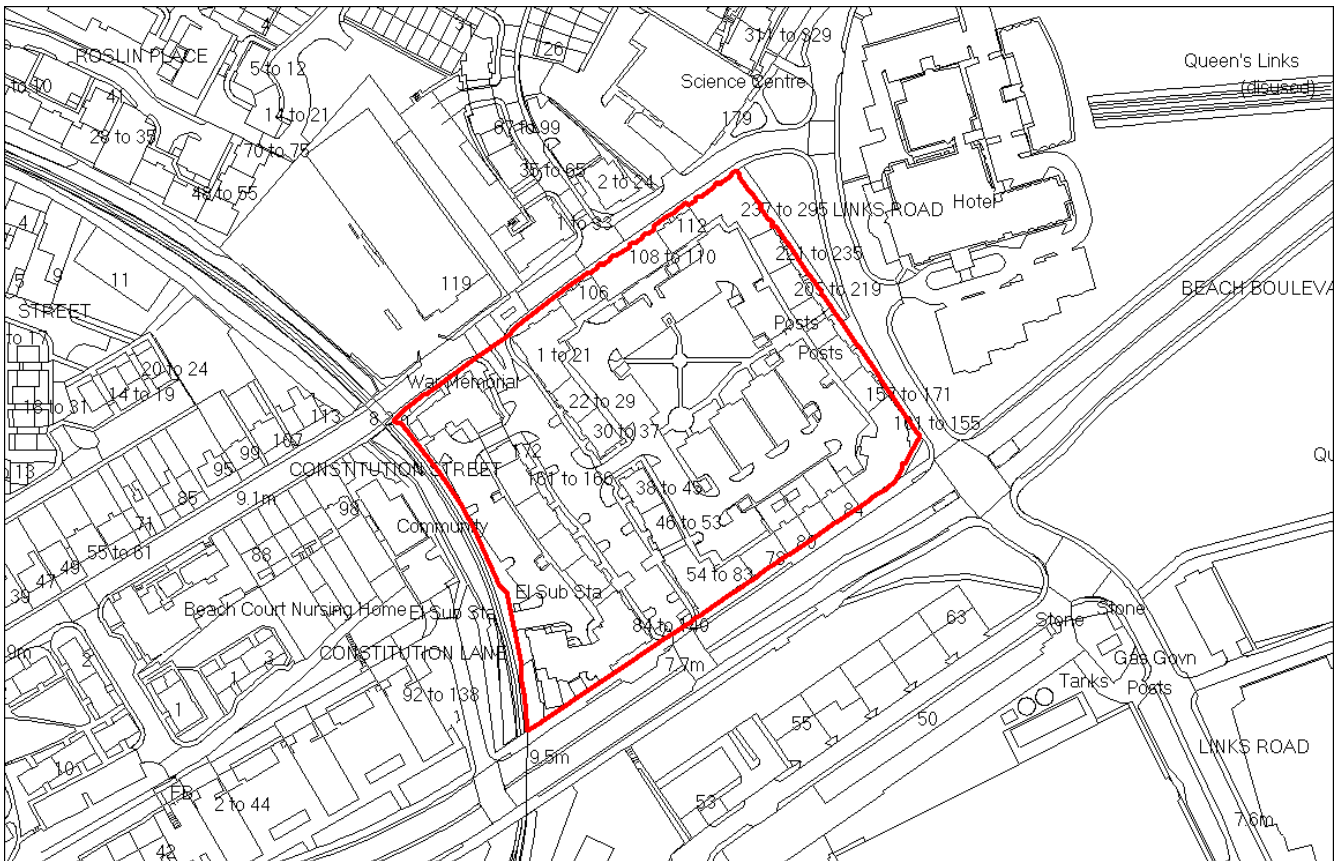


BANNERMILL DEVELOPMENT, BANNERMILL PLACE, ABERDEEN

INSTALLATION OF PEDESTRIAN AND VEHICULAR ACCESS GATES

For: SPMS Aberdeen

Application Type : Detailed Planning Permission	Advert : Can't notify neighbour(s)
Application Ref. : P130020	Advertised on: 30/01/2013
Application Date: 08/01/2013	Committee Date: 13 June 2013
Officer: Gavin Evans	Community Council : No response received
Ward : George Street/Harbour (A Morrison/N Morrison)	



RECOMMENDATION: Refuse

DESCRIPTION

The application site is the 'Bannermill' residential development, situated to the north of Beach Boulevard, mid-way between King Street and Beach Esplanade. The main body of the development forms a central quadrangle, with buildings ranging in height from 4 to 7 storeys arranged around the edges of a central space to create a substantially enclosed courtyard area, providing car parking and landscaped amenity space for residents. The development's four street frontages are onto Constitution Street to the north, Beach Boulevard to the south, Links Road to the east, and the newly formed Bannermill Place to the west. In addition to the four-sided block described here, there are further properties arranged along the western side of Bannermill Place.

Bannermill Place, which runs from Constitution Street to Beach Boulevard, does not provide vehicular access through onto Beach Boulevard, but serves as the sole vehicular access for the Bannermill development. Vehicles enter at its junction with Constitution Street, where there are controlled access barriers, and can then enter the main quadrangle via a break in its western frontage.

Pedestrian routes exist through the development from north to south, from Constitution Street to Beach Boulevard, while there is also a 'pend' in the Links Road frontage, giving pedestrian access through into the quadrangle. It is possible to enter the site via Links Road and progress right through the quadrangle, coming out via the break in the western frontage onto Bannermill Place, before progressing onto either Constitution Street or Beach Boulevard.

RELEVANT HISTORY

There is no recent planning history of relevance to this proposal.

PROPOSAL

This application proposes the installation of gates and associated fencing at three distinct access points around the Bannermill site in order to restrict pedestrian through traffic and address recent instances of anti-social behaviour within the development.

The works can be summarised as follows;

1. At the vehicular access at the junction of Bannermill Place and Constitution Street, access would be controlled via the installation of key-fob controlled access gates. 2no ornate iron gates, painted in black, would be situated at entrance and exit to the site at Constitution Street, with corresponding pedestrian gates immediately adjacent on the footway. The remainder of the enclosed frontage would consist of reclaimed granite walling (up to approximately 1m in height), with black painted iron railings on top. The top of the ornate vehicular gates would achieve a height of approximately 2.7m, however the railings and pedestrian gates would be roughly 2.1m above ground level. The proposed new gates and fencing would be aligned just back from the frontages of the buildings on Constitution Street.

2. The southern end of Bannermill Place currently affords no vehicular through traffic, however pedestrian access does exist. It is proposed to form new walling and gates of a style to match those described above. A single vehicular gate would be centrally positioned, with pedestrian gates on the respective footways at either side. The main central gate is understood to be for emergency services access only, with the pedestrian gates on either side being operated via key-fob. The central gate would achieve a height of approximately 2.7m, with the remainder of the railings achieving progressively greater height to their eastern end due to a change in ground levels, reaching approximately 2.6m above ground level.
3. The existing pend in the Links Road frontage of the building would be in-filled with a key-fob accessed security gate. This would fill the entire opening in the building in order to adequately secure access to the site.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130020>
On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the application has been the subject of formal objection by roads officers. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – Object to the proposal on the grounds that the installation of gates will obstruct established routes through the development. The creation of a gated community would be to the detriment of the connectivity and permeability of the local area via sustainable modes of travel. It is noted that the current access points and routes were a deliberate part of the original development, and that the alternative routes envisaged would be convoluted, adding time and distance to journeys. The loss of these routes would be more keenly felt due to their existence for a number of years. Furthermore, the combined effect of these factors would be to encourage people to drive instead of utilising sustainable modes of travel.

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) - No observations

Community Council – No response

REPRESENTATIONS

4 letters of representation have been received, however one of these was later withdrawn by the objector, leaving a total of 3 representations. The matters raised can be summarised as follows –

1. Concerns regarding the arrangements for residents gaining access to the development via fobs – e.g. number of fobs available to each resident.
2. Support expressed for the proposal on the basis of the improved appearance and security of the site.
3. Concern that the traditional materials to be used would be inconsistent with the contemporary styling of the Bannermill Development, and would therefore be contrary to the terms of policy D1 of the Aberdeen Local Development Plan.
4. The enclosure of the Bannermill development would serve to separate it from the surrounding community.
5. Objection on the basis that the gates proposed will make access to the development much more difficult for disabled residents, who may struggle to manoeuvre a wheelchair whilst operating the key fob and opening the gate.
6. Concern regarding access for servicing/deliveries/visitors.
7. Statement that the proposal would not comply with 'Approved document M'.
8. The rationale for the development is questioned, with a view that the crimes known to the objector would not have been prevented by the gates proposed.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Para 37 of SPP sets out the role of the planning system in achieving sustainable development through its influence on the location, layout and design of new development. It further states that decision making in the planning system should support healthier living by improving the quality of the built environment, by increasing access to amenities, services and active travel opportunities, and by addressing environmental problems affecting communities.

Para 38 states that decisions on the location of new development should reduce the need to travel and prioritise sustainable travel and transport opportunities.

Para 39 states that decisions on the layout and design of new development should encourage the use of and enable access to active travel networks and public transport.

Aberdeen City and Shire Structure Plan

A stated aim of the Aberdeen City and Shire Structure Plan is to make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are attractive choices.

Aberdeen Local Development Plan (ALDP)

Policy D1: Architecture and Placemaking

New development must be designed with due regard for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour,

materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D3: Sustainable and Active Travel

Policy D3 states that new development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order – walking, cycling, public transport, car and other motorised vehicles.

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 through the provision of suitable alternative routes.

Policy H1: Residential Areas

This policy expresses support in principle for residential development, provided a series of specified criteria can be satisfied. A presumption against non-residential uses is stated, however there will be scope for such non-residential uses where it can be demonstrated either that they would not give rise to conflict with, or nuisance to, existing residential amenity, or that the use proposed is complementary to residential use.

Policy NE9: Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Supplementary Guidance

The Council's published 'Transport and Accessibility' Supplementary Guidance highlights the contribution that access and permeability make to quality of life. Particular reference is made to the ability to freely access services and facilities without using a vehicle. New development will be required to protect and enhance existing access rights, including core paths, rights of way and paths within the wider network.

Other Relevant Material Considerations

The applicants have cited the security benefits of the proposed development, stating that there have been a number of instances of crime within the development, which might otherwise have been prevented through the presence of enclosures and the restriction of access to residents only.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

The application site is located within a predominantly residential area, and this is reflected in its zoning in the Aberdeen Local Plan as an H1: Residential Area. Within such areas residential development of an appropriate form is encouraged, with non-residential uses generally discouraged unless considered complementary to residential use or where it can otherwise be demonstrated that the use proposed would not result in any adverse impact on the existing residential amenity afforded to residents. The proposed works do not involve the introduction of any new use, however the physical works proposed would serve to sever existing access routes and it is therefore reasonable to consider that there may be scope for this to affect residential amenity in this area. The relationship between this development proposal and policy H1 will be considered further in this report, following detailed consideration of the nature of the existing routes and the implications of their removal.

It is currently possible to travel through the Bannermill development on east/west and north/south axes. The introduction of fob-accessed gates would serve to remove these routes for the general public, with residents-only access through the development. It is understood that the proposed enclosure is sought as a means of securing the development from instances of crime, of which there have reportedly been several recently.

Policy D3 of the ALDP states that development should maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. By removing the existing access routes through the Bannermill development, it is quite clear that permeability will be neither maintained nor enhanced. Pedestrian and cycle access within and through the development would be restricted, with the result that travel via motorised car will be encouraged. This does not accord with the provisions of policy D3, which seeks to promote non-motorised travel through the provision of permeable and well-connected places. The removal of the existing access routes would not accord with the aims of policy D3, which seeks to protect and enhance such routes. No suitable alternative routes have been proposed.

Policy NE9 states that, wherever appropriate, developments should include new or improved provision for public access, permeability and active travel. The proposed development would not serve to improve provision for public access, as access would be restricted to residents only. The development would be to the detriment of permeability, with pedestrians given a smaller number of available routes to choose from, and in making active travel less attractive, the development would serve to encourage motorised travel.

Section 3, 'Access and Permeability', of the Council's published 'Transport and Accessibility' Supplementary Guidance highlights the contribution that access and permeability make to quality of life. Particular reference is made to the ability to freely access services and facilities without using a vehicle. New development will be required to protect and enhance existing access rights, including core

paths, rights of way and paths within the wider network. It is understood that access rights are exercisable over the existing routes through the Bannermill development under the Land Reform (Scotland) Act 2003. The failure to maintain such links is a material planning consideration, and the blocking of these routes would constitute a failure to protect and enhance existing access rights, contrary to the guidance set out in the Council's published 'Transport and Accessibility' supplementary guidance document.

Taking these matters into account, it is considered that the principle of 'gating' the Bannermill development and thereby restricting permeability and through access, would be contrary to the provisions of policies D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) of the Aberdeen Local Development Plan. The diminished permeability for pedestrians and cyclists would serve to discourage active travel and encourage car use. Encouraging more active modes of travel is central to the creation of successful and sustainable places, and it is considered that removing existing through routes in the manner proposed would be to the detriment of the existing residential amenity, and that the proposal would therefore be contrary to policy H1 (Residential Areas) of the Aberdeen Local Development Plan.

Distinct from the principle of the development, discussed above, is the design and appearance of the gates themselves. The black-painted iron gates and railings are of an ornate styling, with scroll detailing to the top of the gates and spiked railings to act as a deterrent to would-be intruders. The walls and gateposts would be formed in reclaimed natural granite, with synthetic granite coping. The pedestrian gate to be formed in the pend, giving access via Links Road, is of a simpler style, based on a grid arrangement. The Bannermill development is of more contemporary styling, and it may be that a simpler style of gate could be more appropriate in order to adequately reflect that context, however it is not considered that this inconsistency would in itself be grounds to warrant refusal of the application. Nevertheless, taking this into consideration alongside the issues noted previously, it is concluded that the proposal is significantly contrary to the relevant provisions of the development plan.

The applicants have highlighted a number of instances of crime in the immediate area, and suggested that the proposed gates and fencing could go some way to preventing such incidents by restricting access to residents. Whilst measures to design out crime are welcomed in principle, this should really be achieved through careful consideration of layouts, overlooking of potentially vulnerable areas and other 'passive' means, rather than through the enclosure of distinct developments. Physical solutions such as walls, gates and security fencing may assist in restricting access, but benefits are often outweighed by a reduction in pedestrian/cyclist mobility and layouts which serve to favour travel by private car.

Relevant Planning Matters Raised in Representations

Turning to the matters raised in representations, these can be addressed as follows;

1. The availability of fobs for any remote-accessed gates is a matter between residents of the Bannermill development and the site factors. This is not

- relevant to the planning merits of this proposal, and will not be taken into account in the planning authority's assessment of the application.
2. The support expressed for the proposal on the basis of improved security and appearance for the Bannermill development are noted. It should be highlighted, however, that the planning authority's assessment is not limited to these factors alone, and that the proposal should be considered against all relevant provisions of the development plan.
 3. It is acknowledged that there is a degree of inconsistency between the contemporary design of the Bannermill development and the traditional styling of the proposed gates and railings. It is agreed that this incongruity stems from a failure to demonstrate due consideration for the site's context, and that the gates proposed would not make a positive contribution to their setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.
 4. It is agreed that the enclosure of the Bannermill development would to some extent segregate it from the surrounding community in a manner that is not conducive to creating mixed, sustainable communities.
 5. The difficulties faced by disabled residents and other users in accessing the development via the proposed gates whilst manoeuvring a wheelchair are acknowledged.
 6. Arrangements for servicing and visitors remain unclear, however it is expected that such issues could be readily overcome, given the use of restricted access gates in other locations.
 7. 'Approved document M' cited in representation is understood to be a Building Regulations publication used in England. Scottish Building Regulations would be applicable to ensure criteria regarding disabled access are satisfied, however this is a separate regulatory process to the planning system, and so adherence to building standards publications will not be considered in this assessment.
 8. As noted by the objector, there is evidence to demonstrate that the proposed means of enclosure would have prevented the occurrences of crime referred to in the supporting statement.

RECOMMENDATION Refuse

REASONS FOR RECOMMENDATION

1. The proposed development, by restricting public access to established routes, would be to the detriment of pedestrian permeability and would discourage sustainable modes of travel, contrary to policies D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) of the Aberdeen Local Development Plan (ALDP), the Council's published 'Transport and Accessibility' supplementary guidance and paragraphs 38 and 39 of Scottish Planning Policy (SPP). The loss of these convenient, established pedestrian routes is considered to be to the detriment of the existing residential amenity, contrary to policy H1 (Residential Areas) of the ALDP.

2. The proposed enclosures are of traditional, decorative design and styling that is inconsistent with the contemporary design of the Bannermill development, and fails to demonstrate due regard for its context and make a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

Dr Margaret Bochel

Head of Planning and Sustainable Development.