

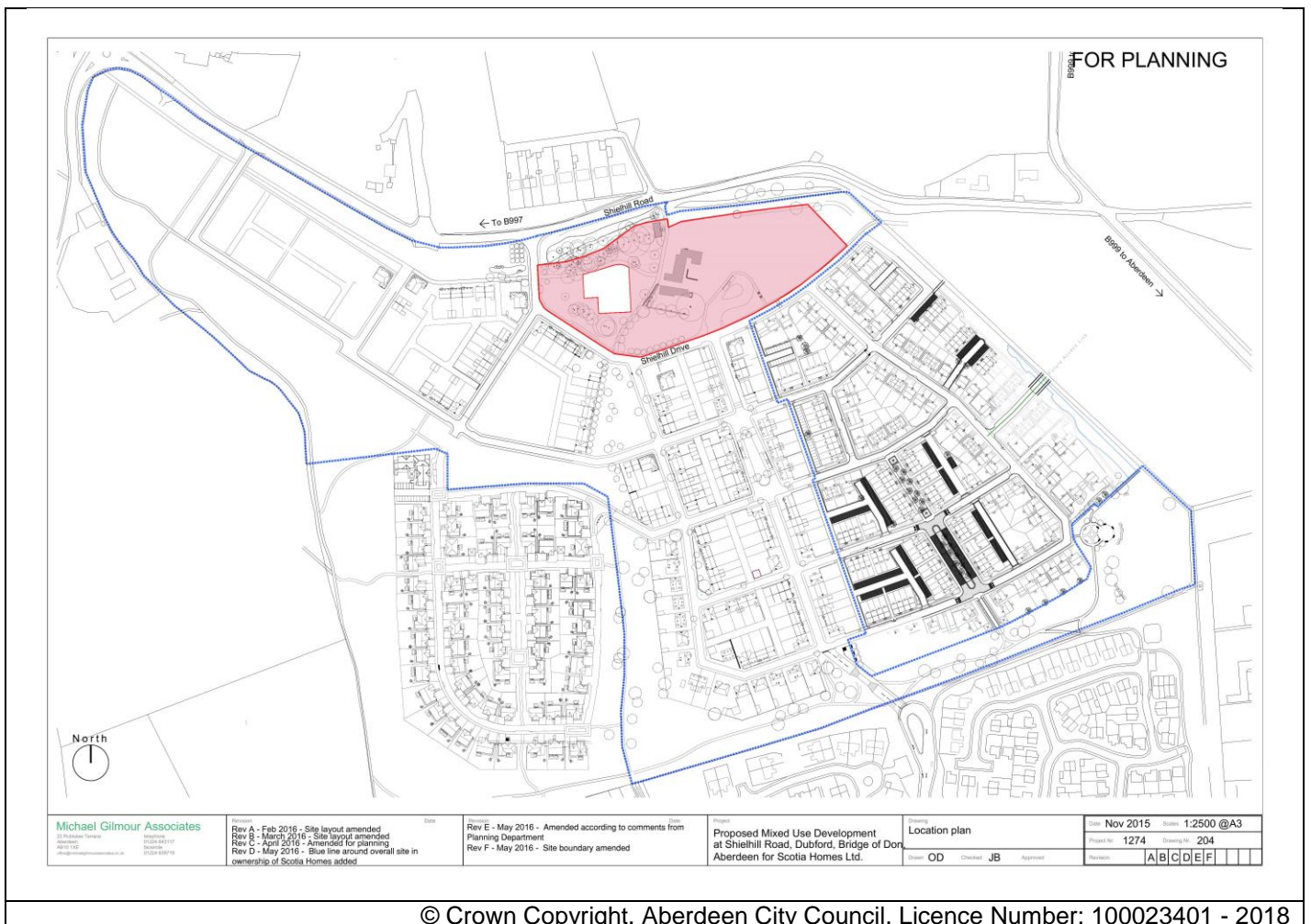


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 21 June 2018**

<b>Site Address:</b>	Shielhill Crescent And Perwinnes Crescent, Dubford, Aberdeen.
<b>Application Description:</b>	Repositioning of Children's Play Area - amendment to detailed planning permission 160630
<b>Application Ref:</b>	180600/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	20 April 2018
<b>Applicant:</b>	Mr Jonathan Wisely, Scotia Homes Ltd
<b>Ward:</b>	Bridge Of Don
<b>Community Council</b>	Bridge Of Don
<b>Case Officer:</b>	Robert Forbes



## RECOMMENDATION

Approve Conditionally

## **APPLICATION BACKGROUND**

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### **Site Description**

The site sits within a major housing development, known as 'Dubford', at the northern edge of Bridge of Don. It comprises an area of public open space laid to grass and containing a few small trees. A second equipped play area is located at the south-east corner of the 'Dubford' development, in excess of 400m from the application site.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
<b>120722</b>	<b>Residential development</b>	<b>17.01.13</b>
<b>160630</b>	<b>Mixed use development</b>	<b>01.07.16</b>

The delivery of the above mixed use development, which included a play area, has been constrained due to commercial factors so that it has not been possible to deliver the play area within the location originally proposed.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Formation of a play area within an area of existing open space area within the 'Dubford' residential development site. This more central location within the development, than that c.110m to the north and approved under planning ref. 160630, and close to the main spine footpath running through the development. The play area would be available for public use and would have associated boundary enclosure, access gates, safety surfacing and seating. A total of 5 play features would be provided. Additional tree planting would be undertaken within the open space area, to compensate that lost. At its closest point the play area would be c.18m from the front elevation of the closest facing house located on Perwinnes Crescent, across that public road. A connecting footpath would be provided to link with the main spine footpath.

### **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P79T1PBZKQM00>.

- Planning statement

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

The application has been referred to the Planning Development Management Committee because the number of objections exceeds 5 and the recommendation is for approval.

## **CONSULTATIONS**

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**ACC - Environmental Health** – No objection. The proposed playpark facility and its proper and reasonable use is not considered to present a significant risk of an unreasonable level of noise impact on neighbouring properties. Suggest that the distance of the play area from residential property is maximised in order to avoid possible noise nuisance.

**ACC - Roads Development Management Team** – No objection. Advise that the proposal does not result in conflict with public / road safety. The play area is to be enclosed to avoid conflict with the road, and has access paths onto the surrounding footways. Surrounding roads have a 20mph speed limit.

**Bridge of Don Community Council** – No response yet received. However it has been intimated that comments are due to be submitted, pending a public meeting on 13/06/18. A verbal update will be provided should comments be received.

## **REPRESENTATIONS**

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A letter of support has been received from a local resident indicating the benefit of the facility for local children.

16 objections have been received from local residents raising the following concerns:-

1. Adverse impact on residential amenity (e.g. noise / potential for anti-social behaviour / litter / graffiti);
2. Public / road safety concerns due to vehicle traffic on adjacent roads;
3. Existing roads unsafe;
4. Lack of car parking;
5. Loss of open / green space;
6. Requirement for further public safety measures ( e.g. traffic calming);
7. Failure of applicant to deliver other supporting facilities (e.g. commercial units / nursery / footpath links);
8. Concern regarding continued derelict condition of the location of the originally approved play area;
9. Concern regarding future maintenance of the play area;
10. Lack of requirement for the proposed facility;
11. Alternative locations for the play area are preferable;
12. Discrimination against disabled children;
13. Lack of consultation with residents;
14. Adverse impact on property values; - (not a material consideration)
15. Mis-selling of property by the applicant; - (not a material consideration)
16. Impact on views from private property;- (not a material consideration)

The matters identified as not being material considerations will not be addressed in the evaluation below.

## **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.

### **National Planning Policy and Guidance**

Scottish Planning Policy encourages protection and enhancement of open space / recreational facilities.

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

CF2: New Community Facilities  
D1: Quality Placemaking by Design  
D2: Landscape  
H1: Residential Areas  
NE3: Urban Green Space  
NE4: Open Space Provision in New Development  
T3: Sustainable and Active Travel  
OP10: Dubford

### **Supplementary Guidance and Technical Advice Notes**

- Dubford Development Framework

## **EVALUATION**

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### **Principle of Development**

The principle of provision of play facilities directly associated with and located within major residential development sites accords with the objectives of SPP regarding open space, local plan policies CF2, NE4 and related Supplementary Guidance regarding Open Space. Such supporting facilities are complementary to residential use and an appropriate component of open space provision. The provision of play facilities would be of benefit to the amenity of the wider associated residential development and therefore accords with the objectives of H1 policy. The issue of any possible tension with residential amenity is addressed below. As play areas are an informal recreational use, there would be no conflict with policy NE3 in principle.

### **Location**

As the proposed location is readily accessible by sustainable transport and convenient to the surrounding community, being served by the path network – which it is to be suitably connected to, the proposal accords with local plan policies CF2 and T3. The existing play area within the south-east corner of the wider development site is located outwith convenient walking distance of the northern and western parts of the ‘Dubford’ development and therefore provision of such a facility within the northern part is desirable. In terms of compliance with local plan policy and related guidance, there is no requirement for the applicant to demonstrate that alternative locations for the play area are more suitable, or indeed unsuitable. No “sequential testing” for such facilities is needed in order to demonstrate compliance with SPP. The approved Dubford Development Framework encourages the delivery of a play area in close proximity to the proposed site. Overall the proposed location would better accord with the Framework than the location as approved under planning permission 160630. It would also benefit from proximity to the main pedestrian / cycle spine route through the development, natural surveillance from surrounding roads and houses and is located on one of the few level areas of open space within ‘Dubford’. It would also be better sheltered from the elements than other more exposed open space areas elsewhere within the development, thereby better enabling its active use. It is therefore considered that the play facility would be suitably located.

### **Design / Landscape Impact**

The development is considered to be appropriately designed and would not erode the urban design quality of the wider development, so that there is no conflict with the objectives of policy D1. In this particular case, there is no unacceptable loss to the landscape character of the area and the amenity of the site, public access would be maintained, the site is of no significant wildlife or heritage value, there is no loss of established / mature trees, no adverse impact on water features and no conflict with SPP. Although no replacement green space would be provided, it is not considered pragmatic or reasonable to insist on such provision in this instance, as referenced

by policy NE3, given that the development is for recreational purposes directly associated with the wider residential development. Sufficient space would exist around the play area to enable enhancement of the landscape setting. A condition can be imposed to ensure that a suitable degree of enhanced landscaping / tree planting is provided in the vicinity of the development, within the open space area, in accordance with the expectations of policy D2.

### **Residential Amenity**

Although the representations received argue that the development would adversely impact on existing residential amenity enjoyed by adjacent dwellings, it is not considered reasonable to refuse the proposal on this basis. On balance it is considered that any such impact would not be significant or unacceptable, given that the Council's Environmental Health Officers have no objection to the proposal on grounds of noise disturbance to residents.

Whilst there is some potential that the use would cause a limited degree of nuisance to immediately adjacent residents (e.g. due to anti-social use of the play area and generation of noise), that could be the case with any such facility and is not legitimate grounds to refuse the application given that the provision of play facilities in general within residential developments is supported by Council policy (e.g. Supplementary Guidance on Open Space and Green Infrastructure) and the approved Dubford Development Framework also encourages the delivery of a play area in close proximity to the proposed site and surrounding housing. The potential to relocate the play area elsewhere within the open space, as suggested by the Environmental Health Officer, is constrained due to the existence of an infrastructure wayleave which precludes development in its vicinity.

### **Road Safety**

Notwithstanding the safety concerns raised by objectors, the Council's Roads Officers have no objection to the proposal and do not require the implementation of further road safety measures (e.g. traffic calming) or additional parking. There is no record of a significant vehicle / pedestrian accident risk in the immediate vicinity of the site. This is perhaps reflective of the fact that the open space area where it is proposed to site the play area is surrounded by residential roads with a 20mph speed limit. It would not therefore be reasonable to refuse on this basis. The allegations of inappropriate driver behaviour (e.g. speeding within the housing area) are not a material planning consideration, rather a public safety matter which would be more appropriately investigated by the Council as roads authority or Police Scotland, irrespective of the proposed development. Suitable pedestrian and cycle access to the play area would be provided.

### **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. In coming to this assessment the Planning Authority has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Given that the Council would not be providing or maintaining the play area, the detailed design of the play equipment and its suitability for use by varied groups, including disabled children, is a matter for the owner / developer of the facility. The location of the play area within a level area of the site would enable its compliance with access requirements arising from the Equality Act (e.g. provision of wheelchair access).

### **Other Matters Raise in Objection**

In light of the minor nature of the development, there is no statutory requirement for pre-application consultation with local communities in this case. The alleged failure of the applicant to deliver other supporting facilities and the alleged derelict condition of the land where the play area

was originally to be sited are not matters of relevance to consideration of this planning application, but could be investigated separately as specific planning enforcement enquiries. The future maintenance of the play area would be a matter for the landowners and factor responsible for maintenance of the open space.

## **RECOMMENDATION**

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Approve Conditionally

## **REASON FOR RECOMMENDATION**

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The principle of provision of play facilities directly associated with and located within major residential development sites accords with the objectives of SPP regarding open space, local plan policies CF2 (New Community Facilities), NE4 (Open Space Provision in New Development) and related Supplementary Guidance regarding Open Space. Such supporting facilities are complementary to residential use and an appropriate component of open space provision. As play areas are an informal recreational use, there would be no conflict with policy NE3 (Urban Green Space) in principle. As the location of the site is readily accessible by sustainable transport and convenient to the surrounding community, the proposal accords with local plan policies CF2 (New Community Facilities) and T3 (Sustainable and Active Travel). The approved Dubford Development Framework encourages the delivery of a play area in close proximity to the proposed site. The provision of play facilities would be of benefit to the amenity of the wider associated residential development and therefore accords with the objectives of policy H1 (Residential Areas). It is considered that any impact on residential amenity would not be significant, particularly given that the Council's Environmental Health Officers have no objection to the proposal on grounds of noise disturbance to residents. Notwithstanding the safety concerns raised by objectors, the Council's Roads Officers have no objection to the proposal and do not require the implementation of further road safety measures (e.g. traffic calming) or additional parking. The development is considered to be appropriately designed and would not erode the urban design quality of the wider development, so that there is no conflict with the objectives of policy D1 (Quality Placemaking by Design). A condition can be imposed to ensure that a suitable degree of enhanced landscaping / tree planting is provided in the vicinity of the development within the open space area in accordance with the expectations of policy D2 (Landscape). There are no other material considerations which warrant refusal of the application.

## **CONDITIONS**

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01. No development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the site and its surroundings, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in

accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.