

Public Document Pack



To: Councillor Henrickson, Convener; Councillor Bouse, Vice Convener; and Councillors Alphonse, Blake, Boulton, Cooke, Copland, Cormie, Crockett, Houghton, MacKenzie, McRae and Thomson.

Town House,
ABERDEEN 16 June 2022

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Council Chamber - Town House on **THURSDAY, 23 JUNE 2022 at 9.00 am.** This is a hybrid meeting and Members may also attend remotely.

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

MOTION AGAINST OFFICER RECOMMENDATION

- 1.1 Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

DETERMINATION OF URGENT BUSINESS

- 2.1 Determination of Urgent Business

DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS

- 3.1 Members are requested to intimate any declarations of interest or connections

MINUTES OF PREVIOUS MEETINGS

- 4.1 Minute of Meeting of the Planning Development Management Committee of 26 May 2022 - for approval (Pages 7 - 16)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 17 - 20)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1 Detailed Planning Permission for the installation of flue to existing mechanical extract system to side (east) elevation - 7 Langstane Place Aberdeen (Pages 21 - 38)

Planning Reference – 220509

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Robert Forbes

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1 Detailed Planning Permission for the erection of 2no. dwelling houses with associated works - 19 South Avenue Aberdeen (Pages 39 - 68)

Planning Reference – 220584

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Dineke Brasier

- 7.2 Detailed Planning Permission for the erection of residential development comprising 47 apartments over 5 and 7 storeys, including formation of car parking area, landscaping works and alterations to site access with associated works - 56 Park Road Aberdeen (Pages 69 - 106)

Planning Reference – 211224

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Robert Forbes

DATE OF NEXT MEETING

- 8.1 Thursday 25 August 2022 at 10am

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 522123 or email lymcbain@aberdeencity.gov.uk

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MOTIONS AGAINST RECOMMENDATION

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis.

It is important that the reasons for approval or refusal of all applications are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 29.11 the Convener can determine whether a motion or amendment is competent, and may seek advice from officers in this regard.

With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. Officers will be given the opportunity to address the Committee on the competency of the motion. The Convener has the option to call a short recess for discussion between officers and Members putting forward a motion if deemed necessary.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 26 May 2022. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Henrickson, Convener; Councillor Bouse, Vice Convener; and Councillors Alphonse, Blake, Clark (as substitute for Councillor Mcrae), Copland, Cooke, Cormie, Crockett, Houghton, MacKenzie, McLeod (as substitute for Councillor Boulton) and Thomson.

The agenda and reports associated with this minute can be found [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

DECLARATIONS OF INTEREST OR CONNECTIONS

1. At this juncture, Councillor Cooke advised that in the interest of transparency, that he had previously stated an opinion on the decision from Historic Environment Scotland to make the various buildings listed. Councillor Cooke advised that he would not withdraw from the meeting during consideration of the report.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 21 APRIL 2022

2. The Committee had before it the minute of the previous meeting of 21 April 2022, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

3. The Committee had before it a planner of future Committee business.

The Committee resolved:-

to note the information contained in the Committee business planner.

OLD FERRYHILL HOUSE, 70 PROSPECT TERRACE ABERDEEN - 220032

4. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

26 May 2022

That the application for Listed Building Consent for the erection of a single storey extension to the side and internal alterations at Old Ferryhill House, 70 Prospect Terrace Aberdeen, be approved unconditionally.

The Committee heard from Ms Aoife Murphy, Senior Planner, who spoke in furtherance of the application and answered questions from Members.

The Committee resolved:-

to approve the application unconditionally.

MILLBANK HOUSE, 139 HARDGATE ABERDEEN - 211430

5. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the change of use from Class 8 (residential institution) to form 10 flats (sui generis), erection of single storey extension to the rear, formation of terraces and balconies with associated balustrades, alterations to existing openings and other associated works at Millbank House, 139 Hardgate Aberdeen, be approved conditionally with a legal agreement.

Conditions

1. Tree Protection

No development shall take place pursuant to the planning permission hereby approved unless a further scheme for the protection of all trees to be retained on the site during construction works has been submitted to and approved in writing by the Planning Authority and such scheme as may have been approved has been implemented in full for the duration of the site works. No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason - In order to ensure adequate protection for the trees on site during the construction of the development.

2. Tree Management

The flats hereby approved shall not be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all existing trees on the site and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

26 May 2022

Reason - In order to preserve the character and amenity of the area and ensure continuity of tree cover on the site.

3. Landscape and Amenity Space

No development pursuant to the planning permission hereby approved shall take place unless a detailed scheme of landscaping and amenity space for the site has been submitted to and approved in writing for the purpose by the Planning Authority. This scheme shall include details of the proposed grassed / herbaceous areas, areas of any tree/shrub /climber planting including details of numbers, densities, locations, species, sizes, stage of maturity at planting and establishment / protection measures and management arrangements. 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 planted areas which within a period of 5 years from the completion of the development, are removed or become seriously damaged shall be replaced in the next planting season with others of an extent 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.

Reason - In the interests of protection of the amenity of the area and ensure a suitable landscape treatment and amenity for occupants.

4. Ecology Enhancement

No development shall take place pursuant to this permission unless details of proposed ecological enhancement measures on site (including provision of bird and bat boxes) and native planting has been submitted to and agreed in writing by the planning authority. The flats shall not be occupied unless such measures have been implemented in accordance with the approved details.

Reason - In the interests of protection of natural heritage and ensure suitable mitigation measures.

5. Surface Water Drainage

No development shall take place pursuant to this planning permission unless the proposed surface water drainage system for the site has been submitted to and approved in writing by the Planning Authority. This shall include details of surface water SUDS measures and associated maintenance measures as required on site. The building hereby approved shall not be occupied unless the approved surface water drainage system has been implemented in full and is permanently retained thereafter in accordance with the approved maintenance scheme. For the avoidance of doubt, no surface water shall discharge from the site onto the public road or connect to the foul sewer.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

26 May 2022

6. Cycle Storage / Parking

No development shall take place pursuant to this permission unless details of secure cycle storage for all occupants and visitor cycle parking at the site frontage has been submitted to and approved in writing by the Planning Authority. The flats hereby approved shall not be occupied unless the approved cycle storage facilities, including those shown on drawing no. 11 B, or such other drawings as may be approved, have been provided. The secure store shall be demonstrated to be secure/lockable, via submission of such details.

Reason: In the interests of encouraging more sustainable modes of travel and the objective of ALDP policy T2.

7. Granite Re-use

No development shall take place pursuant to this planning permission, nor shall any demolition works commence, unless a scheme for the sensitive dismantling, storage and subsequent re-use on site of existing granite walling, gatepost and setts within the site has been submitted to and agreed in writing by the planning authority. Thereafter, the development shall be implemented in complete accordance with the approved scheme.

Reason: In order to secure appropriate re-use of granite within the development in accordance with the expectations of ALDP policy D5 and sustainability objectives.

8. Boundary Wall / Site Entrance

No development shall take place pursuant to this planning permission, unless a detailed scheme for the retention and alteration of the existing granite boundary wall at the site frontage and the retention, dismantling and subsequent reinstatement of the existing granite entrance pillars has been submitted to and approved in writing by the Planning Authority. The development hereby approved shall not be occupied unless such scheme as may be approved and the site entrance as shown on drawing 17, or such other drawing as may be approved in writing by the Planning Authority, have been implemented in their entirety, unless otherwise agreed in writing.

Reason: In the interest of visual and residential amenity / privacy and to ensure a satisfactory finish of the development.

9. Privacy

Notwithstanding drawing 15 hereby approved, flat 9 hereby approved shall not be occupied unless additional glazed screening has been provided on the south elevation of the proposed external terrace at the roof level of the proposed extension, in accordance with additional construction details to be agreed.

Reason – In the interest of the protection of the residential amenity (privacy) of the adjacent house and private garden ground at 15 Bethany Gardens.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

26 May 2022

10. Building Construction Details

No development shall take place pursuant to this planning permission unless construction details of the proposed windows /doors, balconies / terraces and associated glazed screens; external vents / ducts; including detailed cross sections demonstrating the relationship with masonry, have been submitted to, and approved in writing, by the Planning Authority. For the avoidance of doubt all ventilation pipes and services shall be directed to the rear of the building / roof and any interventions on the granite façade shall be minimised. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual amenity and to ensure a satisfactory finish of the development.

11. Vehicle Parking / Servicing / Layout / Turning arrangements

The development hereby approved shall not be occupied unless the vehicle parking area hereby granted planning permission has been constructed, drained, laid-out and demarcated in accordance with a detailed approved scheme which shall be submitted to and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of ancillary vehicle parking / provision of access to / servicing the development and use hereby granted approval. For the avoidance of doubt, a minimum of one electric vehicle (EV) parking space shall be provided within the site, together with associated EV charging infrastructure.

Reason – in the interests of public safety and residential amenity.

12. Footway Crossing

No development shall take place pursuant to this planning permission unless a detailed scheme for the proposed footway crossing / reinstatement at the site frontage has been submitted to and approved in writing by the Planning Authority.

Reason: In the interests of encouraging sustainable modes of travel and the objective of sustainable development and ALDP policy T3.

13. Bin Storage

The flats hereby approved shall not be occupied unless provision has been made within the application site for the storage of refuse disposal and recycling facilities in accordance with a scheme which has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt such storage shall include suitable screening, ventilation and wash down / drainage facilities.

Reason: In order to preserve the amenity of the neighbourhood and in the interests of public health.

The Committee heard from Mr Robert Forbes, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

26 May 2022

The Committee resolved:-

to approve the application conditionally with a legal agreement, in line with the officer recommendation. Condition 11 was amended to read:-

“11. Vehicle Parking / Servicing / Layout / Turning arrangements

The development hereby approved shall not be occupied unless the vehicle parking area hereby granted planning permission has been constructed, drained, laid-out and demarcated in accordance with a detailed approved scheme which shall be submitted to and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of ancillary vehicle parking / provision of access to / servicing the development and use hereby granted approval. For the avoidance of doubt, all seven parking spaces shall be provided within the site, together with associated electric vehicle (EV) charging infrastructure, to be agreed in writing by the planning authority.

Reason – in the interests of public safety and residential amenity.

SITE TO THE NORTH WEST OF HELIX HOUSE, KIRKTON DRIVE ABERDEEN - 220026

6. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the erection of an energy storage facility including containers of batteries, power converters, transformers, stores, meter building, security fencing and associated infrastructure at site to the north west of Helix House, Kirkton Drive Aberdeen, be approved subject to the following conditions.

Conditions

1. That in the event that any battery installed and commissioned fails to commercially operate as intended for a continuous period of six-months and there is no plan in place to bring the battery in to operation within a further period of six-months, then unless agreed in writing with the Planning Authority, the facility will deemed to have ceased to be required. If deemed to have ceased to be required, the battery, battery storage container and its ancillary equipment will be dismantled and removed from the site, with the cells being appropriately disposed and/ or recycled/ re-purposed, and the ground being re-instated to the specification and satisfaction of the Planning Authority by the operator within the following three-month period.

Reason: to ensure that any redundant facilities are removed from the site, in the interests of safety, amenity and environmental protection.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

26 May 2022

2. That in the event of the development hereby approved not operating on a commercial basis to the grid network for a continuous period of 12 months, the company must immediately notify the Planning Authority in writing of the situation and shall, if directed by the Planning Authority decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity.

Reason: to ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site. In the interests of safety, amenity and environmental protection.

3. That no development shall take place other than in accordance with the plans unless and until full details of the proposed battery storage containers (and ancillary infrastructure) hereby permitted has been submitted to and approved in writing by the Planning Authority. These details shall include:
- (a) design, power rating, sound power level modelled at the most sensitive receptor (if deviating from the Noise Impact Assessment accompanying the application), layout and dimensions of the battery storage containers (and ancillary infrastructure) and the metering building to be installed.
 - (b) detailed site layout plan, including surfacing materials, boundary treatment, surface water drainage measures and planting.

Thereafter, the battery storage containers and associated infrastructure shall be installed and operate in accordance with these approved details.

Reason: to protect the visual amenity of the area.

4. That no development shall commence until details of the final drainage design has been submitted to and approved in writing by the Planning Authority. The development shall be constructed in accordance with the approved details and thereafter maintained in perpetuity.

Reason: in order to ensure that the site is adequately drained.

5. That no trees shall be removed during the bird nesting season (beginning of April to end of August) unless there has been carried out a nesting bird survey by a suitably qualified specialist, and that specialist remains on site for the duration of the removal operation.

Reason: in the interests of the protection of breeding birds.

6. That no development shall take place unless tree protection fencing is in place on site. This shall be in accordance with a scheme that has been submitted to and approved in writing by the planning authority.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

26 May 2022

Reason: In the interests of biodiversity and visual amenity.

7. That no development shall commence until details of the final landscaping and drainage design has been submitted to and approved in writing by the Planning Authority. The development shall be constructed in accordance with the approved details and thereafter maintained in perpetuity.

Reason: in order to ensure that the site is adequately drained.

8. That prior to the commencement of development, the Fire Safety Management Procedure shall be submitted to, and agreed in writing by the Planning Authority. Thereafter the plan shall be implemented and retained in perpetuity, unless otherwise agreed in writing by the Planning Authority.

Reason: in the interests of fire safety and in the amenity of the surrounding area.

The Committee heard from Ms Lucy Greene, Senior Planner who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to approve the application conditionally in line with the officer recommendation and an Informative added to read:-

SAFEGUARDING OF ABERDEEN INTERNATIONAL AIRPORT (CRANES)

Attention is drawn to the requirement within the British Standard Code of Practice for the Safe Use of Cranes (BS7121), specifically section 9.9.3 (Crane Control in the Vicinity of Aerodromes) which requires the responsible person to consult the aerodrome manager for permission to work if a crane is to be used within 6km of an aerodrome and its height would exceed 10m or that of surrounding trees and structures.

Use of cranes, or other tall construction equipment must be notified to Aberdeen International Airport Safeguarding Manager (abzsafeguard@aiaairport.com / 01224 725756) at least one month prior to use. Failure to do so may result in any responsible person being guilty of an offence under Article 137 (Endangering Safety of Aircraft) of the Air Navigation Order (CAP 393) which states that a person must not recklessly or negligently act in a manner likely to endanger an aircraft.

7 LOCHSIDE DRIVE ABERDEEN - 220278

7. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

26 May 2022

That the application for Detailed Planning Permission for the erection of a log cabin to the side (part retrospective) at 7 Lochside Drive Aberdeen, be **refused** for the following reasons:-

The proposal, its scale and design has failed to consider the context of the site and its surrounding area, and on the basis that the log cabin would occupy a prominent location within the rear curtilage to the side elevation of the existing property it is considered to have an overbearing and negative visual impact on the surrounding area. The proposal is therefore considered to be contrary to the requirements of Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the adopted Aberdeen Local Development Plan 2017; the 'Householder Development Guide' Supplementary Guidance and Policies H1, D1 and D2 of the Proposed Aberdeen Local Development Plan 2020.

The Committee heard from Ms Rebecca Kerr, Planner, who spoke in furtherance of the application and answered various questions from Members.

The Committee resolved:-

to refuse the application in line with the officer recommendation.

PLANNING ENFORCEMENT ACTIVITY REPORT - PLA/22/072

8. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which informed Members of the Planning Enforcement work that had been undertaken by the Planning Service from 1 April 2021 to 31 March 2022.

Mr Gavin Clark, Senior Planner, spoke in furtherance of the report and answered questions from Members. Mr Clark advised that a new Planning Inspector had recently commenced employment in April 2022 and that 261 new cases had been investigated since 1 April 2021 with 68 still under investigation.

The Committee resolved:-

- (i) to thank officers for their continued hard work and efforts in relation to Enforcement; and
- (ii) to otherwise note the contents of the report.

A REVISED GUIDE TO PLANNING CONSENTS FOR THE ABERDEEN INNER-CITY MULTIS - PLA/22/085

9. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which presented a revised guide on Planning Consents for the Aberdeen Inner-City Multis which had been listed as Category A by Historic Environment Scotland. The report also sought approval to adopt the revised document which reflected the changes to the buildings list descriptions by Historic Environment Scotland as Aberdeen Planning Guidance (non-statutory planning guidance).

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

26 May 2022

The report recommended:-

that the Committee approve the content of the revised 'Guide to Planning Consents for the Aberdeen Inner-City Multis' (Appendix 1) as Aberdeen Planning Guidance (non-statutory planning guidance).

The Committee heard from Ms Sepi Hajisoltani, Planner, who spoke in furtherance of the application and answered questions from members.

The Committee resolved:-

to approve the recommendation.

AFFORDABLE HOUSING WAIVER EXTENSION - PLA/22/091

10. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which sought to extend the current Affordable Housing waiver which was due to expire in June 2022, until the formal review of the waiver be reported to Full Council in August 2022, as part of the City Centre Masterplan Review.

The report recommended:-

that the Committee agree to extend the Affordable Housing Waiver until September 2022, or until such time as Council determine the future of the waiver.

The Committee heard from the Interim Chief Officer – Strategic Place Planning, who spoke in furtherance of the report and answered various questions from Members.

The Committee resolved:-

to approve the recommendation.

- **Councillor Dell Henrickson, Convener**

	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			23 June 2022						
4	56 Park Road - 211224	To approve or refuse the application for erection of 47 flats		Robert Forbes	Strategic Place Planning	Place	1		
5	19 South Avenue - 220584	To approve or refuse the application for erection of two dwelling houses		Dineke Brasier	Strategic Place Planning	Place	1		
6	7 Langstane Place - 220509	To approve or refuse the application for DPP for installation of external flue piping to side of building		Robert Forbes	Strategic Place Planning	Place	1		
7			25 August 2022						
8	OP51, Peterculter - 190314	To approve or refuse the proposed residential development including mix of private, affordable and retirement housing consisting of approximately 49		Gavin Evans	Strategic Place Planning	Place	1		
9	Rosehill House - 220529	To approve or refuse the application for McDonald's drive-thru		Lucy Greene	Strategic Place Planning	Place	1		
10	PRE APPLICATION FORUM - Land at Greenferns (OP 28 and OP 33)	Major residential led, mixed-use development of c. 1,650 homes comprising retail and commercial provision, leisure and community uses and associated infrastructure including access roads, landscaping and engineering works		Gavin Clark	Strategic Place Planning	Place			
11	PRE APPLICATION FORUM - Land at Greenferns Landward (OP 22)	Major residential led, mixed-use development of c. 1,570 homes comprising retail and commercial provision, leisure and community uses, gypsy travellers site and associated infrastructure including access roads, landscaping and engineering works		Gavin Clark	Strategic Place Planning	Place			
12			Future applications to PDMC (date of meeting yet to be finalised).						
13	Queens Link Leisure Park - 211715	To approve or refuse the application for proposed drive-thru restaurant/ take away		Robert Forbes	Strategic Place Planning	Place	1	R	Application has been withdrawn.

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
14	94 Sunnyside Road - 220050	To approve or refuse the application for sub-division of residential curtilage and erection of end-terraced dwellinghouse		Roy Brown	Strategic Place Planning	Place	1		
15	598-602 Holburn Street - 220648	To approve or refuse the application for erection of two houses		Robert Forbes	Strategic Place Planning	Place	1		
16	3 Whitehall Road - 220210	To approve or refuse the application for change of use from class 1(shops) to class 3 (food and drink) and installation of extract grills		Roy Brown	Strategic Place Planning	Place	1		
17	Wellington Road Cove - 211072	To approve or refuse the application for residential development (27 units)		Robert Forbes	Strategic Place Planning	Place	1		
18	Former Treetops Hotel site - 211528	To approve or refuse the residential development of 89 units (including 25% affordable) comprising 54 houses and 35 flats over 3, 4 and 6 storey blocks and associated roads and parking, drainage infrastructure, open space and landscaping.		Matthew Easton	Strategic Place Planning	Place	1		
19	26 Hollybank Place - 211807	To approve or refuse the application for demolition of an existing commercial unit and erection of 11 no. residential apartments over 4 storey with associated hard and soft landscaping works		Roy Brown	Strategic Place Planning	Place	1		
20	Aberdeen Grammar School FP's Club, 86 Queens Road - 211806	To approve or refuse the application for erection of 3no. villas, 4no. apartments and 2no. maisonette apartments with associated works		Jane Forbes	Strategic Place Planning	Place	1		
21	183A Crown Street - 220387	To approve or refuse the application for change of use from dental laboratory to class 3 (food and drink) and installation of extract vent terminals		Gavin Clark	Strategic Place Planning	Place	1	R	Application has been withdrawn.
22	Caledonia, Malcolm Road Peterculter - 220426	To approve or refuse the application for erection of 25 dwellings, road access and ancillary infrastructure / landscaping		Alex Ferguson	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
23	Tillyoch - Peterculter - 211966	To approve or refuse the application for residential development (circa 250 units) with associated infrastructure, open space, landscaping and community facilities		Aoife Murphy	Strategic Place Planning	Place	1		
24	Birchwood House upper flat - 220410	To approve or refuse the application for resurfacing of external amenity area to form parking/turning area (retrospective)		Jemma Tasker	Strategic Place Planning	Place	1		
25	Aberdeen Local Development Plan 2022 – Draft Aberdeen Planning Guidance: Masterplans and Planning Briefs			Andrew Brownrigg	Strategic Place Planning	Place	4 and 5		
26	PRE APPLICATION FORUM - Causewayend Bridge of Don - 201365 - date to be confirmed.	To hear from the applicant in relation to an application for Major residential development of approximately 350 units (at least 25% affordable) with associated infrastructure, open space and landscaping		Gavin Evans	Strategic Place Planning	Place			

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



Meeting Date : 23/06/22

Description: Erection of Flue

Address: 7 Langstane Place

Type of application : Detailed Planning Permission
Application number: 220509/DPP

Existing North Elevation



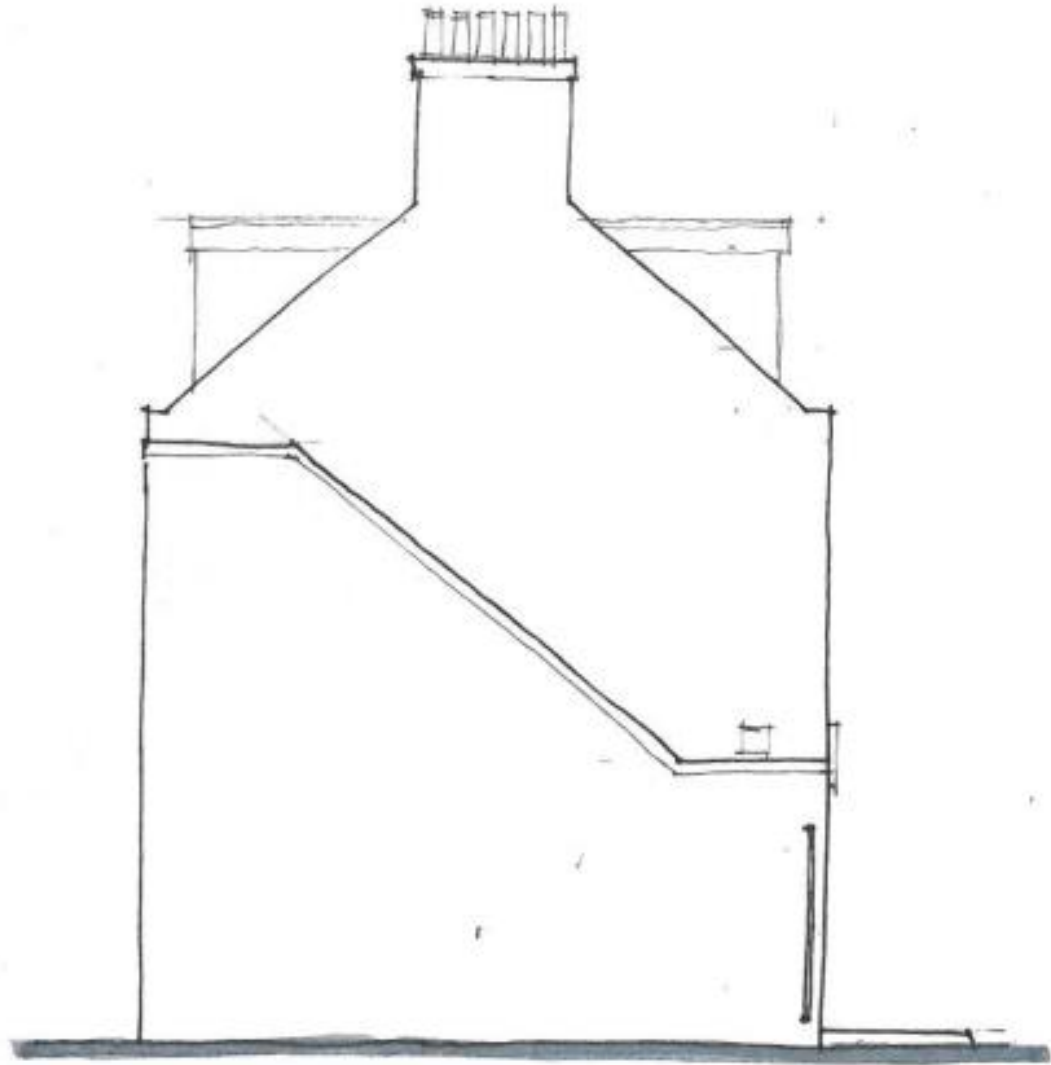
Proposed North Elevation

METAL DUCT / FIVE - CONNECTED TO
EXISTING MECHANICAL EXTRACT SYSTEM
TO OR FL PREMISES.

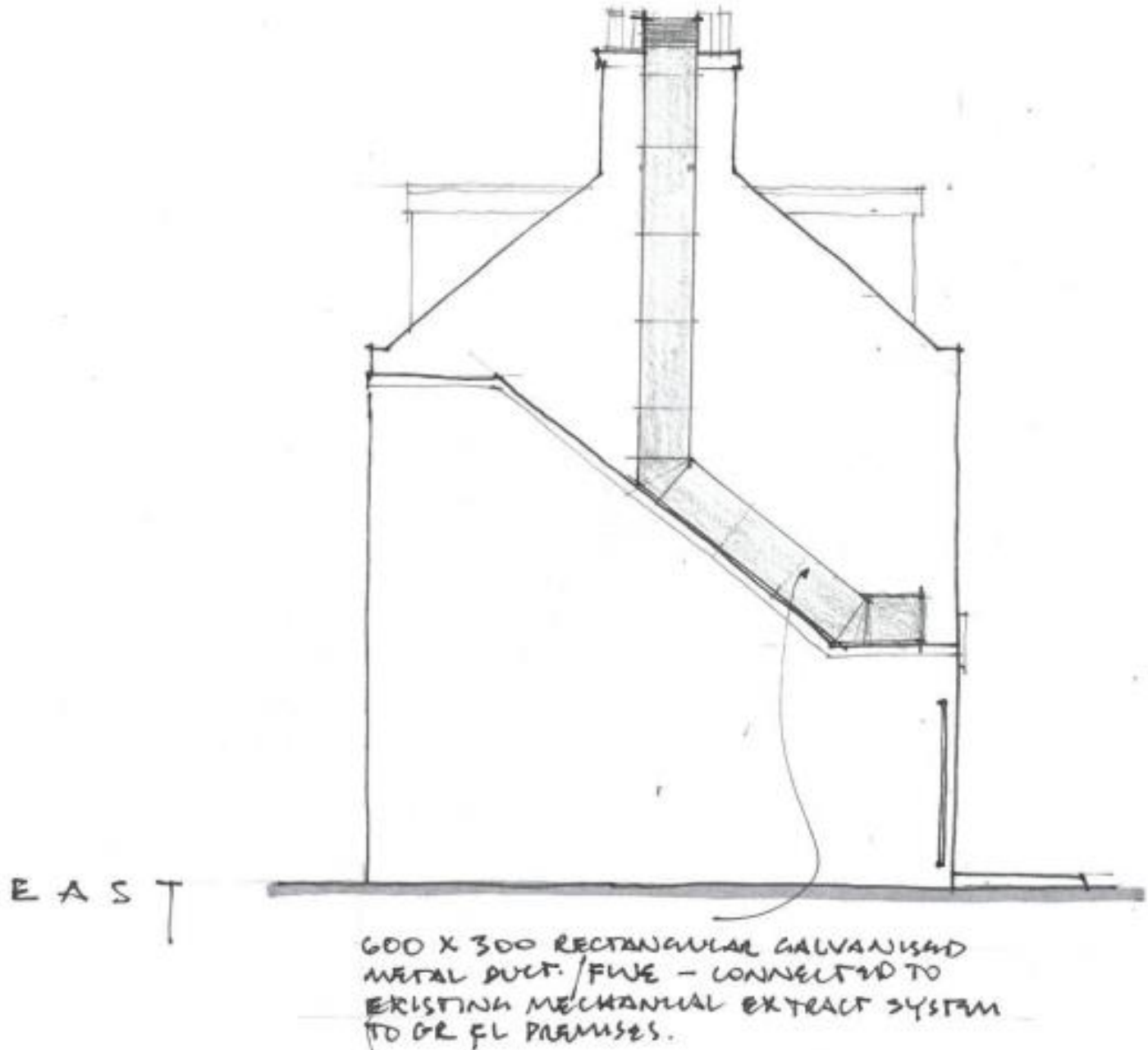


Existing East Elevation

E A S T



Proposed East Elevation



Oblique Aerial View from South



Oblique Aerial View from North



View of North Elevation of Site and adjacent listed building to East



Looking West on Langstane Place



Gable Entrance Stair to upper floors



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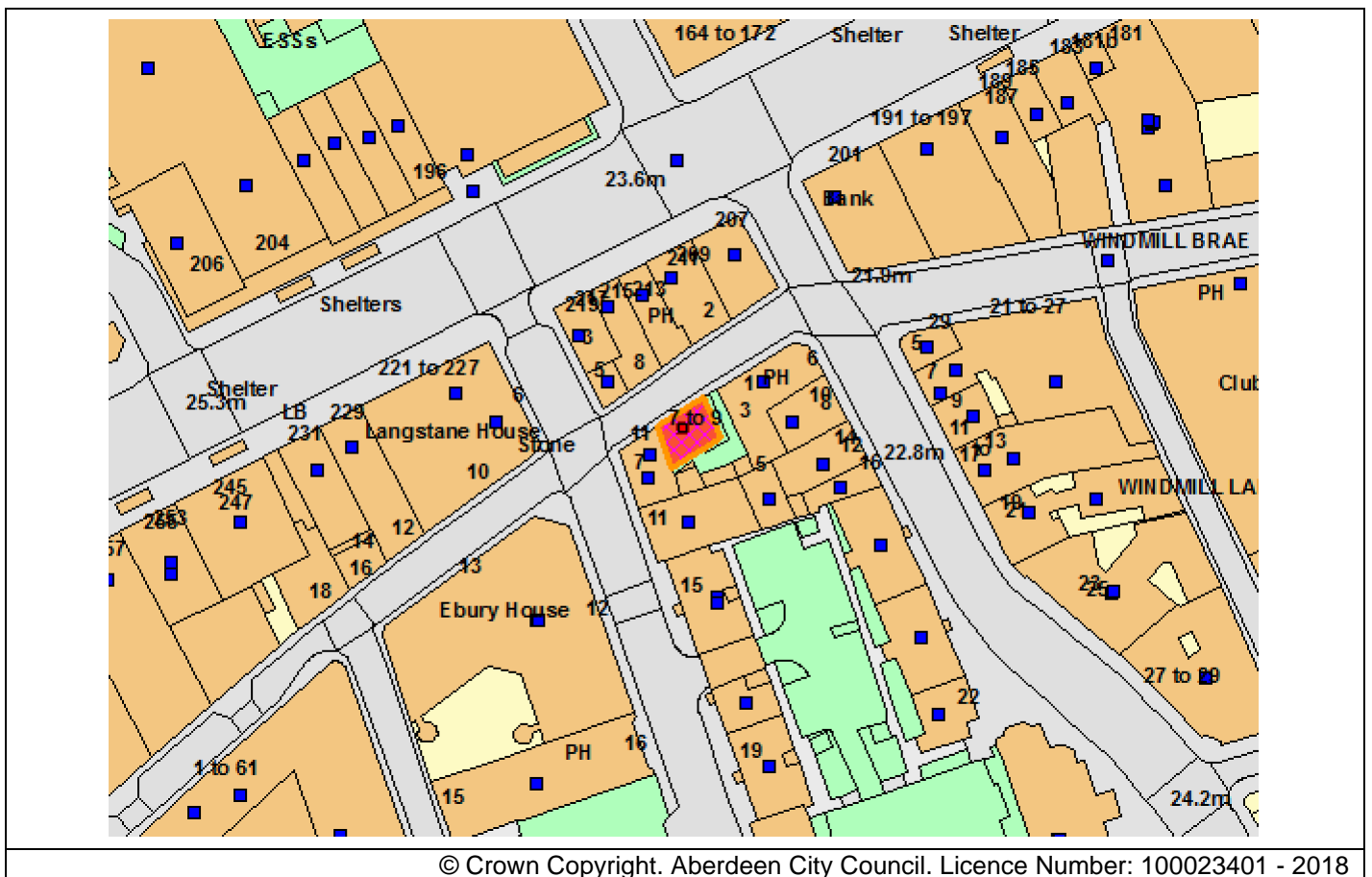


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 23 June 2022

Site Address:	7 Langstane Place, Aberdeen, AB11 6DX,
Application Description:	Installation of flue to existing mechanical extract system to side (east) elevation
Application Ref:	220509/DPP
Application Type	Detailed Planning Permission
Application Date:	21 April 2022
Applicant:	Milmore Properties Ltd
Ward:	Torry/Ferryhill
Community Council:	City Centre
Case Officer:	Robert Forbes



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RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

This city centre site is located on the southern side of Langstane Place, between Crown Street and Dee Street, within Bon-Accord Crescent / Crown Street Conservation Area. It comprises a 2 and a half storey building of traditional granite construction and slate clad roof. The frontage of the building has a white render finish. The ground floor is occupied by a hot food take-away which fronts onto the street. The upper floors of the building are used as a flat, albeit its occupation is restricted to the manager / family of the ground floor take-away business. It is accessed via an enclosed slate roof clad stairwell attached to the east gable.

There are a number of late-night uses and licensed premises in the immediate area. The 5 storey granite tenement building located to the east of the site is category B listed and of Edwardian origin. It comprises a pub on the ground floor with flats above. It has windows on its gable elevation close to the front façade. There is an existing metal flue attached to the building to the south of the site.

Relevant Planning History

Application Number	Proposal	Decision Date
090559	Change of use from office to chip shop managers flat and formation of new access stairway	23.06.2010 Status: Approved subject to conditions and a legal agreement

APPLICATION DESCRIPTION**Description of Proposal**

Installation of an external extract flue on the east gable of the building. It would extend from an existing vent at first floor level to the chimney stack. It would be constructed of galvanised metal and would be of box profile, measuring 600mm wide by 300mm deep.

Amendments

None.

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=RAOXHIBZMSL00>

- Supporting Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because in excess of 5 valid objections have been received.

CONSULTATIONS

ACC - Environmental Health – No observations
City Centre Community Council – No response received.

REPRESENTATIONS

A total of 6 objections have been received raising the following matters :-

- Overprovision of hot food premises
- Competition with existing adjacent hot food premises
- Generation of refuse / attraction of vermin

MATERIAL CONSIDERATIONS

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 2014 (SPP) expresses a presumption in favour of development that contributes to sustainable development.

Historic Environment Policy for Scotland (HEPS) requires consideration of impacts on the historic environment.

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

The current SDP was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. The extant local development plan (ALDP) is now beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 was submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination of it in public has commenced with reporters appointed. Material consideration will be given to it, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of SPP which states:

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.”

The following ALDP policies are relevant –

D1: Quality Placemaking by Design

D4: Historic Environment

NC1: City Centre Development - Regional Centre

NC2: City Centre Retail Core & Union Street

Supplementary Guidance and Technical Advice Notes

City Centre Masterplan (CCMP)

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The PALDP was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and it has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP constitutes the Council's settled view as to what the final content of the next adopted local plan should be and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the PALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP. The following policies are relevant –

VC1- Vibrant City; VC4- City Centre and Retail Core; D1- Quality Placemaking; D6- Historic Environment

Other Material Considerations

Bon Accord and Crown Street Conservation Area Character Appraisal 2013.

EVALUATION

Principle of Development

As the use of the premises as a hot food take-away is authorised and no change of use of the premises is proposed, the proposal raises no matters of principle and there is no conflict with the objectives of ALDP policies NC1 and NC2 and the CCMP. Given the non-strategic scale of the proposal and that it does not raise matters of a cross boundary nature, the SDP is of no relevance in this case. Given the minor nature of the works it is considered that the presumption in favour of sustainable development expressed in SPP is of limited relevance in this case. Detailed policy and matters of relevance are addressed below.

Design

It is considered that the proposed development is suitably located in a secluded position on the building and recessed from its frontage. Given the partial screening provided by adjacent buildings and that the flue would be located on a non-primary elevation, it is considered to be not harmful to its context and satisfies the design quality expectations of ALDP policy D1.

Conservation / Heritage Impact

Whilst the flue is a non-traditional feature, it would be located on a non-primary elevation, would be well screened and would only be visible fleetingly in public views from the lane heading west from Crown Street. It would not appear unduly prominent given the screening provided by adjacent buildings. It would not be visible from any main roads / key views within the conservation area. The conservation area character appraisal does not identify ventilation ducts as being a negative factor within the wider conservation area. Overall, the flue would therefore have a neutral impact on the character of the conservation area and the setting of the adjacent B listed building. As the flue would not be directly attached to the adjacent listed building and would not affect the setting of

the nearby A listed Music Hall, there is no requirement for consultation with HES in this instance. The proposed works are therefore considered to satisfy the expectation of HEPS and policy D4.

Residential Amenity

The proposal would have a positive impact on adjacent residential amenity by enabling improved extraction and dispersion of cooking fumes associated with the existing use of the hot food take-away. Although there are facing window on the side / gable of the elevation of the adjacent tenement flats, these would not be impacted by the flue as there would be no obstruction of light to such windows. Obstruction of / effect on private views (e.g. from within adjacent flats) are not material planning considerations.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP and the proposal is acceptable in terms of both Plans for the reasons previously given.

Other Matters Raised in Objections

As no change of use is proposed, consideration of the operation / menu of the existing hot food take-away, generation of refuse, attraction of vermin and overprovision of hot food take-aways are not relevant in this case. The objections also raise trade / competition concerns relating to an adjacent hot food premises which are not material planning considerations.

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

As the use of the premises as a hot food take-away is authorised and no change of use of the premises is proposed, the proposal raises no matters of principle and there is no conflict with the objectives of policies NC1: City Centre Development - Regional Centre and NC2: City Centre Retail Core & Union Street within the Aberdeen Local Development Plan 2017 (ALDP). It is considered that the proposed development is suitably located in a secluded position on the building and recessed from its frontage. Given the screening provided by adjacent buildings and that the flue would be located on a non-primary elevation, it is considered to be not harmful to its context and satisfies the design quality expectations of ALDP policy D1: Quality Placemaking by Design. The flue would have a neutral impact on the character of the conservation area and the setting of the adjacent B listed building. The proposed works are therefore considered to satisfy the expectation of Historic Environment Policy for Scotland and policy D4: Historic Environment.

The policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the ALDP and the proposal is acceptable in terms of both Plans for the reasons previously given.

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Planning Development Management Committee

Erection of 2no. dwelling houses with associated works

19 South Avenue, Cults

220584/DPP

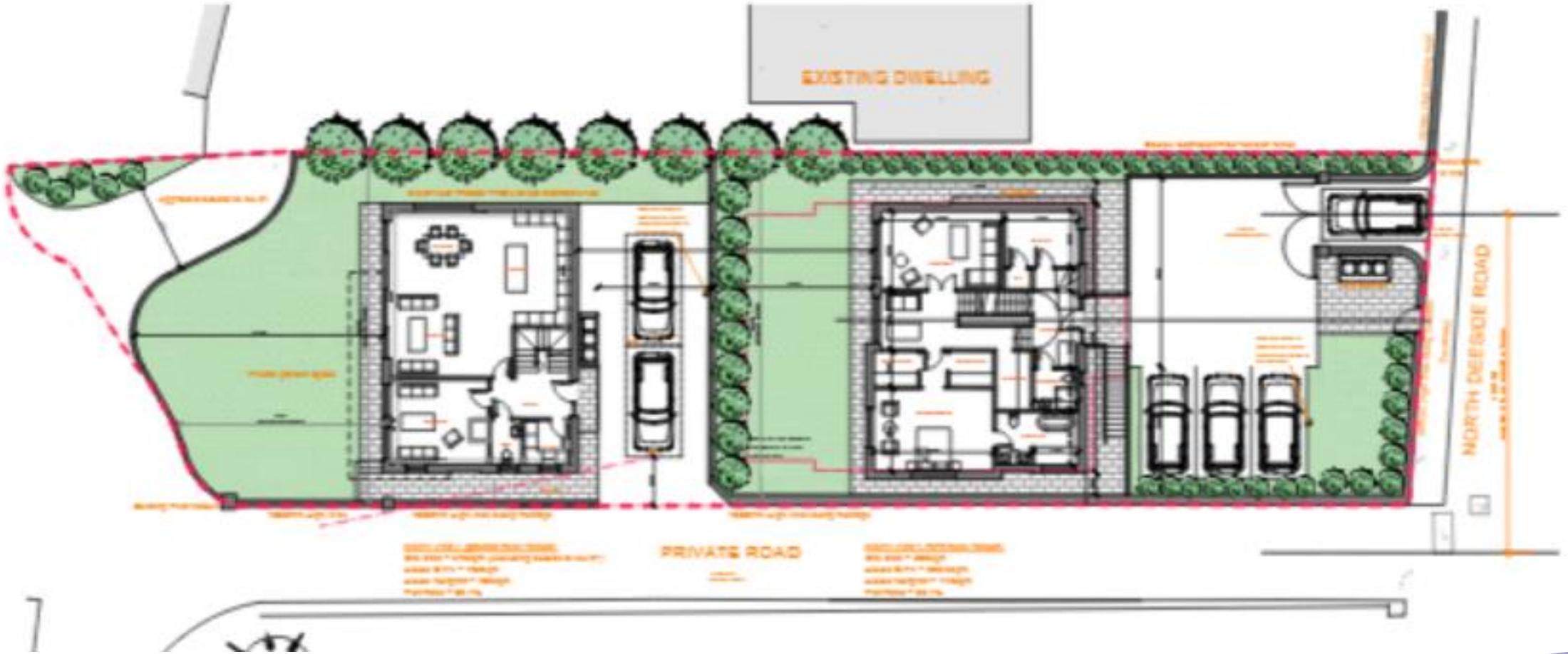
Location Plan



Aerial Photo



Proposed site layout and floorplans



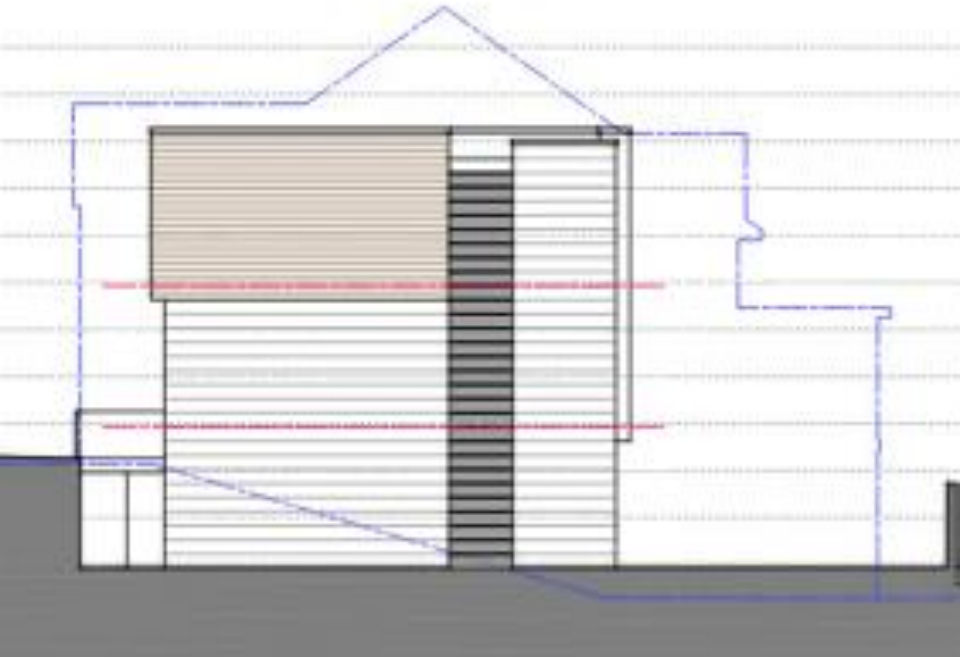
Proposed elevations Plot 1



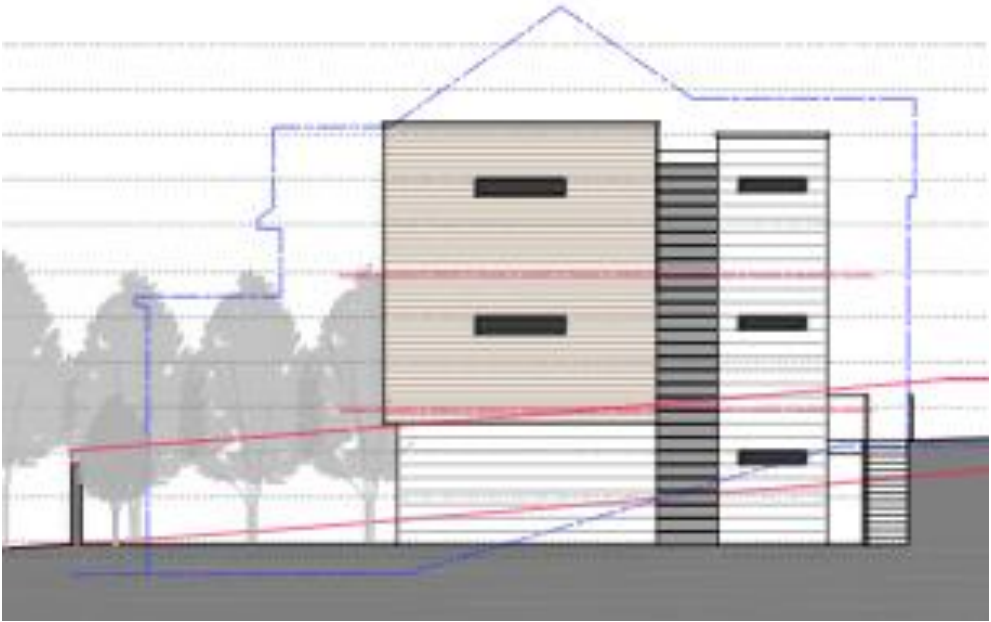
North



South



West



East

Proposed elevations Plot 2



North



South

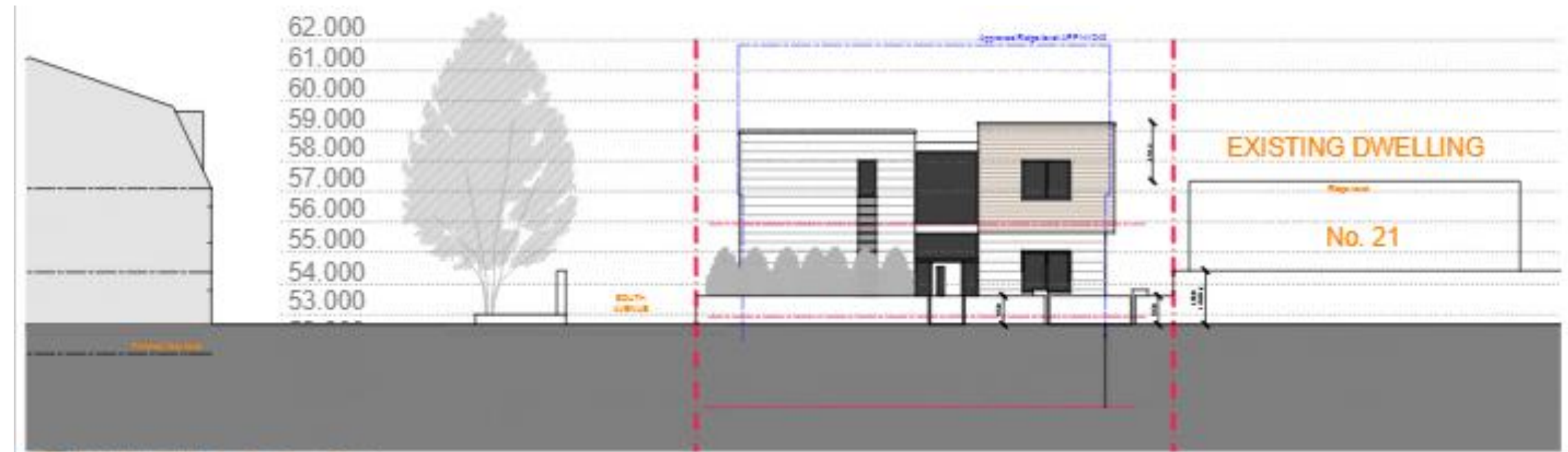


West



East

Elevation/section from North Deeside Road

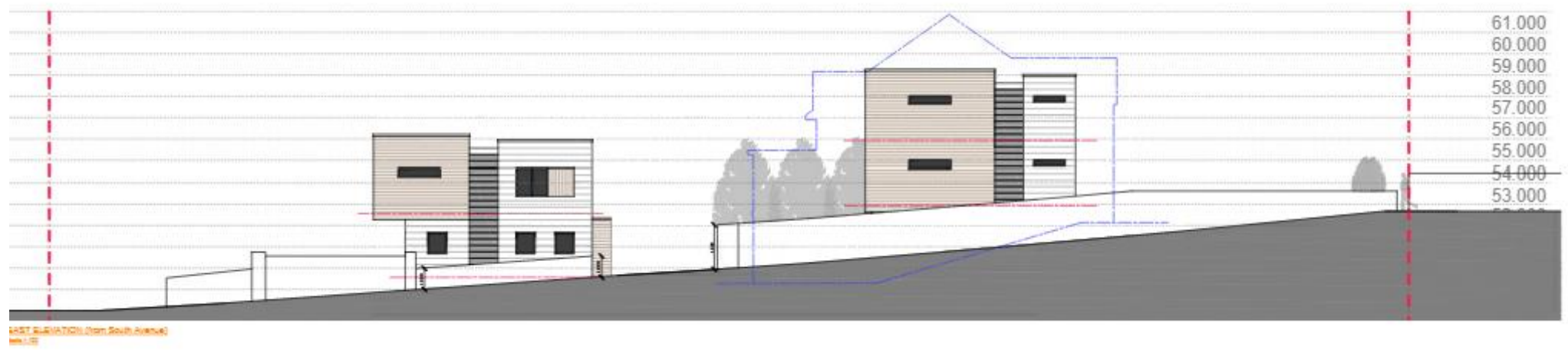


NORTH ELEVATION HOUSE 1 - (from North Deeside Road)
Scale 1:100

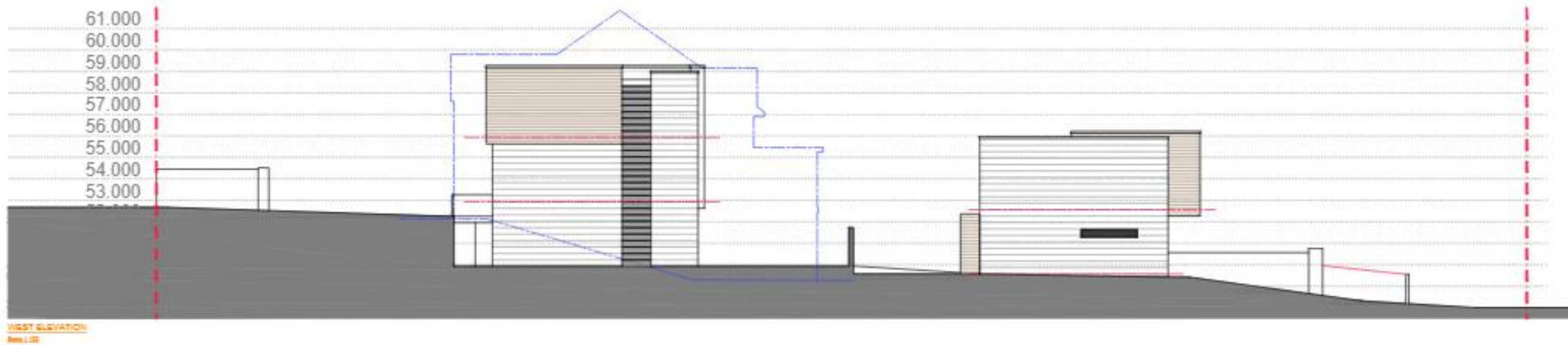
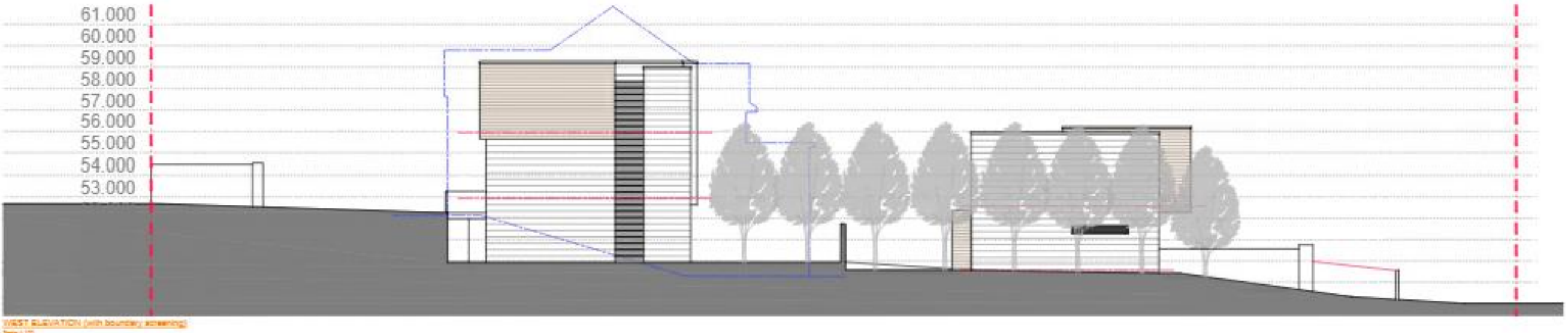


NORTH ELEVATION HOUSE 1
Scale 1:100

Elevations/section from South Avenue



Elevations/ Sections from 21 South Avenue



View along North Deeside Road



Application site and view along North Deeside Road





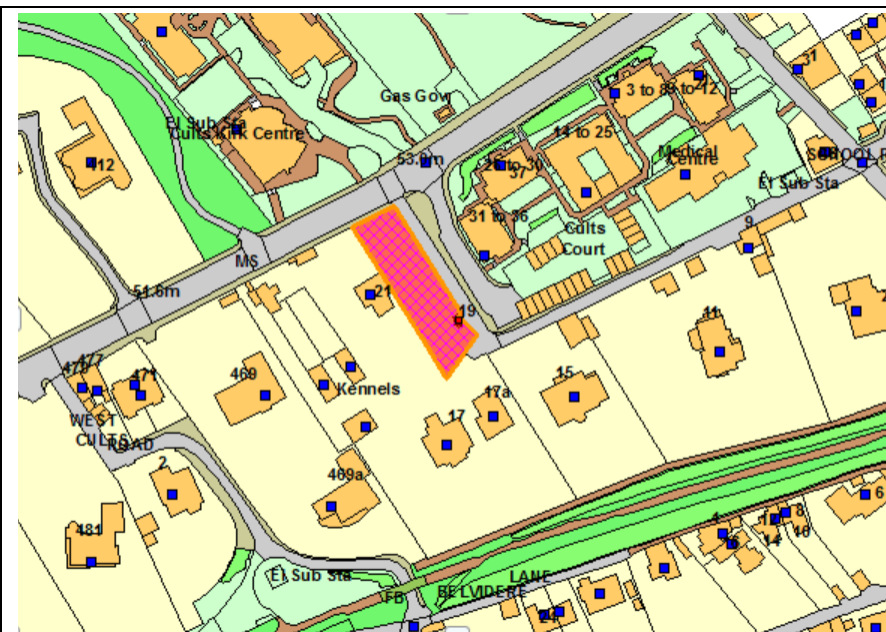


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 23 June 2022

Site Address:	19 South Avenue, Aberdeen, AB15 9LQ,
Application Description:	Erection of 2no. dwelling houses with associated works
Application Ref:	220584/DPP
Application Type	Detailed Planning Permission
Application Date:	10 May 2022
Applicant:	3J Property Investments
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Dineke Brasier



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is a roughly rectangular site, measuring c.60m by c.16m and extending to c.925m² located on the corner of South Avenue and North Deeside Road within Cults. The plot was previously occupied by a single one and a half storey detached dwelling, which was demolished in 2014 in anticipation of the granting of a previous planning permission on the site for a single

replacement dwelling (ref: 141049). The site is now vacant and has been cleared for development. To the west is a neighbouring one and a half storey detached dwelling – 21 South Avenue; to the south is an area of hardstanding providing access to various dwellings, including number 21, and the kennels (17 South Avenue). Along the northern and eastern boundary was a traditional high granite wall enclosing the site from North Deeside Road and South Avenue, which was demolished in the winter of 2019/2020 under permitted development rights. The site is now cleared, levelled and secured with Heras fencing. A triangular section in the south west corner of the site carries a vehicular right of access to 21 South Avenue, which will need to be retained.

This section of South Avenue, though not private, is currently unadopted. It is a narrow stretch of road in a poor state of repair. It measures c.4.3m in width and has no dedicated footpath. To the east is the high granite boundary wall between South Avenue and Cults Court – a flatted development centred around the category C listed former Cults School, which has its own vehicular access from North Deeside Road. Apart from the application site, this section of South Avenue further serves numbers 15, 17, 17A and 21 South Avenue, including the Kennels business. Even though this part of South Avenue is connected to the remainder of the road further to the east, the section roughly between 15 South Avenue and the Cults Medical Centre is in such a deteriorated state of repair that it could be considered impassable for ‘normal’ cars, with only the weekly bin lorry using this stretch of road on a regular basis.

Relevant Planning History

- 141049 – Erection of detached dwelling with integral garage and associated works – Approved under delegated powers on 13th November 2014. No satisfactory evidence has been provided to demonstrate that this permission was lawfully implemented within three years of the issue of the decision notice, and as such, the Planning Authority considers that the permission has lapsed.
- 161721/DPP – Erection of four flats and associated parking – Refused on 9th February 2017 by Planning Development Management Committee (PDMC).
- 180143/DPP – Erection of four flats, associated parking, landscaping and part removal of boundary wall – Refused on 22nd March 2018 by PDMC, and subsequently dismissed on appeal by the Reporter of the Planning and Environmental Appeals Division of the Scottish Government (DPEA). The main reasons for refusal for this application were based on the following:
 - Overdevelopment of the site;
 - Adverse impact on character and appearance of the surrounding area;
 - Poor quality design; and
 - Adverse impact on residential amenity of 21 South Avenue and residents at Cults Court.
- 200533/DPP – Erection of four detached dwelling houses – Refused on 20th August 2020 by PDMC, and subsequently dismissed on appeal by the Reporter of the DPEA. The main reasons for refusal for this application were similar as those for 180143/DPP and included the following:
 - Overdevelopment of the site;
 - Adverse impact on character and appearance of the surrounding area;
 - Poor quality design; and
 - Adverse impact on the residential amenity of 21 South Avenue.
- 201630/DPP – Erection of 4 residential units (3 apartments and 1 house) with associated works – Refused on 22nd April 2021 by PDMC, and subsequently dismissed on appeal by the Reporter of the DPEA. The main reasons for refusal for this application were similar as those for the previous application, and included the following:
 - Overdevelopment of the site;

- Adverse impact on character and appearance of the surrounding area;
- Poor quality design; and
- Adverse impact on the residential amenity of 21 South Avenue.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the construction of two detached dwellings set in a north-south alignment. Plot 1 would see a three storey dwelling with a principal elevation facing north towards North Deeside Road. It would have a modern flat roofed design, with rectangular 'shapes' on the elevations, windows of various shapes and sizes. Finishing materials would include a mix of granite, timber linings and anthracite grey horizontal zinc cladding. It would measure c.12.5m by c.10m and would have a footprint of c.116m² as its shape is not completely rectangular. The overall height would be 9.5m. Accommodation would include a large open plan kitchen/dining area; separate family/dining room and a utility room on the lower ground floor; entrance hall; lounge; bedroom with en-suite bathroom and dressing room; office and separate shower room on the ground floor; and three bedrooms; two bathrooms and a dressing room on the first floor. A new vehicular access would be formed off North Deeside Road, with three parking spaces provided on the driveway.

Plot 2 would be located to the rear of Plot 1 and would be accessed from South Avenue. This two storey detached dwelling would have a similar modern flat roofed design using the same finishing materials. Accommodation would include a large open plan kitchen/dining/family area; utility room; lounge and WC on the ground floor; and three bedrooms with three bathrooms and an office on the first floor. The building would measure c.8.7m by c.12.3m and would thus have a footprint of c.106m². Two parking spaces would be provided on a driveway adjacent to the north elevation.

Amendments

Boundary wall along North Deeside Road and first part of South Avenue reduced in height to allow for visibility splay; and
Materials panel added.

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=RB NQ82BZFN500>

- Planning Statement by Aurora Planning

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 6 letters of objection have been received.

CONSULTATIONS

ACC - Environmental Health – The proposed development has residential units adjacent to the A93 (North Deeside Road) and there is potential for noise disturbance from road traffic noise on the residents. Provision of suitable mitigation measures may address these noise concerns. An appropriate noise assessment by a suitably qualified noise consultant to predicted impacts of likely noise sources on the proposed residential development and the necessary control measures is required. Submission of this noise assessment can be conditioned in this instance.

ACC - Roads Development Management Team – No objection. The application is for the erection of 2 houses with associated works at 19 South Avenue. The site is located in the outer city, outwith

any controlled parking zone. The proposals are for a 3 bedroom and a 4 bedroom house, each requiring 2 and 3 parking spaces respectively. This is proposed and acceptable. The access for the larger plot is onto North Deeside Road, but is an acceptable distance from nearby junctions. At the pre-application stage, a visibility splay was requested, this has been submitted. The wall to the front has been reduced in height to allow for suitable visibility for the access onto North Deeside Road. It is considered that visibility for the access onto South Avenue is acceptable due to the low levels of traffic, and the low speeds on this road. Both sites have acceptable bin storage. Ducting should be provided for EV charging to both properties – this is known as passive provision. The dropped kerb should be installed either by ACC or an approved ACC contractor.

ACC - Waste and Recycling – No objection. General comments provided in relation to bin collection.

Cults, Bieldside and Milltimber Community Council – Objection. Keen to see a sympathetic redevelopment of this long-derelict site, but feels that this new proposal still fails to address the main concerns with previous proposals.

It is quite clear from successive ACC planning refusals and subsequent refusal decisions by Scottish Government Reporters that the north-south section of South Avenue is seen as a natural divide between higher and denser development to the East and detached houses on generous plots to the West. The Community Council agrees with this view, and considers that this proposal fails to comply with ALDP Policies 2017 Policies H1 (Residential Areas), D1 (Quality Placemaking by Design) and associated Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

REPRESENTATIONS

A total of 25 letters of objection were received, although a total of 6 objections did not raise any specific matters. The other 19 letters of objections raised the following matters:

Design, scale, massing and impact on character of the area

- Overdevelopment of the site in relation to existing properties on South Avenue;
- South Avenue forms a clear divide between a more built-up area to the east and the low-density area to the west and south. The area to the west generally comprises single houses in large plots. Contextually, the proposal is out of character with the surrounding area;
- Plot ratio of 28.4% as shown on drawings for Plot 2 is only achieved through moving of the vehicular access to number 21, which would require agreement of both numbers 17 and 21 South Avenue. Plot 2 as therefore indicated is not achievable, and if the access is put back to its existing location, then the plot ratio will increase significantly;
- Proposed 'box-like' design of houses out of character in the surrounding area;
- Due to its visually prominent position on the junction of North Deeside Road and South Avenue, the design has an unacceptable impact on the character of the area;
- Development would create a new building line between the dwellings fronting onto North Deeside Road and the dwellings facing onto the Deeside Way. Previous findings from the Scottish Government Reporter and advice from the Planning Service in this matter is ignored;
- Site should only accommodate a single house;
- Design looks like 2 blocks of flats and not 2 houses;
- Hardstanding for parking is far too large as a percentage of the plot areas, especially for Plot 1;
- Ridge line of any new development should not exceed that of the dwelling at 21 South Avenue;
- Detrimental impact on the streetscape and visual amenity when viewed from both North Deeside Road and South Avenue and on the character and appearance of the surrounding area and would constitute an overdevelopment of the area.

Residential Amenity

- Overlooking between proposed houses;
- Overbearing impact, increased overlooking/loss of privacy and loss of residential amenity to 21 South Avenue;
- Adverse impact on privacy of 17A South Avenue;
- Height and massing of proposed buildings out of context with neighbouring dwelling at number 21. West elevation towers above number 21 to the detriment of their residential amenity. Plot 2 projects in front of the established building line, also to the detriment of number 21;
- Due to the height and proximity of proposed buildings adverse impact on residents of Cults Court due to increased overlooking/overshadowing.

Transport and Access

- No detail in relation to retaining structures has been submitted in relation to Plot 1 to ensure the integrity/stability of South Avenue;
- No information is provided to demonstrate that vehicles can safely access/egress Plot 2 from South Avenue, and Plot 1 from North Deeside Road;
- Access from Plot 2 too small as an engineer has advised that a far bigger turning area is required;
- Concerns in relation to the creation of additional vehicular access onto North Deeside Road in close proximity to junction with South Avenue.

Other Matters

- Proposed development is not significantly different from previous refused proposals;
- Same objections as previous applications;
- Plot 2 would require legal change to the access to 21 South Avenue as proposed boundary would not meet current boundary and shape of vehicular access;
- As with previous decisions, area of access into 21 South Avenue should not be calculated towards plot ratios;
- Type and style of boundary treatment to 19 South Avenue by deed must be agreed by the owner of number 17.

MATERIAL CONSIDERATIONS

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.

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material

consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration".

The following policies are relevant –

- H1: Residential Areas
- D1: Quality Placemaking by Design
- T2: Managing the Transport Impact of Development
- T5: Noise
- R6: Waste Management Requirements for New Development
- R7: Low and Zero Carbon Building and Water Efficiency

Supplementary Guidance

Subdivision and Redevelopment of Residential Curtilages
Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis.

The following policies are relevant –

- H1: Residential Areas
- D1: Quality Placemaking
- D2: Amenity
- T2: Sustainable Transport
- T3: Parking
- R5: Waste Management Requirements in New Development
- R6: Low and Zero Carbon and Water Efficiency

Other Material Considerations

Planning history as listed above;

Appeal decision PPA-100-2089 issued on 5th September 2018 in relation to 180143/DPP;

Appeal decision PPA-100-2115 issued on 24th December 2020 in relation to 200533/DPP; and

Appeal decision PPA-100-2122 issued on 22nd November 2021 in relation to 201630/DPP.

EVALUATION

Principle of Development

The site is located in an existing residential area in Cults and policy H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan (ALDP) applies. This policy sets out that residential development is acceptable in principle, provided 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 open space; and
4. Complies with Supplementary Guidance, in this case Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages (SG).

The site constitutes an established residential curtilage and was previously occupied by a single detached one and a half storey dwelling. As such, it is considered not to be valuable and valued open space, and the proposal complies with criterion 3 as set out above. The remainder of the criteria will be discussed in detail below.

Impact on the character of the surrounding area

In addition to policy H1, policy D1 (Quality Placemaking by Design) of the ALDP sets out that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. As part of that assessment, all development must follow a thorough process of site context appraisal to arrive at an appropriate proposal. Even though not all development will be of a scale to make a significant placemaking impact, all good design and detail adds to the attractiveness of the built and natural environment and consideration is key.

As part of this context, the historic development of an area provides a crucial element in this assessment and can set the parameters for development in relation to issues such as density; building line; massing; and appropriate scale of development. In this case, historic maps dating back to the 1860s show that the position of roads, including North Deeside Road, West Cults Road and South Avenue are generally fixed, with a number of dwellings constructed to the south of South Avenue, including detached properties at numbers 15 and 17, the latter being positioned immediately to the south of the application site, with the former being somewhat to the south east – forming a relatively straight building line. This map also shows a single building roughly in the position of 477/479 North Deeside Road, immediately fronting this road.

The historic map dating from the 1920s shows that the general character of the area is continually defined by additional development further west with dwellings roughly set halfway between North Deeside Road and the, now, Deeside Way. This clearly demonstrates the main characteristic of this area, which consists of dwellings in substantial plots set back from North Deeside Road with a generous garden to both the north and south of the property. This map also shows that the former Cults School which was later integrated into the flats at Cults Court has now been constructed fronting directly onto the North Deeside Road.

Finally, by the 1950s, the previous dwelling at 19 South Avenue that was demolished in 2014, and the kennel buildings were constructed. Again, the position of these buildings roughly followed the pattern of development and general building lines as set by previous development, especially in relation to the houses fronting directly onto North Deeside Road. Again, even though the plots in themselves were smaller, the properties were located centrally within the plot, keeping a clear separation between the dwelling and North Deeside Road.

It can be concluded from the above, that it is clear that the general pattern of development in this area comprises detached or semi-detached dwellings with a north-south orientation, and set roughly central within long, rectangular plots, with the historic exceptions of the former Cults School and the

building at 477-479 North Deeside Road. It should further be noted that both of these buildings were not purely residential as the first was originally constructed as a primary school serving the village and the latter historically has a commercial element on the ground floor.

It is further noted that in relation to density, this junction of North Deeside Road and South Avenue presents a transition between the higher density area, including the village centre of Cults and its shops and facilities to the east and the lower density area as described above to the west. Again, upon assessment of historic maps, it is clear that the village centre originally centred on the junction of Kirk Brae/North Deeside Road/Devenick Place and expanded east and westwards from there. This area has always had a higher density than the character area as described in detail above. Furthermore, it should be noted that, on the historic map dating from the 1950s mentioned previously, even though a property was constructed at the application site, there were still some undeveloped areas between the village centre and this area to the west of South Avenue. It is therefore clear that the site falls within this lower density, predominantly residential area, rather than the higher density, more mixed-use area of the village centre further to the east. This lower density area starts at this point, and then stretches westwards towards Bielside and Milltimber.

This character of the surrounding area, and the change when moving westwards past South Avenue is acknowledged in appeal decision for previous applications 180149/DPP, 200533/DPP and 201630/DPP by three different Reporters:

'When walking westwards along North Deeside Road past Cults Court, the character of development does change when passing South Avenue'. (Appeal reference PPA_100-2089, in relation to 180143/DPP);

'I find that the low level kennel buildings and the flatted properties at the edge of North Deeside Road are the exception rather than the rule. I do not find that the high density character of the flats at Cults Court generally continues westwards beyond South Avenue. I therefore agree with the Council's view that this transition westwards to a lower density character occurs at the point of the junction between South Avenue and North Deeside Road, rather than further to the west.' (Appeal reference PPA-100-215, in relation to 200533/DPP); and

'The appeal site is located within a predominantly low-density residential area where the resounding pattern of development is of detached houses set-back from roads in generous garden grounds. There are exceptions to this with three storey flats located on Cults Court (located immediately opposite to the east of the appeal site); retirement flats (located opposite the appeal site north of North Deeside Road); small blocks of flats at 431, 471 and 477-479 North Deeside Road; and a terrace of smaller houses along South Avenue. However, I find that these are not prevailing and do not follow the otherwise established relationship of buildings and spaces prevalent to the west along both sides of North Deeside Road; to the south of the appeal site; and the south of South Avenue in the vicinity of the appeal site.' (Appeal reference PPA-100-2122, in relation to 201630/DPP).

Policies H1 and D1 as set out above are further supplemented by general principles set out in Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages (SG). These include the following:

1. New dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces (gardens etc);
2. The scale and massing of any new dwellings should complement the scale of surrounding properties;
3. The density of the surrounding area should be reflected in the development proposals for the new and existing property;
4. New dwellings should generally not project forward of any established building line;
5. The distance between proposed dwellings, and between proposed and existing dwellings (i.e. between gable ends) should be similar to that predominating on the street; and

6. The ridges or wallheads of any new dwellings should be no higher than the ridges or wallheads on adjoining dwellings.

The overall application site measures to c.925m², similar to previous applications, and includes an area in the south west that will need to be retained to provide a vehicular right of access towards 21 South Avenue and can thus not be included in the developable area of the site. This position is again supported by the Reporter in relation to the appeal decision for application 201630/DPP:

'However, the housing plot calculation ... includes the triangle of land at the south of the appeal site allocated for access, car parking and bin storage. This area of land has a functional relationship to the proposed house and is within the appellant's ownership, but it would not be immediately adjacent to the proposed house being severed from it by the access track (...) Consequently, I agree with the council that for the purposes of applying the density calculation to the 'individual curtilage', this area of land should be excluded.' (Appeal reference PPA-100-2122, in relation to 201630/DPP).

It should be noted though that the size and shape of this area has been altered and has decreased in size when compared against previous applications. However, it should be noted that there will be separate legal matters to be resolved between the applicant and other interested parties to ensure this altered vehicular right of access can be implemented. The applicant claims the changes to the access to the neighbouring property at 21 South Avenue are achievable, however, the owners of that property cast doubt on this, stating in their written representation *"legally this is not achievable"*. If this proposed realignment of the vehicular access cannot be delivered and the existing layout remains in place, then, as a consequence, the developable area pertaining to Plot 2 would reduce, thus increasing the development ratio on this site.

Assuming the altered right of access is deliverable, the shape and size of Plot 2 has changed and has increased somewhat compared to the previous application 201630/DPP and now measures c.372m². The footprint of the proposed dwelling extends to c.106m², thus resulting in a development ratio of 28%. The alternative scenario, in which the revised access could not be delivered, would see the developable area of the overall site reduced from 925m² to 850m², in line with the Committee Report for previous application 201630/DPP and accepted by the Reporter in his appeal decision following its refusal. This would result in an overall plot size of 348m² for Plot 2, and a development ratio of 30.5%.

Plot 1 extends to c.502m², with the proposed dwelling having a footprint of c.116m², resulting in a development ratio of 23%. Overall development on the site, excluding the area comprising the vehicular right of access, and based on the above figures, would be 25.2%. Again, when taking account of the vehicular access into its current position, so assuming a reduced developable area, this figure would increase to 26.1%. As set out above, SG sets out in criteria 3 that densities should reflect those in the surrounding area. It further continues to set out that, as a general guide, no more than a third of the site for each individual curtilage should be built upon. The proposal would meet this second part, as development ratios for both plots and the site as a whole would be less than 33%. However, the SG clearly sets out that development ratios should be in line with the surrounding area. Overall development ratios in this part of Cults are low due to the prevailing character of this area as set out in detail above. Development ratios are around 14% for both nearby dwellings at 15 and 21 South Avenue. In relation to this aspect of the proposal, even though the previous application 201630/DPP resulted in higher development ratios compared to this current application, the Reporter stated the following:

'While higher density is encouraged, and the plot for the flats would fall within the limits of the Council's guidance, I consider that the appeal site density and the density of the individual curtilages would not reflect the prevailing and established low density character of the area. As concluded above, the design and layout of the proposal would compromise the local environment and, therefore, not justify a higher density' (Appeal reference PPA-100-2122, in relation to 201630/DPP).

This text from the Reporter's decision letter clearly sets out that the Reporter considered there were other issues in relation to the overall general character and appearance of the surrounding area which should be taken into account when considering the appropriate density of a proposal. The proposed density and how this proposed density would fit in the context of the surrounding area is in this instance of greater importance than just meeting the figure of 33% as set out in SG. As such, the figures proposed as part of this application, especially for Plot 2 would be substantially higher than those in the surrounding area and are considered to be out of context in the surrounding area and would thus constitute an overdevelopment of the site and have a detrimental impact on the character and appearance of the surrounding area.

Apart from the development ratio, there are other aspects demonstrating that the proposal would constitute an overdevelopment of the site and would have a detrimental impact on the character and appearance of the surrounding area. The proposal is for two detached dwellings in a north-south alignment. Plot 1 would be set back from North Deeside Road and would have a similar building line as the existing property at 21 South Avenue. Plot 2 would be located roughly mid-way between 21 South Avenue and 17/17A South Avenue. As set out above, the character of the surrounding area is represented by substantial detached dwellings set in long, generous gardens. Here, due to the proposed north-south alignment of the dwellings and the proposed level of development, Plot 1 – the larger of the two dwellings, would have a rear garden with a depth of c.7m, whereas Plot 2 would have a rear garden with a varying depth ranging between c.5m and c.11m due to the shape of the southern site boundary. In section 3.5, SG sets out that houses up to two storeys (Plot 2) should have a rear garden with a minimum length of 9m, whereas dwellings of more than two storeys (Plot 1) should have garden lengths of at least 11m. As such, given that Plot 1 would have a garden which does not meet this minimum criteria, and that Plot 2 has a garden which only meets this criteria in part, it can be considered that this demonstrates that the level of development proposed exceeds the capacity of the site as it would be out of context with the character of the surrounding area, as set out in criteria 1 and 3 as listed above, as it would not represent a development of two detached dwellings set in generous gardens.

Currently, there are two clear building lines with north facing dwellings fronting onto North Deeside Road, and dwellings with a south facing principal elevation fronting onto the Deeside Way. Plot 1 follows the first building line and is set in line with 21 South Avenue. Plot 2 on the other hand would sit between these two existing building lines. The introduction of a new building line between Plot 1 and the existing dwellings at 15, 17 and 17A South Avenue further shows that the proposal would represent an overdevelopment of the site and does not take sufficient consideration of its site's context. In this respect, a similar site layout with two buildings sitting in a north-south alignment was presented in the previous proposal for 201630/DPP for the construction of a block of 3 flats and a single detached dwelling. The Reporter in his appeal decision on that application commented as follows:

'In addition, there is no established secondary building line following the location of the proposed house. Two properties set well back from North Deeside Road (west of West Cults Road) and a medical centre east along South Avenue are not sufficient to persuade me otherwise. Examples of residential properties sitting behind one-another along a secondary building line are not evident or established. I find that the positioning of the proposed house runs counter to the general pattern of development in the area.' (Appeal reference PPA-100-2122, in relation to 201630/DPP).

As such, and taking account of this previous appeal decision, it is considered that the introduction of the second building line would not respect the character of the surrounding area. Furthermore, the proposed positioning of Plot 2 to the rear of Plot 1 would ensure that the distance between the two dwellings is relatively short and would consist of a 7m rear garden serving Plot 1 and the 6m wide driveway serving Plot 2, resulting in a total distance of 13m between the two properties. Again, this relatively limited distance between the two dwellings would not sit comfortably within the wider

streetscene, especially given that the rear garden of Plot 1 would face onto the side elevation of Plot 2 and would thus feel out of context in the wider character of the surrounding area. It is noted that this distance has increased somewhat when compared to the previous application 201630/DPP. However, it is considered that this slight amendment is not sufficient to overcome this conflict with the character of the surrounding area and would present an alien form of development.

It is for the above reasons that the proposal would constitute an overdevelopment of the site; is considered to have an adverse impact on the character of the surrounding area, and would have a significant detrimental impact on the visual amenity of the surrounding area, in direct conflict with policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan and associated Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

Scale, design and massing

It is noted that, when compared to the previous application 201630/DPP, the footprint of Plot 1 has been reduced from c.144m² to c.116m² which roughly equates to a reduction in the width of the dwelling by 1m from c.13.5m to c.12.5m. The design and finishing materials of the dwellings have also been altered. Whereas the previous proposal incorporated a mono-pitched roof, which lowered towards 21 South Avenue, the current proposal is for two fully flat-roofed dwellings.

The properties would have a modern design, and a rectangular shape using a variety of finishing materials including granite, timber linings and zinc cladding. For Plot 1, the north elevation facing onto North Deeside Road would appear to be two storeys in height, with the lower ground floor predominantly being underground when facing north. However, given the proposed 2m height of the boundary wall and change in levels along South Avenue, the building would appear three storeys in height upon approach from the east towards the west and when seen from the prominent junction at North Deeside Road/South Avenue. This third storey would thus be significantly elevated over South Avenue and would read out of context with dwellings in the surrounding area. This is further aggravated through the use of the flat roofs, which would present additional massing when viewed from either South Avenue or North Deeside Road, whereas the typical context would be that of a detached dwelling with a sloping roof, thereby taking massing and bulk away from North Deeside Road.

Furthermore, the use of the flat roof and the regrading of ground to provide a near level access from North Deeside Road to the front, would ensure that the building would sit uncomfortably high and would appear oppressive in relation to the existing dwelling at 21 South Avenue.

21 South Avenue, akin to neighbouring properties further west, sits significantly below and is sheltered from North Deeside Road, with only part of the sloping roof visible from this main road. The proposed dwelling however would have both its ground and first floor clearly visible from North Deeside Road, with this view further enhanced through the need to have a lower 1m boundary wall along the North Deeside Road frontage to allow sufficient visibility for the new access unlike the traditional high granite boundary walls further west along North Deeside Road. As such, whilst the character of this part of North Deeside Road is characterised by detached dwellings set back from, at a lower level than and screened from North Deeside Road by high boundary walls and mature trees so that they are not apparent in the streetscape, the proposed dwelling would be extremely visibly and overbearing in views along this road. The dwelling would thus be significantly more apparent in the streetscene and would not respect the character of the surrounding area as set out above. In addition, due to this change in levels between the two dwellings, the entire area to the front of Plot 1 would be artificially raised and would be at a higher level than both garden and ground floor level of 21 South Avenue. Therefore, when viewed from their front windows, this building and the associated area of raised ground to the front would have an oppressive and detrimental impact on the outlook of this property.

In addition, the use of high-level slot windows in the east elevation of this building are considered to have a further detrimental impact on the appearance of the building when viewed on approach from North Deeside Road, and this feature is not considered to contribute positively to the street scene, but is rather a further indication that the building does not fit comfortably in its plot, and is not making best use of its prominent position within the street scene. In relation to the slot windows, it is noted that the Reporter in his decision stated the following in relation to the previous design for Plot 2:

'I consider that the principal frontage to South Avenue would be bland in appearance due to the solid bulk of the elevation with only a few windows which would be uneven and orientated both in portrait and landscape' (Appeal reference PPA-100-2122, in relation to 201630/DPP)

The proposed design and massing of Plot 2, though significantly lower and smaller, is also considered out of context in the surrounding area. The mix of windows and window proportions, including the need to use high level windows in the north elevation to ensure sufficient privacy between facing windows between Plots 1 and 2, are not considered appropriate in the site context. Furthermore, the need to integrate these high level windows is a further indication that the proposal does not sit comfortably within its plot and that the resultant would be an overdevelopment of the site.

For these reasons, it is considered that the proposed design, scale and massing of especially, but not only, the building at Plot 1 has a detrimental impact on the character and appearance of the surrounding area and visual amenity.

Residential amenity

Future residents

The proposed layout of the dwellings would ensure that all rooms would receive sufficient natural light and would not be unduly overlooked by either the other property or any neighbouring dwellings. In addition, the amount of private garden provided for Plot 2, whilst not technically to the rear of the dwelling, but instead located to its side, would nevertheless in this instance be considered acceptable as in general it would comply with the minimum 9m depth as set out in SG. However, it should be noted again that this size garden can only be achieved if the vehicular right of access as shown on the submitted drawings can be constructed. If that were not the case, then this garden would be significantly smaller, potentially not meeting the minimum 9m length requirement and thus being unacceptable.

The three storey dwelling at Plot 1 would only have access to a garden with a maximum depth of 7m. SG clearly sets out in section 3.5 that dwellings of more than 2 storeys should have garden lengths of at least 11m. Given that this proposal does not meet this criterion, it is considered that insufficient outdoor external amenity space is provided, and the proposal would thus not meet the requirements of policies H1 and D1 in that respect and associated Supplementary Guidance.

Neighbouring properties

21 South Avenue

No development should result in a significant adverse impact upon the privacy afforded to neighbouring residents, both within dwellings and in their private garden ground/amenity space or have a similar unacceptable adverse impact on natural day and sunlight levels enjoyed by dwellings.

The main dwelling to be affected by this proposal is 21 South Avenue, the property immediately to the west of the application site. The ground floor level of this dwelling sits c.2m lower than the entrance level of Plot 1 when viewed from North Deeside Road. Due to its three storey height, the proposal would result in a solid wall with an overall height of c.9.5m rising high above the eaves, sloping roof and ridge height, immediately adjacent to 21 South Avenue. It is noted that the previous proposal had a mono-pitched roof, resulting in a lower eaves level of c.7m adjacent to the boundary

with 21 South Avenue. The Reporter in his appeal decision stated the following:

'Although at a reduced height of 7 metres, the elevation facing 21 South Avenue would appear as a solid mass sited almost immediately beside the property boundary, rising well above the existing and proposed screening, and appearing beyond the sides of the pitched roof of that property. The overbearing impact of the elevation on residents would be emphasised due to the creation of an artificial platform...' (Appeal reference PPA-100-2122, in relation to 201630/DPP).

It is thus considered that this latest proposal, although not formed on an artificial platform, would nevertheless be 2.5m higher adjacent to 21 South Avenue than the proposal previously refused application and which was dismissed on appeal, would have an even greater unacceptably overbearing, dominating and oppressive impact, resulting in an additional adverse impact on the residential amenity of this neighbouring property.

Furthermore, the proposal would result in the construction of two buildings at a short distance from the boundary with 21 South Avenue, which, taken together with the proposed regrading of ground and engineering works to the front, and due to their scale, flat-roofed design and associated massing, is considered to have a detrimental overbearing impact on this existing dwelling to the detriment of their residential amenity. Taken together, this aspect of the proposal is considered to be contrary to the requirements of policies H1 and D1 of the ALDP.

Other surrounding dwellings

The distance between the flats at Cults Court and either building would be c.17m. This gap would consist of South Avenue, the high granite boundary wall surrounding Cults Court and its associated car park, access road and a number of mature trees. Plot 1 only includes high level slot windows looking out towards Cults Court, whereas Plot 2 has two small secondary ground floor windows which look out directly onto the reinstated boundary wall, and two windows on the upper floor. One of these is described on the drawings as being an office, although this room would be sufficiently large to act as a bedroom, with the other being a further high level slot window serving as a secondary window for a bedroom. It is considered that, given its position facing out onto a public road and the distance between the window and habitable windows in properties in Cults Court, it would not have an unacceptable harmful impact on overlooking/ level of privacy for the flats in Cults Court.

The distance between the rear elevation of Plot 2 and the dwellings at 17 and 17A South Avenue would exceed the 18m minimum facing distance between windows and thus the proposal would not have an adverse impact on their residential amenity.

Parking and Access

The proposal would see the creation of a new vehicular access onto North Deeside Road serving Plot 1. Roads Development Management have commented on the application and advised that this proposed access would meet the minimum distance required from the junction between South Avenue and North Deeside Road. In addition, a drawing submitted as part of the application suitably demonstrated that the required visibility splay for cars entering North Deeside Road from the new access can be achieved. It is noted that due to the requirement to create the visibility splay, the proposed boundary wall adjacent to North Deeside Road and for the first section along South Avenue needs to be of a lower height not exceeding 1m in height. The adverse impact on the character and appearance of the surrounding area of this part of the proposal is discussed above.

Supplementary Guidance on Transport and Accessibility sets out in Section 6.2 that there is a

presumption against granting permission for a driveway onto a trunk road or primary distributor road. North Deeside Road is classed as an A road, and as such the proposed new access onto North Deeside Road would be contrary to this section of the SG. However, given that cars can enter and exit the site in a forward gear, Roads Development Management did not raise any concerns.

Due to the low levels of traffic and relatively low speed of cars using this section of South Avenue, it is considered that the proposed new access serving Plot 2 can be adequately achieved.

The submitted site layout shows that Plot 1 would have access to 3 on-site parking spaces, whereas Plot 2 would have a driveway with 2 parking spaces. Supplementary Guidance on Transport and Accessibility sets out that parking standards for a three bedroom house (Plot 2) is 2 spaces and for a four bedroom house (Plot 1) is 3 spaces in Cults. As such, the proposed number of on-site parking spaces is accepted. Furthermore, the submitted site layout demonstrates that there would be provision for an EV charging point for both plots thereby meeting this criterion from the SG as well. The installation of these EV charging points can be secured through a suitably worded condition if the Committee were minded to approve the application.

Other matters

Noise

The site is adjacent to the A93 North Deeside Road, which is a main road west from the city centre out towards Bieldside, Milltimber and Deeside. Due to the high volume of traffic, Environmental Health advise the use of a condition to ensure that adequate sound insulation measures were implemented in the construction of the residential units. Again, if the Committee were minded to approve the application, then this could be conditioned.

Waste

Both properties would have a bin store within their residential curtilage that would provide space for all necessary bins. This aspect of the proposal would therefore be considered acceptable.

Low and Zero Carbon Buildings

The Planning Statement submitted alongside this application sets out that the buildings would be designed using a fabric first approach, and would incorporate large glazed areas to the south to maximise solar gains as well as being highly insulated and using triple glazing. In addition, it is intended to install air source heat pumps to reduce reliance on natural gas and to employ water saving measures. These measures would be considered acceptable, and if the Committee were minded to approve the application, then these could be secured through a suitably worded condition.

Proposed Aberdeen Local Development Plan

In relation to this particular application, policies H1 (Residential Areas), D1 (Quality Placemaking), T2 (Sustainable Transport), R5 (Waste Management Requirements in New Development) and R6 (Low and Zero Carbon Buildings and Water Efficiency) in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan. In relation to policies H1 and D1, the proposal is not acceptable in terms of both Plans for the reasons previously given.

Policies D2 (Amenity) and T3 (Parking) are both new policies. Policy D2 provides additional emphasis on the need to ensure that development would not have a significant detrimental impact on the residential amenity of proposed and existing dwellings. In this case, for the reasons provided in the evaluation above, it is considered that the proposal would have an unacceptable adverse impact on the residential amenity of the occupiers of the neighbouring property 21 South Avenue. As such, the proposal would not comply with this policy.

Policy T3 sets out that sufficient parking should be provided within new residential development in

compliance with standards as set out in relevant SG. In addition, it further emphasises the need for provision of electric vehicle charging infrastructure. Subject to the aforementioned condition on EV charging, it is considered that the proposal broadly complies with this policy with further details to be submitted as part of a suitably worded condition.

Matters arising from Community Council objection

All matters raised in the objection from the Cults, Bieldside and Milltimber Community Council are addressed in the evaluation above.

Matters raised in letters of objection

- All material planning matters as set out previously have been addressed throughout the report.
- Matters in relation to the legal matters pertaining the change in position of the vehicular right of access and the type and style of boundary treatment are a civil matter;
- All applications are assessed on their own merits and the fact that this proposal is a resubmission following previous refusals is addressed in the report.

Conclusion

The proposed development is contrary to Policies H1 and D1 of the Aberdeen Local Development Plan and its associated supplementary guidance “The Subdivision and Redevelopment of Residential Curtilages”. The proposed development does not take sufficient cognisance of the site context, would have a significant detrimental impact on the streetscape and visual amenity when viewed from both North Deeside Road and South Avenue and on the character and appearance of the surrounding area, and would constitute an overdevelopment of the site. This is reflected through the introduction of a new, secondary building line between existing dwellings fronting onto South Avenue, the relatively high plot development ratios and the insufficient garden ground for Plot 1. The proposed design of the building, in particular its scale, height, massing, use of flat roofs and high level windows on prominent elevations and its elevated position in relation to South Avenue, would result in a building that would be unduly prominent in views along North Deeside Road and which would have an overbearing impact on the street scene and would be out of context in relation to other dwellings along North Deeside Road. This would have a detrimental impact on the character and appearance and visual amenity of the surrounding area.

The residential amenity of the occupants of 21 South Avenue would be adversely affected due to the overall bulk and volume of development alongside the east boundary of the residential curtilage of 21 South Avenue. The construction of a solid wall with an overall height of c.9.5m at a short distance next to this dwelling would have an overbearing and oppressive impact on the existing 1.5 storey dwelling.

Furthermore, this current proposal does not adequately address the main issues leading to the refusal of the previous four applications on this site - three of which were dismissed on appeal by three different Reporters of the Scottish Government. As set out in detail above, the current proposal does not adequately address the site context, character and appearance of the surrounding area especially in relation to its design; position on the prominent North Deeside Road/South Avenue junction and introduction of a second building line between the existing properties 21 and 17/17A South Avenue; would continue to represent an overdevelopment of the site; and would have an adverse impact on the residential amenity of 21 South Avenue.

However, if the Committee is minded to approve the application, then it is requested that details in relation to materials; landscaping; boundary walls; levels; low and zero carbon measures; noise attenuation measures and implementation of EV charging points are secured through suitably worded conditions.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposed development does not take sufficient cognisance of the site context, would have a significant detrimental impact on the streetscape and visual amenity when viewed from both North Deeside Road and South Avenue and on the character and appearance of the surrounding area, and would constitute an overdevelopment of the site. This is reflected through the introduction of a new, secondary building line between existing dwellings fronting onto South Avenue; relatively high plot development ratios; short rear gardens that, in the case of Plot 1, does not meet the minimum length as set out in Supplementary Guidance “The Subdivision and Redevelopment of Residential Curtilages”; and short separation distances between the two buildings, all of which would have an adverse visual impact on the character and appearance of the surrounding area.

All of these aspects would result in the proposal not complying with the relevant parts of policies H1 (Residential Areas); D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; policies H1 (Residential Areas) and D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan and relevant sections of Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

2. The proposed design of the building, in particular due to its scale, height, massing, use of flat roofs and high level windows on prominent elevations; and elevated position in relation to South Avenue, and, due to the lower boundary wall and artificial plateau to the north of the building, when viewed from North Deeside Road in relation to neighbouring properties along North Deeside Road, would result in a building that would be unduly prominent in views along North Deeside Road; would have an overbearing impact on the street scene; and would be out of context in relation to other dwellings along North Deeside Road. This would have a detrimental impact on the character and appearance and visual amenity of the surrounding area.

All of these aspects would result in the proposal not complying with the relevant parts of policies H1 (Residential Areas); D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; policies H1 (Residential Areas) and D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan and relevant sections of Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

3. The overall bulk and volume of development alongside the east boundary of the residential curtilage of 21 South Avenue, in addition to the construction of a solid wall with an overall height of c.9m at a short distance next to this dwelling, is considered to have an overbearing and oppressive impact on the existing 1.5 storey dwelling at 21 South Avenue to the detriment of their residential amenity.

All of these aspects would result in the proposal not complying with the relevant parts of policies H1 (Residential Areas); D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the 2020 Proposed Local Development Plan and relevant sections of Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

4. The proposed rear garden serving Plot 1 with a maximum length of 7m would not meet the minimum criteria in relation to provision of external garden space as set out in Supplementary Guidance Subdivision and Redevelopment of Residential Curtilages. Given the size of the

dwelling proposed, it is therefore considered that insufficient external amenity space would be provided to adequately serve a dwelling this size.

The proposal would therefore not comply with the relevant parts of policies H1 (Residential Areas); D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; policies H1 (Residential Areas); D1 (Quality Placemaking) and D2 (Amenity) of the 2020 Proposed Local Development Plan and relevant sections of Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



Meeting Date : 23/06/22

Description: Erection of 47 Flats

Address: 56 Park Road

Type of application : Detailed Planning Permission
Application number: 211224/DPP

Aerial Photo / Context



Oblique Aerial View (from south)



Oblique Aerial View (from North)



Oblique Aerial View (from East)



Site Access from Park Road



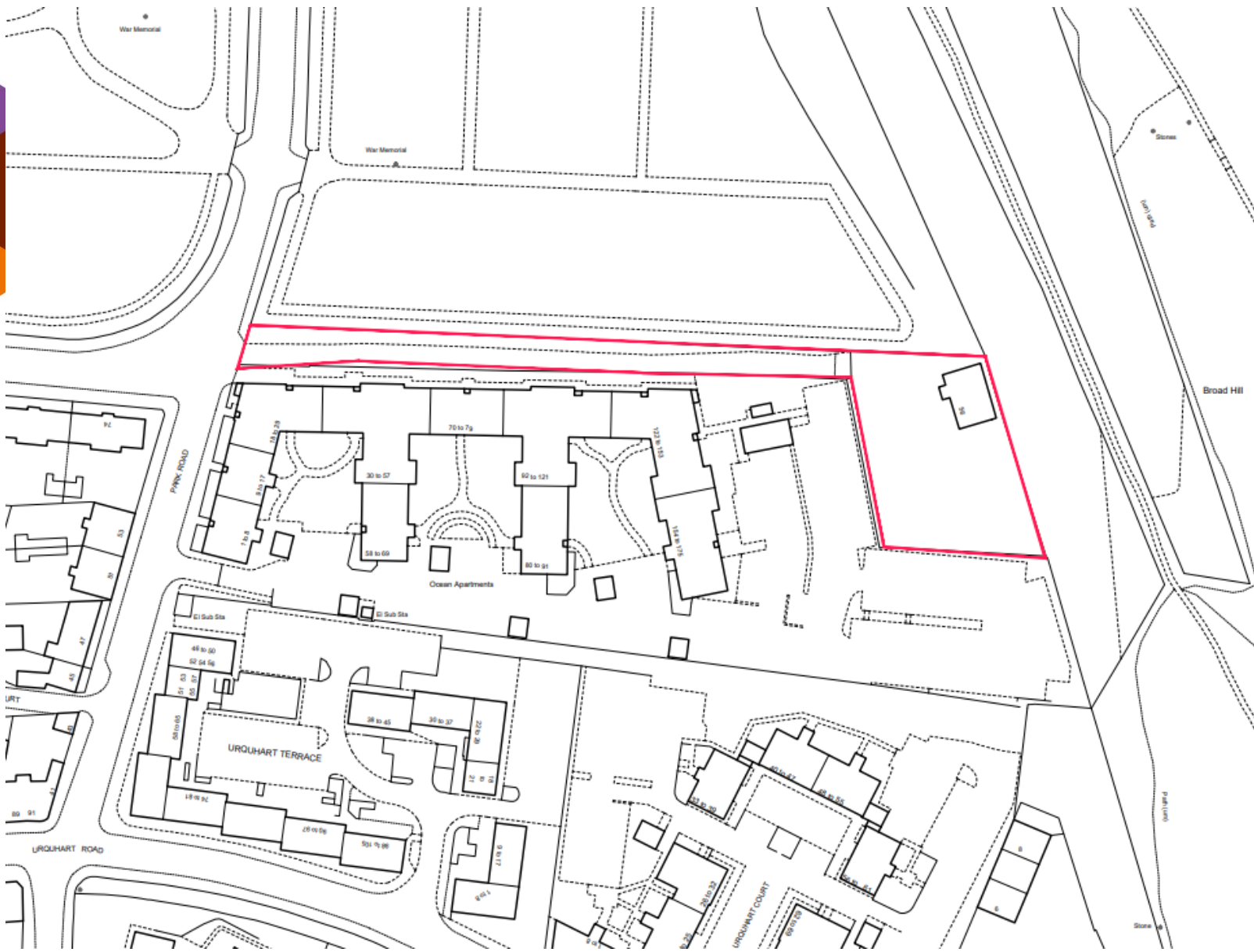
View to Site from Trinity Cemetery (Park Rd)



Page 75

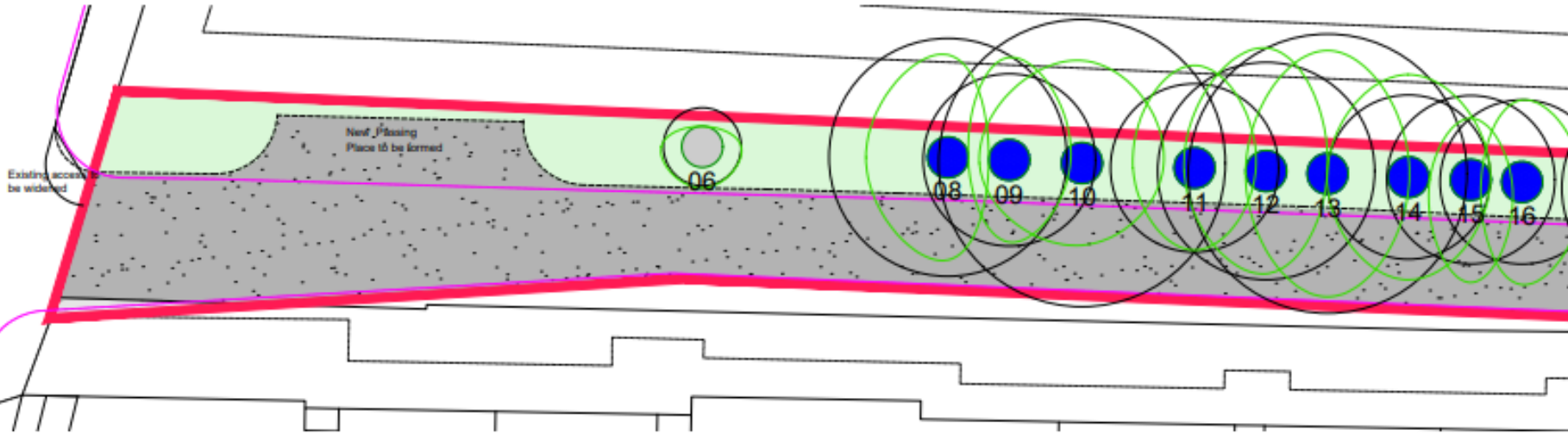
View from Links Rd / Beach Esplanade





Location Plan

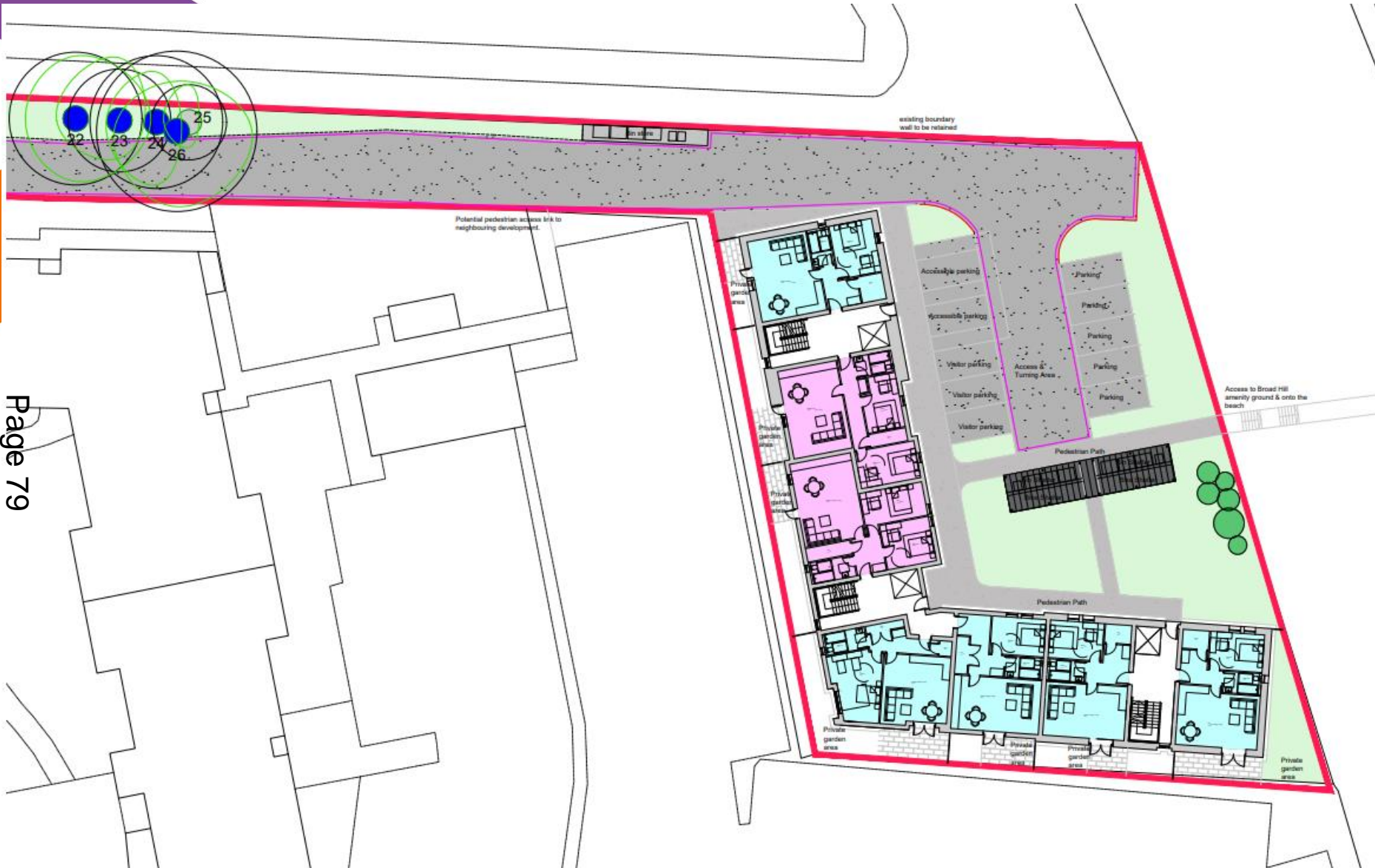
Propsoed Site Plan (west part)



Page 78

Proposed Site Plan - West
Scale 1:200 on A1

Proposed Site Plan (east part)



Proposed Ground Floor Plan

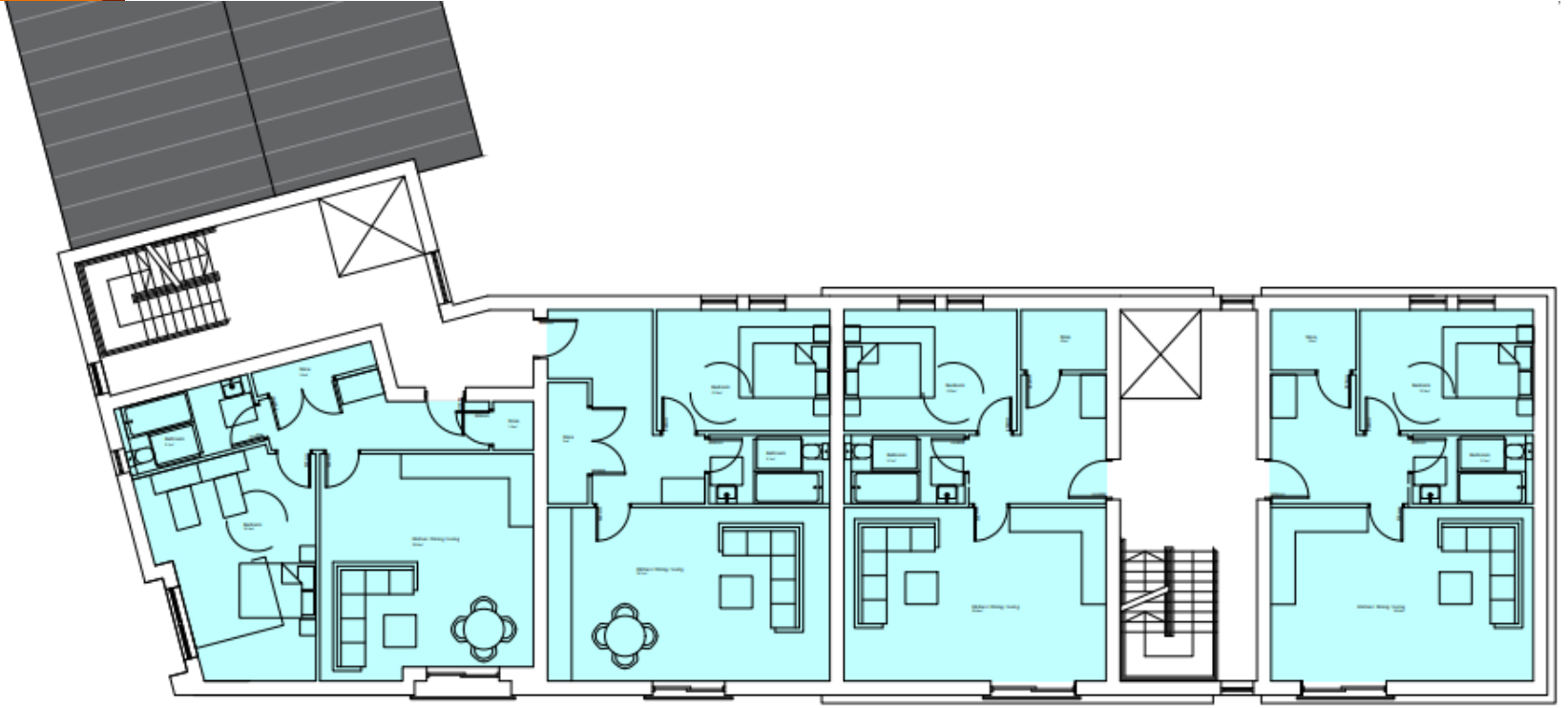


Proposed Ground Floor Plan

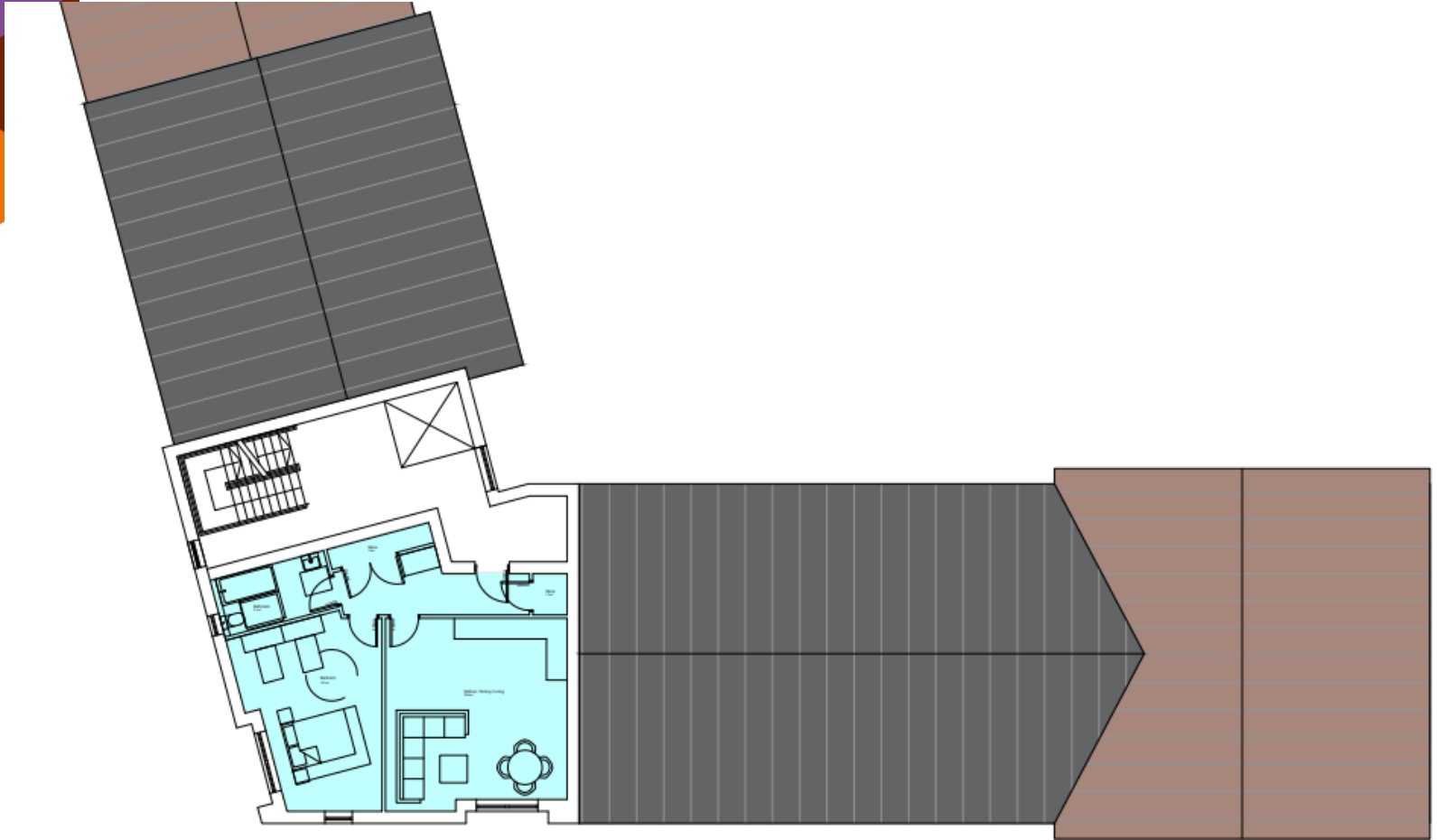
First – Fourth Floor Plans



Fifth Floor Plan



Sixth Floor Plan



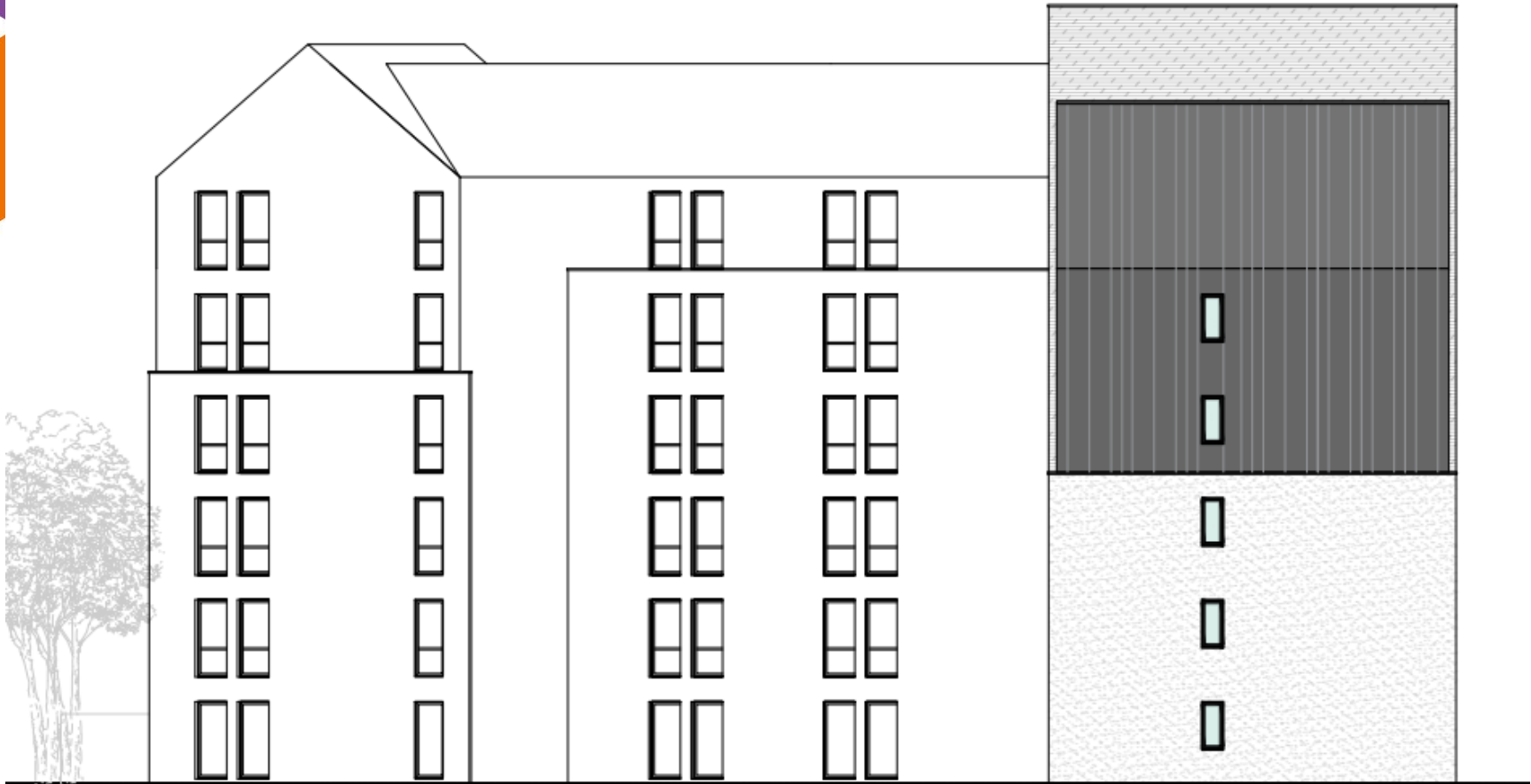
Proposed South Elevation

Page 84



Proposed North Elevation

Page 85



Proposed East Elevation



Page 86

Proposed West Elevation

Page 87



3D Massing Visuals



Street Perspective Visualisations



Fig1: Massing visualisation from Beach Ballroom



Fig2: Massing visualisation from Park Road

Visualisation from Broad Hill



Fig3: Massing visualisation from Broad Hill

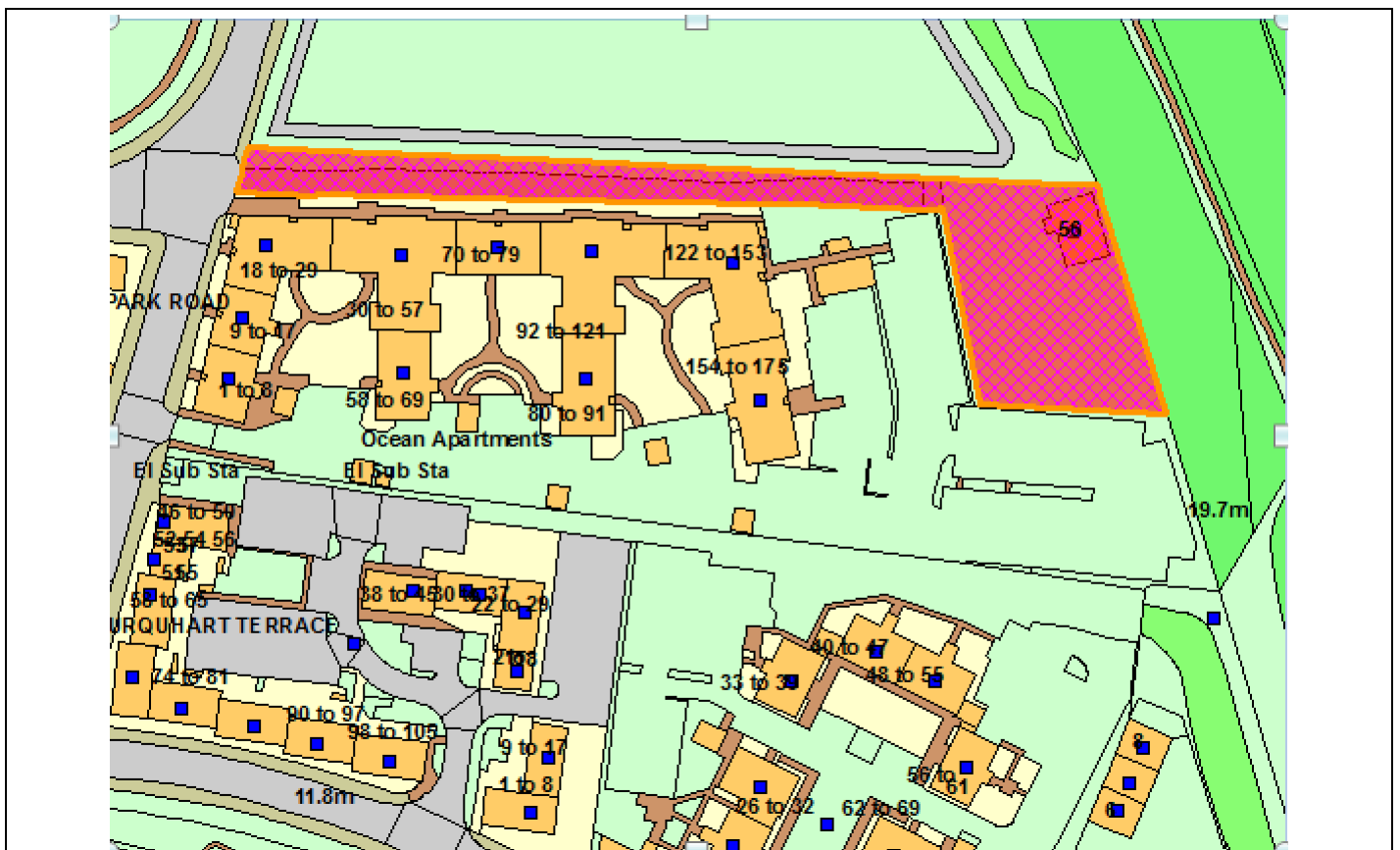


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 23 June 2022

Site Address:	56 Park Road, Aberdeen, AB24 5NY,
Application Description:	Erection of residential development comprising 47 apartments over 5 and 7 storeys, including formation of car parking area, landscaping works and alterations to site access with associated works
Application Ref:	211224/DPP
Application Type	Detailed Planning Permission
Application Date:	3 September 2021
Applicant:	Mr Alexander Bonner
Ward:	George Street/Harbour
Community Council:	Castlehill and Pittodrie
Case Officer:	Robert Forbes



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site comprises an open storage yard, associated single storey flat roofed office building, storage containers, vehicle parking and access road. The site is accessed from Park Road and has gates at the road junction. A 1.5m high concrete block wall runs along the north boundary of the site. There are mature deciduous trees lining the north site of the access.

To the north of the site is a graveyard and to the east the Broad Hill which forms part of wider recreational open space associated with Aberdeen Beach / Links. The summit of Broad Hill (28m high) lies about 105m north of the closest part of the site. To the south of the site lies a flatted development (Ocean Apartments) which ranges in height from 4 to 8 storeys. The rear part of this site comprises an open car parking area, access to which is controlled by a security gate. There are no pedestrian or vehicle connections between these sites. Further to the south and west lie traditional 3 and 4 storey tenement buildings.

Relevant Planning History

Application Number	Proposal	Decision Date
151399	Demolition of existing Calor Gas depot and erection of 32 no. residential flats in a 4 – 6 storey block	25.10.2016
		Status: Withdrawn

A pre application enquiry was submitted by the current applicant in relation to a proposed 50 unit flatted development at the site in November 2019 (ref 191772/preapp).

APPLICATION DESCRIPTION

Description of Proposal

Proposed residential development incorporating 47 units (35 x 1 and 12 x 2 bed flats) with associated road infrastructure, parking, and incidental open space.

The proposed building would vary between 5 and 7 storeys in height with its highest point at its south-west corner. It would have an L shaped plan with 3 separate pedestrian entry points / stair cores. All flats would be dual aspect with lounges facing the existing flats' car parking area to the south and west of the site. Proposed private garden areas 2-3m deep are proposed for ground floor flats facing onto 2m high existing boundary walls. A mix of off-white render, metal / zinc and stone cladding is proposed for walls, with zinc cladding to pitched roofs.

A single shared pedestrian / cycle / vehicle access point is proposed via Park Road, using the existing access. A total of 10 surface car parking spaces are proposed. A covered hanging shelter for bikes is proposed within the communal open area south of the car park. This would provide accommodation for a total of 36 bikes. Although the layout plan indicates a proposed pedestrian connection to the east of the site onto the Broad Hill, that does not lie within the planning application site and does not form part of the application.

Amendments

Revised bin / bike storage arrangements.

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=QYC0UABZMZS00>

- Design Statement
- Tree Survey
- Drainage Assessment (DA)
- Transport Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because in excess of 5 valid objections have been received.

CONSULTATIONS

ACC - Roads Development Management Team – Advise that there are outstanding issues regarding the application in relation to access and parking requirements. Express serious reservations over the proposed access and do not feel the site can be adequately serviced from the existing access. The only likely solution would be to use the existing access as pedestrian / cycle access, and to reorientate the building to permit vehicular access through the Ocean Apartments car park to the south. Recommend that provision of a residential travel plan is conditioned. Advise that pedestrian access directly onto Broad Hill may be undesirable from a security perspective. Advise that there is a large shortfall in car parking provision relative to ACC guidelines of either 28 or 61 parking spaces, depending on whether these flats are affordable rented or not. Advise that there would be a requirement for car club contribution in light of the low level of car parking spaces proposed within the site. A minimum contribution of £18,800 would be required presuming that the development operates as social rented flats.

ACC - Contaminated Land Team – Recommend that a condition is imposed to allow investigation and treatment of potential contamination within the site.

ACC - Waste and Recycling – Object on the grounds that the dead-end road would result in reversing of vehicles and conflicts with ACC safety policy which requires collection vehicles to be in a forward gear at all times.

ACC - Environmental Health – No objection subject to provision of noise attenuation measures for the proposed flats to protect prospective residents. Recommend an advisory note regarding construction hours / noise.

ACC - Developer Obligations – No objection. Advise that contributions are required towards healthcare facilities (£17,656), core path network (£11,383), secondary education (£2,635), open space (£5,600), and community facilities (£55,952). Advise that the affordable housing requirement for the development equate to 11.75 units.

ACC - Schools Estates Team – No objection. Advise that the site falls within the catchment areas for Hanover Street School and Harlaw Academy. Whilst there is sufficient capacity at Hanover Street School to accommodate the number of primary pupils expected to be generated by the development, Harlaw Academy is expected to further exceed its capacity as a result of the development, and so a contribution from the developer would be required, in order to reconfigure spaces within the school to create the additional capacity required.

ACC - Housing – No objection. Advise that as per policy H5, 25% on-site affordable housing is required, which equates to 11 units and a 0.75 unit commuted sum. The preference for delivery is currently on-site social rent but the units delivered need to meet housing need and demand which currently means there is little requirement for 2 bed affordable units. The developer should enter

into early discussions with a RSL regarding the purchase of the units.

ACC - Land and Property Assets – No objection. Recommend that a condition is imposed regarding the delivery of the proposed off site footpath link to the adjacent Council owned Broad Hill. Prior to the creation of any new footpath link from the development across the adjacent Council-owned Broad Hill, the applicant should provide details of their proposal along with seeking further discussions with both the Council’s Environmental Manager and the Council’s Chief Officer –Corporate Landlord, as regards to any possible progression.

Police Scotland – Note that the development is located in a medium crime area. Strongly recommend that the proposed bicycle storage be moved internally (within the building) due to the considerable risk of bike theft.

Scottish Water – Advise that there is currently sufficient capacity for a foul only connection in the Nigg Wastewater Treatment works to service the development. For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system.

North East Scotland Biological Records Centre – No objection or records of protected species in the vicinity of the site.

Castlehill And Pittodrie Community Council – No response received.

REPRESENTATIONS

A total of 134 objections have been received, largely from nearby residents. The issues raised can be summarised as follows:

- Traffic generation / congestion / need for traffic impact assessment
- Unsuitable access / impact on pedestrian safety (e.g. junction of Park Rd / Seaforth Road)
- Adverse impact on existing residential car parking facilities due to inadequate parking provision
- Unacceptable proposed pedestrian access via adjacent Ocean Apartments site / access track
- Inadequate access for bin lorries
- Inadequate public transport provision
- Creation of public / though access route is unacceptable impact on existing residents (increased crime risk / anti-social behaviour)
- Adverse impact on residential amenity due to overlooking /overshading from proposed building
- Overdevelopment of the site
- Impact on badgers / other wildlife (e.g. on Broad Hill)
- Waste generation
- Impact on foul drainage
- Temporary impacts during construction works
- Lack of need for more flatted development
- Adverse Impact on TPO protected trees along access road / need for tree works
- Design quality
- Loss of / impact on private views
- Devaluation / Impact on property value
- Adverse landscape impact (e.g. on setting of Broad Hill)
- Preservation of greenspace
- Loss of light to adjacent flatted development (Urquhart Court)
- Creation of noise / disturbance to existing residents

- Adverse impact on public enjoyment of Broad Hill to due to overlooking / shading / loss of evening sunlight and views due to proposed building
- Existing housing stock should be used before constructing new units
- Alternative / larger sites could be used for the development
- Impact on existing amenities / utilities
- Provision of greenspace / a play area on the site for existing residents is preferred
- Contradictory to regeneration of the beach area

One neutral representation has been received.

MATERIAL CONSIDERATIONS

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 2014 (SPP) expresses a presumption in favour of development that contributes to sustainable development.

Historic Environment Policy for Scotland (HEPS) requires consideration of impacts on the historic environment

PAN 67: Housing Quality (2003)

PAN 68: Design Statements (2003)

PAN75: Planning for Transport (2005):

“32. For implementation at a local level a zonal approach (to car parking) is recommended. Measures that can influence parking can include:

- A maximum number of parking spaces being provided, underpinned where appropriate by a minimum to avoid undesirable off-site overspill parking.

34. All new and re-development proposals should be designed for safety and the convenience of all users. Good design and layout of a development can significantly improve the ease of access by non-car modes.”

PAN 77: Designing Safer Places (2006)

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

The current SDP for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. The extant local development plan (ALDP) is now beyond this 5-year period. The Proposed Aberdeen

Local Development Plan 2020 was submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of SPP which states:

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.”

The following ALDP policies are relevant –

H2: Mixed Use Areas
H3: Density
H5: Affordable Housing
D1: Quality Placemaking by Design
D2: Landscape
D3: Big Buildings
D4: Historic Environment
I1: Infrastructure Delivery & Planning Obligations
NE4: Open Space Provision in New Dev
NE5: Trees and Woodland
NE6: Flooding, Drainage & Water Quality
NE8: Natural Heritage
NE9: Access and Informal Recreation
R2: Degraded & Contaminated Land
R6: Waste Management Requirements for New Development
R7: Low & Zero Carbon Build & Water Efficiency
T2: Managing the Transport Impact of Development
T3: Sustainable and Active Travel
CI1: Digital Infrastructure

ALDP Supplementary Guidance (SG) and Technical Advice Notes (TAN)

Affordable Housing SG
Big Buildings SG
Flooding, Drainage and Water Quality SG
Green Space Network and Open Space SG
Landscape SG
Natural Heritage SG
Open Space and Green Infrastructure SG
Planning Obligations SG
Resources for New Development SG
Transport and Accessibility SG
Trees and Woodlands SG
Materials TAN

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The PALDP was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and it has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP constitutes the Council’s settled view as to what the final content of the next adopted ALDP should

be and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the PALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP.

The following policies are relevant: H2- Mixed Use Areas; H3- Density; H4- Housing Mix and Need; H5- Affordable Housing; D1- Quality Placemaking; D2- Amenity; D5- Landscape design; D6- Historic Environment; R5 - Waste Management Requirements for New Development; R8- Heat Networks; I1 - Infrastructure Delivery and Planning Obligations; T2 -Sustainable Transport; T3- Parking; CI1- Digital Infrastructure.

Other Material Considerations

Aberdeen Housing Need and Demand Assessment 2017 (HNDA)

EVALUATION

Principle of Development

The delivery of housing on a brownfield site within a settlement, which is accessible by public transport, accords in principle with the SPP presumption in favour of development that contributes to sustainable development. Given the non-strategic scale of the proposal and that it does not raise matters of a cross boundary nature, the SDP is of limited relevance in this case. Adequate physical infrastructure exists to service the development. The location of the site is such that residents would benefit from access to existing established facilities / amenities and there are considered to be no insurmountable impacts. Subject to provision of the developer contributions as outlined above, there would be no conflict with ALDP policy I1. Although the site is not specifically identified as a brownfield opportunity site with potential for housing development within appendix 1 of the ALDP, or in the PALDP, the proposal accords with ALDP spatial strategy to encourage the regeneration of brownfield sites and aligns with the aspirations of the HNDA. However, the proposal raises a number of significant issues which require detailed assessment.

Density, Design and Scale

Whilst the site lies within an urban area of varied form, age and heights of buildings, it lies immediately beside undeveloped open space including the Broad Hill / Links area and a graveyard. The historic context of the wider built area is of 3-4 storey tenements and low-rise industrial premises, such that the scale and massing of the adjacent development to the west, which is of a high density, and rises to 8 storeys in height, is not typical of the prevailing built character.

The development would have a density figure of 149 units per hectare, which is significantly in excess of the minimum figure of 30 units per hectare referred to in policy H3. Given that the site does not lie within the city centre and other constraints, as assessed below, the density of development proposed is considered excessive.

The development has the appearance of being shoehorned into what is a constrained site, with the objective of maximising housing numbers at the expense of provision of a high level of amenity

for occupants and consideration of wider impacts. The layout of the development, such that the communal amenity space would be located on the north and east side of the building is such that this space would be shaded by the building and would therefore have limited value as an attractive or usable outdoor space.

The massing and form of the building is such that it would not have a slender vertical emphasis and would therefore conflict with ALDP guidance regarding big buildings. Whilst the massing of the building would be visually varied by the use of contrasting cladding materials, and varied roof heights in attempt to reduce its apparent scale, the overall scale and height is considered to be excessive and inappropriate given the relatively high visibility of the site from the Broad Hill and the landscape sensitivity of the coast. As the scale of development would not be appropriate to its context, it would conflict with ALDP policy D3: Big Buildings.

Townscape / Landscape Impact

In terms of impact on public / street views, it is appreciated that the development is set well back from Park Road and would be seen in the context of the adjacent Ocean Apartments flatted development from that street, such that this visual impact would not be significant. The development would not be visible from Seaforth Road due to the existing adjacent flatted development. The upper parts of the building would be visible from the Beach Esplanade north of the Linx Ice Arena and from Links Road as it would be higher than the Broad Hill. However, it would be seen from the north in the context of other large structures such as the Richard Donald stand at Pittodrie Stadium, high rise buildings and other modern flatted developments. Given this context, the impact on views from the Beach Esplanade and Links Road does not in itself warrant refusal.

The development would not impact on the key views from the Broad Hill towards the sea and overlooking the Aberdeen Links area. However, there would be a negative impact on public views west and south from parts of the Broad Hill, including associated public paths, by blocking views towards the city. Whilst there are other tall flats in proximity to the development, the positioning and height of the proposed development would adversely impose on the hill environment due to its proximity and dominance of the skyline. Lights from the flats would be highly visible from the hill, reducing views / appreciation of the night sky. It would not be possible to mitigate these negative impacts on the setting and enjoyment of the Broad Hill as a public recreational asset. Significant reduction of the building height / volume / scale is required to address such concerns. Thus, notwithstanding the analysis within the design statement, it is considered that there would be conflict with the objective of ALDP policy D2.

Matters relating to Built Conservation / Heritage

Whilst there are no heritage designations affecting the site, there is a need to have regard to its historic context and possible impact on the setting of undesignated historic features / assets (e.g. the adjacent Trinity Cemetery / Gallows Hill) and designated heritage assets including the B listed beach ballroom, in order to accord with HEPS and policy D4.

It is considered that the views from Gallows Hill and Trinity Cemetery would not be substantively impacted given that the building on the adjacent Ocean View development is closer and higher than the proposed building. The impact on Broad Hill is discussed above.

The upper parts of the building would be partly visible in more distant views from the links / coastal area (e.g. from the Beach Esplanade) but would not fundamentally affect that open character of such areas or the setting of related designated heritage assets (e.g. Torry Battery, Girdle Ness Lighthouse or the Beech Ballroom) as no open space would be built on. Overall, the wider visual impact of the development on the Links area would not be significant given the development nature and context of the site (e.g. the presence of nearby high rise buildings, flats and Pittodrie Stadium). There would be no impact on the overall open character of the wider Links area given

the existing mix of uses and scales of buildings in the vicinity. Thus, there would be no conflict with HEPS and ALDP policy H4.

Open Space

There would be no direct impact on the designated green space network. However, a small area of open space at the north side of the site access would be lost due to the proposed widening of the access and formation of a passing place. Given the policy objective to retain existing open space, such loss is considered to be undesirable. An alternative access solution would potentially address this concern.

Although a small area of communal amenity space is proposed on site, no accessible public open space is proposed. No provision for play space is made within the site. Although this could potentially be addressed by a revised layout, the difficulty of public access to the site, as identified above would remain. The development would likely impose increased pressure on adjacent wider open space (e.g. the Beach / links area). Contribution to enhancement of open space outwith the site is therefore sought in accordance with policy NE4 and related SG and could be required by legal agreement.

Amenity

The layout and height of the development is such that the proposed communal amenity space would be highly shaded by the building such that it would have limited functional value for occupants, in particular as a usable sitting out area / drying space / play space. No other communal or supporting facilities would be provided on site other than a bin / bike store. No balconies / private garden space are proposed other than small ground floor gardens which would not provide valuable amenity spaces due to their constrained size and shading by the existing boundary walls. The outlook of the lounges of the south and west facing flats onto a high boundary wall and adjacent surface car park unconnected with the development would be unacceptably poor due to the absence of any greenspace or mitigatory soft landscaping / tree planting. The absence of amenity space within the site is such that the development would borrow amenity from the adjacent public space to the east.

In conclusion it is considered that an inadequate level of amenity for proposed occupants would be created, such that the development would not satisfy the amenity expectations of ALDP policy H2 and PALDP policy D2.

Impact on Existing Amenity

Whilst removal of the existing commercial use would have some benefit to the amenity of the wider area (e.g. removal of traffic and noise associated with used of the storage yard), this could potentially be achieved by a development of reduced scale, or other alternative use of the site. The proposed use results in no fundamental conflict with adjacent residential uses or likely insurmountable adverse noise impact on occupants. Although there would be a degree of noise impact and disturbance during construction, such impacts would be transient and do not warrant refusal. The proposed building is around 42m from the closest existing flats to the west, such that there would be no privacy concerns due to windows facing onto existing flats. Whilst there would be a limited degree of shadow cast and loss of morning sunlight to adjacent residents to the west due to the height of the building, it is considered that this would not fundamentally compromise existing amenity. It is noted that there is no residential premises to the north or east of the site, such that there would be no direct loss of sunlight during the afternoon / evening.

The relatively high density of residential development proposed, its location outwith any controlled parking area and its failure to accord with ACC Transport Supplementary Guidance regarding car parking (i.e. reduced car parking proposed on site) is such that there would be likely increased risk of on-street car parking pressure from the development, especially in the evening / overnight. This would result in adverse impact on existing residential amenity and conflicts with the objective of

ALDP policy H2.

Tree Impact

The existing row of mature trees lining the north side of the site access are a significant landscape feature and are protected by a Tree Preservation Order (TPO). The submitted tree survey notes that the trees are largely category B specimens of amenity value. It is proposed to fell 5 trees close to the junction with Park Road in order to create a passing place. This would conflict directly with the objective of policy NE5 and would undermine the amenity value and integrity of the tree group. The tree report assumes that no excavation works are proposed along the route of the existing drive, in association with the development. However, given the need for provision of service connections to the building (e.g. sewers), this does not appear to be a valid assumption and contradicts the drainage assessment. The findings of the tree report are therefore considered to be flawed. The requirement for provision / enhancement of service connections to the building would be likely to result in further excavation works close to the trees which is likely to result in root severance / disturbance to the tree canopies which has not been assessed.

Ecology Impact

The site does not contain or lie in the vicinity of any designated wildlife sites and contains no features of wildlife interest, other than the trees which are protected by a TPO. The tree report indicates that the trees are unlikely to provide suitable bat roosts and no evidence exists that sensitive species are present on or in the vicinity of the site. There are no badger setts present on the site. Given that the development relates to an actively used brownfield site and would not impact on undeveloped areas, it is therefore considered unreasonable to require a detailed ecology survey. Ecology mitigation / habitat enhancement measures could be secured by condition in accordance with the objective of ALDP policy NE8 and related SG.

Flooding / Drainage / SUDS

Whilst adjacent land is shown to be at risk of surface water flooding, the proposed building would not be at risk of flooding and no consultation with SEPA is therefore needed in this instance.

The Drainage Assessment states that a new foul connection to the sewer on Park Road would be provided. The principle of connection of foul drainage to the public sewer is accepted by Scottish Water and the objective of ALDP policy NE6. The DIA indicates proposed SUDS measures including porous paving and an underground cellular storage tank within the site. Given the developed nature of the site and the reduction in hard surfacing relative to the existing situation, the proposed SUDS measures are accepted in accordance with the objective of ALDP policy NE6 and related SG.

Transport Impact

It is noted that the supporting transport statement (TS) claims that the site is highly accessible by public transport, cycling and walking. Whilst bus stops lie close to the site on Park Road, these are only serviced by one route (Firstbus Route 13) which has a frequency of around 20 mins at peak times. The bus stops on King Street, which is a major public transport route lie outwith the 400m walking isochrone from the site. It is noted that there are no direct pedestrian or cycle connections to the north, the recreational open space to the east of the site, and the residential area to the south, and the potential for creation of such links is constrained by land ownership / practical matters. It is accepted that the location of the site within a central built-up area is a positive consideration in terms of sustainable transport. However, given the limitations and cost of bus services / public transport options it is likely that many residents may choose to own / use cars. The accessibility claims of the TS are therefore considered to be overstated.

The TS concludes that the proposed development will not result in any notable impact on the local road network during the AM and PM peak hours and will not result in any intensification of use of the existing site access junction when compared with the former use of the site. Whilst it is

accepted that HGV traffic to / from the site would be decreased, it is likely that the development would generate increased pedestrian and cycle traffic along the access road relative to the existing use, particularly given the absence of alternative pedestrian or cycle links to adjacent development / open spaces. The implications of this are discussed below. However, it is accepted that there would be no need for off-site traffic interventions in the surrounding road network, other than provision of car club vehicles.

Access

It is noted that the existing site access is not adopted and does not accord with ACC Roads design standards. The potential for its physical improvement is constrained due to the presence of mature trees. It is expected that potential road safety hazards associated with the proposed use of the existing access are addressed by the proposal. Whilst the existing access is used by HGV and commercial traffic, they currently have the ability to turn within the site due to the extent of the existing yard. Furthermore, the existing use of the site is unlikely to generate significant pedestrian or cycle movement or use by children, in contrast with the proposed residential use. Reversing of vehicles along the existing site access, which would be a possible consequence of the proposal, would not be an acceptable solution.

ACC Waste Service object to the proposal on the basis that bin lorries would be required to enter the site to service the development but would be unable to turn within the site in a forward gear, thereby resulting in reversing and potential risk to pedestrians and other road users. Although a turning head is proposed, this would still result in reversing with the site. A revised solution is therefore desired in order to avoid the creation of a public safety hazard and avoid servicing vehicles entering / turning within the site and conflicting with pedestrians.

The existing access is considered unsuitable to accommodate the scale and form of residential development proposed. It is considered that the proposed combined single access to the site is problematic given the scale of development proposed and likely mix of vehicles and pedestrians. Although a vehicle passing place is proposed on the access, this could result in reversing along the access for a distance of around 150m and potential risk to pedestrians and other road users. ACC Roads service have highlighted that this is not a desirable solution and that a separate vehicle access via the Ocean Apartments development would be the appropriate solution, thereby enabling the existing access to be stopped off, converted to a shared cycle and pedestrian access and removing the potential for vehicle conflict along it and at the junction with Park Road.

In order to address vehicle conflict and provide a safe pedestrian access, a revised solution is needed. As neither the applicant nor the Council controls the required land to the south of the site, this is not a matter that could be readily resolved by imposition of a planning condition. Although in theory a "Grampian" condition could be applied to require delivery of a pedestrian link through the Ocean Apartments site, given the number of private owners whose legal consent would be required, there would be considerable risk that such a condition could be challenged by the applicant as being unreasonable. Furthermore, it is unclear to what extent the applicant has explored this matter with the adjacent owners. The applicant has declined to amend the proposal to address this concern and instead is proposing to widen / adjust the existing access. Widening of the access and formation of a pavement is not an appropriate design solution in this instance as this would result in removal of protected mature trees. The proposed widening of the site access at its junction with Park Road would also result in increased inconvenience for pedestrian movement along Park Road.

Although the layout plan indicates a proposed pedestrian connection to the east of the site onto the Broad Hill, that lies outwith the planning application site boundary and control of the applicant. No planning permission has been granted for creation of such a link. Although there is potential for provision of a pedestrian through route providing connection with the Broad Hill and adjacent residential development, and that would accord with the objective of ALDP policy NE9, the change

in levels between the site and the Broad Hill and the presence of trees on the intervening slope is such that creation of such a link would result in tree loss and would be technically challenging. The gradient of such a path would not be suitable as a main pedestrian access to the development as it would not be suitable for use by certain ambulant / disabled users. It is noted that the applicant has not explored such challenges in detail with relevant Council officers and no detailed consideration of this potential link is made in the design statement. It is therefore considered that the potential public benefits of creation of such a path link to the Broad Hill do not outweigh the access deficiencies of the proposed development.

The proposed layout and access does not therefore meet the expectations of ACC Roads and Waste services, does not resolve road safety concerns and would result in adverse impact on the existing trees. It can therefore be concluded that the proposed access arrangement is not acceptable and would result in unacceptable public safety risk.

Car parking

It is noted that the level of car parking proposed would not accord with the Council's guidance for residential development and therefore would conflict with policy T2. The site lies outwith the city centre and inner-city boundaries and outwith any controlled parking zone, such that the development is likely to result in increased car parking pressure on the surrounding area and low car developments may be inappropriate.

The agent has advised that his client is in discussion with a Registered Social Landlord (RSL) regarding delivery of the development as social rented housing. However, no clarification of the tenure or certainty that the flats would not be mainstream units has been provided. No evidence has been provided that the development would be for social rented housing for an RSL in order to qualify for the reduced parking ratio of 80%. In the absence of such evidence, the parking ratio for mainstream residential use would apply. In either case there would be a significant risk of uncontrolled overspill car parking pressure given the location of the site outwith a controlled parking zone. Whilst car club spaces could be provided nearby (e.g. on Seaforth Road) by use of a condition / legal agreement, given the level of parking shortfall it is not considered that this would not sufficiently reduce the risk of overspill car parking.

Bike Parking

As the proposed bike shelter would not be secure it would not accord with ACC guidance for long stay bike parking. No alternative secure bike storage is proposed within the building addressing the expectations of Police Scotland. Due to the fact that the public would have unobstructed access to the communal areas of the site, there would be a risk of theft and redesign of the proposed storage arrangements would be needed in order to satisfy the expectations of ALDP policy T2.

Other Technical Matters

The required delivery of affordable housing could be addressed by a legal agreement in accordance with the expectations of ALDP policy H5.

Given the historic commercial use of the site it is noted that ground contamination may exist. This could be addressed by imposition of a suspensive condition in order to address the expectations of ALDP policy R2.

Provision of waste and recycling storage within the site could be conditioned in accordance with the expectations of ALDP policy R6 and related SG.

No indication of use of renewable energy devices or water efficiency measures has been provided. However, such technical issues can be addressed by imposition of a suspensive condition in order to address the expectations of ALDP policy R7.

It is presumed that there is adequate telecoms services (e.g. phone, internet) at the site given its location within an urban area and thus no conflict with ALDP policy CI1. It is noted that neither the applicant nor the Council has any responsibility for provision of telecommunications infrastructure, which is delivered by private companies. It is noted that the roll out of full fibre broadband within the city is continuing (in part funded by the Scottish Government) and such services are available in the area. Thus, it would not be reasonable to impose a condition requiring any service upgrade. No evidence exists that the development would adversely impact on existing TV reception or other telecommunications signals.

Whilst no connection to the district heating network is proposed, this is not a requirement of current planning policy / guidance. Proposed policy R8 within the PALDP states that heat networks are encouraged and supported. Such heating systems are desired in terms of sustainable design. However, as guidance referred to in this policy (i.e. Aberdeen Planning Guidance regarding Heat Networks and Energy Mapping) has yet to be published, the weight which can be afforded to that policy is limited. It would not therefore be reasonable to refuse the development on the basis that no connection to a heat network is proposed.

Other Considerations

Whilst the development would create a degree of employment during its construction, such economic benefit would not be significant in the context of the wider city region and is not considered to outweigh the adverse impacts identified above. There would be no longer term economic / employment benefit resulting from the proposal. There is no history of planning permission on the site, with the previous proposal for a reduced development of 32 units having been unable to secure a positive recommendation.

Other Matters Raised in Objections

Devaluation of property and obstruction of / effect on private views (e.g. from within adjacent flats) are not material planning considerations.

The alleged lack of need for new flatted development does not accord with evidence set out in the HNDA and does not warrant refusal. There is no planning policy which precludes new residential development in advance of re-use of existing buildings and it would not be reasonable to impose such a constraint. Whilst it may be desirable that the site is reused for alternative purposes such as green space or a public play area, the development plan does not prescribe such an end use for the site. No planning permission exists for such an alternative use. It is noted that no public through route is proposed via the Ocean Apartments Development. However, provision of such active travel connections would accord with Planning policy and sustainable travel objectives. It is considered that there would be no insurmountable impact on existing services / utilities / infrastructure. It is agreed that public transport services in the vicinity of the site are of limited frequency. Whilst safety and security concerns have been raised in relation to vehicle / pedestrian access through the Ocean Apartments site, no such access is proposed.

Proposed Aberdeen Local Development Plan

In relation to this particular application, other than policy D2 and R8, the policies in the PALDP substantively reiterate those in the ALDP and the proposal is acceptable in terms of both Plans for the reasons previously given. The tensions with proposed policies D2 and R8 are addressed above and do not warrant refusal of the application.

Conclusion

Whilst the site may have potential for limited residential development, in light of the above findings it is considered that the scale of development as proposed would represent overdevelopment of the site and is therefore recommended for refusal. Further information and substantial amendment of the proposal, including reduction of scale and resolution of access arrangements, would be

required in order to achieve an acceptable solution and this would necessitate submission of a revised application.

Should Committee resolve to approve the application it is recommended that approval be deferred pending conclusion of a legal agreement in relation to delivery of affordable housing on site and the requested developer obligations and that conditions be imposed addressing the following matters :

- Vehicle access / parking provision / turning
- Pedestrian and cycle access and storage of bicycles
- Pedestrian connection to Broad Hill
- Tree protection measures / compensatory tree planting
- Landscaping and open space provision
- Wildlife enhancement measures
- Drainage / SUDS measures
- Microrenewable energy and water efficiency
- Site Investigation / Remediation of Contamination
- Noise attenuation measures for occupants
- Building materials / detailing
- Bin storage

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. Residential Amenity

The proposed development would be deficient in terms of provision of adequate usable external amenity space for proposed occupants. The proposed external communal space would be substantially shaded by the proposed building. The private gardens would be of restricted size and inconvenient for practical use due to proximity to the boundary walls. The relatively high density of residential development proposed, its location outwith any controlled parking area and its failure to accord with ACC Transport and Accessibility Supplementary Guidance regarding car parking is such that there would be likely increased risk of overspill car parking pressure from the development. This would result in adverse impact on existing residential amenity. Overall, the development does not therefore satisfy the amenity expectation of Aberdeen Local Development Plan (ALDP) policy H2: Mixed Use Areas.

2. Overdevelopment / Landscape Impact

The overall scale, height and massing of the building is considered to be excessive and inappropriate given the relatively high visibility of the site from the Broad Hill and the landscape sensitivity of the coast. The building would obstruct views from the Broad Hill to the west and south, to the detriment to the enjoyment of that public area as a recreational resource. Whilst there are other tall flats in proximity to the development, the positioning and height of the proposed development would adversely impose on the hill environment due to its proximity and dominance of the skyline. Lights from the flats would be highly visible from the hill, reducing views / appreciation of the night sky. The scale and form of the proposed development would not respect the wider context of the site, by reason of its excessive density, footprint, height and massing. As the scale of development would not be appropriate to its wider context, it would conflict with ALDP policy D3: Big Buildings. The low level of car parking for the proposed residential development would not accord with the expectations of ALDP policy T2: Managing the Transport Impact of Development and the location of the site outwith the city centre and any Controlled Parking Zone

(CPZ) does not warrant approval of a low-car development of this scale. It is considered that insufficient usable green / external amenity space and soft landscaping would be provided within the site to provide amenity for occupants. The proposal is therefore considered to represent overdevelopment of the site and conflicts with the objectives of ALDP policies D1: Quality Placemaking by Design, D2: Landscape and H3: Density.

3. Vehicle / Pedestrian Access Arrangements

The existing access is considered unsuitable to accommodate the scale and form of residential development proposed. The proposed layout and access do not meet the expectations of ACC Roads and Waste services, does not resolve road safety concerns and would result in adverse impact on the existing trees. It can therefore be concluded that the proposed access arrangement is not acceptable and would result in unacceptable public safety risk.

4. Impact on Trees

The proposed development would result in loss of protected trees at the access to the site due to construction of the proposed lay-by and likely additional adverse tree impacts due to the need for excavation within the root protection area of the trees to create service connections. It is therefore considered to conflict with the objective of ALDP policy NE5: Trees and Woodlands and related guidance.

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