

ABERDEEN CITY COUNCIL

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| COMMITTEE | Planning Development Management Committee | |
| DATE | 13 February 2013 | |
| LEAD HEAD OF SERVICE Margaret Bochel | | DIRECTOR Gordon McIntosh |
| TITLE OF REPORT | Planning Digest | |
| REPORT NUMBER | EPI/14/018 | |

1. PURPOSE OF REPORT

- 1.1 To advise Committee about recent appeal decisions, recent updates in Scottish Government Planning Advice and other aspects of the planning service.

2. RECOMMENDATION

- 2.1 To note the outcome of the appeal decision.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from these appeal decisions.

4. OTHER IMPLICATIONS

- 4.1 The report is for information and does not have any implications for any legal, resource, personnel, property, equipment, sustainability and environmental, health and safety and/or policy implications and risks.

5. BACKGROUND/MAIN ISSUES

APPEAL UPHELD

34-36 ST PETER STREET – Demolition of existing buildings and redevelopment of site to provide student residential studio accommodation

Members may recall that, contrary to officer recommendation, the above planning application was refused by full Council at its meeting of 16th May 2013. The application had earlier been reported to the 21st March meeting of the Planning Development Management Committee, at which time members resolved to undertake a site visit.

At the 28th March site visit, a tied vote led the Convenor to exercise his casting vote in favour of the motion (for approval). The application was then referred to full Council under standing order 36(3). Members voted 24/19 that the application be refused on the grounds (1) that the proposed development, by reason of scale and massing, represented overdevelopment of the site; and (2) that there was insufficient car parking provision which would have an adverse impact on surrounding streets and residential amenity.

In summary, the Reporter concluded that the Council's arguments for refusing the proposal on the basis of inadequate parking provision were not persuasive, and that student accommodation development in general terms is compatible with the mixed use zoning of the area. It was considered that the proposed development would represent 'a significant improvement for the site in terms of its land use and building form and would be compatible with the neighbouring commercial and residential uses, as well as the properties they occupy'.

The Reporter was persuaded that the overall scale, massing and design of the proposal, whilst making efficient use of the site, is of an appropriate scale that has due regard to its setting, in accordance with Local Development Plan policies D1 and H3. He found also 'that the arguments put forward by objectors and the Council to the contrary are not well founded or compelling', and concluded that the proposed use and its built form would be compatible with the other neighbouring land uses and buildings – including the older and in some cases more traditional residential properties. In that context, the Reporter was not persuaded that the appeal proposal would be likely to have any significant adverse effects on the character or setting of Old Aberdeen Conservation Area, and rather that the form and finishes of the new block would represent a marked improvement on the current situation. The Reporter was minded to allow the appeal and grant planning permission subject to conditions, following the signing of a legal agreement between the appellant and the council under section 69 of the Local Government (Scotland) Act 1973, regarding a financial contribution towards the maintenance and enhancement of the Core Paths network. The Council and the appellant have since signed such an agreement, and permission has been granted accordingly.

The appeal decision can be viewed at

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?T=20>

APPEAL UPHELD SUBJECT TO SIGNING OF LEGAL AGREEMENT

Former Hilton Nursery School, Hilton Avenue, Aberdeen

Proposed demolition of former nursery school to be replaced with new residential accommodation comprising of 18 units offering a mix of semi-detached houses and cottage apartments with associated parking

Application Ref: P130224 / PPA-100-2049

Planning permission was refused by the Planning Development Management Committee on 18th July 2013, against officer recommendation. The proposal was considered by the committee to represent overdevelopment of the site, specifically in relation to the loss of trees; the lack of parking spaces; and the residential amenity that would be provided for the flats.

The reporter appointed to determine the appeal commented that the proposed houses would have generous rear gardens with a good level of privacy and security. They would also have adequate off-street parking and a north-south orientation. The proposed blocks of flats would have relatively small areas of communal amenity space; however, the development would provide a public face to the road and a private face to the rear amenity area. The relatively small areas of communal amenity space that are proposed would be private, secure and useable and would not be dominated by parking.

The vehicular access route to the rear of block A would pass within one metre of the windows and doors of two of the ground floor flats. This situation was found to be closer than what would be ideal, however the reporter considered that the number of vehicle movements, particularly at hours when residents of these flats would be most at risk from disturbance, is likely to be low. Vehicle speeds would also be low at this point, which would tend to reduce the likelihood of disturbance

In terms of the loss of trees, the reporter found that whilst there is tension with Policy NE5 (Trees and Woodland), subject to an appropriate landscaping scheme being agreed, which would incorporate replacement planting, the benefits of achieving an efficient and viable development scheme overcome the presumption in favour of retaining significant trees.

It was noted that Hilton Avenue is wide and straight with no parking restrictions. In the event that 20 spaces for the flats proved insufficient, the reporter was satisfied that the resultant additional on-street parking would not detract from the amenities of the area or from road safety.

In conclusion the reporter found that the loss of trees which would be required for the proposal to proceed is regrettable and would, in the case of those which have significance in the local townscape, be contrary to Local Development Plan Policy NE5. However, this harm is outweighed by the sustainable way in which the scheme would contribute to the city's housing requirement. Car parking and amenity space provision would be adequate and the development would make appropriate contributions to local infrastructure in accordance with development plan policy.

The reporter has therefore issued a notice of intention advising that he is minded to grant the appeal subject to ten conditions the signing of a section 75 legal agreement which would secure financial contributions towards affordable housing (in lieu of on-site provision), improvements towards community, sports and recreation facilities, library provision, the core path network and strategic transport fund. The applicant has indicated their willingness to pay the contributions. The Council and the applicant have 15 weeks in which to advise the Scottish Government Directorate of Planning and Environmental Appeals (DPEA) of the conclusion of the agreement. If, by the end of the 15 week period, written confirmation from the parties that this matter has been resolved has not been received, the reporter will consider whether planning permission should be refused or granted in the absence of such developer contributions.

The notice of intention document can be viewed by entering the Scottish Government appeal reference at <http://www.dpea.scotland.gov.uk/CaseSearch.aspx>.

6. IMPACT

The Scottish Government has stated that an effective planning service is fundamental to achieving its central purpose of sustainable economic growth. As such the information in this report relates to a number of Single Outcome Agreement Outcomes:

- 1 - We live in a Scotland that is the most attractive place for doing business in Europe;
- 2 - We realise our full economic potential with more and better employment opportunities for our people;
- 10 - We live in well-designed, sustainable places where we are able to access the amenities and services we need;
- 12 - We value and enjoy our built and natural environment and protect it and enhance it for future generations;
- 13 - We take pride in a strong, fair and inclusive national identity; and
- 15 - Our public services are high quality, continually improving, efficient and responsive to local people's needs.

Public – The report may be of interest to the development community and certain matters referred to in the report may be of interest to the wider community.

7. BACKGROUND PAPERS

None.

8. REPORT AUTHOR DETAILS

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