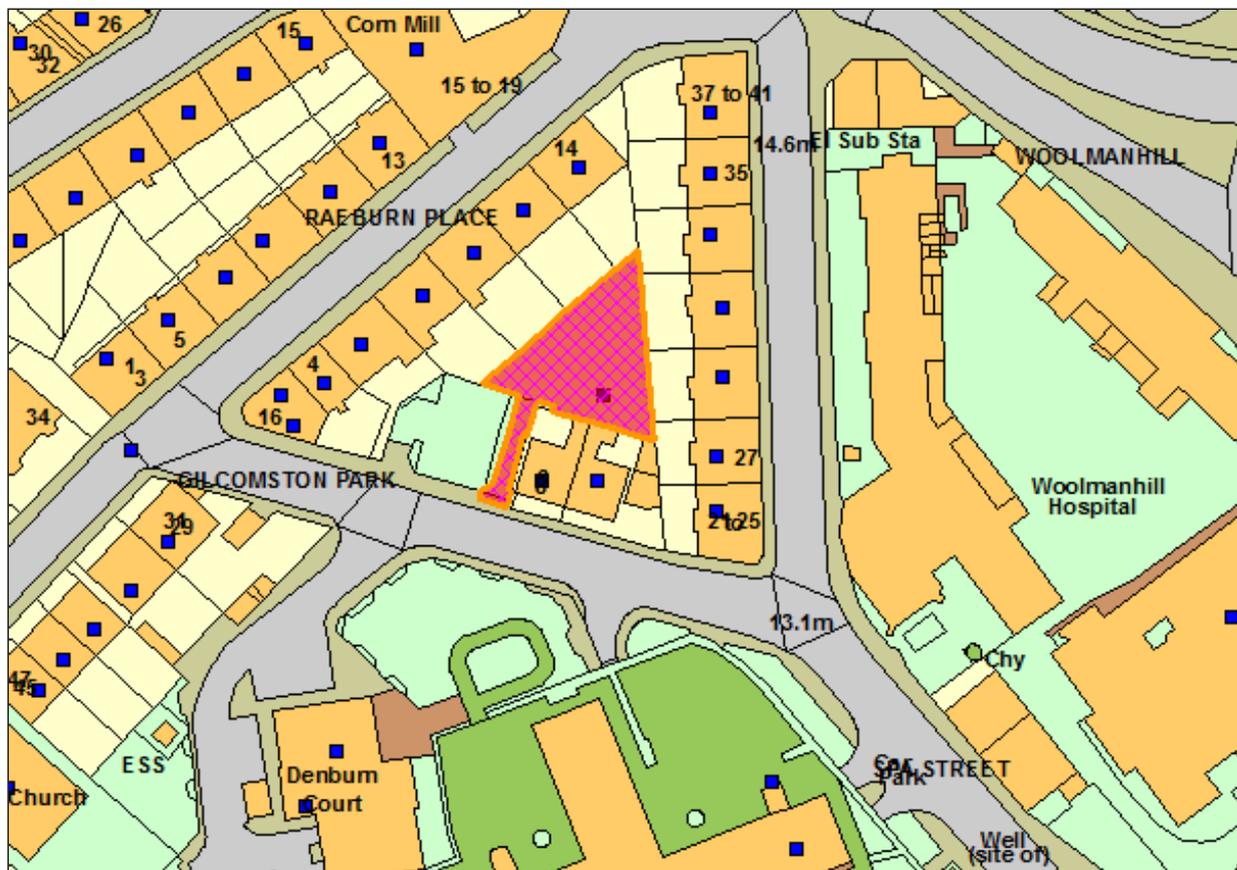


# Planning Development Management Committee Detailed Planning Permission

**161098/DPP:** Change of use from existing park to car park with raised barrier access at Gilcomston Park Car Park, Aberdeen.

For: Skene Investments Ltd

Application Date:	29 July 2016
Officer:	Ross McMahon
Ward:	Mid Stocket/ Rosemount
Community Council:	Rosemount and Mile End
Advertisement:	N/A
Advertised Date:	N/A



**RECOMMENDATION: Refuse**

## **SITE DESCRIPTION**

The application site comprises a triangular section of land to the north of Gilcomston Park, the extent of which is defined by the rear garden ground boundaries of one-and-a-half and three-and-a-half storey dwellings and flatted properties, the principal elevations of which face onto Gilcomston Park, Raeburn Place and Spa Street.

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Access to the site is made via a narrow drive taken from Gilcomston Park defined by a Council owned car park to the west and a one-and-a-half storey domestic property to the east. The site itself is somewhat overgrown and comprises a number of trees, some of which have recently been removed from the site without prior notification being submitted to the Council. Cartographical evidence demonstrates that, historically, the site was previously occupied by a number of outbuildings considered to have once been in use as a slaters yard/ workshop. A mix of land uses can be found within the area, however, the site is predominantly residential in character, reflective of it's zoning as a 'Residential Area' identified in the Aberdeen Local Development Plan 2012 (ALDP) proposals map. The application site is located within the Rosemount and Westburn Conservation Area.

### DESCRIPTION OF PROPOSAL

The address and description of the proposal as stated in the application are somewhat misleading. The application site pertains to an area of land to the north of Gilcomston Park, despite being described as 'Gilcomston Car Park' on the application form. Currently, there is no car parking within the site itself. The description of the proposal as submitted is also incorrect in that it describes the current use of the site as a 'park'. The site is not a park, instead it comprises an area of unkempt vacant land/ greenspace. Furthermore, the application makes reference to the removal of two outhouses. Such outhouses, while indicated on the submitted drawings, are not present within the site.

Planning permission is sought for a change of use to 'private car park' which would provide a total of thirteen standard parking spaces to serve existing serviced apartments located in the vicinity, in addition to the formation of associated hardstanding, landscaping and the installation of a raised barrier access.

### RELEVANT HISTORY

None relevant

### SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at [www.publicaccess.aberdeencity.gov.uk](http://www.publicaccess.aberdeencity.gov.uk).

### CONSULTATIONS

<b>Consultee</b>	<b>Date</b>	<b>Summary of Comments</b>
Roads DM	15/11/2016	Notes that the proposal is contrary to policy T2; it has been demonstrated that there is no adequate justification for further parking associated with existing serviced apartments; internal layout issues which would result in potential road and pedestrian safety issues. Recommends refusal.

Flooding & Coastal	25/08/2016	Requests the following information: Drainage Impact Assessment; Flood Risk Assessment; SuDS Details; conformation that the store on site is 0.5% (plus climate change) and is existing at green field run off rate; confirmation that there is no overland flow existing on site.
Environmental Health	18/08/2016	No observations.
Community Council	03/10/2016	Objects on the grounds of loss of Urban Green Space. The site should be retained and developed for a community purpose.

## **REPRESENTATIONS**

One hundred and fifteen (115) letters of representation have been received (one hundred and fourteen objecting (114) to the proposal, with one supporting), summarised below:

1. Negative impact on residential amenity by way of noise disturbance/ nuisance and loss of privacy to surrounding properties and private garden ground;
2. The proposal would create conflict between pedestrian and vehicular movements creating a safety hazard;
3. The provision of car parking will ultimately attract more traffic into the area and increase vehicular movements on Gilcomston Park;
4. The provision of hardstanding will result in the loss of greenery/ trees/ wildlife within and out with the site, and thus would result in a negative impact on visual amenity;
5. The site is currently an eyesore and should be given a useful purpose – a carpark is much needed in the area.

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Development Management Committee because more than five letters of representation have been received objecting to the proposal; in addition to an objection from Rosemount and Mile End Community Council. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

## **PLANNING POLICY**

### **Aberdeen Local Development Plan 2012**

- H1 – Residential Areas
- D1 – Architecture and Placemaking
- D3 – Sustainable Transport
- D5 – Built Heritage
- NE5 – Trees and Woodlands

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- NE6 – Flooding and Drainage
- T2 – Managing the Transport Impact of Development

### Proposed Aberdeen Local Development Plan 2015

- H1 – Residential Areas
- D1 – Quality Placemaking by Design
- D4 – Historic Environment
- NE5 – Trees and Woodlands
- NE6 – Flooding, Drainage and Water Quality
- T2 – Managing the Transport Impact of Development
- T3 – Sustainable and Active Travel

## OTHER RELEVANT MATERIAL CONSIDERATIONS

### Supplementary Guidance

- Transport and Accessibility
- Trees and Woodlands

## EVALUATION

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

### Principle of Development

The application property is located within a 'Residential Area' as identified in the ALDP proposals map. The acceptability of the principle of the proposal is therefore established through its evaluation against Policy H1, which states that, within existing residential areas, proposals for non-residential uses will be refused unless:

1. They are considered complementary to residential use; or
2. It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

The site is bound on all sides by a significant number of residential properties in close proximity – predominantly flats of three-and-a-half storeys – with their associated private/ communal gardens separated from the site by way of fencing, granite walls and hedging. Whilst it is noted that the site is somewhat unkempt and, despite its visual disconnect from Gilcomston Park, it currently provides a degree of outlook for surrounding residential properties from which they overlook what is loosely considered as a green space within a city centre location, which provides a visual respite from what is a relatively compact and constrained urban environment. As indicated on the proposed layout plan, it is clear that the degree of hardstanding proposed would have a significant impact on the visual amenity enjoyed by the residents of adjacent properties through the loss of green space in this location (approximately 73% of the site would be covered in hard landscaping/ stone chips).

The potential amenity impacts relating to the proximity of proposed car parking spaces to the rear elevations of surrounding residential properties and their private garden ground requires careful consideration. It is considered that the proposed use of the site would conflict with, and cause nuisance to, the enjoyment of residential amenity, particularly with regards to noise and activity i.e. the coming and going of vehicles on a regular basis throughout the day and night, in addition to the resultant visual nuisance associated with vehicle headlamps, particularly at night. Whilst it is noted that a number of surrounding dwellings would be adequately screened from site by way of existing boundary walls, and thus, from such conflict, to a degree – i.e. properties to the northern and southern boundary of the site – the height of existing boundary treatment to properties that border the eastern boundary of the site of the site is such to warrant concern, where there is little visual protection between the existing properties and the site itself. It is accepted that, in a city centre context, activity and nuisance associated with traffic/ parking are commonplace, particularly to principal, street facing elevations. However, in this instance, private, non-public garden ground of residential properties would be significantly impacted. While it is recognised that some form of screening could resolve this issue to some degree, it is likely that such screening would raise further amenity issues such as loss of daylight/ sunlight and loss of outlook, given that the garden ground of properties to the east of the site sit at a lower level than that of the site itself.

For the aforementioned reasons, it is considered that the proposal fails to comply with the relevant provisions of Policy H1 in that the proposed non-residential use is not considered complementary to residential use in that it would result in the loss of outlook and would cause conflict with residential amenity.

### **Transport, Accessibility & Sustainable Travel**

The applicant has indicated that the purpose of the proposal is to provide overspill car parking for nearby serviced apartments at Rosemount Viaduct; Gilcomston Park and Baker Street. Policy T2 requires that new development should demonstrate that sufficient measures have been taken to minimise the traffic generated. Policy D3 requires that new development should be designed in order to minimise travel by the private car.

Whilst it is noted that the provision of parking is the proposed development in this instance, information pertaining to the current parking situation associated with the serviced apartments to which the proposal relates has been provided by the applicant and is outlined below.

- No. of existing apartments – **150**;
- No. of existing off-street private parking spaces – **69**;
- No. of proposed 'overspill' parking spaces – **13**;
- Total no. of existing and proposed parking spaces – **82**.

Maximum car parking standards are set out in the Council's Transport and Accessibility Supplementary Guidance (SG) document, which stipulates that, in city centre locations, serviced apartments are eligible for **0.25** spaces per apartment. The proposal would see the creation of **13** standard car parking spaces in addition to the existing parking provision of **69** spaces, giving a total of **82** spaces.

As per the Council's current guidance, the maximum car parking standard for **150** serviced apartments in a city centre location would equate to **37.5** spaces. Notwithstanding the proposed overspill car parking, the serviced apartments currently benefit from parking provision that is nearly double that of the current maximum parking standard for such a development, should it be considered under current policy and guidance. The creation of 13 additional spaces would result in parking provision that is **220%** of the current maximum parking standard for such a development in this location. There is therefore no justification for further parking demand associated with the service apartments in this location.

Furthermore, it should be noted that, had the principle of the proposal been acceptable, it would be almost impossible to ensure that the use of the proposed parking is bound to that of the serviced apartments in question, either through the imposition of a condition or otherwise. Should consent be granted, there would be little control over the car park being used for alternative private purposes i.e. the hiring out of spaces to city centre commuters, for example.

The principle of the proposal is not considered acceptable in terms of Policy T2 and D3 of the ADLP and the Council's SG: Transport and Accessibility in that, by virtue of the developments intended purpose, it has not been demonstrated that sufficient measures have been taken to minimise the traffic generated and the development has not been designed in order to minimise travel by the private car. Furthermore, it cannot be demonstrated that there is a further need for parking associated with the serviced apartments in question, and that, given the city centre location and access to local public transport networks and amenities, the principle of providing 13 additional parking spaces in this location cannot be justified.

### **Design, Layout & Road Safety**

In terms of design and layout, the proposal raises a number of issues pertaining to access, manoeuvrability and safety, detailed below:

The width of the existing/ proposed access is particularly long and narrow (16.6 metres in length, 2.5 metres in width at its closest point; 2.8 metres at its widest). Whilst it is considered wide enough to accommodate a standard car, it is not wide enough to allow pedestrians safe passage to and from the car park whilst occupied by a moving vehicle, resulting in a potential safety issue.

The entrance to the proposed parking area within the site is considered to be unsatisfactory due to the angle of approach in relation to an existing high granite wall on the eastern boundary of the access, resulting in poor visibility of a large section of the site. This raises a safety concern in that, should the carpark be full, a vehicle entering the site would not be made aware of this until it had travelled the full length of the access and entered the car park itself, following which it would either have to reverse back down the narrow access onto Gilcomston Street with very limited visibility, potentially conflicting with pedestrian movements, or move into the car park, turn around and exit again, the manoeuvrability of which would be difficult as a result of the general parking layout whilst the car park is fully occupied.

Car parking space '1' would not have a full 6 metre aisle width behind it, therefore, this space is not considered to be viable and manoeuvrability into the space would

be difficult. Given the angle of approach, the spaces numbered '1' and '2' would be difficult to access. For example, a car is shown parked forward in space 1 on the submitted layout. This would require significant degree of manoeuvring, which would temporarily block the car park for other users.

The site is located within the Rosemount and Westburn Conservation Area. While it is accepted that the provision of a large area of hardstanding will inevitably have a resultant visual impact; taking into account the location of the site and its visual disconnect from public thoroughfares/ viewpoints etc. it is considered that, any impact on the character and appearance of the conservation area would be neutral in this instance. Thus, it is not considered that the physical aspects of the proposal would conflict with policy D5 of the ALDP.

### **Flooding & Drainage**

Policy NE6 states that development will not be permitted where it would increase the risk of flooding through the discharge of additional surface water or where it would be at risk itself from flooding. The Council's Flooding and Coastal Team have identified the site as having a potential flood risk and accordingly have requested further information from the applicant in the form of a Flood Risk Assessment, Drainage Impact Assessment and SuDS details. Despite repeated requests, such information has not been forthcoming and issues pertaining to floor risk and drainage have not been resolved. Given that the majority of the proposal development comprises a large area of hardstanding – covering approximately 73% of the existing site – it is considered necessary to establish the suitability of the site for such a use prior to granting consent. Accordingly, the proposal fails to comply with Policy NE6 on the grounds of lack of information.

### **Impact on Trees & Replacement Planting**

Policy NE5 sets out a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity. Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover. Native trees and woodlands should be planted in new development. A tree protection plan for the long term retention of trees should be submitted and agreed with the Council before development commences on site.

The Council's Environmental Policy Team has noted that the existing sycamore trees found within the site proposed for removal are unlikely to be retained long-term due to their proximity to adjoining garden walls irrespective of whether or not the proposed development goes ahead. As such, their loss as part of the development would be considered acceptable.

There is potential for an off-site impact on existing trees located to the west of the proposed carpark entrance due to their proximity to the proposed development and access hardstanding. Further details would be required in order to assess any potential impact. An assessment to establish the extent of root growth and their incursion into the site should be undertaken. It is considered that these trees have a positive impact on the character and appearance of the area, and as such, it should

be adequately demonstrated that such trees can be afforded a sufficient level of protection throughout the development phase. Despite repeated requests, such information has not been forthcoming and issues pertaining to the impact on existing trees out with the site have not been resolved.

As required by Policy NE5, replacement tree planting is required within the site to mitigate the loss of existing trees where removal is considered acceptable. Accordingly, replacement species have been indicated within the proposed landscaping areas on the revised layout plan. To ensure the long-term retention of replacement it is likely that the number of parking spaces would need to be reduced to allow for the expansion of the landscaped areas to provide sufficient space to ensure the long-term retention of the planted trees. It has not been demonstrated through the submission of any further supporting information that the replacement planting scheme would be viable. The majority of proposed planting appears to be located in close proximity to surrounding properties, their boundary walls and areas of proposed hardstanding such that it is unlikely that they would survive in the long term.

For the aforementioned reasons, and due to lack of information the proposal fails to comply with Policy NE5 of the ALDP and the Council's SG: Trees and Woodland.

### **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 and the Reporter has now reported back. The proposed plan 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 comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporter's response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP. Approval to adopt the LDP will be sought at Full Council meeting of 14<sup>th</sup> December. The actual adoption date is likely to be around the third week in January.

### **Matters Raised in Representations**

Matters 1-4 raised through representations have been highlighted and addressed in the forgoing section of the evaluation. In terms of point 5, it is noted that the site is relatively unkempt, however, its value in terms of providing outlook for residential properties has been established through the evaluation section of the report, and furthermore, is reflected throughout the majority of representations submitted. While it could be considered that the site is not fulfilling its potential in terms of use, it should be noted that the proposed use for the site is for private purposes, will parking access limited to nearby serviced apartments.

**RECOMMENDATION: Refuse**

Should members wish to approve the application, it is recommended that a number of conditions are added to the consent requiring outstanding information pertaining to flooding and drainage issues (i.e. Flood Risk Assessment, Drainage Impact Assessment etc.), tree impact and proposed planting for existing and proposed trees within and outwith the site (Tree survey, Arboricultural Impact Assessment, Tree Protection Plan etc.), and the requirement for the submission of a suitable parking layout that takes into account any flooding/ drainage, tree related matters in addition to providing a suitable and viable layout/ parking spaces.

**REASONS FOR RECOMMENDATION**

While it is considered that the proposal would have a neutral visual impact on the character and appearance of the Rosemount and Westburn Conservation Area, the proposed carpark fails to comply with the relevant policies of the Aberdeen Local Development Plan, namely, T2 (Managing the Transport Impact of Development) and D3 (Sustainable Transport) in that it has not been adequately demonstrated that there is a need for further parking in the area, with the proposal exceeding maximum parking standards as set out in the Council's Supplementary Guidance: Transport and Accessibility document and additionally, the principle of providing further parking within a city centre location conflicts with the provisions of policies associated with sustainable transport and minimising travel by the private car, in addition to the fact that the parking layout would not be viable and may result in road and pedestrian safety issues within and out with the site. Furthermore, by virtue of its use, the development would result in the loss of amenity to surrounding residential properties by way of loss of outlook and noise/ light nuisance associated with the parking of vehicles on a regular basis adjacent to their private, non-public rear garden ground and habitable room windows, in conflict with policy H1 (Residential Areas). Additionally, it has not been demonstrated that the development would adequately deal with issues pertaining to an identified on site flood risk, nor has it been demonstrated the the development would ensure the long term retention of adjacent trees out with the site or ensure the viability of proposed tree planting, contrary to policies NE6 (Flooding and Drainage) and NE5 (Trees and Woodlands) respectively. 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 would warrant approval of the application.