

Signed (authorised Officer(s)):

19 NEWBURGH CIRCLE, BRIDGE OF DON

CHANGE OF USE OF AMENITY SPACE TO
GARDEN GROUND

For: Mr Lewis Muirhead

Application Type : Detailed Planning
Permission

Application Ref. : P141661

Application Date : 05/11/2014

Advert :

Advertised on :

Officer : Hannah Readman

Creation Date : 14 January 2015

Ward: Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The site relates to an area of grassed, amenity ground which is situated to the south east of the applicants dwelling. The area measures approximately 80sq metres and is located on the corner of Newburgh Circle and a cul-de-sac (also Newburgh Circle). Trees have been planted around the perimeter of the site. The surrounding area is characterised by residential dwellings, primarily of two storey, detached and semi-detached designs.

RELEVANT HISTORY

An application to purchase the amenity ground was rejected by the property team in 2013. This decision was appealed against and went to the property sub-committee in April 2014 where the report recommended that the sub-committee uphold the officers original decision not to sell the amenity ground on the basis that it did not comply with planning policy. This decision was moved by 5 votes to 4 and the area of ground was sold, contrary to officer recommendation.

Prior to the sale of the amenity ground being completed, several approaches to the planning authority were made by the applicant, seeking advice on the acceptability of the change of use. On two separate occasions it was advised that

the change of use for a smaller strip of land immediately adjacent to the garage would be considered acceptable, the planning authority advised that the full area of land sought would not comply with current planning policies and guidelines.

PROPOSAL

This application seeks detailed planning permission for the change of use of 80sq metres of amenity ground to garden ground. No other works requiring of planning permission are proposed, such as a means of enclosure above 1m in height.

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.=141661>

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

CONSULTATIONS

Roads Projects Team – No objection subject to a visibility splay of 2.4m x 25m being maintained.

Environmental Health – No observations.

Flooding – No observations.

Community Council – No response received.

REPRESENTATIONS

None.

PLANNING POLICY

Aberdeen Local Development Plan 2012: Policy H1 (Residential Areas) –

The site is located within an H1 Residential Area, where the Council seeks to retain the residential character and amenity of the area.

Proposed Aberdeen Local Development Plan

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

H1 – Residential Areas (H1 - Residential Areas)

Supplementary Guidance - Householder Development Guide

Amenity space is a valued asset within a residential area.

- Proposals to change these spaces to private garden ground should not adversely affect amenity space which makes a worthwhile contribution to the character of the area.
- The proposal should not result in any loss of visual amenity including the loss of trees.
- The proposal should not result in the narrowing of footpath corridors or lead to a loss of important views along such footpaths.

- The proposal should not prejudice road or pedestrian safety. Areas of amenity space often function as visibility splays for roads and junctions.
- The proposal should not give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

The area of ground in question is located within a residential area, where the council seek to retain the residential character and amenity of such areas. Amenity space positively contributes to the appearance of an area and provides wildlife habitats, sustainable urban drainage systems, pedestrian routes and informal recreation areas, as well as visual interest and a break from built form, all to enhance the quality and sense of place. All proposals for changes of use are assessed on its own individual merits.

This particular area of amenity ground contributes to an area that designs out crime and designs in a sense of safety and provides a good safety standard for drivers, cyclists and pedestrians by ensuring clear visibility between Newburgh Circle, the cul-de-sac and around the corner. The change of use of this area of ground, if enclosed, would compromise this merit and could reduce the sense of safety experienced, by reducing the wide visibility. The Roads Project Team did not raise any objections subject to a visibility splay (2.4m by 25m at the junction of the cul-de-sac), which has been obstructed by the planting of trees, being maintained by the owner. In refusing planning permission, the Roads Project Team will be advised of these trees and asked if they wish to take any action to address this obstruction.

The amenity ground makes a worthwhile contribution to the character of the area given its prominent location on the corner of a through road. Its open appearance provides a welcoming space for all residents to enjoy visually, reducing the built form of the area. The loss of this area to garden ground would have an adverse impact on the visual amenity of the area if enclosed and would give rise to the setting of an undesirable precedent that would make it difficult to resist similar proposals in the future, further eroding visual amenity and resulting in over development of such residential areas. It is not in the public interest to lose amenity space to garden ground which could lead to the gradual erosion of overall amenity and appearance of an area with time. Its loss as valuable incidental open space would harm the visual amenity of the area to the extent that is deemed contrary to supplementary guidance and therefore can't be supported.

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, Policy H1 *Residential Areas* substantively reiterates the guidance given from Policy H1 in the adopted Local Development Plan and therefore raise no additional material considerations.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposal is contrary to Policy H1 Residential Developments of the Aberdeen Local Development Plan and the subsequent *Policy H1 Residential Areas* of the Proposed Aberdeen Local Development Plan, whereby the Council seeks to retain residential character and amenity of an area. The Supplementary Guidance "Householder Development Guide" is also not complied with as the change of use would result in the loss of a valued asset within a residential area and an undesirable precedent for such development that could result in a gradual erosion of amenity space would be set.