

## Planning Development Management Committee

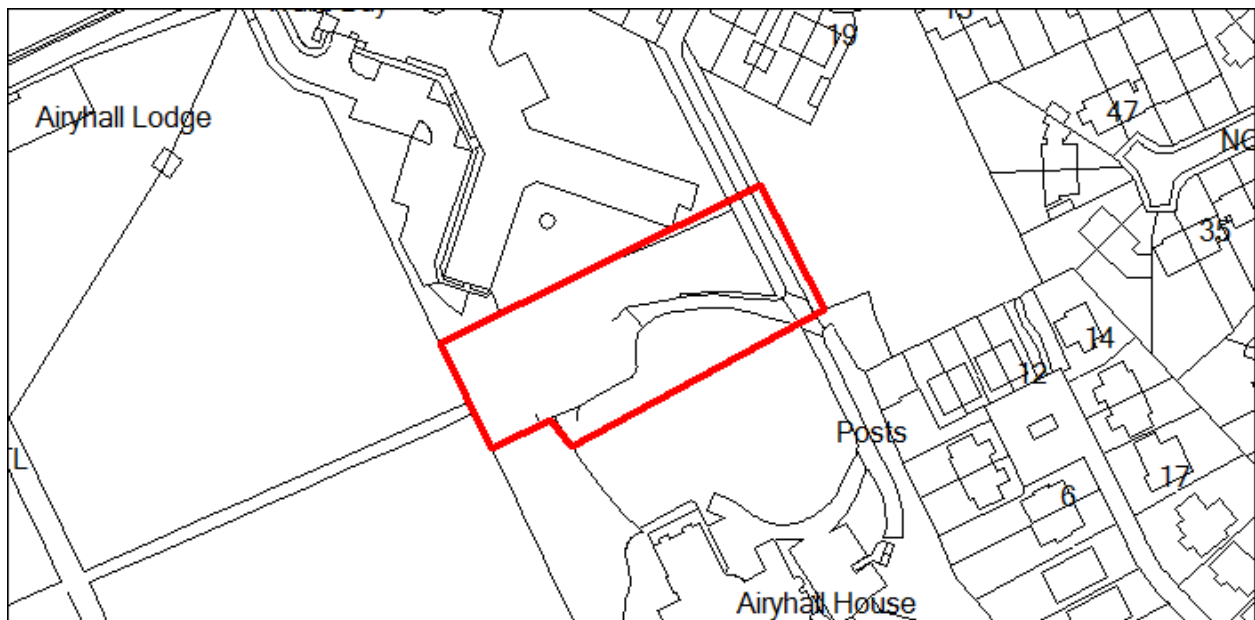
AIRYHALL HOUSE LAND NORTH OF,  
CRAIGTON ROAD, PITFODELS

CONSTRUCTION OF 5 NO.TERRACED  
HOUSES AND ASSOCIATED SITE WORKS

For: Bancon Developments Ltd

Application Type : Detailed Planning Permission  
Application Ref. : P131354  
Application Date: 12/09/2013  
Officer: Garfield Prentice  
Ward : Airyhall/Broomhill/Garthdee (I Yuill/A  
Taylor/G Townson)

Advert : Section 60/65 - Dev aff  
LB/CA  
Advertised on: 25/09/2013  
Committee Date: 4 December 2014  
Community Council : No Community  
Council



### RECOMMENDATION:

**Refuse**

## **DESCRIPTION**

The site is located between Airyhall Road and Craigton Road, sitting between Airyhall House and the recently constructed Northcote Care Home and forms part of the original policies of Airyhall House. The site, which is rectangular in shape and extends to 0.35 hectares, is substantially wooded, containing a significant number of large mature trees. The site is reasonably level, except for that part of the site next to the south boundary which rises up by 1.5-2.0 metres. An existing access lane to Airyhall House runs through the eastern part of the site. That lane is closed to through traffic south of the application site.

Northcote Care Home, to the north of the site, is a 2 storey building of irregular shape. Airyhall House, to the south, is 3 storeys high. To the east is an area of public open space containing a large number of medium sized trees. Immediately to the west is undeveloped green belt land.

## **RELEVANT HISTORY**

Planning permission for the conversion and extension of Airyhall House to form 23 retirement flats was granted, subject to a legal agreement restricting occupancy to over 55s, in March 2006 (application A5/1298). That permission has been implemented and completed.

Planning permission for the construction of a nursing home on land immediately to the north of Airyhall House and adjoining the current application site was granted in April 2010. That permission has been implemented and completed.

## **PROPOSAL**

Detailed planning permission is sought for the construction of five terraced houses and associated site works. The proposed houses would be located in the western part of the site, some 50 metres from the access lane leading to Airyhall House and just under 20 metres to the south of the recently constructed nursing home. The terrace would be some 50 metres from the nearest part of Airyhall House. The proposed houses would be 2 storey with an open plan living/kitchen area on the ground floor and two bedrooms and bathroom on the first floor. Each house would measure 6 metres by 8.2 metres (including porch) and would attain a height of 7.5 metres. The overall length of the terrace would be 30 metres. The walls of the house would be finished mostly in white render with some areas of brown stained timber cladding. Concrete roof tiles would be used on the roofs. Upvc windows and doors are proposed.

Parking for 10 cars would be provided in the eastern part of the site, close to the access lane leading to Airyhall House. Bin stores would also be located in that area. It is proposed to widen the access lane to 5.5 metres wide from its junction with Northcote Crescent to just beyond the car park entrance. New footpaths would be formed between the car park and the terrace of houses.

A schedule of trees on the site has been submitted with the application, although there is no accompanying report (as suggested in the Design Statement) on the impact of the development on the trees.

## **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?ref=131354>

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

- Schedule of Trees
- Design Statement

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Development Management Committee because the application has attracted six or more letters of objection. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Projects Team** – The 10 parking spaces proposed would comply with the Council's parking standards. Details of access road width are required. Details regarding drainage proposals are also required. A swept path analysis has been submitted showing that two-way traffic, on a shared surface between the proposed development and Northcote Crescent, is achievable. Strategic Transport Fund contributions would be required.

**Environmental Health** – The hours of construction should be controlled in order to protect the residents in the surrounding area.

**Enterprise, Planning & Infrastructure (Flooding)** – The SUDS Strategy for the site has been reviewed and it is noted that surface water drainage would discharge to soakaways. However, no design calculations and drawings have been submitted. A SUDS scheme designed for a 1 in 200 storm event and identification of the receiving drainage infrastructure are required.

**Education, Culture & Sport (Archaeology)** – A condition should be applied requiring a programme of archaeological works on the site in accordance with a written scheme of investigation which has been submitted to and approved by the Planning Authority

**Developer Obligations Team** – Based on the methodologies in the current supplementary guidance, allowing for the averaging over for Airyhall Primary School, a financial contribution would be required to be paid by the applicant. Hazlehead Academy should be able to accommodate pupils from this small development.

**Community Council** – No community council

## REPRESENTATIONS

14 letters of objection have been received. The objections raised relate to the following matters –

1. The loss of green space and a large number of mature trees which would adversely affect the amenity of the area
2. The design of the houses does not match the existing houses in the surrounding area
3. The density of housing in the area arising from recent developments and the resultant impact on the character of the area
4. The continued coalescence of Aberdeen and Cults
5. The proximity of the development to the adjacent nursing home and other over 55s residential accommodation
6. Noise and trespass issues arising from pets owned by the occupants of the proposed houses, exacerbating an existing problem
7. The access lane from Northcote Crescent is poorly lit and single lane
8. Concerns regarding privacy – access through the ground of Airyhall House should be restricted
9. Concerns regarding the delineation of boundaries
10. Safety concerns arising from the increased traffic using the access from Northcote Crescent and the close proximity to an area used by children for playing.
11. Potential overspill parking on to Northcote Crescent
12. The site has a right of way across it
13. The impact of the development on wildlife and local habitat
14. Potential oversupply of houses in the area
15. The location plan provided is out of date, in that it does not show the adjacent fields have been developed

## PLANNING POLICY

### National Policy and Guidance

#### Scottish Planning Policy (SPP)

SPP sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. It is a statement of Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory. SPP introduces a presumption in favour of development that contributes to sustainable development.

The following Scottish Government national outcomes are relevant –

“A successful, sustainable place” – supporting sustainable economic growth and regeneration and the creation of well-designed, sustainable places (*para. 14-16*)

“A natural, resilient place” – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use (*para. 20-21*)

Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the heritage asset and ensure that its special characteristics are protected, conserved or enhanced (*para. 137*). Proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area (*para. 143*).

### Scottish Historic Environment Policy (SHEP)

SHEP advises there is a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

## **Aberdeen Local Development Plan**

### Policy LR1 – Land Release Policy

The site forms part of land identified as an Opportunity Site (OP64) for a development of 20 homes. Policy LR1 'Land Release Policy' states that housing development on sites allocated in Phase 1 (2007-2016) will be approved in principle within areas designated for housing. OP64 is a Phase 1 development opportunity.

### Policy D1 – Architecture and Placemaking

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

### Policy D2 – Design and Amenity

In order to ensure the provision of appropriate levels of amenity the following principles will be applied: designing in privacy, ensure residential development has a public face to a street and a private face to an enclosed garden or court, providing access to outdoor sitting areas, ensuring car parking does not dominate the spaces around buildings, making most of opportunities for views and sunlight, designing out crime and ensuring external lighting takes account of residential amenity.

### Policy T2 – Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

### Policy D5 - Built Heritage

Proposals affecting conservation areas will only be permitted if they comply with Scottish Planning Policy.

### Policy D6 – Landscape

Development will not be permitted unless it avoids significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it.

#### Policy NE5 – Trees and Woodlands

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

#### 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.

#### 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 a least 15% below 2007 building standards. This percentage requirement will be increased as specified in Supplementary Guidance.

### **Supplementary Guidance**

The Supplementary Guidance on 'The Redevelopment and Sub-division of Residential Curtilages', 'Transport and Accessibility', 'Trees and Woodlands' and 'Low and Zero Carbon Buildings' are relevant material considerations. The Pitfodels Conservation Area Appraisal and Management Plan is also a material consideration.

### **Proposed Aberdeen Local Development Plan**

The following policies substantively reiterate policies in the adopted local plan as summarised above:

#### Policy D1 – Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities; distinctive, welcoming, safe and pleasant, easy to move around, adaptable and resource efficient.

#### Policy D2 – Landscape

Quality development will (i) be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls, hedges, copses and other features of interest; (ii) conserve, enhance or restore existing landscape features and should incorporate them into a spatial landscape design hierarchy that provides structure to the site layout;

#### Policy D4 – Historic Environment

The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. It will assess the impact of proposed development and support high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas, archaeology, scheduled monument, historic gardens and designed landscapes.

#### Policy NE5 – Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.

#### Policy NE9 – Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, Core Paths, other paths and rights of way. This includes any impacts on access during the construction phase of a development.

#### Policy T2 – Managing the Transport Impact of Development

Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

#### Policy H1 – Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:

1. Does not constitute over development;
2. Does not have an unacceptable impact on the character or amenity of the surrounding area;
3. Does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
4. Complies with Supplementary Guidance

## **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 pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Accordingly, considerable weight is required to be given to this matter.

Scottish Planning Policy (SPP), the Aberdeen Local Development Plan and its associated supplementary guidance are relevant material considerations.

SPP states that in meeting the policy principle of the “*presumption in favour of development that contributes to sustainable development*”, the aim is to achieve the right development in the right place: it is not to allow development at any cost (*para. 28*).

A Pitfodels Conservation Area Appraisal was produced in 2002 but has now been superseded by an updated Conservation Area Character Appraisal and Management Plan, which was put out for consultation in March this year. It has not yet been adopted as supplementary guidance. SPP advises the planning system should promote the care and protection of the designated and non-designated historic environment and its contribution to sense of place and cultural identity. SPP supports positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected. However, such change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset and ensure that its special characteristics are protected, conserved or enhanced. Proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area.

#### Land Allocation – Policy LR1

The main considerations in assessing the proposal are compliance with Policy LR1 and whether the proposal preserves or enhances the character or appearance of the conservation area.

Whilst the site forms part of an Opportunity Site (OP64) for 20 houses in the local development plan, that allocation of 20 houses has already been taken up by the applicant through securing planning permission for development on the two fields to the east of Airyhall House. That development was completed recently. In identifying the Opportunity Site through the local development plan process, it was considered the overall Opportunity Site was suitable only for 20 units. A greater density would not be in keeping with the character of the surrounding area. Given the extensive land allocations for residential development in the local development plan and the numerous planning permissions granted for a substantial number of houses across the City, there is no justification in terms of meeting housing supply needs to grant planning permission for a number greater than the 20 houses already consented and built, which is the maximum number envisaged for this area by the local development plan. Any increase in the amount of development over and above that allocation would be detrimental to the character of the conservation area for the reasons set out below.



## Impact on Character of Pitfodels Conservation Area

To the south of Airyhall Road, Pitfodels Conservation Area is characterised by large detached properties set within extensive wooded grounds. There are many imposing small country houses or large mansion style houses, along with their spacious garden layouts and the generous planting of trees. That character has, to some extent, been altered in recent years by developments at the Marcliffe at Pitfodels Hotel, the International School (approved in 2007), Airyhall House (conversion and extension approved in 2006) and Northcote Care Home (approved at the Council meeting in April 2010). To the north of that road the character is of undeveloped open fields to the west of Airyhall House, beyond which is the Woodlands residential development on the grounds of the former hospital site. The wooded nature and substantial number of large mature trees in Pitfodels is a key defining characteristic of the conservation area. Another defining characteristic is the sense of space between properties arising mostly from the extensive grounds around buildings. The juxtaposition of Airyhall House and the care home to the north and the spaces between and around them are reflective of and reinforce that character.

In order to maintain the prevailing character of the conservation area it is important that there is sufficient distance between buildings that will provide substantial areas for intervening landscaping and open space and for buildings to be distributed in such a way that one building will not be readily seen from another. It is also important for new buildings to be of high quality in terms of design, the materials used and the external spaces around the buildings.

The proposed terrace of houses would be located approximately 20 metres from the adjacent Northcote Care Home. The associated car parking and bin store would be less than 5 metres from that building. Accordingly, in terms of all the built elements of the development, the proposal would be located in relative close proximity to the adjacent care home. Whilst there would be a significant area of woodland between the terrace of houses and Airyhall House, there would be limited space between the development and the care home, especially in relation to the area of car parking. Substantial landscaping and open space could not be provided that would ensure the proposed development would not be readily seen from or in conjunction with the adjacent properties. The cumulative effect of cramming further houses into the locality would result in an unacceptable density of development. Accordingly, the proposal would not preserve the character or appearance of the conservation.

The Design Statement submitted by the applicant suggests that the site is a 'gap site' lying between two existing buildings. However, it is considered that the site cannot reasonably be regarded as a gap site for two reasons. It is within the curtilage of and thus an integral part of the grounds of Airyhall House. A defining characteristic of Pitfodels is the green spaces between buildings. Such spaces are not 'gap sites' for development. Whilst the proposal would not in itself lead to the physical coalescence of Aberdeen and Cults, it could visually give the impression of development creeping further west towards Cults.

It is considered that the design and external finishes of the houses are not of the quality expected and required and the terraced form of the development would not be in keeping with the conservation area. Buildings in Pitfodels are typically detached properties, many of which are constructed of granite. Two nearby properties, Airyhall House and The International School, have been extended in recent years, the latter comprising substantial modern extensions. Whilst acknowledging these and the presence of the recently constructed care home, there is nevertheless a strong and defining character of detached properties. A terrace of houses, which is a high density form of development, would conflict with that prevailing character to the extent it would be detrimental to and thus not preserve or enhance the conservation area.

The design of the proposed houses does not reflect the prevailing character and appearance of buildings in the conservation area. Although white render was used on parts of the walls of Northcote Care Home and the extension to Airyhall House. The use of expansive areas white render on the walls and concrete tiles on the roof of the houses is not appropriate. The design and appearance of the terrace would have a rather suburban appearance. It would not include the specific design features, detailing or external finishes one would expect in this conservation area. The Design Statement draws attention to the solid to void relationship and the vertical proportions of the windows. However, these matters do not overcome the design failings of the proposal. The development would neither preserve nor enhance the character of the area and thus would be contrary to SPP and Policies D1 and D5 of the local development plan.

Car parking provision and the access arrangements discussed later in this report. However, it is appropriate to consider not only the technical aspects of these matters but also the impact there would be on the character and appearance of the conservation area. The provision of a communal car parking area within the site, which would involve the formation of a relatively large hard surfaced area, would have the effect of urbanising this part of the conservation area and diminishing the natural appearance and value of the site. Formation of the access from Northcote Crescent to the car park would necessitate the widening of the existing lane to 5.5 metres with the loss of vegetation along its edges. The additional width, together with the loss of vegetation, would alter significantly the character and appearance of the lane, to the detriment of the conservation area.

#### Policy D2 - Design and Amenity

Policy D2 of the local development plan requires new residential development to satisfy several criteria, as listed in the policy. The proposed development would not satisfy the following criteria – the proposal would not have a public face to a street, the car parking area would dominate the north west part of the site and the position and orientation of the houses do not provide opportunities for views. No details have been provided on how crime has been designed out or on external lighting in the development and thus compliance with Policy D2 of these issues cannot be assessed.

## Impact on Trees and Habitat

The original proposal to construct a new footpath east-west through the site would have been likely to cause significant harm to a number of trees due to the requirement to make significant changes to ground levels immediately adjacent to mature trees. As a result, the applicant submitted a revised proposal to change the alignment of the footpath which avoids any requirement for altering existing ground levels. The potential impacts of the revised footpath and the proposed houses have been assessed by the Council's Arboriculture Officer. The proposed no dig construction methodology proposed for the footpath would appear to be feasible. However given the age of the trees it is reasonable to forecast a low-medium negative impact. This impact is however unlikely to have a significant impact on the long term retention of the trees along the path edge. Retention of the existing low wall immediately to the south would assist in minimising any impacts.

The actual construction of the houses would not result in the loss of any significant trees. However, this assumes access for those works can be gained via adjacent land to the west. Achieving this has not been demonstrated by the applicant, although the applicant has stated that access can be secured through the open field to the west, thus avoiding construction traffic using the lane. To construct the development from the east, via the access lane, could not be done without damaging/removing trees. Given the close proximity of the houses to large trees, there would likely be significant risk to the long term retention of a number of the trees. The threat to the trees would arise primarily due to the physical and potentially overbearing presence of the trees close to the houses (the trees are up to 20 metres high and only 10 metres from the nearest house). Retention times are often significantly reduced due to concerns of future occupants around safety, maintenance (e.g. issues caused by falling leaves, branches etc.) and light levels received within the property and garden grounds.

The applicant has provided a sunlight analysis showing where shadows would be cast by the trees a various times of the day on 21<sup>st</sup> March and 21<sup>st</sup> June of any year. The analysis shows that almost the whole of the gardens would in shade at 9.00 am on 21<sup>st</sup> March. The whole garden of one house and all rear gardens would be in the shade at noon, whilst most garden areas would receive direct sunlight at 5.00 pm. The situation on 21<sup>st</sup> June would be more favourable, with most garden areas receiving direct sunlight during the middle of the day and afternoon. During winter months gardens would be in the shade for the majority of daylight hours. As the gardens would receive direct sunlight for at least part of the day outwith winter months, the risk that occupants would wish to fell trees due to shading is reduced.

The construction of the parking area/service turning area would require the removal of a semi mature beech hedge and a number of young-semi mature trees. These trees are not included in the current survey submitted by the applicant. The applicant has indicated that the trees and hedge could be

replaced elsewhere on the site. It would appear that the construction of this area may also impact on the root protection zone of three larger trees.

Given the value of the trees to the character of the site and the surrounding area, the potential threat to their long term retention is an important consideration in the determination of the application. Taking account of all of the above factors, the proposal is not directly contrary to Policy NE5 – Trees and Woodlands as the loss of significant trees is unlikely to occur during the construction phase. However, for the reasons stated above, there would potentially be pressure from occupants to request the removal of trees.

Although the construction of the development would be unlikely to result in the loss of trees, other than small trees in the location of the car parking area, the proposal would nevertheless have an impact on the landscape character of the locality. The wooded characteristics of the site would be changed significantly by the construction of a terrace of houses. In that regard, the proposal is contrary to Policy D6 of the local development plan.

The landscaping scheme approved by the Council for the adjacent care home included the planting of 7 trees within the current application site, being necessary to soften the visual impact of the care home. There is no evidence of the trees actually being planted. The current proposal is for the car park to be constructed in the area where the trees should be planted. Approval of this application would mean that the landscaping scheme could not be fully implemented.

The construction of the houses and car park and the widening of the lane would impact significantly on the habitat of the site. The current overgrown nature of the site has a wildlife and habitat value. However, the area has no specific habitat designations and is of only limited value to the wider area.

### Impact on Core Paths

The Design Statement states the site is “*neglected and tends to look overgrown*”, although it acknowledges the site is well used by local residents as footpaths traverse it. Whilst it is accurate to describe the site as overgrown, that is part of its charm and value both in terms of its habitat and its attractiveness for walkers.

Attention is drawn in the objections to the proposal of claimed rights of way through the site, one along the lane from Northcote Road to Airyhall Road (a core path) and one east-west through the application site. It has been claimed that these routes have been used for over 30 years. The Council has previously considered this matter and had no reasons to doubt or dispute the validity of the claim. It appeared to meet to relevant criteria for being a Right of Way. Accordingly, it is accepted that such Rights of Way through the grounds of Airyhall House, including the application site exist. This development will not prejudice public access along the north-south route, but would change the character of the east-west route. The developer has indicated that access would be allowed to continue through the site. Notwithstanding, it would appear that the

public has a legal right to use these routes and therefore no further action is required through this planning application to secure continued access.

Notwithstanding the above, the character of the well used route through the site would be changed substantially. The area would be developed and more manicured. Its natural feel would be lost. Also, and importantly, it would likely be less attractive to walkers because the realigned footpath would pass close to the front of the houses, which would potentially give the impression of entering a private or semi-private area.

### Access Arrangements, Car Parking and Accessibility

Car parking would be provided in a communal area in the north west part of the site. There would be 10 parking spaces and thus would accord with the Council's Parking Standards. It would be unlikely that overspill parking to the surrounding area would occur. The proposed access, utilising the existing lane, would be widened in accordance with Council requirements. It would be a shared surface for vehicles, cyclists and pedestrians. The amount of vehicular traffic using the lane would be low, given it would relate to only 5 houses. The Roads Projects Team has raised no safety concerns with regard to any potential conflict between the various users. A swept path analysis submitted by the applicant shows that two-way traffic is achievable. There are currently no proposals to install/improve lighting in the lane. If Members resolved to approve the application, improvements to lighting could be secured through a planning condition. The site is relatively close to the bus route on Craigton Road. A little further away would be the bus route on North Deeside Road. The site is reasonably accessible to the cycle network.

### Impact on Residential Amenity

Given the juxtaposition of the proposed development with other nearby properties, there would not be in any significant adverse impacts on residential amenity in terms of loss of daylight and sunlight or loss of privacy. There would be some impact, more particularly for residents of Airyhall House, resulting from the increased activity on the site, noise from vehicles entering and leaving the development and to a degree, from light pollution from the proposed houses. It would likely result in residents of the new houses walking through the grounds of Airyhall House (a publicly accessible core path runs through the property), although the impact rising would unlikely be significant. The wider impacts on amenity would arise from the change in the character of the area and how local residents experience the area when walking in and through it.

### Matters is Raised in Written Representations

The matters raised in objections in relation to the loss of green space and mature trees (1, above), the design of the houses (2), the density of housing in the area (3), coalescence of Aberdeen and Cults (4), the access lane (7), privacy and access to Airyhall House (8), safety concerns from increased traffic (10), potential

overspill parking (11), the right of way (12), the impact on wildlife/habitat (13) and the oversupply of housing (14) have been discussed earlier in this report.

*The proximity of the development to the adjacent nursing home and other over 55s residential accommodation – the proximity to over 55s residential accommodation is not directly relevant to the consideration of this application. Issues regarding residential amenity have been discussed above.*

*Noise and trespass issues arising from pets owned by the occupants of the proposed houses, exacerbating an existing problem - this is not a relevant material consideration in the determination of the application.*

*Concerns regarding the delineation of boundaries – boundaries between the application site and Airyhall House are a matter for the land/property owners.*

*The location plan provided is out of date, in that it does not show the adjacent fields have been developed - notwithstanding the location plan not showing the recently completed housing to the east, the application was assessed taking account of the presence of those houses.*

### Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration.

In relation to this particular application the policies listed below are of relevance.

Policy D1 – Quality Placemaking by Design

Policy D2 - Landscape

Policy D4 – Historic Environment

Policy NE5 – Trees and Woodlands

Policy NE9 – Access and Informal Recreation

Policy T2 – Managing the Transport Impact of Development

Policy H1 – Residential Areas

Policies D1, D2, D4, NE5, NE9 and T2 substantively reiterate policies in the adopted local plan. Policy H1 introduces new considerations. The current Opportunity Site designation in the adopted local development plan has not been carried forward to the Proposed Plan, as the 20 house allocation has already been taken up. The 20 house development, to the east of Airyhall House, has

been completed. Whilst Policy H1 supports the principle of residential development in areas identified as Residential on the Proposals Map, any such development must comply with criteria specified in the policy. In this case, for the reasons explained earlier in this report, the proposal would represent over development of the site and would adversely impact on the character and amenity of the surrounding. Accordingly, the proposal does not comply with Policy H1 of the Proposed Plan. In addition, for the same reasons that the proposal does not comply with the adopted local development plan, it also does not comply Policies D1, D2 and D4 of the Proposed Plan.

### Conclusion

The proposed development would not preserve or enhance the character of the conservation area being detrimental to that character and appearance due to (a) the inappropriate location, form, design and external finishing materials of the proposed houses, (b) the inappropriate density of development and juxtaposition with adjacent buildings resulting in a pattern of development that is not reflective of or in keeping with the area, and (c) the loss of green space. However, if Members are minded to approve the application, it should be subject to the applicant entering into a legal agreement to secure developer contributions and a contribution to the Strategic Transport Fund and to conditions including the provision of a precise methodology for the construction of the footpaths, a landscaping scheme, implementation of tree protection measures during construction, a construction method statement including the means of accessing the site during the construction phase, the provision of car parking, further details of external finishes, details of lighting for the access road and drainage details.

## **RECOMMENDATION**

### **Refuse**

## **REASONS FOR RECOMMENDATION**

- (1) That the proposal would not preserve or enhance the character and appearance of the conservation area, being detrimental to that character and appearance due to (a) the inappropriate location, form, design and external finishing materials of the proposed houses, (b) the inappropriate density of development and juxtaposition with adjacent buildings resulting in a pattern of development that is not reflective of or in keeping with the area, and (c) the loss of green space, all of which would be contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policies D1 (Architecture and Placemaking), D2 (Design and Amenity), D5 (Built Heritage), and D6 (Landscape) and the associated supplementary guidance of the Aberdeen Local Development Plan and Policies D1 (Quality Placemaking by Design), D2 (Landscape), D4 (Historic Environment) and H1 (Residential Areas) of the Proposed Aberdeen Local Development Plan.

(2) That the proposal would be contrary to Policy LR1 of the Aberdeen Local Development Plan in that the proposal would exceed the number of residential units allocated for the area, to the detriment of the character of the area arising from the inappropriate density of development.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.