

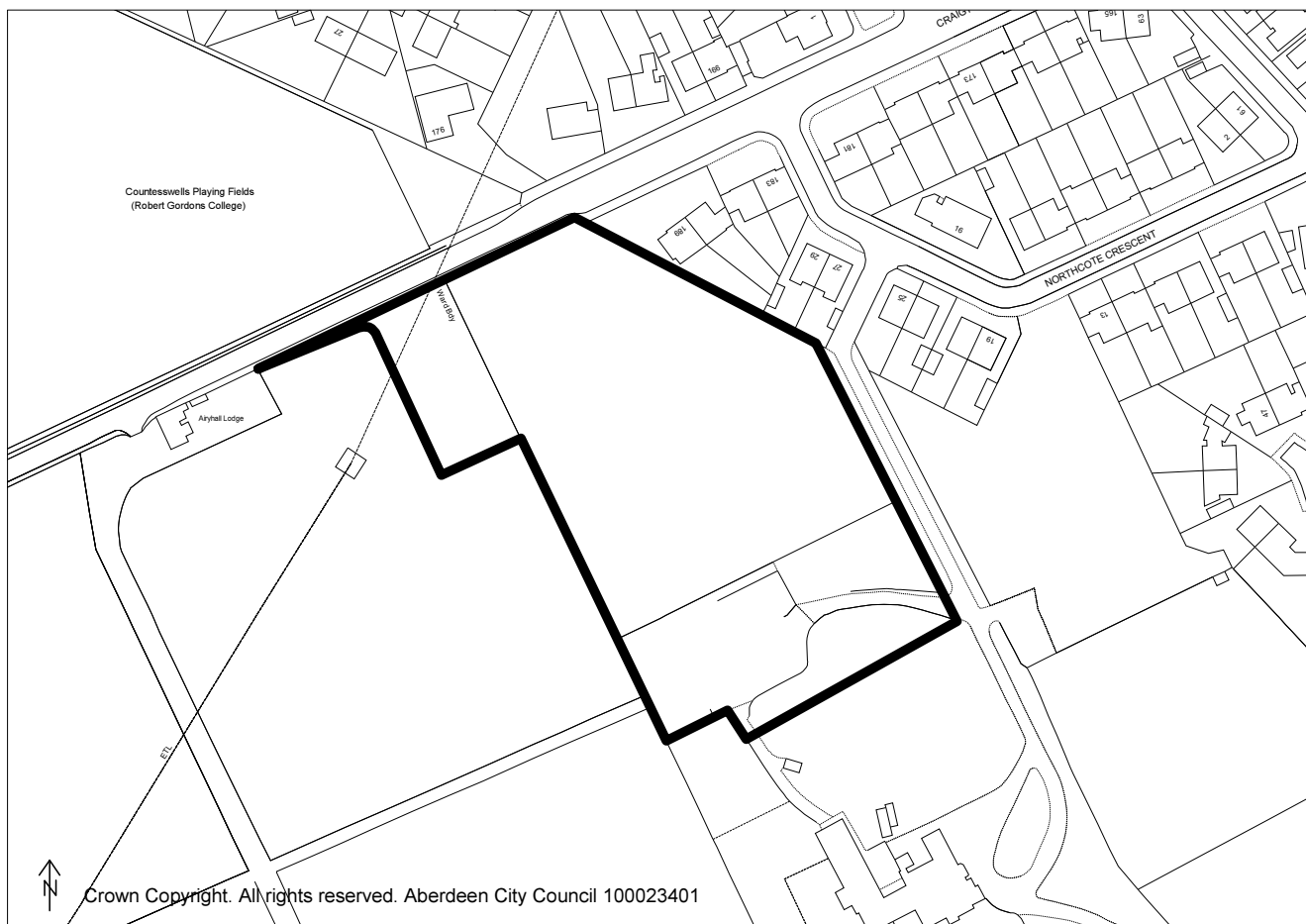
LAND NORTH OF AIRYHALL HOUSE,
CRAIGTON ROAD, ABERDEEN

ERECTION OF 54 BED NURSING HOME

For: Trustees of The Nazereth Care Home

Application Ref. : P090141
Application Date : 03/02/2009
Officer : Garfield Prentice
Ward: Airyhall/Broomhill/Garthdee (S Cassie/J
Wisely/I Yuill)

Advert : Dev. Plan Departure
Advertised on : 11/02/2009
Council Date : 24 March 2010
Community Council : Comments



RECOMMENDATION: Refuse

DESCRIPTION

The site is located in the green belt on the south side of Craigton Road and immediately to the west of the built up part of Airyhall. It is also located in the Lower Deeside/Pitfodels conservation area. The site extends to an area of 1.19 hectares. It is irregular in shape and includes a field and part of the wooded grounds of Airyhall House, which is located immediately to the south. The site is bounded on the east by the gardens of three houses and a narrow lane that leads from Northcote Crescent via Airyhall House to Airyhall Road. To the west is a field. There are a number of trees along the west boundary and part of the east boundary of the site. The southern part of the site is mostly wooded, comprising a variety of tree species including lime, beech, sycamore, scots pine, elm and horse chestnut. The trees range in height from 5 metres to 26 metres high and are protected by virtue of being within a conservation area. Electricity lines cross over the north west corner of the site.

PROPOSAL

Detailed planning permission is sought for the erection of a 54-bedroom nursing home. This is an amended proposal. Following the Pre-Determination Hearing the applicant decided to make a number of changes to the proposal in response to the issues, concerns and objections raised by members of the public at the hearing and in the written representations lodged with the Council. In summary, the original proposal to include 8 constant care residential units alongside the nursing home has been deleted. Some changes have also been made to the size (the removal of the north east wing of the building resulting in a reduction from 58 to 54 bedrooms) and design of the nursing home (introduction of granite on the elevation facing Craigton Road, some minor adjustments to the design and relocation of the garage/store to the south west corner). The design and position of the access road has also been altered. The access road is moved approximately 12 metres to the east.

The proposed nursing home would be 2 storeys high with a pitched roof and would be irregular in shape – three wings of varying length extending out at 45 degree angles from a central core. At the nearest point, the gable of the north west wing would be approximately 9 metres from the re-aligned Craigton Road. The north east corner of the building would be 11 metres off the boundary with the house at 189 Craigton Road. The south east wing would be 4 metres off the trees on the east boundary. The south west wing would extend to within 1 metre of the west boundary. The overall length of the building along the north west – south east and north east – south west axes would be approximately 110 metres and 82 metres respectively. The building would attain a height of 9 metres to the ridge of the roof. The finished floor level of the building would be some 1.5 metres below the level of Craigton Road. The wall of the building facing Craigton Road would be finished mostly in grey granite with white coloured render on the upper section. The other walls would be finished in a mix of Fyfestone Premier Fairfaced blocks, drydash render (grey with pink flush) and Brilliant White K-rend render. The roof would be clad in grey coloured Marley Modern concrete tiles. The nursing home would comprise a total floor area of 4,161sqm, including a garage and workshop. The accommodation would include 54 bedrooms, day rooms, treatment/physio rooms, café, chapel, various staff rooms and ancillary facilities.

It is proposed to form a new vehicular and pedestrian access from Craigton Road. It would be located in the north west corner of the site and would lead to a car park located on the west side of the proposed nursing home. It is proposed to provide 28 car parking spaces. In addition, there would be space for two vehicles in the garage. There would be a slight re-alignment of the south side of Craigton Road across the frontage of the site, which would include a new and widened footway.

The applicant has provided an outline account of the site selection that was carried out. It is stated that numerous sites, both within and outwith the City were considered and assessed, but for several reasons (convenience for patients, staff and visitors, access to public transport, ownership constraints, physical characteristics such the gradient of the site and planning constraints) all sites were deemed not to be suitable or acceptable, except for the application site on Craigton Road. It is also explained that it would not be possible to provide a new facility on the existing Nazareth House site at Claremont Street because the listed building must be retained resulting in insufficient space for a new nursing home. It is also stated that the current facility would have to shut during construction and the applicant does not have the financial resources without the sale of the existing nursing home. The proposed development would be built by a developer who in turn would gain ownership of Nazareth House.

REASON FOR REFERRAL TO COUNCIL

The planning application requires to be determined by the Full Council under new legislation introduced in August 2009 as part of the Scottish Government's modernisation of the planning system. This will be the first planning application that is required to be determined under this new procedure. Section 14(2) of the Planning etc (Scotland) Act 2006 amends the Local Government (Scotland) Act 1973 to the effect that where a planning application has been the subject of a Pre-Determination Hearing under section 38A of the 2006 Act, the planning application must be decided by the Full Council.

When the planning application was lodged with the Council the proposed development was classed as a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. Although the amendments to the proposal have resulted in it now falling below the size threshold for major developments, the category of development is crystallised at the point of the lodging the application and thus it must continue to be treated as a major development. The proposal is considered to be significantly contrary to the local development plan by virtue of the development being located on an undeveloped site within the Green Belt wherein Policy 28 'Green Belt' of the Aberdeen Local Plan applies. Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 there is a requirement to hold a Pre-Determination Hearing where the development is classed as a 'major development' in terms of the new Hierarchy of Developments and is considered to be significantly contrary to the development plan. The need to hold a Hearing was confirmed by the Development Management Sub-Committee on 1st October 2009. The Hearing took place on 20th November 2009. The Hearing affords the applicant and those people who submitted written representations on the proposed development the opportunity to present verbally their arguments/case directly to the Development Management Sub-Committee.

CONSULTATIONS

ROADS SECTION – The parking requirement for the nursing home is 18 spaces with additional parking for staff (1 parking space per resident member of staff). The total number of parking spaces is acceptable. Craigton Road should be widened across the frontage of the development site as this development would increase traffic using the road and would also accommodate any future traffic generation from other developments that might arise. The carriageway should be tapered on the south side from the road narrowing to a width of 6.5 metres at the access and then continue after the access to the existing kerbline. Approval of the junction does not mean that a future road would be acceptable at this location. The slight

widening of Craigton Road would make it easier for the collection of refuse with less obstruction to traffic.

ENVIRONMENTAL HEALTH – There are no objections to the application. Suitable conditions should be attached to the planning permission to control the hours of construction, to secure measures to prevent mud/debris being deposited on the public road during construction works, to require the submission of details of the filtering and extraction system for the kitchen and to require the submission of details for the storage/disposal of refuse.

KEEPER OF ARCHAEOLOGY – A condition should be attached to the planning permission to secure the implementation of a programme of archaeology works on the site.

COMMUNITY COUNCIL – Braeside and Mannofield Community Council objects to the planning application. The Community Council states that the Council should seek legal advice from the Scottish Government and European Courts on compliance with human rights legislation. The proposal would directly affect residents due to the nature of the proposal – 2 storey buildings, tarmac car parks, environmental visual deterioration. Attention is drawn to Policies 27 and 28 of the former structure plan, Policies 28, 29, 33, 34 and 35 of the local plan and the Government circular on green belts. Attention is also drawn to the issue of coalescence resulting from other major developments in the locality.

Concerns are raised regarding the width of and the speed of traffic travelling along Craigton Road. The road is inadequate to cope with the increased volume of traffic. It is considered that the site entrance raises major safety concerns for pedestrians and cyclists. There would be a noise impact from car doors being shut and the starting up of engines. There would be build up of CO2 emissions that would affect residents and wildlife. Craigton Road should be designated as a residential road and treated and assessed to ensure that inappropriate levels of traffic or dangerous vehicle speeds do not occur. The need for 40 car parking spaces is questioned. There should be no car parking provided on the site and all staff should either cycle or use public transport.

There are rights of way crisscrossing the site, but these have not been shown on the drawings submitted with the application. The development would destroy all the wildlife on the site and adjoining fields. The development would cause light pollution and 'sky glow' that would be a major concern to amateur astronomers. There would be noise from various cooking, heating, washing and ventilation systems and from vehicles. The proposed facilities could be accommodated on the Claremont Street/Union Grove site.

REPRESENTATIONS

113 letters of objection have been received, including one from Nanette Milne OBE MSP. The objections raised relate to the following matters.

- The proposal would not conform to the former structure plan (Policies 27 and 28) or local plan (Policies 4, 28, 29, 31, 33, 34 and 35)
- Planning permission for residential use on this and adjacent land was refused (and dismissed at appeal) previously
- The proposal would breach the green belt, contrary to green belt policy
- A brownfield site should be used for the development rather than a site in the green belt
- The loss of green space, which has already been significantly reduced by other developments in the area
- Inappropriate scale of the building which would dominate the area

- Inappropriate design of the building which would be out of keeping with the character of the area
- Inappropriate position of the building on the site vis-à-vis the adjacent residential property
- Overdevelopment of the site
- The proposal would not protect the landscape setting of the area
- Coalescence with Cults
- The site is located within the Pitfodels conservation area
- The resultant increased traffic on the already busy Craigton Road, which cannot cope with more traffic
- Additional traffic on other roads and lanes (used for walking and cycling) in the surrounding area
- Additional noise and pollution caused by the increased traffic
- Road safety concerns regarding the access on Craigton Road
- The use of the narrow lane off Northcote Crescent should be dismissed on safety grounds
- Insufficient on-site car parking
- The development would prevent future improvements (e.g. widening) of Craigton Road
- The adverse impact on wildlife in the area (squirrels, brown hare, common toad, deer, foxes, owls, bats, a variety of birds)
- The tranquil character of the area would be lost
- The loss of amenity for nearby residents (e.g. loss of rural outlook, privacy, noise disturbance, 24 hour operation of the facility)
- Loss of trees
- Light pollution from the building and car park
- Precedent for other development in the area, particularly along Craigton Road, leading to 'ribbon' development along the road and the erosion of the green belt
- The loss of rights of way across the site
- The loss of a recreational facility for residents (e.g. dog walking, cycling, fruit picking, observing nature, escaping to the countryside)
- Disturbance during construction (noise, dust, pollution)

1 letter of support has also been received. The following points are raised -

- The development is a good use on a long neglected site which is used only as a dumping ground
- The development would be located on the urban edge
- A 2 storey building would be in keeping with the surrounding properties
- The residents of the development would not contribute to traffic congestion etc.

Approximately 400 people signed standardised letters of support which were submitted to the Council. However, all of the letters were received several months after the deadline for lodging written representations and thus cannot be taken into account in the consideration and determination of the planning application.

ADDITIONAL ISSUES RAISED AT THE PRE-DETERMINATION HEARING

The applicant

The applicant advised that the Trust is a non-profit making charitable organisation which presently cares for up to sixty frail, elderly people on both a permanent and respite basis and who are admitted on the balance of need alone and the Trust's ability to fulfil that need. It was also advised that the existing building (constructed in 1860) is becoming increasingly difficult to maintain to an appropriate standard, in particular in relation to the requirements of the Care Commission and fire regulations. It was emphasised that the only realistic option for the Trust was a new facility on a new site financed by the sale of Nazareth House. The applicant's architect explained the reasoning for the design and layout of the proposed building, stating also that the ridge height of the building would be no higher than the ridge of the nearest dwelling and that the site coverage would be similar to the house plots in the area. He also stated that the development would be "neighbourhood friendly". The applicant's planning consultant drew attention to the housing requirements set out in the new structure plan (72,000 new homes by 2030) and that the target could be achieved only if the current green belt was not retained. Thus the green belt is untenable even in the short term. It was pointed out that the Council must maintain a 5 year supply of housing land at all times (identified through a housing land audit), which in terms of the former structure plan is 5.6 years supply, but the figure is reduced to 2.7 years supply in terms of the new structure plan. It was argued that quick release of land is required to meet the ambitious growth targets. Attention was drawn to a number of precedents in the Pitfodels area, all of which are in the green belt – housing at Woodlands Hospital, housing at Wellwood House, sheltered housing at Airyhall House, the new International School and the expansion of The Marcliffe at Pitfodels Hotel. The planning consultant also drew attention to the Council's Main Issues Report for the emerging local development plan, in particular to the possibility that the application could be part of a wider area of infill development and that the designation of nearby land as a "Preferred Option Site" for future development effectively recognised that.

Braeside & Mannofield Community Council

In general the objections raised in its written consultation response were reiterated. Attention was also drawn to the allocation in the Main Issues Report of the emerging local development plan, which indicates that the site forms part of a development option area which has been assessed by the Planning Authority as undesirable and that the Reporter at the public local inquiry for the current local plan stated that Craighton Road is unsuitable for further development before the construction of the Aberdeen Western Peripheral Route.

The objectors who spoke at the Hearing

There were no new substantive issues, concerns or objections raised that had not already been highlighted in the written representations.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) is the statement of Scottish Government policy on land use planning and includes the Scottish Government's core principles for the operation of the planning system and concise subject planning policies. The general policy on sustainable development and the subject policies relating to green belts, transport and open space and

physical activity are relevant material considerations in the assessment and determination of the proposed development.

Aberdeen Local Plan

The policies from the local plan set out below are those considered to be directly relevant to the assessment and determination of the proposed development.

Policy 1 'Design': 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 scale, massing, colour, materials, details, the proportions of building elements and landscaping will be considered in assessing this.

Policy 28 'Green Belt': No development will be permitted in the Green Belt for purposes other than those essential for agricultural, forestry, recreation, mineral extraction or restoration or land renewal. All proposals for development in the green belt must be of the highest quality in terms of siting, scale, design and materials. All development in the green belt should have regard to other policies of the local plan in respect of protection of landscape, trees and woodlands, natural heritage and pipelines and control of major accident hazards.

Policy 29 'Green Space Network': This policy applies to the land that is designated on the proposals map as 'Green Space Network'. The network consists of areas of land that have particular value in terms of recreation, public access, wildlife or landscape together with links between such areas. The City Council will protect 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.

Policy 31 'Landscape Protection': One of the objectives of planning for future development will be to maintain and manage aspects of Aberdeen's unique landscape setting. Development will not be acceptable unless it avoids (a) 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; (b) obstructing views of the City's townscape, landmarks and features when seen from publicly accessible vantage points; (c) disturbance, loss or damage to recognised recreation, wildlife or woodland resources or to the physical links between them; and (4) sprawling onto green spaces or buffers between places or communities with individual identities and those which can provide opportunities for countryside activities. All developments shall respect the quality of the local landscape character and contribute towards its maintenance and enhancement in terms of siting, scale, massing, colour, design, density, orientation, materials, planting/landscaping and boundary treatment. They should otherwise be capable of being absorbed within sites without significant adverse impacts upon existing landscape elements, including linear and boundary features or other components which contribute to local amenity and provide opportunities for conserving, restoring or enhancing them.

Policy 33 'Protecting Trees and Woodlands': The City Council will protect and enhance Aberdeen's trees and woodland with the aim of doubling the existing tree cover of the City. There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that have natural heritage value or contribute to the character, biodiversity or amenity of a particular locality.

Policy 35 'Access and Recreation Areas': The City Council will protect and enhance access to the green space within and around Aberdeen through the protection of footpaths, cycle paths

and bridleways. The City Council will designate a Core Path Network and protect it and other informal routes from development. Development around the edge of Aberdeen must ensure that links between rural and urban areas are maintained. New development should not compromise the integrity of existing or potential recreation areas. Where development is proposed, every opportunity should be taken to improve pathway access and links to green space.

Policy 72 'Use of Appropriate Transport Modes': There shall be a presumption against developments that would be likely to increase the proportion of trips made in the City by private car. In assessing likely modal split account must be taken of the quality of linkages of a site to all parts of the City by public transport, cycling and walking and not just of the physical possibility of access to a site by other means than the private car.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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 development plan comprises the Aberdeen City and Shire Structure Plan and the Aberdeen Local Plan. The Scottish Planning Policy (SPP) is a relevant material consideration. 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 of conservation areas.

The proposal, when submitted, constituted a 'major development' as defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. It is considered that the development represents a significant departure from the development plan due to the scale of the development on this undeveloped green belt site and because the proposal does not fall within one of the categories of appropriate development in the green belt. The application requires to be assessed against the other policies mentioned previously and any other relevant material considerations, including the issues raised in the written representations and at the Pre-Determination Hearing.

Following the Pre-Determination Hearing the applicant decided to make a number of changes to the proposal in response to the issues, concerns and objections raised by members of the public at the Hearing and in the written representations lodged with the Council. In summary, the original proposal to include 8 constant care residential units alongside the nursing home has been deleted. Some changes have also been made to the size (the removal of the north east wing of the building resulting in a reduction from 58 to 54 bedrooms) and design of the nursing home (introduction of granite on the elevation facing Craigton Road, some minor adjustments to the design, and relocation of the garage/store to the south west corner). The design and position of the access road has also been altered. The access road is moved approximately 12 metres to the east. As the amendments did not raise any new planning issues there was no requirement to notify neighbours or to consult again with the Community Council. By deleting the 8 constant care units, the applicant has addressed all the concerns and objections raised relating to the impact on the trees in and the path through the south part of the site, as development is no longer proposed in that area.

Scottish Planning Policy

SPP on green belts states that the purpose of green belts is to (i) direct planned growth to the most appropriate locations and support regeneration, (ii) protect and enhance the quality, character, landscape setting and identity of towns and cities and (iii) protect and give access to open space within and around towns and cities. It also sets out the types of development that may be appropriate in the green belt. These include (a) development associated agriculture, (b) woodland and forestry, (c) horticulture including market gardening, (d) recreational uses that are compatible with an agricultural or natural setting and (e) essential infrastructure. However, SPP states *“where a proposal would not normally be consistent with green belt policy, it may still be considered appropriate.....to meet an established need if no other site is available”*. This statement indicates a degree of flexibility in controlling development in the green belt and that the Government recognises that on certain occasions developments in addition to those listed above may be acceptable. A nursing home is not listed as an appropriate use in the green belt and thus does not comply with Government policy for green belts. SPP is quite clear that the green belt boundaries should be established through a local development plan. Incremental erosion of the green belt through individual planning permissions would undermine the fundamental Government policy of a plan-led planning system. Any change to green belt boundaries or expansion into such areas should be delivered through the emerging local development plan. As noted above, SPP does allow for some flexibility in controlling development in the green belt. The applicant has provided information on why the Craigton Road site has been selected. It is appreciated that the choice of sites will in reality be restricted for a variety of reasons, for example, poor location, physical constraints and landowners that are unwilling to sell. However, the applicant has not presented a compelling case on why this particular green belt site is the only site available and/or suitable for the proposed nursing home. Accordingly, there is no justification for departing from Government policy on development within green belts.

SPP on transport states that the planning system should support a pattern of development which reduces the need to travel. It states further that planning permission should not be granted for significant travel generating uses in locations which would encourage reliance on the private car and where access to public transport networks would involve walking more than 400 metres. Although the site is located on the edge of the urban area the proposed development would not generate significant traffic, which is reflected in the number of proposed parking spaces. The level of traffic generated by the existing Nazareth House on Claremont Street is relatively low. Although the new facility would not be in a central location there is no reason to expect the level of traffic to be significantly greater. The site is also located close to a bus route, the nearest bus stop being approximately 200 metres to the east and it has good connections to the footpath network in the locality. It is considered that the proposal complies with this part of SPP.

SPP on open space and physical activity states that planning authorities should consider access issues and should protect core and other important routes and access rights when making decisions on planning applications. The deletion from the proposal of the 8 constant care residential units (which would have affected a claimed right of way) means that the proposed development would have no impact on the existing path network to the east and through the south part of the site. Accordingly, the proposal complies with this part of SPP.

The general policy on sustainable development contained in SPP states that decisions on the layout and design of new development should encourage energy efficiency through orientation and design of buildings, choice of materials and the use of low and zero carbon generating technologies. It is proposed to install an air source heat pump for the heating system and a heat recovery technology for the ventilation system. The applicant's agent has demonstrated

that these measures would result in a reduction in carbon dioxide emissions of approximately 14% over and above the 2007 Building Regulations. Therefore, the proposal would satisfy the sustainable development policy contained in SPP.

The Aberdeen City and Shire Structure Plan

The structure plan does not include specific policies but sets out an overall vision and spatial strategy to give a clear direction for the growth and development of the City and Aberdeenshire. The main aims of the plan are to *“provide a strong framework for investment decisions which help to grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively and take on urgent challenges of sustainable development and climate change”*.

The applicant has argued that under the ambitious growth targets set out in the structure plan the Council does not meet the requirement of maintaining a 5 year supply of housing land and thus there should be an early release of green belt sites in order to satisfy that requirement. The structure plan requires the review of the green belt to make sure that it meets the requirements of the plan and Scottish Planning Policy. Paragraph 4.23 of the structure plan states that the green belt around Aberdeen will continue to play a vital role in protecting the character and landscape setting of the City. However, it will need to change to meet the growth the structure plan seeks to achieve. It must guide development to appropriate places while protecting the most important areas. Accessible green space within and around Aberdeen and other major settlements will also be important to achieving a high quality environment. It requires both Aberdeen City Council and Aberdeenshire Council to carry out a green belt boundary and policy review by 2010 as part of the local development plan process. Therefore, it is considered appropriate that the review of the green belt should be carried out in the context of the development plan and that the timeframe should be long enough to accommodate the development requirements of the structure plan. Allowing piecemeal developments outwith this context would not be consistent with the structure plan.

SPP advises that local development plans should allocate land on a range of sites which are ‘effective’ or capable of becoming effective to meet the housing land requirements, ensuring a minimum of 5 years effective land supply at all times. Effective housing land supply is defined as *“the part of the established housing land supply which is free or expected to be free of development constraints in the period under consideration and will therefore be available for the construction of housing”*. The 2009 Housing Land Audit shows that there is a 5 year supply of housing land. It is likely that the 2010 audit will be released in August. It is anticipated that the housing land supply for 2010 may fall below the 5 year requirement. However, allowing housing developments of any type outwith the context of the development plan is not the proper means of augmenting the housing land supply.

It is considered that the structure plan does not lend any support for the proposal.

Aberdeen Local Plan

Policy 1 ‘Design’ seeks to ensure high standards of design for new development which must be designed with due consideration for its context and make a positive contribution to its setting. The design of the proposed nursing home has been improved through the recent amendments made to the proposal, especially the introduction of granite on the elevation facing towards Craigton Road. The design of the building and the choice of external finishing materials are of a sufficiently good quality for the location and would complement the general character of the adjacent residential area. Being located on the urban edge, the design would not affect, to any significant extent, the character of that part of the green belt. Although the

shape of the building would be unusual, especially compared to the houses in the locality, it would not be detrimental to the overall character or appearance of that part of the green belt. It is considered that the proposal generally meets the expectations of Policy 1.

Policy 28 'Green Belt' seeks to control development within the green belt to uses that must be located in such areas. In general, no development will be permitted for purposes other than those essential for agriculture, forestry, recreation, mineral extraction or restoration or land renewal. The proposed nursing home does not fall within any of those categories of acceptable development in the green belt and thus departs from the provisions of Policy 28. Furthermore, to develop this site would contribute towards coalescence of Airyhall with Cults, which would be contrary to one of the aims of green belt in the current Local Plan. Incremental erosion of the green belt through individual planning permissions would undermine the fundamental principle of the plan-led planning system that operates across Scotland. As set out above, the applicant has not presented a compelling case on why this green belt site is the only site available and/or suitable for the proposed nursing home. Accordingly, there is no justification for departing from green belt policy. Although the applicant feels it is 'untenable' to retain the existing green belt boundaries, those zonings result from the outcome of the Reporters' recommendations of the Local Plan Public Local Inquiry of 2006 which looked specifically at the appropriateness or otherwise of the zonings in the Pitfodels area and shall be reviewed as part of the Local Development Plan process.

Policy 29 'Green Space Network' places an additional level of control on the designated green belt areas. The Council seeks to protect and enhance the wildlife, recreational, landscape and access value of the green space network. In general, proposals for development that are likely to destroy or erode the character or function of such areas will not be permitted. The nursing home would be located on a currently unused field which has limited wildlife or recreational value. Access across the site by members of public generally, but not exclusively, takes place in the southern part, which would not be subject to development. That part of the site to be developed has limited access value. The core path immediately to the east of the site and claimed right of way through the southern part would not be affected. The landscape character of the actual site would inevitably change significantly. It is considered that the proposal would not undermine significantly the green space network in that part of the City.

Policy 31 'Landscape Protection' requires all developments to respect the quality of the local landscape character and contribute towards its maintenance and enhancement in terms of siting, scale, massing, colour, design, density, orientation, materials, planting/landscaping and boundary treatment. The site itself would change dramatically. However, being located on the urban edge, the proposal would not affect significantly the landscape character of the immediate locality. This is partly because of the existing houses to the north and east and the sheltered housing at Airyhall House to the south. The development would not extend any further west into the green belt than the western extremity of Airyhall House. The development would, however, be an encroachment into the green belt which currently acts as a buffer between Airyhall and Cults and thus would fail to satisfy clause 4 of Policy 31. The proposal includes the provision of extensive areas of landscaping within the grounds of the nursing home, including along the exposed western and northern boundaries. Appropriate planting, including tree planting, could be provided to reduce and soften the visual impact of the development on the wider green belt and to improve its setting when viewed from further west along Craigton Road. Indeed, extensive landscaping, including significant tree planting could enhance considerably the appearance of the site and the general character of the locality. If the application were to be approved a condition could be applied to the planning permission requiring a landscaping scheme to be submitted to the Council for approval. The existing stone dykes along the west and north boundaries would be either retained and repaired or re-aligned to allow for the slight widening of Craigton Road and for the provision of the site access.

Policy 33 'Protecting Trees and Woodlands' contains a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that have natural heritage value or contribute to the character, biodiversity or amenity of a particular locality. The proposal would not require any trees to be felled. The majority of the trees within the site are located in the southern part, which would remain undeveloped. Therefore, there is no conflict with Policy 33.

Policy 35 'Access and Recreation Areas' seeks to protect and enhance access to the green space within and around Aberdeen through the protection of footpaths, cycle paths and bridleways. The lane to the east of the site, leading from Northcote Crescent through the grounds of Airyhall House to Airyhall Road is identified in the Council's Core Paths Plan as a core path. The Land Reform (Scotland) Act 2003 requires Councils to produce such a plan, which identifies a network of paths across the City. Core paths comprise a variety of different path types, ranging from natural grassy routes to high-specification constructed paths, the majority of which will be off-road. However, the deletion from the application of the 8 constant care residential units means that the core path and the claimed right of way through the southern part of the site would not be affected by the development. Therefore, there is no conflict with Policy 35.

Policy 72 'Use of Appropriate Transport Modes' has a presumption against developments that would be likely to increase the proportion of trips made in the City by private car. Although the site is located on the edge of the urban area the proposed development would not generate significant traffic, which is reflected in the number of proposed parking spaces. The level of traffic generated by the existing Nazareth House on Claremont Street is relatively low. Although the new facility would not be in central location there is no reason to expect the level of traffic to be significantly greater. The site is also located close a bus route, the nearest bus stop being approximately 200 metres to the east, and has good connections to the footpath network in the locality. It is considered that the proposal complies with Policy 72.

Aberdeen Local Development Plan Main Issues Report (October 2009)

The applicant has raised the fact that land at Pitfodels is identified in the Main Issues Report as a "Preferred Option Site" for housing. The aim of the Main Issues Report is to stimulate debate on the main planning issues facing Aberdeen and to suggest possible options for dealing with these issues. For example, it deals with where new housing should be built. It will inform the preparation of the new Aberdeen Local Development Plan which will determine which areas of the City are suitable and unsuitable for development and will affect the way land is used, managed and developed. The purpose of the document is to gather views. It does not allocate any sites for development. An area at Pitfodels has been identified as a possible location for 20 homes. However, should this preferred option site be taken forward into the Proposed Local Development Plan following a detailed analysis of all competing sites, the precise boundaries would be set in that plan. It would be premature and indeed inappropriate to approve development on the application site until a full and proper review of the green belt boundaries and the boundaries of any future development sites in the locality has been carried out as part of the local development plan process. The Main Issues Report is not the development plan and the identification of a preferred development option in the Pitfodels area can only carry very limited weight at this time.

Impact on the Lower Deeside/Pitfodels Conservation Area

The site is located in the Lower Deeside/Pitfodels Conservation Area. There is a statutory duty on planning authorities to preserve and enhance the character of conservation areas. It is considered that the proposal would not detract from its essential character, which is primarily a Victorian suburb of large detached granite villas set within a treed landscape. This site is very much on the periphery of the conservation area and has an entirely different character, that of an agricultural field. Indeed, a good quality building on the site, set within extensive landscaped grounds with significant tree planting, could help to reinforce that essential character of the conservation area.

Objections Raised by the Community Council and the Public

Compliance with human rights legislation – The Courts have ruled previously that the Scottish planning system complies fully with human rights legislation.

The proposal would not conform to the former structure plan (Policies 27 and 28) or local plan (Policies 4, 28, 29, 31, 33, 34 and 35) – The former structure plan was superseded by the Aberdeen City and Shire Structure Plan in August 2009. There are no equivalents to Policies 27 and 28 in the new structure plan. As set out above, the proposed development complies with Policies 29, 31, 33 and 35 of the local plan. Policy 4 ‘Protection of Urban Green Space’ and Policy 34 ‘Natural Heritage’ are not directly relevant to the consideration of this application. As set out above, the proposal does not comply with Policy 28 of the local plan.

Planning permission for residential use on this and adjacent land was refused (and dismissed at appeal) previously – The previous refusal of planning permission for residential development on the site was some considerable time ago and is not relevant to the determination of this application. This application must be assessed on its own merits in the context of the current development plan and other relevant material considerations.

The proposal would breach the green belt, contrary to green belt policy – As explained above, the proposal would breach the green belt and would be contrary to green belt policy as set out in SPP and the Aberdeen Local Plan.

A brownfield site should be used for the development rather than a site in the green belt – As a general principle development is directed to brownfield sites or to greenfield sites identified in the local plan. Only in exceptional circumstances are green belt sites considered to be suitable for development, except for those types of development specified in green belt policy.

The loss of green space, which has already been significantly reduced by other developments in the area – Inevitably developing the site would result in the loss of green space, albeit it is not laid out or used as a formal recreational space.

Inappropriate scale of the building which would dominate the area – The scale of the proposed building, although large, would not dominate the area. It would be appropriate in the context of the character and appearance of the adjacent residential area.

Inappropriate design of the building which would be out of keeping with the character of the area - The design of the proposed nursing home has been improved through the recent amendments made to the proposal, especially the introduction of granite on the elevation facing towards Craigton Road. The design of the building and the choice of external finishing materials are of a sufficiently good quality for the location and would complement the general character of the adjacent residential area. Being located on the urban edge, the design would not affect to any significant extent the character of the green belt. Although the shape of the

building would be unusual, especially compared to the houses in the local, it would not be detrimental to the overall character or appearance of the green belt.

Inappropriate position of the building on the site vis-à-vis the adjacent residential property at 189 Craigton Road – The amended proposal removed the north east wing of the building and thus the building would be approximately 11 metres from the boundary of the house at 189 Craigton Road (i.e. the nearest house). Prior to amendment the separation was 4 metres. It is considered that the increased separation distance is sufficient to ensure that the amenity of the residents of that house is not substantially diminished. Whilst the proposal would affect the outlook from the rear of that house, the building would be of sufficient distance away to ensure there would be no significant impact on daylight or privacy. The access and car park, and thus the main activity, would be to the opposite side of the nursing home from that house.

Overdevelopment of the site – The proposed development would not represent an overdevelopment of the site. Although it would be a large building, the site coverage, at a little over 20%, would be compatible with the adjacent residential properties.

The proposal would not protect the landscape setting of the area - Being located on the urban edge, the proposal would not affect significantly the landscape character of the locality. The site itself would change dramatically but the impact on the wider Airyhall/Pitfodels area would not be significant. This is partly because of the existing houses to the north and east and the sheltered housing at Airyhall House to the south. The development, except for the entrance off Craigton Road, would not extend any further west into the green belt than the western extremity of Airyhall House. The proposal includes the provision of extensive areas of landscaping within the grounds of the nursing home, including along the exposed western and northern boundary. Appropriate planting, including tree planting, could be provided to reduce and soften the visual impact of the development on the wider green belt and to improve its setting when viewed from further west along Craigton Road. If the application were to be approved a condition could be applied to the planning permission requiring a landscaping scheme to be submitted to the Council. The existing stone dykes along the west and north boundaries would be either retained and repaired or re-aligned to allow for the slight widening of Craigton Road and for the provision of the site access

Coalescence with Cults - Developing this site would contribute towards coalescence of Airyhall with Cults, which would be contrary to one of the aims of the current green belt to avoid coalescence. Any development in this area should be delivered as part of a planned expansion of the City through the new local development plan.

The site is located within the Pitfodels conservation area – The site is located in the Lower Deeside/Pitfodels conservation Area. It is considered that the proposal would not detract from its essential character, which is primarily a Victorian suburb of large detached granite villas set within a treed landscape. This site is very much on the periphery of the conservation area and has an entirely different character, that of an agricultural field. Indeed, a good quality building on the site, set within extensive landscaped grounds with significant tree planting, could help to reinforce that essential character of the conservation area.

The resultant increased traffic on the already busy Craigton Road, which cannot cope with more traffic – The traffic generated by the nursing home would be relatively small in relation to the volume of traffic already using Craigton Road. The roads officer has raised no concerns or objections to the proposal and is satisfied that the additional traffic would have no significant effect on the road network or on road safety.

Additional traffic on other roads and lanes (used for walking and cycling) in the surrounding area - The roads officer has raised no concerns or objections to the proposal and is satisfied that the additional traffic would have no significant effect on the road network or on road safety.

Additional noise and pollution caused by the increased traffic – The small increase in traffic generated by the proposal would not cause significant increases in noise or pollution in the locality.

Road safety concerns regarding the access on Craigton Road – The entrance has been designed to meet the Council's standards for the geometry, width and alignment of the access. Sufficient visibility would be available in both directions for drivers exiting the site.

The use of the narrow lane off Northcote Crescent should be dismissed on safety grounds – The amended proposal deleted the requirement to use the lane for accessing part of the car park.

Insufficient on-site car parking – Adequate on-site car parking would be provided. The Council parking standards require 18 spaces with additional parking for staff (1 parking space per resident member of staff). It is considered that 28 parking spaces plus the garage would be sufficient for a nursing home of the size proposed.

The development would prevent future improvements (e.g. widening) of Craigton Road – The proposal includes widening Craigton Road across the frontage of the site. The building would be located sufficiently far back into the site that it would not prejudice any future widening or improvements to the road.

The adverse impact on wildlife in the area (squirrels, brown hare, common toad, deer, foxes, owls, bats, a variety of birds) – There would be a small impact on wildlife, being limited to the application site. The site is not designated as being of wildlife interest and thus refusal of the application could not be justified. There would be little impact, if any, on the wildlife in the wider area. The deletion from the proposal of the 8 constant care residential units means that no trees would be affected by the development and thus there would be no impact on any bats in the locality.

The tranquil character of the area would be lost – A nursing home would be likely to cause little disturbance and thus the general amenity of the area would not be affected significantly.

The loss of amenity for nearby residents (e.g. loss of rural outlook, privacy, noise disturbance, 24 hour operation of the facility) - A nursing home would be likely to cause little disturbance and thus the general amenity of the area would not be affected significantly. The amended proposal removed the north east wing of the building and thus the building would be approximately 11 metres from the boundary of the house at 189 Craigton Road (i.e. the nearest house). Prior to amendment the separation was 4 metres. It is considered that the increased separation distance is sufficient to ensure that the amenity of the residents of that house is not substantially diminished. Whilst the proposal would affect the outlook from the rear of that house, the building would be of sufficient distance away to ensure there would be no significant impact on daylight or privacy. The access and car park and thus the main activity would be to the opposite side of the nursing home from that house. The residents of the house directly across Craigton Road would not be directly affected by the proposal except for the change to their outlook and a slight increase in noise disturbance from the small increase in traffic generated by the development. The occupants of the properties on Northcote Crescent, which back onto the site, would not be affected by the proposal, except that the outlook from

the rear of the properties would be altered. The nearest of those houses would be some 35 metres from the nursing home.

Loss of trees – The proposal does not require any trees to be felled.

Light pollution from the building and car park – There would need to be some lighting for the car park for safety reasons. However, the additional amount of light would not add significantly to the levels of light already experienced in the area.

Precedent for other development in the area, particularly along Craigton Road, leading to 'ribbon' development along the road and the erosion of the green belt – All planning applications require to be considered and determined on their individual merits. However, there are no compelling or special reasons for allowing the proposed development and therefore approval of the application would result in a precedent that would make it difficult to resist further development along Craigton Road prior to review of the green belt through the Local Development Plan process.

The loss of rights of way across the site – The claimed right of way across the southern part of the site would not be affected by the proposal.

The loss of a recreational facility for residents (e.g. dog walking, cycling, fruit picking, observing nature, escaping to the countryside) – The application site may be used by local residents for informal recreational purposes, but it is not a formal recreation facility and thus the application could not be refused on that basis.

Disturbance during construction (noise, dust, pollution) – A degree of disturbance from the construction of the development is inevitable, but this is not a relevant material consideration in determining the planning application.

Conclusion

The proposed development is significantly contrary to green belt policy as expressed in the Scottish Government's Scottish Planning Policy and in the Aberdeen Local Plan (Policy 28). The applicant has endeavoured to justify why the development should and must be located on this site, but a compelling case has not been made that would warrant departing from the Government policy and development plan. Any changes to the boundaries of the green belt should be delivered through the new Aberdeen Local Development Plan following a detailed analysis of all competing sites. It would be premature and indeed inappropriate to approve development on the application site until a full and proper review of the green belt boundaries and the boundaries of any potential development sites in the locality is carried out as part of the local development plan process.

The applicant did make significant changes to the proposal in response to objections raised by the Community Council and the public, which have addressed many of the objections, in particular in relation to the trees, access rights and the presence of bats in the southern part of the site and the amenity of the nearest neighbour. Whilst it is commendable that the applicant has endeavoured to address a number of concerns and objections, it is not sufficient to outweigh the conflict with green belt policy. Accordingly, it is recommended that the application be refused for the reasons set out below.

RECOMMENDATION

Refuse

(1) that the proposal, if approved, would be contrary to the terms of Policy 28 'Green Belt' of the Aberdeen Local Plan and the Scottish Government's Scottish Planning Policy by reason that a nursing home does not fall within the categories of acceptable development in the green belt, that the applicant has failed to demonstrate that there is an overriding and compelling need to locate the development on this specific site in the green belt and would contribute towards the coalescence of Airyhall and Cults which would be contrary to a key aim of the green belt in the current Local Plan.

(2) that the proposal, if approved, would be premature and inappropriate in advance of the review of green belt boundaries as part of the new Aberdeen Local Development Plan.

Dr Margaret Bochel

Head of Planning and Sustainable Development