

Planning Development Management Committee

MAY BAIRD AVENUE, ASHGROVE

ERECTION OF 46 APARTMENTS WITH
ASSOCIATED CAR PARKING, LANDSCAPING
AND EXTERNAL WORKS

For: Cala Homes Aberdeen (North) Ltd

Application Type : Detailed Planning Permission
Application Ref. : P140810
Application Date: 29/05/2014
Officer: Gavin Evans
Ward : Midsocket/Rosemount (B Cormie/J
Laing/F Forsyth)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 11/12/2014
Committee Date: 9 March 2015
Community Council :



RECOMMENDATION: Willingness to approve subject to conditions and the conclusion of a legal agreement to secure the following;

- **25% affordable housing provision on adjoining land, as described in application P141696**
- **Developer contributions in relation to Primary Education in line with the assessment carried out by the Council's Developer Obligations team; and the Strategic Transport Fund (STF) as advised by Roads Development Management**

- **Participation in a Car Club, including leasing and associated administrative costs for a single vehicle for a period of 3 years, in order to mitigate the identified shortfall in car parking.**

DESCRIPTION

This 1.2 hectare site is located on the western side of May Baird Avenue, which connects Ashgrove Road, to the north, with Cornhill Road and the Cornhill Hospital site to the south. The site lies immediately to the south of Shaw Road, and slopes to the south, incorporating a number of impressive mature trees which give the site a degree of enclosure from the north. The neighbouring residential area to the north includes the converted Elmhill House, an impressive B-listed building.

The site incorporates both previously developed land and landscaped open space, which is commonly used for walking, with informal path routes evident through the site.

At its south-eastern corner is a car parking area which is understood to pre-date the adjacent nursery, having been associated with the former 'Ross Clinic', but is currently used for occasional overspill car parking. Shaw Road is a cul-de-sac, and near its western end is a derelict building known as 'Gardener's cottage'.

Trees within the site are protected by virtue of their location within the Rosemount & Westburn Conservation Area, and also by Tree Protection Order (TPO) no92.

The northern side of Shaw Road is characterised by 4no blocks of town houses (16 in total) at its western end, with its eastern end providing an open green setting for Elmhill House.

The western and southern site boundaries are enclosed by a 2m boundary wall and defined by a line of mature trees and shrubs. Beyond these boundaries, Cornhill Road and the Westburn Tennis Centre lie to the south, with Roxburghe House and its associated grounds to the west.

Shaw Road sits around 1m above the level of the application site and is accessed from May Baird Avenue to the east, which itself is on a north-south axis and gives connection to Ashgrove Road to the north and Cornhill Road to the south. To the east is a small amenity housing development, beyond which is further housing towards Berryden Road. The former Cornhill Hospital site lies to the south east, beyond May Baird Avenue. On the opposite side of Cornhill Road is Westburn Park which extends towards Westburn Road to the south.

RELEVANT HISTORY

Application P121598, submitted in November 2012, sought detailed planning permission for the construction of 12 houses and 10 flats on this site. That application was refused under delegated powers in September 2013. The reasons being: the impact on existing trees and the loss of public open space.

These factors were seen to be indicative of the development's failure to demonstrate due regard for its context, with a resultant adverse impact on the character of the Conservation Area. This previous application was also considered to be lacking certain supporting information to allow an informed assessment of its potential impacts in relation to roads and drainage. Notably the application also proposed no on-site affordable housing, which is in conflict with the Council's stated preference for on-site delivery.

PROPOSAL

Detailed planning permission is sought for the construction of 46 flats, contained within two 4 ½ storey buildings of contemporary design, sited towards the lowest/south-eastern part of the site. The arrangement of car parking and buildings has been influenced by the presence of existing trees, with the aim of both preserving those trees of greatest value and maintaining a valuable open space for public use. The applicants propose that the trees and open space will be formally managed, and new pedestrian links will be provided through the site.

Access would be taken to the north of the proposed blocks, off May Baird Avenue. May Baird Avenue itself would be resurfaced between Shaw Road and the entrance to the day nursery, with the existing footpath on its western side widened.

It is noted that a separate application has been submitted for the construction of 15 'low-cost' units at the western end of Shaw Road, on the site of the former gardener's cottage.

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=140810>

- Design Statement
- Tree Survey

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 Planning Development Management Committee because it has attracted more than 5 letters stating objection to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – State that the development can be accepted provided various matters can be secured through planning conditions and/ or a planning agreement, as follows:

Car, cycle & m/c parking

Notes that the 74 car parking spaces proposed is less than that recommended by the guidelines stated in the Council's 'Transport and Accessibility' Supplementary Guidance, but recognise that the site is within walkable distance of the city centre and there are public transport routes in the surrounding area. Furthermore, it has been agreed that the identified shortfall in car parking could be adequately mitigated through provision of a car club space within the site, along with funding to cover vehicle leasing and associated costs for a period of 3 years. Appropriate cycle and motorcycle parking has been demonstrated.

General Layout

The applicants will be required to bring a section of May Baird Avenue, between Shaw Road and the entrance to the adjacent day nursery, to adoptable standard via the Roads Construction Consent (RCC) process. This would involve the provision of a 5.5m wide road and a 2.0m wide footway.

Footpath / Cycle Links

The proposed footpaths shown on the latest submitted plan should be built 3.0m wide to accommodate pedestrians and cyclists. The proposed footway on the west side of May Baird Avenue should be 2.0m wide and this should tie into the footway to the north of the entrance radius into the day nursery.

Strategic Transport Fund (STF)

As this site has not been allocated for residential development in the ALDP, it is liable for contributions to the Strategic Transport Fund, which can be secured via a legal agreement.

Environmental Health – No observations.

Developer Contributions Team – Identifies a requirement for affordable housing provision equivalent to 15.25 units. Notes separate application (ref P141696) for 15 affordable units on the adjoining land, and notes that the remaining 0.25 can be made as a commuted sum.

Notes that Aberdeen Grammar has capacity for additional pupils, but that forecasts suggest that Skene Square Primary School will exceed its current capacity. On that basis, proportionate contributions are sought towards Primary School education.

Core Paths 23 and 24 are located to the south of the site, and are on good paved surfaces, therefore no contribution is sought.

Enterprise, Planning & Infrastructure (Flooding) – No objection. Having reviewed the submitted DIA, it has been confirmed that the required levels of surface water treatment have been achieved, and that the proposals are in line with SuDS principles.

Scottish Water – No objection. State that Invercarnie Water Treatment Works and Nigg Waste Water Treatment Works currently have capacity to service this proposed development.

Scottish Environment Protection Agency – No objection. Recommend that conditions be attached to any consent in relation to submission and agreement of both a scheme of surface water drainage and a site-specific Construction Method Statement (CMS). Any CMS should address all potential pollution prevention and environmental management issues related to construction works.

Community Council – The local Rosemount & Mile-End Community Council had previously expressed an ‘in principle’ agreement to the proposals, with some reservations. More recently, the Community Council has withdrawn those earlier concerns and has stated its support for the proposal.

Education, Culture and Sport (Educational Provision) – Pupils from this development are zoned to Skene Square Primary School and Aberdeen Grammar. Based on the 2013 school roll forecasts and under the current supplementary guidance, looking at average capacity over a five year period, a contribution would be required for the Primary School based on 4 additional pupils. Aberdeen Grammar currently has capacity.

Education

Pupils from this development are zoned to Skene Square Primary School and Aberdeen Grammar. Based on the 2013 school roll forecasts and under the current supplementary guidance, looking at the average over capacity over a five year period, a contribution would be required for the Primary School based on 4 pupils therefore $4 \times \text{£}23,000 = \text{£}92,000$. Aberdeen Grammar currently has capacity.

REPRESENTATIONS

8 letters of representation have been received, though two of these were from parties who had already objected, and are counted as single representations for the purposes of consideration against the Council’s scheme of delegation. The objections raised relate to the following matters –

- May Baird Avenue is privately owned and not maintained by ACC;
- Concerns over car insurance on such an unadopted road;
- Queries whether May Baird Avenue will be upgraded;
- Impact on local residents as a result of noise during construction;

- Concern over increased traffic, which is considered excessive;
- States that access should be taken from Cornhill Road;
- Concerns over the extent of neighbour notification for previous applications;
- Concerns over impacts on privacy for the new homes and those across May Baird Avenue, on Barkmill Road;
- Concern over the felling of protected trees;
- Concerns over surface water drainage;
- Loss of views of the open space and trees;
- Concerns over the proximity to adjacent properties on Barkmill Road, and resultant loss of daylight and amenity;
- Queries whether the removal of the third block was a means of avoiding the application being classed as 'Major', with associated consultation being necessary;
- Concerns over loss of light and privacy to properties on Shaw Road;
- Impact on TV signal to Shaw Road;
- Height is excessive;
- Concerns over the proximity of trees to buildings and future pressure for their removal;
- Impact of the development on the landscape setting of the site; and
- Concern that water pressure will deteriorate.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

SPP is the statement of Scottish Government policy on land use planning, and includes the Government's core principles for the operation of the planning system and concise subject planning policies. The principal policies relating to sustainable development and placemaking are relevant to assessment of this proposal, along with subject policies relating to Enabling Delivery of New Homes; Valuing the Historic Environment; Valuing the Natural Environment; and Promoting Sustainable Transport and Active Travel.

Creating Places

Scotland's policy statement on architecture and place sets out the comprehensive value which good design can deliver. Advising that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy.

The six qualities of successful places are set out as:

- distinctive;
- safe and pleasant;
- easy to move around;
- welcoming;
- adaptable; and
- resource efficient.

These guiding principles continue to underpin the Scottish Government's approach to delivering good places.

Designing Streets

Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside Designing Places.

Scottish Historic Environment Policy (SHEP)

Scottish Historic Environment Policy (SHEP) is the statement of government policy on the protection and management of the historic environment. It seeks to make the best use of the historic environment in a sustainable way that secures its long term survival yet achieves the government's wider aims of economic and social regeneration.

Aberdeen City and Shire Strategic Development Plan (SDP) 2014

The SDP sets out the following key objectives for the growth of the City and Aberdeenshire:

Population growth – To increase the population of the city region and achieve a balanced age range to help maintain and improve people's quality of life.

Quality of the environment - To make sure new development maintains and improves the region's important built, natural and cultural assets.

Sustainable mixed communities - To make sure that new development meets the needs of the whole community, both now and in the future and makes the area a more attractive place for residents and businesses to move to.

Accessibility - To make sure that all new development contributes towards reducing the need to travel and encourages people to walk, cycle or use public transport by making these attractive choices.

Policy I1: Infrastructure Delivery and Developer Contributions

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments 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

New developments must demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed thresholds set out in the associated

'Transport and Accessibility' Supplementary Guidance. Maximum car parking standards are set out in the associated supplementary guidance.

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

Policy D2: Design and Amenity

In order to ensure the provision of appropriate levels of amenity certain principles will be applied, including the following: Privacy shall be designed into higher density housing. Residential development shall have a public face to a street and a private face to an enclosed garden or court. 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. Individual houses within a development shall be designed to make the most of opportunities offered by the site for view and sunlight. Development proposals shall include measures to design out crime and design in safety. External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Policy D3: Sustainable and Active Travel

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

Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation. Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

D5: Built Heritage

Proposals affecting Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

D6: Landscape

Development will not be acceptable 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 H3: Density

An appropriate density of development is sought on all housing allocations and on developments of over one hectare must meet a minimum density of 30 dwellings per hectare, have consideration of the site's characteristics and those of the surrounding area, create an attractive residential environment and safeguard living conditions within the development.

Policy H5: Affordable Housing

Housing developments of 5 or more units are required to contribute no less than 25% of the total units as affordable housing.

Policy CF1: Existing Community Sites and Facilities

Existing healthcare sites shall be used primarily for healthcare and/or related medical and educational purposes. Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle. Large sites or sites in sensitive locations will be subject to a Planning Brief or Masterplan.

Policy NE1: Green Space Network

The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the 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. Development which has any impact on existing wildlife habitats, or connections between them, or other features of value to natural heritage, open space, landscape and recreation must be mitigated through enhancement of Green Space Network.

NE3: Urban Green Space

Permission will not be granted to use or redevelop areas of urban green space for any use other than recreation or sport, unless an equivalent and equally convenient and accessible area for public access is laid out and made available in the locality by the applicant for urban green space purposes.

In all cases, development will only be acceptable provided that:

1. There is no significant loss to the landscape character and amenity of the site and adjoining areas;
2. Public access is either maintained or enhanced;
3. The site is of no significant wildlife or heritage value;
4. There is no loss of established or mature trees;
5. Replacement green space of similar or better quality is located in or immediately adjacent to the same community, providing similar or improved benefits to the replaced area and is as accessible to that community, taking into account public transport, walking and cycling networks and barriers such as major roads;

Policy NE4: Open Space Provision in New Development

The City Council will require the provision of at least 2.8 hectares per 1000 people of meaningful and useful public open space in new residential development. Communal or public open space should be provided in all residential developments, including those on brownfield sites.

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, including ancient and semi-natural woodland which is irreplaceable.

Policy NE6: Flooding and Drainage

Development will not be permitted if it would increase the risk of flooding through the discharge of additional surface water. Where more than 10 homes or greater than 100m² floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment (see Supplementary Guidance on Drainage Impact Assessments). Surface water drainage associated with development must: (a) be the best available in terms of SUDS; and (b) avoid flooding and pollution both during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided. Private wastewater treatment systems in sewered areas will not be permitted.

Policy NE9: Access and Informal Recreation

Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Policy R6: Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual, recyclable and compostable wasters. Flatted developments will require communal facilities that allow for the 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. Further details are set out in Supplementary Guidance on Waste Management.

Policy R7: Low and Zero Carbon Buildings

States that all new buildings, in order to meet with 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.

Supplementary Guidance

Transport and Accessibility

Drainage Impact Assessments

Waste Management

Low and Zero Carbon Buildings

Infrastructure and Developer Contributions Manual

Proposed Aberdeen Local Development Plan

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

- Policy D1: Quality Placemaking by Design
- Policy D2: Landscape
- Policy D4: Historic Environment
- Policy D5: Our Granite Heritage
- Policy I1: Infrastructure Delivery and Developer Obligations
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy H3: Density
- Policy H4: Housing Mix
- Policy H5: Affordable Housing
- Policy CF1: Existing Community Sites and Facilities
- Policy NE4: Open Space Provision in New Development
- Policy NE5: Trees and Woodland
- Policy NE6: Flooding, Drainage and Water Quality
- Policy NE8: Natural Heritage
- Policy R2: Degraded and Contaminated Land
- Policy R6: Waste Management Requirements for New Developments
- Policy R7: Low and Zero Carbon Buildings, and Water Efficiency

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 residential use

Policy CF1 states that *existing healthcare sites shall be used primarily for healthcare and/or related medical and education purposes. Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses will be permitted in principle.* The supporting information provided with the application indicates that the site is surplus to the requirements of the NHS. Given this, and the fact that there are residential properties in close proximity to the application site, it is considered that the principle of residential development is acceptable. However, the extent of development also requires to be assessed in terms of its impact on the Green Space Network and the informal but nevertheless longstanding use of the site as an area of publicly accessible open space.

Policy CF1 emphasises this point further by stating that, where such areas contain uses other than that for which the area has been designated and these uses make a positive contribution to the character and community identity of the area, any proposals for development or change of use, whether or not the community use is recognised in the designation, will be opposed if a likely result would be a *'significant erosion of the character of the area or the vitality of the local community'*.

It is therefore the case that residential development is acceptable in principle on this site, provided that the proposal would not result in that specified impact. Informal public access to this area of open space is clearly well established, and it makes a positive contribution to local landscape character and amenity. The applications' focus has been on locating buildings on previously developed parts of the site where possible, in order to retain areas of open space and minimise impact on existing trees. Car parking areas would be surfaced in a 'grass-crete' type surface, to retain the landscape character of the adjacent open space.

Policy NE3 (Urban Green Space) also provides direction, however it is recognised that this area is not specifically identified as UGS, and has historically been zoned in a manner which could allow for expansion of the existing hospital site. Nevertheless, the value of this site as a recreational and amenity resource for the local community is recognised, and any non healthcare related redevelopment proposal must maintain a high quality, publicly accessible open space of a meaningful size. For those reasons, the footprint of buildings has been limited, and buildings have been sited towards the previously developed areas. Similarly, car parking standards have been reduced, with alternative means of ensuring compliance with transport policies implemented. In this regard, the area of open space to be retained would be significant, with those more valuable trees safeguarded. Overall the proposal is not considered to adversely affect the landscape character of the site, and public access will potentially be enhanced through the formalisation of footpath routes. The site's heritage value lies in the impressive mature tree specimens, however these are largely retained, with specimens of lesser value being removed to facilitate development. Whilst the proposal does not make alternative provision for open space as such, it has been designed in such a way as to minimise its encroachment onto the available open space, and in particular the most valuable and sensitive parts, and the existing space would arguably be enhanced as a result of the proposals, which includes future active management and maintenance of the open space. Whilst areas of tension with policy NE3 (Urban Green Space) are recognised, the proposal is nevertheless considered to represent a form of development which has demonstrated due regard for the constraints of the site, and allows the development blocks to be incorporated without significant impact on the local landscape character.

Access and Car Parking

Vehicular access is from May Baird Avenue, to the north of the two blocks. The Council's Roads Projects Team advise that it would be necessary for May Baird Avenue to be brought up to adoptable standard between Shaw Road and the

entrance to the adjacent day nursery, with the carriageway resurfaced and the existing footway widened to 2m. Subject to this, the access is acceptable.

Car parking provision would be below Council parking guidelines, however it is recognised that the site is within reasonable walking distance from the City Centre, and existing bus routes. Furthermore, the applicants have committed to addressing the shortfall in car parking by making provision for a Car Club space, along with financial contributions equivalent to 3 years costs. This approach is supported by the Council's 'Transport and Accessibility' supplementary guidance, and has been agreed with colleagues in the Council's Roads Projects Team. Whilst this approach would not be appropriate in all cases, the constraints posed by existing trees and their Root Protection Areas are such that full parking provision is likely to result in either undue impact on existing trees or significant erosion of the open space. Taking these matters into account, it is considered that the proposal demonstrates appropriate measures to minimise traffic generated and to make appropriate provision for car parking, along with associated measures to mitigate the identified shortfall, as required by policy T2 (Managing the Transport Impact of Development) and the associated 'Transport and Accessibility' supplementary guidance.

Footpaths are to be provided through the site, formalising the existing recreational routes which already exist. Again these routes have been sited so as to minimise encroachment and impact within the Root Protection Areas of trees. This enhancement of recreational access to green space, combined with the site's proximity to the city centre, the upgrading of the existing footway on May Baird Avenue and the appropriate provision of cycle parking facilities, demonstrates accordance with policies D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) of the ALDP .

Potential impact on Green Space Network

Policy NE1 states the Council will protect, promote and enhance the wildlife, recreational, landscape and access value of 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. The manner in which development has been largely confined to the previously developed edges of the site is such that a meaningful area of open space would be retained at the heart of the site, along with the majority of the more valuable tree specimens. It is considered that the integrity of the Green Space Network would be maintained, and its character and function would not be destroyed or eroded, and the proposal is therefore considered to be consistent with the aims of policy NE1 (Green Space Network).

Potential impact on trees and landscape character

A tree survey has been submitted, indicating 45 trees within the site. Some trees are particularly good examples and the diameter of larger specimens would suggest they are among the oldest trees in the city. In terms of arboricultural significance, some are extremely important to the city and their loss would be detrimental to natural heritage. Overall they are of high value both visually in terms of their local setting and also in terms of their habitat value and contribution to the wider Green Space Network.

Whilst the refused scheme had involved significant tree removals, including several significant category A specimens, and the extensive erosion of open space, this proposal has taken an entirely different approach focusing development on those parts of the site which have previously been developed and prioritising both the retention of the largest and most valuable tree specimens and maintaining a useable and publicly accessible open space of a meaningful scale.

Of the trees to be removed to facilitate development, 2 are in poor health and are recommended for removal, whether or not there is to be development. Other trees to be removed are clustered around the previously developed parts of the site, adjacent to the car park of the former 'Ross Clinic' or around the gardener's cottage building at the western end of Shaw Road. Of the 16 notionally healthy trees to be removed, 6 are identified as category B and 10 are category C, which denote trees of moderate or low quality, with remaining lifespans estimated at between 10 and 20 years. Several are smaller cherry trees, which are more readily replaceable specimens of lesser arboricultural interest, and it is significant that none of the 7 category-A trees identified would be felled. Retained trees would feature prominently in the adjacent green space, which would be subject to an active programme of management and maintenance, which appears to have been lacking in recent years.

It is noted also that all buildings, car parking and internal roads are sited outwith root protection areas, ensuring that there would be no significant impact on the health of trees to be retained. The provision of formal path routes through the site can also lessen occurrences of soil compaction within Root Protection Areas by formally directing foot and cycle traffic.

Whilst there is a degree of tree loss required, the approach taken has clearly sought to confine development areas to the previously developed parts of the site and to minimise impact on the most valuable trees. All category-A trees are retained, along with the majority of category-B trees. Impact on root protection areas (RPAs) has also been given due consideration, with development taking place outwith these areas and utilising a no-dig construction methodology in order to negate impact arising from excavations. Compensatory planting is proposed in mitigation of the identified tree removals, though details have not been provided at this stage and can be secured via condition. With these points in mind, it is considered that the application demonstrates accordance with the principles of policy NE5 by virtue of the manner in which buildings and associated development has been designed and sited so as to minimise adverse impacts on existing tree cover, and those impacts which have been identified would affect specimens of lesser significance in terms of landscape character or local amenity. The submitted plans indicate that soft landscaping would be used to define enclosed boundaries to the south of the flatted blocks, which is considered to be consistent with the character of the site. Overall, there would not be a significant adverse impact on landscape character, and benefits can be discerned in the provision of defined paths and a more active management and

maintenance regime. Taking these points into account, the proposal is considered to accord with the principles of policy D6 (Landscape).

Design, scale and form of development and relationship with Conservation Area

Policy D1 (Architecture and Placemaking) seeks to ensure that all development is designed with due consideration for its context. Here the application site constitutes an important area of informal green space which forms part of the wider Green Space Network (GSN). It has a relatively natural character by virtue of the large mature trees both within and surrounding the site and the green space within it. The GSN is important in terms of landscape and habitat value and the site is an important part of that. Any development must recognise the value of the open space and existing trees and seek to retain a useable and valuable open space.

Buildings are sited towards the edges of the site to avoid impact on the most valuable trees, and to ensure that the siting of the buildings does not divide the open space and compromise its continued public use. The height of the two proposed blocks is, at least in part, a result of their footprints being restricted to avoid such impact, and to enable a 'viable level of development, and in this sense the proposal does demonstrate due regard for its context.

Though the buildings may appear tall at 4 ½ stories, the site is relatively well enclosed, with existing trees and landscaping acting as a visual barrier. Its only truly open aspect is to May Baird Avenue, and then only for a limited proportion of its length due to the screening provided by trees to the north and south of the site. The result of this is that the new buildings will not be readily seen in the same view as other buildings along May Baird Avenue, Shaw Road, Barkmill Road or Shaw Crescent, and appear as standalone pavilions within the wider landscaped open space. Their contemporary styling is consistent with the terraced homes on Shaw Road and the residential flats further to the north on Shaw Crescent, however it is noted that there is much variety in the size and style of buildings in the immediate area: modern three storey townhouses on Shaw Road; buildings of varying sizes and ages within the Cornhill Hospital site; and flatted blocks on Shaw Crescent ranging from 5 to 7 storeys. Taking this into account, it is clear that there is no one dominant building style in the locality, and a variety in scale. Given the enclosure of the site visually, the scale of buildings is not considered excessive, and represents an appropriate response to this specific site.

The new buildings would be finished in stone at ground floor level, with rendered upper floors. The top floor would be partially set back from the frontage and finished in timber cladding. This set-back allows for useable southerly aspect balcony spaces, enclosed by glass balustrading, with views over the adjoining open space. Areas of private garden are also afforded an open southerly aspect, demonstrating a good level of amenity for prospective residents.

Taking these matters into account, it is considered that the proposal demonstrates due regard for its context, with a design solution based on

maintaining the landscape value of this and safeguarding the most valuable tree specimens. The proposal would make a positive contribution to its setting through the formalisation of existing path routes and the enhancement of the existing open space, with an active regime of management and maintenance to be implemented. The proposal is therefore considered to accord with the provisions of policy D1 (Architecture and Placemaking). In maintaining and enhancing existing landscape character, the proposal is considered also to maintain the character of the Rosemount and Westburn Conservation Area, and to demonstrate its compliance with SHEP, SPP and policy D5 (Built Heritage). The proposed development is considered of an appropriate density, which takes account of the site's arboricultural constraints and the surrounding built form, and is therefore considered to accord with the aims of policy H3 (Density).

Impact on residential character and amenity

The proposed development presents a public face to the street and on approach up May Baird Avenue, with amenity space provided for residents via private gardens to the south of the buildings and balconies for upper floors. In addition, residents would benefit from the presence of the adjacent open space. The orientation of buildings, gardens and balconies to face south makes the most of opportunities for sunlight. Neighbouring buildings are sited at sufficient distance from the proposed blocks to ensure that there would be no undue loss of privacy as a result of the proposal. It is noted also that existing tree planting along the western side of May Baird Avenue provides a good degree of screening. Taking these points into account, it is considered that the proposed development would provide a good standard of amenity for residents, and would not compromise the amenity afforded to residents of nearby residential properties. On that basis, the proposal is considered to accord with the provisions of policy D2 (Design and Amenity).

Affordable Housing

The 46 units proposed in this application are entirely mainstream flats, however the applicant has submitted a separate application for 15 affordable units at the western end of Shaw Road. It would be necessary to have implementation of this consent controlled by a legal agreement, stipulating that affordable units must be delivered at a specified point prior to full occupation of this development. Whilst it is not usual for affordable housing to be delivered via a separate consent, this is nevertheless a legitimate means of securing on-site affordable housing at 25% (generally known as 'Site Twinning'), in accordance with policy H5 (Affordable Housing) and the associated 'Affordable Housing' Supplementary Guidance.

Open Space

The site makes open space provision principally through the retention of a significant proportion of the existing open space, with the incorporation of formal pathways and a more regular and formalised scheme of management and maintenance for the trees and landscaped areas. It is considered that the proposal makes ample provision for publicly accessible open space, in accordance with policy H4 (Open Space).

Drainage

As noted previously, SEPA has recommended that a condition be attached to any grant of planning permission, requiring submission of a drainage impact assessment (DIA) for the further agreement of the planning authority, in consultation with SEPA. This recommendation is reflected in the conditions proposed.

Compliance with Waste and Low and Zero Carbon Buildings Supplementary Guidance

Submission of further technical information to demonstrate compliance with the Council's relevant supplementary guidance in relation to refuse, recycling and reducing the carbon emissions of buildings can be secured via appropriate conditions attached to any grant of permission.

Relevant planning matters raised in written representations

It has been previously noted that May Baird Avenue would be brought up to an adoptable standard. Matters relating to liability for motor insurance claims are not relevant to the planning merits of this proposal.

Whilst there can be some localised disruption during the construction phase of any development, this will be temporary in nature, and separate controls relating to noise and air quality exist under Environmental Health legislation. Such disruption would not preclude the granting of planning permission.

The proposed development would be accompanied by local upgrading of May Baird Avenue, which the Council's Roads Projects Team have accepted as being satisfactory. Points relating to alternative access are noted, however the proposal involves access being taken from May Baird Avenue, and this is considered to be acceptable.

Concerns relating to deficiencies in neighbour notification undertaken for previous applications are not relevant to assessment of this proposal. So far as this application is concerned, it is understood that notification was undertaken in accordance with the relevant regulations.

Issues relating to privacy, daylight and potential impacts on trees and landscape character have been addressed elsewhere in this report.

A DIA has been submitted in support of the proposal and, as per the consultation response from SEPA, further details of surface water drainage will require to be agreed prior to works commencing. Similarly, Scottish Water's consultation response established that there is capacity in their network to serve the development, but also highlighted that separate approval from Scottish Water is required for this, with any necessary works to improve water pressure potentially subject to financial contributions from the developer.

Concerns relating to the impact on daylight, privacy and TV signals are no longer considered relevant to this application, with the block at the western end of that street now the subject of a separate application.

Matters relating to design and scale are addressed elsewhere in this report.

There is no right to a particular view under planning legislation, and it is not considered that the outlook from any nearby property would be prejudiced materially.

The manner in which the block at Shaw Road has been included in a new application was a means of securing the 25% affordable units without resulting in undue delay for the applicants' current proposal. This is a quite legitimate approach, and is not prohibited by the relevant legislation.

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

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the site zoning and applicable policies would not be materially different from those applicable under the current ALDP and detailed above.

Summary

The proposed development is consistent with the zoning of the site, which allows for alternative uses where the site is no longer required for the primary community use, in this case as part of the NHS campus at Cornhill Hospital. The value of the site as an informal but long established amenity open space has been recognised, and the development proposal seeks to retain a significant proportion of the site as a publicly accessible open space. Path routes are to be formalised, and the arboricultural value of the site would not be undermined, with a clear focus on retaining the most valuable specimens as part of this open space. Tree losses are principally of lower value and contribution to the local landscape character, and overall the development would be consistent with the character of this part of the conservation area, where buildings are often sited in a mature landscaped setting. The materials and styling of the building are contemporary, but would not appear incongruous in this well-enclosed location where there is no clearly dominant style or built form. A high standard of amenity would be secured for residents, without adverse impact on neighbouring uses. The identified shortfall in car parking has been addressed through acceptable means of a funded car club vehicle and space, and full 25% provision of affordable housing can be secured via the separate application for the block at the western end of Shaw Road, and a small commuted sum. Approval of this

application is predicated on those affordable units being secured, so a condition and/or legal agreement will be required in order to prevent implementation of this consent without corresponding delivery of affordable units. On balance, this proposal is considered to accord with the relevant provisions of the plan, and any areas of tension identified with individual policies are not considered to be sufficient to warrant refusal of the application. Similarly, the matters raised in representations have been addressed in this report, and none have been found to be of sufficient substance to warrant refusal of planning permission.

RECOMMENDATION

Willingness to approve the application subject to conditions and the conclusion of a legal agreement

REASONS FOR RECOMMENDATION

1. The proposal demonstrates an appropriate form of development, which would not result in conflict with the surrounding uses and amenity. The scale and form of the proposal is considered to be acceptable in this well-enclosed site, and the setting of standalone blocks within a landscaped setting is consistent with the character of the surrounding area and this part of the Conservation Areas. The proposal is therefore considered to demonstrate its compliance with policies CF1 (Existing Community Sites and Facilities), D1 (Architecture and Placemaking), D2 (Design and Amenity), H3 (Density).
2. The proposal demonstrates due regard for the protection and retention of existing trees, with the most valuable trees safeguarded as part of the adjoining open space, and buildings and car parking sited outwith identified Root Protection Areas accordingly. The character and function of the Green Space Network would be undiminished by this proposal, which focuses initially on those parts of the site which have been previously developed. Local landscape character would be maintained, in accordance with policy NE6 (Landscape), and the proposal is considered also to accord with policies NE1 (Green Space Network), NE5 (Trees and Woodlands) and NE4 (Open Space Provision in New Development).
3. The character of the Rosemount and Westburn Conservation Area would not be adversely affected by the proposal, which is consistent with the characteristic siting of buildings within mature landscape settings, as seen elsewhere in this part of the Conservation Area. The proposal is considered to accord with Scottish Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), and policy D5 (Built Heritage).
4. The proposal demonstrates appropriate means of access for vehicles, cycles and pedestrians. Existing recreational routes would be enhanced, and pedestrian footways would be upgraded. Parking levels, though short of those recommended by guidelines, are at an acceptable level, and the shortfall is to be mitigated by the provision of a Car Club space and developer funding for a vehicle. The proposal is considered to accord with the provisions of policy T2

(Managing the Transport Impact of Development), D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation).

5. In restricting implementation of this consent based on delivery of the requisite affordable housing provision, with units at Shaw Road to be consented via a separate application, the planning authority can ensure compliance with policy H5 (Affordable Housing) and the associated supplementary guidance.

CONDITIONS

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

(1) That no development pursuant to this consent shall commence on site until a site specific Construction Method Statement has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CMS unless otherwise agreed in writing with the Planning Authority - In order to minimise the impacts of necessary demolition/construction works on the environment.

(2) Prior to the commencement of any works on site, a detailed scheme for surface water drainage shall be submitted to and agreed by the Planning Authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme – to ensure adequate protection of the water environment from surface water runoff.

(3) that no development besides excavations and laying of foundations shall take place unless a scheme detailing all external finishing materials to the roof and walls of 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.

(4) that the development hereby approved shall not be occupied unless the Car, cycle and motorcycle parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. L(90)-100-D 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, encouraging sustainable modes of travel and the free flow of traffic.

(5) 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.

(6) 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.

(7) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(8) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

(9) No development shall take place unless there has been submitted to, and approved in writing by, the planning authority

(i) a scheme for the supervision of the arboricultural protection measures and works to include the time and method of site supervision, record keeping including updates and that this supervision is administered by a qualified arboriculturalist approved by the planning authority but instructed by the applicant.

(ii) a plan and report illustrating appropriate management proposals for the care and maintenance of all of the trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority.

The proposals and scheme of supervision shall subsequently be carried out in complete accordance any information thereby approved in writing by the planning authority - in order to ensure adequate protection for the trees on site during the construction of the development and in order to preserve the character and visual amenity of the area.

(10) That no unit within the development hereby granted planning permission shall be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.

(11) that the buildings 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'.

(12) that no unit within the development hereby approved shall be occupied until such time as a 'Car Club' only parking space has been made available at a prominent position within the application site, in accordance with site plan L(90)-100-D of the plans hereby approved, or such other plan as has been submitted to and approved in writing by the planning authority for this purpose -in order to ensure that the identified shortfall in on-site parking is adequately mitigated.

(13) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(14) that no development pursuant to this grant of planning permission shall be undertaken unless a further detailed scheme of the footpath links within areas of open space has been submitted to and agreed in writing by the planning authority, in consultation with the Council's Roads Projects Team. Thereafter no residential unit within the development shall be occupied until such time as those approved routes have been constructed and made available for use in accordance with the agreed scheme - in order to ensure that the shared surface paths are designed to the required standard, thereby enhancing recreational access and permeability.

(15) that no unit within the development hereby approved shall be occupied until the site access from May Baird Avenue and associated upgrading of May Baird Avenue to adoptable standard has been carried out in accordance with drawing L(90)-100-D, or such other drawing as has been submitted to and approved in writing for this purpose - in order to ensure appropriate vehicular and pedestrian access to the development.

INFORMATIVES

Please note that in SEPA's consultation response, it was stipulated that the required Construction Method Statement (CMS) should be submitted at least 2 months prior to the intended commencement of works, in order to give consultees sufficient time to review submissions.

Dr Margaret Bochel

Head of Planning and Sustainable Development.