

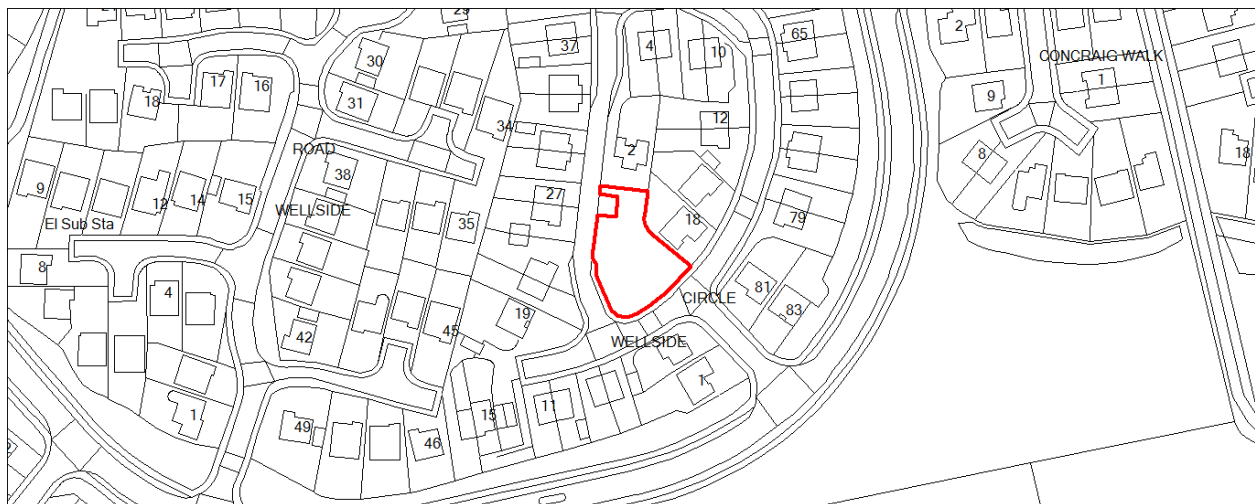
Planning Development Management Committee

Planning Permission in Principle

160753: ERECTION OF 2 RESIDENTIAL DWELLINGS (SEMI-DETACHED) at WELLSIDE CIRCLE, KINGSWELLS

For: Mr James Hewit

Application Date:	16 June 2016
Officer:	Ross McMahon
Ward:	Kingswells/Sheddocksley/Summerhill
Community Council:	Comment received (L Ironside/S Delaney/D Cameron)
Advertisement:	NA
Advertised Date:	NA



RECOMMENDATION:

Refuse

DESCRIPTION

The application site extends to approximately 628sq.m. and comprises an area of open amenity space bounded by Wellside Circle and by detached and semi-detached residential properties, within a predominately residential area in Kingswells.

The site is located within a 'Residential Area' as identified in the adopted Aberdeen Local Development Plan.

RELEVANT HISTORY

None relevant.

PROPOSAL

Planning permission in principle is sought for the erection of two semi-detached dwellings, associated car parking and landscaping on the site within an area of open amenity space. Details in relation to design and layout have been submitted by the applicant. However, it is stated that such details are indicative and accordingly, no details in relation to design or layout are sought to be approved at this stage.

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=160753>

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

- Planning Statement

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee as more than 6 letters of representation – of which object to the proposal – have been received within the period of representation. Also application has been subject to formal objection by local community council within whose area the application site fall. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No observations.

Environmental Health – No observations.

Education – Comments received. No objection, on the basis that whilst Kingswells school is slightly over capacity, the proposal would be likely to result in less than 1 additional pupil and thus would not have a material effect on the school roll.

Flooding – No observations.

Community Council – The Kingswells Community Council has objected to the proposal on the following grounds:

1. The Aberdeen City and Shire Strategic Development Plan has identified locations for all the housing required up to 2030. The Aberdeen Local Development Plan to 2017 – 2023, or thereby. The development is not included in any of these documents and is therefore not required.
2. The site was a space within a housing development that was left undeveloped to provide the residents with public open space and a break from relentless housing. The loss of this land to more housing does have an *“unacceptable impact on the character and amenity of the surrounding area”* and would *“constitute overdevelopment”*. The land is valued by the local residents despite it becoming neglected in recent months.

3. If the land was developed it would “*result in a loss of valuable or valued areas of open space*”.
4. Neighbouring residents are against the development.
5. Approval of the application would set a dangerous precedent.
6. The provision of open green space with plots dispersed throughout the local area is a feature that distinguishes Kingswells from many other areas.

REPRESENTATIONS

35 letters of representation have been received in connection with the application; all of which object to the development proposal. The objections raised relate to the following matters:

1. Loss of valuable and valued open amenity space utilised by local residents;
2. Contrary to the Local Development Plan;
3. Impact on Kingswells Primary School in terms of overcrowding;
4. Loss of a view;
5. Overshadowing;
6. Overdevelopment;
7. Hazardous for children playing on the street;
8. Road safety concerns resulting from increased traffic movements;
9. Noise, dirt, dust and pollution associated with construction activities associated with the proposed development.

PLANNING POLICY

Aberdeen Local Development Plan

- Policy H1 – Residential Areas
- Policy NE3 – Urban Green Space

Proposed Aberdeen Local Development Plan

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

- H1 – Residential Areas
- NE3 – Urban Green Space

Other Material Considerations

- Aberdeen Open Space Audit 2010

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.

Main Consideration – the Principle of Development

The application site is located within a 'Residential Area' as identified in the adopted Aberdeen Local Development Plan (ALDP) 2012, and the proposal relates to new residential development. As set out in Policy H1, within existing residential areas, proposals for new residential development will be approved in principle if it:

1. does not constitute overdevelopment;
2. does not have an unacceptable impact on the character and amenity of the surrounding area;
3. does not result in the loss of valuable and valued areas of open space (as defined in the Aberdeen Open Space Audit 2010).

Open space is defined in the Aberdeen Open Space Audit 2010 as being, *"...the open, usually green land within and on the edges of settlements. Parks, public gardens, allotments, woodland, play areas, playing fields, green corridors and paths, churchyards and cemeteries, natural areas, institutional land and well as 'civic space' such as squares or other paved or hard surfaced areas with a civic function are all forms of open space."*

The application site is considered to fall within the above description in that it is an open green space with a settlement. The site is surrounded by residential properties which face onto this amenity space, comprising the only area of accessible open space within the immediate area. It is considered that the site contributes to a 'sense of place' in that spatially it provides reprieve and outlook within a relatively compact residential area. The closest open space of a similar use and quality is located to the north-west of Wellside Circle, a 230m walk away, although that area does not directly serve this cluster of dwellings.

Accordingly, the approval of this application would result in the in the loss of a valuable and valued area of open space – a matter reflected and established in the level of public representation received – and would have an unacceptable impact on the character and amenity of the surrounding area in that it would lead to an intensification of residential properties within a relatively confined area and would eliminate outlook and informal recreational opportunities enjoyed by surrounding properties. Furthermore, while it is accepted that the site could physically accommodate two semi-detached dwellings in its own right, it is considered that, in terms of the wider context, the development would result in overdevelopment in that it would result in the loss of open space and would see an over intensification of residential use within Wellside Circle. Accordingly, it is considered that the erection of two semi-detached properties in this location would fail to comply with Policy H1 of the ALDP.

The application site constitutes an area of Urban Green Space and therefore the acceptability of the principle of the proposal is subject to Policy NE3 (Urban Green Space) – despite not being identified as such by the ALDP proposal map. Development within areas of Urban Green Space will only be acceptable provided that:

1. There is no significant loss to the landscape character and amenity of the site and adjoining areas;

2. Public access is either maintained or enhanced;
3. The site is of no significant wildlife or heritage value;
4. There is no loss of established or mature trees;
5. Replacement of similar or better quality greenspace for the benefit of the local community is sought.

It is evident that the site is of no significant or specific wildlife or heritage value, nor would there be a loss of any established or mature trees resulting from the development. However, it is clear that the development would result in the loss of landscape character and amenity of the site. Public access would be neither maintained nor enhanced, and would in fact be lost altogether as a result of the proposal. Furthermore, replacement of similar or better quality greenspace for the benefit of local residents is neither proposed nor is it realistically achievable given the constrained nature and lack of opportunities for additional green spaces within the surrounding area. Accordingly, it is considered that the proposal would fail to comply with Policy NE3 of the ALDP.

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 relation to this particular application, proposed policies H1 (Residential Areas) and NE3 (Urban Green Space), substantively reiterate policies H1 (Residential Areas) and NE3 (Urban Green Space) of the adopted Aberdeen Local Development Plan and therefore raise no additional material considerations.

Matters Raised in Representations

Points 1, 2 and 6 relating to loss of valuable open space, Local Development Plan Policies and overdevelopment of the site have been addressed in the Evaluation section of this report.

Point 3 relating to overcrowding relates to the impact of the development on the local school. Consultation response from the Education Team stated that for primary provision, Kingswells School is currently slightly over capacity, so any increase in pupil

numbers would add additional pressure on space at the school. However, given that this application is for just two houses, it is not anticipated that this would generate a significant number of pupils – the estimated pupil per household ratio for this area is 0.3, so this development would be expected to yield less than 1 pupil. As a result it is not expected that the development would result in material effect on the school roll. There is sufficient capacity at Bucksburn Academy so this development would not cause any difficulties for secondary provision.

Points 4 relates to loss of view which is not a material planning consideration and therefore cannot form part of the evaluation section of this report.

Points 9 relating to noise, dust and pollutions associated with construction are not material planning considerations and therefore cannot form part of the evaluation section of this report.

Point 5 relates to overshadowing and loss of residential amenity. The nature of the application is such that detailed matters are reserved and accordingly, issues relating to overshadowing etc. cannot be realistically assessed in relation to this application.

Points 7 and 8 relate to road safety. With regard to these concerns, the Council's Roads Development Management had no observations on the proposal and it is considered that the development would not result in a significant material increase in traffic or congestion, nor would it give rise to excessive road safety issues given the nature of the area i.e. lightly trafficked residential streets. While general layouts have been provided, such information is indicative and accordingly it is not for the Planning Authority to comment on such detailed matters in the processing of an application for Planning Permission in Principle.

All other matters raised through representations have been addressed in the evaluation section of this report. The proposal had been found to be non-compliant with the relevant policies set out in the Aberdeen Local Development Plan.

Conclusion

It is considered that the proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan due to unacceptable impact on the surrounding area and that there are no material planning considerations that would justify approval of the application. If members are minded to approve this application, it is recommended that conditions relating to siting, scale, design, materials, access points and boundary enclosures should be attached to the decision.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposed development, in principle, fails to comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies H1 (Residential Areas) and NE3 (Urban Green Space) in that it would: have an unacceptable impact on the character and amenity of the surrounding area; result in the loss of a valuable and valued area of open space; constitute overdevelopment in terms of a wider context; result in the loss of public access to an urban green space and would fail to offset the loss of such a space through the provision of a similar or better quality greenspace. Furthermore, it is considered that approval of the application would set an undesirable precedent which would result in the loss of similar areas throughout the City. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations – including the Proposed Aberdeen Local Development Plan – that are of sufficient weight to warrant approval of the application.