

Planning Development Management Committee

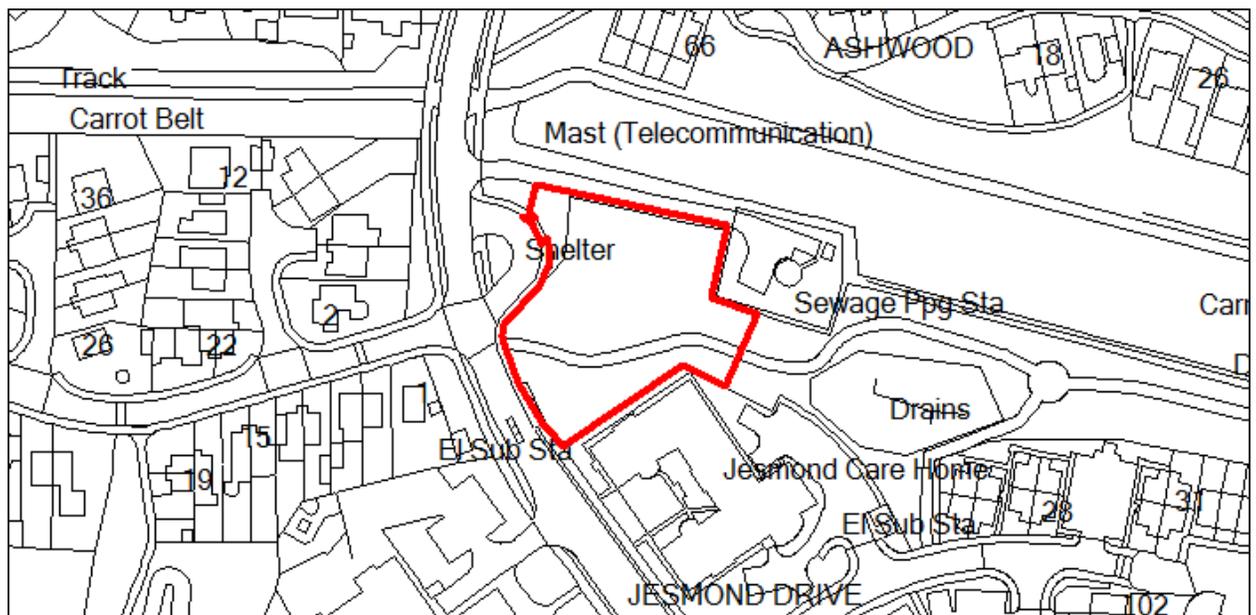
JESMOND DRIVE (LAND AT), BRIDGE OF DON

CONSTRUCTION OF 15 RESIDENTIAL UNITS
WITH ASSOCIATED CAR PARKING AND
LANDSCAPED AMENITY AREAS.

For: Carlton Rock

Application Type : Planning Permission in
Principle
Application Ref. : P160376
Application Date: 30/03/2016
Officer: Dineke Brasier
Ward : Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)

Advert : Dev. Plan Departure
Advertised on: 20/04/2016
Committee Date: 14/07/2016
Community Council : No response
received



RECOMMENDATION:

Willingness to conditionally approve subject to a legal agreement, or other suitable arrangement, to secure developer obligations towards community facilities and to secure the delivery and retention of the site as affordable housing.

DESCRIPTION

The application site (0.25ha) is an area of urban green space located on the east side of Jesmond Drive. The site is predominantly rough mainly marshy grassland with a number of young trees and scattered shrubs. It appears un-maintained and naturally regenerating. A small western area is closely mown grass. There is a footpath running east-west across its southern width, providing pedestrian and cycle routes/ links between the bus shelter and residential areas to the east.

To the south is the 'Jesmond Care Home', and to the west a bus turning circle off Jesmond Drive. Immediately north is the 'Carrot Belt', a mature mixed woodland area providing important connections towards the 'Scotstown Moor' Local Nature Conservation Site (LNCS) further to the east.

In the wider context it is situated between the residential areas of 'Jesmond Grange' to the south and 'Ashwood Grange' to the north.

RELEVANT HISTORY

Planning permission A4/0409 was granted in 2004 over a much larger area, but including the current site, for a mixed use development comprising: 32 very sheltered housing units; 10 special needs houses; a medical centre; a nursery school; and a shopping centre, with ancillary car parking; as well as the provision of public open space (including the site subject of this application), footpaths and cycle paths. Over time, other detailed planning applications were approved within this larger site, resulting in the development of suburban mainstream housing (Jesmond Grange), the Jesmond Shopping Centre, the Jesmond Care Home and the remaining open space.

In July 2015 Committee were minded to grant planning in principle (Ref: 150369) for the construction of 19 one bedroom units, subject to a S75 legal agreement covering financial contributions in relation to Strategic Transport Fund, Open Space and Core Paths, creation of a children's play area, maintenance of open space and relocation of a bus stop, on this area of open space. This legal process has not yet been concluded.

In addition an application (Ref: 151068) was submitted to vary an existing S75 associated to the site via planning permission A4/0409, which in effect reserves the site as public open space. That application is still under consideration, pending an outcome on the approved planning status of the site.

PROPOSAL

A block of 15 'affordable housing' flats (9x 1 bed, 5x 2 bed and 1x 3 bed) on the southern area. This building would have a generally U-shaped footprint, fronting onto Jesmond Drive, with a footpath running through the site to the north. It would have two storeys within the south and west sections of the building, and

three storeys to the northern wing. Also to the north would be car parking and beyond a small area of landscaped public open space.

Supporting Documents

All drawings and the supporting documents listed below relating to this can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=160376>

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

- Design Statement
- Drainage Impact Assessment

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee as six letters of objection were received. Accordingly, it falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objection subject to conditions requiring that the site layout is implemented as detailed; that residential travel packs are prepared and issued to residents; and that the south bound bus stop be relocated, as a parked bus could otherwise block the access junction. Advise that a Strategic Transport Fund contribution, or any obligation towards strategic transport issues, would not be required.

Environmental Health – No observations.

Developer Contributions Team – Contributions required in relation to community facilities and the Strategic Transport Fund, although the STF comment has since been superseded by events.

Communities, Housing and Infrastructure (Flooding) – No comments.

Community Council – No comments.

Education, Culture and Sport (Educational Provision) – Pupils would be zoned to Glashieburn Primary School and Oldmachar Secondary school. Both currently operate within capacity and could accommodate additional pupils resulting from the proposed development.

REPRESENTATIONS

Six letters of objection have been received, raising the following matters –

1. Loss of existing open space;
2. Design of the building, including elevations, proposed materials and proportions;
3. Increase in traffic opposite primary school, affecting children's safety; and
4. Insufficient parking.

PLANNING POLICY

Aberdeen Local Development Plan

NE1 – Green Space Network

NE3 – Urban Green Space

NE6 – Flooding and Drainage

NE8 – Natural Heritage

D1 – Architecture and Placemaking

D2 – Design and Amenity

T2 – Managing the Transport Impact of Development

I1 - Infrastructure Delivery and Developer Contributions

H5 – Affordable Housing

R6 – Waste management Requirements for New Development

R7 – Low and Zero Carbon Buildings

Proposed Aberdeen Local Development Plan

NE1 – Green Space Network

NE3 – Urban Green Space

NE6 – Flooding, Drainage and Water Quality

NE8 – Natural Heritage

D1 – Quality Placemaking by Design

T2 – Managing the Transport Impact of Development

I1 – Infrastructure Delivery and Planning Obligations

H5 – Affordable Housing

R6 – Waste Management in New Development

R7 - Low and Zero Carbon Buildings, and Water Efficiency

Supplementary Guidance

Affordable Housing Supplementary Guidance

Bats and Development Supplementary Guidance

Infrastructure and Developer Contributions Manual

Transport and Accessibility 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.

Principle of development:

The site is allocated as an Urban Green Space with the northern part also Green Space Network, as identified in the Aberdeen Local Development Plan. Thus policies NE3 (Urban Green Space) and partially NE1 (Green Space Network) apply.

Policy NE3 sets out that no permission will be granted to redevelop any 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 this case, the open space lost would not be replaced elsewhere. As such, the proposal is a departure from the policy.

However, an important material consideration is the previous decision of the Committee, to accept the principle of developing the site without compensatory open space provision, by being minded to grant application Ref: 150369, subject to the aforementioned S75 agreement. This decision was mainly based on the fact that the proposal would deliver affordable homes, and that this material consideration outweighed the loss of open space and conflict with the under laying policy designation.

The proposal is now for fewer units, but again as 'affordable housing'. The footprint of the proposed building would be approximately 420m², slightly smaller than that of the two buildings (450m².) of the previous proposal (Ref: 150369). The amount of open space remaining within the site would thus be similar.

On comparison of the two layouts, the now proposed building is contained more within the southern half of the site, retaining a larger section of public amenity space in the northern area. The previous application was accompanied by an Ecological Survey, including a phase 1 habitat survey, which can also be used to inform this assessment.

Taking account of these facts, there are no further substantiated considerations leading to this application being considered unacceptable in principle, when referenced against the previous Committee decision.

Affordable housing:

The scheme is for 15 'affordable' flats, and is accompanied by a supporting letter from Grampian Housing Association (GHA). The mix of flats is across one to three bedrooms (45m² to 91m²), which is a considerable improvement when compared to the previous scheme, which showed very small units generally ranging between 35m² and 45m².

The 'Housing Needs and Demand Assessment 2011 update' sets out that over the entire Aberdeen Housing Market Area, a figure of 624 additional affordable housing units would be required over a ten year period ending in 2020. 415 affordable units would be required for the Aberdeen City area alone. Although there is no break down of these figures for individual wards, it can be considered that there is a clear demand for affordable housing units within Aberdeen City, and this proposal would make a contribution to delivery of this figure, which again could lend weight to justify a departure from the ALDP zoning.

Affordable housing and developer obligations

The delivery and retention of the units as affordable housing would require to be controlled through a legal agreement. In addition, developer contributions are required towards community facilities, in order to mitigate the impacts of the development on existing infrastructure. However, the applicant has very recently agreed to accept the required obligations, and either make a payment or enter

into a legal agreement to secure them. As such, the proposal would comply with policy I1 (Infrastructure Delivery and Developer Contributions) of the Aberdeen Local Development Plan.

It should be noted that the developer obligations requested at the time of this current application are different from those during the previous application 150369. However, as will be appreciated the assessments provided by the Developer Obligations Unit are reflective of the moment and valid for a period of six months only, here a period of approximately one year has elapsed since the previous report to Committee. In this time the requirements have changed, as has the mix of units previously assessed, as set out above.

The Developer Obligations Assessment Report (DOAR) of the 2015 application requested financial contributions towards the Strategic Transport Fund, Open Space and Core Paths, whereas the DOAR of this current application requests financial contributions towards Community Facilities only. Other issues that were to be covered by a S75 were the relocation of a bus stop, creation of a children's play space, maintenance of open space and securing the future of the units as social rented units managed through a Registered Social Landlord (RSL). During the assessment of this application, it is considered that the relocation of the bus stop, delivery of a children's play area, and delivery of landscaped open space can be dealt with through conditions. The affordable housing restriction as well as a payment towards community facilities in the locality would still need to be covered as part of a S75 agreement.

Impact on the character and appearance of the surrounding area:

Although only seeking permission in principle, detailed drawings of the proposed building have been submitted. These show matters such as the siting, height, design and proposed materials. Proposed materials include brick and timber cladding in a relatively simple building design with a mono-pitched roof. The flats on the upper floors in the north wing would be accessed through an internal stairwell, whilst the entrances to flats on the upper floor of the west wing would be via an external staircase/ walkway on the east elevation.

The layout also shows: parking to the north of the building; a private amenity area serving the flats to the south (rear); a public footpath; areas of landscaped public amenity space on the north and western edges; and small private gardens serving ground floor flats.

The scale and massing of the building fits well with the overall grain of development surrounding, especially the Jesmond Care Home, a large two storey building with dual pitched roof, immediately to the south. It is considered that there would be sufficient separation between these two buildings to retain an element of the sense of space in the surrounding area.

Furthermore, the quality and usefulness of the remaining general open space would be improved through a formal landscaping scheme, as opposed to the poorly managed existing situation.

Impact on the residential amenities of neighbouring properties:

The only neighbouring residential building is the Jesmond Care Home, where there would be between 5m and 25m between the projections and the north facing side elevation of the care home. This care home elevation includes windows on both the ground and first floors and a number of these will serve principal rooms, such as bedrooms or living areas. As such, the indicative site layout would impact on the outlook and privacy/ amenity of the residents - as currently there are open views across the open space, towards Jesmond Drive. Instead, these rooms would look out over a limited enclosed courtyard, which could be considered to be a reduction in their existing amenity. The separation distance between windows in the two buildings ranges from 12m to 25m. As a generic guide the Council's Subdivision and Redevelopment of Residential Curtilages SG sets out that the minimum distance between facing windows (at 90 degrees) should be 18m. However, this relates primarily to standard residential layouts and there is an allowance for angled windows, where this distance is reduced. Taking these factors into account the proposal would comply with the guidance.

Due to the orientation of the proposed building to the north-east and north of the care home, the impact on light levels serving each individual room would be acceptable, as there would be no significant decrease in direct sun light.

On balance, this is therefore considered acceptable in terms of resultant residential impact, although it is accepted that this would be a reduction from the current levels of outlook and overall amenity.

Impact on local highway conditions, especially in relation to parking and access:

Vehicular access is off the bus turning circle, and 17 car parking spaces (1x disabled) would be provided. The Roads Development Management Team is satisfied with the parking arrangements, given the 'affordable housing' nature of the development and likely car ownership levels. Overall, accessibility and turning space would be acceptable.

A detached cycle store (16 spaces) is indicated in the south west corner, nearest the care home. Additionally, two cycle parking spaces are indicated near the main entrance to the building and two motor cycle spaces within the car park. This is considered sufficient and implementation required by condition.

The site is on a regular bus route from and towards the city centre, with bus stops immediately west. The southbound bus stop would need to be relocated as it would be too near the vehicular access, such that a bus could block access. The detail of this relocation would be controlled via the Road Construction Consent process, although a condition can be attached for planning purposes.

The development would continue to see good pedestrian connectivity, with the existing footpath replaced in a similar location, providing direct links from Jesmond Drive and the bus stops towards Jesmond Grange. Again a condition would ensure delivery.

Impact on protected species and natural habitats:

The earlier Phase 1 Ecological Survey undertaken indicated that the existing site conditions are species poor, widespread and common locally. There was/is little evidence of protected species activity. However, a number of species are worth noting: the presence of Wych Elm (a North East Local Biodiversity Action Plan (NELBAP) species); the potential use of the site by foraging badgers; and nesting birds. The Wych Elm should be retained in any potential site layout. Again a condition can set controls relating to the impacts on trees.

The survey also provided suggestions for mitigations to enhance the overall ecological value, including: the use of nesting boxes for various species of birds, bat boxes and the retention of trees, all of which could be dealt with through conditions.

Drainage, Waste Management and Low and Zero Carbon Housing:

The drainage impact assessment (DIA) has been assessed and the Council's Flood Team did not raise any concerns, thus it is considered to be acceptable.

A dedicated bin store, of a sufficient size, is indicated to the front of the building.

No details have been presented as to how the proposal would meet the targets as set out in policy R7 (Low and Zero Carbon Buildings). This requires all new buildings to install low and zero-carbon generating technology, to reduce predicted carbon dioxide emissions. A condition can be attached to require details on this matter.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. 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 representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis.

In this case, the relevant policies (see list above) have in the main received representations and thus only carry limited weight in the determination of this application. However, in general, they carry a similar emphasis as the policies from the adopted Local Development Plan. Thus the proposal would continue to

represent a departure from policy, but the recommendation would be based on the same considerations as taken above.

RECOMMENDATION

Willingness to conditionally approve subject to a legal agreement, or other suitable arrangement, to secure developer obligations towards community facilities and to secure the delivery and retention of the site as affordable housing.

REASONS FOR RECOMMENDATION

Although the proposals do not comply with the requirements of Policies NE1 – Green Space Network or NE3 – Urban Green Space, there are material considerations which justify a departure from those provisions. Otherwise the proposals, subject to conditional controls, are considered to be in a position to sit well with the requirements of policies: NE6 – Flooding and Drainage; NE8 – Natural Heritage; D1 – Architecture and Placemaking; D2 – Design and Amenity; T2 – Managing the Transport Impact of Development; I1 - Infrastructure Delivery and Developer Contributions; H5 – Affordable Housing; R6 – Waste management Requirements for New Development; and R7 – Low and Zero Carbon Buildings. It is also considered that the proposals address the intent of the following Supplementary Guidance documents: Affordable Housing; Bats and Development; Infrastructure and Developer Contributions Manual; Transport and Accessibility. All the aforementioned policies and supplementary guidance are associated with the Adopted Aberdeen Local Development Plan. A legal agreement can restrict the tenure of the proposed units to that of ‘Affordable Housing’ and, unless another mechanism is agreed, that required developer contributions are made towards community facilities. It is not considered that there are any conflicts with the provisions of the emerging replacement Proposed Aberdeen Local Development Plan.

CONDITIONS

1. No development shall take place unless a Matters Specified in Conditions application has been submitted to and approved by the planning authority comprising details of layout, detailed design and external appearance of:

- i. buildings and any ancillary structures;
- ii. plot and site layout, including boundary enclosures;
- iii. storage areas for waste and recyclables;
- iv. vehicular/cycle/pedestrian access;
- v. vehicle (including cycle and motorcycle) parking; and
- vi. Surface Water Drainage arrangements.

- in order to ensure a satisfactory design and a layout of development that respects the character and built form of the area.

2. In respect of condition 1.i. no development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to and approved by the planning

authority comprising full details of all: external materials, including windows/ doors/ rainwater goods/ etc; sustainable design standards, demonstrating the use of low / zero carbon technologies in achieving at least a 15% reduction in carbon emissions when measured against the 2007 building standards – in the interests of a suitable quality of materials, sustainability and to address the requirements of Policy R7 of the Aberdeen Local Development Plan 2012.

3. In respect of condition 1.ii. no development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to the planning authority and approved by detailing the site layout, including private, communal and public areas, which shall incorporate children's play facilities and areas of both shared and public open space; and all plot and site boundary enclosures – in the interests of appropriate design quality and to address the requirements of Policy D1 of the Aberdeen Local Development Plan 2012.

4. In respect of condition 1.iii. no development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to and approved by the planning authority detailing how waste and recyclables storage and collection arrangements shall be dealt with, in line with the requirements of the Waste Authority – in the interests of ensuring appropriate arrangements for waste, a suitably high quality design solution, and to address the requirements of Policy R6 of the Aberdeen Local Development Plan 2012.

5. In respect of condition 1.iv. and v. no development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to the planning authority and approved by comprising details of:

i. The relocation of the existing southbound bus stop immediately to the east of the site and north of the indicatively proposed road junction off the bus layby to a position which would avoid any conflicts between buses and other vehicles using that proposed junction. Details showing the solution shall be submitted to and approved in writing by the Planning Authority. Thereafter such approved details shall be implemented prior to the occupation of any of the hereby approved residential units;

ii. An appropriate level of parking and adequate pathways and turning space within the site, based on the standards set in association with the indicative layout accompanying this application, which shows: 15 'affordable housing' flats (9x 1 bed, 5x 2 bed and 1x 3 bed) and 17 car parking spaces (1x disabled); 2 motorcycle parking spaces; 16 secure cycle parking spaces; 2 visitor cycle parking spaces; and

iii. Details of Residential Travel Packs (RTP) are submitted to and approved in writing by the Planning Authority, any such approved RTP shall thereafter be made available to residents of the hereby approved residential units, including at any change in tenancies, and updated on an annual basis thereafter – in the interests of ensuring appropriate arrangements for access and parking, a suitably

high quality design solution, and to address the requirements of Policies T2 and R6 of the Aberdeen Local Development Plan 2012.

6. In respect of condition 1.vi. no development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to and approved by the planning authority comprising a Drainage Impact Assessment (DIA) detailing the proposed drainage design, which should incorporate SuDS measures and indicate on layouts existing sewers/ watercourses within the vicinity of the site – in the interests of appropriate surface water drainage arrangements, for the avoidance of pollution and to address the requirements of Policy NE6 of the Aberdeen Local Development Plan 2012.

7. No development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to and approved by the planning authority setting out details of measures designed to address any impacts on badgers, bats and birds, such details shall be based on advice from a suitably qualified person, the details of which shall be agreed in advance with the Planning Authority – to ensure that works are undertaken such that protected species (including) birds are suitably protected.

8. No development pursuant to the planning permission hereby approved shall be carried out unless a Matters Specified in Conditions application has been submitted to and approved by the planning authority comprising full details of hard and soft landscaping covering all areas of private/shared/public amenity areas, including children's play facilities, has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

- a) Existing and proposed finished ground levels;
- b) Existing and proposed services and utilities, including: cables, pipelines, and any substations;
- c) An Arboricultural Impact Assessment (AIA) to show how trees (particularly Wych Elm) either within or in close proximity to the site will be dealt with both during and after the development phase;
- d) Proposed tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting;
- e) Arrangements for the management and maintenance of all proposed open space, woodlands and landscaped areas; and
- f) Proposed hard surface finishing materials.

9. All soft and hard landscaping proposals approved via condition 8 shall be carried out in accordance with the approved scheme, which may include phasing, and shall be completed at the latest during the planting season immediately following the commencement of each respective phase of the development or other such date as may be agreed in writing with the planning authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar

size and species to those originally required to be planted – in order to integrate the development into the surrounding landscape, increasing the biodiversity value of the site and creating a suitable environment for future residents.