

LOCAL REVIEW BODY



210517/DPP – Appeal against refusal of planning permission for:

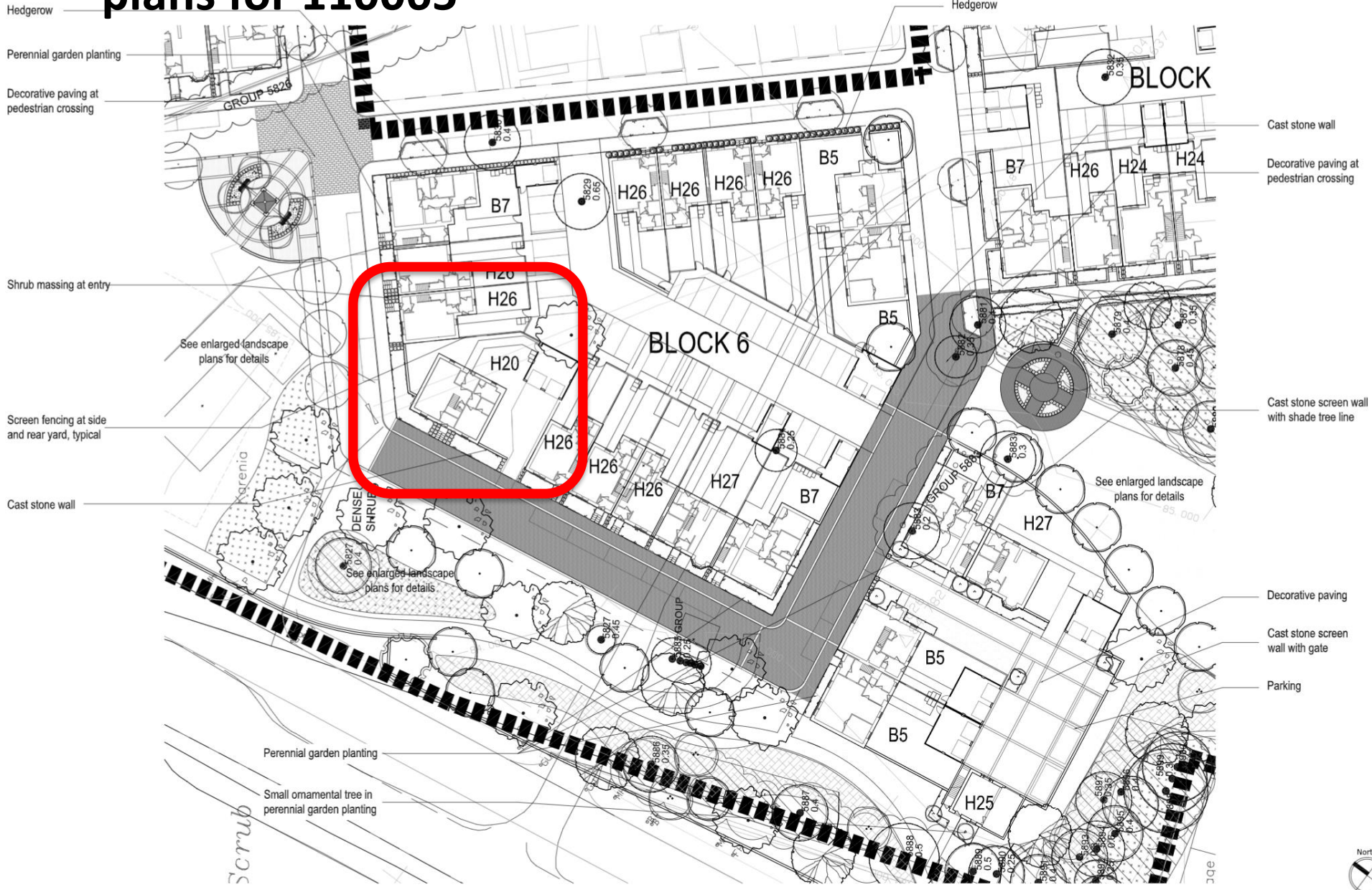
‘Change of use from amenity land to residential curtilage to form a paved area (retrospective)’

at: 3 Wellington Park, Aberdeen

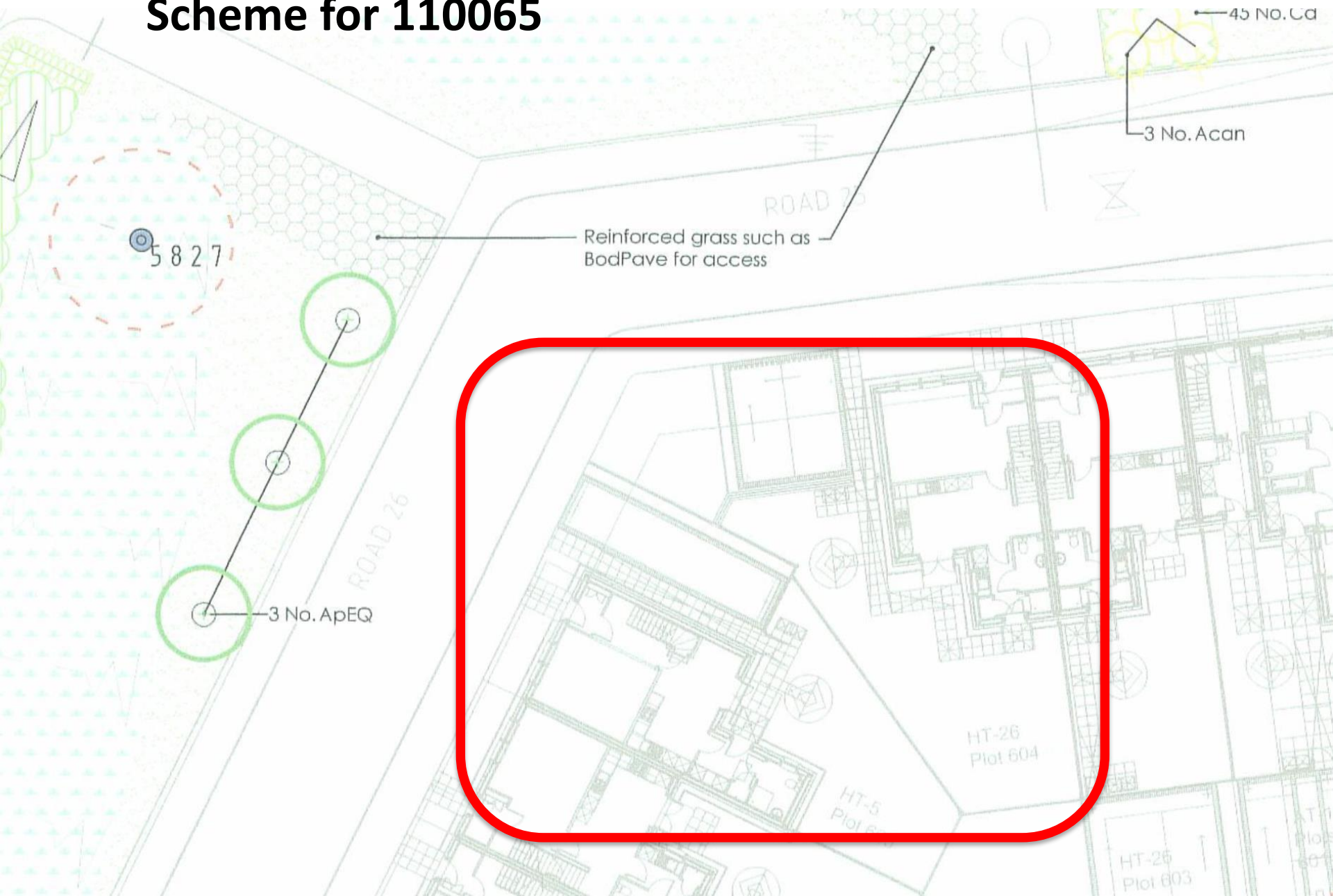
Location



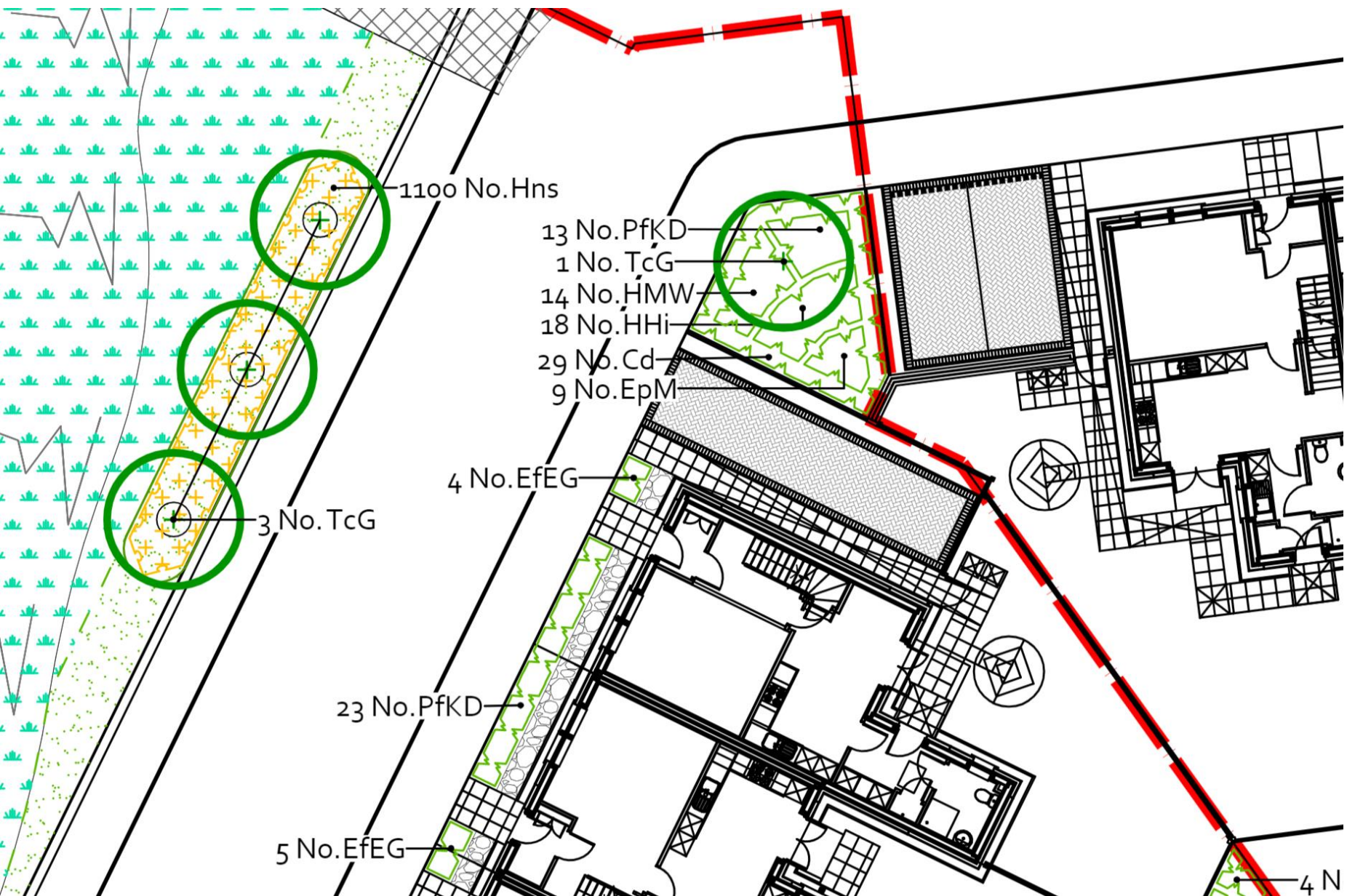
Extract from approved plans for 110065



Extract from Landscaping Scheme for 110065



Extract from Landscaping Scheme for 161279/DPP



Street View Image (May 2021)



Google





Reasons for Refusal

- Results in the loss of an area of open space, required as part of the landscaping scheme for the wider OP56 Cove development (ref 161379). Notes that landscaping in this location would have contributed to landscape character as it matured, but the proposal has resulted in removal of a tree
- Identifies conflict with policies H1 (residential areas) and NE3 (Urban Green Space) of the ALDP, as well as associated SG documents and equivalent policies from emerging Proposed ALDP
- Creates an irregular residential boundary that does not correspond with the wider pattern of development. Conflict with policy D1 (Quality Placemaking by Design)
- Results in over-provision of car parking, contrary to policy aims to promote sustainable and active travel. Conflict with policy T2 (Managing the Transport Impact of Development)
- Change of use and physical works detract from the designed outlook and adversely affect residential amenity.

Applicant's Case

- Contends that the proposal complies with all relevant policies of the ALDP (H1, T2, D1, NE1, NE3, NE4 and NE5) – includes detailed commentary on each, as well as a response to the reasons for refusal;
- Notes that the report of handling raises no concerns regarding policies D2, NE8, NE9, so compliance is assumed;
- Report of handling advises that, if minded to approve, conditions might have been used to address matters relating to boundary treatments and drainage. Applicants conclude that the application could therefore not be refused on those matters;
- Clarifies that the area in question allows for only one additional car, not two as intimated in the report of handling;
- Application also complies with equivalent policies from the emerging Proposed ALDP;

Applicant's Case (cont.)

- Contends that, given compliance with development plan and support from other material considerations, the review should be allowed and permission granted;
- Highlights that the original planning permission at Cove (110065) does not appear to show landscaping in this area, with the space enclosed in one or other residential curtilage;
- Recognises that a more recent permission (161279/DPP) did show this as a landscaped area, outside either residential plot;
- Contends that the materials used match other driveways in the area, with a small strip retained to allow for a hedge or shrubs to be grown;
- Highlights that applicant would be happy to introduce some form of enclosure along part of the site frontage to prevent vehicles crossing the pavement (to be controlled by condition);
- Applicant also willing to implement additional drainage (to be controlled by condition);
- Points to the site's limited value as an area of open space.



H1: Residential Areas

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?

(e.g. Householder Development Guide SG)



D1: Quality Placemaking by Design

All dev't 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”*.

Proposals will be assessed against the following six essential qualities:

- Distinctive
- Welcoming
- Safe and pleasant
- Easy to move around
- Adaptable
- Resource-efficient



NE1: Green Space Network

- The Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network, which is identified on the Proposals Map.
- Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.
- Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such developments should maintain and enhance the coherence of the network. In doing so, provision should be made for access across roads for wildlife and outdoor recreation.
- Masterplanning of new developments should consider the existing areas of Green Space Network and identify new areas incorporating Green Space Network.
- Masterplans will determine the location, extent and configuration of the Green Space Network within the area, and its connectivity with the wider network.



NE3: Urban Green Space

- Permission will not be granted to redevelop parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space for any use other than recreation and sport.
- Exceptions made where equivalent alternate provision is to be made locally
- In all cases, development only acceptable provided:
 - No significant loss to landscape character and amenity;
 - Public access maintained or enhanced;
 - Site is of no significant wildlife/heritage value;
 - No loss of established/mature trees;
 - Replacement green space of same or better quality is provided;
 - No adverse impact on watercourses, ponds, wetlands;
 - Proposals to develop outdoor sports facilities should also be consistent with SPP



NE4: Open Space Provision in New Development

- The Council will require the provision of at least 2.8ha per 1,000 people of meaningful and useful open space in new residential development. Supplementary Guidance (Open Space & Green Infrastructure) sets out further information on types of provision and the expected accessibility and quality standards.
- Public or communal open space should be provided in all residential developments, including on brownfield sites. On some brownfield sites it may not be possible to increase the amount of open space, and in these cases commuted sums towards off-site provision or enhancement of existing open spaces will be sought instead.
- In areas where the Open Space Audit has shown that existing open space is of poor quality, contributions may be sought to enhance existing provision instead of new provision being required.
- The Open Space Audit and Strategy provides details of any improvements or enhancements that may be required to open spaces in different areas of the city, and how the linkages between them may be improved.



NE5: Trees and Woodlands

- Presumption against development that would 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.
- Buildings and services should be sited so as to minimise adverse impacts on existing and future trees.
- Measures should be taken for the protection and long-term management of existing trees and new planting, both during and after construction.
- Applications affecting trees to include details of tree protection measures, compensatory planting etc.



SG: Householder Dev't Guide

- Should not adversely affect spaces which make a worthwhile contribution to the character and amenity of an area;
- Proposals should not fragment or, if replicated, be likely to erode larger areas of open space or landscaping.
- Should not worsen or create a deficiency in recreational open space
- Should not result in loss of visual amenity – including loss of, or incorporation into private garden of, existing trees/landscaping

Points for Consideration

- Zoning: Does the proposal satisfy the criteria of policy H1?
- Design: Is the proposal of sufficient design quality (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?* In particular, would the proposal contribute positively to making the wider development 'welcoming' or 'safe and pleasant'?
- NE3: is the development of this area, identified as green space in the consent for the wider residential area, consistent with policy NE3? Does it detract from the Green Space Network (NE1) or result in adverse impact on existing trees (NE5)? Would there be any conflict with the aims of policy NE4, relating to delivery of open space in new residential developments?
- Supplementary Guidance: does it fragment an area of open space? If repeated, would this be likely to erode a larger area of open space? Would there be an adverse visual impact as a result of the works? Is any alternative area laid out in compensation?

Decision-making

- **1. Does the proposal comply with the Development Plan when considered as a whole?**
- **2. Are there any material considerations that outweigh the Development Plan in this instance?**
- Decision – state clear reasons for decision, making reference to the Development Plan, its policies and any other material considerations of weight
- Conditions? (if approved – Planning Adviser can assist)