

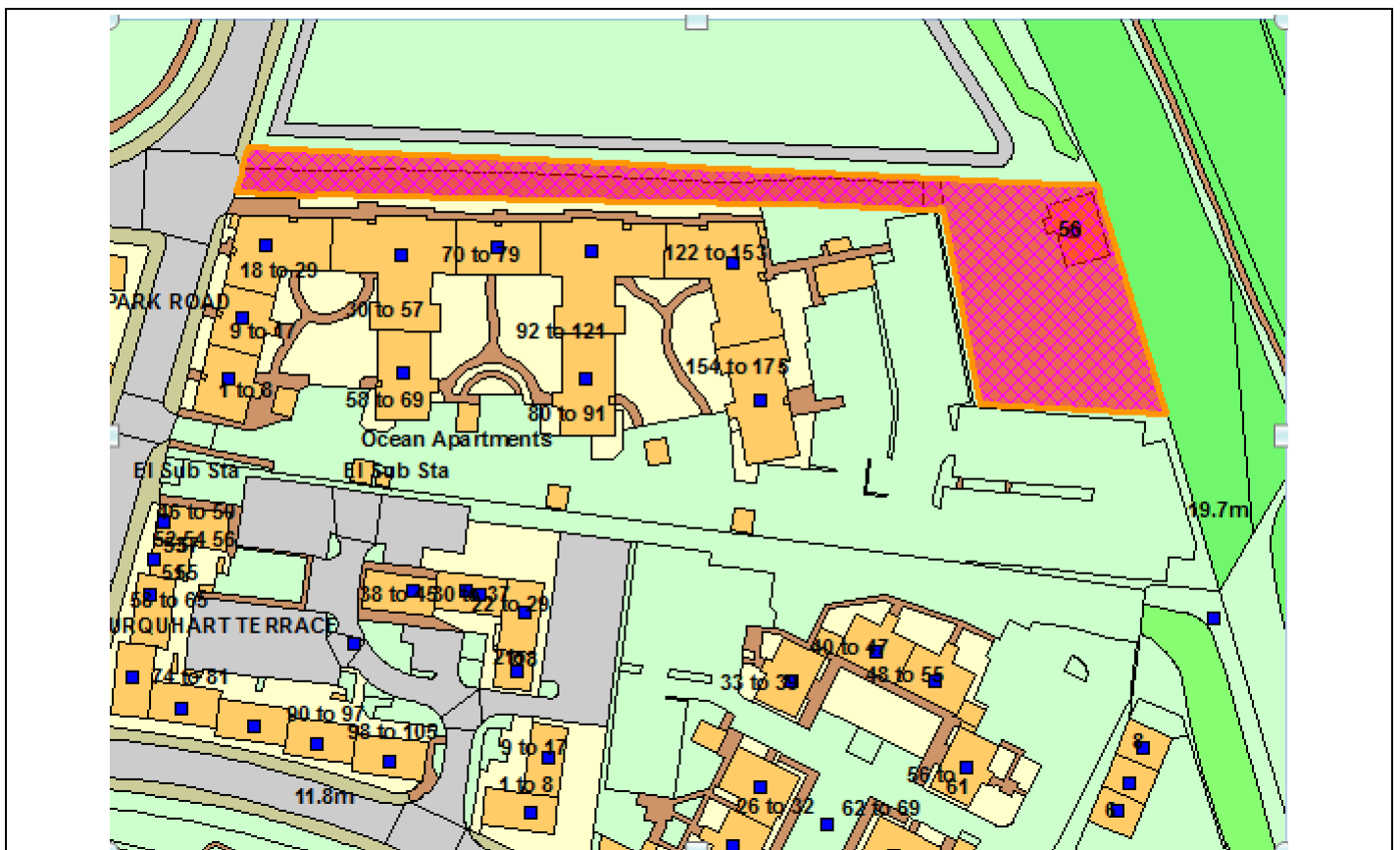


# Planning Development Management Committee

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		Status: Withdrawn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.