

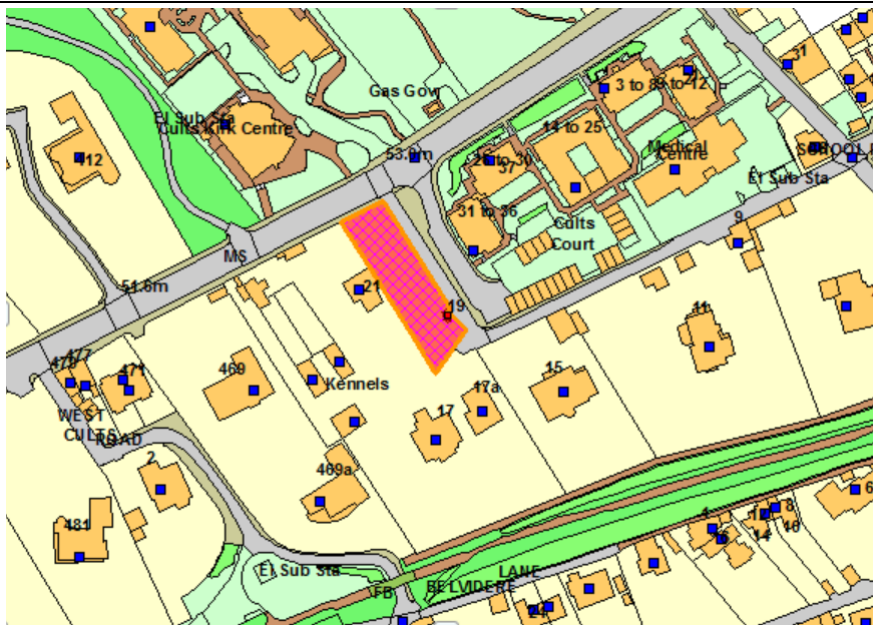


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 22 April 2021

Site Address:	19 South Avenue, Aberdeen, AB15 9LQ,
Application Description:	Erection of 4 residential units (3 apartments and 1 house) with associated works
Application Ref:	201630/DPP
Application Type	Detailed Planning Permission
Application Date:	5 January 2021
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

A fairly 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 site was previously occupied by a detached 1½ storey dwelling, which was demolished in 2014 in anticipation of the granting of a previous planning permission on the site for a single detached dwelling (ref. 141049). The site is

therefore now vacant and has been cleared for development. To the west is a neighbouring detached dwelling – 21 South Avenue; to the south is an area of hardstanding providing access to various dwellings and the Kennels (17 South Avenue). Along the eastern and northern boundary was a traditional high granite wall, however this 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 extending to c.75m² in the south west corner of the site carries a vehicular right of access serving 21 South Avenue immediately to the west of the application site, 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 relatively poor state of repair, measuring c.4.3m in width, with no separated footpath. To the east is the high boundary wall serving Cults Court – a flatted development centred around the former Cults School. Apart from the application site, it further serves 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 11 and 15 South Avenue is in such a poor 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 on 13th November 2014. No satisfactory evidence has been provided to demonstrate that this permission has been 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

180143/DPP – Erection of four flats, associated parking, landscaping and part removal of boundary wall – Refused on 22nd March 2018 by Planning Development Management Committee, and subsequently dismissed on appeal by the Reporter of the Planning and Environmental Appeals Division of the Scottish Government. 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.

201630/DPP – Erection of four detached dwelling houses – Refused on 20th August 2020 by Planning Development Management Committee, and subsequently dismissed on appeal by the Reporter of the Planning and Environmental Appeals Division of the Scottish Government. The main reasons for refusal for this last 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 residential amenity of 21 South Avenue.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the construction of a block of three flats and a separate

detached dwelling. The block of flats would be located in the northern half of the site, roughly lining up with the front elevation of the neighbouring property at 21 South Avenue. The building would contain 1no. two bedroom flat and 2no. two bedroom flats with additional study. It would have a footprint of c.144m², and would be shaped by two adjoining rectangles, with the one nearest 21 South Avenue projecting c.1.75m further north. It would have a total width of c.13.5m, and each rectangle would have a length of c.10.3m. The building would contain a total of three storeys with a mono-pitched roof, and would have an overall height of c.7.1m adjacent to no.21 South Avenue, and c.10.6m adjacent to South Avenue. Fenestration would be provided across all levels, and would be predominantly located in the north and south elevations, with proposed materials including granite and timber cladding for the walls; dark grey standing seam metal roof; and dark grey 'alu-clad' windows and doors. Vehicular access would be provided to the front of the building from South Avenue, with a parking court containing four parking spaces, one of which for disabled use; a bin store; and cycle storage. To the rear would be two small external amenity areas with a depth ranging between c.3.6m and c.5.1m.

Moving south, due to the change in levels and the construction of a plateau to ensure the first building and its associated external areas would be on a similar level, there would be a drop of c.1.5m to the driveway serving the two storey detached dwelling. This dwelling would again be constructed on an artificial plateau. It would have a footprint of c.138m², would have a mono-pitched roof with a height varying between c.6.5m and c.5.5m. The building would be L-shaped, and would generally measure c.16m by c.7m with a further single storey projection of c.4.5m by c.6m. The proposed dwelling would have main living accommodation on the ground floor with three bedrooms and an office on the first floor. It would have a rear garden with a maximum depth of 7.7m. Fenestration would generally be located on the east, west and south elevations. Proposed materials would match the block of flats and would include granite and timber cladding for the walls; dark grey standing seam metal roofing and dark grey 'alu-clad' windows and doors.

Amended drawings

The applicant submitted amended drawings during the application process, which were not requested by the Planning Authority, with the main alterations including revisions to the height and roofline of the block of flats; repositioning of the balcony in the block of flats; and alterations to the proposed site plan including revisions to parking arrangements and inclusion of EV charging provisions. These alterations were considered material to require a second period of neighbour notification and renotification to the Community Council.

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=QLSV5GBZFL100>

Design Statement by RJM Architecture providing a justification of the proposed design solution.

Supplementary Statement by Aurora Planning providing their assessment of the proposal against planning policies.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than six letters of objection were received (a total of 26) and the Cults, Bieldside and Milltimber Community Council lodged an objection against the proposal.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Sufficient parking provided to

serve the development. Ducting is shown for electric car charging provision, which is welcomed. Sufficient bike storage is shown. It is likely that the application will require to be subject to a Section 56 Roads Construction Consent procedure due to the proposed amendments to the existing adopted road at the North Deeside junction where the access is widened.

ACC - Environmental Health – No objection subject to incorporation of adequate sound insulation measures into the design of the flats/house. This is to ensure that under reasonable circumstances, bearing in mind the location of the proposal, internal noise levels do not exceed the relevant WHO guideline values for community noise for dwellings indoors and inside bedrooms (i.e. LAeq of 35dB (day) and 30dB (night) respectively. Advises the use of an informative in relation to noise from site/ground preparation and construction works, including hours of construction.

ACC - Waste and Recycling – No objections. This part of South Avenue is served by a small waste vehicle. It should be ensured this service can be continued.

Cults, Bieldside and Milltimber Community Council – Objection. Keen to see a sympathetic redevelopment of this long-derelict site, but this proposal fails to address the concerns raised in relation to the previous proposal 200533/DPP. Raises the following specific issues:

1. The north-south section of South Avenue is a natural divide in built character between the flats of Cults Court and the detached and semi-detached housing to the west. The presence of the care home on the north side of North Deeside Road does not justify the presence of a 3-storey block on the north when neighbouring properties are detached houses.
2. Inconsistencies in site areas. Notes the Reporters view that the triangular area to the south of the vehicular access to 21 South Avenue should be excluded from site area calculations. Presumably the bin store and parking space in this area are shown to justify its inclusion but based on visual inspection, this seems too small to accommodate these without inconvenience to neighbours.
3. The proposal represents a subdivision of an existing curtilage. It is considered that this fails to respect the established pattern of development, and that the scale and massing, particularly of the apartment block, does not complement the surrounding properties, and that the plot density is substantially greater than that of the surrounding properties (ref: Supplementary Guidance for Sub-division and Redevelopment of Residential Curtilages).
4. Insufficient parking, particularly for the flats. No swept paths submitted. Turning movements appear very tight, with parking for the detached house involving emerging straight onto South Avenue from behind a blind wall. Little or no parking space available for visitors or tradespeople.

Additional comments:

Amended drawings do not remove objections previously raised.

REPRESENTATIONS

Two periods of neighbour notification were undertaken. The first raised a total of 16 letters of objection, with the second a total of 17 letters of objection, 7 raised additional comments following on from earlier letters of objection during the first round of neighbour notification. As such, the total number of objectors to the proposed scheme would be 26. Matters raised were as follows:

Impact on surrounding area and design:

1. Overdevelopment of the site. Not enough space for buildings and access on the site;
2. Development would have an adverse impact on the streetscape and would not be in keeping with other properties in the immediate location; Proposal would have an adverse impact on the character and appearance of the surrounding area;
3. Proposed density would set an unacceptable precedent for this distinctive suburb of Aberdeen, which is characterised by a low density of housing, large gardens and a building

- line well set back from the main road;
4. Design of the dwellings is not appropriate to the surrounding properties;

Impact on residential amenity:

5. Residential amenity of 21 South Avenue would be affected through being overshadowed and its privacy invaded, including overlooking, with the block of flats being overbearing due to its height, bulk, massing and position;
6. Some of the western facing flats at Cults Court will be overshadowed and would lose privacy;
7. South facing windows would overlook 17A South Avenue
8. Proposed design would not provide an acceptable level of residential amenity for current or future residents in terms of outlook or useable private space;
9. Due to its design, the proposed apartment block would be overbearing on the proposed dwelling;

Impact on local highway conditions:

10. Condition of South Avenue is poor to access the development. It is a narrow, private road allowing one-way traffic only;
11. Anticipated one-way traffic system onto South Avenue would not reduce the safety concern of having multiple accesses onto/coming from North Deeside in close proximity;
12. Sightline issues on junction between South Avenue/North Deeside. Reintroduction of boundary wall will aggravate this;
13. Confusion re section of land to be given over to ACC for improvements to South Avenue;
14. Proposal would add additional traffic to North Deeside Road, thus further contributing to congestion;
15. Insufficient parking provided, which could result in overflow of cars using the Cults Court car park; No visitor parking provided;
16. Proposed parking space in southern triangular section would mean space restrictions and view of sight would be severely limited for the owners of 21 South Avenue;
17. One-way system is not included in current application so should not be considered;

Others:

18. By covering a large area of the site with buildings and car parking, the water drain off into the private road will be increased during heavy rainfall, potentially affecting the entrance area to a number of properties at the bottom of the hill.
19. Three previous applications for a similar kind of development have been refused on the site;
20. Removal of boundary wall and burning of refuse at the site shows disregard for Planning Authority and the community in general;
21. Size of the site is inconsistent as current application states this to be 988m², whereas previous application 200533/DPP set this out to be 925m²; access area for 17 and 21 South Avenue should not be included in the site measurements; the parking space in the southern triangle only seems to be included to justify the site calculations; The site area can't continually change for each application – this should be a given;
22. Insufficient information provided on changes of levels. This will have an impact on the planned pavement section and access to the properties for both vehicles and pedestrians;
23. Application should be refused for same reasons as previous applications;
24. Pillar in south east corner is over 200 years old and should be retained; Site used to have a wall at the south end marking the boundary edge and this wall was curved to the north;
25. 24-hour access required to driveways off South Avenue – this cannot be blocked during the construction period; Driveway to 19, 17A, 17 and the kennel business was agreed to be repaired properly by the applicant. This has not yet been done;

Additional matters raised during second notification period:

26. Local amenities such as schools are already overcrowded;
 27. Height increase on eastern elevation makes proposed building more negatively imposing, out of character and inappropriate;
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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) was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

SPP promotes sustainable development, and carries a presumption in favour of development. However, paragraph 28 sets out that the aim is to achieve the right development in the right place, it is not to allow development at any cost. As such, assessment against Local Plan policies should demonstrate whether a proposed development is right for its location, and thus whether the proposal would comply with this overarching aim of SPP.

It further sets out that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. Proposals that accord with development plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. Proposals that do not accord with the development should not be considered acceptable unless material considerations indicate otherwise.

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)

H1: Residential Areas

D1: Quality Placemaking by Design

T2: Managing the Transport Impact of Development

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. 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.

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

EVALUATION

Principle of Development

The site is located in a residential area in Cults, and policy H1 of the 2017 Aberdeen Local Development Plan applies. This policy sets out that residential development would be acceptable in principle, provided it:

1. Would not constitute overdevelopment;
2. Would not have an adverse impact on the character and amenity of the surrounding area;
3. Would not result in the loss of valued and valuable open space; and
4. Would comply with relevant Supplementary Guidance (SG) in this case SG on Subdivision and Redevelopment of Residential Curtilages.

The site was previously occupied by a single dwelling and its associated residential curtilage, and therefore does not constitute open space. As such, the proposal would comply with this part of policy H1. All other criteria will be discussed in detail below.

Level of development and impact on character and appearance of the surrounding area

Policy D1 sets out that quality placemaking is at the core of planning in Aberdeen. 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 design solution. 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 crucial.

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 has been demolished in 2014, and the kennel buildings had been constructed. Again, these buildings roughly followed the pattern of development and general building lines as set by previous development phases, 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 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 change in character of the surrounding area when walking in a westwards direction past South Avenue is acknowledged in both appeal decisions for previous applications 180149/DPP and 200533/DPP by two 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) and;

'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-100-2115, in relation to 200533/DPP)'

Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages sets out the following in relation to development proposals:

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. As a general guide, no more than a third of the total site area for each individual curtilage should be built upon;
4. New dwellings should generally not project forward of any established building line; and
5. The distance between proposed dwellings, and between proposed and existing dwellings should be similar to that predominating on the street.

This current application is again for a total of four units, similar to the previous applications 161721/DPP, 180143/DPP and 200533/DPP, albeit in a different configuration – a single block containing three flats (although it could be argued that one of the units is more resembling a house than a flat) in the northern half of the site, and a further detached dwelling in the southern half of the site. The overall site area is 925m², similar to that of the previous application, and including the 37m² area to be given over for junction improvements at the north east corner of the site. The plot accommodating the flats would measure c.463m², with the plot accommodating the house measuring c.425m². This latter plot would incorporate a triangular plot accommodating an existing vehicular right of access to 21 South Avenue located on the southern edge of the site. This area was discounted by the Planning Authority as part of the development area for the previous application 200533/DPP, which was backed up by the Reporter in his appeal decision:

'Taking into account the proposed layout of the site, the neighbouring properties and existing access arrangements, I do not agree that the access area for 21 South Avenue can be said to form part of Plot 1 for planning purposes (appeal reference PPA-100-2115, in relation to 200533/DPP)'.

In this current proposed site layout, part of this triangular plot is used to accommodate a second parking space and bin store for the detached dwelling. Even though these are uses that could be considered aligned with the use of the proposed dwelling, it is still separated from the rest of the plot by the vehicular access serving 21 South Avenue. As such it is considered, and taking consideration of the appeal decision referred to above, that this area should not be included in site coverage calculations. As such, the size of the plot serving the dwelling, and the overall development site, should be reduced by 75m², resulting in the plot for the dwelling extending to 350m², and an overall development site of 813m². The footprint of the detached dwelling would therefore cover c.39% of its plot. The footprint of the block of flats would cover c.31% of its plot, and overall development levels across the development site would stand at c.35%.

As such, the plot ratios for both the detached dwelling in its own plot, and the overall development on the site would exceed the third as set out in the SG, in clear conflict with this part of the SG and also out of keeping with the prevailing character of the area to the west of South Avenue.

Even though the final figure for plot ratio of the flatted block is lower than the third set out as a general guide in the SG, it should be emphasised that this figure of a third is a guide and that the density of the established surrounding area should be reflected in the development proposals to ensure the proposal is suitable for its context, and would not have an adverse impact on its character and appearance. As set out above, the context for this application site is that of a generally low density residential area predominantly characterised by detached and semi-detached dwellings. Overall plot ratios tend to be low, with a plot ratio of c14% for the neighbouring dwelling at 21 South Avenue, and c.13.75% for the nearby dwelling at 15 South Avenue. As such, when seen in this context, the proposed development ratio of 31% for the flatted block would be substantially higher, and out of context in the surrounding area, thereby providing conflict with this criterion of SG, and thus policies D1 and H1.

It should further be considered that the proposal is for a single detached dwelling and three flats in an area characterised by family dwellings. As such, the concept of a block of flats would be out of context in the surrounding area, and the high density of the proposed development is reflected in the proposed site layout. Due to the large number of units provided on the site, this would need to be accompanied by facilities to serve these flats and the dwelling. As such, the proposed site plan shows that the vast majority (c.81%) of the area to the front of the flatted units would need to be covered in hard standing to accommodate parking, access, and bin and bike stores. Supplementary Guidance on Transport and Accessibility sets out that *'Where it is necessary to accommodate car parking within a private court, no more than 50% of the court should be taken up by parking spaces and access roads'*. In this case, this figure of c.81% would be excessively above this figure of 50% and the proposal would therefore not meet this criterion.

The excessively high level of development is further emphasised by the fact that there is insufficient space to accommodate the building itself, parking and good quality external amenity space of an appropriate size. The proposed garden space would serve only two out of three units (a total of 64m² split into two individual areas of 32m² each – with the area serving the eastern unit having a depth of only 3.5m). It should be added that the third unit does not have access to any garden ground with its only external amenity space being a balcony. This demonstrates that the proposed block of flats would be out of context in this general area, which is characterised by buildings (detached and semi-detached dwellings) set in substantial gardens, and that the site is too small to adequately accommodate a block of flats this size and associated facilities.

In addition, when viewed from North Deeside Road, despite the narrow strip of landscaping along the northern boundary and the change of levels from North Deeside Road down to the site, the proposed parking court would have an unacceptable and uncharacteristic hard appearance, which would not be representative of the surrounding area.

Similarly, the detached dwelling would be located very close to the edge of South Avenue, leaving a gap of c.1m and would have a relatively shallow rear garden with a depth ranging between c.3.3m and c.7.7m. Again, this short setback from the road would not be characteristic in the surrounding area and does not demonstrate sufficient awareness of the site context. It is noted that 9 South Avenue fronts immediately out onto South Avenue, but, again, this seems to be a historic anomaly with the original building on the site most likely being an outbuilding serving one of the larger dwellings further to the south.

Furthermore, even though the proposed block of flats would follow the established building line set by the front elevation of 21 South Avenue, the proposed detached dwelling would sit between this building line and that established by dwellings facing out towards the Deeside Way further to the

south (including 15, 17 and 17A South Avenue). As such, this part of the proposal would introduce an additional building line, and would not respect the pattern of development prevalent in the surrounding area, contrary to requirements set out in the SG. Also, all properties in the surrounding area have either a north or south facing principal elevation, a north-south orientation with south facing gardens resulting in a consistent pattern of development. This proposed dwelling would have an east facing principal elevation and an east-west orientation, which would be contrary to the general arrangement in the surrounding area. In addition, the established pattern of development is further not respected as, even though the distance between the north elevation of the detached dwelling and the south elevation of the flatted block would stand at c.8m, this would be made up of the external amenity space for the flatted block, then the retaining wall followed by the driveway for the dwelling. This, especially the retaining wall and its impact on the setting of the detached dwelling, is considered to have a detrimental impact on the character of the surrounding area and its visual amenity.

For the above reasons, the proposal would have a significant adverse impact on the character and appearance of the surrounding area, and has not taken suitable cognisance of the context of the surrounding area. It is therefore considered not to comply with policy D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages, and Transport and Accessibility

Design

Flats

The proposed flatted block would incorporate a mono-pitched roof with its lowest end facing out towards 21 South Avenue sitting at a height of c.7m rising to c.11m at its highest point adjacent to the eastern site boundary. The front (north) and rear (south) elevations contain a variety of full height windows looking out towards North Deeside Road, whereas both side (east and west) elevations contain only a single fully glazed door providing access to two units. As a consequence, the east elevation facing out towards South Avenue would present an almost entirely blank elevation to this road. Due to its height, which at the rear sits at c.12m from the street level of South Avenue due to the use of a raised plateau, this blank elevation, would appear particularly overbearing and would lack amenity value to the street scene.

The building would be in a particularly prominent position when driving along North Deeside Road to the west, partly due to the significant gap in existing development between the entrance road into Cults Court and the application site, and, due to its starkness, especially the massing and design of this eastern elevation, would be considered to have a significant detrimental impact on the character, appearance and visual amenity of the surrounding area.

Furthermore, the east elevation as presented shows the overbearing impact of the proposed block of flats on the surrounding area, including the proposed detached dwelling to its south. The relationship between the two proposed buildings is not comfortable, which is further emphasised by the introduction of the artificial plateaus across the site, whereby the larger building to the north sits at a level c.1.5m higher than the significantly smaller building to the south. Again, this shows a lack of understanding of the site context and appreciation of the character of the surrounding area.

Dwelling

The proposed dwelling would provide a clear frontage onto South Avenue, and would contain a mix of windows of various shapes and sizes and a front door. Fenestration would be located in three out of four elevations, bar the side (north) elevation facing directly towards the retaining wall,

which would have a height of c.1.5m at this point excluding railings, and the ground floor flat. It would have a similar mono-pitched roof design, and would be finished in similar materials.

The modern design and proposed use of materials itself is generally accepted. However, the proposed location of windows is a further indication that the development does not sit comfortably in its plot. The main issue being that the large open plan area containing a kitchen/dining/living/bar area would receive natural light through a set of sliding doors in the south elevation and a full height narrow window near the bar area, whilst there would be no direct natural light towards the kitchen area in the eastern part of this area.

For these above reasons, it is considered that the proposed design of the buildings would not meet the criteria as set out in policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan.

Residential Amenity

Future Residents

In comparison to previous proposals, the proposed design for the flats ensures that all habitable rooms would receive sufficient natural light. In addition, although limited, some external amenity space would be provided. There is no clear guidance on the amount of external amenity space to be provided for flats. Both ground floor units would have a small garden/yard extending to some c.32m², although the depth of that serving the eastern unit would be very limited at c.3.5m. However, the small area serving the east unit would have the potential of being excessively overlooked and could be considered to suffer from a lack of privacy due to it being elevated above street level with no privacy screening. It is further considered that, due to this area being above street level, the introduction of a high boundary treatment at this point could have a further adverse impact on the character and appearance of the surrounding area in addition to that discussed above, and could therefore in itself not necessarily be considered acceptable to mitigate this issue. The third unit would have access to a balcony extending to c.12m² facing south with privacy screens installed on both the east and west sides. Therefore, though limited when taking consideration of the size of the individual units, it is considered that this would be acceptable.

The proposed rear garden of the dwelling would have a maximum depth of c.7.7m, reducing to c.3.3m to the rear of the single storey projection. Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages sets out that the minimum depth for rear gardens should be 9m. Reasons for this are twofold: firstly to ensure a sufficient level of residential amenity for the dwelling it serves, secondly to ensure sufficient spacing and ensure new dwellings would not have an overbearing impact on other properties. In relation to the first, even though the minimum depth of 9m is not achieved, the overall usable garden would extend to c.125m². The main part of this garden would be orientated south-west and, even though there is a mature conifer hedge on this boundary, would receive sufficient sunlight to provide a good quality outdoor amenity area. So, although there is conflict with SG on this point, in this case it is accepted in relation to this first point. The spacing between the proposed dwelling and the neighbouring property at 21 South Avenue is discussed below. Although there are some issues in relation to the amount of natural light reaching the kitchen area as set out above and this potentially being a relatively dark area, it is considered that this in itself would not warrant a reason for refusal.

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 the proposed development is 21 South Avenue, which sits immediately to the west of the application property. When compared to previous proposals, most notably that submitted as part of 180143/DPP, the overall height of the currently proposed building, immediately adjacent to this neighbouring property has been reduced. The main eaves height on the western elevation generally sits just above ridge height of 21 South Avenue. The depth of the building has also been reduced, and is similar to that of this adjacent dwelling. As such, when compared to previous proposals, although the proposed building would have a reduced overbearing impact on 21 South Avenue, the issue has not been fully addressed. In addition, there are still elements of overlooking from the flats, which sit at a higher level than 21 South Avenue, and especially from the rear facing windows of the dwelling, which sits relatively close to the boundary, due to the limited depth of the rear garden serving the proposed new dwelling, with the rear garden of 21 South Avenue and would provide clear views from the rooms on the first floor into this garden and towards the dwelling. It is especially this latter element that would constitute a significant adverse impact on privacy levels and extent of overlooking of this neighbouring property to the detriment of their residential amenity.

Furthermore, even though the overbearing impact of the proposed block of flats has been reduced when compared to previous iterations of the proposal, the overall bulk and volume of development comprising the detached dwelling and the block of flats along the boundary with 21 South Avenue could be considered to have an overbearing impact on the existing 1½ storey dwelling to the detriment of their residential amenity, especially when taking account the limited depth of the rear garden of the detached dwelling contrary to requirements as set out in the SG as discussed above.

For this reason, it is considered that the proposal would have an unacceptable detrimental impact on the residential amenity of 21 South Avenue, contrary to the requirements of policy H1 (Residential Areas), D1 (Quality Placemaking by Design) and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

Other surrounding dwellings

The distance between the flats and the east elevation of both the flatted block and the detached dwelling would be c.17m from the west elevation of Cults Court, with this gap made up of South Avenue, the high granite boundary wall surrounding Cults Court and its car park and access road. In addition, the detached dwelling would not be located immediately opposite to these existing flats. There are no windows in the east elevation of the flats, with three windows located in the east elevation of the dwelling. It is considered that, due to the distance from the dwelling to these flats and the oblique angle from the windows to the existing flats that these would not result in a loss of privacy/ increased overlooking.

The distance between the proposed dwelling and surrounding existing dwellings at 15, 17 and 17A South Avenue would exceed 18m, and as such the proposal would not result in unacceptable levels of overlooking of these properties.

Local roads conditions, including parking and access

The applicant proposes to use a strip of land along South Avenue immediately from its junction to North Deeside Road for a length of c.18m up to the vehicular access into the flats for junction improvements and road widening to allow two cars to pass each other on South Avenue for this distance to ensure cars can safely access and exit the junction onto North Deeside Road. This proposal has been assessed by colleagues in Roads Development Management and considered acceptable. However, these improvements would need to be secured through a suitable condition if Committee was minded to approve the application a condition would need to be introduced to ensure these junction improvements would take place before development starts.

A total of four parking spaces would be provided for the three flats with two off-street parking

spaces provided for the detached dwelling. The proposed site plan 727-23C shows that five out of six proposed parking spaces would be supplied with ducting for passive electric car charging provision in line with guidance currently contained in SG on Transport and Accessibility and the proposal is thus compliant with this part of the SG.

The site is located in a relatively sustainable location within Cults, and is within 400m of a bus stop. Three parking spaces and one disabled parking space are provided for the three flats, equating to a ratio of 1 space per flat. This would result in a shortfall of 1.5 space across the development. However, given the proximity of the development to the main bus route between Deeside and the city centre, and a variety of services, including the medical centre and shops would be within 400m, this would be considered acceptable in this instance. In addition, three secured and covered cycle storage spaces are provided which would be acceptable.

A total of two off-street parking spaces is provided for the detached dwelling which is shown to have three bedrooms. SG on Transport and Accessibility sets out that two parking spaces should be provided for a three bedroom dwelling and as such this level of parking provision is acceptable.

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 Deeside. Due to the high volume of traffic, officers in Environmental Health advise the use of a condition to ensure that adequate sound insulation measures were implemented in the construction of the residential units. In addition, an informative in relation to construction noise levels is recommended given the site is located in an established residential area. Again, if the Committee were minded to approve the application, this condition and informative could be added to any decision.

Waste

A bin store would be located to the front of the parking area, providing sufficient space for bin storage serving the flats. The distance from the bin store to the access onto South Avenue would be within an acceptable distance and this would thus be considered acceptable. In addition, there is sufficient space to store bins to be collected from South Avenue for the detached dwelling.

Low and Zero Carbon Buildings

The Supporting Statement by Aurora Planning and Design Statement by RJM Architectural Design both set out that the proposed development would incorporate triple glazing, that the properties would be highly insulated and that there is an intention to install air source heat pumps. These measures would be considered acceptable and if the Committee were minded to approve the application, these measures could be secured by 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 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is 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 at 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 a condition setting out how EV charging points will be provided for each individual unit, 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, Bielside and Milltimber Community Council are addressed in the evaluation above.

Matters raised in letters of objection

The majority of matters raised in letters of objection as summarised at the start of this Committee Report have been addressed in the evaluation above. The following matters are outstanding:

Impact on local highway conditions:

11. Anticipated one-way traffic system onto South Avenue would not reduce the safety concern of having multiple accesses onto/coming from North Deeside in close proximity – *This current application would not propose to introduce a one-way system along South Avenue, but would allow for improvements at the junction of South Avenue and North Deeside Road as discussed above;*
12. Sightline issues on junction between South Avenue/North Deeside. Reintroduction of boundary wall will aggravate this – *Officers in Roads Development Management have assessed the application and did not raise any issues in relation to visibility on the junction of South Avenue and North Deeside Road;*
13. Confusion re section of land to be given over to ACC for improvements to South Avenue – *Drawing 727-23C indicates a strip of land extending to c.37m² that would be used for junction improvements;*
14. Proposal would add additional traffic to North Deeside Road, thus further contributing to congestion – *Officers in Roads Development Management have assessed the application and did not raise any concerns in relation to traffic generated by the development;*
17. One-way system is not included in current application so should not be considered – *No one-way system has been considered as part of this application;*

Others:

18. By covering a large area of the site with buildings and car parking, the water drain off into the private road will be increased during heavy rainfall, potentially affecting the entrance area to a number of properties at the bottom of the hill – *Drainage information has not been provided. If Committee was minded to approve the application then details can be sought through a suitably worded condition.*
19. Three previous applications for a similar kind of development have been refused on the site – *All submitted applications were sufficiently different and all, including this latest application, are assessed on a case-by-case basis, although previous decisions, including appeal decisions are a material consideration;*
20. Removal of boundary wall and burning of refuse at the site shows disregard for Planning Authority and the community in general – *This is not a material planning consideration;*
22. Insufficient information provided on change of levels. This will have an impact on the planned pavement section and access to the properties for both vehicles and pedestrians – *It is considered that sufficient levels information has been provided as part of this*

application to inform a considered recommendation on this element of the scheme. If Committee were minded to approve, then a further condition could be attached requiring submission of full existing and proposed levels;

23. Application should be refused for same reasons as previous applications – *Each application is assessed on their own merits;*
24. Pillar in south east corner is over 200 years old and should be retained; Site used to have a wall at the south end marking the boundary edge and this wall was curved to the north – *Drawings indicate retention of this pillar. The former boundary wall was removed under permitted development rights;*
25. 24-hour access required to driveways off South Avenue – this cannot be blocked during the construction period; Driveway to 19, 17A, 17 and the kennel business was agreed to be repaired properly by the applicant. This has not yet been done – *This is not a material planning consideration;*

Additional matters raised during second notification period:

26. Local amenities such as schools are already overcrowded – *The proposal is for a development of a total of four residential units. Policy 11 sets out that developer obligations are sought for developments of 5 residential units or more.*

Recommended conditions

The application is recommended for refusal. However, if the Committee is minded to approve the application, then it is requested that the following conditions are considered:

1. Details on materials;
2. Details on landscaping, including surfacing materials and boundary treatments;
3. Details on construction and material of the boundary wall along North Deeside Road and turning into South Avenue;
4. Details on existing and proposed levels;
5. Details on low and zero carbon measures;
6. Implementation of junction improvements prior to start of development of any residential unit;
7. Details of noise attenuation measures; and
8. Details of drainage

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposed development is considered not to take sufficient cognisance of the site context, would have a 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, which is reflected in the high percentages of site coverage; the introduction of an additional building line fronting onto South Avenue; the adverse impact on the visual amenity due to the size and appearance of the hard surfaced parking court to the front in relation to the overall site of the front curtilage, whilst providing a minimum amount of soft external amenity space to the rear; and the dominating, overbearing impact of the blank east elevation of the flatted block, 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 Proposed Local Development Plan; and relevant sections of Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages and Transport and Accessibility.

2. The scale and massing of the proposed flatted block, in particular its overall height which is artificially increased through the need to construct artificial plateaus rising above street level on South Avenue; and its relative close proximity would demonstrate that the proposed design of the building would be overbearing on the proposed dwelling to its south and that the site as a whole would not provide a coherent appearance and design solution; and would lack amenity value to the street scene to the detriment of the character and appearance of the surrounding area.

The design of the buildings therefore would not meet criteria as set out in policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan, and policies D1 (Quality Placemaking) and D2 (Amenity) of the 2020 Proposed Local Development Plan.

3. Due to the orientation of the proposed detached dwelling in relation to the existing dwelling at 21 South Avenue, its first floor west facing windows would provide direct views in the private rear garden and towards the rear elevation of this existing property, resulting in increased levels of overlooking and a loss of privacy to the detriment of their residential amenity. In addition, the overall bulk and volume of development alongside the east boundary of this existing residential curtilage is considered to have an overbearing impact on this existing 1.5 storey dwelling to the detriment of their residential amenity, which is further emphasised by the relatively shallow depth of the rear garden serving the detached dwelling.

This part of the proposal would therefore not meet the criteria as set out in 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 Proposed Local Development Plan; and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.