

# Planning Development Management Committee

SOUTH ESPLANADE WEST, ABERDEEN

APPROVAL OF MATTERS SPECIFIED IN CONDITION 2 (METHOD OF CONSTRUCTION, TREE PROTECTION, RE-SITING OF PLAY EQUIPMENT, LOW AND ZERO CARBON EQUIPMENT, GREEN TRAVEL PLAN AND MATERIALS & FINISHING) RELATING TO P100453 PLANNING PERMISSION IN PRINCIPLE.

For: Aberdeen Schools Rowing Association

Application Type : Approval of Conditions for Planning Permission in Principle

Application Ref. : P131121

Application Date: 30/07/2013

Officer: Gavin Evans

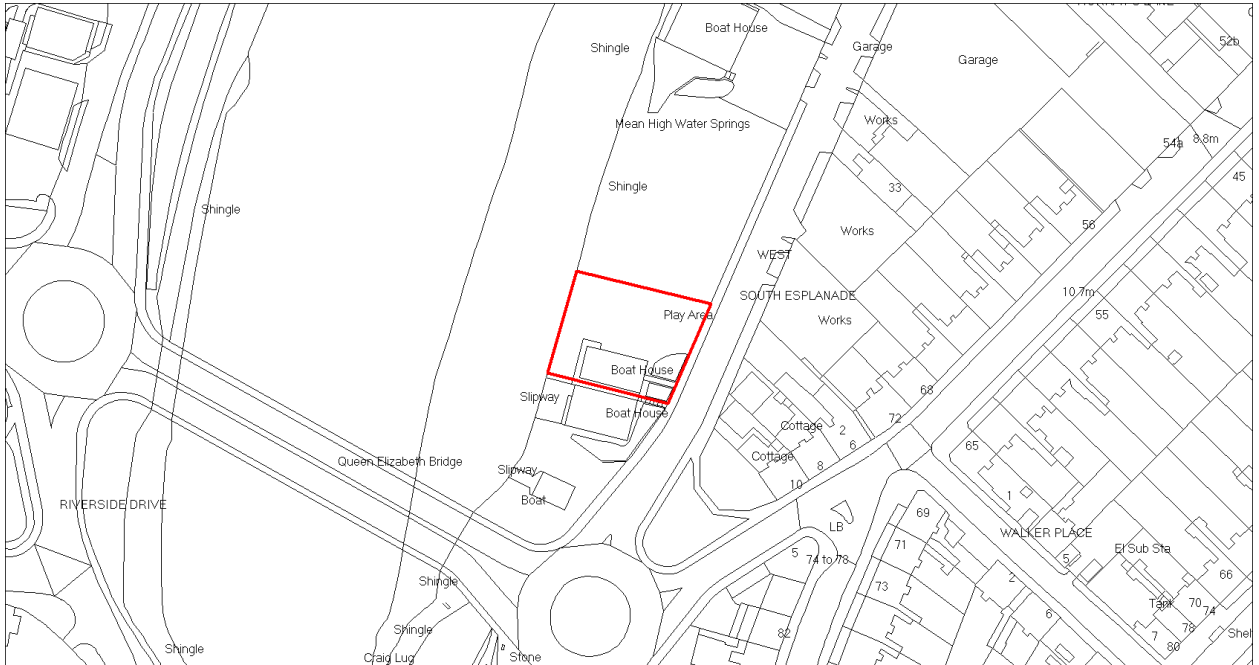
Ward : Torry/Ferryhill (Y Allan/A Donnelly/J Kiddie/G Dickson)

Advert : Can't notify neighbour(s)

Advertised on: 04/09/2013

Committee Date: 16 January 2014

Community Council : No response received



## RECOMMENDATION:

**Approve subject to conditions**

## **DESCRIPTION**

The application site is located on the southern banks of the River Dee, just to the north of the Queen Elizabeth Bridge and the road junction of the A956. At present the site, which extends to around 1300sqm, comprises the existing Aberdeen Schools Rowing Association building and an area of open green space which includes items of play equipment from the public playpark to the north.

There are several rowing-related organisations located on this particular stretch of the river, with the Aberdeen Boat Club around 90m to the north, the Aberdeen University Boat Club boathouse to immediately to the south of the application site, and the Robert Gordon University boathouse around 30m to the south, immediately adjacent to the Queen Elizabeth Bridge. To the north of the application site is a grassed area of open space, incorporating trees and a children's playpark.

## **RELEVANT HISTORY**

Planning Permission in Principle (PPiP) was granted for the construction of an extension to the boat club, along with an area of car parking an extended slipway, in November 2010, via application P100453. The extension would result in the creation of around 660sqm of new floorspace, incorporating additional boat bay and launch bay space at ground floor level and the creation of a gymnasium and ergo room within the upper floor.

## **PROPOSAL**

This application seeks approval in relation to the matters specified in condition 2 of the Planning Permission in Principle. This condition states that the further approval of the planning authority will be required in relation to the following matters;

- Method of construction
- Tree protection measures
- Re-siting of play equipment to adjacent ground
- Incorporation of appropriate Low and Zero Carbon Generating Technologies
- Provision of a Green Travel Plan
- Details of materials and finishes

## **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?131121>

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

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the the Planning Development Management Committee because more than 5 representations were received by the planning authority. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads Projects Team** – No objection.

**Environmental Health** – No observations

**Enterprise, Planning & Infrastructure (Flooding)** – No observations

**Community Council** – No response.

## REPRESENTATIONS

8 letters of representation have been received. The objections raised relate to the following matters –

1. Removal of green space and play park, understood to be green belt land
2. Removal of trees
3. Impact on wildlife
4. Existing parking problems would be exacerbated by the development
5. Traffic safety – additional traffic will lead to congestion, potentially resulting in accidents involving heavy goods vehicles
6. Building is not consistent with its surroundings, resulting in impact on a special area of conservation – *relates to habitat and species, not built environment*
7. No site notice was displayed – a requirement where development proposals may affect a conservation area.
8. Impact on residents' views
9. Loss of natural sunlight
10. Property devaluation
11. Noise and disturbance arising from construction and future use

## PLANNING POLICY

### **Aberdeen Local Development Plan**

#### T2: Managing the Transport Impact of Development

New development will need to demonstrate that sufficient measures have been taken to minimise traffic generated. Maximum car parking standards are set out in the relevant Supplementary Guidance on Transport and Accessibility.

#### D1: Architecture and Placemaking

This policy requires that all new development must be designed with due consideration for its context and make a positive contribution to its setting.

#### D3: Sustainable and Active Travel

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.

#### 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.

### NE3: Urban Green Space

Permission will not be granted to use or redevelop any parks, playing fields, sports pitches, etc for uses other than recreation or sport unless alternative provision is made. Development will only be acceptable where there is no significant loss to the landscape character and amenity of the site and adjoining areas; public access is either maintained or enhanced; the site is of no significant wildlife or heritage value; there is no loss of established or mature trees; and any replacement green space is readily accessible and of an equivalent quality.

### NE5: Trees and Woodlands

There is a presumption against all activities and development that would result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity.

### **Supplementary Guidance**

The Council's published supplementary planning guidance on 'Transport & Accessibility' is of relevance. The Council's supplementary guidance in relation to Low and Zero Carbon Buildings sets out that the requirement for LZC generating technologies will not apply to the extension of existing buildings.

### **EVALUATION**

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

### **Construction methodology**

Whilst consultation with Scottish Natural Heritage at the Planning Permission in Principle stage had established that it was unlikely the works would have any significant effect on the River Dee Special Area of Conservation (SAC), it was deemed advisable to require the applicant to provide further information detailing what steps would be taken to minimise that risk. The information provided by the applicant sets out that a principal contractor will, on appointment, provide a final scheme to this effect, but for the purposes of addressing this condition, the applicants' submissions provide details of those matters which the principal contractor must include within such a scheme. These include measures to minimise discharge of silt; appropriate locations for concrete mixing and washing areas away from the watercourse; appropriate storage of oil, fuels and chemicals; appropriate waste management practices; and procedures in the event of any environmental incident. The submissions made are considered to be sufficient to demonstrate that appropriate consideration has been given to construction practices adjacent to the river, and as such the terms of the condition have been met.

### **Tree Protection**

When the initial application for Planning Permission in Principle was considered, it was understood that the building would not necessitate the removal of any trees, however it has become apparent that a total of 4 trees must be removed to facilitate the extension to the ASRA boathouse. These include one larger mature specimen at the north-eastern corner of the site, immediately adjacent to the

road. That tree makes a notable contribution to the character of the area, however it is understood that its removal is necessary for the consent to be implemented. In mitigation for these tree removals, the applicant has committed to the planting of 2 new trees for every tree to be removed, equating to a total of 8 new trees across the remaining open space to the north. While the loss of existing trees is regrettable, this proposal would allow for the expansion of the existing sporting facility whilst retaining play equipment and significant tree cover on the adjoining open space, which remains of a meaningful size. Replacement planting is currently indicative, pending a detailed site survey, however the intention is that new specimens are sited as close as possible to the position of the trees removed. Any replacement specimens should be of an appropriate size and stage of maturity to provide mitigation so far as is possible for the loss of existing mature specimens.

### **Re-siting of play equipment**

It is noted that Aberdeen City Council have partly relinquished a lease held on an area of ground adjacent to the existing boathouse, in order to allow for the extension to be built. Existing play equipment within that area would be re-sited elsewhere on the land retained by ACC, and a separate legal agreement between ACC and ASRA addresses this matter. It is understood that, during construction, contractors would look to site a temporary compound on the adjacent land. All works for the removal and re-siting of the equipment would be met by the applicant through that agreement, though it should be stressed that the agreement is a private agreement between the parties and not an agreement under section 75 of the planning act. The information supplied, however, is sufficient for the purposes of this application in demonstrating that measures have been taken to ensure that the existing play equipment will be provided in an alternative location in the adjoining area. A further condition, requiring works to be carried out in accordance with those submissions, or as otherwise deemed appropriate by the planning authority, will be necessary, however the terms of condition 2 part (iii) are considered to have been satisfied.

### **Low and Zero Carbon compliance**

The applicants highlight that extensions to existing buildings are not obliged to meet the terms of ACC's supplementary guidance on Low and Zero Carbon Buildings. This is accepted, and it is considered that part (iv) of the condition has been satisfied.

### **Green Travel Plan**

The details of a Green Travel Plan have been agreed with the Council's Roads Projects Team. This plan demonstrates measures to encourage car-sharing, promote more sustainable means of travel and reduce the transport impact of the development. The submitted Green Travel Plan is considered to be acceptable and to meet the intended aims of condition 2 part (v).

### **Details of materials / finishes**

A schedule of materials provided in connection with condition 2 part (vi) sets out that profiled cladding in 'ocean blue' (walls) and 'goosewing grey' (roof) would be utilised, matching the finishes of the existing boathouse building. The extended building would be in three parts, with the eastern section being a mirror image of the existing boat house, with a linking section between formed in matching materials with a similar pitched roof. The submissions are considered to be

sufficient to demonstrate that the proposal would demonstrate due regard for its context, with the extension being entirely complementary to the existing building. Taking this into account, it is concluded that the proposal satisfies the terms of policy D1 (Architecture and Placemaking) of the ALDP and the terms of condition 2 part (vi).

### **Matters raised in representations**

The application site is zoned as Urban Green Space in the Aberdeen Local Development Plan (ALDP). Within such areas, provision is made for development relating to recreational and sporting uses. Whilst an area of open space would be built upon, it is the case that a significant proportion of that open space would be retained. Consultation with the relevant statutory bodies has established that there is no significant risk of adverse impact on the qualifying interests of the River Dee Special Area of Conservation (SAC), namely populations of Atlantic salmon, otter and fresh-water pearl mussel that it supports. This was established at the PPIP stage and is not for consideration through this current application, which relates specifically to the matters specified in condition 2 of that previous approval.

Similarly, car parking, road safety matters, loss of daylight and disturbance arising from construction are matters which relate to the principle of the development, which has already been established and are not relevant to consideration of the current application.

The building has been designed to replicate the styling of the existing boat house, with the result that the extended building would appear as one entity rather than an original building and a visually distinct extension. This is considered to demonstrate due regard for its context, and as such the design of the extension is considered to be acceptable. Reference is made to the building being out of character with this Special Area of Conservation, however that designation applies to internationally important habitats or threatened species.

Reference is made in representations to a failure to display a notice on the site, however that is a requirement which applies to Conservation Areas. The current site does not lie within any designated Conservation Area. The loss of existing trees is acknowledged, and has been addressed in greater detail earlier in this report.

### **Summary**

In summary, it is considered that this proposal demonstrates an appropriate construction methodology to minimise the potential for adverse impact on the River Dee Special Area of Conservation (SAC) and incorporates an appropriate indicative scheme for the re-siting of play equipment on the adjoining open space. Materials and finishes are consistent with those of the existing building, demonstrating due regard for context as required by policy D1 (Architecture and Placemaking) of the ALDP. The applicant has demonstrated that the Council's policy in relation to Low and Zero Carbon buildings does not apply to this proposal as it represents the extension of an existing building. An appropriate Green Travel Plan has been submitted, demonstrating measures to promote sustainable travel to the satisfaction of the Council's Roads Projects Team. Means of tree protection are acceptable and, whilst it is acknowledged that previously unforeseen tree removals will be necessary to implement the consent,

appropriate replacement planting has been secured in mitigation. On this basis, it is considered that the submitted materials satisfy the terms of condition 2 of the Planning Permission in Principle, and demonstrate sufficient accordance with policies T2 (Managing the Transport Impact of Development), D1 (Architecture and Placemaking), D3 (Sustainable Travel), NE1 (Green Space Network), NE5 (Trees and Woodlands) and the relevant 'Transport and Accessibility' supplementary guidance document. There is conflict with Policy NE3, which states that development on areas of Urban Green Space will be permitted only where there is no loss of established or mature trees, however the granting of Planning Permission in Principle has already established the siting of a building in this location, and this cannot be revisited in assessment of this proposal. On balance, the nature of the extended use and the replacement planting proposed are considered to warrant removal of the trees in question. Conditions are necessary in order to secure implementation of the approved details.

## **RECOMMENDATION**

**Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

The proposal demonstrates an appropriate construction methodology to minimise potential for adverse impact on the River Dee Special Area of Conservation and incorporates an appropriate scheme for the re-siting of play equipment on the adjoining area of open space. Materials and finishes are consistent with those of the existing building, demonstrating due regard for the context of the development, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan (ALDP). Policy and guidance relating to the provision of Low and Zero Carbon generating technologies is not applicable to the extension of existing buildings. The submitted Green Travel Plan has been accepted by the Council's Roads Projects Team for the purposes of promoting sustainable travel. Whilst existing trees would be affected by the development, the principle of a building on this site has been previously established through the granting of Planning Permission in Principle. Mitigation is provided in the form of replacement planting at a rate of 2 new trees for each existing specimen to be lost, with new specimens to be of an appropriate size and stage of maturity. Appropriate means of protection are proposed for those existing trees to be retained. The proposal therefore demonstrates adequate regard for policies T2 (Managing the Transport Impact of Development), D1 (Architecture and Placemaking), D3 (Sustainable Travel), NE1 (Green Space Network), NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan (ALDP) and the associated 'Transport and Accessibility' supplementary guidance document.

## **CONDITIONS**

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

(1) That development shall take place in accordance with the approved construction methodology, or other such site-specific methodology as has been submitted to, and approved in writing by the planning authority for this purpose -

in order to minimise risk of any adverse impact on the River Dee Special Area of Conservation.

(2) That no development shall take place unless the tree protection measures set out in drawing L002-revA, or such other drawing as has been approved in writing by the planning authority for this purpose, have been fully implemented - in the interests of protecting those trees to be retained near to areas of construction.

(3) That the approved building shall not be occupied unless play equipment has been re-sited in accordance with drawings L-001 and L-002-revA, or such other drawings as may be approved for this purpose by the planning authority - in order to ensure that the adjoining area of open space retains its value as a community resource.

(4) that no development relating to this grant of planning permission shall be undertaken until such time as full details of appropriate replacement planting, incorporating 2 trees in place each specimen to be removed and including details of locations, species, size and stage of maturity of planting, have been submitted to and agreed in writing by the planning authority, and that thereafter the agreed replacement planting shall be implemented in full - in mitigation for the loss of existing trees within and adjacent to the application site.

(5) 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.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.