

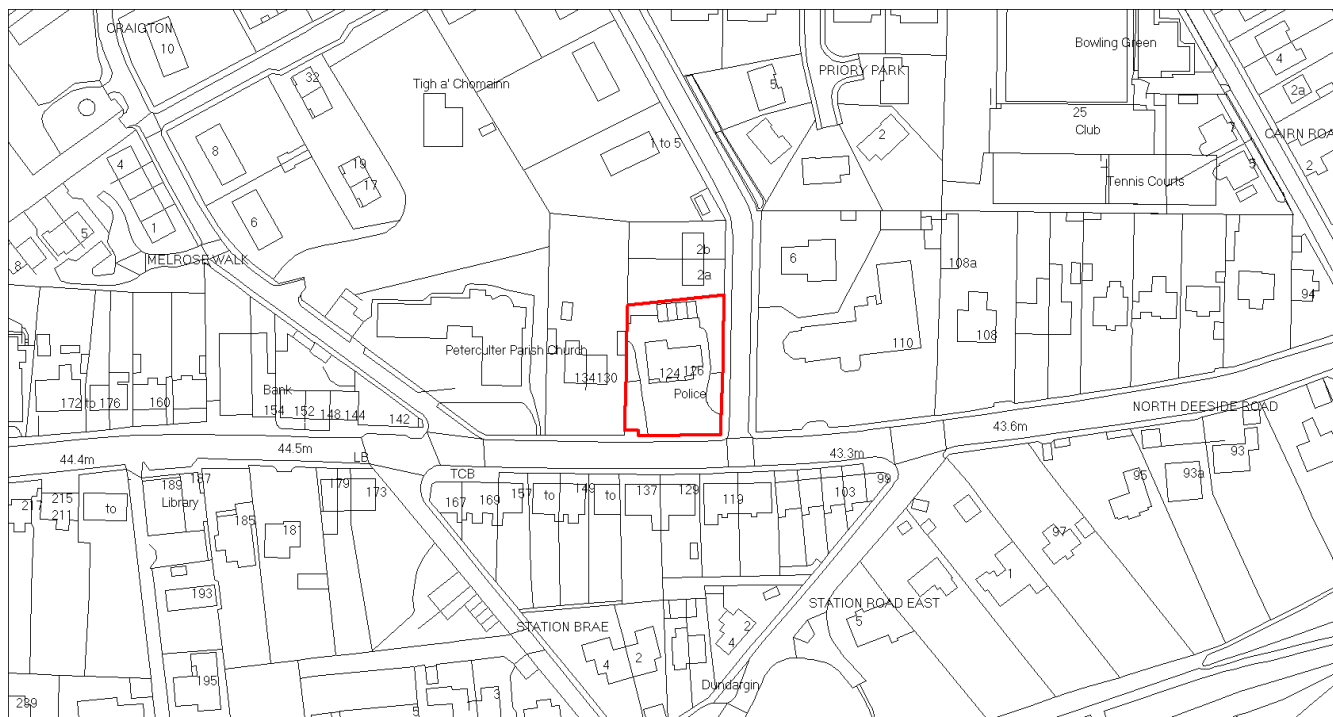
124 NORTH DEESIDE ROAD, PETERCULTER

ERECTION OF TEMPORARY SALES UNIT

For: AJC Homes Scotland Ltd

Application Type : Detailed Planning Permission
Application Ref. : P130362
Application Date: 19/03/2013
Officer: Jane Forbes
Ward : Lower Deeside (M Boulton/A Malone/M
Maik)

Advert :
Advertised on:
Committee Date: 18 July 2013
Community Council : Comments



RECOMMENDATION: Approve - Time Limited Period

DESCRIPTION

The application site lies on the north side of North Deeside Road, at its junction with School Road and forms part of the southernmost section of a wider development site of some 1350m² which was previously used as a police station. The site is currently under construction following demolition of the police station building and approval of a new residential development. To the south of the application site, and across North Deeside Road lies a row of 1½ and 2 storey residential properties, whilst to the east, and across School Road is a large 1½ storey building comprising a care home.

RELEVANT HISTORY

Planning application (Ref: 11/1196) for the demolition of the police station building and the erection of a new building comprising 11 flats (10 two-bedroom and 1 one-bedroom flats) and associated car parking was approved conditionally at Planning Committee on 22 May 2012.

Advert consent application Ref 13/0349 for the erection of a non-illuminated “V” shaped hoarding sign was approved conditionally by delegated powers on 5 July 2013.

Advert consent application Ref 13/0900 for non-illuminated fascia and hoarding signs is currently pending consideration.

PROPOSAL

This application, which is retrospective in nature, is seeking planning permission for the erection of a temporary sales cabin to be used in association with the residential development which was approved on 22 May 2012. The sales cabin, which is a single storey, flat roofed building painted in black and measuring 9.5 metres by 3 metres is located between 1 metre and 1.4 metres back from the southern boundary wall which delineates the site with North Deeside Road. The sales cabin is accessed directly off North Deeside Road via an existing opening to the boundary wall.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130362>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee as a result of Culter Community Council submitting an objection to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – Response received – no observations.

Environmental Health – Response received – no observations.

Enterprise, Planning & Infrastructure (Flooding) – Response received - no observations.

Community Council – Culter Community Council objected to the planning application for the following reasons:

- Site vehicles and vehicles servicing the site are parking on School Road pavements, causing issues for pedestrians;
- Drivers exiting onto North Deeside Road from School Road have restricted visibility;
- No measurements are provided on the application drawings;
- The sales cabin lies very close to the boundary wall, and closer than the plans suggest;
- Some comments included within the letter of representation relate to other development proposals for the application site and as such are not relevant to this proposal.

REPRESENTATIONS

Other than the letter of objection submitted by Culter Community Council, as detailed above, one further letter of objection has been received. The main issues and objections raised are as follows:

- The location of the temporary sales offices severely obstructs drivers visibility when accessing North Deeside Road from School Road;
- Locating the temporary sales offices within the application site reduces the operating space on site, leading to vehicles servicing the site having to park on School Road, including on the pavement, causing safety issues for both pedestrians and passing vehicles;
- The temporary offices erected on site have been located immediately adjacent to the boundary wall, and not as indicated in the submitted drawings.
- Concerns were also raised in terms of whether sufficient risk assessment had been undertaken for the construction and post construction phases of the overall development. This matter is not directly relevant to this specific application.

PLANNING POLICY

Aberdeen Local Development Plan

Policy H1: (Residential Areas)

The site is located within an area zoned as H1 (Residential Areas). This policy states that within existing residential areas, proposals for non-residential uses will be refused unless:

1. they are considered complimentary to the residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity.

Policy D1: Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

Supplementary Guidance

The Council's supplementary guidance "Temporary Buildings Design Guide" is a relevant material consideration. It states that permission will not normally be given for the retention of portable buildings beyond the two and a half years maximum duration. To be granted planning permission, units:

- a) Must be sited to the rear of existing buildings;
- b) Must avoid loss of existing car parking spaces; and
- c) Must not be sited on landscaped amenity areas, especially those with established tree and shrub planting.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

Amenity

This application requires to be considered in terms of its impact on residential amenity, given that the application site lies within an area zoned as H1 (Residential Areas) in the local development plan. Although located opposite a row of residential properties which lie on the south side of North Deeside Road, in this instance, given the separation distance of some 16 metres between the temporary sales cabin and the front elevations of these properties, the scale and design of the sales cabin is considered to be appropriate, with no significant impact on the amenity of nearby residents. On this basis, the temporary building is not deemed to be incongruous with the residential character of the surrounding area. With construction work ongoing towards the northern section of the wider development site, the choice of location for this temporary sales cabin which is directly associated with the housing development has undoubtedly been restricted. However, the resulting location of the sales cabin along the southern boundary of the site, with access directly from an existing public footpath on North Deeside Road, enables ease of access to the temporary building during ongoing construction work whilst minimising any potential public safety issues. Taking the above into account, the proposal is deemed compliant with both policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking).

Siting

As outlined above, the temporary sales cabin lies along the southern boundary of the application site, fronting onto North Deeside Road. Whilst the Council's Supplementary Guidance on Temporary Buildings states that such buildings should be sited to the rear of existing buildings, this is not achievable in this instance, given that the previous police station building has been demolished and the replacement residential development is being constructed within the northern section of the site. As a result, there is no suitable alternative location allowing safe access to a sales cabin whilst work is ongoing on site, other than along the southern boundary, as proposed. The proposal does not result in the loss of existing car parking, given that the site currently forms part of a housing development with construction work ongoing and no requirement for car parking provision on site until such time as the development is completed. The Council's supplementary guidance on Temporary Buildings states that permission will normally be given for no longer than 2½ years. In this instance, given that construction work is already well advanced on site, it is considered appropriate that the sales cabin for this flatted development of 11 units be permitted on site for a maximum period of 2 years, or until such time as the 1st residential unit is occupied, whichever is the sooner.

Taking account of the above, whilst it is acknowledged that the proposal is not fully compliant with the Council's Supplementary Guidance on Temporary Buildings, as a result of its location, it is nevertheless deemed acceptable in this instance given the temporary nature of the sales cabin which is directly linked to the ongoing construction of a new residential development. Due regard has been given to securing an appropriate location for this temporary building within a comparatively restricted site, whilst ensuring safe access to the sales cabin from outwith the site.

Letters of Representation

Objections raised by Culter Community Council include concerns about the impact which the sales cabin development has on driver's visibility whilst exiting from School Road onto North Deeside Road. Concerns are also raised in relation to site vehicles parking on School Road pavements, causing issues for pedestrian access along the footpath. With regards the latter point, it is acknowledged that the construction work associated with this level of residential development will impact on pedestrian and traffic movement at times, which will undoubtedly cause some level of inconvenience, however as is the case for all development projects, this level of disruption is over a relatively short period of time, with the likelihood that it will decrease as work progresses and eventually cease as the development reaches completion. In terms of the impact which the sales cabin has on vehicle visibility, the Roads Projects Team have raised no concerns with regards the proposal having an adverse impact on road safety, or affecting visibility at the junction, and on that basis have not objected to the proposal.

Whilst the Community Council raised the issue that there were no measurements provided on the application drawings, it should be noted that provided the

drawings submitted in support of an application are drawn to an appropriate scale, and the scale is clearly identified, which is the case in this instance, then there is no statutory requirement for measurements to be included on the drawings. The Community Council also raised the issue that the location of the sales cabin on the drawing submitted appeared incorrect. This was assessed on site and it was found that the sales cabin did in fact lie closer to the site boundary than the drawing suggested, with the result that amended drawings have been submitted and this inaccuracy fully addressed.

A letter of representation has been received from a local resident, raising similar issues to those of the Community Council. Although the correspondence refers to several temporary offices being located on site, it is worth noting that this application is seeking planning consent for the erection of a temporary sales cabin, and the 2 remaining temporary buildings located on site which are being used by construction workers are classed as permitted development.

Concerns raised relate to the location of the temporary buildings severely obstructing drivers visibility when accessing North Deeside Road from School Road; the location of the temporary buildings reducing the operating space on site, resulting in vehicles which are servicing the site parking on School Road; and finally the accuracy of the location of the temporary buildings on site in relation to what is indicated on the submitted drawings. All of these matters have been addressed above, in response to the concerns raised by the Community Council.

RECOMMENDATION

Approve - Time Limited Period

REASONS FOR RECOMMENDATION

The application site lies within an area zoned as Policy H1 (Residential Areas) in the Aberdeen Local Development Plan, and taking into consideration the temporary nature of the sales cabin and its relevance to a previously approved residential development, it is considered that its size, design and location within the site are appropriate in this instance, and unlikely to have any adverse impact on the character and amenity of the surrounding residential area. On this basis the sales cabin is deemed to be compliant with Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking). As a result of the initial demolition work and subsequent construction work across the wider development site it has not been possible to locate the sales cabin to the rear of buildings, as stipulated in the Council's supplementary guidance on Temporary Buildings. However in this instance the location of the sales cabin close to the southern boundary of the site and for a fixed period not exceeding two years is deemed appropriate, given that its purpose is directly associated to the construction of residential development which was previously approved for this site and its location ensures the safest option for accessing the temporary building from outwith the site. Taking the above into account, there are no material planning considerations which would warrant refusal of planning permission.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) that the temporary building hereby granted planning permission shall not remain on site after a period of two years expiring on 18th July 2015, or following occupation of the 1st residential unit, whichever is the sooner - that the character and siting of the structure is not such as to warrant its retention for a period longer than that specified in this permission.

Dr Margaret Bochel

Head of Planning and Sustainable Development.