning Development Management Committee because objecting comments have been received from Braeside and Mannofield Community Council. The proposal therefore falls out with the scheme of delegation.

## CONSULTATIONS

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**ACC - Waste Strategy Team** – advise of the waste management requirements. Their response will be discussed in greater detail in the evaluation section of this report.

**ACC - Roads Development Management Team** – their response will be discussed in greater detail in the evaluation section of this report. In summary, they have no objection to the proposal subject to the insertion of conditions relating to lighting, bus stops and the implementation of a travel plan.

**ACC - Environmental Health** – have reviewed the submitted Noise Impact Assessment and advise that the mitigation measures covered in the assessment should be implemented as detailed within the report.

**ACC - Developer Obligations** – have advised of required developer obligations towards the core path network (£7,250 plus lighting installation works), health care facilities (£39,919) and open space (£7,137). They also note that transportation contributions will be advised by colleagues in Roads Development Management.

**Police Scotland** – have provided observations in relation to the design of the proposed development.

**Scottish Water** – advise that there is sufficient capacity at both the water and foul treatment works.

**Archaeology Service (Aberdeenshire Council)** – note concerns over the scale of development and the impact on Pitfodels House to the east – noting that the original building has been compromised by school additions to the rear. Also advise that there are no mitigation requirements in this particular instance.

**Braeside and Mannofield Community Council** – have raised concerns in relation to over development of the site, loss of car parking associated with the existing use, query whether vehicular access could be taken from Airyhall Road and request that mature trees should be retained to obscure the development from North Deeside Road. Clarification was sought on whether the above should be treated as an objection to the application, with a response received on the 3<sup>rd</sup> September confirming that *“if we have to take a side for our concerns to be met then please take our comments as an objection”*.

## REPRESENTATIONS

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Five letters of objection have been received. This includes two letters from nearby medical practices and one from the neighbouring Community Council (Cults, Bielside and Milltimber). –

Cults Medical Group and Garthdee Medical Group have advised that it is not within their capacity to care for another 65 potentially elderly patients and strongly oppose the proposal without further consultation with those stakeholders involved in providing health and social care in the area.

In summary the three other letters of objection raise concerns about:

1. the scale of development proposed and over development of the site;
2. the impact on the surrounding conservation area;

3. road traffic and access to the proposed development, the loss of parking spaces associated with the hotel as well as pedestrian access;
4. impact on amenities in the surrounding area
5. continued access to the core path which runs along the boundary of the development site and the International School;
6. noise and waste;
7. to the loss of trees and woodland within the application site boundary;
8. to impact on the surrounding Green Belt;

## **MATERIAL CONSIDERATIONS**

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### **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 (SPP)
- Historic Environment Policy for Scotland (HEPS)

### **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)**

- D1: Quality Placemaking by Design
- D2: Landscape
- D4: Historic Environment
- I1: Infrastructure Delivery & Planning Obligation
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H1: Residential Areas
- NE1: Green Space Network
- NE2: Green Belt
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality

- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Buildings & Water Efficiency
- C11: Digital Infrastructure

### **Supplementary Guidance (SG)**

- Landscape;
- Planning Obligations;
- Transport and Accessibility;
- Air Quality;
- Noise;
- Natural Heritage;
- Trees and Woodland;
- Flooding, Drainage and Water Quality;
- Green Space Network and Open Space; and
- Resources for New Development

### **Other Material Considerations**

- Pitfodels Conservation Area Character Appraisal.

## **EVALUATION**

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### **Strategic Development Plan**

In terms of assessment against the Strategic Development Plan, due to the relatively small scale nature of the proposed development, it is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

### **Principle of Development**

The application split is split roughly 50:50 between the northern half which is zoned for residential uses (Policy H1 (Residential Areas) and the southern half that is zoned as Green Belt (Policy NE2 Green Belt). The whole site is also covered by the Green Space Network designation (Policy NE1), reflective of the core path that passes along the eastern boundary.

The proposed care home building is located entirely within Policy H1 (Residential Areas). Policy H1 states that, within existing residential areas, new residential development will be approved in principle if it does not constitute over development; does not have an unacceptable impact on the character and appearance of the surrounding area; does not result in the loss of valued or valuable areas of open space and complies with any associated Supplementary Guidance. Compliance with this policy will be discussed in the evaluation below

Policy NE1 (Green Space Network) advises that the Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network and any proposals for development that are likely to destroy or erode the character and/ or function of the Green Space Network will not be permitted. In this case, it is noted that the proposed development will have an impact on the character and function of this section of GSN in that there will be a significant structure built on site, and a number of trees will be removed in order to facilitate the development. What would therefore need to be considered is the magnitude and significance of the impact on the function of the GSN and the weight to be afforded to any material considerations that might justify a departure from policy in this instance. These matters are discussed within the following evaluation.

It is noted that the proposed car parking area and associated landscaped grounds to the south of the new building would be located within an area designated as Green Belt, where Policy NE2 (Green Belt) applies. Given the area in question is currently used as an informal overspill parking area for the adjacent hotel use, and the only development to be located within this area relates to a small area of car parking that would be associated with the proposed care home; the proposal would comply with the general aspirations of NE2 in that the development is within the boundaries of an existing activity, the portion of the development located within the Green Belt designation would be small-scale and the intensity of activity in this area would not be significantly increased.

### **Layout, Siting, Design and Amenity Impacts**

Policy D1 (Quality Placemaking by Design) states that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of developments. Policy D2 (Landscape) advises that developments should have a strong landscape framework which improves and enhances the setting and visual impact of development, unifies urban form, provides shelter, creates local identity and promotes biodiversity.

The Council originally raised design concerns in relation to a number of aspects of the proposal including requests to flatten the roof to remove its perceived height, to explore using roof decking as an external amenity space, a request to step the building down the site following the topography of the ground and to bring the building further south to free up space around the building to provide further amenity space to the north.

The applicant has not made any changes to the layout or design of the building in response to these suggested design improvements. The reasons given are that open balconies at first floor level would not be appropriate for elderly residents, that moving the building further south would impact on the Green Belt designation and that stepping the building or reducing its scale would reduce the general number of units required to make the development commercially viable.

Taking the above matters into consideration, it is considered that, on balance, the building is of an appropriate design, being laid out in an “L” form plan to ensure that it fits within its narrow plot and retains as many of the trees and other features as possible within the application site. The proposal would also utilise materials such as granite, large amounts of glazing on the principal elevation and slate effect tiles that would tie in with the surrounding context and would befitting of the site’s location within the Pitfodels Conservation Area. It is noted that the surrounding buildings (Marcliffe extension and International School) are large semi-modern/ modern structures not typical of the more traditional buildings that are sited within conservation areas and the building would not be alien in terms of design and scale in that context. It is also considered that the design of the building takes cognisance of the sites north/ south contours, which would allow for a functional building over 2-4 storeys. It should also be noted that finalised details of the materials proposed would be controlled via an appropriately worded planning condition.

In terms of the six essential qualities as set out in D1, the proposal would be distinctive in its design, would be welcoming to users, would offers a safe and pleasant environment (subject to relevant landscaping conditions being complied with), would be easy to move around (meeting a number of criteria as set out by the Care Commission – an essential requirement for all care homes), would be adaptable in its design to meet future needs and requirements of residents and subject to condition would be resource efficient. The aims and objectives of D2 will be discussed further in the “*Natural Heritage/ Landscaping and Outdoor Access*” section.

The proposal is, therefore, considered to have been designed with due consideration for its surrounding context and, on balance, would comply with the general terms of Policy D1 (Quality Placemaking by Design) of the ALDP.

A number of the other comments made have been addressed, including the provision of landscaped areas and the submission of daylight and sunlight calculations. These matters will be discussed further in the evaluation below.

### **Amenity**

In terms of amenity, given there are no residential properties in the immediate surrounding area (as these are located more than 100m away to the south), there would be no overlooking or intrusion on the privacy or amenity of adjoining residential property or any adverse impact on neighbouring residential amenity.

In terms of the general layout, the Planning Authority initially highlighted a number of concerns/issues with the proposal that were communicated to the applicant. This included:

- concern about the proximity to the core path,
- lack of boundary detailing between the car park of the International School whose parking abuts the palisade fencing of the site boundary
- concern over privacy, quality of the residential accommodation,
- noise/disturbance from cars and headlights;
- concern that there seems to be a lack of general external amenity space to be enjoyed by residents because of the form and volume of the proposal in relation to the shape of the site;
- concern over the lack of balconies to more of the bedrooms to afford floor to ceiling glazing to allow interaction with the landscape setting; and
- day light and sun-light study findings.

In response, further information was submitted by the applicants. This included daylight and sun lighting calculations for all windows within the development, which demonstrate that all rooms within the development would receive an adequate level of daylight and that most rooms surveyed (18/21) comply with both the annual average and the winter criteria. The three windows that don't meet these criteria are located on elevations other than the south, and the results generally illustrate that, generally, acceptable levels of sunlight are provided for residents throughout.

In terms of the lack of external amenity space, it is noted that internal areas for all residents have been provided by way of day rooms on all levels and also a café and activity space/ cinema and hair salon at ground floor level. These would be provided in line with care commission requirements. An enhanced landscaping plan has also been submitted, which provides a larger residents garden to the rear and a smaller garden area to the front of the property that would provide areas of seating for both residents and visitors. Balconies are also proposed on the southern elevation (with a small number on other elevations) to allow external access from the communal areas. The level of amenity space provided, both internally and externally, is considered to be appropriate for the use. It is also noted that the property is also located in close proximity to the core path network, which would allow access to walks and woodland in the surrounding environs.

The development is located in close proximity to the car park of the International School to the immediate east. As a result, the outlook from 17 (out of a total of 65) bedrooms facing over the car parking area in the foreground would be relatively poor compared to other rooms in the nursing home. Nevertheless, the views would still be framed by the nearby mature trees and landscape grounds of the International School and occupants would have access to communal areas that have southern and western outlooks. The relatively poor outlook of some rooms is therefore not considered to be constitute a significant enough impact on residential amenity as to warrant refusal of planning permission in this instance. It is noted that the other bedrooms would either have attractive southern aspects towards North Deeside Road, or western outlooks toward the Marcliffe and its associated wall garden, which are indicated as being within the control of one of the applicants to this permission.



It is acknowledged that there are a few shortcomings with the scheme including the provision of daylighting to all rooms and the relatively poor outlook from some of the bedrooms on the eastern elevation. On balance, however, taking into account mitigating factors including communal living areas and amenity space, it is considered that the proposal to be acceptable from an amenity perspective and the proposal would comply with the general aims of D1 and H1 of the Aberdeen Local Development Plan in this regard.

It is also noted that a number of comments received in representation raised concerns in relation to overdevelopment of the site, and concerns that the development did not fit into the pattern of development in the surrounding area and some concerns were highlighted about proximity to the core path network. Less than 33% of the site would be covered by development and the overall pattern of development and building line would match the buildings in the immediate surroundings. The proposal is therefore considered to be acceptable in this regard. Comments were received that the core path would potentially feel enclosed due to planting within the development site. Whilst planting has been shown on a plan, this would be controlled by a planning condition to ensure that planting was appropriate for the site context. This would likely take the form of low level (less than 1m) planting between the site boundary and the core path. The proposal is not considered to represent over development of the site and is an appropriate form of development given the surrounding context. The proposal is therefore considered to comply with H1 of the ALDP in this regard.

### **Impact on Conservation Area**

The Pitfodels Conservation Area Character Appraisal advises that, in relation to North Deeside Road *“the main east - west vehicular route through the Conservation Area, is characterised by traditional boundary walls, mature tree planting, property access, glimpse views and domestic scale outbuildings accessed off the south of the road. North Deeside Road’s tree lined avenue is a strong feature of the Conservation Area and makes it feel rural in character even though it is located close to main built urban edge of the City.”*

The Conservation Area was designated with the intention of maintaining the character of the area formed by the many small imposing “country houses” with their spacious garden layouts and generous planting of trees. Unlike the other Conservation Areas in Aberdeen, the character of Pitfodels owes as much to its landscape as to its buildings. The five plots between North Deeside Road and Rocklands Road/ Airyhall Road are set in a “band” around 100m to 200m back from the road and are separated from it by an arrangement of a frontage belt of trees, a series of open lawns or paddocks, and a central belt around the buildings. It is the significant tree planting between and around buildings and along driveways and boundaries which makes the area so distinctive. It is within this context, as well as in terms of its setting within the Green Belt, that the impact of the proposal needs to be considered.

The proposed development would have minimal impact on the special character of the Pitfodels Conservation Area. The proposed building is set uphill, a considerable distance from the main carriageway and is heavily screened by a substantial number of trees and this screening would be maintained by the proposal. The proposal is also set well back from Airyhall Road to the north, it is also set down the slope, would be two storeys in height on this elevation and screened from the recreational route to the north by a number of mature trees.

The visualisation of the main entrance junction with the driveway to the International School illustrates the view from the point on North Deeside Road from which the proposed building would be most visual and prominent. This is a summer view and the building would be more prominent in winter. Even allowing for this fact, the visualisation is considered to satisfactorily demonstrate that the proposed building would not be unduly prominent and that the views of the proposal from North Deeside Road would constitute “glimpse views” in keeping with the existing character of the surrounding conservation area. The proposed nursing home building and both the adjoining

Marcliffe Hotel and International School would continue to be set in large, visually enclosed, wooded landscaped grounds in keeping with the character of the Pitfodels Conservation Area. The nursing home would be relatively modest in mass and scale when compared to the immediately adjoining buildings which have changed the context within which this proposal is assessed.

Taking the foregoing into account, it is considered that the proposal would be an acceptable addition to the surrounding conservation area, that would therefore not offend the general principles of Scottish Planning Policy, Historic Environment Policy for Scotland and Policy D4 (Historic Environment) of the Aberdeen Local Development Plan.

### **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 and woodlands that contribute to nature conservation, landscape character local amenity or climate change adaptation and mitigation.

The proposal has been assessed internally by the Council's Arboriculturalist who notes that, in this case, the proposed development would result in the loss of 32 mature trees. A further 11 trees would be removed for good arboricultural practice. In addition to the initial loss it is considered likely that further tree loss will occur due to the proximity of retained trees adjacent to the internal site access. The root protection areas of two further trees would be affected by development and the incursion of hard surfacing, but also these trees will be retained in such proximity to the proposed building that future conflict is likely to occur. The development would also be located within the Zone of Influence (ZOI) for a number of other trees.

The 11 trees proposed for removal to facilitate development on the western side of the site have a positive impact on the internal landscape character of the Marcliffe hotel's grounds – in particular and their removal would have a significant impact on the setting of the hotel's walled garden. These trees also have nature conservation value and provide an important green corridor providing one of few tree corridors linking habitats to the north and south of the Deeside Road. The removal of the above trees and the increase in built infrastructure could result in the creation of a gap in this corridor.

In evaluating the impact of the tree loss it should be noted that a secondary tree belt to the immediate east of the walled garden would be retained to maintain this link to some degree. Furthermore, replacement tree planting along this boundary would compensate for the loss to some extent in the medium to longer term. It is also pertinent that the trees to be lost on the east boundary are in the centre of the site, well screened from views from public vantage points on Airyhall Road, North Deeside Road and the Core Path and their removal would have a only a localised visual and landscape impact restricted to views from the immediate hotel grounds. Finally, it is worth noting that these trees would be removed as part of a previously approved scheme on site (which remains valid until August 2020) so their removal has already been sanctioned in that context.

There is also an extensive group of young sycamore, covering an area to the front of the building that would be removed to facilitate development. Whilst the trees are self-seeded, they have formed a young woodland. Their loss would have an impact on tree cover in the area and the benefits tree cover provides. On balance however, the loss of these trees is not considered significant in the context of the retention of mature trees to the immediate south.

Due to the scale of development on a relatively small plot there is limited scope to mitigate the scale of tree loss within the development site to any substantive degree although replacement planting would be provided within areas in the southern and northern section of the site. A condition in relation to a finalised landscaping scheme has been inserted onto this consent document.

Taking the foregoing into account it is considered that the proposed development would not comply with the specific terms of Policy NE5 in that the development would result in the loss of a number of mature trees. What therefore needs to be considered is whether the scale and impact of the loss of trees in the locations proposed as detailed above is outweighed by other material planning considerations. This will be discussed within the summary.

### **Natural Heritage/ Landscaping and Outdoor Access**

As has been discussed elsewhere, the proposal is located within an area zoned as “Green Space Network” (GSN). The treed landscapes and low-density development of this section of the city help provide a landscape setting and biodiversity connectivity. Any proposal that would impact on the density of development and/ or tree cover is therefore of a concern and the site has limited opportunities to improve its landscape setting to the west and east.

This matter has also been discussed, in part, in the “Tree” section above. It is noted that the proposed building would change the general character of the site and would result in the loss of trees, which has the potential to impact on the immediate setting.

The applicants have submitted a landscaping plan in support of the planning application. This shows some replacement planting along both boundaries and also enhanced areas of planting to the south, a landscaped garden area to the immediate front of the dwelling and areas of garden ground to the rear, which would all be accessible to users of the care home. Access would also be possible onto the Core Path, located to the side of the site, which goes toward Airyhall Road to the north of the site and North Deeside Road to the south. The visualisations submitted in support of the application also indicate that the proposal would have a limited visual impact on the surrounding area, given the significant number of trees that would be retained surrounding the application site boundary.

It is also noted that the development would be sited in close proximity to the existing Core Path 65, which runs along the eastern boundary of the site and acts as a right of way. As discussed elsewhere, it is proposed to upgrade this section and provide additional lighting on the path. The relationship of the building to the path is not ideal

The building itself is proposed to be built very close to the existing Core Path (65) which runs roughly north-south on the eastern boundary of the site, this route is also a Right of Way. This is not necessarily ideal in terms of proximity and privacy concerns which future residents may have. However, given the tight nature of the site there is very limited opportunity to move the building further away from the path. It would be expected that access to the core path is retained during construction, or alternative means of access provided. It should also be noted that use of this path is fairly infrequent and mostly utilised for recreational use, nevertheless, access should and would be retained and indeed enhanced via the provision of lighting (implementation of which would be controlled via an appropriately worded condition).

In terms of Policy NE9, it is not envisaged that the development would compromise the integrity of rights onto the existing core path network. The proposal would also include enhanced provision to the core path and would provide links from the development onto this footpath. There would therefore be no significant conflict with this policy.

A Bat Survey was submitted in support of the planning application. This indicates that there is limited bat roost potential within the site, and there was no evidence of bats within the site during the survey. The findings of the report have been accepted. Nevertheless, an informative will be added on to the consent in the event that any bats are found roosting during development.

In terms of compliance with D2, whilst there would be the loss of a number of trees within the site, along with some other planting, the proposal would provide appropriate enhanced levels of landscaping (both hard and soft) which would enhance the setting of the site. However, it is noted

that there would be some conflict with NE1 (Green Space Network) and NE8 (Natural Heritage) in that the reduction in the level of tree cover on the site and consequent erosion of the wildlife value would partially erode the wildlife function of Green Space Network in this location. However, given the existing consents for development in this location and the fact that the Core Path would be retained and upgraded thus enhancing the key recreational/sustainable travel function of the Green Space Network that applies to the site, a departure from the aforementioned policies could be reasonably justified in this instance.

Given the nature of the site, and the surrounding environs, it is considered appropriate to request the submission of a Construction Environment Management Plan (CEMP) prior to the commencement of development on site.

### **Transportation and Drainage**

Proportionate with the scale and anticipated impact, new development must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. In addition, new developments must be accessible by a means of transport modes, with an emphasis on active and sustainable transport.

In terms of public transport, it is noted that there are existing bus stops within 400m of the site which stop on both sides of the road and are utilised by regular bus services. During the consultation process it was noted that both of these stops are substandard, and contributions towards upgrading each could be provided. The applicant has agreed to these works, and the provision of the monies required toward these works will be controlled in the required legal agreement.

In terms of parking associated with the proposed development, the plans indicate a total of 49 parking spaces which included disabled parking spaces and electric vehicle parking provision. Cycle provision for both staff and visitors would also be provided in line with the standards set out in the associated Supplementary Guidance: Transport and Accessibility.

Concerns were highlighted by colleagues in the Roads Development Management(RDM) Team and in letters objection in relation to the loss of the overspill parking associated with the adjacent hotel and the ability to provide sufficient parking provision for both uses within the curtilage of the site. In this regard a parking survey was submitted by the applicants. The current hotel provides parking for around 173 vehicles, which would be reduced to approximately 98 spaces following construction of the care home.

The parking surveys concluded that average parking demand for the Marcliffe Hotel is 48 spaces – 12 for guests, 12 for staff, 4 for restaurant, 20 for functions. This corresponds with the car parking count undertaken during the site visit on 08/08/2019, where there was a total of 40 cars recorded. None of these were in the overspill areas. They further conclude that larger daytime events would demand around 100 spaces – 12 for guests, 12 for staff, 4 for restaurant, and 72 for function attendees.

It was concluded by colleagues in RDM that the analysis undertaken was robust, and highlights that there will be certain events where the proposed 98 spaces will not be sufficient, but for the vast majority of events parking provision for both uses would be sufficient. Given the site is relatively remote, and the chances of indiscriminate parking are slim, this is not particularly concerning from a Roads perspective. For these larger events it will be for the site owner to manage parking. Despite there only being 98 spaces, there is considerable hardstanding in the form of a long, winding driveway, so it seems likely that on these rare occasions where parking pressures are high, there can be workable solutions. Consequently, colleagues in RDM consider the parking provision to be acceptable.

The proposed site access is via the existing internal road within the hotel site. This means that no new vehicular access is required onto the adopted road network. In addition, the level of trip generation is not enough to warrant any further traffic impact analysis. At worst this is an extra car every 3 minutes and would have no adverse impact on the wider road network. Submission of a residential travel pack would also be controlled via an appropriately worded planning condition.

The applicants have also indicated that servicing of the development will be done from the shared space drop-off area to the South. The swept path analysis provided shows that access can adequately be achieved by all types of vehicles required – including refuse vehicles.

It is also noted that the provision of enhanced bus stop facilities on the northern and southern sides of North Deeside will be upgraded by the Council following a monetary contribution from the applicant. This is considered acceptable and will be incorporated into the S75.

The proposal was also assessed by colleagues in Waste Management, who highlighted the waste management requirements for the development. They did initially query whether provision could be made for a service lay-by on the main road, where the vehicle could stop and empty bins. Further clarification was provided from the applicant in terms of waste pick-up arrangement for the existing hotel, to which the care home would follow similar (it was shown that a refuse vehicle could enter and exit the site in a forward gear). These findings were accepted by colleagues in Waste Management.

Braeside and Mannofield Community Council sought clarification on whether the site could be accessed from Airyhall Road. Given the further mature tree loss that would be involved in these works, and the acceptability of the proposed arrangement, this idea was not progressed.

As a result of the above evaluation, the proposal is acceptable from a roads perspective and, subject to condition would comply with policies T2, T2 and R6 of the ALDP along with its associated Supplementary Guidance.

### **Flooding/ Drainage**

A Drainage Statement and layout plan were submitted in support of the application. These documents have been assessed by colleagues in Roads Development Management, who note that 2 levels of treatment are proposed for the roads and the commercial area – filter trenches and porous paving for the roads, and filter trenches and a swale otherwise. These proposals are evidenced to provide the mitigation measures required to facilitate the development. Implementation of these measures would be controlled via an appropriately worded planning condition. Subject to the above, the proposal would comply with Policy NE6 and its associated SG of the ALDP.

### **Noise**

The proposal has been subject to consultation with colleagues in Environmental Health, who initially requested the submission of a Noise Impact Assessment (NIA) due to potential impacts to and from existing noise sources in the surrounding area, mainly events that took place within the function hall of the adjacent Marcliffe Hotel. This document was submitted in September 2019 and was reviewed by colleagues. They concluded that noise mitigation measures as detailed within the submitted document should be implemented and this matter would be controlled via an appropriately worded planning condition. Subject to the insertion of this condition, the proposal would comply with Policy T5 and its associated SG of the ALDP.

### **Developer Obligations**

The Council's Developer Obligations Team have indicated that contributions are required towards the core path network (£7,250 plus lighting installation works), healthcare facilities (£39,919), open space provision (£7317) as well as the provision of updated bus stop facilities on the northern and southern sides of North Deeside Road (circa £6000). If planning consent were to be granted, then

these contributions would be provided via a legal agreement to ensure compliance with Policy I1 and its associated SG of the ALDP.

### **Low/ Zero Carbon Developments**

All new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. Whilst no details have been submitted in this regard, this matter could be controlled via an appropriately worded planning condition to ensure compliance with Policy R7 and its associated SG of the ALDP.

### **Digital Infrastructure**

All new residential (and therefore care home) development will be expected to have access to modern, up-to-date high-speed communications infrastructure. The proposal is located within the city boundaries, which currently has access to said infrastructure. The proposal would therefore comply with Policy CI1 of the ALDP.

### **Matters Raised in Letters of Representation**

1. In terms of impact on health facilities, consultation has been undertaken with colleagues in developer obligations. In this case, infrastructure requirements have been calculated with NHS Grampian on the basis of national health standards and by estimating the likely number of new patients generated by the proposed development. These contributions are calculated using nationally recognised space standards and build costs, based upon the population requirements for GP surgeries, dental chairs and community pharmacies. In this instance a contribution of £39,919 has been agreed toward an extension of Cults Medical Practice to increase capacity. It is therefore considered that this solution addresses the concerns raised with regard to health provision;
2. The scale of development and over development of the site has been discussed above;
3. Impact on the surrounding conservation area has been discussed above;
4. Road traffic impacts and the loss of parking facilities have been discussed and justified above;
5. It is not considered that the development would have an adverse impact on the amenities of the surrounding area;
6. Access to the adjacent Core Path 65 would be retained and enhanced via the provision of lighting;
7. A Noise Impact Assessment has been submitted and accepted by colleagues in Environmental Health. Waste provision has been discussed with both roads and waste management and is considered to be appropriate for the site;
8. The loss of trees has been discussed above;
9. The impact on the Green Belt has been discussed above.

It should also be noted that Braeside and Mannofield Community Council raised objection to the development with regard to over development, loss of car parking, the possibility of access being taken from Airyhall Road, and whether further trees could be retained to obscure the development from North Deeside Road. Each of these matters have been addressed within the above evaluation.

### **Summary**

In conclusion, in terms of the ALP zonings applicable to the site:

- the proposal for the construction of a nursing home is considered to be acceptable in principle in terms of Policy H1 ALDP because it constitutes a residential use that would be located entirely within a part of the site that is zoned for residential purposes;
- the front half of the site will not be developed, and the mature existing tree belt will be protected and retained in full accordance with the Green Belt Policy (NE2) that applies to this part of the site; and

- the reduction in the level of tree cover on the site and consequent erosion of the wildlife value would partially erode the wildlife function of Green Space Network in this location;
- The Core Path would be retained and upgraded thus enhancing the key recreational/sustainable travel function of the Green Space Network that applies to the site.

A satisfactory level of internal and external amenity space would be provided for new residents with the majority of rooms having an attractive outlook and satisfactory level of daylight. Internal and external communal amenity space is adequate and there would be no privacy/overlooking impacts on neighbouring property. The short range, localised visual impacts of the new building from the Core Path and the walled garden/grounds of the hotel would be significant. Nevertheless, the proposed building and adjoining buildings would retain their setting in mature landscaped grounds, well screened in medium or distant views by trees and, therefore, there would be no significant visual or landscape impact on the wider conservation area or in key public views from North Deeside Road or Airyhall Road. Taking that into account it is considered that the character of the Pitfodels Conservation Area would not be adversely affected.

It is considered that the traffic impact and levels of car parking proposed are satisfactory and links to sustainable transportation are good and would be enhanced. Developer obligations would mitigate the impact on healthcare provision and recreational facilities.

The loss of mature trees would have detrimental impact on the wildlife value of the site and means that the development is contrary to the terms of Policy NE5 (trees and woodlands). However, taking into account:

- the material considerations in favour of the application outlined above;
  - the fact that a greater scale of tree loss has already been approved as part of the extant consent for extension to the hotel; and
  - the location of the tree loss at the centre of the site where it would have less visual impact
- this breach of Policy NE5 (Trees and Woodland) is considered to not be of sufficient weight to warrant refusal of the application in this instance.

The proposal is considered to retain the character of the surrounding conservation area and has been designed with due consideration for its surrounding context. On balance the proposed development is therefore considered to comply with the Development Plan, Scottish Planning Policy, Historic Environment Policy for Scotland and be satisfactory in terms of other material considerations.

## **RECOMMENDATION**

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Approve Conditionally, Subject to Conclusion of Legal Agreement

## **REASON FOR RECOMMENDATION**

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The proposal is considered acceptable when assessed against the Development Plan and other material considerations:

- the proposal for the construction of a nursing home is considered acceptable in principle in terms of Policy H1 ALDP because it constitutes a residential use that would be located entirely within a part of the site that is zoned for residential purposes;
- the front half of the site will not be developed, and the mature existing tree belt will be protected and retained in full accordance with the Green Belt Policy (NE2) that applies to this part of the site; and
- the Core Path would be retained and upgraded thus enhancing the key recreational/sustainable travel function of the Green Space Network that applies to the site

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- the material considerations in favour of the application outlined above;
  - the fact that a greater scale of tree loss has already been approved as part of the extant consent for extension to the hotel; and
  - the location of the tree loss at the centre of the site where it would have less visual impact
- this breach of Policy NE5 (Trees and Woodland) is considered to not be of sufficient weight to warrant refusal of the application in this instance.

The proposal is considered to retain the character of the surrounding conservation area and has been designed with due consideration for its surrounding context.

It is also noted that the proposal has some tensions with a number of other Policies of the Aberdeen Local Development Plan, namely D1 (Quality Placemaking by Design), D2 (Landscape), NE8 (Natural Heritage), however, these minor departures have either been overcome, or can be controlled via appropriately worded planning conditions.

The proposal is considered to be compliant with Scottish Planning Policy, Historic Environment Policy for Scotland the Pitfodels Conservation Area Character Appraisal and with other relevant Policies in the Aberdeen Local Development Plan including D4: Historic Environment, I1: Infrastructure Delivery & Planning Obligation, T2: Managing the Transport Impact of Development, T3: Sustainable and Active Travel, T5: Noise, H1: Residential Areas, NE2: Green Belt, NE6: Flooding, Drainage & Water Quality, NE9: Access and Informal Recreation, R6: Waste Management Requirements for New Development, R7: Low & Zero Carbon Buildings & Water Efficiency and C11: Digital Infrastructure of the Aberdeen Local Development Plan, as well as with any associated Supplementary Guidance.

## **CONDITIONS**

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1. That no development shall take place until there has been submitted to and approved in writing a detailed Green Travel Plan, which outlines sustainable measures to deter the use of private car and advises of sustainable travel choices to and from the site. Thereafter the measures within the said Green Travel Plan shall be implemented in their entirety. Reason: in order to encourage more sustainable forms of travel to and from the development.
2. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority.



Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed. Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

3. No works in connection with the development hereby approved shall commence unless samples and details of all the material (walls, windows, doors and roofing materials) to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details. Reason: In the interests of the appearance of the development and the visual amenities of the area.
4. The building hereby approved shall not be erected unless an Energy Statement applicable to that building has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
  - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
  - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter. Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Resources for New Development.

5. No development in connection with the planning permission hereby granted shall commence unless full details of the proposed lighting for the footpath associated with the development

have been submitted to and approved in writing by the planning authority. All lighting shall be provided and thereafter retained in accordance both with the approved scheme. Reason: In order to minimise the amount of obtrusive lighting from the development in the interests of the amenity of the surrounding area.

6. The development hereby approved shall not be occupied unless its driveway, turning and parking areas has been provided and surfaced in accordance with the details shown on the approved plans (Ref: 11380 - HFM - ZZ - ZZ - DR - A - P(00) – 004). Once provided, all parking and turning areas shall thereafter be permanently retained as such. Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.
7. The development hereby approved shall not be occupied unless all mitigation measures as detailed within the submitted Noise Impact Assessment (Ref: 19335-R01-A) have been implemented in their entirety. Once implemented, all mitigation measures shall be permanently retained as such. Reason: to ensure that an appropriate level of residential amenity can be provided.
8. No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following.
  - a. Risk assessment of potentially damaging construction activities;
  - b. Identification of "biodiversity protection zones";
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d. The location and timing of sensitive works to avoid harm to biodiversity features
  - e. The times during construction when specialist ecologists need to be present on site to oversee works;
  - f. Responsible persons and lines of communication;
  - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
  - h. Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP. Reason: In the interests of protecting the biodiversity of the environment.

9. That all works shall be undertaken in accordance with the submitted Drainage Statement (Fairhurst Ref: 130573) and unless otherwise agreed in writing by the Planning Authority. Reason: to ensure that the site can be adequately drained and reduce potential for flood risk.

## **INFORMATIVES**

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In terms of waste requirements, the care home will be provided with: 5 x 1280l general waste containers, 5 x 1280l co-mingled recycling container and 1 x food waste container for each bin store (each kitchen will receive a kitchen caddy, bioliners and associated information). The following costs will be charged to the developer: each 1280l bin cost £413.60 and each food waste container cost £514.49. No garden waste will be provided for the care home as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

### General points

- No excess should be stored outwith the containment provided. Information for extra waste uplift is available to residents at either [www.aberdeencity.gov.uk/wasteaware](http://www.aberdeencity.gov.uk/wasteaware) or by phoning 03000 200 292.
- If the bin store will be locked and/ or a barrier to the car park, 8 Keys must be provided for each store, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team.

Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

No obstruction over, or restriction of access to Core Path 65 shall be permitted= during the development.