

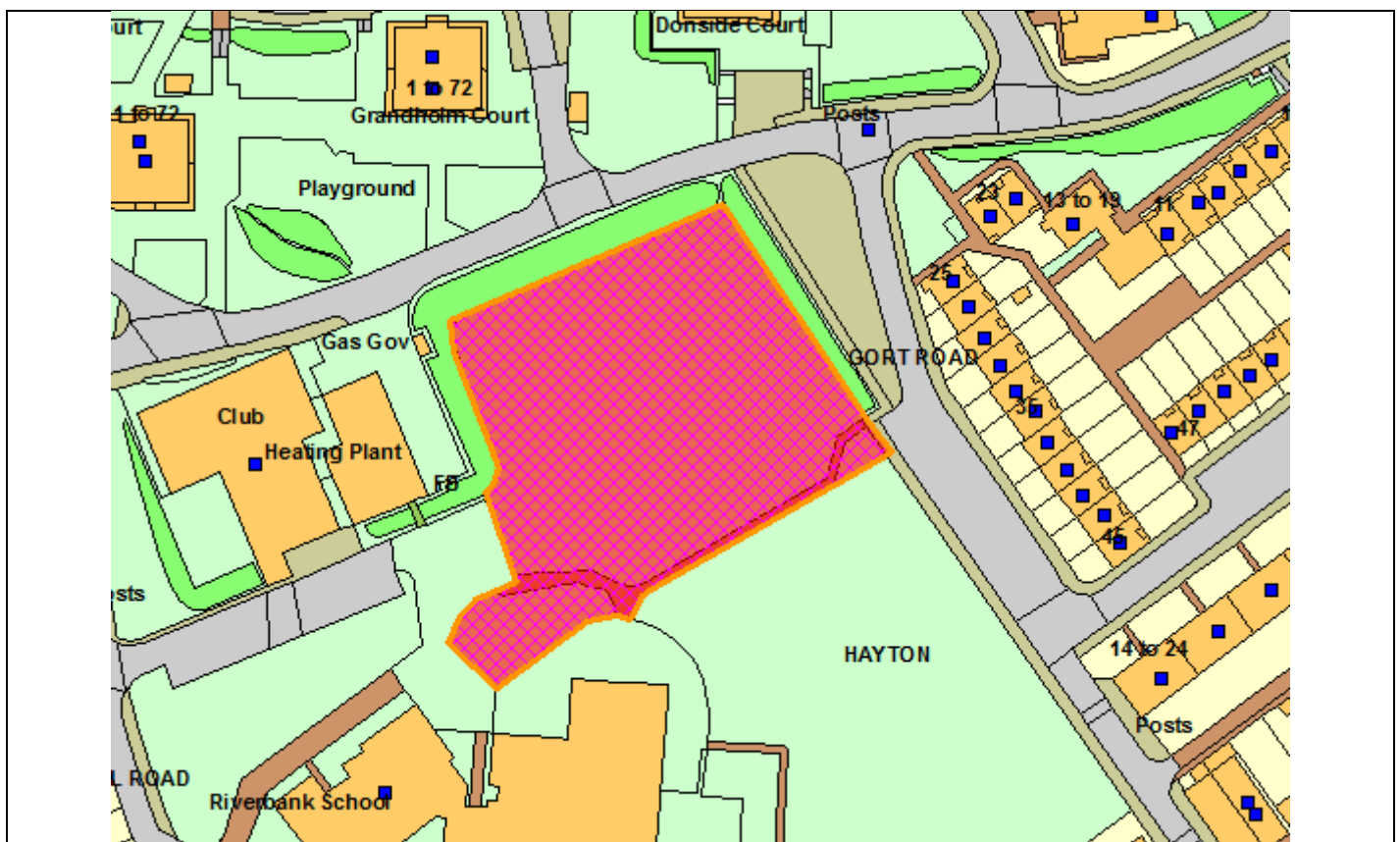


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 10 December 2020

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| Site Address: | Tillydrone Nursery, Dill Road, Aberdeen, AB24 2XL |
| Application Description: | Formation of access road with associated works |
| Application Ref: | 201125/DPP |
| Application Type | Detailed Planning Permission |
| Application Date: | 23 September 2020 |
| Applicant: | Aberdeen City Council |
| Ward: | Tillydrone/Seaton/Old Aberdeen |
| Community Council: | Tillydrone |
| Case Officer: | Lucy Greene |



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RECOMMENDATION

Approve conditionally

APPLICATION BACKGROUND

Site Description

The site, which is currently under development for a nursery, under planning permission 191335/DPP is located in the established residential area of Tillydrone in the north of Aberdeen. The site comprises an area of open space designated as school grounds within the 2010 Open Space Audit.

The site is bound to the north, west and east by Montgomery Road, Dill Road and Gort Road, respectively, with residential properties beyond both, to the west by Aberdeen Lads Club (a community facility) and Tillydrone Energy Centre CHP plant and to the south by Riverbank School and further open space. The area contains a high density of residential properties in the form of high rise and medium rise flatted blocks and terraced two storey houses opposite the site to the east and north. Public and resident's parking is generally provided on street and within communal car parks.

Relevant Planning History

| Application Number | Proposal | Decision Date |
|--------------------|--|---------------------------|
| 170608/DPP | Installation of temporary modular classroom to provide upper floor extension to existing modular classroom | 13.07.2017 Status: APC |
| 191335/DPP | Erection of single storey nursery with associated landscaping, carparking and works | 19.02.2020 Status: APC |

APPLICATION DESCRIPTION

Description of Proposal

This current application is for the formation of a vehicular access to be taken from Gort Road, into the car park which would be as previously approved, to the west of the nursery. The access is to serve the nursery. Prior to the nursery proposal, (the nursery building is currently under construction) the land was public open space adjacent to the school grounds and the Tillydrone Energy Centre building.

Previously, under application 191335/DPP a new car park was originally shown to the west of the building, accessing the site through the Aberdeen Lads Club car park and accommodating 10 car spaces, 1 disabled space and 1 motorcycle space. However, following concerns raised by the adjacent Lads Club, the access was altered so that it was proposed to be located to the south west of the site, sharing the existing school pedestrian and vehicular access off Dill Road. This required the construction of a new 4m wide road along the northern edge of the existing Riverbank School and is the proposal that has planning permission.

The staff car parking and turning area at the new nursery remains as originally approved. Following further consideration of the technical and logistical difficulties and costs associated with forming a new access road through the still in use Riverbank School site, an alternative access is now proposed from the east, off Gort Road, that is the subject of the current application.

As a result of the proposal two (2no.) right angle parking spaces would be lost within the communal parking bay opposite the houses at 25 – 45 Gort Road, whilst double yellow lines would be laid around the proposed junction, extending 10.0m to the north of the junction and 6.0m to the south, affecting a length of road of 22m in length. These would be in front of houses at numbers

27, 29 and 31 and part of number 25 Gort Road. Numbers 33, 37, 39, 41 and 43 have driveways and there is a parking bay for approximately eighteen (18no.) cars opposite the houses at 25 – 45 Gort Road. In the surrounding area there is a large number of flats within medium and high rise blocks, with a number of communal parking areas. The proposal would also result in landscaped open space being formed in the south west corner of the nursery site, rather than being concentrated along the southern boundary in the approved scheme.

The under-construction nursery is part of the Scottish Government and Aberdeen City Council's programme of increased Early Learning and Childcare provision and would primarily cater for children living in the Riverbank Primary educational catchment area in Tillydrone.

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=QH0ET4BZKLB00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because eighty-five (85no.) letters of objection have been received.

CONSULTATIONS

ACC - Roads Development Management Team – No objection to the proposal. The proposal would result in the loss of five (5no.) parking spaces. A parking survey was carried out on weekdays, which showed that the loss of spaces is acceptable, given current usage of the existing spaces. The junction would need to be 'left in, left out' and bollards would be required to be installed on the build outs onto Gort Road. There is sufficient space for access by refuse vehicles.

Tillydrone Community Council – Has expressed serious road safety concerns regarding the proposals, however, have made enquiries to the Council outside the planning process and await a response to these prior to making further representation, which will be reported verbally to Committee.

REPRESENTATIONS

Eight-five letters of representation were received. These relate to the following matters:

- Letter writer encloses, refers to and supports concerns expressed within a letter circulated within the community by the Tillydrone Community Council, these state:
 - o Increase in traffic entering community and residential roads, as the nursery has a city-wide catchment.
 - o Initially, the access was proposed at the top of Dill Road (Aberdeen Lads Club access), this was better as the traffic would not pass through residential streets.
 - o Increase in pollution due to the traffic on residential roads.
 - o Road safety for children in particular. Pedestrians, a cyclist and parked cars have all been hit by vehicles. One objector states that his daughter was hit by a car on Gort Road resulting in a trip to hospital.
 - o Residents did not object originally as traffic would have used Hayton Road, to reach the Dill Road access, and not narrower residential streets as is now proposed.
 - o Loss of the green space due to the access road.

- Limited parking for residents, approximately 5no. spaces would be lost.
- That 'car shops' use the car parks for the nearby high rise blocks, to collect and deliver cars, reducing space for residents and causing a situation whereby residents often have to park streets away from their homes. This affects Gort Road, Dill Road and Auchinleck Road.

Many other objectors raised the issues noted above, along with other matters that can be summarised as follows:

- Residents would not be able to park outside their properties and some are key workers. Charges for road tax, insurance and council tax are all noted in this respect. *It is noted that these are not material planning considerations*
- Damage to parked vehicles as a result of the increase in traffic and children.
- Impact of increased traffic in Tillydrone since the opening of the Diamond Bridge, has been overwhelming. Gort Road access onto Gordon Mills Road was closed due to Diamond Bridge, resulting in traffic 'rat running' through the southern end of Gort Road to reach other areas of Tillydrone. Further increasing the traffic on Gort Road would adversely affect residents.
- St Peters RC School will be moving shortly into the Riverbank School directly adjacent to the site. This has a city wide catchment and will bring even more traffic into the residential streets.

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.

Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

The Strategic Development Plan 2020 was published in August 2020. The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years and promotes a spatial strategy for the next 20 years. All parts of the Strategic Development Plan area will fall within either a Strategic Growth Area or a Local Growth and Diversification Area. Some areas are also identified as Regeneration Priority Areas (including Tillydrone). The following general targets are identified; promoting diversified economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change and limiting the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

Aberdeen Local Development Plan (LDP) (2017)

Policy H1 - Residential Areas

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy CF2 - New Community Facilities

Policy NE3 - Urban Green Space

Policy NE6 - Flooding, Drainage and Water Quality

Proposed Aberdeen Local Development Plan (PLDP) (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 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.

The relevant policies are:

H1 – Residential Areas

WB1 – Health Developments

NE2 – Green and Blue Infrastructure

NE4 – Our Water Environment

D1 – Quality Placemaking

T2 – Sustainable Transport

EVALUATION

Principle of Development

The site falls within a wider area that is residential in character and is covered by Policy H1 – Residential Use in the LDP. The nursery building has already been granted planning permission (191335/DPP) and nears completion on site. The principle of a nursery on the site has been established and complies with Policy H1, as a use complementary to residential. Policy CF2 also supports proposals for new community facilities and the provision of access to such is therefore acceptable in principle under both policies. The matters for consideration are therefore the merits of the particular access road proposed in terms of impact on amenity of nearby residents and loss of open space, as compared to the approved scheme.

Under the approved proposal access to the car park was provided from the west through the Riverbank Primary School site. It is now proposed to provide a separate access from the east, via Gort Road. This would involve the laying of an approximately 58m length of road rather than adding approximately 43m to the existing service access at Riverbank (the existing road would need to be widened). The Council's Children's and Family Service have provided a supporting statement, that sets out a number of justifications for the current proposal, including in italics below:

“It was originally envisaged that access to Tillydrone nursery would come off Dill Road.

With respect to the original route the technical difficulties of getting a road in through a live school site raised concerns around the safety and potential segregation of the nursery and school pupils and parents to and from the site. The original route also relied on access through the school, which could conflict with deliveries/collections and service vehicles. To this end, it is believed the proposed new route is safer for children and families accessing the new provision. Cognisance was also given to any potential future developments at the Riverbank School.

The proposal for access to be taken from Gort Road to the nursery mitigates against the aforementioned issues. The proposed new access road does not link to Dill Road or Dill Place,

with bollards separating access to prevent cut-through driving practices (rat running traffic). Reflecting on the responses to the ELC parent/carer consultation, which stressed the importance of locating Early Years facilities within the community, if the Gort Road option is applied, it is felt this option would help embed the nursery within the community. By establishing an access route to the nursery this will help enhance the identity of the nursery as a standalone community facility and not tied to the existing school."

Policy H1 advises that proposals for non-residential uses should be complementary to the existing residential use and should not cause conflict with, or any nuisance to, the enjoyment of existing residential amenity. It includes several criteria for assessment, including that: there is no unacceptable impact on the character and amenity of the surrounding area; there is no loss of valued open space; and the proposal complies with supplementary guidance.

In terms of residential amenity, objectors express the view that there would be additional traffic through nearby residential streets, causing pollution, disturbance and reducing road safety. It is stated by the applicant that the car park is for staff only, with no parent drop off. The approved nursery car park contains eleven (11no.) spaces, so the volume of traffic generated would not be significant. Those travelling by car to the nursery would park in surrounding streets and travel on foot to the nursery. Under the approved scheme there are three possible routes into the nursery on foot: 1. Gort Road via the footpath; 2. Dill Road and along the proposed footway via Riverbank Primary (existing service access); and, 3. Dill Road through the Lad's Club car park (although this is not a formal pedestrian route). These three routes would remain under the current application, although using Riverbank service access, would be less likely, and has no pedestrian provision. The current application would increase the likelihood of parents/carers using the Gort Road side to access the nursery, rather than from the west, and to that extent there may be an impact on residents to the east. The nursery has a capacity of fifty-six children, unlike a school these will arrive and depart at different times and many will likely walk from the surrounding area. In terms of amenity, it is considered that the impact on residential amenity due to traffic noise, pollution and disturbance would not be of a magnitude to warrant refusal of the application. Road safety is considered separately below.

Policy NE3 Urban Green Space advises that development will not be granted to redevelop any areas of urban green space for any use other than recreation and sport. The extant permission for the nursery would leave a remaining area of grassed open space of approximately 50m by 14.5m (total: 725m²), in addition to a small less usable area containing a footpath between the Lads Club car park and the access road. The open space was to be located alongside the nursery garden area, which is proposed to be landscaped and tree planted, although with a fence between the two. The community garden element also had direct access from the entrance area to the nursery under the extant approval.

The current application would leave an area of approximately 49m by 16m (total: 784m²) as usable open space, with a further 5.0m wide strip between the access road and the Riverbank playground fence. The difference in areas of open space of the nursery permission compared to the current application is negligible. It is acknowledged that under the current application the space is more remote from Gort Road, it is however, linked by footpath. It would also be separated from the nursery by the access road. With a condition requiring a scheme of landscaping, including seating, the open space within the current application would be capable of providing a pleasant area of similar size to the approved scheme, and usable by the community. With this in mind, and taking into account the extant permission, it is considered that the proposal complies with Policy NE3 and H1.

Access and Parking

Under Policies T2 and T3, commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic

generated and to maximise opportunities for sustainable and active travel.

The Roads Development Management Team have reviewed the proposal in terms of access, parking, sustainable modes of transport and the results of the parking survey that was carried out. There is a condition on the nursery application (191335/DPP) requiring a travel plan to be implemented that would still apply. With regards to vehicular access to the staff car park, this application now proposes that this be taken from Gort Road. The proposed access road would also provide a footway for pedestrian access. It should be noted however, that there is an existing path from Gort Road leading through to the Aberdeen Lads Club car park and to Dill Road. Under the approved nursery application this path would provide pedestrian access from Gort Road to the nursery. It is considered likely that under both the approved scheme and the current application drop offs for nursery would use the parking bays on Gort Road. The car park does not provide for drop offs, providing eleven (11no.) spaces, which are for staff and disabled parking. Under both the planning permission that has been granted and the current application, in the event that nursery pupils are to be dropped off by car, there would be a need to park within the surrounding area and walk to nursery. There are routes from Gort Road and Dill Road, so parking in either of these areas is likely.

Changes are proposed to the existing road and site access and restrictions will be required around the new junction on Gort Road, of which the detail would be agreed at the Roads Construction Consent stage, however, there would be parking restrictions required along part of Gort Road. Parking restrictions would extend 10m northwards of the junction, directly opposite and extending 6m southward. Two (2no.) parking spaces would be removed from the parking bay. The Roads Team have reviewed the parking survey and are content that adequate parking would remain within the surrounding area.

With regards to sustainable and active travel, it is considered that the site is located centrally within the residential area and local community, and is therefore highly accessible to pedestrians, cyclists and those who use public transport, with sufficient pedestrian access to the site. The nursery is being provided to cater for pupils from the Riverbank School catchment area, so it is envisaged that the majority would walk to the site from surrounding housing. However, in order to ensure that the proposed nursery promotes more sustainable travel choices, a travel plan is required by condition on the 191335 nursery permission.

Overall, neither the Planning Service nor the Roads Development Management Team has concerns with regards to this aspect of the development. The proposal is considered to comply with Policy T2 - Managing the Transport Impact of Development and Policy T3 – Sustainable and Active Travel and the Council's Transport and Accessibility Supplementary Guidance.

A Swept Path Analysis has been submitted for refuse vehicles accessing the site, this information is considered acceptable.

Drainage

Proposals for surface water drainage would be similar in principle to those approved, with one level of treatment required and porous paving proposed within the car park. With the attachment of a condition requiring a detailed scheme to be submitted and implemented, it is considered that the application proposal is acceptable in terms of policy NE6 in the extant LDP and NE4 in the PLDP.

Response to Matters Raised in Representations

The matters raised through representations have largely been dealt with through the preceding sections of this report. Responses to other matters raised can be summarised as follows:

- Impact of increased traffic in Tillydrone since the opening of the Diamond Bridge, has been overwhelming. Gort Road access onto Gordon Mills Road was closed due to Diamond Bridge, resulting in traffic 'rat running' through the southern end of Gort Road to reach other areas of Tillydrone. Further increasing the traffic on Gort Road would adversely affect residents. *Gort Road and surrounding area has been subject to traffic management measures following the opening of the Diamond Bridge to prevent 'rat-running'. The amended access for the nursery is not considered to result in dramatically increased traffic levels in the area.*
- St Peters RC School will be moving shortly into the Riverbank School directly adjacent to the site. This has a city wide catchment and will bring even more traffic into the residential streets. *St Peters RC School capacity is the north eastern section of Aberdeen, from the north of the Dee and east of Berryden and Rosehill, it is not City-wide. This school moving into the current Riverbank School is not related to the current planning application for an alternative access to the approved nursery.*

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Approve conditionally

REASON FOR RECOMMENDATION

The proposal involves the provision of an alternative vehicular and pedestrian access to the nursery, the latter already having planning permission and being under development on site. The proposed access would be taken from Gort Road (rather than Dill Road as approved), however it would also remain possible to access the nursery on foot from Dill Road to the west. Taking into account that the nursery car park is for staff only, with any nursery drop off / pick up by private car involving parking in surrounding streets; that nursery drop off and pick up takes place over a wide period of time; and the size of the nursery, it is considered that vehicular movements are unlikely to cause detriment to residential amenity or pedestrian safety, by reason of their frequency, and associated noise, disturbance and pollution.

A similar area of open space would be provided under the current application to that under the extant permission, and with the attachment of conditions requiring a landscape scheme to be submitted and implemented, it is considered that this could provide a pleasant area for use by the community.

The proposal is considered acceptable in terms of residential amenity and open space and complies with Policies H1 and NE3 in the extant Local Development Plan (LDP) 2017 and Proposed LDP 2020, as well as policy WB1 in the PLDP. Parking spaces (5no.) would be lost as a result of alterations to the existing public parking bay and the new junction created on Gort Road, with associated parking restrictions. A parking survey was submitted showing sufficient capacity in the surrounding area. The proposal includes suitable provision for pedestrian access. The application therefore complies with policies T2 and T3 in the extant LDP and T2 in the PLDP.

CONDITIONS

1. Landscaping Scheme

No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. The scheme shall include a community garden with seating.

Details of the scheme shall include:

- a) Existing and proposed finished levels.
- b) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- c) The location, design and materials of all hard landscaping works including seating and any walls, fences, gates, and play equipment.
- e) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Once provided, all hard landscaping works shall thereafter be permanently retained.

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

2. Surface Water Drainage Systems

That no development shall take place unless a scheme has been submitted to, and approved in writing by, the planning authority for surface water drainage. The access road shall not be brought into use unless the surface water drainage system as so agreed has been installed and is fully operational. It shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

ADVISORY NOTES FOR APPLICANT

1. It should be noted that if both this application and application 191335/DPP are to be implemented, then compliance with both sets of conditions would be required, unless further permission (for example, under Section 42 of the Act) is granted to amend those conditions.