

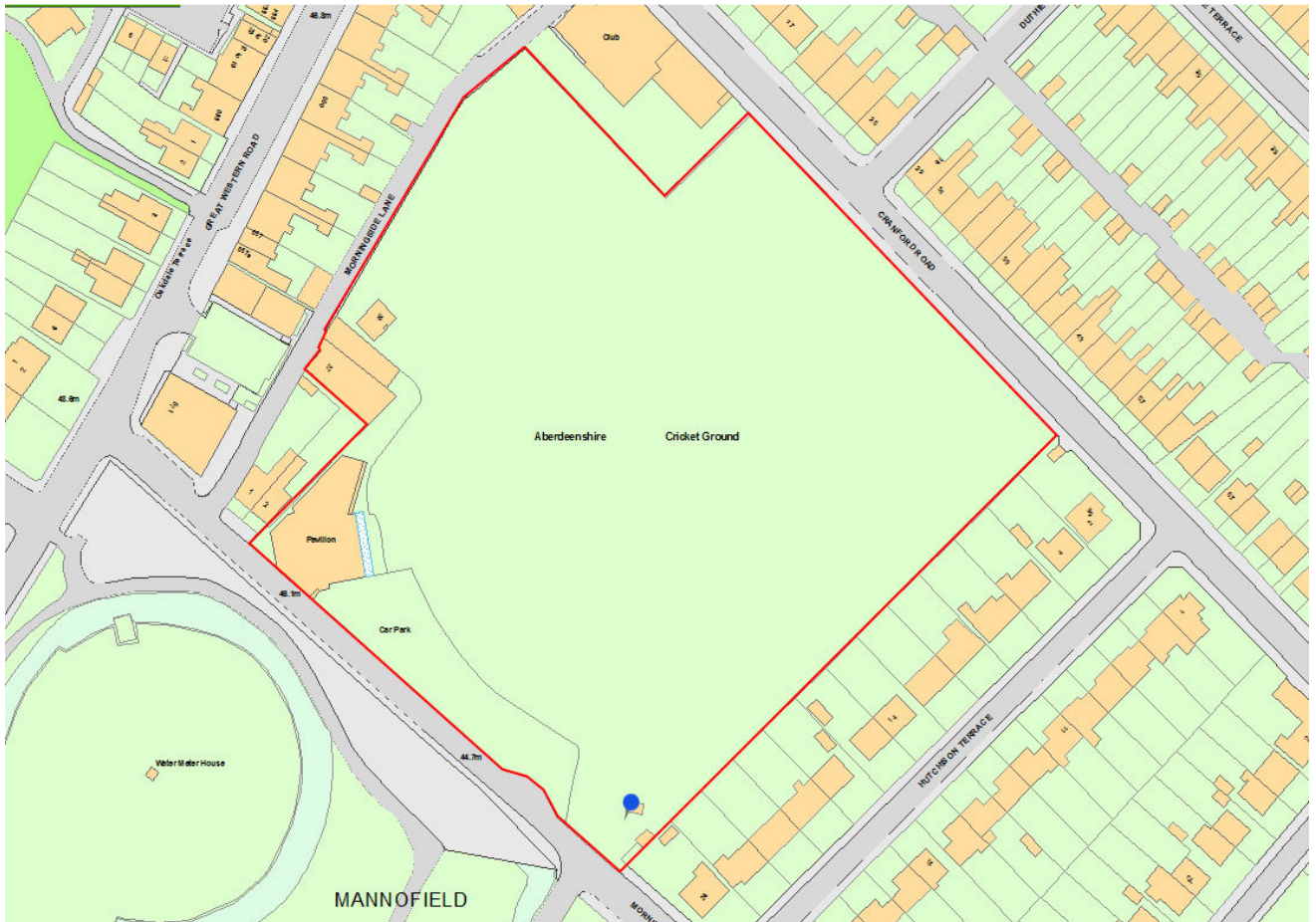
## MORNINGSIDE ROAD, MANNOFIELD

CONSTRUCTION OF NEW CRICKET  
STORE WITHIN CRICKET GROUNDS  
WITH 2 NO.SELF CONTAINED  
APARTMENTS ABOVE, ONE  
DESIGNATED AS GROUNDSMANS  
DWELLING

For: Aberdeenshire Cricket Club

Application Ref. : P111670  
Application Date : 08/11/2011  
Officer : Gareth Allison  
Ward: Airyhall/Broomhill/Garthdee (J Wisely/  
Yuill/G Townson)

Advert : Full Notify not poss.  
(neighbours)  
Advertised on : 30/11/2011  
Committee Date : 19 April 2012  
Community Council : Comments



**RECOMMENDATION: Approve subject to conditions**

## **DESCRIPTION**

The application refers to the Aberdeenshire Cricket Club, located on Morningside Road within the Mannofield area. Currently the site incorporates an international cricket pitch with club house, Groundsman's dwellings and various ancillary outbuildings and equipment.

## **HISTORY**

- **A7/1810:** Outline Planning Permission was conditionally approved for 'Existing office accommodation - first floor offices reconverted to 2no flats. Ground floor offices converted to workshop & changing accommodation for cricket club use. New building for 3no indoor nets. New link area. New 3 storey office block (1000m2)'. Condition 3 required the submission of a further application in respect of reserved matters no later than 3 years from the date of decision (06/12/2007). No application was forthcoming in this regard.
- **P091456:** Replacement House; Planning permission was granted to replace the existing Groundsman's dwellinghouse within the site.

## **PROPOSAL**

This application for detailed planning permission seeks permission to erect a new cricket store to replace an existing store to the southern most corner of the site. The unit would incorporate storage space at ground floor level, with 2 no. residential flats located at first floor level, one of which is designated as a new residence for the Groundsman. The applicant has confirmed that the other unit would be leased out by the Cricket Club as an asset to provide an additional financial income to the Cricket Club. Following the submission of the application, the proposal has undergone significant design and siting changes. In line with the degree of these changes, neighbours were re-notified of the revised proposals, which are now subject to this determination.

## **REASON FOR REFERRAL TO SUB-COMMITTEE**

The application has been referred due to a formal objection being lodged from Braeside and Mannofield Community Council.

## **CONSULTATIONS**

ROADS SECTION –	No observations
ENVIRONMENTAL HEALTH –	No observations received
COMMUNITY COUNCIL –	Objects on grounds of privacy

## **REPRESENTATIONS**

3 No. representations were received in response to the originally submitted plans from neighbouring property owners. As noted above, neighbours were re-notified of the proposal following significant design/siting changes. Following this, 2 No. letters of representations were again submitted by neighbours who had submitted previously. Photographs were also submitted and these have also been taken note of. A formal objection was also received from the Braeside and Mannofield Community Council. The main concerns of all the representations received, both before and after re-notification, including that of the Community Council, can be summarised as follows.

- Finish: The plans do not specify the proposed external finishes or that the finishes would match those of the surrounding residential properties; rather it would appear to match development to the northern end of the site.
- Height: The proposed unit will be higher than surrounding residential properties, overbearing and out of context for the area.
- Location: The proposed location is within close proximity to neighbouring properties and will have an overbearing impact on these properties. Furthermore it would be more beneficial to contain any development within the north of the site.
- Mixed Use: The proposal is for mixed use of commercial and residential which is not suitable for its location.
- Adjoining Land Use: The proposed use of the land immediately surrounding the proposal is not specified and may cause potential nuisance or hazard to neighbours.
- Residential Use: One of the apartments is designated as the Groundsman's dwelling; however the use of the other unit is not specified and may be used for commercial purposes.
- Loss of Open Space: Approval of the application would result in the loss of valuable amenity space.
- Privacy: The development will pose a threat to privacy by way of over-looking from windows.
- Overshadowing: The proposed development will overshadow neighbouring properties to the south.
- Car-Parking: Approval of the application would result in a loss of car-parking within the site which will increase pressure on car-parking within the surrounding area.
- Services: By way of its location and siting to the south of the site, servicing the site will result in additional disruption to both pedestrians and vehicle users.
- Drainage: Additional run-off from the hard standing areas will exacerbate the existing drainage problems in the area.
- Store Use: A proposed store in this location may cause a nuisance to neighbouring amenity by way of noise and fumes, delivery of items, storage of hazardous materials etc.
- Ventilation: The proposed plans do not include ventilation details, and there are concerns that ventilation to the side (gable) elevation would cause a nuisance to neighbouring amenity.
- Relocation of Score Board: The plans do not specify where the removed scoreboard will be relocated to.
- Building Warrant: A building warrant has been submitted prior to the planning application, with preparatory works having been carried out on site. The building warrant may not reflect the changes made during the planning process.
- Previous Application A7/1810: Planning permission was granted under A7/1810 for development to the north of the site, including 2 no. residential flats and is still current. Approval of this application would result in permission being given for 2 No. units in addition to those already granted in 2007.
- Previous Application P091456: Planning permission was granted under P091456 for a replacement Groundsman's dwelling on the north of the site. If

this application is approved, there is no guarantee that the existing dwellinghouse will be removed and the scenario exists for 3 No. units to be present within the site at one time.

The above concerns are addressed in full in the evaluation section below.

## **PLANNING POLICY**

### **1. Aberdeen Local Development Plan Policy**

Policy D1: Architecture & Placemaking: *new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as scale, massing, colour, materials, details, the proportions of building elements and landscaping will be considered in assessing this.*

Policy NE1: Green Space Network: *Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.*

Policy NE3: Urban Green Space: *development will only be acceptable provided that there is no significant loss to the landscape character and amenity of the site and adjoining areas. Public access should be either maintained or enhanced; the site should have no significant wildlife or heritage value and there should be no loss of established or mature trees. Development should also be consistent with the terms of Scottish Planning Policy.*

### **2. Scottish Planning Policy**

Open Space & Physical Activity: *Planning authorities should support, protect and enhance open space and opportunities for sport and recreation.*

## **EVALUATION**

The key issues when determining this application are to ascertain whether the proposal is consistent with the Aberdeen Local Development Plan and Scottish Planning Policy, and if not; whether material considerations justify a departure or if any arising issues can be resolved by planning conditions. In this instance the starting point is to establish if the principle of such a use within the site is acceptable, and if so, to then ensure that the proposal is acceptable under policy and guidance with regards its design, location, and potential impact on public amenity. Following a detailed assessment of the site, the submitted plans and all information provided, the subsequent conclusions have been reached.

### Loss of Green Space

- The loss of outdoor green space is restricted mainly to an incidental area of to the south of the cricket pitch, which currently houses a store and signboard tower.
- Such space has little recreational or visual amenity value and cannot be considered to be functional open space.
- In any case, the area lies within the curtilage of a private cricket club and could be considered to be mainly private open space as opposed to the public open space that local development plan policy and Scottish Planning Policy is primarily intended to protect.

- For these reasons, the loss of the specific area of ground is not considered detrimental to the overall landscape character and amenity of the site.
- Furthermore, access to the site will be maintained, and the site itself is not considered to be of significant wildlife or heritage value.
- There are no trees within the site that would be affected by the development.

#### Proposed Use

- The proposed use can be split into two distinct categories.
- The ground level storage space is considered incidental to and ancillary to the general maintenance and ongoing functionality of the site. The proposed specifications of this storage space have been informed by requirements of the associated equipment; dictating the overall width, length and height of the ground floor space.
- At first floor level, the 2 No. apartments would clearly be residential in nature. One is designated as being the Groundsman's official residence, which is again considered incidental to the general use of the site and the long-term functionality of the site.
- The second unit has been confirmed as being an additional asset of the Cricket Club, with the intention of leasing it throughout the year to create additional revenue; revenue which could theoretically enhance the recreational facilities within the site.
- It should be noted that planning legislation does not require an applicant to designate or connect a residential unit to specific residents; rather it is for the Planning Authority to determine if a residential use is appropriate for the site in question.
- In this instance, the use of the ground floor as storage space and the Groundsman's dwelling at first floor level is considered relevant to the ongoing functionality and long-term recreational viability of the site as a whole.
- The ability to fit an additional unit at first floor level is not considered inappropriate in this instance as the overall footprint, and certainly the ground floor massing of the unit, have been dictated by the storage space requirements.
- The additional residential use is therefore not considered detrimental to the use of the site as it would not result in the loss of any land above that which would already be lost to accommodate the storage unit.
- For these reasons, it is considered that the proposed use of the proposal within this site is acceptable, subject to compliance with other relevant policies and guidance and in particular the impact on public amenity.

#### Context and Setting

- Any new development must be designed for its context and make a positive contribution to its setting. It is important in this instance to recognise that the immediate context and setting of the site are, primarily, the Cricket Club itself.
- The surrounding residential area would be secondary in terms of context; however appropriate weight and consideration will always be given to the protection of neighbouring privacy and amenity.
- For its immediate context and setting, the proposal is considered to be of suitable scale, massing and design. Indicated external finishes would appear to be in keeping with other development within the site. A condition is

attached to ensure that all external finishes are confirmed and approved in writing.

- It is noted that the height, scale and finishes do not match those of surrounding residential properties; however there is no reason why these features would be unsuitable for its location within the site. With its unique nature by way of differing uses, the unit was not designed strictly as a residential unit and theoretically is not located within a residential site. Therefore there is not the same requirement to directly reflect surrounding residential character in the same way as with a stand-alone dwellinghouse within a residential plot.
- Notwithstanding this, the proposal has gone through significant design changes during the process of the planning application to ensure that it does respect the character and amenity of the surrounding residential area. The purpose of these changes was to introduce specific features that would be more reflective of a residential area than was originally proposed, including; the re-siting of the proposal to form a logical relationship to the main road; the appearance of a principle frontage to address the streetscape; a reduction in scale and massing; lowering of wallhead heights; introduction of gable ends and dormer windows; removal of windows on the gable ends; and the concentration of large glazing areas to the north-eastern and north-western elevations, orientated towards the centre of the site.
- These features and changes are considered sufficient to result in a suitable development for the site itself but one that also goes to sufficient lengths to respect and address the surrounding area.

#### Privacy and Amenity

- Whilst not set within a residential site, all development must have regard to the residential character and amenity of adjoining sites. In this regard the proposal has been fully evaluated to determine what impact, if any, it would have on the surrounding area and in particular the properties on Hutchison Terrace.
- During the negotiations with the Planning Authority, it was agreed to relocate the proposal. It is acknowledged that it would now be located only 5 metres from the south-eastern boundary, and therefore the potential exists to directly affect no. 26 Hutchison Terrace.
- However the following must also be considered:
  - Moving it further into the site would result in the footprint encroaching onto the cricket pitch.
  - The changes made during the design process also ensured that no glazing units are proposed on the south-eastern gable elevation at either ground floor or first floor level; therefore there would be no overlooking or privacy concerns for no. 26.
  - The proposal will be one and a half storeys with hipped roof profiles (7.6 metres at its highest point) and located approximately 19 metres from no. 26 at its closest point. With such a combination of scale and separating distance, the proposal would not be considered overbearing.
- The direct impact on no. 26 Hutchison Terrace would therefore be regarded as minimal for the above reasons.
- Beyond no. 26 Hutchison Terrace, the closest property would be no. 24 Hutchison Terrace. The potential impact on this property differs from that on

- no. 26 in such terms as the proposed gable end would be visible from the garden of no. 24, with a proposed window at first floor level.
- The level of such an impact can be measured in terms of impact on neighbouring privacy via window to window; and impact on amenity by way of over-looking private garden ground:
    - Council guidelines on window to window distances specify that where windows are set at right angles, the minimum distance required to protect privacy is 2 metres. In this case, the windows are set at right angles and are located approximately 27 metres apart.
    - In terms of overlooking of garden ground, it is worth noting firstly that there would be no overlapping of boundaries, with screening of the northern section of garden ground provided along the boundary by way of mature trees and shrubbery. Furthermore, the window at first floor level would be located approximately 9 metres from the boundary, with an off-set of 90 degrees. This combination of screening, distance and angles means that any potential for overlooking of garden ground would not be of a sufficient level to pose a significant threat to neighbouring amenity. Indeed it is noted that the impact would be significantly less than currently exists from the windows of no. 22 or no. 26 Hutchison Terrace.
  - Having regard for the above points, with no perceived threat to privacy and amenity, there would appear to be no justified requirement to impose boundary screening of any form in addition to what currently exists; request further changes to the proposal; or to recommend refusal of the application.

#### Overshadowing & Loss of Sunlight / Daylight

- Owing to the arc of the sun and its natural movement, there is potential for slight overshadowing of the most northern part of no. 26's rear garden. However, given the likely time of day and length of time that such an impact would occur (summer time; late afternoon/early evening), the impact would be considered no greater than currently exists as a result of the existing boundary screening.
- Importantly, given its location, the proposal will neither overshadow nor reduce the amount of daylight or sunlight of any neighbouring property.

#### Car-Parking and Access

- The proposal has been evaluated by the Council's Roads Officer, who has no objections, with the existing car-parking and access considered suitable to serve the proposed units in addition to the current requirements.
- It is worth noting that the existing area of land is not designated for car parking, and whilst it is not argued that cars would use this area for car-parking at various times, it is not included when evaluating the existing and proposed car-parking levels within the site as a whole.

#### Letters of Representation

- All concerns relating to finishes, scale, proximity to boundaries, nature of proposed use, loss of open space, privacy, boundary screening, overshadowing, car-parking and access have been addressed above in full. The remaining concerns are addressed as follows:
  - Mixed Use: The proposed mixed use of storage space and residential space are considered acceptable for the reasons noted previously. The proposal does not include commercial use. Any use of the building other

than that included within this application would require an application for a change of use.

- Adjoining Land Use: The use of the remaining land within the site will be unaffected by the proposal; thus remaining within its current use. Any nuisance caused to neighbours from within the site, as would have been the case prior to the development, would be a separate matter and not a material consideration of this application. The Council provides specific services to deal with such issues.
- Services: Development of any kind will result in varying levels of disruption to road users and the surrounding area in general. However this is a short term impact and is not material consideration in the evaluation of the planning merits of an application.
- Drainage: Proposed drainage for the site can be controlled by condition, ensuring that the development meets the recommended standards for sustainable urban drainage systems. A condition is attached in this regard.
- Store Use: The primary function of the proposed unit is as a Groundsman's store, as such it would be anticipated that equipment will be stored within the unit. Any nuisance arising from the use of equipment is likely to be limited as the equipment would then be taken elsewhere within the site for use. With regards the general nature and use of the first floor as residential units, all windows and doors have been orientated to face away from neighbouring sites, with most glazing facing inwards to the cricket pitch. This would further reduce the opportunity for nuisance to be caused by residents.
- Ventilation: Ventilation proposals would be fully assessed by Building Standards through the application for a Building Warrant.
- Relocation of Score Board: The removal of the scoreboard does not require planning permission; however the erection of a new scoreboard may require permission depending on its nature and location. The applicant is fully aware of this requirement and is currently in negotiations with the Planning Authority in this regard. If planning permission is required, it would be dealt with through a separate application and is not a material consideration in the determination of this application.
- Building Warrant: Development cannot be carried out without the appropriate planning permission and building warrants, and where these are obtained, the development should be carried out in full accordance with the approved plans. It is for the applicant to ensure that plans for the building warrant fully match those of the planning permission. Any deviation or variation from the approved planning application would constitute a breach of planning control; a situation that the applicant is fully aware of.
- Previous Application A7/1810: Application A7/1810 was outline planning permission, approved conditionally in 2007. Condition 3 of this permission required that an application for reserved matters should be submitted within 3 years of the decision date. As a further application was not forthcoming within this time-scale, the permission granted under A7/1810 has now expired and is therefore no longer valid.



- Previous Application P091456: It is acknowledged that planning permission was granted under P091456 for a replacement Groundsman's dwelling on the north of the site. Likewise the Planning Authority recognises that approval of this application cannot guarantee the removal of the existing unit to the north. Therefore the potential scenario does exist for a total of 3 No. residential units to be present within the site at one time. This fact has been considered in full, and it is concluded that the presence of a residential unit to the north of the site would not justify the prevention of 2 No. units being built on the south side of the site. In such an instance, the determining issues remain that the application for 2 No. residential units in the proposed location should be assessed on its own merits against the relevant policies of the Local Development Plan and Scottish Planning Policy. This has been carried out in full, and for the reasons noted above it is concluded that the nature, use and location of the proposed development would not be detrimental to the use of the existing site or the public amenity within the surrounding residential area.

In conclusion, it is considered that the individual merits of the proposal meet the requirements of the Local Development Plan and Scottish Planning Policy, having regard for all material considerations and subject to appropriate conditions. As such the application is recommended for conditional approval.

## **RECOMMENDATION**

**Approve subject to conditions**

### **REASONS FOR RECOMMENDATION**

The proposal is considered to be compatible with the Local Development Plan and Scottish Planning Policy. It would not result in the loss of functional public open space and would directly contribute to the long-term functionality and recreational viability of the cricket ground whilst ensuring that the residential and visual amenity of the wider neighbourhood is not compromised. All issues of car-parking and access have been fully addressed, with remaining issues such as drainage being controlled through condition.

Careful account has been taken of the planning history relating to the site and full consideration has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application. All other relevant material considerations have been considered, and in line with these it is recommended that the application be approved subject to appropriate conditions.

**it is recommended that approval is granted with the following condition(s):**

(1) 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.

(2) 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.

(3) 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 9.00 am to 4.00 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.