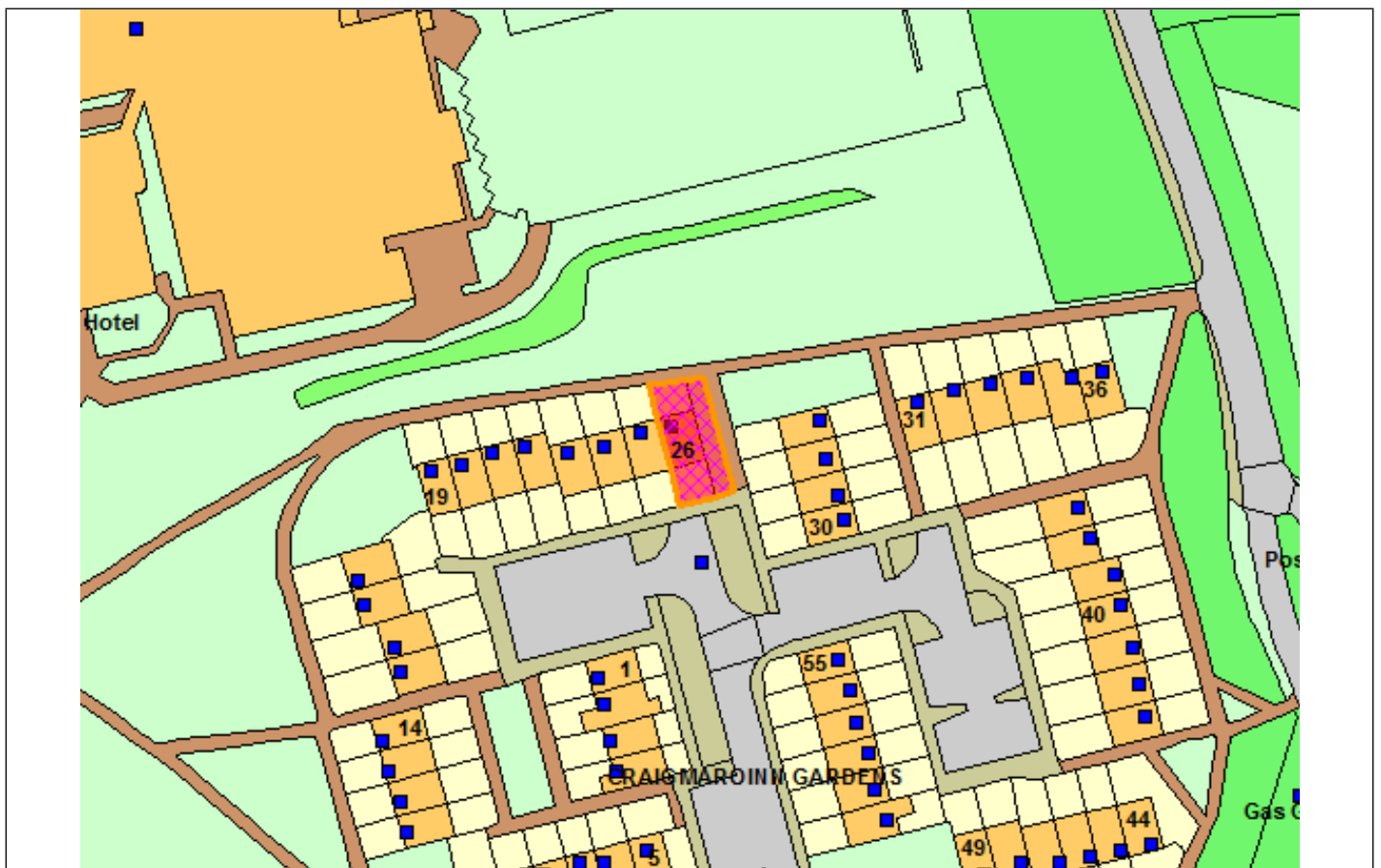


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 24 May 2018**

<b>Site Address:</b>	26 Craigmaroinn Gardens, Aberdeen, AB12 3SG,
<b>Application Description:</b>	Change of use from public amenity space to garden ground and erection of boundary wall
<b>Application Reference:</b>	180482/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	28 March 2018
<b>Applicant:</b>	Mr Christopher Smart
<b>Ward:</b>	Kincorth/Nigg/Cove
<b>Community Council</b>	Cove and Altens
<b>Case Officer:</b>	Roy Brown



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## RECOMMENDATION

Approve Unconditionally

## **APPLICATION BACKGROUND**

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### **Site Description**

The site comprises an approximate 62sqm area of amenity land to the north-east of 26 Craigmaironn Gardens, a modern two storey end-terraced dwelling. The site is located in Craigmaironn Gardens, an established suburban residential area of terraced dwellings with central car parking areas and public footways in and around the development and presently contains a number of shrubs. Craigmaironn Gardens is surrounded to the north, east and west by open space. The site is bounded by public footpaths to the north-west and north-east, and a footway to the south-east.

### **Relevant Planning History**

None

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

The change of use from public amenity space to domestic garden ground, and the erection of a harled boundary wall which would be between 0.9m and 1.5m in height. This application solely considers the principle of use and its associated development. Land ownership and use rights would be a separate legal matter to be addressed by any parties concerned.

### **Supporting Documents**

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P6AGSQBZK7E00>

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and has been the subject of formal timeous objection by Cove and Altens Community Council within whose area the application site falls.

## **CONSULTATIONS**

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**Cove and Altens Community Council – Objection** - They object to the removal of public amenity space which was provided as part of a ratio of housing density to open space. Removing pockets of open space would set an undesirable precedent for development of a similar nature and would be detrimental to the overall streetscape and amenity of the area.

## **REPRESENTATIONS**

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Two letters of representation have been received (1 neutral letter and 1 objection). The matters raised which are material planning considerations can summarised as:

- The green spaces around Craigmaironn Gardens are an important amenity and provide an open setting. This particular space is used frequently by children and local residents walking their dogs. The loss of this space would have an adverse impact on the character of the area.
- The boundary wall would adversely affect the open setting and would be out of character and scale with the surrounding area.
- The proposal would set a precedent for similar proposals.

A letter of representation was concerned that the boundary wall would have an adverse impact on their private view. This is not a material planning consideration and therefore it cannot be included in the assessment of this application. Clarification was also sought on the height of the boundary wall.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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.

### **Aberdeen Local Development Plan (2017) (ALDP)**

- Policy H1 - Residential Areas
- Policy D1 - Quality Placemaking by Design

### **Supplementary Guidance**

- Householder Development Guide
- Green Space Network & Open Space

### **Other Material Considerations**

- Aberdeen Open Space Audit 2010

## **EVALUATION**

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### **Principle of the Change of Use**

The application site is located in a residential area, under Policy H1 of the ALDP, and the proposal relates to the change of use of the land to domestic garden ground, and to householder development. For this proposal to comply with Policy H1 in principle, it should not constitute over development, it should not have an unacceptable impact on the character and amenity of the surrounding area, it should not result in the loss of valuable and valued open space, and it should comply with the relevant Supplementary Guidance.

Given this proposal would have negligible impact on the intensity of the use on the site, it would not constitute overdevelopment. It is recognised that the site has an amenity value in terms of providing a soft edge to the footpaths at the northern edge of Craigmaraonn Gardens, and it would have been a designed area of communal open space for this residential area. However, this area is a small, incidental area relative to the larger area of open space to its east and the much larger area of open space which surrounds Craigmaraonn Gardens to the north. The site contains a number of cut-back shrubs but no established trees or significant landscape features and thus the area is not considered to be of significant biodiversity, recreation or sport value. On balance, the amenity value of this area of open space and contribution to the character of this area is not considered to be significant whereby a change of use to domestic ground would significantly conflict with the Supplementary Guidance: 'The Householder Development Guide' and Policy H1 – Residential Areas.

Although data from the Open Space Audit 2010 and the Green Space Network & Open Space Supplementary Guidance identifies that Craigmaraonn Gardens has a deficiency in terms of its distance to major open spaces and to allotments, given the size and function of the site as a strip of amenity land relative to the much larger areas of meaningful open space in the area, the change of use would not create a deficiency in public open space to the surrounding area, in compliance with the Supplementary Guidance: 'The Householder Development Guide'.

The change of use would not result in an irregular boundary treatment as it would continue the domestic boundaries of the 26 Craigmarronn Gardens and would extend only as far as the clear boundary with the public footpath, in compliance with the Supplementary Guidance: 'The Householder Development Guide'.

This change of use would not give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future, which could incrementally erode larger areas of open space. This is because there are negligible similar nearby defined areas of amenity land which are as minor in terms of area, have limited biodiversity, recreation and sport value, and can be logically incorporated into a domestic garden boundary.

The proposal would therefore not significantly adversely affect the character and amenity of the surrounding area, would not result in a significantly valued area of open space, and would not conflict with the aims of the Supplementary Guidance: 'The Householder Development Guide'. It would thus not conflict with Policy H1 – Residential Areas the Aberdeen Local Development Plan.

### **Proposed Boundary Wall**

The proposed change of use would not affect the function or public amenity value of the adjacent public footpath or have any public safety implications, as the proposed boundary wall would only have a maximum height of 1.5m. The proposed boundary wall would be suitable in design, scale and materials to the original building and the residential area. It would therefore comply with Policy H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan; and the Supplementary Guidance: 'The Householder Development Guide'.

### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

### **Matters Raised in the Letters of Representation**

The matters raised which are material planning considerations are noted and have been considered in the above evaluation. It is recognised that the space can presently be used informally as was highlighted. The space is nevertheless not considered to be of significant biodiversity, sport and recreation value and the change of use would not result in a deficiency of open space for these informal uses.

### **Matters Raised by the local Community Council**

The matters raised by Cove and Altens Community Council are noted and have been considered in the above evaluation.

## **RECOMMENDATION**

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Approve Unconditionally

## **REASON FOR RECOMMENDATION**

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Whilst the site has an amenity value in terms of providing a soft edge to the footpaths at the northern edge of Craigmarronn Gardens, the space is a minor incidental area which is not considered to be of significant biodiversity, recreation or sport value. The change of use would not result in a deficiency of open space in the surrounding area, it would not set an unwelcome precedent for similar proposals which could incrementally erode larger areas of open space given the absence of similar spaces in the surrounding area, it would not have any public safety implications, and it would not result in the loss of any significant natural landscape features or

trees. On balance, its amenity value and contribution to the character of the surrounding area is not considered to be significant whereby the change of use to domestic garden ground would warrant the refusal of planning permission. The proposed boundary wall would be suitable in design, scale and materials to the original building and the residential area. The proposal would therefore not significantly conflict with the Supplementary Guidance: 'The Householder Development Guide' and Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan. There are no material planning considerations which would warrant refusal of planning consent in this instance.

#### **ADVISORY NOTES FOR APPLICANT**

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The grant of planning permission for the formalisation of use to domestic garden ground does not alter the present ownership of the land.