

OLDMILL ROAD, BON ACCORD CRESCENT

PROPOSAL FOR A MIXED USE BUILDING  
CONSISTING OF SERVICED RESIDENTIAL  
APARTMENTS AND A BUSINESS UNIT

For: Bon Accord Serviced Apartments

Application Type : Detailed Planning Permission  
Application Ref. : P130743  
Application Date: 27/05/2013  
Officer: Daniel Lewis  
Ward : Torry/Ferryhill (Y Allan/A Donnelly/J  
Kiddie/G Dickson)

Advert : Section 60/65 - Dev aff LB/CA  
Advertised on: 05/06/2013  
Committee Date: 22/08/2013  
Community Council : Comments



**RECOMMENDATION:** Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to retain the development in a single ownership.

## **DESCRIPTION**

The application site is located to the southern end of Bon Accord Crescent, adjacent to Oldmill Road. Bon Accord Crescent is a mix of offices, residential and guesthouse/B&B establishments. To the west of the site is Bon Accord Terrace Gardens, which is a park approximately two hectares in size, whilst to the south of the site are dwellings along Springbank Terrace (single storey in height with basement and attic levels), which back on to the site.

The site lies within the Bon Accord Crescent/Crown Street Conservation Area. Bon Accord Crescent, to the north of the site, was designed by Archibald Simpson, and begun in 1823. The properties are two storeys in height, with additional basement and attic accommodation. The Terrace is of traditional granite construction with a natural slate roof. The row of buildings curves and fronts on to the road, beyond which is the park (originally the gardens to these properties. Today the properties are primarily in office use, and are Category B listed. The dwellings to the east, 70-82 Bon Accord Street, are Category C listed buildings, which have rear elevations orientated towards the application site.

It is understood that the application site was previously a slater's yard, though its use has long since been abandoned. There are no buildings on the site. The site is classed as brownfield land, and steeply slopes from the north-east corner towards the west and south. The site sits approximately 2 metres lower than Bon Accord Crescent, though the levels vary throughout the site. Walls are present along the boundaries, at a height between 1 and 2 metres in height (approximately), consisting largely of granite rubble. The site is also elevated above Springbank Terrace, with varying degrees of levels. The wall along the north/north-west boundary adjacent to Oldmill Road in part has been removed/collapsed.

Immediately to the north of the site is Oldmill Road which is a footpath, and forms a link between a number of core paths within the city. The Conservation Area Character Appraisal (July 2013) notes that Oldmill Road is a medieval route which was the ancient road to the 16th century Bridge of Dee and the south and still remains to this day to serve pedestrian movements.

## **RELEVANT HISTORY**

93/2455 : Erection of residential development. Withdrawn by applicant, 06.10.1994.

94/2210 : Erection of a residential development in the form of a tower of five storeys. Refused by Committee, contrary to officer recommendation, 27.01.1995

The application was for the formation of eight flats, in a modern designed building, with grey render, natural granite and a lead roof. The building was five storeys in height, with each storey stepped in. No car parking was included as part of the proposal.

The application was refused on the grounds that it would pose a serious hazard to road safety by virtue of lack of car parking; be entirely out of character with the architectural design, integrity and uniformity of Bon Accord Crescent; be incompatible with the existing streetscene and highly deleterious to a particularly fine piece of the City's townscape by acting as an obtrusive and unattractive stop to the terrace; be detrimental to the amenity of neighbouring dwellings especially in Springbank Terrace; and represent an overdevelopment of the site.

A2/0173 : Proposed residential development. Refused by Committee, in accordance with Officer recommendation, 17.03.2003.

The application was for a four storey high building accommodating eight two-bedroom flats in outline only. Indicative plans showed that from the Springbank Terrace elevation, the building was five storeys in height due to underbuild.

The application was refused on the following grounds: the scale and layout of the development would adversely affect the daylight, amenity and privacy of adjoining residents and the character of the existing residential area; the scale, height and position of the proposed building would have a significant detrimental impact on the setting of adjoining listed buildings and the character of the wider conservation area; and if approved the proposal would set an undesirable precedent for future applications of a similar nature.

P121633 : Proposal for a mixed use building consisting of serviced residential apartments and a business unit. Refused by Committee (meeting 28.03.2013), in accordance with Officer recommendation – with an extra reason added for refusal by Committee, decision dated 11.04.2013.

The application was for a six storey high building, to provide thirteen serviced apartments and an office, with reception facilities.

The application was refused due to (a) impact on residential amenity on residents of Springbank Terrace, numbers 22-27, by way of loss of privacy, light, and outlook; (b) In terms of light pollution on the residents of Springbank Terrace due to the height and use of glass to the rear of the properties which currently have a dark aspect, and in terms of the visual impact within the Conservation Area; reason (c) (added by Committee) due to the design, scale and massing of the proposal which is not in-keeping within the locality, and would have an unacceptable impact on the Conservation Area.

This application is currently with the Directorate for Planning and Environmental Appeals as an appeal has been made by the applicant against the Council's decision to refuse. The appeal was lodged 26.06.2013, and it is noted that a decision should be made by 18.09.2013 (target decision date). The appeal is being determined by way of written representations. It is noted that an unaccompanied site visit will take place circa 22.08.2013 by the Reporter.

## **PROPOSAL**

The current proposal is for a building over 6 floors which would include 13 serviced apartments on levels 1-6, a business unit 65 square metres which would

be for office use on level 1 (Class 2 –currently intended as an architects office), and associated services including cycle and luggage storage, other stores, and reception area. The Transport Statement (PL31\_E) states that the apartments would be short stay, largely serving business commuters and employees on short term contracts, and possibly tourists. The apartments would provide ‘work from home’ space/facilities and the proposed office would also provide ‘business support facilities’ for guests (PL31\_E).

The building would be located to the northern corner of the site, which is the highest part of the site. Along the north-west boundary (Oldmill Road) the existing granite rubble wall would be replaced in the main with the wall of the new building and a structural planter. To the south of the site (Springbank Terrace) between the building and the boundary of the site would be grass terraces and structural planters. The structural planters would be planted with a planting scheme, including trees (semi-mature root stock) at a height of 3.5-7.0 metres, and shrubs. Along the eastern boundary it is considered that there may be no change to the boundary (however it is unclear as plan PL\_38F differs to plans PL36\_G and PL39\_F). On the western boundary it is noted that there would be no change to the boundary treatment, but there would be a bin store adjacent the boundary wall and a planting scheme in the south-western corner.

The building in its own right would be taller than any of the adjacent buildings within the locality. However, due to the differences in levels the height of the building would be no taller than the ridge level of Bon Accord Crescent. Drawings 59\_A and 36\_G show that the main part of the building would be in line with the parapet of Bon Accord Crescent (eaves level), but the overall height would be just above that.

The properties along Bon Accord Crescent have pitched roofs, and are approximately 11.5 metres in height to the ridge (approximately 9.3 metres to the eaves). The proposed building is flat roofed. The ridge height of the building varies because of the change in ground levels of the site. The east elevation (view from 70-82 Bon Accord Crescent) of the building varies in height above ground level between 11.6 -12.0 metres, west elevation (view from Bon Accord Crescent Gardens) varies in height above ground level between 14.4 -17.0 metres, north elevation (view from Oldmill Road) varies in height above ground level between 11.6 -15.5 metres, and the south elevation (Springbank Terrace) varies in height above ground level between 14.8 -17.5 metres. These heights do not include the lift shaft and other services which protrude above the roof. The protrusions above the roof are set slightly back and would project some 0.5 metres above the roof (maximum height). Due to the set back it is unlikely that the protrusions would be that discernible.

The proposed building is not a conventional shape, having six sides, and is best described as an irregular elongated hexagonal type shape footprint. The building would be granite and grey slurry mortar mix on the lower levels with the four levels above, and part of the second level, being of glass. The glass would be held together in aluminium frames. Within the building, located close to the glass, there would be upstands in cross laminated timber (clt), these upstands are referred to as cills, and would be discernible from the exterior of the building.

Some of the windows will open, by way of a typical casement window or a sliding window. The clt will act as a safety measure due to their height creating a cill thereby not requiring any Juliette balconies for the windows. Further behind this clt would be blinds which would be the same throughout the block with a light grey backing to provide consistency when viewed externally.

The building as aforementioned would occupy six levels. The top two levels of the building would be set in on the southern elevation by 1.1 metres (as measured from the submitted plans), with the creation of a balcony at the fifth level on the southern elevation, and on the sixth level a balcony on the western south/western side of the building.

The width of the building is varied, and no full elevation would be presented at a true 90 degrees, this is because the footprint is not a conventional shape. The following measurements have been taken at the fullest widths for each elevation. The measurements differ because of the shape of the proposed building, it should be borne in mind that as the building is not square, that some elements of the overall width would be projected back, but the width quoted would be seen square on.

The north elevation is shown at a total of 22.1 metres wide overall, the glass element above ground floor level is 16.5 metres wide (PL36\_G). The south elevation is shown at a total width overall of 21.6 metres, with the glass element above 16.4 metres (PL37\_F). The overall width of the north-east elevation (plan labelled east) as shown on the floor plans (PL\_16) is 15.4 metres, with the glass element 6.1 metres at the narrowest extending to 9.8 metres overall width, whilst on the west it is 8.0 metres extending to 10.0 metres at lower levels, with the glass element shown as 5.6 metres at the narrowest extending to 15.7 metres overall in width.

Services would be included within the building, including an internal lift shaft and gutters, for example. The plans show that an aluminium flashing would be used where the lift shaft would be.

The building would have no car parking or vehicular access. Waste would be stored on site in a purpose built storage area, which would be covered. The waste would be taken to Springbank Terrace on waste collection days.

The applicant would make arrangements with the Car Club to enable membership for residents of the apartments during their stay. Residents would pay for the use of the car club, but would not have to pay a joining fee. It is noted that there are a number of car club spaces within a few minutes walk away from the development which could be used.

The building would include a laundry room, luggage room, and a dedicated cycle store for up to four bicycles on the lower floor.

Additional cycle spaces would be provided externally within the site, two stands (four bikes) at the entrance and four stands (eight bikes) at the western side of the site.

## 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?130743>

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

Submitted Supporting Documents can be found within the application and include:

- Transport Statement (PL31\_E)
- Transport Statement – Travel plan (PL31\_E)
- Sustainability Statement (PL32\_E)
- Design Statement (PL33\_E)
- Servicing Statement (PL34\_D)
- Access Statement (PL35\_D)
- Environmental Impact Assessment – Daylight (PL36)
- Environmental Impact Assessment – Daylight – New Planting (PL37)
- Environmental Impact Assessment – Sunlight (PL38)
- Environmental Impact Assessment – Light Pollution – Conservation Area (PL39\_A)
- Environmental Impact Assessment – Light Pollution – Residential Amenity (PL40\_A)
- Supporting Statement – Reference to Previous Design (PL41\_D)
- Rainwater Attenuation Calculations

## REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because there are more than five letters of representation received, and an objection from the Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads Projects Team** - Upgrading of Oldmill Lane - The introduction of steps on this lane would be unacceptable as it would prevent, or seriously hinder, access for the disabled, those with walking aids, and those with buggies. Acknowledge that the gradient of the slope makes access difficult, however the introduction of steps would further hinder this. At present this is the only non-stepped access to the park from Bon-Accord Crescent.

Revised comments accepting the use of granite setts (verbal update).

The design of a lighting scheme is proposed, and the improvement of street lighting is welcomed in this location. Will require full details of the lighting design to be secured by condition (verbal update).

Note that planting is proposed within the development. This must not undermine or encroach into the public lane.

The improvements to the lane would be an important part of this application as at present the perception that the lane is unsafe can pervade, and it can be dark and unwelcoming environment. The presence of a large building adjacent to the lane will have the effect of further enhancing the enclosed feeling.

Servicing – note no food will be sold within the premises. The servicing statement identifies the types of servicing which will occur. Satisfied with the servicing details.

Confirmation from Environmental Health should be sought that the collection of waste from Willowbank Road is acceptable; and from the Councils Parks section that they are willing to allow refuse to pass through the park, this should be secured prior to determination.

Parking – revised comments that the cycle storage level is satisfactory, should ensure that the spaces comply with Supplementary Guidance. Need details of the provision of bicycles that will be available for the residents to hire during their stay.

Seek provision of car club membership for each apartment within the serviced accommodation in order that it can be used by the occupants of the apartment for the duration of their stay as the development is car free, i.e. no car parking provision.

Travel Plan – a Travel Plan will be required for this development, which should be sought by condition (revised from original comments which sought by a legal agreement.).

**Environmental Health** – seek imposition of noise restrictions during construction, and for the bin store to be provided with a gulley and suitable wash down facilities in the interest of public hygiene.

**Enterprise, Planning & Infrastructure (Flooding)** - Rainwater attenuation calculations have been provided with the application. However, from the calculations provided this appears to be for the roof area only. Clarification of any additional surface water run-off for the development and any SUDS measures proposed for treatment of the run-off.

Furthermore, please clarify the system which will convey the surface water run-off from the site and if it is proposed to connect to a Scottish Water owned and maintained Surface Water/Combined sewer

**Community Council** - Ferryhill & Ruthrieston Community Council. Object – no significant change to the previous design which was refused planning permission.

The proposal, if implemented, given the scale and layout would adversely affect daylighting, amenity and privacy of adjoining residents and the character of the existing residential area.

The proposal, if implemented, given the scale, height and position of the building would have a significant detrimental impact on the setting of adjoining listed buildings and the character of the Conservation Area.

It would, if approved, set an undesirable precedent for future applications of a similar nature.

The Community Council are not against re-development of the site, as it considers that the site is an eyesore. The proposal needs to be sympathetic to its location, including lowering the height of the building which then reduces its impact.

## **REPRESENTATIONS**

### Letters of Objection

34 number of letters of representation objecting to the application have been received. The majority of representations received from neighbouring residents were objections to the proposal, which raised objections relating to the following matters –

#### Design

1. Dominate the area – it is a tower block (site is elevated so unsuitable for a tall building). The building is taller than any other building in the locality due to the change in levels. Trees which partially screen the building are only effective when the trees are in leaf;
2. Detrimental impact on listed buildings (Bon Accord Crescent)- not in-keeping with architecture of the Crescent;
3. The design is a series of squares, stacked boxes, with no pitched roof, which does not follow the rhythm or elegance of the listed buildings. A building with several pitched elements rising up the side of the embankment would be far more in-keeping. The proposal is contrary to Scottish Planning Policy. The proposal is a pre-fabricated building, and does not provide a superb architectural statement as to what Aberdeen is about;
4. Detrimental impact on the Conservation Area – fails to preserve or enhance;
5. Detrimental impact on the character of the area (out of character), modern in comparison to the Crescent and Springbank Terrace – contrary to Policies D1 and D6;
6. The proposal is contrary to Historic Scotland Guidance;
7. The proposal is contrary to the Conservation Area Character Appraisal;
8. Inappropriate materials within the Conservation Area;
9. Development for householders in Conservation Areas are strictly controlled, so cannot see how this proposal is acceptable;
10. Contrary to supplementary guidance as there should be no backland development which would not front a public road;
11. Contrary to the City Centre Development Framework as directly impacts on Archibald Simpson architecture as it is a contrasting building;



12. Impact on local views. City Centre Development Framework states fine views along whole length of Bon Accord Terrace, the development would obscure this. The proposal would obscure views of the Crescent from the south and west;
13. The view when driving south along Bon Accord Crescent would be dominated by the proposed building, which is detrimental to the character of the historic location;
14. The reduced height (in comparison with P121633) is still considered too tall. The site is elevated above Springbank Terrace, which increases the overall height of the building.
15. The parapet on Bon Accord Crescent may be a guide to the height, but the proposal fails to consider the properties on Springbank Terrace and Bon Accord Terrace, which it would dwarf;
16. The height of the proposal should not be taller than Springbank Terrace;
17. Over-development of the site;
18. The design statement only considers Bon Accord Crescent, and fails to consider Bon Accord Street or Springbank Terrace;
19. On a winters evening down Willowbank Road when trees are not in leaf, people will be confronted with five storeys of high glowing glass squares, which is not in-keeping with the surrounding building lighting character.

#### Green Space

20. Contrary to Policy NE1 Green Space Network and NE3 as no alternative space is being provided;
21. Green space is valued even if it is not open to the public- the proposal is contrary to Supplementary Guidance;

#### Condition of Site

22. To suggest the site is an eyesore and the development therefore would be beneficial is mis-leading as the site has only been cleared/maintained once in the last seven years;

#### Residential Amenity

23. Detrimental impact on residential properties and residents lives (Springbank Terrace and Bon Accord Street);
24. The proposal will shade gardens and houses (note some gardens are split on Springbank Terrace- with gardens at the rear being in different ownership- split width ways);
25. The proposal will block out sky;
26. The proposal will cause loss of sunlight and daylight;
27. The development is imposing on Springbank Terrace houses;
28. The development would affect the only private garden space of Springbank Terrace dwellings;
29. To state that Springbank Terrace is already affected by Bon Accord Crescent is untrue, this proposed building is closer and would obliterate daylight and sky views; and after office hours the area is private and peaceful. Bon Accord Crescent has very few windows facing towards Springbank Terrace;

30. The development would cause loss of privacy and adversely affect outlook;
31. Local Development Plan states as a principle new residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development- this development would have a significant effect;
32. The plan to stop people viewing downwards from the building appears untenable;
33. The admission by the developer to say they have put in blinds to protect privacy seems an admission that privacy will be affected, and is a measure which will not counter privacy concerns;
34. Unsatisfied with the comment within the application that people would gain privacy from having a building located within a few metres of their homes;
35. Object to balconies;
36. Light and noise emitting from the building at night- light shining into bedrooms;
37. There are no guarantees whether the measures for light pollution will work;
38. Reflection from the glass;
39. Any privacy shields used will increase the loss of light on neighbouring properties;
40. Noise- the lane will no longer be a quiet area;
41. The tree screening is unlikely to be successful given the change in levels;
42. The proposed tree screen would cause problems for Springbank Terrace;
43. The tree screen would have to grow very large very quickly to be effective as a screen, and due to the small gardens in Springbank Terrace, any natural light and ventilation not excluded by the building would be excluded by any such trees;
44. The building would be for a high number of transient people staying for short periods. This is a well settled neighbourhood and consider that people using the facility would not contribute to the community or benefit the area.

#### Submitted Plans

45. Would question the accuracy of the plans in relation to the trees in the park shown;
46. None of the drawings submitted show a perspective of the site or the proposed building from Springbank Terrace or Bon Accord Street. The building would be on a steeply sloping site relative to Springbank Terrace which is not clearly shown, and the omission fails to show the dominance of the proposed building.

#### Road Safety/Car Parking/Traffic

47. There would be an increase in the pressure for car parking/ lack of car parking (B&B's are in the area, which will be affected by increase on parking);
48. Additional traffic- area already struggles with traffic (taxi journeys);

49. Despite assurances in the developer's proposal, they are not in a position to ensure that their clients will not travel by car. People staying for weeks and months are likely to bring a car;
50. Hazard to road users – could affect access by emergency services;
51. Site insufficient for construction equipment/material;
52. Waste bins on Springbank Terrace will add to the parking problems, and make it difficult for people to cross the road (reduce visibility) ;
53. The site is difficult to access – construction vehicles could cause damage due to the narrowness of the lane;
54. The proposed steps on the path will remove what is a handy bike short cut;
55. The lane is the only route to avoid busy roads, concerned how the development will affect this;
56. Due to the poor road network, including narrow lane and lack of visibility, an increase risk in accidents could incur, including school children whilst walking to school.

#### Principle / Previous Application

57. Previous planning application was refused- this amended proposal does not overcome those concerns;
58. Area is residential and therefore it is wrong to build an industrial unit on the site;
59. The site should be developed, but not negatively with impacts on the area.

#### Drainage / Surface Water

60. Drainage system could fail, a pump would be required due to level changes;
61. Surface water and sub-surface water flooding/drainage concerns – Contrary to Policy NE6;
62. Sewers are at capacity (problems with capacity, development will exacerbate the situation).

#### Other

63. Impact on right of way/footpaths (closure of private right of way through the site during construction; lack of access could pose a fire risk; and possible closure of Oldmill Lane.);
64. Would deter people from using Oldmill Lane because the area would feel 'closed in';
65. If approved would set a precedent;
66. The proposal is to maximise the developer's profits. Profit should not be placed before other considerations;
67. The development (excavation, drainage, construction) could cause subsidence, and other damage to properties;
68. The site is currently open and residents could manage it if given the chance;
69. Do not need any more such accommodation within the area;
70. Detrimental impact on house prices

## Letters of Support

20 number of letters of representation supporting the application have been received, the points raised relate to the following matters –

### Design

1. Great and unique opportunity for contemporary design;
2. The proposal responds to the conditions of the site (sensitively), and will enhance;
3. The city lacks good contemporary architecture;
4. The Design Review Panel were supportive of the previous planning application (P121633);
5. The building will enhance the character of the Conservation Area;
6. Highly sensitive to its surroundings in terms of proportions, materiality, orientation, and scale
7. Not a poor imitation or pastiche
8. Rigorous protection of traditional buildings has at times stifled and caused decay.
9. The building in terms of scale and sense of identity achieves a positive and appropriate presents (*sic*) next to Bon Accord Terrace.
10. The height of the building is no higher than the parapet of Bon Accord Crescent.
11. The use of modern high quality materials and careful design will contrast with the historic environment in a positive way.
12. The proposed building would mirror and reflect the existing buildings
13. The building would be no taller than the nearest adjacent buildings
14. The use of glass and the overall height and massing are such that the new building would be subservient to those on Bon Accord Terrace.
15. The building will not emit a great deal of light as it is not floor to ceiling glass. Furthermore, curtains and blinds will prevent light pollution.

### City Impact

16. The building would make a positive contribution to the city
17. Great modern architecture to contribute to City of Culture 2016
18. Need projects like this which transform Aberdeen from a cityscape with empty shops and poorly kept buildings, to one which evokes investment and pride

### Residential Amenity

19. The proposed trees would provide a successful precedent in contrast to far less engaging options such as intimidating walls and railings.
20. The application has addressed light pollution from a residential building to a residential area.
21. The building would not cause overshadowing
22. Privacy should not be a concern given that the minimum distance is 20 metres between windows, and with the introduction of new terraces and the creation of a planted tree belt which would act as a screen.
23. The building would be seldom viewed from the gardens of Springbank Terrace and therefore would not adversely affect outlook.

## Site

24. The site is currently an eyesore and is in need of development. Development of a brownfield site.
25. The site is identified as an infill opportunity for development in the new Conservation Character Appraisal (July 2013)
26. The proposal would not conflict with Green Network policies; the proposed use is complementary to a residential area

## Previous application (121633)

27. This new application is 10% smaller than the previous planning application, which was refused, and a further 1.3 metres away from the properties along Springbank Terrace.

## Other

28. The proposal meets the project brief
29. Too many developer led schemes which are not of quality design
30. Energy efficient
31. Any other proposals for the site would lack high quality
32. Bon Accord Crescent is one of the finest pieces of architecture in Aberdeen and any addition would be a challenge.
33. Will provide the needed accommodation
34. The proposal complies with Pan 67 [*this is on Housing Quality*]
35. The project would benchmark quality and architectural thinking
36. The proposal has not generated any objections from Roads Department.
37. Refusal of this application would leave Aberdeen in its current slump of new buildings mimicking old styles, ignoring the vibrancy the juxtaposition between historic and contemporary can create.
38. Celebrate the past architecture and having vision of the present and future.

## **PLANNING POLICY**

### **National Policy and Guidance**

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 require planning authorities, when determining applications, which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### Scottish Planning Policy

Scottish Planning Policy (SPP) states that there is a presumption against works that will adversely affect a listed building or its setting (paragraph 113). It continues to explain that the layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be

appropriate to the character and appearance of the building and setting. There is a presumption against works that will adversely affect a listed building (paragraph 115).

The Policy recognises that design is an important consideration to ensure that high quality developments are achieved and high quality city centres.

SPP states that town centres should be the focus for a mix of uses, and that planning authorities should support a diverse range of community and commercial activities in town centres (paragraph 52). Furthermore, SPP states that to be identified as a town centre a diverse mix of uses and attributes should be provided (paragraph 54).

The policy outlines what it considers as key elements of successful town centres, noting that a mix of uses should be supported, rather than taking a retail-led approach which can create homogenous centres (paragraph 54).

Vitality is a measure of how lively and busy a town centre is, whilst viability is a measure of the capacity to attract ongoing investment for maintenance, improvement and adaptation to changing needs (paragraph 59). The SPP notes that viability and vitality are all material considerations in achieving healthy town centres.

Paragraph 45 promotes taking into account economic benefits of proposed development, whilst paragraph 48 seeks to ensure that new development safeguards and enhances environmental quality; and promotes the use of brownfield sites.

### Scottish Historic Environment Policy

In paragraph 3.40, there is a presumption against work which adversely affects the special interest of a listed building or its setting.

### **Aberdeen City and Shire Structure Plan**

Provides a spatial strategy for development, to ensure the right development in the right place to achieve sustainable economic growth which is of high quality and protects valued resources and assets, including built and natural environment, which is easily accessible. Creation of a strong service sector.

### **Aberdeen Local Development Plan**

Policy C1 City Centre Development - Regional Centre – development within the centre must contribute to the vision of the Centre as a major regional centre. The Centre is therefore the preferred location for retail, commercial, and leisure developments, which should be located in accordance with the sequential approach.

Policy T2 Managing the Transport Impact of Development – new development will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Policy T2 continues to state that Transport Assessments and Travel Plans will be required for developments that exceed the thresholds expressed in supplementary guidance, which will be secured by condition or legal agreement.

Policy D1 Architecture and Placemaking – ensures that high standards of design are achieved through a number of considerations, including context, to ensure that the setting of the proposed development and its design is acceptable.

Policy D2 Design and Amenity – outlines a number of considerations which shall be taken into account when assessing a planning application in the interests of amenity considerations, mainly relating to residential.

Policy D3 Sustainable Active Travel – new development shall be designed to minimise private car travel. Promote healthy modes of travel. Ensure permeability and connection to existing development and environment.

Policy D4 Aberdeen's Granite Heritage – the Council will seek to retain granite buildings and boundary walls throughout the City, even outwith Conservation Areas.

Policy D5 Built Heritage – proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

Policy D6 Landscape – development is not acceptable unless it avoids, (i) significant adverse impact on landscape character and elements that contribute to 'sense of place'; (ii) obstruction of important views of the City's townscape, landmarks and features when seen from important public vantage points; (iii) the disturbance loss or damage to important recreational resources; (iv) sprawling onto important or necessary green spaces.

Policy H1 Residential Areas – within existing residential areas proposals for new residential development will only be permitted if it does not constitute over development; does not have an unacceptable impact on the amenity or character of the surrounding area; does not result in the loss of open space as identified in the 2010 Audit; complies with Supplementary Guidance on Curtilage Splits and House Extensions. For proposed non-residential development it will be refused in a residential area unless it is considered complementary to residential use or it can be demonstrated that the use would not conflict with residential amenity.

Policy NE1 Green Space Network – the Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

Policy NE5 Trees and Woodlands – appropriate measures should be taken for the protection and long terms management of existing trees and new planting both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover.

Policy NE9 Access and Informal Recreation – new development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way.

Policy R6 Waste management Requirement for New Developments – developments should make sufficient provision for the disposal of waste including storage for recyclables.

Policy R7 Low and Zero Carbon Buildings – all new buildings must install low and zero-carbon generating technology to reduce the predicated carbon dioxide emissions by at least 15% below 2007 building standards.

The Local Development Plan identifies the area as – being located within the city centre boundary; as a residential area and Green Space Network.

### **Supplementary Guidance**

- Harmony of Uses – residential and other developments within the city (compatibility of residential and non-residential use mix)
- Landscape Guidelines
- Low and Zero Carbon Buildings
- Transport and Accessibility
- Waste Management

### **Other Relevant Material Considerations**

#### Aberdeen City Centre Development Framework

The Framework notes that Bon Accord Crescent Gardens provides the setting for the Crescent, with a change in levels offering extensive views to the south-west. Recommends increasing accessibility within the gardens, including a lighting scheme to increase safety of the park at night.

Aims to celebrate architecture of Archibald Simpson; enhance green space in Bon Accord Square; promote public art for squares and gardens; appropriate lighting; and potential to create a connection to Union Street.

Notes that existing granite heritage should be conserved; the use of granite in new development should be encouraged; and where it is not possible to use granite in new build, materials that complement the granite should be used. Use of appropriate lighting to enhance areas and make them more friendlier and safe.

#### Conservation Area Character Appraisals and Management Plan (Strategic Overview, Management Plan and Bon-Accord and Crown Street), July 2013

Sets out the Council's management plan for all Conservation Areas and a generic overview of appropriate development, with detailed documents on each Conservation Area. In terms of Bon Accord and Crown Street it is noted that the application site is identified as previously being a slaters yard and is identified as an opportunity for infill development.



## 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

### Principle of the development.

The Local Development Plan identifies the site as being within the confines of the City Centre; located within a residential area; and on land designated as Green Space Network.

The site is within a residential area as identified in the local plan. The proposal is for thirteen serviced apartments and an office, plus a reception area. The apartments are not residential in their traditional sense as they would be occupied on a short term let basis, with a regular turn over in patronage. Many hotels, B&B establishments and guesthouses are located within residential areas, and can co-exist amicably. There are other considerations to take into account such as the detailed design, but setting these considerations aside, in principle such a use can exist without having an adverse impact on residential amenity. It is noted that the applicant has referred to Class 3 (which is Food and Drink) within the application, for example under servicing statement, but it is assumed that this is an error, as it is clearly stated it is for an office use. It is also stated that it is intended to be an architect's office. On the basis of an architect's office it is judged that this falls within Class 2. Many offices exist within established residential areas. If there are residential amenity considerations in terms of disturbance arising from hours of operation, then consideration can be given to controlling the hours by condition. The Scottish Government and the Aberdeen Local Development Plan policies seek to mix uses which are compatible. Class 2 office uses tend not to cause disruption, and have limited public access. Many such offices already exist within Bon Accord Crescent. The proposed use is not industrial, as many of the letters of representation note, however, the proposed use is considered compatible within a residential area.

The site has been identified as Green Space Network (GSN), along with a private garden on Springbank Terrace, number 27, and Bon Accord Terrace Gardens. Clarification has been sought in terms of the inclusion of the private garden and this site within the local development plan as GSN. It is understood that this is an error due to a desk based assessment for inclusion. In the absence of a site visit it was considered that the site was open to and formed part of the wider Bon Accord Terrace Gardens. The characteristics of the site are such that it is brownfield land, in private ownership, contained within boundary walls and has no direct public access. On that basis it is considered that the development of

this site would not be contrary to the overarching aims of the Green Space Network Policy NE1 of the Local Development Plan. The development of this site would not adversely affect the Green Space Network.

Interestingly the Conservation Area Character Appraisal (July 2013) notes that many of the private gardens whilst not publicly accessible green space, these streets do contribute to the amenity of the Conservation Area. It therefore may be judged that the openness of the site contributes to the character of the Conservation Area. It is noted from letters of representation from those in objection that some do value the space; however, it is judged that the site is a potential infill site.

The site is brownfield land and it is judged that its loss would not undermine the character of the Conservation Area, taken into account its wider context, and that there is sufficient green space by way of Bon Accord Terrace Gardens.

In principle subject to considerations of design and amenity, and in accordance with Planning Policies C1 and NE1 of the Local Development Plan it is considered that the development of the site for serviced apartments and an office is acceptable. In accordance with Planning Policy H1 not all aspects of the policy have been considered, but it is judged that such a use has the potential to be complementary to the existing residential use and would not necessarily conflict with residential amenity subject to detailed design considerations.

#### Comparisons with previous planning application P121633

The applicant has put in a statement to support the submission of this current application, making comparisons with the last application, which was refused.

The applicant's statement notes the following

- Scale of building reduced by around 10% and upper floors by 18%
- Massing reduced on the two top floors, which eliminates privacy issues
- The building has moved approximately 1.3 metres further away from the properties on Springbank Terrace
- Internal cill levels and solidity have been increased thus increased privacy
- Solidity is increased thereby reducing impact of artificial light
- Improvements to lane include high quality surfacing, handrail, lighting, and levels.

In response to this, there is no discernible change in the scale of the building in terms of footprint. The differences related to the position of the building, which according to the scale of the plan submitted by the applicant is 1.1 metres further away from the properties in Springbank Terrace at the most southerly tip of the building than the previous submission, the difference between the previous location and this narrows to 0.3 metres to the rear of number 24 Springbank Terrace.

The stepping in of the two top floors does result in the internal floorspace being further away from Springbank Terrace. Levels five and six are set in some 1.1

metres in, effectively resulting in the top two floors being 2.2 metres further away from Springbank Terrace. However, there is now the creation of external space at level five which would occupy the area set in as a balcony for use by occupants. On the sixth floor a balcony would be created which would occupy the south/south-west corner.

Cill height has increased from 0.44 metres to 0.84 metres in height. The cills are not hard up to the glass, being set behind. With an increase in cill height the view from inside will be lessened, however it is considered that the level of light will not necessarily be less given that the cill is set behind the façade, and only breaking the façade for a distance of 0.32 metres, which was the same as in P121633. In terms of light therefore the building is no more solid. However, consideration will need to be given in terms of light due to the introduction of louvres at levels three and four, and the set back of the building at levels five and six.

The improvements to the lane are discussed in more detail under road safety. However, the change in levels has been omitted due to concerns of accessibility. Furthermore, despite the statement of handrails, none of the other supporting statements or plans show handrails, therefore for the avoidance of any doubt handrails do not form part of this application.

### Design

A Design Statement and a Sustainability Statement have been submitted to accompany the planning application by the applicant.

This proposal was not subject to consideration by the Aberdeen City and Shire Design Review Panel prior to submission, it is noted that a number of letters of support state that the Review Panel supported it. However, for clarification it was the previous planning application (P121633) which was presented to the Aberdeen City and Shire Design Review Panel.

The Design Statement submitted by the Applicant considers that Bon Accord Crescent has influenced the current proposal, such principles as the parapet of the Crescent influencing the height of the proposal; the use of a single material; the horizontal banding of the Crescent incorporated as a principle within the design; the curve of the Crescent led to the proposed building being non reliant on right angles, whilst not trying to be a true copy. The original gardens to the Crescent were a series of terraces (Bon Accord Terrace Gardens), and thus the proposal incorporates terraces.

The Design Statement comments that the proposal in relation to the previous planning application 94/2210 is different because it is 13% lower in height at ground floor, and 16% smaller in floor area; and that in relation to planning application A2/0173 the proposal is 17% lower in height and 29% smaller in floor area (presumed to be footprint of the building).

The Design Statement submitted by the agent notes that there would be no overshadowing to the residential properties as the proposal is on the northern

side. It considers due to form, position, and materials that the proposal will not adversely affect daylight standards. In relation to flooding and drainage the proposal will manage surface water drainage and be an improvement on the existing. In relation to privacy, the statement comments that the properties are overlooked currently from neighbouring roads, the site, the park, and from each others gardens. The applicant considers that due to the position of the building, its form and use of materials, and the inclusion of a cill within the building, all ensure that privacy is maximised. Additionally the inclusion of a planting belt further enhances privacy, acts as a buffer for noise, and provides an attractive backdrop for residents along Springbank Terrace.

The Design Statement considers that a contemporary solution is the most appropriate as a reliance on right angles would result in an alien form of development. The use of glass and overall height of the building is such that the design statement considers that it is subservient.

The building has been designed as a tower with a plinth, and includes a pend which provides a sense of entry and natural supervision of the site and the lane. The building has been designed so that it has no definitive front or back elevation.

A number of letters of representation have objected to the proposal and its impact on the listed buildings and the Conservation Area. Many noted that the design was out of keeping, with an inappropriate scale and mass, and comprising of inappropriate materials. There has also been a number of letters of support which consider that the temporary design is appropriate for the Conservation Area, and in relation to the listed buildings.

There is a requirement to ensure that development within a Conservation Area either preserves or enhances the character of the area. The City Centre Development Framework notes that existing granite heritage should be conserved; that the use of granite in new development should be encouraged; and where it is not possible to use granite in new build, materials that complement the granite should be used.

Policy D1 of the Local Development Plan (Architecture and Placemaking) seeks to ensure high standards of design are achieved having regard to context, to ensure that the setting of the proposed development and its design is acceptable. Whilst Policy D4 (Aberdeen's Granite Heritage) seeks to retain granite buildings and boundary walls throughout the City.

There is one school of thought that the proposal should be entirely in granite so that it complements the vast number of granite buildings within the locality. Policies are supportive of alternative materials if there are reasonable grounds to do so. This site lies within the Bon Accord Crescent/Crown Street Conservation Area, the 1997 Planning (Listed Buildings and Conservation Areas) (Scotland) Act places a duty on Planning Authorities to ensure development enhances or preserves the character of Conservation Areas. Furthermore there are a number of listed buildings adjacent, and in considering applications there is a requirement to ensure that the setting of a listed building is preserved.

Scottish Planning Policy (SPP) states that there is a presumption against works that will adversely affect the setting of a listed building, and the Scottish Historic Environment Policy also states that there is a presumption against work that adversely affects the special interest of a listed building or its setting.

The previous planning application 94/2210 included the use of synthetic granite, light grey cement render and lead roof. Whilst planning application A2/0173 included granite and lead roof. In both applications the palette of materials did not form part of the reasons for refusal. The last planning application P121633 the use of glass and granite was supported by Planning Officers, though it is noted that Committee refused the application on design grounds as not being compatible with the Conservation Area. The current proposal of glass is not entirely consistent with the granite blocks of the buildings within the immediate environs. However, glass is considered an appropriate material. To attempt to make a building of this scale wholly of granite could be pastiche, and would never quite fit in, appearing alien, as it would compete with the adjacent grandeur of the Crescent. On that basis it is considered that the use of glass for a design of this scale is not inappropriate. Instances where granite would be appropriate on the site would be where a building was lower in height and width, such as a dwelling, where the incorporation of granite and a slate roof could be designed and be in-keeping.

The building would be sat on a plinth. The plinth would have a granite face on the north elevation and as amended also on the west elevation, whilst on the south and east the proposal is for grey brick and slurry mortar. It is considered that the plinth, at least on the public side, would tie the proposal to the adjacent area, from which the glass element would be placed upon. This is considered important given that the site is within a Conservation Area, and that the proposal removes the granite rubble wall. On balance it is considered that there are no objections in principle to the use of the materials now proposed. The grey brick slurry mortar is a novel approach, and would be resigned to the less public elevations (south and east). It would have been preferable if all the sides of the plinth were finished in granite. The joining of the two materials will be critical, and it is considered that this could be covered by a condition to ensure that there is an acceptable 'join' of the materials. A glass building would appear contemporary in its appearance and design, and there is a careful judgement to be made about the choice of materials, and it is judged that a successful building on the site could only be one of good quality materials. The use of granite in the lower walls, at least in the public elevations, complies with planning policy D4 of the Local Development Plan as the existing granite rubble boundary walls would be replaced with granite.

In terms of the height of the building, it should be noted that the building in application A2/0173 from the Oldmill Road elevation measured 13.3 metres high to the eaves (at most) with a maximum ridge height of 15.7 metres from ground level. The current proposal from Oldmill Road to the highest part of the building is between 11.6 and 15.5 metres, bearing in mind that the current proposal has a flat roof. The south-west elevation showed the building 16.9 metres in height to the ridge (A2/0173), whilst the current proposal is 14.4-17 metres above ground floor level. Whilst the building in A2/0173 was located in the most north-easterly

corner, it terminated in a similar position as to this current proposed building. The submitted levels details show that the existing ground level is in the region of 13.6-14.2 metres, after development it would be approximately 13.3 metres. The current proposal is therefore of a similar height to A2/0173, but it does have a much smaller footprint. Furthermore, the previous proposal was for flats which require amenity space, this current proposal does not require specific amenity space, in light of it being for serviced apartments and a business unit. In comparison to the last application which was refused (P121633), which is subject to the appeal, the height was similar to this application for both the north and south elevations.

On balance it is considered that due to the use of the materials that there are no over-riding objections to the proposal on design grounds. The use of glass can complement granite buildings. The site does lie within a Conservation Area and it is considered that the proposal does not detract from that in terms of its use of materials. The incorporation of a flat roof is a challenge for this site, but does enable the appearance of the building to sit lower than it would with a conventional pitched roof.

The impact of the proposal in the context of views of the Bon Accord Crescent is varied. The design statement considers it acts as a termination to the Crescent. The building would appear to have 3.5 floors elevated above the road along the Crescent. Given the backdrop from views afforded within the area this impact is considered acceptable on a fine balance.

It should be noted that the previous planning application was refused by the Planning Committee who also deemed the scheme unacceptable due to the design, scale and massing of the proposal which was judged not to be in-keeping within the locality, and would have an unacceptable impact on the Conservation Area. This did not form part of the Officer recommendation for refusal, but a judgement should be made on the acceptability of this application.

The previous planning application was also refused due to the impact of the proposal at night. As the building consists of glass the spill of light would be potentially high. The current application has been amended so that the cill is higher than the previous scheme, however, its interaction with the glass is over a similar distance of 0.3 metres. The cill sits in front of the glass. The design statement notes that blinds will be used, but there can be no enforcement of this. The building could appear as a lit beacon, causing spill of light into the Bon Accord Terrace Gardens and surrounding areas, which would be at odds with the neighbouring buildings which are mainly of granite. The agent considers that the building would be a positive impact as it would provide natural lighting to the lane. The addition of blinds could mitigate against the impact of light. The agent states that the buildings' solidity has increased given the increase in cill height. The agent also considers the setting in of the two top floors changes the impact of light, but it should be noted that this is by 1.1 metres. The impact of light will also alter in summer months and winter months, when in the latter position lights are used more frequently and trees are not in leaf. Consideration has to be given to the impact of the building, and it is considered that the agent has mitigated against light to the best of his ability.

## Residential Amenity

Policy H1 (Residential Areas) of the Local Development Plan states that new development will only be permitted if it does not constitute over development; does not have an unacceptable impact on the amenity or character of the surrounding area; does not result in the loss of open space as identified in the 2010 Audit; complies with Supplementary Guidance on Curtilage Splits and House Extensions.

The Supplementary Guidance on Curtilage Splits and House Extensions are not directly relevant as the proposal is for a commercial development, but it is considered that the principles contained within the two guidance's are applicable as they consider the impact of residential amenity, and provide calculations and standards to assess the impact of development on amenity.

The main amenity impact of this proposal is on the properties along Springbank Terrace, and 76-82 Bon Accord Street. The nearest property along Bon Accord Crescent has a blank gable facing the site and it is therefore considered that there would be no adverse impact on amenity.

Supplementary Guidance considers privacy, daylight and sunlight. Other material planning considerations include outlook, from the houses and private gardens and the impact of light pollution.

In terms of noise, this has been assessed above under principle of development, in the sense that the proposed use is considered compatible within a residential area. In terms of nuisance during the construction period, it would be prudent to consider applying an advisory note to protect residents from the disruption of living adjacent a site whilst it is under construction by controlling the timing of the works.

### Privacy

The applicant considers that privacy is not an issue because of the design of the building, its distance between the edge of the building and the nearest residential dwelling, the use of upstands within the building, which has increased from 0.43 metres to 8.4 metres, and the inclusion of a planted screen.

The applicant has submitted a section to show the impact of privacy. Furthermore, amended plans were submitted to include louvres on the third and fourth levels on the southern elevation. No details of the louvres have been submitted, however it is considered that this aspect can be conditioned. In addition it is judged that the inclusion of louvres to levels three and four will have an impact on the occupants of the affected apartments as their views may be compromised. However, as the proposal is not for occupation permanently it is considered that this impact is of no significance. However, what should be noted is that windows within these apartments where the louvres are proposed is shown to be opening, it is considered necessary to apply a condition so that the windows cannot open to control privacy. There are smaller windows either side of these apartments which could be opened if necessary, within the bedroom and in the far end of the open plan room.

Balconies are proposed at levels five and six of the building, it is judged with careful consideration of a screen at a height no lower than 1.2 metres, that views could be prevented down towards Springbank Terrace. Additional information was submitted by the agent (PL76\_D) but it is not entirely clear whether the design would work without screens. Furthermore, for the avoidance of doubt it is considered prudent to condition to ensure that the balconies are of a sufficient height. In any case it is considered that a solution can be found.

The privacy section shows that from levels 1-3 views towards Springbank Terrace are obscured by the proposed tree belt, views from level 4 would only be obscured by the existing tree in the neighbouring garden, which does not obscure all views towards Springbank Terrace being located in the rear garden of number 25. Whilst views from floors 5 and 6 due to the elevated height above the dwellings would tend to be over the ridge line of Springbank Terrace. It is considered however with louvres at levels three and four, and the set back of the levels five and six that impact on privacy is acceptable. In addition the whole building has been set back a further 1.1 metres than that last previously (P121633).

The Supplementary Guidance- Sub-division and Redevelopment of Residential Curtilages, states that some elements of the guidance are applicable to other types of development than residential. The guidance is considered applicable to assess the impact that the proposal would have on the amenity of the neighbouring residential properties.

Under privacy, the Guidance states that as a general guide there should be a minimum of 18 metres separation distance between the windows of existing and proposed habitable rooms. Furthermore, that there will be some instances in which greater separation distances are appropriate, for instance where there are differences in ground levels or where higher buildings are proposed. The guidance states that in circumstances where effective screening is proposed which would not obstruct light then the distance can be reduced. 25 Springbank Terrace the separation distance would be 18.8 metres (approximately), and numbers 24 and 26 would be approximately 19.5.

A tree planting scheme is proposed which would provide a screen. It should be borne in mind that the long term retention of any planted trees is secured by the fact that the site lies within a Conservation Area, and that the removal of a tree or works to a tree would require formal consent from the Planning Authority. The trees to be planted are between 3.5 – 7.0 metres in height, and therefore of semi-mature stock. This means that the privacy section is not entirely accurate, as the trees shown on the plans are higher. It is considered therefore that views could be obtained from the third floor and above towards the houses on Springbank Terrace. Furthermore, a tree screen is only partially effective, and during winter months would have no foliage being deciduous. Evergreens are not considered appropriate, in terms of context or residential amenity because whilst it would have the ability to act as a privacy screen it would potentially block out light. However, during the winter months it should be noted that the screen would be less effective. Furthermore, the planting of such trees close to the boundary



could reduce light to the habitable rooms and gardens of the houses on Springbank Terrace, particularly during the summer months when the trees are in leaf. The supporting documentation notes that the trees will not totally obscure light. However, it is considered that the trees would reduce the level of light, which is important given the orientation of the rear elevation of the houses to the north. This light would impact not only on the habitable rooms of the dwellings, but also the garden areas, some of which are only 11-12 metres long. It is judged that trees could be planted in any case along the boundary as planting of trees do not require planning permission, though this does need to be balanced with the fact that it is unlikely such trees would be planted in such a manner if the site remained undeveloped. On balance it is considered that there are no objections to the tree planting.

It should be noted however that the applicants' assertion in the supporting statement that the houses along Springbank Terrace are currently overlooked by Oldmill Road, the Gardens, and other adjacent roads is contended. This is because the roads and gardens cited are further away from the properties on Springbank Terrace than the site, and it is very different to have occupants of a building causing loss of privacy than passers by walking along a street. The loss of privacy caused by passers by is momentary, which is different in nature to an occupied building.

#### Daylight

The Supplementary Guidance states that applications should be supported with calculations and illustrations based on the BRE information paper on site layout planning for daylight 1. Using the Supplementary Guidance the proposal clearly breaches this. When applying the calculation to the privacy section plan accompanying the application, the building's height at that particular location exceeds the level required by 7.5 metres. Due to this consideration the applicant was asked to provide more detailed calculations on impact on daylight. The Vertical Sky Component (VSC) has been used, which is also supported by BRE and the Councils Supplementary Guidance. VSC is expressed as a percentage of daylight falling from unobstructed sky onto a vertical window. The calculations, as presented by the applicant, concludes that there would be no adverse impact. It should be borne in mind that the calculations do not take into account the proposed tree screen which could potentially further block out day light, particularly during summer when the trees are in leaf.

The agent has submitted additional information (PL37) on impact of daylight with new tree planting, however, only limited weighting can be given to this as it is not drawn to scale (no scale identified drawing PL37), and the trees identified are sufficiently far enough away to not have an adverse impact on light.

#### Sunlight

The proposed development is on the north side of Springbank Terrace, the impact on sunlight is therefore considered minimal. Supplementary Guidance, Householder Development Guide, addressed the impact of sunlight and overshadowing on gardens and houses caused by proposed development. It has

an assessment on how to consider loss of sunlight, including taking into account orientation. Using this calculation the proposal would not have an adverse impact on loss of sunlight.

Outlook, from the houses and private gardens.

The proposed building will be in some instances 18.8-19.5 metres away from the rear elevation of the properties of Springbank Terrace, and between 6.5- 9.0 metres off the rear boundary wall. The building, due to change in levels will appear 17-20 metres in height when viewed from a number of the private gardens on Springbank Terrace. In addition the tree belt will, from when it is first planted, be some 8.0 metres higher than some of the garden levels, the impact of which will increase as the trees mature. The building would be a further 1.1 metres away than that refused under the previous planning application (P121633).

Impact of light pollution.

The impact of the proposal during the night is such that the properties on Springbank Terrace could be exposed to light emanating from the apartments when illuminated within the proposed building. Whilst to a degree occupants of the individual houses could utilise curtains and blinds this may not always be appropriate. The occupants of the apartments could not be forced to use blinds, and may wish not to, given the panoramic night time that would be afforded by the elevated location of the building. This light pollution could have a negative impact on the residential amenity of the occupants on Springbank Terrace. The applicant has provided additional information in support – 'Light Pollution – Residential Amenity'. The current application has been amended so that the cill is higher than the previous scheme, however, its interaction with the glass is over a similar distance of 0.3 metres. The cill sits in front of the glass. The agent considers that the blinds could mitigate against the impact of light, and given the increase in height of the cill. Consideration has to be given to the impact of the building, and it is considered that the agent has mitigated against light to the best of his ability.

### Road Safety

There have been a number of objections relating to roads issues such as road safety, lack of car parking and access to the site, increase of traffic, indiscriminate parking, and impact during construction.

The Roads Projects Team has commented that the proposal does not include any provision for the car, noting that the immediate locality is a controlled parking zone which should discourage indiscriminate car parking. None of the future occupants of the development would be eligible for parking permits.

Cycle storage space is shown on the plans, and is to the level required by the Roads Project Team which is satisfied with the level of cycle parking. In accordance with Supplementary Guidance there should be circulation spaces of a minimum 500m at each end of the stand and therefore it is considered

expedient to address this by condition to ensure that the cycle spaces are useable. It is considered that there is sufficient space to accommodate this. The internal cycle spaces could be relocated to ensure that there is 0.5 metres at either end of the stands, the submitted plan (PL15\_F) show the distance as 0.45 metres, and there is room to ensure the minimum space. The Roads Projects Team has verbally advised that the lift is insufficient size to accommodate a bike, which would be needed to enable access from the ground floor level down two floors to the cycle space. The lift measures 1.05 x 1.15 metres. In comment it is considered that at a push a cycle could be accommodated within the lift, albeit on its end.

It should be noted that as the proposal is car free, it is a requirement to encourage other modes of transport, and that the developer provides and maintains two bicycles for use by occupants of the serviced apartments. The Roads Project Team has also advised that it would like the provision of car club membership for all occupants during their stay, and the applicant has submitted evidence to show that there is a feasible scheme being developed, all of which could be secured by condition.

Servicing details have been provided, and the roads projects team have no objection to this consideration.

The issue of Oldmill Road in terms of being a dark place has been raised. The agent is in agreement in principle to install lighting which can be adopted by the Street Lighting Team. Lighting would need to be appropriate, but it is considered that subject to condition, the proposal could enhance the feeling of safety and security along the lane, which is currently a dark place at night, which can deter pedestrians.

It is acknowledged that there may be issues with the gradient of the lane which could prevent all round accessibility. The application makes provision for a disabled unit, though it is unlikely one could be enforced because of the challenges of accessing the site. Roads have no objections to this element, but consider it is prudent to raise given the Disability Discrimination Act. The application is supported with an Access Statement, which states that although there is no requirement to provide disabled access or facilities, that one apartment has been designed to accommodate disabled facilities.

The Roads Projects Team commented that the introduction of steps onto Oldmill Lane would not be acceptable as it would prevent, or seriously hinder, access for the disabled, those with walking aids, and those with buggies. Whilst it is acknowledged that the gradient of the slope makes access difficult, it is considered that the introduction of steps would further hinder this. At present this is the only non-stepped access to the park from Bon-Accord Crescent. The submitted Servicing Statement (PL34\_D) and Access Statement (PL35\_D) states that the lane will be adjusted in terms of levels. However, all other submitted plans have now omitted the change of levels to the lane with the introduction of steps. It is not considered prudent to include this by note or condition for the

avoidance of any doubt because the Roads Team would have control as any works within Oldmill Lane would require permission from the Roads Authority, which they could refuse.

With regards to other proposed improvements to Oldmill Lane, the Roads Projects Team now accepts the use of granite setts. Setts as shown on drawing PL60\_E would be located outside the front entrance, for a distance of approximately 19 metres overall.

The Roads Projects Team asked that confirmation be sought by the applicant from Environmental Health that the collection of waste from Willowbank Road is acceptable, it is noted that in its comments Environmental Health have not objected to this element of the proposal. The Roads Projects Team, also requested from the applicant confirmation from the Councils Parks section that it would be willing to allow refuse to pass through the park, which the Roads Projects Team requested be secured prior to determination. It should be noted that permission to access the park is not a material planning consideration, and is a private matter. The applicant would need to secure such permission directly with the landowner. If the landowner is not willing to allow access, then wheelie bins would have to be stored at the top of Bon Accord Crescent on collection day, and the owner of the building would have to ensure that the wheelie bins were taken up Oldmill Lane. The Roads Projects Team have no objection in principle to this should the Parks Section not be in agreement to allow bins to be taken through the park, though do not recommend this course of action.

The Roads Project Team request a Travel Plan, although originally requested to be secured by a legal agreement, they have revised comments verbally to agree by condition. A draft travel plan has been submitted, but further details would be required by condition.

It has to be acknowledged that neither the Planning Authority or the applicant can control how someone may choose to travel to the development. The Transport Statement (PL31\_E) states that 'guests have no choice but to make sustainable journey's' and the Sustainable Statement (PL32\_E) states that car use is enforceably (*sic*) avoided. People could use their car if they chose to; however, the applicant has provided a considered approach to travel. Providing car club membership for residents during their stay, bicycle spaces, possibility of the use of one of the bikes on site, and the central location close to the city centre, and the bus and train station, and that is as much as they can do.

The Transport Statement submitted with the application (PL31\_E) states that visitors to the office would be infrequent and within the hours that the controlled parking zone operates.

On the basis that the Roads Project Team has no objection, it is considered that the concerns raised in the letters of representation have been addressed. Indiscriminate parking can be controlled, and it is considered that there are no road safety issues. It should be noted that in terms of sustainability the site is located within the city centre, and close to Union Street, where buses, taxis and

trains can be easily accessed. The proposal complies with Local Development Plan policy D3 and Supplementary Guidance Transport and Accessibility, subject to limiting the use as discussed further below under 'Other Considerations'.

### Drainage

A drainage plan was received from the applicant. This shows that drainage will be a mixture of permeable surfaces and perforated pipes. An attenuation system will also be incorporated. The applicant has undertaken percolation tests for the site and has submitted drainage calculations with the planning application. The EP&I Flooding Team have advised that surface water drainage proposals will be required, and it has been confirmed that the drainage system will connect to Scottish Water infrastructure. Full details can be secured by condition, and it should be borne in mind that Building Standards will consider this aspect also. It is considered that there is sufficient information at this stage to overcome any drainage concerns.

Scottish Water assesses the capacity of its network to accommodate development at the time the applicant applies for new water and waste water connections. In line with other developments it does not generally object to planning applications, but considers such proposals at the time of application to its services for connection.

### Other Considerations

One policy consideration is the use of Zero Carbon Technology. Planning Policy R7 of the Local Development Plan, states that all new buildings must install low and zero-carbon generating technology to reduce the predicated carbon dioxide emissions by at least 30% below 2007 building standards. The application is supported with a sustainability statement, and there are sustainable features incorporated to achieve the standard which is the installation of a mechanical ventilation system with heat recovery and a ground source heat pump. Details and evidence of the compliance of the standard can be secured by condition.

The proposed office as an architect's office is considered in terms of the Use Classes Order to fall within Class 2. Class 2 also includes uses such as a beauticians and betting office, amongst others. Whilst an office is unlikely to generate amenity considerations, it is considered that other uses could cause issues. On that basis it is considered prudent to limit the proposed use to an office only, and no other uses within Class 2. Furthermore, uses which fall in Class 2, can without permission become Class 1 Retail uses. Therefore it is prudent to prevent this in the interests of residential amenity considerations. This means that any change from an office would require planning permission, and would be judged on its own merits at that time should such an application be submitted. It should be noted that in the previous planning application the report stated that the proposed office use would fall within Class 4, however as the intentions for the use of the office is as an architect's office as clearly stated in this application, it is judged to fall in Class 2.

The application proposes to repair the cast iron railings along Bon Accord Crescent as an overall benefit (Sustainability Statement, PL32\_E).

There are a number of considerations that were raised in the letters of representation which have not already been discussed above. Those aspects are dealt with in this section of the report.

- **Development Contrary to the Conservation Area Character Appraisal**

The representation does not specifically state why it is considered contrary. The Appraisal sets out particular design principles. This is a new building, of which in terms of use of materials is considered acceptable.

- **Development in Conservation Areas is strictly controlled in Conservation Areas for Householders so cannot see how this is acceptable.**

There are strict controls in terms of permitted developments, that is to say what does and does not need planning permission. This proposal is for a new building, which is different in terms of an extension or alteration to an existing building. This is considered a modern building, but the imposition of a Conservation Area does not prevent different design solutions which are modern, as long as they are appropriate.

- **The proposal is contrary to the City Centre Development Framework**

It is considered that the proposal is not contrary to the Framework. The building itself does not obscure views of the Terrace or the Crescent, as it sits to the side.

- **Introduce more people into the area/transient people**

The proposal will generate additional visitors to the immediate locality to what is otherwise an undeveloped site. However, whilst there are some concerns raised in connection with the proposed development and its impact, in terms of more people this can be an advantage in terms of providing a level of surveillance to the area. An area which provides more people can actually be a benefit as it becomes used. The thrust of national and local policy is to encourage development within urban centres, including cities.

- **Contrary to supplementary guidance as there should be no backland development which would not front a public road;**

The development is considered to have a front to Oldmill Road (albeit a pedestrian thoroughfare), and therefore is not considered contrary in this respect.

- **Title deed allows right of access over the site; lack of access would be a fire hazard**

- **Affect on private right of way during construction**

In relation to the two points above, the private access rights of an individual are not a material planning consideration, and it is a private civil matter. It should be noted that the granting of any planning permission would not override other legal considerations, but it is outwith the remit of planning control.

- **Closure of Oldmill Road during construction**

It is not clear whether Oldmill Road would need to be closed during construction, but this is not a material planning consideration. Permission would be required to

close the lane from Roads if desired by the developer. Any closure, if needed, would be of a temporary nature and be in the interests of public safety.

- Risk of safety to the nearby school

The proposal would not have a direct impact on the school.

- Affect B&B businesses (parking, business amenity)

The commercial impact of a proposed development on existing businesses is not a material consideration. Parking is considered above, under Roads section.

- No need for such additional businesses for accommodation

- Impact on house prices

The market conditions for whether a business is needed or not, and whether it would have an impact on the commercial viability of existing businesses are not relevant material planning considerations. Impact on existing house prices is not a material consideration

- Previous applications refused

- Set a precedent

This application is different from the previous planning applications. The planning history has been provided within this report for consideration. All planning applications should be considered on their own merits. P121633 is of a similar design approach to this application, and a judgement must be made on the merits of this application under consideration.

- Accuracy of plans

- Plans not show the steeply sloping ground from Springbank Terrace or Bon Accord Street.

Some of the plans do not appear entirely accurate mainly due to the drawing of the trees. Examples include the elevation plan from Bon Accord Crescent (PL70\_D), elevation plans with context, and site sections (PL08\_D). However, careful consideration supported with site visits enables an appropriate assessment of trees, changes in levels and other physical factors of surrounding buildings and features.

- Damage and undermining existing boundary walls

The damage caused to another person's property is not controlled by Planning, and is a separate legal matter. The planning application includes details of the structural planters which show there will be supporting stakes and posts, which will be set in some 25-30 centimetres from the boundary wall.

- Profits should not be placed before other considerations.

- Residents if given the chance could maintain the site

- Site could be developed, but not in this manner

The Planning Authority must make a decision on the development submitted and make a decision, taking into account planning policies and other material considerations in the process.

Letters of support.

The letters of support have been summarised above, but it worth summarising that the letters in the main consider that this revised proposal overcomes the

concerns of the previous application which was refused. The letters feel that this is a modern contemporary design which responds to its context and site constraints. They consider that approval of this application would pave the way for modern architecture. They acknowledge the design credentials, including approach to energy efficiency and approach to travel.

## **RECOMMENDATION**

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to retain the development in a single ownership. Therefore, they cannot be sold off separately or disposed. Separate ownership of the apartments and business would lead to the loss of the overall management and use as serviced apartments. Furthermore, the development would be unsuitable for permanent residential accommodation.

## **REASONS FOR RECOMMENDATION**

The site is within the City Centre, where such developments are encouraged (C1 City Centre Development). The application demonstrates management of traffic and measures to promote sustainable modes of travel (T2 Managing the Transport Impact of Development and D3 Sustainable Active Travel). It is considered that the proposal does not conflict with NE9 Access and Informal Recreation, D6 Landscape, or Policy NE1 Green Space Network. The design is considered acceptable within the Conservation Area and adjacent to listed buildings (Policy D5 Built Heritage), and incorporates granite within the walls which it replaces (Policy D4 Aberdeen's Granite Heritage). The application is therefore judged to also accord with Scottish Planning Policy and Scottish Historic Environment Policy. In light of the measures shown within the application, and subject to the imposition of the conditions, it is considered that the proposal would have an acceptable level of impact on amenity in planning terms (Policies D1 Architecture and Placemaking, D2 Design and Amenity and H1 Residential Areas). Furthermore, the application can meet Policy R7 Low and Zero Carbon Buildings and Policy R6 Waste management. The site is within the Conservation Area, which allows an opportunity to secure retention of the proposed landscaping (Policy NE5 Trees and Woodlands).

**It is recommended that approval is given subject to the following conditions:-**

1. Notwithstanding the details submitted, prior to the laying of the foundations of the building hereby approved details of the granite, including sample board of materials to be provided, shall be submitted to and approved in writing by the Planning Authority. The details shall include the granite detailing, the brick detailing and the mortar. The development thereafter shall be constructed fully in accordance with the approved detailed. – For the purposes of clarification, in the interests of visual amenity and to ensure that the new walls are acceptable within the Conservation Area.



2. Notwithstanding the details submitted, no development shall commence on site until full details of all the boundary treatments have been submitted to and approved in writing by the Planning Authority. The boundary treatments shall be implemented in full prior to the first occupation of any part of this development. - For the purposes of clarification, in the interests of residential and visual amenity, and to ensure that the boundary treatments are acceptable within the Conservation Area.
3. Notwithstanding the details submitted, no development shall commence on site until full details of the surface water drainage have been submitted to and approved in writing by the Planning Authority. The approved drainage shall be implemented in full prior to the first occupation of any part of this development. - For the purposes of clarification, in the interests of residential amenity, and to ensure that the development does not contribute to local flooding.
4. That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the Planning Authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full. - To ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.
5. The landscaping scheme hereby approved shall be implemented in full in accordance with the approved scheme prior to the first occupation of any part of this development hereby approved. – In the interests of residential amenity, in particular privacy.
6. The development hereby approved shall not be occupied until a scheme of maintenance of the landscaping has been submitted to and approved in writing by the Planning Authority. The landscaping shall be managed in accordance with the approved scheme for a minimum period of five years from the date of first occupation of the development hereby approved. – To ensure retention of the landscaping scheme within its formative years in the interests of residential and visual impact.
7. Notwithstanding the details submitted, the street lighting, repairs to railings, collapsable bollard and surfacing of Oldmill Lane hereby approved as part of this application shall be installed/completed in accordance with details that shall be first submitted to and approved in writing by the Planning Authority. The works listed shall be installed fully in accordance with the approved details prior to the first occupation of any part of the development hereby approved. – For the purposes of clarification and in the interests of visual amenity, to ensure that the works are appropriate in the residential area and Conservation Area. The lighting and street enhancements constitute contribution to the public realm.

8. Prior to the first occupation of any one of the serviced apartments hereby approved details of the membership to a Car Club scheme for the eligibility of the occupants of the serviced apartments shall be first submitted to and approved in writing by the Planning Authority. Thereafter the serviced apartments shall continue to operate with membership to a Car Club for the occupants of the serviced apartments in accordance with the approved details. - To promote alternative modes of travel other than the private car, in the interests of sustainable travel. The development does not include any car parking provision, therefore car club membership would act to discourage occupants of the apartments from using their private car(s).
9. Notwithstanding the details submitted, the cycle parking provision shall be provided in full prior to the first occupation of the development in accordance with details that shall be first submitted to and approved in writing by the Planning Authority, and thereafter retained at all times for such purpose. – To promote alternative modes of travel other than the private car, in the interests of sustainable travel. Not all cycle spaces are obstruction free, and therefore a revised layout solution for cycle parking is required. No details of cycle stands are provided.
10. Upon the first occupation of any one of the serviced apartments hereby approved, no less than two bicycles shall be provided on site for the use of occupants of any one of the serviced apartments. - To promote alternative modes of travel other than the private car, in the interests of sustainable travel, and in accordance with statement P002-ST-PL31\_E.
11. That no development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Travel Plan, which outlines sustainable measures to deter the use of the private car. The Plan shall clearly state what measures will be undertaken to enhance alternative modes of travel, and detailed monitoring, including measures that will be taken to increase uptake of alternative modes of travel than the private car. - In order to encourage more sustainable forms of travel to the development.
12. Not any one of the serviced apartments hereby approved shall be occupied for a period in excess of 90 days in any one calendar year by any one family, individual or group. – The development has insufficient amenity space for permanent occupancy as a residential unit and no parking provision, and has not been assessed as residential development. It is therefore considered expedient to control occupancy.
13. Notwithstanding the provisions of Class 2 of the schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, or any Order revoking and re-enacting that Order, with or without modification, the approval hereby granted relates only to the use of the premises as an office and for no other use or purpose including any other activity within Class 2 of the said Order and including any activity within Class 1 of the said Order. – In order to ensure that the premises are not occupied for other uses which fall within Class 2 that may be inappropriate or unacceptable in the area due to impact on residential amenity.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1997 as amended, or any Order revoking and re-enacting that Order, with or without modification, no changes to any of the windows or glazing hereby approved shall be changed or altered in any way, and now new windows or openings inserted, without the express prior approval of the Planning Authority. – To enable the Planning Authority effective control, in the interests of residential and visual amenity.
15. Notwithstanding the details submitted, the development hereby approved shall not be occupied or brought into first use until the balconies have been installed in full in accordance with details that shall be first submitted to and approved in writing by the Planning Authority. Details shall include materials, type and height, including samples where may be required. Thereafter the balconies shall be retained in full accordance with the approved details in perpetuity unless otherwise approved in writing by the Planning Authority. – In the interests of residential amenity and visual amenity, for the purposes of clarification.
16. Notwithstanding details submitted, no windows on the south elevation in the ground floor plan and first floor plan (levels three and four) which have louvres fitted shall be of opening or sliding windows. All windows shall be fixed. – In the interests of residential amenity, to protect privacy.
17. The building hereby approved shall not be occupied or brought into first use until louvres have been attached to the ground floor and first floor windows (levels three and four) as identified in the submitted plans, in accordance with details that shall first be submitted to and approved in writing by the Planning Authority. Thereafter the louvres shall be retained and not altered in any way without the prior express written approval of the Planning Authority. – In the interests of residential amenity, to protect privacy.
18. The bin storage area shown on the approved plans shall be provided on site in accordance with the approved plans, and with a wash down and gully facilities. Thereafter the bin storage area shall be retained at all times for use and shall not be altered in any way without the prior approval of the Planning Authority. – In the interests of residential amenity and visual amenity, in accordance with Supplementary Guidance: Waste Management.
19. Notwithstanding the details submitted, no development shall take place until full details of the external materials in the location where the lift shaft will appear have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details. – The plans show that aluminium flashing would be present, which would not obscure the inner workings of the lift; the plans are hatched in this area. As no details have been

submitted which clearly show the external treatment, it is considered prudent to apply a condition in the interests of visual amenity and for the purposes of clarification.

20. Notwithstanding the details submitted, no development shall commence on site until samples of all the listed materials have been submitted to and approved in writing by the Planning Authority; (i) glazing; (ii) louvre windows; (iii) anodised aluminium panel and flashing (iv) roof materials, and all protrusions above the roofline; (v) aluminium/stainless steel mesh blind; and (vi) the aluminium frame section at levels five and six (floors two and three). The development shall be completed in accordance with the approved details. – For clarification, to ensure that the materials used are appropriate.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.