

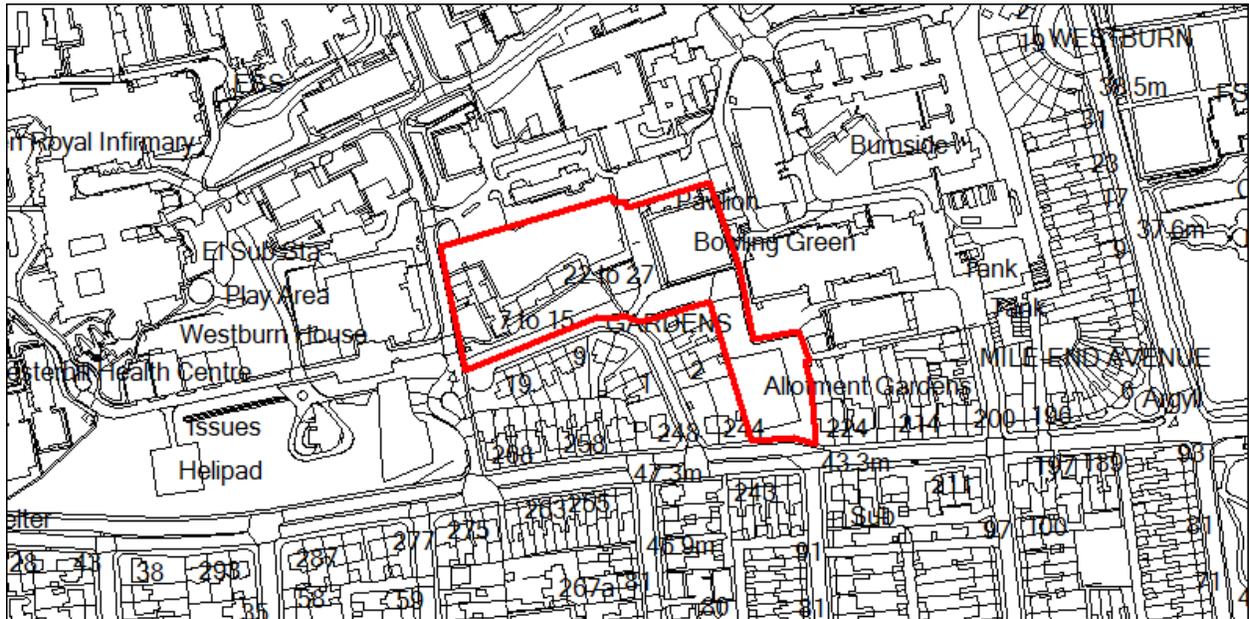
Planning Development Management Committee

FORESTERHILL COURT, BURNSIDE
GARDENS, ABERDEEN

REPLACEMENT OF NHS STAFF
ACCOMMODATION WITH NEW BUILD KEY
WORKER HOUSING COMPRISING OF 110
UNITS ALONG WITH ASSOCIATED OPEN
SPACE, PARKING AND INFRASTRUCTURE.

For: Grampian HA Ltd, NHS Grampian & Universi

Application Type : Detailed Planning Permission
Application Ref. : P151842
Application Date: 26/11/2015
Officer: Nicholas Lawrence
Ward : Midsocket/Rosemount (B Cormie/J
Laing/A Nicoll)
Advert : Can't notify neighbour(s)
Advertised on: 27/01/2016
Committee Date: 18 August 2016
Community Council : ??



RECOMMENDATION

Refuse

APPLICATION SITE

The site is an 'L' shaped parcel of land (c.1.5ha) that follows the alignment of the northern and eastern aspects of Burnside Gardens.

It is characterised by its tree coverage, areas of open space (including a disused bowling green and associated pavilion) and land previously used for allotments, together with a 3 storey building on the western part that provides 27 residential units for NHS Grampian Staff.

Vehicular access is currently gained via a junction onto Burnside Gardens, together with a point off the hospital campus's internal road network, to the north west of the site that facilitates parking abutting the former bowling green.

Allowing for the site alignment, the southern boundary of the principal section, together with the eastern and western boundaries fronting Westburn Road is characterised by residential development. The balance is bounded by the hospital Campus, with its attendant buildings and structures.

In terms of adopted Local Development Plan (LDP) designations, that part of the site facing Westburn Road is within a Residential Area and the remainder is zoned for the purposes of Existing Community Sites and Facilities – reflective of the wider hospital operation. Both designations are carried over into the emerging replacement LDP.

In addition, the site encompasses a small pocket of multifunctional open space identified as AN49 (Burnside Gardens) and AN112 (Foresterhill Green Space) in the 2010 Open Space Audit (the Audit). Part of AN112 is classified as a school/institutional ground used as a bowling green.

Background

The Application Form describes the development as the replacement of NHS staff accommodation with new build 'key worker' housing, comprising of 110 units, along with associated open space, parking and infrastructure. However, the supporting documentation submitted did not define what constituted a 'key worker' or how the proposed development would be managed by Grampian Housing Association, as the eventual owners and operators of the development.

To assist the Committee, a 'key worker' at the national level is broadly viewed as either: a public sector employee who provides an essential service; as well as applying to low paid employees in the private sector/ service industries that also provide essential services. Occupations which the Aberdeen City Council will

consider as 'key workers' include: teachers; police officers; community support officers and some civilian police staff; social workers; environmental health officers; residential support workers (children's services); family resource workers; firefighters; and personal carers.

The Applicant's have now provided a Draft Management Agreement (DMA) that states that a key worker for the purposes of this application is defined as a public sector employee who provides an essential service. The letting policy section looks to allocate the properties at mid-market rent to key workers in the following order of preference:

1. Incoming key workers for NHSG/Aberdeen University Medical staff up to salary band 7 (income of £41K or agreed level) or lower level of Band 8A;
2. Existing key workers for NHSG;
3. Recently qualified NHS trainees or graduates; and
4. Key workers in other public sector bodies, e.g. Police Scotland, Aberdeen City Council or the Scottish Government.

Under the terms of the DMA, if any of the properties were vacant for a period of two weeks then the accommodation could be let at mid-market rent to any person nominated by Grampian Housing Association (i.e. non-key workers).

To explain 'Mid-Market Rent', this is a scheme to help people on low and modest incomes access high quality affordable rented accommodation. The rent levels are generally set between social and private rent levels (i.e. mid-market point).

Having regard to the above, it is considered that the proposed accommodation fits within the parameter of general affordable accommodation with the objective at first instance to accommodate key workers and not solely for the provision of key worker accommodation as set out on the application form.

PROPOSED DEVELOPMENT

Primarily there are 7 distinctive elements (i.e. blocks A-G) providing a total of 110 apartments. Blocks A to F occupy the northern part, with blocks D and F framing the north-eastern and north-western parts respectively, with the balance of the blocks adopting a linear arrangement. Block G occupies a divorced element, that fronts Westburn Road, and is connected to the balance by an access road that runs behind the rear gardens of 2-8 Burnside Gardens.

In terms of form and appearance, each block has repeating presence, set by the internal arrangement of the proposed accommodation and articulated by protruding stair wells and bay widows to the living room areas; recurring fenestration patterns and palette of materials (i.e. white chip dry dash render, grey aluminium windows, and grey rainscreen cladding). Each block adopts a pitched roof of grey interlocking tiles.

With regard to heights, within the northern section of the site, blocks A, B, C and E provide accommodation across 3 levels and have a height to ridge of 12.8

metres. Block F has four floors of accommodation to 15.7 metres. Block D is four storeys on its eastern aspect, then 3 storeys on the northern limb of the block. Block G that occupies the southern extremity adopts the form and appearance of the northern section, providing accommodation across 3 floors to 12.8 metres.

Parking is catered for either in courtyards or adjacent rows to each of the blocks. There are 71 car parking spaces, 1 car club parking space, 15 motor cycle spaces, together with 110 secure bicycle spaces.

Vehicular access is off the existing junction onto Burnside Gardens, along with an additional pedestrian route between the proposed development and the wider campus to Westburn Road, at the south-eastern extremity. The existing vehicular access point off the Campus road network will be removed.

To facilitate the level of accommodation sought, the scheme involves the demolition of the existing accommodation block, building upon the bowling green and allotment areas, and the removal of a number of trees.

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=151842>

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

- Design and Access Statement
- Safe Route to School Assessment
- Drainage Assessment
- Environmental Walkover Survey
- Tree Survey
- Pre-Application Consultation Report
- Supporting Statement – Open Space Analysis
- Roads Supporting Statement
- Transport Assessment

PRE-APPLICATION CONSULTATION

The proposed development was the subject to pre-application consultation that was undertaken between the applicant and the local community. An event was held at Midstocket Church on the 15th of September 2015. This undertaking is required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations.

The consultation event ran between 10:00 and 20:00 hrs and notification of it was undertaken by invitation letter to some 505 properties, including Burnside Gardens, and an advertisement was placed within the Citizen newspaper on the 2nd of September 2015.

The consultation took the form of a 'drop in' and a series of display boards, covering the proposed development and its context, were available to view and comment upon. Representatives of both the applicant and agents were available on the day to answer any queries raised

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because 28 letters of objection have been received. Accordingly, the application sits outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objection subject to conditions on accessibility, pedestrian safety, public transport and car club space and contribution

Environmental Health – No observations.

Developer Contributions Team – Contributions required in respect of community facilities (Enhancement to the Rosemount Learning Centre) and sport and recreation (at Northfield Outdoor Centre, Hilton Outdoor Centre and the Westburn Outdoor Centre)

Communities, Housing and Infrastructure (Flooding) – No objection subject to conditions addressing the current drainage entering the current watercourse; culvert has enough capacity for the new surface water flow; and the design of the culvert alignment does not affect current capacity

Sport Scotland – No objection. content that there will be no loss in the provision of bowls facilities in the City

Scottish Environment Protection Agency – No objection.

Community Council – No response.

Education, Culture and Sport (Educational Provision) – **Primary and Secondary School** capacity available at Mile End Primary and at St Machar Academy.

REPRESENTATIONS

A representation of general support was received following a meeting held with local residents and the Leader of the Council, at the Council offices on the 25th of May 2016.

The 28 objections raise the following concerns, summarised below.

- Impact upon AWPR
- Flooding
- Overdevelopment
- Congestion of Roads
- Parking Displacement
- Lack of Parking
- Affect upon Amenity
- Location of Bin Stores
- Road Safety
- Access Arrangements
- Out of Character
- Design, Massing and Scale of Development
- Questioning the need for the Development
- Creation of an unbalanced Community
- Should be Elsewhere
- Where are the Bike Spaces
- Affect on Property Values
- Impact upon biodiversity
- Loss of Green Areas
- Loss of Trees

A number of the representations take into account the consultation response by the Roads Development Management Team.

PLANNING POLICY

National Policy and Guidance

- 3rd National Planning Framework
- Scottish Planning Policy
- Creating Places
- Planning Advice Note 67 – Housing Quality
- Planning Advice Note 78 – Inclusive Design
- Online flooding advice

Adopted Aberdeen Local Development Plan (ALDP):

- T2 - Managing the Transport Impact of Development
- I1 - Infrastructure Delivery and Developer Contributions
- D1 - Architecture and Placemaking
- D2 - Design and Amenity

- D3 - Sustainable and Active Travel
- D6 - Landscape
- H1 – Residential Areas
- H3 – Density
- CF1 – Existing Community Sites and Facilities
- NE1 – Green Space Network
- NE3 – Urban Green Space
- NE4 – Open Space Provision in New Development
- NE5 – Trees and Woodland
- NE6 – Flooding and Drainage
- R6 - Waste Management Requirements for New Developments

Proposed Aberdeen Local Development Plan (PALDP):

- D1 - Quality Placemaking by Design
- D2 - Landscape
- T2 - Managing the Transport Impact of Development
- T3 - Sustainable and Active Travel
- H1 – Residential Areas
- H3 – Density
- CF1 – Existing Community Sites and Facilities
- NE1 – Green Space Network
- NE3 – Urban Green Space
- NE4 – Open Space Provision in New Development
- NE5 – Trees and Woodland
- NE6 - Flooding, Drainage and Water Quality
- R6 - Waste Management Requirements for New Developments
- I1 - Infrastructure Delivery and Developer Contributions

Supplementary Guidance

- Open Space
- Trees and Woodland

EVALUATION

Main Issues

The main issues are; firstly, whether the principle of the development is acceptable; secondly, if acceptable in principle whether the proposal in detail harms the character and appearance of the area with particular regard to the loss of open and green space; thirdly, the affect upon amenity; fourthly impact upon trees; and fifthly, accessibility and transportation. All issues have regard to the provisions of the development plan and other material considerations.

Development Plan Policy Framework and Materiality

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, (the Act) requires that proposals are determined in accordance with the Development Plan unless other material considerations indicate otherwise.

The Development Plan for the purposes of this application comprises the Aberdeen Local Development Plan (ALDP) that was adopted in February 2012. Materiality is also set, in part, by the Proposed Aberdeen Local Development Plan (PALDP). Whilst the PALDP has yet to undergo independent scrutiny and is not a statutory part of the Development Plan it has been adopted by the Council as constituting a material consideration in the decision-taking process and should be accorded the appropriate weight.

At the national level, other material considerations include, albeit are not limited to: Scottish Planning Policy, Creating Places, Planning Advice Notes and other guidance issued by the Scottish Government

ASSESSMENT OF MAIN ISSUES

Principle of the Development

As cited above under the adopted Development Plan the site is washed over by 2 designations (i.e. residential area and existing community facilities).

Policy H1 of the ADLP attaches to identified residential areas and establishes a presumption in favour of new residential development therein, provided a number of criteria are met, these include: not constituting overdevelopment; not having an unacceptable impact on the character or amenity of the surrounding area; nor result in the loss of valuable and valued areas of open space.

In terms of the residential area designation, subject to the qualifying criteria of policy H1, the proposed development is acceptable in principle. These criteria are addressed below.

Turning to the second designation; the majority of the site is covered by policy ALDP CF1 – *Existing Community Sites and Facilities*, that provides that the site should primarily be used for healthcare and/or related medical & educational purposes and such uses will be supported. The policy notes that development outwith these uses will be opposed, if a likely result would be a significant erosion of the character of the area.

Generally, it is recognised by the Council that there is a shortage of housing in Aberdeen, and in particular affordable homes, and that the delivery of such accommodation will assist with the continued economic growth of the region. Consequently, the provision of affordable housing is supported by the Council; however, it is not an overriding acceptance of development at any cost and must be taken into account in the planning balance.

Bringing the above matters together; policy CF1 is framed in a manner that development on the site does not exclusively have to meet the prescribed uses

and recognising that the development will increase the supply of affordable accommodation; it is considered that the principle alone of the proposed development accords with the aims and objectives of the Development Plan and other material considerations. However the detailed impacts must be considered.

Impact upon the Character and Appearance of the Area

The character of any area is more than the visual flow of the type of buildings and their associated materials; it also embraces the juxtapositions of buildings, their setting and the spaces they create. Any development ranging from the adaptation through to new build of whatever scale should not be considered in isolation and must be informed by the immediate and wider context.

Clearly the mass and scale of what is proposed bears no relationship to the existing accommodation block on the site. That though is not a proper basis for any judgement of the merits of the proposal. A much denser form of development of a site than currently exists may be perfectly possible without it appearing out of place in its surroundings.

The assessment of context is set out within ALDP under policy D1 which also looks for new development to make a positive contribution to its setting, whilst seeking a high quality of design. D1 also cites a number of factors to be taken into account in assessments which include, scale; mass; open space; proportions of buildings; spaces around buildings; squares; and boundary treatments.

As noted above the matter of context is also set within ALDP policies CF1 and H1; the latter referencing that development should not, in part, constitute overdevelopment or result in the loss of valuable and valued areas of open space. These positions are also embraced within national guidance that postdates the ADLP. The above quoted policies are carried forward in the PALDP.

In terms of more specific policy considerations; ALDP policy NE1 looks to protect and promote the Green Space Network and any proposals that are likely to destroy or erode the network will not be supported. This position is also set within policy NE3 (Urban Green Space), which will only allow development subject to a number of criteria that include: there is no significant loss to the landscape character and amenity of the site of adjoining areas; the site has no significant wildlife or heritage value; there will be no loss of established or mature trees; replacement of green space with space of similar or better quality is located in or immediately adjacent to the same community.

The ADLP also looks to secure communal or public open space in residential schemes (Policy NE4) and policy D6 on Landscape will not support development proposals that, in part, adversely affect the character and elements that provide its character or a distinct sense of place; loss or damage to important recreational, wildlife or woodland resources or to the physical links between them.

In this instance the character of the site is defined by areas of green open space that includes, albeit not exclusively, the bowling green, the allotment area and significant areas of tree coverage - all of which give the site an importance in terms of the surrounding environment. Part of the character of the site is also defined by the existing accommodation, although this is limited coverage when considered against the total site area. The trees are prominent within and outwith the site and make a significant contribution to the local landscape and streetscape.

The surroundings combine both residential development along Burnside Gardens as well as Westburn Road, whilst the area to the north, east and west is dominated by institutional buildings and structures associated with the Foresterhill Campus.

With regard to impact of the form of the development (i.e. height and massing) on the character of the area, it is recognised that a number of buildings to the north and east are comparable in height and massing to blocks F,B, E and D. It is therefore considered that these buildings in terms of height and mass would not be out of context with the character of the area.

The residential development along Burnside Gardens, to the south of blocks A and C, the west of block G, and those properties along Westburn Road to the east of block G have comparable footprints to the current residences. Whilst the residential development along Burnside Gardens and Westburn Road is more modest in scale to blocks A , C and G, the separation distances (between 25 and 27 metres between facing elevations and 16- 17 metres between gable to gable) are considered sufficient to avoid incongruity in terms of scale.

On the matter of the quantum of development affecting the character of the area; the scheme will involve the loss of the allotment area and bowling green areas together with other areas of valuable amenity space. The site falls within the Rosemount Ward, which is ranked 'low' in terms of the quantity and quality of open space by the Audit. The loss of this open space will further decrease the overall quality of open space in the Ward and therefore represents a significant loss of valuable open green space.

The allotment / southern aspect of the site scored 'very low' in the Audit, as this area was gated and inaccessible, which meant that it failed to contribute towards providing active, supporting and well-being part of the quality criteria of the Audit. However, this area, as with the areas, of the bowling green and surrounding spaces have a high community value, and the allotment area in particular has high community value, but has more recently been neglected and lacked maintenance.

The poor quality score does not mean, as propounded by the applicants, that any site having a low quality score can be developed. This position is patently flawed in terms of the policy requirements and represents a lack of understanding of the Audit. Both sites clearly can be improved for the benefit of the residents and

local community. This approach has not been considered or addressed within the application submission.

The proposed development therefore:

- Results in the loss of valuable and valued areas of open space, that in turn will have an adverse impact upon the character and amenity of the surrounding area contrary to policy H1 of the ALDP;
- The development would result in a significant erosion of the character of the area contrary to policies policy CF1, D6, NE1 and NE3 of the ALDP; and
- The loss of the open space coupled to the quantum of built development fails to provide both an adequate and qualitative level of open space contrary to policy NE4 of the ALDP.

Impact on Trees

Policy NE5 of the ALDP (Trees and Woodlands) sets a presumption (the presumption) against all activities and development that will result in the loss of or damage to established trees that contribute significantly to landscape character and local amenity. In addition, the policy also requires appropriate measures to be taken for the protection and long term management of existing trees and advises that buildings and services should be sited so as to minimise adverse impacts on existing trees.

Turning to the first aspect of policy NE5; namely the presumption. The submission proposes the direct loss of some 24 trees, the majority of which are prominent in the existing townscape particularly from the Westburn Road which is a major corridor into the City and make a significant contribution to the amenity of the area. In addition, the proposed disposition and design of the development will have further indirect impacts, which in turn will affect the longevity of the trees and their contribution to the character of the area and local amenity. It is acknowledged that the trees are not covered by a Tree Preservation Order; however, this does not diminish the contribution these trees make to the character and amenity of the area.

In this instance the proximity of the proposed blocks to the retained 'early mature' trees to blocks B, C, F and G, that have significant scope for an increase in canopy spread, would necessitate (if they were retained in the longer term) significant remedial works to reduce their crown size on a regular basis. It is considered that the proximity of these trees would likely lead to future conflict potentially resulting in their removal.

This position, by way of example, is highlighted with regard to block G in relation to the canopy spread of tree T5 and the fact that the north-east corner of this block is within the root protection area of another tree.

It is therefore considered that the proposed development would result in the loss of/or damage to a significant number of established trees that contribute significantly to landscape character and local amenity and as such it is contrary to the first limb of policy NE5.

On the matter of the protection and the long term management of existing trees, new developments should seek to maintain a significant buffer between existing tree stock and structures in order to alleviate any future concerns relating to the proximity of structures to mature trees and to allow for future growth. In addition suitable buffers should be established to ensure unimpeded crown and root growth in order to maximise the benefits arising from mature trees.

In this regard it is considered that appropriate measurements have not been taken for the protection and long term management and retention of existing trees on this site. Whilst buildings and services have been sited so as to minimise some direct adverse impacts on existing trees it is considered that the level of adverse impacts due to proposal and the risks associated with future retention are greater than what are considered acceptable.

Therefore, for the above reasons it is considered that the application is contrary to Policy NE5 of the ALDP.

Effect upon Amenity

It is accepted that privacy and the protection of general amenity constitutes a material consideration in determining development proposals and is an important design objective in ensuring that residents of properties bounding any development site and those occupying new accommodation feel at ease within and outwith their accommodation.

Whilst ALDP policy D2 (Design and Amenity) only seeks to afford privacy to the occupiers of new developments, the general consideration of the amenity and wellbeing of occupiers to neighbouring properties is addressed under policies H1 as well as national guidance.

With regard to the development's physical presence, block A would, be too far away from numbers 15-19 Burnside Crescent to have any material harm on the living conditions of the residents. This position is reinforced by the retained tree coverage as well as the public frontage aspect of the dwellings on Burnside Gardens.

The southern aspect of the four storey block D has the living area, with its full height window, at the south-west corner of the block. This window, across the second, third and fourth floors would directly overlook the garden area of number 8 Burnside Gardens, which is only 8 metres away. It is considered that this aspect of the scheme would materially harm the amenity afforded to the occupiers of this dwelling, contrary to policy H1 of the ADLP.

It is accepted in urban environments that there will be a degree of overlooking between residential properties that is typified by views across gardens from bedroom windows. However, even allowing for a degree of tree coverage, the living area of the flats at the north-east corner of Block G directly overlooks the garden of number 246 Westburn Road. It is considered that this aspect of the scheme would materially harm the amenity afforded the occupiers of this dwelling contrary to policy H1 of the ADLP.

Concern has been raised upon the use of the proposed footway off Westburn Road and its impact upon the amenity of the occupiers of number 246 Westburn Road. However, it is considered that any impact can be mitigated by way of an appropriate planting regime.

In addition to the above matters, block G is serviced by an access road that runs along the back gardens of numbers 2 – 8 Burnside Gardens. These rear gardens provide the private amenity areas to those occupiers. It is considered that the use of this road by the occupiers and visitors to block G would harm a level of amenity that the occupiers could reasonably expect. Therefore, it is considered that this aspect of the scheme would material harm the amenity afforded the occupiers of these dwellings contrary to policy H1 of the ADLP.

Aside from the amenity afforded occupiers of neighbouring properties the proposed scheme, in its detailed form, has omitted to deliver amenity of a quality appropriate for the scale of residential development proposed. The proposal omits any children's play area and the principle elevations (i.e. fronts) of the blocks B, F and D face parking areas that do not provide meaningful amenity areas.

In terms of the planning balance, the above aspects of the proposed development do not support granting of planning permission.

Accessibility and Transportation

The Roads Development Management Team (RDMT) issued a subsequent consultation response to that reported on the Agenda item originally tabled to be presented before the Committee on the 14th of July 2016.

The RDMT in their final consultation response are content that the proposed development as shown on revised drawings addresses RDMT's previous concerns in terms of the emergency access, adequate parking, visibility, and general connectivity of the site. This support for the scheme is qualified by the requirement for a number of planning conditions, including, albeit not limited to:

- Provision of pedestrian walkway
- Car Club space and financial contribution
- Crossing facility
- Travel Plan / Residents Travel Pack
- Drainage Impact Assessment

- Improvement to bus stop

OTHER MATTERS

Comments by third parties

The majority of comments made by third parties on the application are addressed within the body of the report. However, the matter of a developments impact upon property values is not a material consideration in the determination process. Likewise, the comment that a development should be elsewhere in itself is not material to the planning decision.

Infrastructure

SEPA have removed their original objection and are now of the view that the scheme is potentially acceptable.

The flooding team have objected due to the possibility of flood risk, as a result of the proposed construction works being carried out over existing culverts.

Loss of the Bowling Green

Sport Scotland has removed their holding objection and is of the view that the loss of the bowling green will not affect bowls provision within the City.

CONCLUSION

For the reasons set out above and highlighted under the heading of reasons for recommendation, it is considered that the proposed development would materially harm both the character and appearance of the area, including the loss of open and urban green space, together with the level of amenity afforded occupiers of neighbouring properties and occupiers of the proposed development. Consequently, the development does not comply with the adopted Local Development Plan, nor has the Applicant demonstrated that other material considerations exist to override the Development Plan.

No conditions can overcome the harm the proposed development will cause. However, if Members were minded to approve the scheme then the Committee may wish to place conditions addressing; occupancy management, general landscaping, drainage, materials, access, parking, accessibility and transportation in addition to the requirement for a section 75 Agreement.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1.

The proposed development would by reason of its scale, siting, and quantum of development results in the loss of open space and urban green space, so as to harm the quality of the landscape and thereby adversely affect the character and amenity of the area. The proposed development also has adverse impacts upon the amenity afforded the occupiers of neighbouring residences, together with insufficient levels of amenity space within the proposed development. Therefore the proposal does not represent a sustainable form of development and as such the proposal is contrary to policies H1 (Residential Areas); CF1 (Existing Community Facilities and Sites); D2 (Design and Amenity); NE1 (Green Space Network); NE4 (Open Space Provision in New Developments) of the Aberdeen Local Development Plan, adopted Supplementary Guidance Notes on Open Space, together with guidance within the Scottish Planning Policy, Creating Places and Planning Advice Notes 67 (Housing Quality) and 78 (Inclusive Design).

2.

The proposed development would result in the loss of a number of trees, with an unacceptable level of or scope for mitigation, that make a significant contribution to local amenity and the character of the area and as such the proposal is contrary to policy NE5 (Trees and Woodland) of the Aberdeen Local Development Plan and the adopted Supplementary Guidance note on Trees and Woodland to the Development Plan