

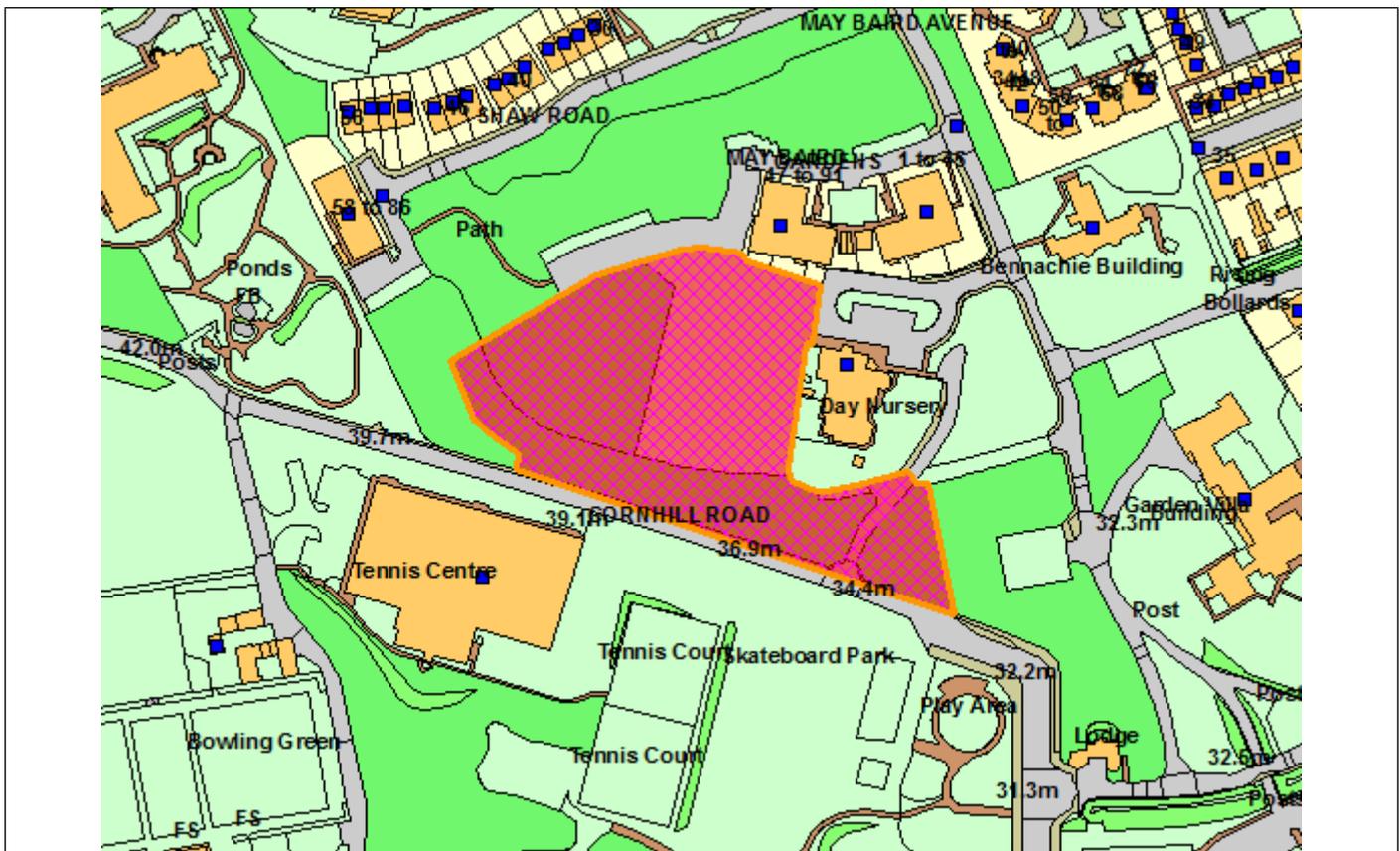


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 19 March 2020

Site Address:	Former Ross Clinic, May Baird Avenue, Aberdeen, AB25 2ZX
Application Description:	Erection of 32 apartments over 4 and a half storeys with associated car parking, landscaping and works
Application Ref:	191755/DPP
Application Type	Detailed Planning Permission
Application Date:	27 November 2019
Applicant:	CALA Management Ltd & NHS Grampian
Ward:	Mid Stockert/Rosemount
Community Council:	Rosemount And Mile End
Case Officer:	Lucy Greene



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RECOMMENDATION

Willingness to Approve, subject to conditions, and subject to the signing of a legal agreement to secure contributions towards: core path network, primary education, healthcare, community facilities, affordable housing and provision of upgrade to bus shelter on south side of Westburn

Road.

APPLICATION BACKGROUND

Site Description

The application site is 1.01ha in size containing a large number of trees within the southern and western areas, the remainder of the site is grassed. The site was originally part of a much larger area forming part of the grounds of the Elmhill House Asylum, the area lies within the Rosemount Conservation Area. Elmhill House is Category B listed and has been converted to flats, it lies approximately 150m to the north. Subsequently a number of developments have taken place within the grounds, most notably the two 5 storey flatted blocks to the immediate north of the site, containing 46no. flats and completed in 2016. These are five storeys in height with balconies on the south elevation. To the east is a NHS nursery within a two storey building of relatively recent construction. To the west is green open space containing large mature trees and to the south lies Westburn Park on the opposite side of Cornhill Road.

The entire site and much of the surrounding area is covered by two Tree Preservation Orders (nos 92 and 220).

The site is currently accessed via May Baird Avenue, with the nearest vehicular access being the access road to the nursery carpark. Further north May Baird Gardens provide access to the recently developed flats to the north of the site. Cornhill Road lies to the south of the application site and there is a currently blocked of vehicular entrance with gate piers. May Baird Avenue and Gardens are privately owned unadopted roads. Between Westburn Road and the turn off to May Baird Avenue, which provides access to Cornhill Hospital, there are 2-3m wide surfaced footways on both sides of the road, whilst north of May Baird Avenue the footways are unsurfaced, with these narrowing and reducing to one footway as Cornhill Road narrows adjacent to the south east corner of the site. At its junction with Westburn Road there are 20mph and 'No Through Road' signs. Cornhill Road provides access to the Westburn Park Tennis Centre and into the park.

Relevant Planning History

Application Number	Proposal	Decision Date
190002/DPP	Erection of 36 flats over 4 and a half storeys, with associated car parking and landscaping	Withdrawn 24.10.19

APPLICATION DESCRIPTION

Description of Proposal

The proposal is for the erection of a building containing 32 flats. It would consist of two joined blocks, one of 4 and one of 5 storeys in height, the latter with the top storey being of smaller floor plate and set back from the main elevations. The building would be close in architectural style, form and materials to the existing blocks.

Twenty four mainstream 2 bed flats would be provided, and eight affordable flats. It has been indicated that the affordable flats would be bought by a housing association. There would be 4no. one bed and 4no. 2 bed affordable flats within the four storey element of the building which is to the east. These flats would have a separate entrance and stair, with each flat having windows to two elevations.

The mainstream flats would have entrances to the front (west) and rear (east) elevations, with lift

and stair access to upper floors. There would be 5no. 2 bed flats per floor on the lower four floors, whilst the top floor would contain 4no. larger 2 bed flats. Each flat would have a private balcony or patio.

It is proposed to reopen the vehicular entrance from Cornhill Road, which is flanked by gate posts within a granite wall. The entrance would be widened, with the gateposts being relocated and sections of walls rebuilt. Parking would be provided to the south and west of the building, with the access road linking through with the existing May Baird Gardens. Through vehicular access for all but emergency vehicles would be prevented by the installation of bollards.

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=Q1DOWL BZLE600>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it falls outwith the scheme of delegation due to the number of objections. Objections from 15no. parties have been received.

CONSULTATIONS

Waste Strategy Team – Condition required, relating to refuse bin storage area.

Developer Obligations – Contributions are sought as follows:

Core path network £9226;

Primary Education £7905

Healthcare £14310

Community Facilities £6200

Affordable Housing – in line with policy, 8 units should be provided.

Roads Development Management Team – makes the following comments:

- Pedestrian facilities should be provided between the development and Cornhill Road;
- Parking provision is acceptable
- Active Electric Vehicle charging point should be provided in addition to the two passive points provided.
- Layout of parking adjacent bin store and disabled space needs to be adjusted – to be covered by condition.
- In order to encourage provision of public transport, a bus stop on Westburn Road (west bound) should be upgraded.
- Conditions required relating to cycle parking, safer routes to school, travel plan and SUDS.

Environmental Health – No objection – air quality unlikely to be significantly impacted

Scottish Water – No comments received.

Rosemount And Mile End Community Council – It is questioned whether the affordable housing should be clustered into one wing, as this is contrary to the spirit of the legislation. Although zoned as part of CF1 in the LDP in association with the adjacent healthcare uses, the

site is urban green space, which has considerable value to the community. The development of the area would result in a significant erosion to the character of the area.

REPRESENTATIONS

The following matters were raised in the 15no.letters of objection:

- Insufficient parking, which will put additional pressure on the existing flats' parking. This is also abused by NHS staff;
- The proposed development would tower over the nursery
- The proposed development would create privacy issue with the nursery as children should be able to play outside without being overlooked.
- Children use the outdoor space several times a week, there should not be a path between the flats and the nursery, it will be used as short cut;
- The proposal has not addressed May Baird Avenue, its narrow width and lack of adequate pedestrian facilities. There will be increased traffic on May Baird Avenue;
- Questions why the Council did not make a decision on the previous application;
- Questions why there was a shorter notification period over the Christmas period, which provides less opportunity for community comment;
- Duplicity of developer should be taken into account, as it is clear from the road layout that it was always the intention of the developer to construct the development in the current application (owners state they were told otherwise at time of purchase);
- The proposed development is far too large
- Clustering of affordable housing into one stairwell should not be permitted;
- Development should not rely on emergency access through another development. Cars parked in May Baird Gardens often partially block the route, so that larger vehicles may not get through;
- Would like assurance that May Baird Gardens will not be used at any time for construction or access, it is privately owned and maintained. The residents, including parents with prams, use the route and would be put at risk;

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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporters response does not affect the Proposed SDP in a manner that is relevant to this application.

Proposed Aberdeen Local Development Plan

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 02 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

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

The foregoing can only be assessed on a case by case basis.

Aberdeen Local Development Plan (2017)

Policy CF1 – Existing Community Facilities
Policy NE3 – Urban Green Space
Policy D1 – Quality Placemaking by Design
Policy D2 - Landscape
Policy D4 – Historic Environment
Policy I1 – Planning Obligations
Policy T2 – Managing the Transport Impact of Development
Policy T3 – Sustainable and Active Travel
Policy H1 – Residential Areas
Policy H3 – Density
Policy H5 – Affordable Housing
Policy NE5 – Trees and Woodland

Policy NE6 – Flooding, Drainage and Water Quality
Policy NE8 – Natural Heritage
Policy R7 – Low and Zero Carbon Buildings

Supplementary Guidance and Technical Advice Notes

Transport and Accessibility

EVALUATION

Principle of Development

The site lies within Policy CF1 allocation. Two sections of this policy are of particular relevance:

- Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses will be permitted in principle.
- where a CF1 area contains uses other than that for which the area has been designated and these uses make a positive contribution to the character and community identity of the area, any proposals for development or changes of use, whether or not for the community use recognised in the designation, will be opposed if a likely result would be significant erosion of the character of the area or the vitality of the local community.

On CF1 policy, the site is part of a wider open space use and this would be reduced in size.

Secondly, Policy NE3: Urban Green Space is relevant. It states that the policy includes for smaller areas not designated on maps.

There is a presumption against development of green space – again the deciding factor is degree of loss to amenity and landscape character.

It is noted that development on land immediately adjacent and bearing the same designation has previously been accepted by the planning authority, however earlier development allowed for the existing open space to be substantially retained, with the development of 'pavilions' within a parkland setting and a focus on previously developed areas and road frontages. There comes a point at which the cumulative impact of development within this area of open space (albeit, that it included the former Ross Clinic, whose footprint is noted) has a detrimental impact on the character of the area. In considering this, the amenity of the residents of the existing recently built flats would be taken into consideration, as would that of the users of the nursery.

The proposal allows for the retention of the significant trees in the area, which will be discussed further below, and makes a relatively small impact on the green space considering the remaining space. It is a matter of judgement, the level to which the green space may be developed in the manner that included the previous May Baird Gardens development and now this current proposal. It is considered that the current proposal is acceptable in terms of its overall footprint, within the wider green space (which includes areas within this application site as well as adjoining area - all of which function as one open space). This is on the basis that the green space that would remain following the implementation of this application would provide for the residential open space and amenity needs of the existing and future residents as well as other existing users.

Policy NE5: Trees and Woodland is also relevant. The entire site is covered by TPO. 12no. trees are proposed to be removed, these are 6no. sycamore of between 12 – 14m in height and 6no. hollies of 6-9m in height. The trees to be removed are those that are smaller and further from the site boundary and their loss can be mitigated by replacement planting. Larger beech and oak trees would remain, as well as trees that form the screening along Cornhill Road.

Policy NE8 – the trees to be removed do not have high bat roost potential and the walkover survey did not identify the presence of other species.

Residential Development, Design and Amenity

The following comments are made:

- The proposed building would front onto the green space to the west, taking advantage of this outlook and responding to the landscape setting.
- the proposal would result in the existing building to the north retaining an outlook onto green open space in the area immediately in front of the building;
- There is a coherence to the layout when considered together with the existing flats and nursery. The proposed access road would provide a pedestrian link through the site, and onto Cornhill Road, that could also be used by future and existing residents. A path would also be provided that could be used by children from the nursery in walking to the green space to the west.
- The proposed building is of larger scale than the existing nursery building, however, the smaller four storey element would be located next to the flats, the relatively narrow footprint and set back of the upper storey would help reduce the impact of the height difference.
- The windows within the proposed east elevation are sufficient distance from the nursery to have no significant impact on privacy.
- In terms of sunlight, although there would be an impact on the existing flats to the north, the relatively narrow form and the distance between the buildings, mean that the relationship would be similar to buildings on opposite sides of a wide street. There would be a reduction in sunlight for part of the day in the winter months as can be seen in the Sunlight study carried out by the applicant.
- Design approach is similar to the existing blocks. Balconies are included for all the mainstream flats. The affordable flats would be double aspect, each having windows on two elevations and it is considered that the open space in the area would provide sufficient communal amenity space.

Affordable housing and a suitable density would be provided by the proposal, taking into account the areas of protected trees. The locating of the affordable housing in the four storey block is considered a practical approach as a four storey building would not require a lift, which would be an unwanted maintenance burden for a housing association. Housing associations generally prefer to manage entire blocks of accommodation in order to maximise efficiencies in maintenance. The approach taken to include affordable and mainstream in a single building of two joined blocks, is therefore welcomed.

Transport and Travel

Public transport is well provided from nearby streets. This would be from bus stops on Westburn Road and Berryden Road mainly. Walking to Westburn Road would be via Cornhill Road and this would also be the route to shops in Rosemount and to the Skene Square Primary School. In order to provide for pedestrians from the site, it is considered that any permission should be conditional upon a path being provided within the site linking with the section of Cornhill Road that has wider footways. The short section of footway in this area should also be upgraded.

Footways are provided southwards from the sharp bend in the road just to the south of the application site.

Travel plan and further work on Safer Routes to School would also be required by condition. Parking would be provided in accordance with the standards; three electric vehicle charging points would be provided, with one of these being active.

Bollards would be installed to prevent all but emergency services using May Baird Gardens to access the site. Similarly, vehicular access for future residents would be via Cornhill Road. There

is no reason therefore to conclude that there would be a significant impact on the access and parking for existing residents.

Conditions are proposed to be attached to allow for construction access and locations of site huts to be agreed, in order to minimise damage to trees and disruption.

Historic Environment

The proposal would result in the retention of trees along the public boundary of the site, along Cornhill Road. The buildings within the immediate surroundings of the site are not historic in character and the proposed building would be partially or almost fully screened (depending on the season) when viewed from Cornhill Road. This would ensure that the character of the conservation area is preserved.

There would be no significant impact on the setting of the Category B Elmhill House, as there is already recent development between the listed building and the application site.

Drainage

A drainage assessment has been provided. The proposal is that surface water would be drained via porous paving and filter drains to a cellular tank, with the water then soaking away. Further details would be required via a condition.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

Heads of Terms of any Legal Agreement

These would include the contributions sought towards: core path network, primary education, healthcare and community facilities, as well as to ensure the affordable housing is provided in perpetuity and upgrade of bus stop.

RECOMMENDATION

Willingness to Approve, subject to conditions, and subject to the signing of a legal agreement to secure contributions towards: core path network, primary education, healthcare, community facilities, affordable housing and provision of upgrade to bus shelter on south side of Westburn Road.

REASON FOR RECOMMENDATION

The proposed development site is on part of an existing green open space within a site zoned under Policy CF1 – Existing Community Facilities. It is considered that although there are tensions with this policy and Policy NE3 – Urban Green Space, the proposal would result in the retention of a significant proportion of the green space, along with the mature trees and those along the site boundary. The proposal would provide high quality accommodation with both private and communal amenity space for occupants of the mainstream flats, as well as affordable housing within a mixed tenure community, all of which is located with good access to public transport links and relatively close to facilities in Rosemount and Berryhill.

Impact on trees would comply with Policy NE5 – Trees and Woodland, as the publicly visible and larger trees would remain. The loss of trees would be mitigated by replacement planting.

With the enhancement of pedestrian links out of the site in the proposal would comply with Policies

T2 and T3 relating to mitigating the transport impact of development and provision for sustainable travel.

CONDITIONS

1. That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.
2. That the flats shall not be occupied unless the car park has been laid out, bollards installed, path from nursery laid out with access across the car park to green space and cycle parking been provided close to the building in accordance with a plan submitted to and approved in writing by the planning authority.
Reason – in order to encourage active travel and residential amenity.
3. That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.
4. That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.
5. That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.
6. That no development shall take place unless a scheme for the approved scheme within the Revised Updated Ecology Report for the protection of all trees to be retained on the site during construction works has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.
7. that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.
8. that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning

Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

9. That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection 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 trunks - in order to ensure adequate protection for the trees on site during the construction of the development.
10. That no development shall take place unless there has been provided a pedestrian facilities between the car park access road within the site and Cornhill Road close to the bend in the road, together with an upgrade of the stretch of existing footway on the north side of Cornhill Road close to the south east corner of the application site, or such other scheme for pedestrian provision as may be agreed. The works shall be fully in accordance with details submitted to and approved in writing by the planning authority, including of the following:
 - a. A tree survey showing root protection areas within the area of the footpath, where appropriate;
 - b. The method of construction of the footpath, taking into account impact on tree roots, where appropriate;
 - c. Details of the opening within the existing granite wall, between Cornhill Road and the site, where appropriate.
 - d. Details of bollard type lighting, or other as so agreed.
 - e. Details of the upgrade works to the footway close to the corner of Cornhill Road.Reason – in order to provide adequate pedestrian access.
11. That no development shall take place unless there has been provided a revised detailed layout of the junction onto Cornhill Road and internal site junction close to the site entrance, taking into account vehicle movements including of interactions between refuse vehicles and cars.
Reason – in the interests of road safety.
12. That the development shall not be brought into use unless the wall and narrow footway at the site entrance has been rebuilt and re-laid including use of existing materials, including existing footway edging stones, in accordance with elevational and layout drawings and specification that has been submitted to and approved in writing by the planning authority.
Reason – in the interests of preserving the character of the Conservation Area.
13. That all measures within the recommendations of the Revised Updated Ecology Survey shall be implemented, in particular, including:
 - a. Tree branches of tree 1176 shall be cut back to a height of 5m, or as otherwise agreed within the planning authority.
 - b. No external lighting shall be installed other than accordance with details of type and location, submitted to, and approved in writing by the planning authority;
 - c. Tree work shall be carried out outwith the bird nesting season
 - d. That any mesh security fencing shall be covered with fine mesh plastic sheeting, or other as agreed with the planning authority, in order to avoid bat collision

Reason – in the interests of natural heritage and road safety.

14. That no development shall take place unless there has been submitted to and approved in writing by the planning authority, a construction method statement that shall include the following details:

- a. Route to be used by construction vehicles
- b. Location of site huts

Thereafter works shall take place only in accordance with the plans as so approved.

Reason – in the interests of protecting trees.

15. That no development shall take place unless there has been submitted to and approved in writing a detailed Travel Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets.

- in order to encourage more sustainable forms of travel to the development.

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

ADVISORY NOTES FOR APPLICANT

Hours of construction

that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

- (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) outwith the hours of 8.00 am to 1.00 pm Saturdays; or
- (c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.