

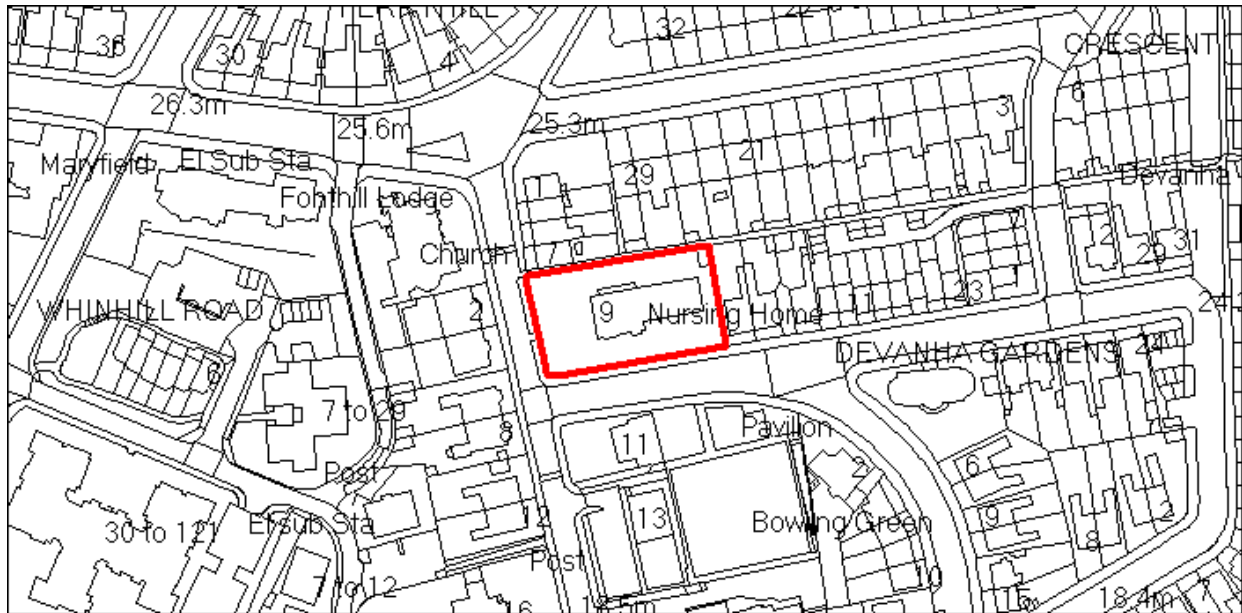
# Planning Development Management Committee

DEVANHA GARDENS NURSING HOME, 9  
POLMUIR ROAD, FERRYHILL

CONVERSION AND EXTENSION OF EXISTING  
NURSING HOME INTO 11NO. FLATS,  
INCLUDING THE DEMOLITION OF PREVIOUS  
MODERN EXTENSIONS AND THE  
FORMATION OF PARKING AREAS

For: JNF Developments Ltd

Application Type : Detailed Planning Permission	Advert : Section 60/65 - Dev. aff
Application Ref. : P130597	LB/CA
Application Date: 30/04/2013	Advertised on: 26/09/2013
Officer: Gavin Clark	Committee Date: 28/11/2013
Ward : Torry/Ferryhill (Y Allan/A Donnelly/J Kiddie/G Dickson)	Community Council : Comments



**RECOMMENDATION:** Willingness to approve subject to conditions, but to withhold the issue of the consent documents until the applicant has provided developer contributions towards affordable housing, community facilities and the core path network.

## **DESCRIPTION**

The application site, which extends to approximately 1890 square metres is located within Ferryhill, at the junction of Polmuir Road and Devanha Gardens and currently comprises a two and a half storey (with modern extensions to either side) vacant nursing home set within landscaped grounds.

The property is a prime example of a 19<sup>th</sup> century villa which occupies a prominent corner site. The property is not listed, but is located within the Ferryhill Conservation Area which is characterised by villas, semi-detached and terraced properties. The variety of architectural detailing present in Ferryhill is due to the development of the original villas and their grounds by different architects.

## **RELEVANT HISTORY**

Planning Permission (Ref: 96/1201) was approved in October 1996 for the erection of a single storey rear extension on two wings of the nursing home.

Planning Permission (Ref: 93/1784) was approved in October 1993 for an extension and alterations to the nursing home.

## **PROPOSAL**

The application proposes the conversion and extension of the existing nursing home into 11 no. flats, including the demolition of the previous extensions and the formation of parking areas.

A previous single storey extension on the Polmuir Road elevation is to be removed along with the two storey side extension – which formed part of the residential wing of the nursing home. Smaller single storey extensions to the rear of the building are also proposed for demolition. The proposal includes the erection of a subterranean parking facility with two and a half storeys of residential accommodation located above. There is a ground level distance of approximately 3.5m between the rear of the proposed flats and Devanha Lane. The new build extension would have a maximum height of approximately 11.5m (approximately 7m visible from Devanha Lane elevation), and an overall width of approximately 18.5m and a depth of approximately 16m. The 'link' balcony would have an overall height of approximately 7m. The proposal would sit approximately 5.5m from the mutual boundary with Devanha Lane.

The subterranean parking facility would provide 18 parking spaces and 11 cycle parking spaces and would allow access to the existing building. Access to the new build extension would be taken from Devanha Gardens. Two parking spaces and a motorcycle parking space would be located to the front of the property. A mature tree is proposed for removal in the front garden, to be replaced by further planting. Waste facilities will also be located to the front of the proposed building. Landscaped gardens are to be provided to the south and west and north-west of the buildings.

The extension/ alterations are to be constructed using the following materials:

New Build Extension: would be constructed using natural granite with punched face finish on all elevations, grey aluminium clad timber windows, screens and doors on both southern and northern elevations, granite tabling, natural slate roofing, zinc clad and frameless glass entrance feature, frameless glass balustrading, dark grey PC louvres to the car parking area at lower ground floor level, dark grey painted woodwork, flat roofed dormer windows and conservation style rooflights.

Refurbishment of Existing Property: the existing windows are to be replaced with white timber double glazed sash and case look-alike windows, existing skylights are to be replaced with double glazed velux conservation style rooflights, existing entrance door retained, existing rear dormer and metalwork stair removed and new dormer to match dormer on south elevation constructed, areas of walling where former extension, on west elevation, made good with mortar and materials to match existing and former window opening on north elevation opened up and a new window installed.

### **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?130597>

On accepting the disclaimers enter the application reference quoted on the first page of this report.

Drainage Impact Assessment – submitted November 2013

Tree Survey – submitted November 2013

### **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Development Management Committee as there have been more than 6 letters of representation and Ferryhill and Ruthrieston Community Council have objected to the application. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

### **CONSULTATIONS**

**Roads Projects Team** – have confirmed that, following the submission of amended plans, that the number of parking spaces provided, parking widths, layout, cycle parking and motorcycle parking spaces are acceptable. They have also made comment with regards to the submitted Drainage Impact Assessment and contributions towards the Strategic Transport Fund (STF).

**Environmental Health** – comments relate to bin stores, lighting in the car park areas and demolition.

**Developer Contributions Team** – have requested contributions towards affordable housing, community facilities and the core path network. The applicant has confirmed that the payments will be made upfront, should planning permission be approved.

**Enterprise, Planning & Infrastructure (Flooding)** – have raised no objection to the application but have advised that, regarding the treatment of surface water run-off, it is noted that the Drainage Impact Assessment, that all water shall pass through sub surface filtration before being collected and passed through a control manhole into a Scottish Water owned and maintained combined sewer. As a result, Scottish Water should be requested to comment on the proposed system and discharge rate.

**Scottish Water** – have no objection to the application.

**Community Council** – have objected to the application for the following reasons:

- The proposal, if implemented, given the scale and layout of the development would adversely affect the daylighting, amenity and privacy of adjoining residents and the character of the existing residential area;
- The proposal, if implemented, given the scale, height and position of the proposed building, would have a significant detrimental impact on the setting of the adjoining listed buildings and the character of the wider conservation area; and
- The proposal, if implemented, would set an undesirable precedent for future applications of a similar nature.

## **REPRESENTATIONS**

18 individuals or households have submitted letters of representation. Following the initial period of neighbour notification 17 letters of objection were received. Re-notification was carried out on the 24<sup>th</sup> September 2013 following the submission of amended plans. 1 new letter of support was received along with 8 letters of objection from persons who had previously objected to the application and 1 letter which indicated points of support and points of objection. The objections relate to the following matters; and have been split between initial objections and the objections received following neighbour re-notification advertisement:

### Objections:

1. The proposed development would look incongruous, would have an unacceptable impact on neighbouring properties and would be inconsistent with the character of the surrounding conservation area;
2. That the flat roofed design of the extension would be out of character with properties in the surrounding area, including the existing property, where pitched roofs or mansard roofs are the norm;
3. The number of flats related to the proposal would constitute overdevelopment of the plot;
4. Concerns were highlighted in relation to visibility splays, levels of parking provided, that the volume of development / construction traffic using the junction of Polmuir Road / Devanha Gardens and the current state of roads in the surrounding area.

5. The proposal would set an undesirable precedent for future development;
6. The proposed development would obscure sunlight to neighbouring properties; would affect natural light to windows in the rear of these properties and would have an unacceptable impact in terms of loss of privacy;
7. The proposal would lead to a loss of view;
8. That the proposed extension is set too far back, and too close to the rear boundary with Devanha Lane;
9. Concern about the loss of a mature tree and the details provided in the submitted Drainage Impact Assessment;
10. That the submitted plans are not sufficient for the Planning Authority to determine the current application;
11. Concern that the extension would dominate the listed building, and would have a detrimental impact on the Conservation Area;
12. Concern about the terrace proposed at the upper floor level;
13. A neighbouring property had been refused permission for the erection of a window, because it would cause overlooking issues with the previously approved nursing home;
14. There was a height restriction placed when the nursing home was constructed, this should be maintained;
15. The proposal is contrary to the Draft Ferryhill Conservation Area Character Appraisal and Management Plan, is also contrary to Policy D1, D2 and H1 of the Aberdeen Local Development Plan and relevant Supplementary Guidance.
16. Concern that affordable housing contributions are not being met;
17. Devaluation of neighbouring properties;

Support:

1. The amended plans are far more harmonious with their surroundings with the granite finishes walls and pitched roof an improvement on the previous proposal.

## **PLANNING POLICY**

### **National Policy and Guidance**

Scottish Planning Policy: states that the historic environment is a key part of Scotland's cultural heritage. Planning authorities should support the best viable use that is compatible with the fabric, setting and character of the historic environment. The aim should be to find a new economic use that is viable over the long term with minimal impact on the special architectural and historic interest of the building and area.

Conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. A proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and

siting of new development within a conservation area, and development out with the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area.

Scottish Historic Environment Policy (SHEP): provides guidance on development within Conservation Areas.

Historic Scotland: Managing Change Guidance – Extensions: this guidance states that extensions must protect the character and appearance of the building, should be subordinate in scale and form, should be located on a secondary elevation and must be designed in a high quality manner using appropriate materials.

## **Aberdeen Local Development Plan**

Policy I1: Infrastructure Delivery and Developer Contributions: states that development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of development proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

Policy T2: Managing the Transport Impact of Development: states that new developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Maximum parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

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. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportion 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 D2: Design and Amenity: in order to ensure the provision of appropriate levels of amenity the following principles will be applied:

- 1) Privacy shall be designed into higher density housing;
- 2) Residential development shall have a public face to a street and a private face to an enclosed garden or court;
- 3) All residents shall have access to sitting out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council;
- 4) When it is necessary to accommodate car parking within a private court, the parking must not over dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in higher density schemes;

- 5) Individual flats within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeat standard units laid out with no regard for location or orientation are not acceptable;
- 6) Development proposals shall include measures to design out crime and design in safety; and
- 7) External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Policy D5: Built Heritage: proposals affecting Listed Buildings and Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

Policy D6: Landscaping: states that development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

Policy H1: Residential Areas: within existing residential areas and within new residential developments, proposals for new residential development will be approved in principle if it does not constitute over development, does not have an unacceptable impact on the character or amenity of the surrounding area, does not result in the loss of valuable and valued areas of open space and complies with the Supplementary Planning Guidance in relation to Curtilage Splits and House Extensions.

Policy H5: Affordable Housing: developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing.

Policy R6 Waste Management Requirements for New Development: states that housing developments should have sufficient space for the storage of residual, recyclable and composite wastes. Flatted developments will require communal facilities that allow for separate storage and collection of these materials. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Policy R7: Low and Zero Carbon Buildings: all new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. Compliance with this requirement will be demonstrated by the submission of a low carbon development statement.

## **Supplementary Guidance**

Infrastructure and Developers Contribution Manual

Landscape Guidelines

Low and Zero Carbon Buildings

Sub-Division and Re-Development of Residential Curtilages

Transport and Accessibility

Waste Management

Technical Advice Note: Repair and Replacement of Windows and Doors

Ferryhill Conservation Area Character Appraisal

## **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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

### Principle of Development:

The application site is located within a residential area, as identified in the Aberdeen Local Development Plan (ALDP). Policy H1 of the ALDP advises that new residential developments will be approved in principle provided it does not constitute overdevelopment, does not have an unacceptable impact on the character or amenity of the surrounding area, does not result in the loss of valuable or valued areas of open space and complies with the associated Supplementary Guidance. For the reasons mentioned in the following evaluation it is considered that there is no conflict with Policy H1 (Residential Areas).

The property has lain vacant as a nursing home since mid-2012. Scottish Planning Policy (SPP) is generally supportive of viable economic uses that will have a minimal impact on the special historical and architectural interest of the building and wider area. SPP also states that proposals should preserve or enhance the character of the conservation area. By removing an extension of little architectural merit and replacing it with a building of a similar design/ style to the surrounding area it is considered that the proposal accords with the general principles of SPP.

The same can also be said in reference to Scottish Historic Environment Policy (SHEP), which provides guidance on development within Conservation Areas. The proposal is considered to comply with Historic Scotland's Managing Change Guidance (Extensions), as the proposal respects the character and appearance of the building and the building has been designed in a high quality manner using appropriate materials.

The proposal cannot be considered as sub-ordinate in scale and form to the existing property, given that it is a two and a half storey building of a similar size to the properties on Devanha Gardens. It should however be noted that the building is replacing an existing two storey extension of little architectural merit and it is considered appropriate to replace this with a building of greater architectural merit, which complements to the character of the conservation area.

### Roads and Access:

The proposed access arrangements and parking provision have been arrived at following consultation with the Council's Roads Projects Team, who has stated their satisfaction with the proposal.



The proposal incorporates 20 parking spaces for 11 flatted properties (at a ratio of 1.82 parking spaces per flat). Access to the site would be taken from Devanha Gardens, with two spaces and a motorcycle parking spaces located at ground floor level and a further 18 parking spaces located at subterranean level. 11 cycle parking spaces would be provided at subterranean level, by way of an access in the eastern part of the site, via Devanha Gardens.

The proposal is also seen to promote sustainable methods of transport due to the level of cycle parking provision provided, the close proximity to bus stops and the fact that Ferryhill is within walking distance of the city centre.

The proposal is considered to accord with the general principles of Policy T2 (Managing the Transport Impact of Development) of the ALDP and its associated Transport and Accessibility Supplementary Guidance.

#### Developer Contributions and Affordable Housing:

The proposed development has been subject to assessment by the Aberdeen City and Aberdeenshire Developer Contributions Team, with contributions payable as noted in the consultation section of this report. The applicants are aware of this requirement, and have intimated their agreement to make the required payments in full. As a result of this the proposal is considered to accord with Policy I1 (Infrastructure Delivery and Developer Contributions) and the associated Infrastructure and Developers Contribution Manual.

In terms of affordable housing it has been noted that the 25% affordable housing requirement has not been met on site. It should be noted that it would be difficult to provide the levels of affordable housing within the site and it is therefore considered appropriate to request off-site affordable housing contributions. This has been agreed with the applicant and whilst the proposal does not fully accord with, it does not offend the general principles of Policy H5 (Affordable Housing) of the ALDP.

#### Policy D1 (Architecture and Placemaking Policy D5 (Built Heritage) and Supplementary Guidance

The proposed development is set within a large plot which has been developed previously (as a 30 bed nursing home). In this regard, the proposal respects the character of the surrounding area, which is characterised by villas and semi-detached and terraced residential properties. The application site is located at the western end of Devanha Gardens, at its junction with Polmuir Road.

The use of granite and slate within the development is considered to complement the properties in the surrounding area, and improves on the current two storey extension, which is of little architectural merit, and adds little to the character of the conservation area. Whilst it was noted that the original submission was unacceptable, and failed to preserve or complement the character of the conservation area, the current design and of the extension is considered to be of a similar density to that of a number of other properties on Devanha Gardens, including those immediately adjacent at No 3 and 5.

Whilst it is noted that the density of development would be greater it is not considered that this would be to an unacceptable degree, with appropriate levels of private space still available. The proposal also sits comfortably, being granite in style with a slate roof, with the existing buildings in the surrounding area and fits in with the surrounding streetscape.

The proposed development is considered to demonstrate due regard for its context and makes a positive contribution to its setting, as required by Policy D1 (Architecture and Placemaking) of the ALDP.

The design and materials proposed are considered to complement the conservation area. The elevations visible from the street are to be finished with natural granite, and natural roofing materials are also proposed. The density of development proposed is also considered to be appropriate for the location, given that approximately 27% of the available ground is to be developed as living accommodation.

Whilst the previous use of the property was as a nursing home the Supplementary Guidance – (Sub-Division and Re-development of Residential Curtilages) is considered to be of relevance.

In terms of privacy, as a general guideline, there should be a minimum of 18 metres between the windows of existing and proposed habitable rooms. It is noted that greater distances will be appropriate for higher level windows (such as the third storey of the building). Taking this into account, there would be a minimum distance of between 20-25 metres between the windows on the rear elevation of the building and those on Ferryhill Place. There are no windows directly facing the southern elevation, with the property across facing onto Polmuir Road.

It is noted that there would be some degree of overlooking from the proposed extension; however a large degree of overlooking exists at present, both from properties on Polmuir Road and Devanha Gardens. Whilst it is noted that this issue would be exacerbated by the construction of the extension, the overlooking issue would be to garden ground areas only and it is not considered that this would be to an unacceptable degree as to warrant refusal of planning permission.

The proposal includes a landscaped area to the west and south of the existing property, which would be for the use of the owners/ occupiers. The level of amenity to be provided is considered acceptable. Two parking spaces and a motorcycle parking space are to be located in the eastern part of the site, it is considered that this loss of landscaped area would be minimal, and would be compensated by an area in the western section of the site (which is to be landscaped following the demolition of the single storey extension). A landscaping plan will also be requested via planning condition.

In terms of daylighting and sunlight, appropriate calculations have been undertaken which have determined that the proposal is acceptable, and in accordance with BRE Information Paper1 in that the 25 degree angle for acceptable daylighting has been achieved. In addition, whilst it is noted that there

would be some impact on the amount of sunlight to the properties in Ferryhill Place this would not be to such an unacceptable degree as to warrant refusal of planning permission.

To conclude, the proposal is considered to accord with both Policy D1 (Architecture and Placemaking) and the Supplementary Planning Guidance in relation to the sub-division and redevelopment of residential curtilages.

The proposed dormers and replacement windows are considered to be in full accordance with the principles of the Householder Development Guide and the Technical Advice Note: Repair and Replacement of Windows and Doors. Appropriate conditions have been inserted to ensure that the windows/ dormers are constructed in accordance with the terms of this guidance.

#### Policy D2 (Design and Amenity)

It is important to ensure that an appropriate level of amenity is provided within each development. Privacy is something which should be incorporated into each development, for the reasons mentioned elsewhere in this report; it is considered that appropriate levels of privacy have been achieved.

The development also has a public face as it fronts onto Devanha Gardens, in addition, the residents of the properties will have a large area of landscaped ground to the west and south with parking provided both at subterranean level and ground level, which will ensure that the development is not dominated by hard standing. Appropriate views and sunlighting opportunities will be provided and external lighting has taken into account residential amenity and minimised light spillage. As a result of the above the proposal is considered to accord with Policy D2 (Design and Amenity) of the ALDP.

#### Policy R7 (Low and Zero Carbon Buildings) and Associated Supplementary Guidance:

The application does not include any details to demonstrate how Low and Zero Carbon Generating Technologies will be incorporated into the flatted properties, or alternatively how the buildings could achieve deemed compliance with the Council's published 'Low and Zero Carbon Buildings' Supplementary Guidance. On this basis it will be necessary to attach an appropriate condition to secure such information should planning permission be approved and to ensure compliance with Policy R7 (Low and Zero Carbon Buildings) of the ALDP and associated Supplementary Guidance.

#### Waste Management

The applicant has provided details for the storage of waste. This is to be located close to the main access to the site on Devanha Gardens. The location of which is considered to be acceptable. Subsequently the proposal is considered to be in accordance with Policy R6 (Waste Management Requirements for New Development and its associated Supplementary Guidance – Waste Management.

### Trees/ Landscaping:

It is noted that the site features a mature tree to the south of the building, which is proposed for removal. A Tree Report was submitted which has advised that the Norway maple tree is now too large for its position close to the building. The report has advised that this tree should be felled and replaced with a more suitable tree in the space between the new building elevation and the southern boundary wall. This has been accepted by the Council's Arboricultural Planner, however he has concluded that the replacement planting proposed (by way of a 4m prunus plena) is not sufficient, and should be enhanced to include two or three additional trees.

An appropriate scheme of replacement planting can be secured via an appropriate condition in the event of approval. On this basis it is considered that the proposal accords with the general principles of Policy D6 (Landscaping) of the ALDP and its associated Supplementary Guidance – Landscape Guidelines and the Sub-Division and Redevelopment of Residential Curtilages.

### Response to Letters of Representation:

As has previously been commented, numerous letters of objection, as well as some supporting the application have been received. These points can be answered/ addressed as follows:

#### Objections:

1. The proposed development would look incongruous, would have an unacceptable impact on neighbouring properties and would be inconsistent with the character of the surrounding conservation area;

Response: Whilst it was noted that the initial design bared little resemblance to properties in the surrounding area it should be noted that the amended proposal is of a much higher design quality, which sits well both beside the existing property and those properties, including the listed buildings, in the surrounding area. The impact on neighbouring properties has been addressed elsewhere in this evaluation.

2. That the flat roofed design of the extension would be out of character with properties in the surrounding area, including the existing property, where pitched roofs or mansard roofs are the norm;

Response: It was noted that the previous incarnation did not complement the area, the above points were taken on board, and it is considered that the current proposal with a granite finish and pitch roof is complimentary to the conservation area.

3. The number of flats related to the proposal would constitute overdevelopment of the plot;

Response: It has been addressed elsewhere within the report that the proposal would not be considered as overdevelopment of the plot.

4. Concerns were highlighted in relation to visibility splays, levels of parking provided, the volume of development/ construction traffic using the junction of Polmuir Road/ Devanha Gardens and the current state of roads in the surrounding area

Response: The application has been assessed in detail by the Roads Projects Team; who have considered that the levels of parking, cycle parking and motorcycle parking are acceptable and in accordance with the relevant guidance.

It is not the purpose of the planning system to address maintenance issues on surrounding roads or footways and accordingly, it would not be competent to request that the developer undertake the cost of repairing the surrounding path network

In terms of hours of work an appropriate informative has been inserted with Environmental Health legislation used should any issues arise. There is no control of the level of construction traffic/ volume of development associated with the application.

5. The proposal would set an undesirable precedent for future development;

Response: Each application is to be considered on its own merits. It is considered that the current proposal respects the character of the conservation area and the properties which are located within it.

6. The proposed development would obscure sunlight to neighbouring properties; would affect natural light to windows in the rear of these properties and would have an unacceptable impact in terms of loss of privacy;

Response: This issue has been addressed elsewhere in this report and it should be noted that the levels of sunlight lost would not be to an unacceptable degree, and the window-to-window distances are in accordance with relevant guidance.

7. The proposal would lead to a loss of view;

Response: The loss of view is not a material planning consideration.

8. That the proposed extension is set too far back, and too close to the rear boundary with Devanha Lane;

Response: This issue has been addressed previously, with the distances involved considered acceptable.

9. Concern about the loss of a mature tree and the details provided in the submitted Drainage Impact Assessment;

Response: The loss of the tree is noted and, and following consultation with the Arboricultural Planner it was agreed that the tree could be removed, and additional planting would be requested via condition.

The concern in relation to the Drainage Impact Assessment was noted, and an amended scheme was submitted and assessed by the relevant officers.

10. That the submitted plans are not sufficient for the Planning Authority to determine the current application;

Response: The submitted plans are considered appropriate and sufficient to determine the planning application.

11. Concern that the extension would dominate the listed building, and would have a detrimental impact on the Conservation Area;

Response: The property associated with the application is not a listed building, but is bounded by Category B and Category C listed buildings on Polmuir Road and Ferryhill Place and the Category A listed Devanha House, which is located approximately 40m to the south-east of the application site. The proposed materials (which are predominantly granite and slate) are considered to be appropriate for the conservation area and the proposals would have no adverse impact on the setting of the adjacent listed buildings and conservation area.

*12. Concern about the terrace proposed at the upper floor level;*

Response: The proposed terrace at second floor level is considered to be acceptable, and would provide an enhanced level of amenity to the occupiers of flat 11. The proposal would also have a minimal impact on the levels of amenity afforded to those properties in the surrounding area.

*13. A neighbouring property had been refused permission for the erection of a window, because it would cause overlooking issues with the previously approved nursing home;*

Response: Having viewed records for properties in the surrounding area no record has been found of any properties being refused permission for the above reasons. The proposal has been assessed in terms of overlooking elsewhere in this report.

*14. There was a height restriction placed when the nursing home was constructed, this should be maintained.*

Response: Each application is considered against its own merits. At the time of the previous application there may have been certain guidance in relation to the height of extensions, which no longer exists. The proposal has been assessed against current guidance and is considered to be acceptable.

*15. The proposal is contrary to the Draft Ferryhill Conservation Area Character Appraisal and Management Plan, is also contrary to Policy D1, D2 and H1 of the Aberdeen Local Development Plan and relevant Supplementary Guidance.*

Reason: The application has been determined in consultation with the Council's Masterplanning, Design and Conservation Team. Initially the proposal was

considered unacceptable, however, following the submission of amended plans the Conservation Officers have advised that the proposal accords with the general principles of the Conservation Area Appraisal, which provides a detailed description of the area, and the materials which are commonly found – including granite and slate. For the reasons mentioned in earlier in this report the proposal is also considered to accord with Policies D1 (Architecture and Placemaking), D2 (Design and Amenity) and H1 (Residential Areas) of the ALDP.

*16. Concern that affordable housing contributions are not being met;*

Response: The proposal has been assessed by the Developer Contributions Team, who has provided an appropriate figure of payment towards affordable housing contributions. This has been agreed, and will be paid by the applicant should planning permission be granted.

*17. Devaluation of neighbouring properties;*

Response: The devaluation of properties is not a material planning consideration.

Support:

1. The amended plans are far more harmonious with their surroundings with the granite finishes walls and pitched roof an improvement on the previous proposal.

Response: The above points are noted.

Conclusion:

In summary, the proposed development relates to the site of a former nursing home within a residential area as identified in the Aberdeen Local Development Plan, the proposal has been assessed against Policy H1 (Residential Areas) as being consistent with the terms of planning policy. The density of development is also considered to be acceptable. The Council's Roads Projects Team and Masterplanning, Design and Conservation Team have also found the proposals to be acceptable, subject to appropriate conditions. Appropriate levels of financial contribution have been agreed with the applicant, which will be paid on receipt of planning approval. The level of replacement planting and landscaping is to be agreed at a later date, and will be covered via planning condition. The proposal is considered to be consistent with all other relevant policies of the ALDP and its associated supplementary planning guidance. The proposal is therefore recommended for conditional approval.

## **RECOMMENDATION**

**Willingness to approve subject to conditions, but to withhold the issue of the consent documents until the applicant has provided developer contributions towards affordable housing, community facilities and the core path network.**

## **REASONS FOR RECOMMENDATION**

In terms of Scottish Planning Policy (SPP), Scottish Historic Environment Policy (SHEP), Historic Scotland's Managing Change Guidance: Extensions and Policy D5 (Build Heritage) of the Aberdeen Local Development Plan (ALDP) in that the proposal is likely to have a negligible impact on the character of the Conservation Area, the design, materials, scale and siting are considered acceptable, the building is to be considered to be of an acceptable form and has given special regard to special architectural/ historic features of the building and wider area.

The proposed development is consistent with the terms of Policy H1 (Residential Areas of the ALDP, and provides an appropriate design, scale and form of development, in accordance with Policies D1 (Architecture and Placemaking) and D2 (Design and Amenity) and is associated supplementary planning guidance document in relation to the Sub-Division and Redevelopment of Residential Curtilages and Technical Advice Note: Repair and Replacement of Windows and Doors. The Council's Developer Contributions Team has also identified an appropriate level of contribution, which has been agreed by the applicant, therefore according with Policy I1 (Infrastructure Delivery and Developer Contributions). The proposal has been assessed by the Roads Projects Team, who advised that the amended proposals provide the required levels of parking, access, cycle provision and motorcycle provision, therefore according with Policy T2 (Managing the Transport Impact of Development). The proposal has also been assessed in terms of the loss of planting, and an appropriate condition has been inserted to ensure the submission of a landscaping plan, in line with Policy D6 (Landscaping). In addition, appropriate waste provision has been provided in line with Policy R6 (Waste Management Requirements for New Development). An appropriate condition will also be inserted to ensure compliance with Policy R7 (Low and Zero Carbon Buildings).

## **CONDITIONS**

**It is recommended that approval is granted subject to the following conditions:-**

(1) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawings No. L(20)010D and L(20)011D of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(2) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 901 and the submitted Drainage Impact Assessment (dated 4<sup>th</sup> November 2013) or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.



(3) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(4) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(5) That no development shall take place unless until details of the zinc cladding proposed for the entrance to 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.

(6) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(7) That none of the units hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing no. L(20)010D have been provided - in the interests of encouraging more sustainable modes of travel.

(8) that the window(s) and dormer(s) hereby approved shall be constructed in full accordance with the detailed cross section(s) submitted and approved (as detailed in drawing nos. A(21)03 and A(21)01A with the application and that the visible part of the outer frame of the front windows hereby approved shall not exceed 25 mm in width at the top and sides of the window opening with the remainder of the frame being concealed behind the masonry window check, unless the planning authority has given prior written approval for a variation- in order to preserve the character of the conservation area.

(9) That the use hereby granted planning permission shall not take place unless the refuse provision as highlighted in drawing no. L(20)011D has been provided – in order to preserve the amenity of the neighbourhood and in the interests of public health.

(10) That the use hereby granted planning permission shall not take place until details have been provided to the planning authority with regards to the proposed lighting for the underground parking facility – to ensure appropriate levels of lighting are provided.

**INFORMATIVES:**

That, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

- (a) Out with the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) Out with 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 out with 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.

**Dr Margaret Bochel**  
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