

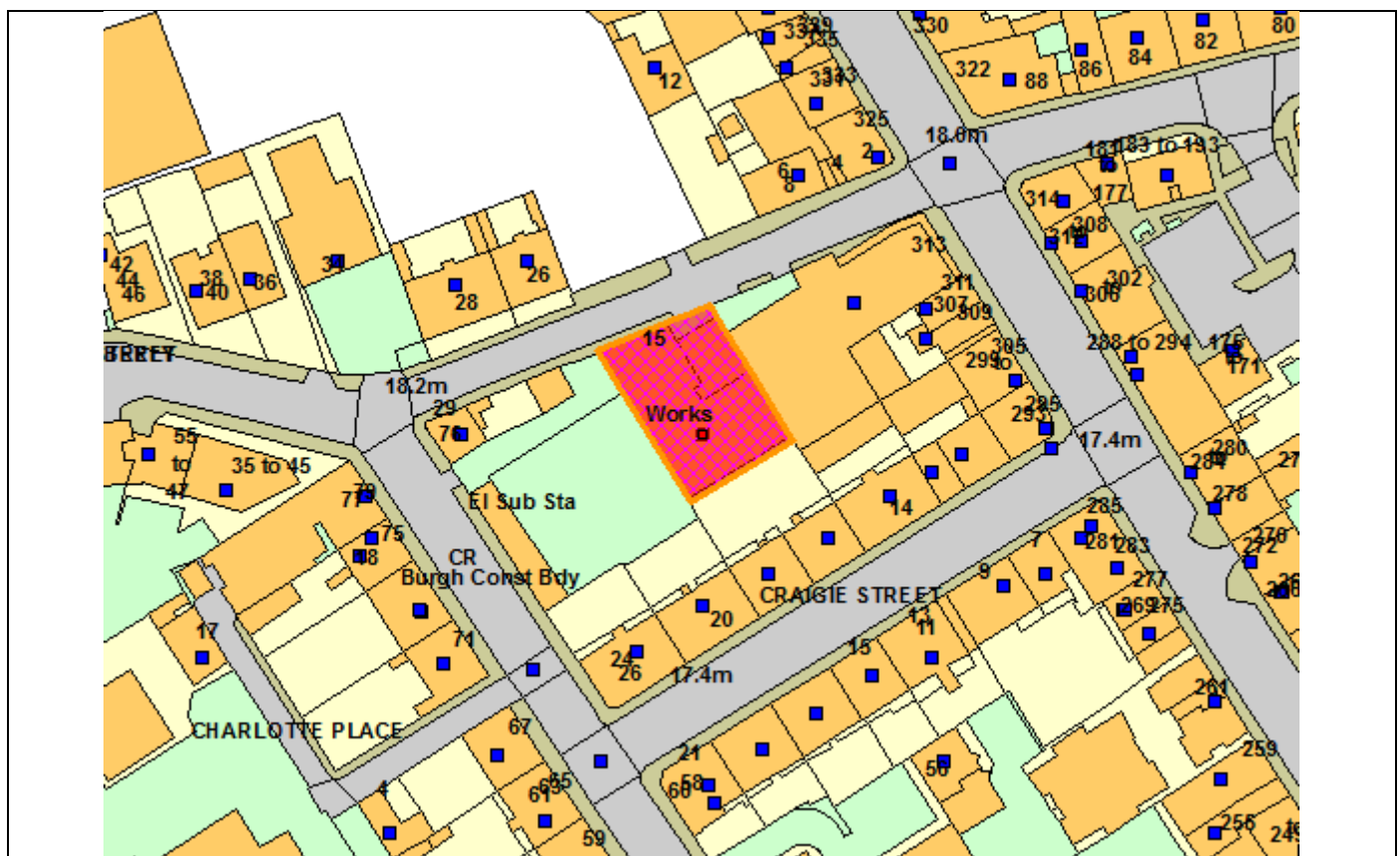


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 10 December 2020

<b>Site Address:</b>	Scottaspress, 15 Maberly Street, Aberdeen, AB25 1NA
<b>Application Description:</b>	Redevelopment of an existing site for erection of 17 residential flats over 4 storeys including demolition and all associated works
<b>Application Ref:</b>	200621/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	24 June 2020
<b>Applicant:</b>	Aberdeen Capital Investment Ltd.
<b>Ward:</b>	George Street/Harbour
<b>Community Council:</b>	George Street
<b>Case Officer:</b>	Robert Forbes



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## RECOMMENDATION

Refuse

## **APPLICATION BACKGROUND**

### **Site Description**

This vacant site is located within a mixed use area within the City Centre boundary. It currently accommodates a substantial granite building of 19<sup>th</sup> century origin and was previously used as a printer's workshop. The granite building occupies the entirety of the western half of the site and has a slate clad centre apex pitched roof. It has a dressed granite frontage with string course / window margins and gable feature. The side elevations are constructed of coursed granite blocks. The eastern section of the site is occupied by more modern buildings including an open fronted portal framed shed / yard fronting onto Maberly St. A vehicle access gate defines the western edge of the site at the street boundary and there is no footway at this point. Maberly St is a relatively narrow road which carries a high volume of through traffic.

The site is bound by Maberly Street to the north, with 3 storey Victorian tenement and the derelict Broadford Works directly opposite facing the site. To the east is a single storey commercial unit and a retail unit. There are 3 ½ storey traditional tenements fronting onto Craigie Street to the south, the rear of which face directly onto the site. To the west lies an electrical substation, associated yard and residential properties.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
182151/DPP	Erection of 16 flats over 4 storeys with associated car parking	05.04.2019 Status: Withdrawn
190982/DPP	Redevelopment of an existing site for erection of 10 residential flats over 3 storeys including demolition and all associated works	04.11.2019 Status: Withdrawn

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Demolition of all building on the site and redevelopment to provide 17 flats over 4 floors. The flats would all be 1 bedroom units and would be accessed via a communal entry from the street. The top floor flats would be largely contained within the proposed roof-space, utilising extensive zinc clad box dormers and flat roofed sections on the rear and west elevation elevations. No car parking is proposed. Cycle parking and bin storage would be provided within a ground floor storage area at the west end of the site. The proposed building would occupy in excess of 50 % of the site (around 56%) and would have a high percentage (53%) of single aspect flats (with windows either solely facing the street or the rear garden). The building would have a continuous built frontage to the street with no significant setback, such that there would be no opportunity for significant intervening screening / soft landscaping at the site frontage. A communal open space area and some small private garden areas would be provided for residents at the rear of the site, although the communal garden would be significantly shaded by buildings / boundary walls.

External material would include natural (re-used) granite and smooth grey render on the frontage and natural slate on the pitched roof sections. The rear and side elevation would be largely finished in smooth grey render. Grey painted timber framed doors and windows are proposed. Synthetic membrane would be used on the extensive sections of flats roofs but this would not be visible from ground level.

### **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=QBAMPPBZI4U00>

- Design Statement , dated March 2020
- Drainage Strategy Plan and Flood Risk Assessment, prepared by Goodson Associates, dated December 2018.
- Geotechnical Design and Environmental Risk Assessment Report, prepared by Goodson Associates, dated September 2018.
- Noise Impact Assessment, prepared by Ethos Environmental Limited, dated April 2019.

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

The application has been referred to the Planning Development Management Committee because in excess of 6 timeous objections have been received.

### **CONSULTATIONS**

**ACC – Housing** – Advise that the developer is negotiating the purchase of these properties with a RSL. They will be included in the SHIP as affordable housing and are likely to be high priority as they will provide much needed 1 bed properties in a central location.

**ACC- Education** – Advise that the proposed development falls within the school catchment zones for Aberdeen Grammar School and Skene Square School. Provided that the development is restricted to 1 bed flats, the number of pupils expected to be generated by the development would not result in the schools exceeding their available capacity, and so a contribution would not be required from the developer in order to cover the cost of reconfiguration works at the schools to provide additional accommodation.

**ACC - Developer Obligations** – No objection. Advise that financial contributions are required for, healthcare facilities (£6,001), open space (£1,903) and community facilities (£19,016).

**ACC - Roads Development Management Team** – No objection on parking / road safety / servicing / traffic generation grounds. Express concern regarding the existing footway on Maberly Street and request that this is upgraded. Advise that the extent of cycle parking is acceptable but request further details. Request that a travel plan / residential travel pack is submitted for approval. Advise that there will also be a requirement for car club contributions in order to address the lack of car parking on site. Note that the submitted surface water drainage measures require to be updated.

**ACC - Environmental Health** – No objection. Note that further revision of the submitted noise impact assessment is required in order to address the matter of impact on prospective residents due to the adjacent electrical substation. The Service previously commented on noise and dust and request that the mitigation highlighted in the Noise Impact Assessment be implemented.

**ACC - Contaminated Land Team** – No objection. Request that further post demolition site investigation is undertaken.

**ACC - Waste Strategy Team** – No objection. Request that a condition is imposed requiring provision of waste / recycling bins at the site. Note that access to the bin store is on a blind corner, such that waste and recycling vehicles may block a view of the road for other drivers when collecting the bins.

**Scottish Water** – No objection, but are unable to confirm that there is currently capacity at the Invercarnie Water Treatment Works and the Nigg Waste Water Treatment Works.

**George Street Community Council** – No response received.

## **REPRESENTATIONS**

8 objections have been received raising the following matters –

- Proposed development not allocated within the local plan
- Conflict with ALDP policies H2 and H4
- Loss of existing granite building
- Proposed building not in keeping with traditional tenements / the character and appearance of the original building / streetscape
- Excessive building height
- Overlooking / privacy impact
- Overshadowing of / loss of light and amenity to adjacent garden ground / flats
- Development not in keeping with the context of the area
- Proximity of front facing flats to a busy road
- Insufficient provision of green space on site / poor amenity for prospective residents
- Lack of car parking / pressure in the surrounding area
- Overdevelopment of the site
- Treatment of site boundaries requires clarification to ensure retention of historic granite
- Traffic generation / congestion / safety concerns on Maberly St due to need for servicing / dropping off
- Traffic impact during construction
- Damage to pavements
- Increased pressure on existing residential street waste bins / potential litter
- Site contamination risks remain to be addressed given the previous use of the site
- Misleading drawings submitted
- Misleading noise assessment report
- Inadequate neighbour notification
- Over supply of housing in the area
- Presence of Japanese Knotweed in the area
- Loss of private views

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

### **Aberdeen City and Shire Strategic Development Plan 2020 (SDP)**

Although the SDP forms part of the Development Plan, the proposal is of a scale and nature that does not result in strategic or cross boundary impacts and does not therefore require to be assessed against the SDP.

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

The following policies are relevant to the proposal :

D1: Quality Placemaking by Design

D2: Landscape

D5: Our Granite Heritage

H2: Mixed Use Areas

H3: Density

H4: Housing Mix

H5: Affordable Housing

I1: Infrastructure Delivery & Planning Obligations

NC1 - City Centre Development – Regional Centre

NE4: Open Space Provision in New Development

NE6: Flooding, Drainage & Water Quality

R2: Degraded & Contaminated Land

R6: Waste Management Requirements for New Development

R7: Low & Zero Carbon Buildings & Water Efficiency

T2: Managing the Transport Impact of Development

T3: Sustainable and Active Travel

T5: Noise

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

Landscape

Flooding, Drainage and Water Quality

Resources for New Development

Noise

Transport and Accessibility

Planning Obligations

Materials (TAN), March 2020

## **Proposed Aberdeen Local Development Plan (2020)**

The PALDP was approved at the Council meeting of 2 March 2020. It 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 –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the 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.

## **Other Material Considerations**

City Centre Masterplan

## **EVALUATION**

### **Principle of Development**

The delivery of housing on a disused brownfield site within the built-up area of the city which is accessible by public transport accords with the SPP presumption in favour of development that contributes to sustainable development. Although the SDP forms part of the Development Plan,

the proposal is of a scale and nature that does not result in strategic or cross boundary impacts and does not therefore require to be assessed against the SDP.

The site is both located within the City Centre boundary and within a mixed use area, as such Policies NC1 - City Centre Development – Regional Centre and H2 - Mixed Use Areas apply. The City Centre Masterplan is also a material consideration.

Policy NC1 advised that development within the city centre must contribute towards the delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan and Delivery Programme. A key aim of the City Centre Masterplan is to increase the level of residential units within the city centre. The proposed development would have no impact on any existing retail or office units and given that the proposal would provide flats, the development is considered to be in compliance with Policy NC1 and the City Centre Masterplan.

With regards to Policy H2, the Local Development Plan advises that applications for new development must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity and where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. In the case of this application site, Maberly Street is largely residential, however other uses, such as retail units, a dance studio, public houses and take-aways, amongst others, can be found on the surrounding streets, such as Charlotte Street and George Street. Therefore, to be in compliance with Policy NE2 the development has to ensure that amenity of the proposed residential units is not impacted due to the surrounding uses or vice versa to ensure compliance with the above policy. This aspect will be addressed in a subsequent section of this report.

### **Amenity**

As mentioned within Policy H2, aspects of amenity require careful consideration for any new development and issues such as overlooking, impact on privacy and overshadowing have all been highlighted through representations. In this instance the application is sited within a mainly residential area and therefore will have a neutral impact on the surrounding properties given they will fall within the same use class. While it is noted that this development is in close proximity to neighbouring residential properties to the north and south, this is expected given the site's City Centre location. In terms of the proposed design solution, it is considered that such impacts are minimised to an acceptable level, given the need to maintain a level of amenity for the future occupants of the proposed flats. In terms of overlooking and privacy, windows facing north are separated from windows of the closest residential properties by a public road, while those facing south would be set back from the existing boundary wall by around 10m meaning that a window to window distance (relative to the flats to the south) in excess of 20m is achieved. Although the window arrangement on the rear elevation proposed extensive use of glazing, such that there would be potential overlooking neighbours to the south from upper floor flats, no balconies are proposed, and such overlooking would be at an acceptable distance.

While it is appreciated that the proposed development would be taller than the existing building, it is considered that given its location, and the reduced footprint, there would be no substantive impact on surrounding properties in terms of sunlight, daylight or overshadowing. The flatted development along Craigie Street is to the south of the site and therefore will not be affected by any loss of sunlight or overshadowing. The impact on the commercial premises to the east and west would not be a concern. Any impact on the private garden area to the west would only be early in the morning, as such it is not considered that there would be a significant adverse impact. While the area to the north would be affected by loss of daylight and overshadowing, this encompasses the public road and the south-eastern area of the derelict Broadford Works site, therefore no existing residential amenity to the north will be affected by this development. Overall, it is considered that the current levels of daylight and sunlight will not be adversely impacted upon

and there are no concerns that overshadowing will impact on any existing residential amenity.

The Landscape Supplementary Guidance advises that individual flats shall be designed to make the most of any opportunities offered by the site to optimise views and sunlight. In this case, while some of the flats are single aspect either looking to the north or the south, all living space/bedrooms within the proposed flats have windows sufficient for letting daylight into the building. In terms of views, the flats to the rear will look onto the amenity space, while the flats to the front will overlook Maberly Street and Broadford Works beyond. The deep floorplate of the proposed design is considered to be particularly challenging as this has resulted in single aspect flats and restricted potential for natural ventilation and sunlight penetration to the flats, which is not considered to be a sustainable solution. It is accepted that the occupants of the ground floor north facing flats fronting Maberly Street will have a particularly poor level of amenity due to their proximity to / intervisibility with the pavement and road and lack of any usable private garden ground or scope for screening ( e.g. hedges). However, the overall level of amenity is considered acceptable given the site's City Centre location.

With regards to the amenity of the proposed development, a Noise Impact Assessment has been submitted due to the site proximity to neighbouring commercial premises and other noise sources (e.g. substation). The assessment has been reviewed by the Council's Environmental Health Service, who find the assessment and impacts identified in document to be deficient as regards consideration of noise emission from the adjacent substation but have no objection to the proposal. The Service previously requested that the mitigation measures outlined in that assessment should be implemented prior to occupation and this can therefore be addressed by condition. Adequate waste storage would be provided on site in accordance with the expectations of policy R6. Any temporary impacts on amenity associated with demolition (e.g. dust / noise generation) could be addressed by use of condition.

Although there would be limited usable external amenity space provided for residents, and this would not achieve the expectations of policy NE4, this is not unusual in an inner city development where access to open space is particularly challenging and where there is limited provision of public open space within the wider area. The nearest significant open space area is Union Terrace Gardens, which is currently being redeveloped. It is considered that this deficiency / policy tension can partly be addressed by securing financial contribution for enhancement of open space outwith the site as requested by the developer obligations consultee.

Overall, it is considered that the level of residential amenity currently experienced by neighbouring properties is unlikely to be impacted upon adversely as a result of this development. It is also considered, with the aid of mitigation measures, that significant adverse impact on the development from neighbouring properties or conflict with adjacent uses is unlikely to occur. Subject to imposition of suitable conditions, the proposal would therefore accord with Policies H2, T5 and the Landscape Supplementary Guidance.

## **Design**

It is recognised that a design statement has been submitted in attempt to justify the design solution and the design of the scheme has been amended in attempt to address design concerns. Whilst the principle of redevelopment of the site is accepted and the scale (height) of the proposed building is considered to be appropriate for its context, it is considered that the scale (footprint), form and detail of the scheme raises significant challenges which is reflected by the objections. It is considered that a dual aspect flatted development of reduced footprint / gable width would be a preferable and more sustainable design solution, resulting in increased separation with existing flats and increased garden ground. However, the proposal requires to be determined on the basis of its compliance with relevant design policy / guidance.

With regard to retention and re-use of granite the Materials TAN states :

“Existing local granite contributes to Aberdeen’s identity and distinctive sense of place. All existing granite should be valued, retained and re-used;

- Where new developments require granite to be taken down, as much of the down-takings as possible should be re-used in the new development;
- The retention and re-use of existing granite is also more sustainable than the introduction of new materials.”

The use of smooth render on the principal elevation of the building is considered to be unacceptable in the context of the site where surrounding historic residential developments are constructed in natural granite. Furthermore, such a poor-quality material is unlikely to weather well, particularly on a north facing elevation (e.g. due to visible staining due to growth of mould / algae). In order to comply with policies D1, D5 and the related Materials TAN, amendment of the scheme was requested such that granite down-takings are used on the entire north (street facing) elevation and more substantively used on the return sections of the east and west elevations which are prominently visible from the street. Unfortunately, the agent has not agreed to this request and has instead cited previous developments nearby. These are not considered to be equivalent precedents which justify the proposed design solution given that the first development cited by the agent 35-71 Maberly St was approved in the 1990s and did not entail the demolition of a granite building. Although a historic building was demolished as a consequence of redevelopment at the second development cited by the agent (34 Maberly St), it is unclear if that was of granite construction and, unlike the building on the application site, it was not prominently located. Therefore, such previous approvals are not of significant weight as a material consideration, in relation to the current application which requires to be determined on the basis of current policy and guidance. No technical evidence has been presented that the requested re-use of granite within the development is not feasible. The Senior Conservation Planner has advised that his view is that there is sufficient suitable granite on site to achieve the coverage requested by the planning authority. It is considered that the wider benefits of the development and compliance with other local plan policies does not outweigh the conflict with Policies D1, D5 and the Materials TAN and that this breach of policy is sufficient on its own to warrant refusal of the application..

### **Transport Impacts**

Policies T2 - Managing the Transport Impact of Development and T3 - Sustainable and Active Travel advise that new developments should provide sufficient measures to minimise any traffic impact that may occur as a result of the development. Likewise, new developments should maximise opportunities for sustainable development and should be accessible by a range of transport modes.

In this case the development is located within the City Centre and does not provide any car parking spaces. The site is readily accessible by other modes of transportation such as walking, cycling and buses, due to its central location, with regular bus services nearby on George Street and other streets. In addition, the site would be close to the City’s bus and train stations. In light of this, given the central location of the development and the variety of transport modes that can be used to access the site, the proposal is considered acceptable in terms of relevant transport policy.

Lack of parking provided within the site has been raised as a concern in the objections received for this application. However, the Planning Authority are promoting car parking free developments within the City Centre to encourage sustainable development in accordance with the objectives of alleviating issues such as traffic congestion and climate change, by discouraging car use and incentivising modal shift. Given the central location of the site, it is likely that the development would result in low car usage, relative to more peripheral locations. In addition, given that the site



lies within one of the Council's Controlled Parking Zones, there are additional restrictions on on-street car parking in such areas. Although future occupants of the site may be entitled to apply for parking permits for neighbouring streets within this zone, thereby increasing on-street car parking pressure, this would have a marginal impact on existing parking pressure and does not in itself warrant refusal on safety grounds. Prospective occupants would also have the potential use of both Chapel Street and Denburn Multi-storey car parks. ACC Roads Development Management Team are satisfied that no parking is provided within the site in principle. As such, it is considered that there would be no defensible grounds for refusal of the application on the basis of car parking pressure or transport generation / planning policy.

It is noted that ACC Roads Development Management do not object to the proposal on the basis of traffic generation and have raised no specific public / road safety concerns in relation to vehicle traffic generation / servicing / delivery requirements. Although ACC Waste Service have pointed out that the stopping of bin lorries at the site may result in inconvenience to other road users, this is not a matter that has been raised as a concern by ACC Roads Service. In any event, due to the desire to avoid reversing, it would not be appropriate to require bin lorries to enter the site. Furthermore, it is noted that the proposal would result in a betterment in terms of road safety by securing the removal of the existing vehicle access into the site, thereby avoiding vehicles reversing across the footway onto Maberly St.

Roads Development Management have requested that the proposal is subject to the submission of a Travel Plan / Pack. However, given the residential nature of the proposal, it is not considered appropriate to address this matter by condition (e.g. as it would not be appropriate or enforceable to prevent occupation of the dwellings in the event of non-compliance with the targets of such a plan). Such a matter would therefore be more appropriately addressed by an advisory note in this instance, should the application be approved.

With regards to cycle parking, this would be acceptably located within the building at ground floor level, accessed from Maberly Street via a bin store. One space would be provided per flat, which is in compliance with the requirements outlined in the Transport and Accessibility Supplementary Guidance. Although further details of provision are required, this can be addressed by condition.

In light of the above the proposal is considered to comply with Policy T2 and T3 of the Aberdeen Local Development Plan 2017 and its associated guidance. While the development would be acceptable in terms of traffic generation and in terms of assessment against relevant planning policy regarding transport, the requirement for car club contributions to address the absence of off-street parking has been raised as a concern by ACC Roads officers. This contribution could potentially be secured via a Legal Agreement.

### **Other Technical Matters**

The submitted DIA indicates that the flood risk to the development is low and recognises that SUDS would be required within the site. Given that the site is already fully developed, it is considered that the development would not increase flood risk elsewhere. Although the submitted DIA relates to a previous version of the development, design and delivery of SUDS can be addressed by condition, in accordance with the objective of policy NE6. although it is recognised that this may constrain the external landscape design.

### **Other Matters Raised in Objection**

It is noted that the site is not specifically identified as an opportunity site for development within the ALDP or the PALDP. However, this does not preclude the potential for residential development on it, which requires to be assessed against relevant planning policy. The acceptability of the development relative to policies H2 and related concerns regarding amenity, impact on neighbouring uses and overdevelopment / design concerns are assessed above. Road safety and transport / parking concerns are assessed above. Although no mix of dwelling types / sizes is

proposed, as the proposed development is under 50 units, there is no conflict with policy H4. As the site does not lie within a H1 area it does not require to be assessed relative to that policy. The technical matters of contamination, noise and refuse provision are addressed above. Although it is alleged that there is a lack of demand for housing, this is contradicted ACC housing service and there remains a requirement to address the expectations of the city centre masterplan. No evidence has been presented that Japanese Knotweed exists on the site. This is not a protected species and this matter could be addressed via a site investigation / remediation strategy. Adequate neighbour notification has been undertaken in accordance with the statutory requirements. Impact on private views is not a material planning consideration.

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, the policies in the PALDP substantively reiterate those in the adopted Local Development Plan and the proposal is considered to be unacceptable in terms of both Plans for the reasons stated below.

### **Heads of Terms of any Legal Agreement**

in the event that the recommendation is not accepted, in order to address the matters raised by the developer obligations consultee, any approval would require to be deferred pending the conclusion of a legal agreement with the Council. Such agreement would be required to address contribution requirements towards healthcare facilities (£6,001), open space (£1,903), community facilities (£19,016) and car club contributions (£6,800).

### **Time Limit Direction**

As the application lies within the boundary of the affordable housing waiver and exempt from affordable housing, in the event that the recommendation is not accepted, the development would be required to begin within 12 months of the date of the decision notice. As such, a time limit direction would be applied to any grant of permission.

## **RECOMMENDATION**

Refuse

## **REASON FOR RECOMMENDATION**

Notwithstanding that the site lies outwith a conservation area, and lies within the city centre, where there is a desire to secure provision of additional housing, given the extent of the existing granite building on the site which would be demolished, and the developed context of the site, whereby there is a strong emphasis on historic granite street frontages, the proposal is considered to result in an unsatisfactory design solution. It would therefore not accord with the expectations of local plan policies D1: Quality Placemaking by Design and D5: Our Granite Heritage within the Aberdeen Local Development Plan 2017 and the objective of granite re-use set out in ACC Materials Technical Advice Note of March 2020. In particular, the proposed use of smooth render as an external wall material, does not relate well to the local context, where use of historic granite predominates. There would be inadequate visible re-use of granite down-takings on the principal elevation, and visible (front) parts of the side elevations when viewed from Maberly Street. No technical evidence has been presented that such re-use of granite within the development is not feasible and it is considered that the wider benefits of the development and compliance with other local plan policies does not outweigh such conflict.

## **CONDITIONS**

In the event that the recommendation is not accepted, consideration of the potential need for imposition of conditions on any approval addressing the following matters is recommended : -

Noise Assessment / Mitigation Measures; Demolition / Dust Management; Contaminated Land / Remediation Measures; Surface Water Drainage (SUDS); Carbon Neutrality; Secure on site Cycle Storage; External Building Materials; Re-use of Granite Downtakings; Treatment of Site Boundaries; Landscaping Details / Implementation; Provision of Waste / Recycling Storage; Reinstatement upgrade of the footway on Maberly Street; Restriction of the internal layout to relate to solely 1 bed flats.