

FERGUS HOUSE, FERGUS PLACE, DYCE

THE INSTALLATION OF SOLAR PHOTOVOLTAIC (PV) PANELS ON THE SOUTH FACING ROOF OF THE PROPERTY.

For: Aberdeen City Council (C/O Agent)

Application Ref. : P121729
Application Date : 14/12/2012
Officer : Sally Wood
Ward: Dyce/Bucksburn/Danestone(B
Crockett/G Lawrence/N MacGregor/G
Samarai)

Advert : Full Notify not poss.
(neighbours)
Advertised on : 09/01/2013
Committee Date : 15 February 2013
Community Council : No response received



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

Fergus House is located within Dyce, which is situated to the north-west of Aberdeen. Fergus House is a residential care home. The building is located on the western side of the A947 (Victoria Street), and has a principal elevation which faces onto this road. The building is located within a primarily residential area. The location of the proposed development is on the south-west elevation of the building.

The building is set back from the A947 by a minimum of 15 metres, and is set at a lower level than the road. There are some trees located within the area of garden between the building and the road which partially screens views of the building. The building is two storeys in height, external materials include off-white harl and concrete roof tiles.

The location of the proposed development will be clearly visible from the A947 Victoria Street and Liddell Place.

The site is identified as being within a Residential area as allocated within the Aberdeen Local Development Plan (2012)

The development had already been completed at the time of the site visit in early January 2013.

HISTORY

Aberdeen City Council has applied for the 'Rent a Roof' scheme and is in the process of installing solar panels on a number of public buildings around the City, which include sheltered housing developments, schools, offices and Council depots. The scheme involves the Council buying the electricity generated by the panels to power Council buildings. A number of the proposals require planning permission and/or Listed Building Consent.

PROPOSAL

Detailed planning permission is sought for the installation of solar photovoltaic (PV) panels on the roof of the residential care home, on the south-western elevation. At the time of the site visit the PV panels had already been installed. There are a total of 108 PV panels. The PV panels are joined together in lines and fixed to a frame mounting system. The array is positioned facing south-east to maximise solar gain. The highest part of the array sits just above the roof plane. Each solar panel measures 1.65 metres long by 0.922 metres wide, and 0.046 metres thick, and are dark blue in colour.

REASON FOR REFERRAL TO SUB-COMMITTEE

The applicant is Aberdeen City Council and therefore the application does not fall within the Council's Scheme of Delegation and requires to be determined by the Development Management Sub-Committee.

CONSULTATIONS

Roads Section – comments, No observations.
Environmental Health – comments, No observations.
Flooding – comments, No observations.

REPRESENTATIONS

None.

PLANNING POLICY

Scottish Planning Policy (SPP) February 2010 – The Town and Country Planning (Scotland) Act 1997 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Material considerations should be related to the development and use of land (25.)

The planning system should promote development that supports the move towards a more economically, socially and environmentally sustainable society (35.).

Planning Advice Note 82 : Local Authority Interest Developments – Council's planning officials and committee are to reach a decision in accordance with the development plan, unless material considerations indicate otherwise.

Aberdeen Local Development Plan, 2012.

Policy D1 Architecture and Placemaking – To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy H1 Residential Areas – within existing residential areas proposals must not adversely affect residential amenity.

Policy R8 Renewable and Low Carbon Energy Developments – Development of renewable and low carbon energy schemes is supported in principle if proposals; do not cause significant harm to the local environment (including the character and appearance of listed buildings); do not negatively impact on air quality; do not negatively impact on tourism; do not have a significant adverse impact on the amenity of dwelling houses.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

Tesco Stores Ltd has submitted an appeal to the Supreme Court against the decision of the Inner House of the Court of Session to refuse its application to quash the Aberdeen Local Development Plan. Tesco has been unsuccessful regarding both an interim suspension and a full appeal in front of three judges in the Inner House and the Council has received robust advice from Counsel that the reasoning of the Inner House is sound and there are strong grounds to resist the appeal.

Planning applications continue to be determined in line with the Aberdeen Local Development Plan but the appeal is a material consideration and the Council has to take into account the basis for the legal challenge when determining applications. It should also be pointed out that the Court indicated that, even if Tesco's arguments had found favour, it would have been inclined to quash the plan only in so far as it related to Issue 64 (Allocated Sites: Woodend...Summerhill... etc.) and that it would be disproportionate to quash the whole plan.

This evaluation has had regard to and taken into account the legal challenge. None of the policies or material considerations which apply to this application would be affected by the terms of Tesco's challenge. The recommendation would be the same if the application were to be considered in terms of the 2008 Aberdeen Local Plan.

Scottish Planning Policy states that development which is sustainable should in principle be supported.

The proposed PV panels are located on the south-west roof slope of the Fergus House residential care home. It is considered that the PV array has some visual impact upon the building, and is clearly in view from Victoria Street (A947) and partially from Liddell Place. Due to the profile of the roof, and the distance between the development and the road, in excess of 15 metres, it is considered that the proposal does not have an adverse impact on visual amenity. The building is relatively modern in its use of materials and design, and it is therefore considered that the proposal's visual impact is minimal. The nearest residential property is in excess of 30 metres, it is therefore considered that the proposal does not have an adverse impact on residential amenity.

The PV array has been designed and located to maximise solar gain. The panels are located on frames which run parallel with the pitch of the roof. The application is accompanied with a design statement and other supporting information, which comments that the installation of the solar panels would have a positive contribution in raising awareness to the needs of renewable energy.

It is considered that the panels do not negatively impact on air quality or on tourism, given their location and therefore it is considered that the proposal complies with planning policies D1, H1 and R8 and of the Local Development Plan (2012).

In conclusion, the PV array has some visual impact upon the building and immediate locality, but it is not considered detrimental to either the visual or residential amenity as described above. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The visual impact of the proposed solar (PV) panels is acceptable upon the appearance of the building and does not detract from the overall visual amenity of the area in accordance with Planning Policy R8, and as such the panels have been designed with due consideration for their context, in accordance with Policies D1 and H1 of the Aberdeen Local Development Plan; and Scottish Planning Policy (SPP).

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

(1) The monitoring equipment and Inverter shall be located internally within the building, unless otherwise approved in writing by the Planning Authority. Should the monitoring equipment and Inverter be installed externally then full details of their location, including block plan and elevation plan(s) to scale, shall be submitted to the Planning Authority for consideration. The development thereafter shall be fully completed in accordance with the details approved in writing. - The application details failed to show the location of the proposed monitoring equipment and inverter, should they be installed externally then details are required to be submitted for approval in the interests of visual amenity and for the purposes of clarification.

Dr Margaret Bochel

Head of Planning and Sustainable Development.