

Planning Development Management Committee

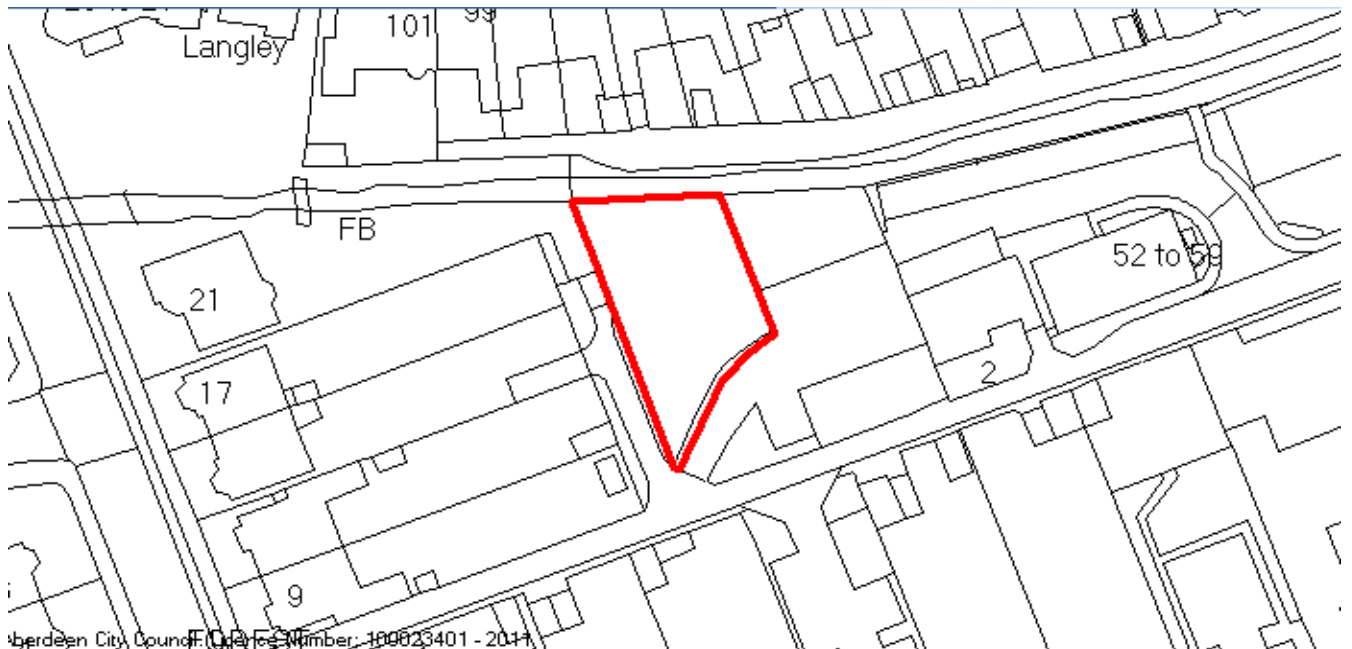
21 FOREST ROAD (LAND AT REAR),
ABERDEEN

ERECT NEW 2 STOREY CLASS 4 OFFICE
BUILDING ON LAND TO THE REAR OF 21
FOREST ROAD ACCESSED FROM QUEENS
LANE NORTH

For: Mr Keith Douglas

Application Type : Detailed Planning Permission
Application Ref. : P130934
Application Date: 26/06/2013
Officer: Tommy Hart
Ward : Hazlehead/Ashley/Queen's Cross (M
Greig/J Stewart/R Thomson/J Corall)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 10/07/2013
Committee Date: 20/03/2014
Community Council : Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site is a distinct area of ground remote from the main garden of 21 Forest Road which lies to the east of the residential property. The site is within a designated residential area which is bound by Queens Lane North and the adjacent West End Office Area to the south and east which is predominantly in office use.

The application site is accessed via a narrow walkway from the rear garden ground of the application property, is approximately 625sqm in size, sits around 1.5m below the level of Queens Lane North and is surrounded on all sides by a stone wall of varying heights. There are also some mature trees at the south-western corner of the site, with hedging along the south and east boundary. Outwith the site to the north, there are more mature trees which are adjacent to the Den Burn which flows east to west past the north end of the application site.

The site lies partially within the flood plain of the Den Burn and is within the Albyn Place/Rubislaw Conservation Area.

RELEVANT HISTORY

No relevant history for this site

PROPOSAL

This application seeks full planning permission for the erection of a class 4 office which would be set on 2 levels of accommodation, as well as associated car park and access.

The building would be 8.5m in height to the ridge, 8m wide and 19m long. It would face gable-on towards Queens Lane North, would be finished externally with Chinese granite, which would have double height windows installed on this southern elevation. On the east elevation, there would be five single half-dormers at first floor level and five large window openings on the ground floor which resemble the openings of a traditional coach-house. The walls would be finished externally with off-white render. There would be a small entrance lobby (3m wide x 2m deep) which would be glazed on three elevations and would have a curved standing seam roof coloured grey. The northern gable elevation would resemble the southern gable in respect to the large window opening although it would be finished externally with an off-white render. Very little of the west elevation would be seen of the building due to the retention of the existing boundary wall. There would be five rooflights introduced onto the roof which pitches west to east.

Site access would be taken off Queens Lane North (which is one-way eastwards at this section), immediately to the north of the access for 'the coach house' to the east. The access would slope down into the site where car parking would be provided for nine cars (including one disabled space). Four bicycles parking spaces would be provided to the front of the office adjacent to the disabled parking bay.

The boundary wall would be taken down and part re-built at a lower level within the radius of the new access. The road and car parking spaces would be laid with interlocking blocks of a porous nature. A soakaway would be provided within the site adjacent to the seven car parking spaces on the eastern 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?130934>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because Queens Cross and Harlaw Community Council have objected and also more than 5 objections have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – through discussions with the agent, issues relating to access and refuse collection have been resolved. The car parking provision is also acceptable and therefore there are no objection forthcoming.

Environmental Health – no objections to the principle of development but would ask that deliveries are restricted to certain hours which is covered by an informative.

Enterprise, Planning & Infrastructure (Flooding) - on receipt of a flood risk assessment of the site, the comments can be summarised as;

- Despite the indication of the 1 in 200 year flood plain encroaching the development area, we would also agree with the points outlined in the Flood Risk Assessment (FRA) particularly relating to the use of the Digital Terrain Model (DTM) for development of the SEPA flood model. It is highly unlikely that the DTM has accounted for the boundary wall or the difference in bank level along that particular section of the Denburn which will have a significant bearing on the flood envelope. Furthermore, on-going development of the flood alleviation scheme at Stronsay upstream of this location will further seek to improve on the current flooding situation particularly in the Fountainhall area. On this basis there are no objections to the development as officers consider it will not impact on the floodplain of the Denburn nor increase flood risk to the surrounding properties.
- A full drainage impact assessment must be submitted indicating all proposed SuDS measures.
- Given the importance of the rear (north) boundary wall and the intention to create an outlet from the SuDS system into the Denburn, a full structural investigation and report of the wall in order to assess its integrity should be submitted. This is to ascertain that any works will not result in a collapse of this wall into the Denburn, thereby increasing flood risk in the surrounding area. The report should be submitted to ACC Flooding for approval and include remedial action for any problems encountered.

Community Council – object to the application. The objections are summarised as;

1. the office use does not fit in with the surrounding residential zone;
2. the size and mass of the development, as well as the increase in traffic, would impact negatively on the amenity of the residential properties;
3. the office would overlook neighbouring properties and lead to a loss of privacy;
4. the office development would create a significant volume of vehicular traffic which would impact negatively on the existing network;
5. access would be an issue onto the narrow lane;
6. the building would impact negatively on the Conservation Area by virtue of increased density, loss of green space and loss or alteration to boundary wall.

REPRESENTATIONS

Fourteen letters of objection have been received. The objections raised relate to the following matters –

1. the development would impact negatively on the character of the conservation area;
2. there are safety concerns with regards access to the site off a one-way single lane;
3. the additional traffic would impact negatively on the surrounding area;
4. the development would be a source of light pollution;
5. the modern office building is not in keeping with the mostly residential area;
6. the development would lead to a loss of privacy into rear gardens;
7. the development would impact negatively on wildlife within the Den Burn;
8. the development would lead to a loss of amenity;
9. the applicant does not have the legal right to form an access over the lane;
10. the development would have a detrimental impact on parking in the area;
11. the loss of trees would impact negatively on the surrounding area;

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy is the statement of Government policy on land use planning and includes the Government's core principles for the operation of the planning system and concise subject planning policies. The detailed subject policy on Historic Environment (Conservation Areas) emphasises what is outlined in the Listed Buildings Act 1997.

Historic Scotland's Scottish Historic Environment Policy (SHEP) – the main principles of Historic Scotland's SHEP, in terms of Development Management, is to ensure that any development within a Conservation Area or relating to a Listed Building enhances or preserves the area or building – in other words, the proposed development should not have a detrimental impact on the character of the area or the building.

Aberdeen Local Development Plan

Policy D1 - Architecture and Placemaking

Proposals must be designed with due consideration for its context in terms of massing, scale, design and materials.

Policy D5 - Built Heritage

Proposals affecting Listed Buildings will only be permitted if they comply with Scottish Planning Policy

Policy H1 – Residential Areas

Non-residential development will be accepted within residential areas so long as there is no negative impact on the residential amenity of surrounding residents.

Policy NE5 – Trees and Woodlands

There is a presumption against development that will result in the loss of established trees that contribute significantly to landscape character or local amenity.

Policy NE6 – Flooding and Drainage

Development will not be permitted if it would increase the risk of flooding; it would be at harm of flooding; adequate provision is not made for access to waterbodies for maintenance; it would result in the construction of new or strengthened flood defences that would have a significant damaging effect on the natural heritage interests within or adjacent to the watercourse.

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 Development

The application site lies within a residential area Aberdeen Local Development Plan (ALDP) Policy H1. Policy H1 allows for non-residential uses so long as they are considered complementary to residential use or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity. Similarly, the use should not have any negative impact on the conservation area.

In order to fully assess the impact on the surrounding residential area, the design, scale and form of the development, as well as the traffic/access issues need to be taken into consideration but it should be taken into account at the outset that Town and Country planning (Use Classes) (Scotland) Order 1997 states that Class 4 uses are can generally be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Design, Scale and form of development and impact on surrounding residential area and conservation area

In terms of ALDP Policy D1 (Architecture and Placemaking) the design of the building takes account of the context in that it resembles the adjacent property 'the coach house' and in that respect, the proposed building would be acceptable.

In terms of orientation, the building would face 'gable-on' towards and set back from Queens Lane North. This, and the narrowness of the gable both help to reduce the impact of the building from public viewpoints (i.e. the lane). It is acknowledged that the office would be substantially larger than the adjacent single garage. However, the building would be set on a lower level to help limit the height. The office would have a lower ridge level than the adjacent office within 'the coach house' and other residential and commercial buildings in the immediate vicinity. Given the context of the surrounding area, the height and overall massing of the office is not considered to have a significant impact on residential amenity. Being set on a lower level also helps to reduce the massing on the west elevation where the main part of the building that would be visible would be the roof. Although the building has a footprint of around 150sqm, this is not considered to be excessive given that around $\frac{3}{4}$ of the site would remain clear of buildings which is comparable to the surrounding area. The site is currently an extension to the garden ground of 21 Forest Road and is well screened on all sides by trees, buildings or boundary wall. Further, the site sits around 1.5m below the level of Queens Lane North. Notwithstanding the introduction of the office building, it is considered that the impact on the amenity of the surrounding area is neutral.

In terms of use of materials, the use of granite on the southern elevation and grey slates on the roof are in keeping with the surrounding residential properties and also 'the coach house' immediately to the east of the application site. In terms of the use of render on the other three elevations, this is considered to be compatible with other buildings in the nearby area and therefore acceptable.

Taking the above into consideration, the application is acceptable in terms of ALDP Policies D1 (Architecture and Placemaking) and H1 (Residential Areas).

The office would not be immediately adjacent to any residential properties (the nearest being around 45m to the west) and as such there would be little impact in terms of loss of sunlight or daylight given the distance to the surrounding buildings and length of rear gardens. Also, as the only west facing windows within the office would be roof lights and there would be no impact in terms of loss of privacy.

It is considered that the loss of this garden space would not impact negatively on the conservation area or residential area. The private garden is currently hidden from public view and offers little by way of visual amenity to the surrounding area and in that respect the loss of the space would have no negative bearing on the general public.

In terms of introducing a new 1 ½-storey building & car park and loss of some landscaping, it is acknowledged that there would be a change to the character of the conservation area but it is considered that this would have a neutral impact in terms of the visual amenity and therefore there is no conflict with SPP, Historic Scotland's SHEP or ALDP Policy D5 (Built Heritage).

Traffic impacts, access arrangements and car parking

In relation to access arrangements, the plans which were originally submitted were amended to show the access being moved further away from the un-named lane accessing Queens Lane North. Further, the existing wall is now proposed to be removed and a new wall built 2m to the east in order to provide adequate vehicular visibility and pedestrian access.

In terms of car parking and cycle parking, this is to the satisfaction of the Roads Project Team. No comments have been raised in respect to potential car parking outwith the site given that there would be adequate parking on-site. Further, it should be noted that the site is in close proximity to bus stops on Queens Road which could help to reduce the amount of people who travel to the office by car. A Green Travel Plan has been submitted for consideration and is considered acceptable. There is no conflict with ALDP Policy T2 (Managing the Transport Impact of Development).

Impact on trees

The application proposal would result in the loss of a small number of tree and hedges at the south-west corner of the site to make way for the new access point. Although the tree is fairly prominent in the streetscene, the loss of one tree is not considered to have a negative impact on the character of the surrounding area, especially given that the larger trees to the northern end of the site would still be readily visible from Queens Lane North. Notwithstanding, a condition requiring a landscape scheme to be submitted for approval ensures compliance with Aberdeen Local Development Plan Policy NE5 (Trees and Woodlands).

Flooding/drainage issues

Although the application site lies adjacent to the Den Burn, the flood risk assessment indicates that there is no historical flooding in the immediate area around the site. Due to the topography of the site and surrounding area, there was no flooding experienced during the localised flooding events around Fountainhall Road/Albert Lane/Carden Place area in August and December 2012. Although the site lies within the 1 in 200 year SEPA flood map, this map does not take account of the topography of the site or local area, or boundary walls. The plans had been updated to show the finished floor level of the building being increased to 600mm above the existing site levels and approximately 800mm above the level of the opposite bank which would provide additional protection during a 1 in 200 year event.

In terms of surface water drainage, a soakaway is to be provided in front of the proposed car parking spaces within the site. This drainage scheme has been designed to ensure that surface water is treated and attenuated before discharging into the Den Burn.

It is concluded that the flood risk of the site is negligible and therefore the plans do not conflict with ALDP Policy NE6 (Flooding and Drainage).

Relevant planning matters raised by the community council

The issues raised with respect to design, massing, overlooking, loss of amenity, loss of trees and impact on conservation area have been addressed in the *design, scale and form of development and impact on surrounding residential area and conservation area* section above.

The issues raised in respect to traffic have been addressed in the *traffic impacts, access arrangements and car parking* section above.

Relevant planning matters raised in written representations

The issues raised with respect to design, massing, overlooking, loss of amenity, light pollution and impact on conservation area have been addressed in the *design, scale and form of development and impact on surrounding residential area and conservation area* section above.

Although no ecological survey has been provided, it should be noted that the application site lies outwith the Den Burn Local Nature Conservation Site. It is considered that the development is unlikely to have any negative impact on the wildlife of the Den Burn.

The issues raised in respect to traffic have been addressed in the *traffic impacts, access arrangements and car parking* section above.

The issue raised regarding the legal right to form an access is not a planning matter and cannot be taken into account in the determination of the application.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed class 4 office is considered to fit in comfortably with the surrounding area in terms of design, overall massing, proportions, height and use of materials. By virtue of its position below the level of Queens Lane North and its orientation, the building would not be overly prominent. The application is acceptable in terms of Aberdeen Local Development Plan Policies D1 (Architecture and Placemaking) and H1 (Residential Areas). For the reasons above, it is considered that the building would not have a negative impact on the surrounding conservation area, and therefore there is no conflict with Scottish Planning Policy (Historic Environment), Historic Scotland's SHEP or Aberdeen Local Development Plan Policy D5 (Built Heritage).

In terms of traffic, access and car parking, the application site is close to a regular bus route, would provide adequate car parking on-site, and would provide an acceptable access into the site.

A travel plan has been accepted which would help to promote sustainable travel in line with Aberdeen Local Development Plan Policy T2 (Managing the Transport Impact of Development).

The minimal loss of trees is not considered to cause conflict with the surrounding area. A condition requiring a landscape scheme to be submitted for approval ensures compliance with Aberdeen Local Development Plan Policy NE5 (Trees and Woodlands).

A flood risk assessment has indicated that the flood risk of the site is negligible. A SUDS scheme has been accepted in principle although further details are required which will be secured via a planning condition. Notwithstanding, there are no conflicts with Aberdeen Local Development Plan Policy NE6 (Flooding and Drainage).

CONDITIONS

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

1. that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.
2. That no development shall take place unless a full structural investigation and report of the boundary wall has been submitted for the further written approval of the Planning Authority. Such report should include remedial action for any problems encountered - in order to assess its integrity and to ascertain that any works will not result in a collapse of this wall into the Den Burn, thereby increasing flood risk in the surrounding area
3. that no development shall take place unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

4. that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.
5. that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.
6. that no part of the development hereby approved shall be occupied unless the new granite wall, access and pedestrian footpath (as shown on drawing PL04 rev B and PL01 rev D) has been implemented in its entirety – in the interests of pedestrian and road safety
7. that no part of the development hereby approved shall be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.
8. On occupation of the premises, the Green Travel Plan (a stamped copy of which is attached to this permission) shall be implemented in its entirety. Within one month of occupation, the Planning Authority shall be notified of the Travel Plan Co-ordinator and what steps have been taken to implement the Green Travel Plan - in order to encourage more sustainable forms of travel to the development.

INFORMATIVES

1. In order to protect the occupant of the nearby residential properties from any noise nuisance caused by deliveries, and construction, such works works/deliveries should not occur:

[a] out with the hours of 0700-1900 hours Monday to Friday inclusive; and

[b] Out with the hours of 0900-1600 hours on a Saturday.

[c] No works should be audible out with the site boundaries on a Sunday.

Dr Margaret Bochel

Head of Planning and Sustainable Development.