

LOCAL REVIEW BODY

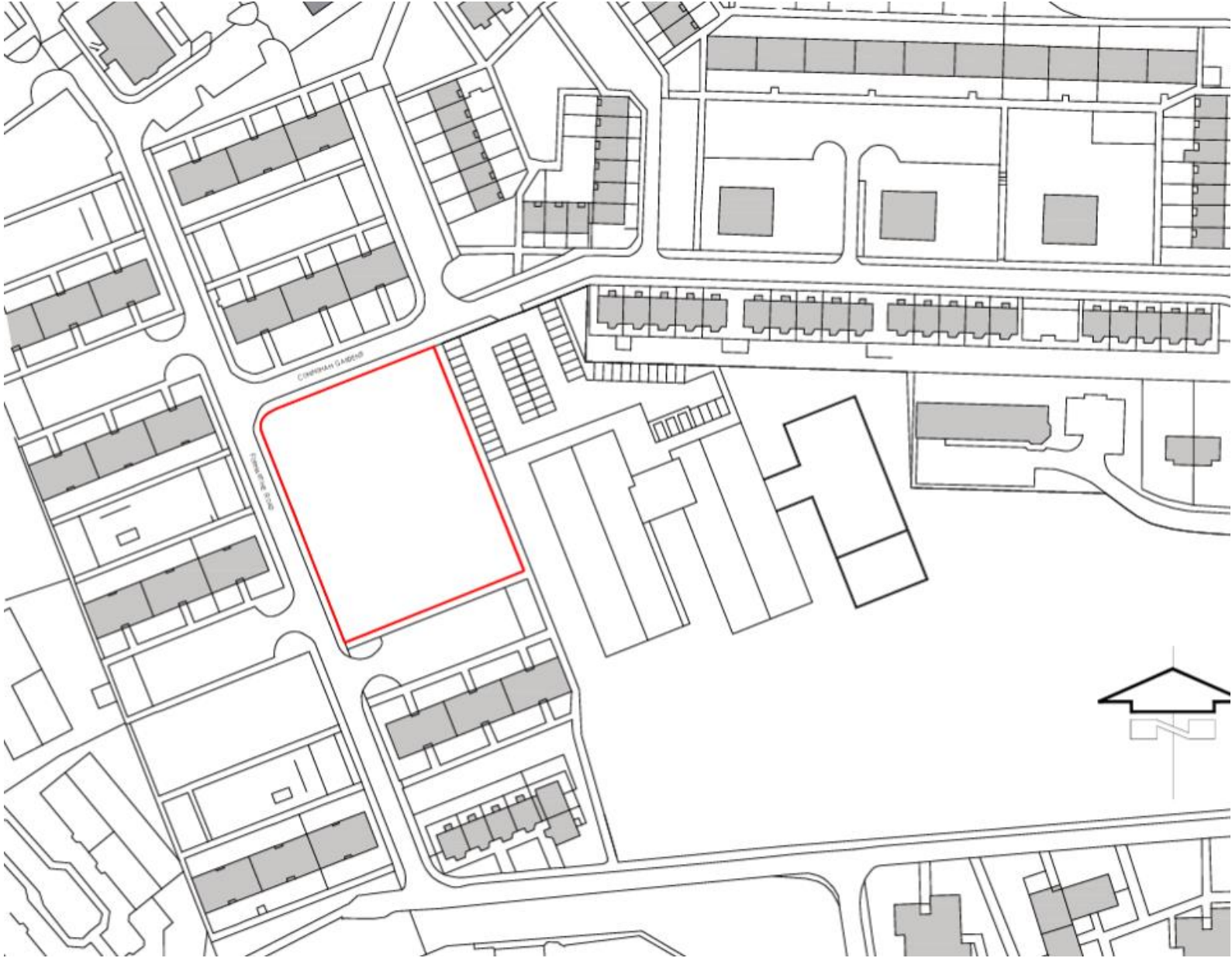


211056/DPP – Appeal against refusal of planning permission for:

Formation of community sport facilities with associated fencing and hard standing sports courts

Formartine Road / Coningham Gardens, Tillydrone
Aberdeen

Location Plan



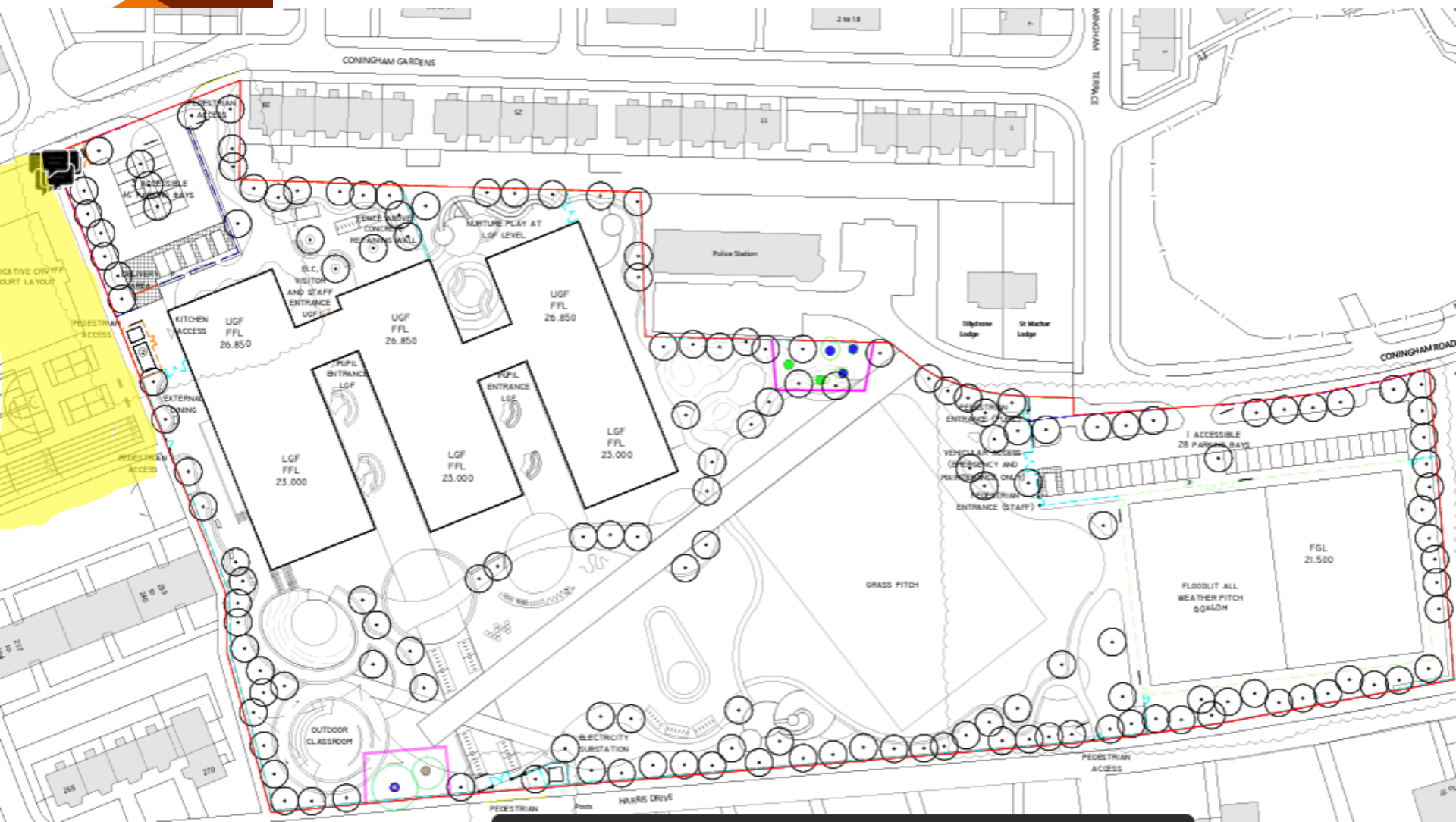
Aerial Photo: Location



Google 3D Image (2022)



Plans Approved for Primary School on site to east (Ref. 211511/DPP)



Block Plan: Proposed

IN CLOSE COLLABORATION WITH THE FOLLOWING PARTNERS WE ENHANCE ACTIVITIES ON THE

CRUYFF COURT NEALE COOPER

Street Sport Trust | Neale Cooper Court | Street Sport

www.cruyff-foundation.org

1500x1250mm
Court name to be confirmed
1 N.o

CRUYFF COURT NEALE COOPER

www.cruyff-foundation.org

1500x1250mm
Court name to be confirmed
1 N.o

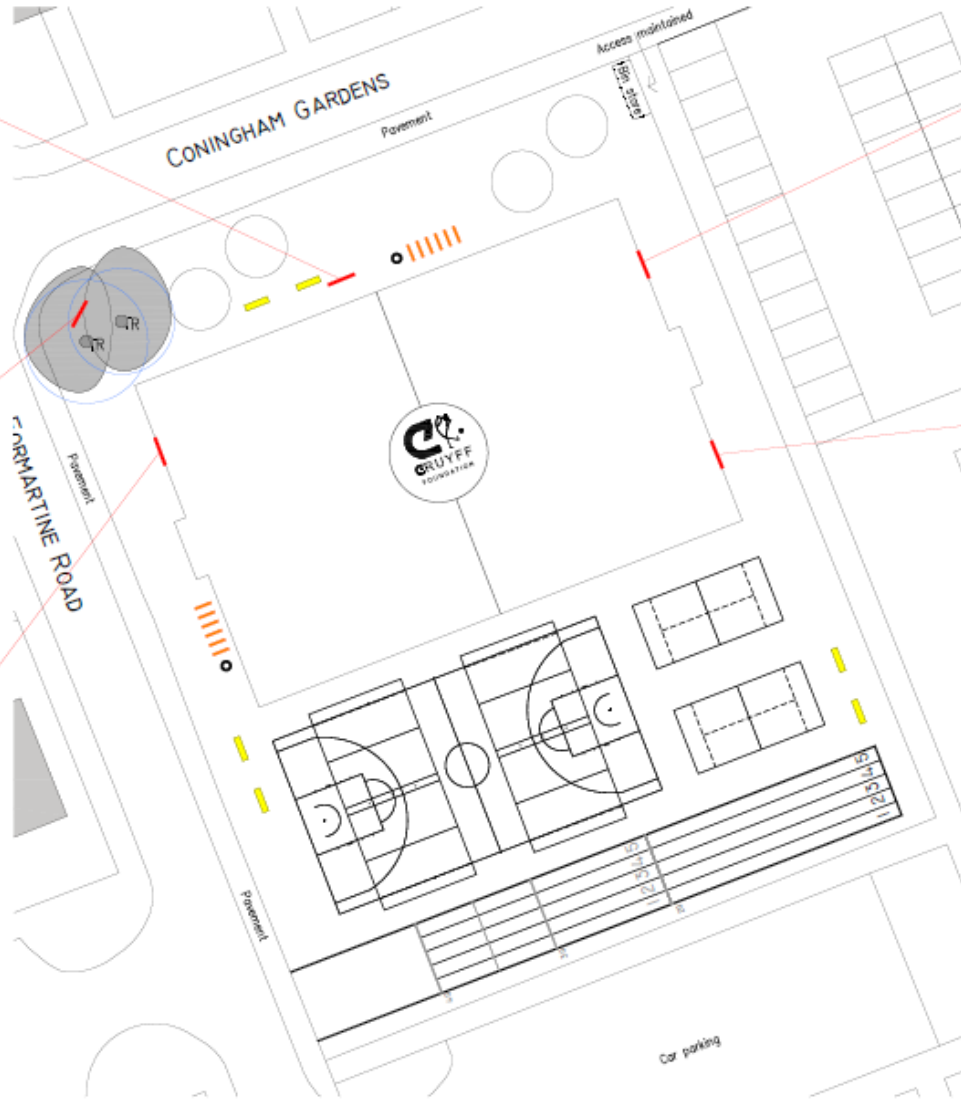
HOUSE GOALS

CRUYFF COURT NEALE COOPER

Players to take on these 'House Goals' to provide an extra challenge to their team.

1. Complete a set of 10 goals
2. Complete a set of 10 passes
3. Complete a set of 10 crosses
4. Complete a set of 10 set pieces
5. Complete a set of 10 long balls
6. Complete a set of 10 short passes
7. Complete a set of 10 through balls
8. Complete a set of 10 crosses
9. Complete a set of 10 set pieces
10. Complete a set of 10 long balls

1500x1250mm
Court name to be confirmed
1 N.o



Proposed site layout
1.200

THE 14 RULES OF JOHAN CRUYFF

1. PLAYERS
2. ASSISTANTS
3. REFEREE
4. GOALKEEPER
5. OFFICIALS
6. SPECTATORS
7. BALL
8. GOALS
9. FIELD
10. PITCH
11. EQUIPMENT
12. TIME
13. WEATHER
14. HEALTH

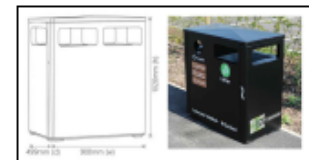
2400x1250mm
1 N.o

THE 10 GOALS OF DENIS LAW

Players to take on these 'House Goals' to provide an extra challenge to their team.

1. Complete a set of 10 goals
2. Complete a set of 10 passes
3. Complete a set of 10 crosses
4. Complete a set of 10 set pieces
5. Complete a set of 10 long balls
6. Complete a set of 10 short passes
7. Complete a set of 10 through balls
8. Complete a set of 10 crosses
9. Complete a set of 10 set pieces
10. Complete a set of 10 long balls

1500x1250mm
1 N.o



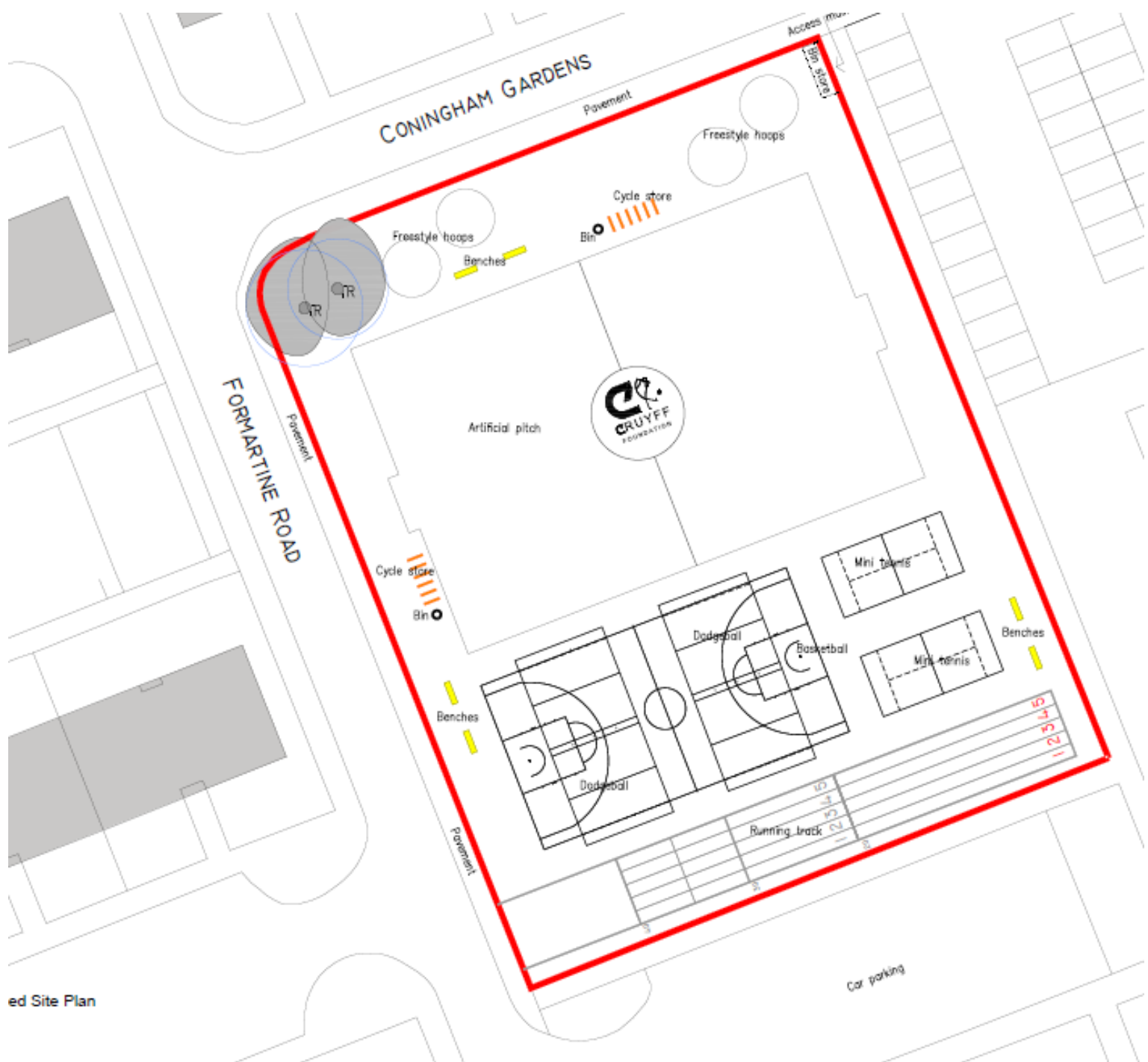
○ Bins



||||| Cycle stands

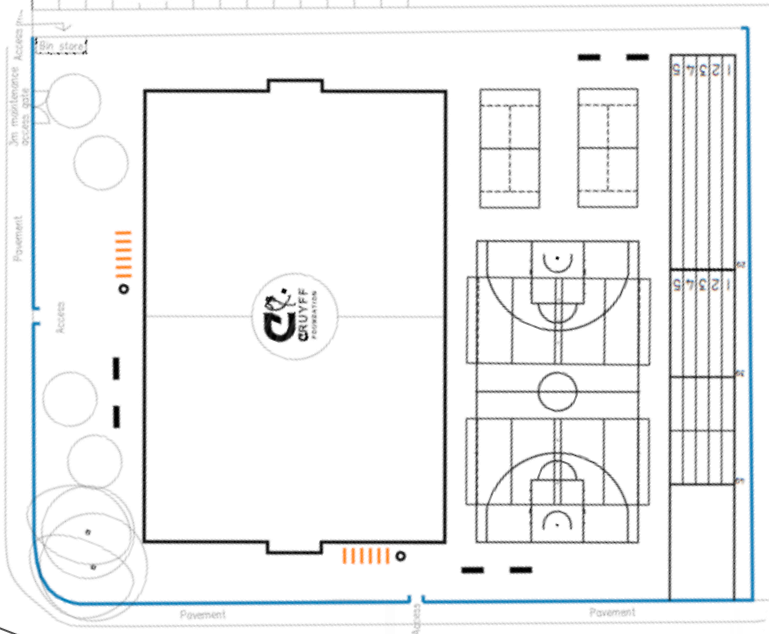


— Benches



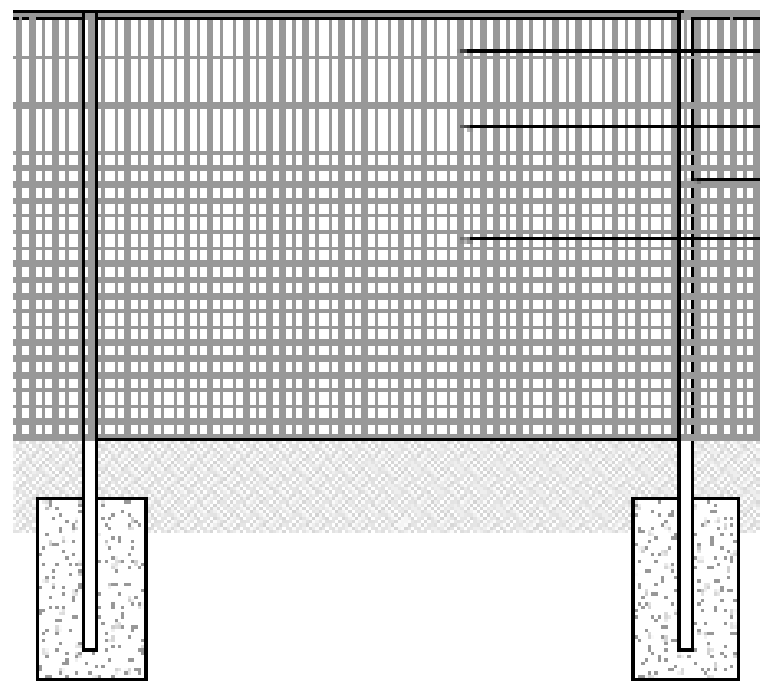
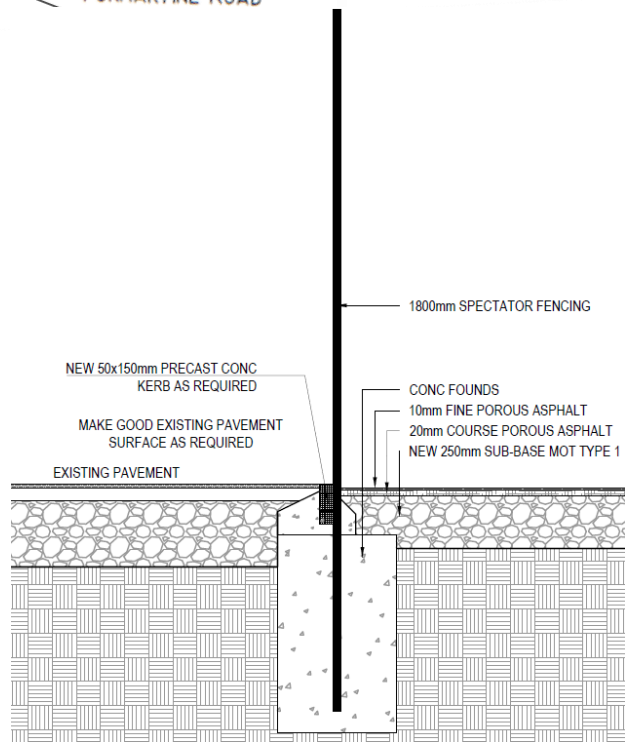
ed Site Plan

CONINGHAM GARDENS



FORMARTINE ROAD

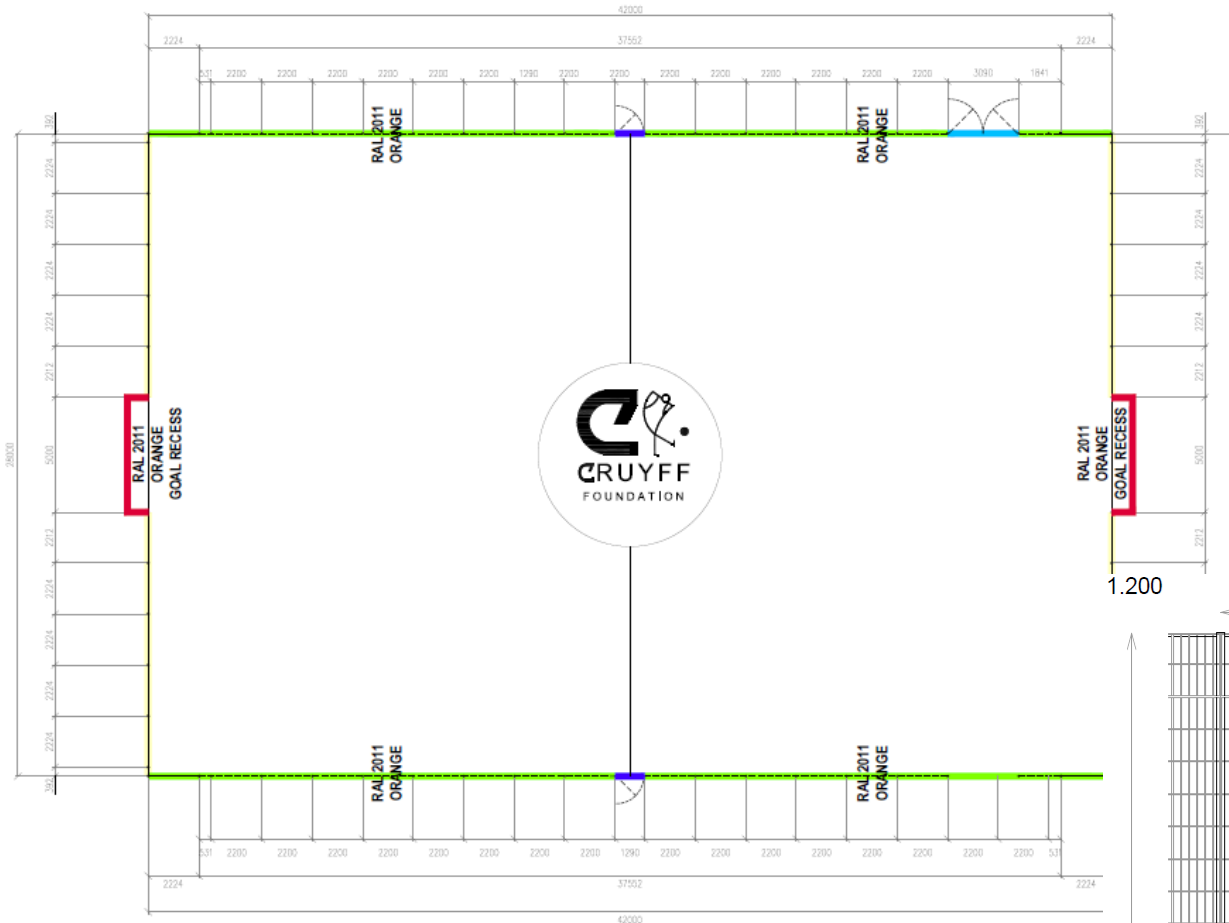
1800



- PANEL MESH IS 200 x 50mm
- COMPRISING TWO 8mm HORIZONTAL WIRES & A SINGLE 6mm VERTICAL WIRE
- BALL STOP FENCING PANELS SECURED TO POST AND LATERAL RAILS USING SLOTTED CLAMP BARS AND M8x30 CUP-SQ-RD BOLTS M8 SNAP-OFF ANTI-VANDLE NUTS.
- 80 x 40 x 3mm R.H.S. INTERMEDIATE POSTS
- 1.2M HIGH REBOUND PANEL MESH IS 50 X 50mm COMPRISING TWO 8mm HORIZONTAL WIRES & A SINGLE 6mm VERTICAL WIRE.
- FENCE & POST COLOUR TO BE RAL 5011 WITH 4 REBOUND PANELS ON THE LATERAL SIDES OF THE COURT TO BE RAL 2011 TO CREATE GOALS

Existing Site - trees





- 4000mm HIGH HERAS BALL STOP WITH REBOUND MESH
- HERAS FA GOAL RECESS 5000mm WIDE, 4000mm HIGH, 1000mm DEEP
- 1100mm HIGH SPECTATORS RAIL WITH REBOUND MESH
- 1200mm WIDE PEDESTRIAN GATE ACCESS WITH REBOUND MESH
- 3000mm WIDE VEHICLE GATE ACCESS WITH REBOUND MESH

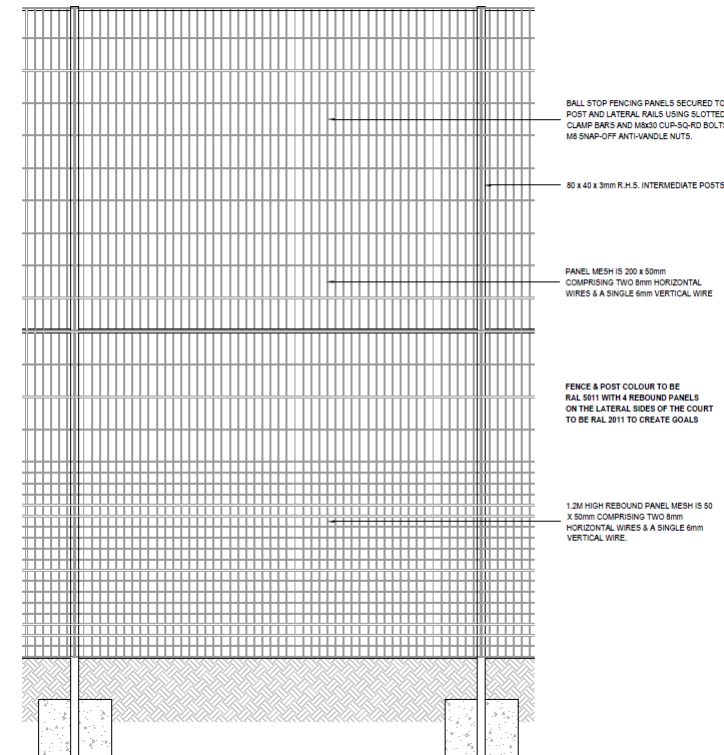
REFER TO FENCING DETAILS FOR INDIVIDUAL COMPONENTS AND STRUCTURAL SPECIFICATION

ALL COURT FENCING TO BE RAL 5011 EXCLUDING GOAL RECESSES AND 4 N.O HALF COURT GOAL PANELS RAL 2011

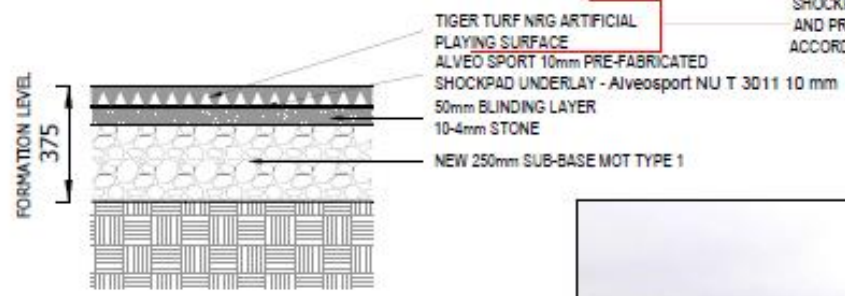
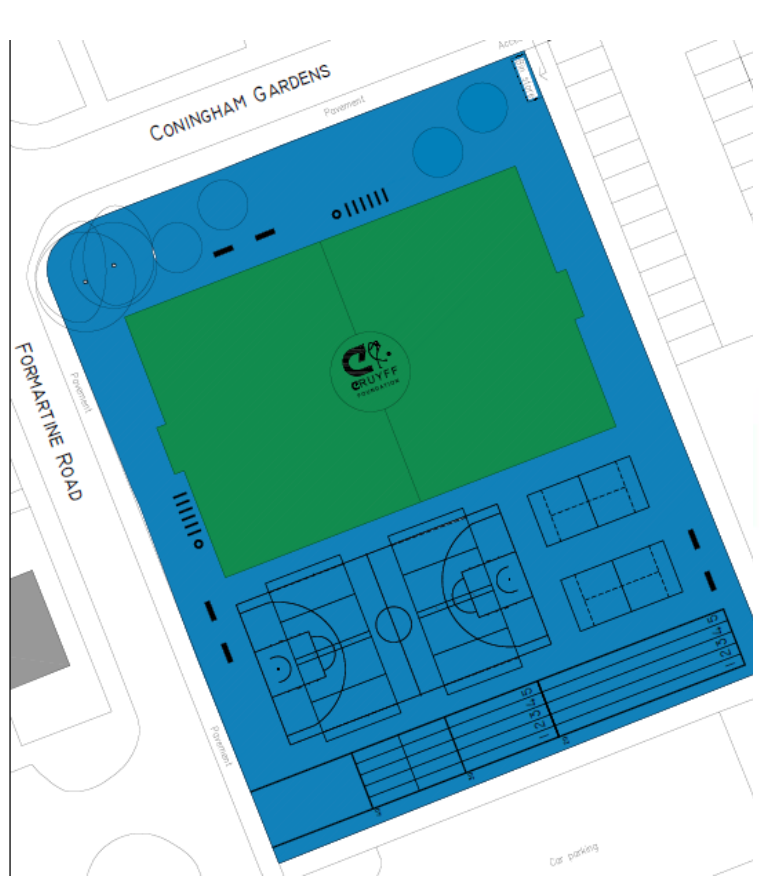
1.200

2500

4000

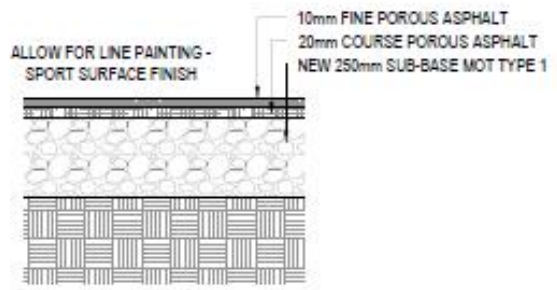


— HERAS FA GOAL RECESS 5000mm WIDE GOAL UNIT



SHOCKPAD UNDERLAY, PRODUCT INSTALLATION AND PROVIDE SAND INFILL (INFILL AS REQUIRED ACCORDING TO MANUFACTURES SPECIFICATION

Artificial pitch detail 1.10

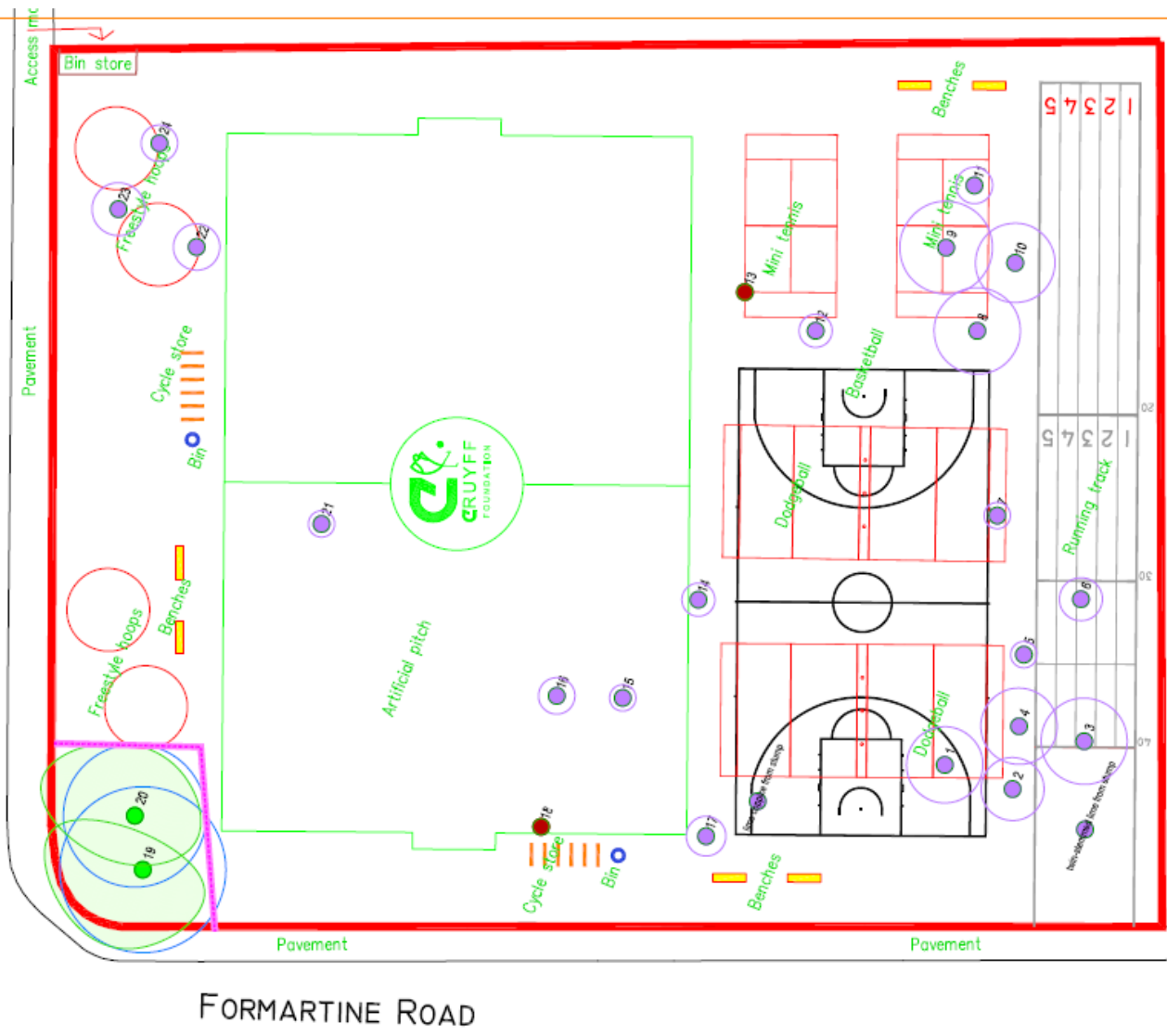


Hard standing sports area detail 1.10



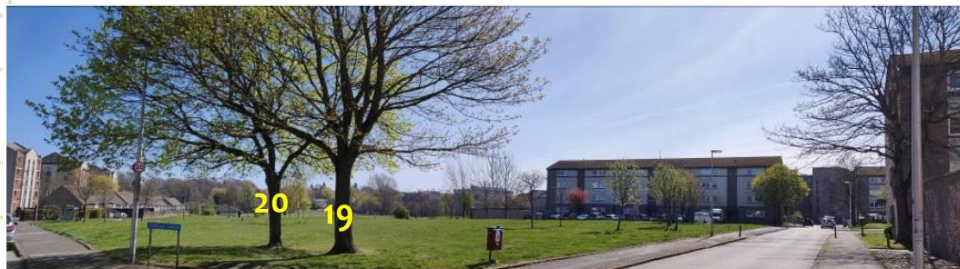
Trees

CONINGHAM GARDENS



- Trees to retain
- Fell for health and safety
- Fell for development
- ⌒ Root protection area - trees to be felled
- ⌒ Root protection area - trees to be retained
- Tree protection fencing
- Boundary

No	Species	Dia at 1.5m (cm)	Canopy Radius (m)				Height (m)	RPA (m)	Age	Class
			N	S	E	W				
1	Elm	19	2	1	1	2	5	2.3	S/M	C
2	Elm	16	1	2	1	1	4	1.9	S/M	C
3	Elm	22	2	3	2	2	5	2.6	S/M	B
4	Elm	19	2	2	2	2	5	2.3	S/M	C
5	Birch	7	1	1	2	1	3	0.8	S/M	B
6	Birch	11	1	1	2	1	4	1.3	S/M	C
7	Purple cherry	7	2	2	1	1	4	0.8	S/M	C
8	Norway maple	22	2	3	2	2	6	2.6	S/M	B
9	Populus tremula	23	2	3	3	2	7	2.8	S/M	C
10	Populus tremula	20	3	2	3	2	7	2.4	S/M	C
11	Populus tremula	9	1	1	1	1	4	1.1	M	B
12	Cot salicifolia floccosa	8	1	1	1	1	3	1.0	M	C
13	Cot salicifolia floccosa	6	1	1	1	1	3	0.7	M	U
14	Beech	8	2	1	1	1	3	1.0	Y	B
15	Beech	7	1	1	1	1	3	0.8	Y	B
16	Hawthorn	9	2	1	1	1	4	1.1	S/M	C
17	Rowan	10	2	1	2	1	4	1.2	S/M	C
18	Rowan	10	1	1	1	1	4	1.2	S/M	U
19	Norway maple	42	6	4	2	5	10	5.0	M	B
20	Norway maple	36	6	4	4	3	8	4.3	M	C



Reasons for Refusal

The reasons on which the Council has based this decision are as follows:-

1. That the proposed outdoor sports facility would adversely affect the character of the area by virtue of its scale and layout and would cause significant harm to the residential amenity of the area, contrary to Policies H1 (Residential Areas) and NE3 (Urban Green Space) of the Aberdeen Local Development Plan 2017 (ALDP).
2. That the proposed development would have a significant detrimental impact on the amenity of neighbouring residential properties in terms of noise emissions, contrary to Policy T5 (Noise) of the ALDP.

Applicant's Case for Review

- Proposal is a replacement for a previous community facility as part of another planning application
- Will satisfy local expectation for a new, free to use, high quality sports facility
- Tree survey (pre storms of 2021/2): 2 trees retained; of those to be removed 2no. Are Cat U (lowest quality), 12no. Cat. C – low quality or young and unremarkable; 10no. Cat B – moderate quality
- Proposal is of high quality design and materials, is visually appealing
- Locations for additional planting have been identified and could be considered by condition.
- Noise guidance is not representative of how the pitch would be used in practice. There would be some organised sessions and otherwise the use of the pitch would be no different to a city play park.
- In terms of policy NE3 – Urban Green Space – noted that change from existing green space to sports facility is acceptable in principle.
- Policy CF2 – new community facilities, Policy T3 – active travel- Policy NE6 – flooding and drainage- and Policy NE9 – access and informal recreation – as per report, proposals complies with these policies
- Design (D1) and trees (NE5) – additional planting proposed
- SPP and draft NPF4 supportive of type of facilities
- Alternative sites were considered and reasons given for this site being selected
- Tillydrone Locality Plan, LOIP and strategy for active Aberdeen

Relevant Planning History

160881/CLP – A Certificate of Lawful Proposed Development was issued in 2016 for the replacement of an existing hardcourt outdoor sports facility on Catherine Street with an astroturf ‘Cruyff Court’ multi-use games area (MUGA).

180834/DPP – Detailed planning permission was granted in 2018 for the erection of 34 residential flats on the site of a public sports facility (hardcourt football and basketball court), on land to the west of Harris Drive, approximately 150m to the south of the current application site. This is part of a larger development of 138 affordable flats on adjoining land to the east, under planning permission ref 161701/DPP. Planning permission 180834/DPP was granted subject to a legal agreement which includes a requirement for the applicant to pay a financial contribution of £209,000 to the Council, to be used towards the provision of a similar outdoor sports facility elsewhere in Tillydrone. Two potential sites for the alternative facility were identified as part of application 180834/DPP: The current application site and St Machar Park, adjacent to Tillydrone Avenue. The flats were completed in December 2021.

190980/DPP – Planning permission was granted in 2019 for the installation of a Cruyff Court multi-use games area (MUGA) on land to the east of Tullos Primary School. The Cruyff Court comprises a 42m x 28m astroturf football pitch, a hard-surfaced basketball court and mini tennis courts. The facility was constructed in 2019/20 and replaced a full-sized astroturf pitch.

Consultations

- Roads Team – No objection
- Environmental Health – Noise
- Community Council – No comment

Three Representations:

- Noise
- Hard surfacing
- Floodlights
- Loss of trees
- Alternative sites
- Parking needed
- Anti-social behaviour



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?

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

CF2: New Community Facilities

Policy **CF2** - New Community Facilities

Proposals for new community facilities shall be supported, in principle, provided they are in locations convenient to the community they serve and are readily accessible, particularly to public transport, pedestrians and cyclists.

Recycling centres shall be located on easily accessible sites and shall not be detrimental to residential amenity.

In significant greenfield and brownfield developments, where a likely need is identified through the masterplanning process, sites shall be reserved for new community facilities.

Any new emergency services facilities must locate where they can meet statutory response time requirements. In examining potential locations there shall be a preference for sites within the existing built-up area or within identified future development areas where there is no detrimental impact on residential amenity and where good access for emergency vehicles is available to the primary road network. Joint developments with other agencies providing community facilities should be investigated. Opportunity sites are identified on the Proposals Map.

Proposals for private children's nurseries shall also be subject to Supplementary Guidance.



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.

Policy NE6 (Flooding, Drainage and Water Quality)

Policy **NE6** - Flooding, Drainage and Water Quality

Development will not be permitted if:

- 1 It would increase the risk of flooding:
 - a) by reducing the ability of the functional flood plain to store and convey water;
 - b) through the discharge of additional surface water; or
 - c) by harming flood defences.
- 2 It would be at risk itself from flooding;
- 3 Adequate provision is not made for access to waterbodies for maintenance; or
- 4 It would require the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Drainage Impact Assessment (DIA) will be required for new development proposals comprising 5 or more homes or 250 square metres non-residential floorspace. DIA will also be required for developments of any size that affect sensitive areas. DIA should detail how surface water and waste water will be managed. Surface water drainage associated with development must:

- 1 Be the most appropriate available in terms of SuDS; and
- 2 Avoid flooding and pollution both during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided. Private wastewater treatment systems in sewered areas will not be permitted. In areas not served by the public sewer, a private sewer treatment system for individual properties will be permitted provided that the developer demonstrates that there will be no adverse effects on the environment, amenity and public health.



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

Policy D2 (Landscape)

Policy D2 - Landscape

Developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. In order to secure high quality development, planning applications for new development must include a landscape strategy and management plan incorporating hard and soft landscaping design specifications. The level of detail required will be appropriate to the scale of the development.

Quality development will

- be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls, hedges, copses and other features of interest;
- conserve, enhance or restore existing landscape features and should incorporate them into a spatial landscape design hierarchy that provides structure to the site layout;
- create new landscapes where none exist and where there are few existing features;
- protect and enhance important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
- provide hard and soft landscape proposals that is appropriate to the scale and character of the overall development.

Further guidance can be found within the Supplementary Guidance and Technical Advice Notes listed in Appendix 5.

Policy T3 (Sustainable and Active Travel)

Policy T3 - Sustainable and Active Travel

New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Street layouts will reflect the principles of Designing Streets and meet the minimum distances to services as set out in the Supplementary Guidance.

Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained at all times by the developer through provision of suitable alternative routes.

Recognising that there will still be instances in which people will require to travel by car, initiatives such as like car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

- Emphasis on encouraging active and sustainable travel (e.g. walking, cycling, public transport)
- Need to protect existing links and form new ones where possible
- Scope to also encourage car sharing and low-emissions vehicles, with associated infrastructure

Policy T5 (Noise)

Policy T5 – Noise

In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.

There will be a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive developments, such as existing or proposed housing, while housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.

Development within or near to Candidate Noise Management Areas (CNMAs) and Candidate Quiet Areas (CQAs) will not be permitted where this is likely to contribute to a significant increase in exposure to noise or a deterioration of noise conditions in these areas, or where this will reduce the size of, or cause an increase in the noise level within, the CQA.

Further information on NIAs, CNMAs and CQAs, including maps of these areas, can be found in the relevant Supplementary Guidance which should be read in conjunction with this policy.

- Noise Impact Assessments central to consideration
- Presumption against noisy developments being located close to noise sensitive uses

Points for Consideration:

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas)?

Loss of trees and replacement planting

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?*

Noise- findings of impact assessment

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

Conditions? (if approved – Planning Adviser can assist)