

Planning Development Management Committee

3 SOUTH AVENUE, CULTS

DEMOLITION OF EXISTING DWELLING AND
ERECTION OF FOUR HOUSES AND
ASSOCIATED INFRASTRUCTURE, INCLUDING
THREE DETACHED GARAGES (ONE WITH
STUDIO)

For: CALA Management Ltd

Application Type : Detailed Planning Permission
Application Ref. : P140568
Application Date: 15/04/2014
Officer: Gavin Clark
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert :
Advertised on:
Committee Date: 15 January 2015
Community Council : Comments



RECOMMENDATION: Refuse

DESCRIPTION

The application site, which extends to approximately 5090 square metres (1.25 acres), is located on the southern side of South Avenue. It contains a large two-and-a-half storey detached dwellinghouse ('Dunmail') set within substantial private garden ground. There is a slight slope down from South Avenue towards Deeview Road to the south and then the disused Deeside railway line, now a popular public recreation route known as the 'Deeside Way'. The dwelling is designed to face this southern vista.

Access is taken direct from South Avenue, via a curved driveway leading to the existing dwelling.

Surrounding the site is: A one and a half storey dwelling is situated within a plot to the north-east; to the west, beyond an existing hedgerow, lies a further dwellinghouse, of a similar design and style to 'Dunmail', which is set within a plot of some 1.5 acres; To the east, beyond a stone dyke and row of trees, lies a further similarly large dwellinghouse, within a plot of around an acre.

There are a number of trees within the application site, the majority of which are located along the east, west and south boundaries.

RELEVANT HISTORY

An application for planning permission (Ref: A0/1828) was withdrawn on the 25th July 2001 for the demolition of the existing buildings and erection of 20 flats.

PROPOSAL

This application seeks detailed planning permission for the demolition of the existing property and erection of four dwellinghouses with associated infrastructure, including three detached garages, all within the existing plot at 3 South Avenue, Cults.

The proposal includes three separate house types. Three dwellings are located along the southern boundary (backing onto the Deeside Way/ Deeview Road South) and the fourth in the north east portion.

The proposed dwellinghouse to the north east is to be a "Roxburgh", set over two storeys, with a width of 13m, maximum depth of 12.5m and a height of 8.5m. The footprint would extend to some 151 sqm. Accommodation would comprise: Ground floor - lounge, dining area, family room/ kitchen, study, vestibule and toilet; and, First floor - four bedrooms, three of which are ensuite. External finishes include roughcast and stone. The plot would also include a detached quadruple garage (17m x 8.5m x 6.5m), to the west, with an extensive driveway. The garage would be finished in roughcast, smooth render and a stone basecourse. It is also proposed to include plot landscaping. The rear garden would be approximately 15.4m.

The three remaining properties along the southern boundary are from east to west:

A “Ranald” house type, again over two storeys in height, with an “L” shaped footprint measuring approximately 12.5m x 15m x 8m. The foot print would be some 146 sqm (including attached garage). Accommodation: Ground floor - lounge, hall, study, dining area, kitchen/ family room, utility room, bathroom and attached garage; First floor - four bedrooms and three bathrooms (two ensuite). The proposal would again include plot landscaping, to the side and rear, with a maximum garden depth of approximately 15m.

The middle dwelling would again be a “Roxburgh” and would have identical measurements and layouts as mentioned above. The proposal would also include a detached double garage (with studio flat above) to the east (rear). The garage would measure 8m x 5.5m and would have an overall height of approximately 6.5m and be finished in roughcast.

The fourth dwelling would be a “Waverley”, two storeys in height and measuring approximately 14.5m x 14m x 5m. The footprint would be approximately 200 sqm. Accommodation: Ground floor - a dining area, study, porch, hall, lounge, family room/ kitchen and sun room; First floor - four bedrooms, a master bedroom with dressing area and three bathrooms (two en-suite). External finishes include feature stone and roughcast. A detached triple garage would be located to the north-west (front), this would measure 13m x 6m x 6.5m. Landscaping would again be provided within the plot, with a maximum rear garden depth of 14.7m.

Access would be taken along a driveway starting at the same point on South Avenue, to the north-west corner of the site. A refuse storage area would also be provided close to this entrance, along with a turning lay-by. Access gates would be located beyond this point. The access driveway would be 5.5m to the gates and 4.5m thereafter. An area of landscaping/ woodland would be located along this section of initial driveway

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?ref= 140568>

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

- Supporting Planning and Design Statement (April 2014)
- Tree Survey (amended) (22nd July 2014)
- Drainage Impact Assessment (dated 2nd July 2014)

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee as Cults, Bieldside and Milltimber Community Council have objected to the application; in addition the Council has received 36 timeous letters of objection. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – have provided comment in relation to the application, and have advised that the levels of parking proposed would be acceptable. Some concerns were highlighted in relation to the proposed access / driveway and an advisory note in relation to Roads Construction Consent is attached. The internal road layout is also required to be to an adoptable standard. No concerns are made in relation to accessibility and no contribution to the Strategic Transport Fund is required. The applicant would be required to ensure that adequate refuse facilities could be provided and that the internal road layout was acceptable. A residential travel plan would also be required.

Environmental Health – no observations.

Enterprise, Planning & Infrastructure (Flooding) – have requested that further drainage proposals are submitted.

Scottish Water – no response received.

Community Council – have objected to the application for the following reasons:

1. The development requires an excessive number of trees to be removed, most of which are healthy and under a tree protection order (TPO159) with the developer having no plans to replace them one for one, as would be expected;
2. The Tree Survey submitted has not been completed to the required standard, as it has not considered all trees within 12m of the boundary, missing out those in adjacent properties, and has not addressed whether bats are present, noting only bat roost potential;
3. One of the proposed Roxborough design houses appears to be closer than 18m to the property of Silverdale and the side elevation will have windows which overlook the Silverdale house and gardens;
4. The housing density just meets the requirement of no more than 33% developed area but it is worth referring to the Supplementary Guidance which also says "Densities of less than 33% will be required in areas of lower density housing". A reduction in the number of houses proposed to 2 or possibly 3 would be more in keeping with the area.

5. That the proposed height of the separate garages which are planned to be built in the strips of land recognised in the title conditions exceeds that permitted in the recent Land Tribunal ruling.

The Community Council concluded that the proposed development is excessive for the area and the application should be refused and that the developer may wish to discuss a smaller scale proposal.

REPRESENTATIONS

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

1. That the proposal breaks a condition of 'Dunmail's' Title conditions that prohibit the construction of single storey ancillary buildings over 5m in height on protected strips on the northern and western boundaries;
2. That the submitted tree survey is inadequate, insufficient discussions have been undertaken with the council, the proposal would see the removal of an excessive number of trees within the curtilage of the property, trees are not being replaced on a two for one basis and there is no justification for the removal of so many trees;
3. That some aspects of the submitted Tree Survey contravene Council policy tree conservation and protection, the report is more concerned with development than tree protection, trees within 12m of the site boundary have been omitted and inadequate levels of tree protection are proposed;
4. The submitted plans do not appear to comply with security requirements, as there is no fence between the development and an adjacent property;
5. That the proposed development would have an unacceptable impact on the levels of privacy afforded to neighbouring properties;
6. That the proposal fails to accord with the Council's Supplementary Planning Guidance on "Sub-Division and Redevelopment of Residential Curtilages" in that the applicants have failed to recognise the protection of large garden grounds, the character and amenity of the surrounding area and the setting of an undesirable precedent for future development;
7. That the proposed density is out of keeping with the character of the surrounding area, which consists predominantly of granite built villas in large plots with mature planting;
8. That there is already an over provision of housing land within the surrounding area and the development of four houses in a prime location serves only to pass as a premium for the developer, and is negligible in terms of housing provision in the area;

9. The contribution that large gardens make to the surrounding area has been overlooked, these gardens contain and attract more flora and fauna than is found on smaller garden plots;
10. That the development makes no mention of connection to foul and storm water sewers and the existing system is not sufficient to serve five dwellings (including the neighbouring property);
11. That asbestos may be present within the building. Concern that no demolition survey has been submitted in association with the application;
12. That no site sections have been provided with the proposal, concern that the application would result in a raised ground level, which in turn would compromise the wall along the southern boundary, result in road ridges that were too high and be out of keeping with south facing houses on the northern side of the River Dee;
13. That the removal of trees and raising of ground levels would change the character of the surrounding area, where houses are currently screened;
14. That the surrounding road network is already in a poor condition, and the construction of additional dwellings would have a negative impact on the surrounding road network and that access to the site is insufficient;

PLANNING POLICY

Aberdeen Local Development Plan

Policy T2: Managing the Transport Impact of Development – New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance.

Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1: Architecture and Placemaking – To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D2: Design and Amenity) - states that in order to ensure the provision of appropriate levels of amenity certain principles will be applied, including: Privacy shall be designed into higher density housing. Residential development shall have a public face to a street and a private face to an enclosed garden or court. All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council. Individual houses within a development shall be designed to make the most of opportunities offered by the site for view and sunlight. Development proposals shall include measures to design out crime and design in safety. External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Policy D3: Sustainable and Active Travel - states that new development will be designed in order to minimise travel by private car, improve access to services and promote access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order –walking, cycling, public transport, car and other motorised vehicles.

Policy H1: Residential Areas – states that, within existing residential areas, and within new residential developments, proposals for new residential development will be approved in principle if it:

1. Does not constitute over development;
2. Does not have an unacceptable impact on the character and amenity of the surrounding area;
3. Does not result in the loss of valuable and valued areas of open space;
4. Complies with Supplementary Planning Guidance on Curtilage Splits; and
5. Complies with Supplementary Planning Guidance on House Extensions.

Policy NE5: Trees and Woodland – states that there is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity.

Policy R6: Waste Management Requirements for New Developments: states that housing developments should have sufficient space for storage of residual, recyclable and compostable wastes,

Policy R7: Low and Zero Carbon Buildings: states that all new buildings, in order to meet with building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

Supplementary Guidance

Low and Zero Carbon Buildings

Sub-Division and Re-Development of Residential Curtilages

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

- Policy D1: Quality Placemaking by Design
- Policy T2: Managing the Transport Impact of Development
- Policy H1: Residential Areas
- Policy H3: Density
- Policy NE5: Trees and Woodland
- Policy NE6: Flooding, Drainage and Water Quality
- Policy R6: Waste Management Requirements for New Developments
- Policy R7: Low and Zero Carbon Buildings, and Water Efficiency
- Policy CI1: Digital Infrastructure

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.

Principle of Development:

The application site is located within a residential area, as identified in the Aberdeen Local Development Plan (ALDP). Policy H1 of the ALDP advises that new residential developments will be approved in principle provided: it does not constitute overdevelopment, does not have an unacceptable impact on the character or amenity of the surrounding area, does not result in the loss of valuable or valued areas of open space, and complies with the associated Supplementary Guidance. For the reasons mentioned in the following evaluation it is considered that the proposal fails to accord with the general principles of Policy H1 (Residential Areas) of the ALDP.

Design, Scale and Massing of Development:

As noted above, and explained in detail below, the general principle of development cannot be supported. Notwithstanding this, it is still necessary to assess the design of the proposed dwellinghouses.

The surrounding area (on the southern side of South Avenue) predominantly includes large detached dwellings in sizable grounds. It is now proposed to demolish the single large detached dwelling to facilitate the erection of four large new dwellinghouses.

The supporting statement advises that the dwellings will be of a modern contemporary design, constructed with traditional materials. There are three separate house types, which would add a variety. As such the statement considers the design to be acceptable.

The Council's Supplementary Guidance (SG) on the sub-division and re-development of residential curtilages is considered to be relevant in the determination of this application. In terms of impact on privacy, adequate window-to-window provision would be provided, as windows within 18m would be related to bathrooms and would not impact on the privacy of neighbours. The guidance also states that dwelling houses of two storeys or more should provide at least 11m of rear enclosed garden ground, the proposal would provide between 14-15m. Site setting out is such that there would be negligible impact in terms of daylight and sunlight provision to either existing or proposed property. Additionally there would be a negligible impact on terms of pedestrian/ vehicular safety and car parking.

However, for reasoning mentioned elsewhere, the proposal would have a negative impact in terms of trees and woodland.

The SG, does, however, state that *“the construction of a new dwelling or dwellings within an established area will affect the overall density and pattern of development of the surrounding area, the acceptability of which will be dependent on the general form of development in the locality. Consideration must be given to the effect the dwelling or dwellings may have character or the area formed by the intricate relationship between buildings and their surrounding spaces created by gardens and other features. New dwellings must be designed to respect this relationship.”*

The existing detached dwellinghouse sits within a large plot and is predominantly surrounded by dwellings in a similar context to the west, east and south. The proposed layout seeks to insert four dwellinghouses, with three running along the southern edge of the site and one along the eastern boundary. This would see a significant increase in the density of development, with the site appearing cluttered and the layout not having regard for surrounding context. Particularly the individual plot to the north east is not well related to the overall layout and appears at odds with the others, closing off the rear elevation of the plot to the south and the driveway and garage of plot 2, such that they appear as 'back land' development. Given the proposed layout it is considered that the site itself would lend itself to a maximum of three dwellinghouses running along the southern section of the site. Whilst each of the dwellings would cover areas ranging from 31-33%, this is well below the average plot size within the area. As such the number of dwellings proposed for the site is considered an overdevelopment and

the proposal would have a negative impact on the character and appearance of the surrounding area.

Granting permission for the creation of the four proposed dwellings would also create an undesirable precedent for future development. As a result of the above, the proposal has not been designed with due consideration for its context and therefore fails to accord with Policy D1 (Architecture and Placemaking) and the associated Supplementary Planning Guidance in relation to the sub-division and re-development of residential curtilages.

In terms of Policy D2 (Design and Amenity), the proposal would have an acceptable level of privacy, would have a public face to a street (albeit leading only to the four houses), residents would have access to sitting out areas, adequate car parking would be provided and acceptable sunlight/ daylight would be provided. The proposal does not offend the general principles of this policy.

Roads and Access:

The proposed access arrangements and parking provision for each individual dwellinghouse have been arrived at following consultation with colleagues in the Council's Roads Projects Team, who have stated their satisfaction following the submission of amended plans and subject to condition, were Councillors minded to approve the application.

The proposal includes at least three car parking spaces per residential property (which is in line with Council car parking standards). Access would be taken from South Avenue and the driveway would curve round towards the proposed dwellings, with a turning circle and refuse storage facility located close to the entrance.

The proposal is also seen to promote sustainable methods of transport due to the proximity of prominent cycle routes and the proximity to bus stops (which are located on North Deeside Road). The Council's Roads Project's Team have requested the submission of a green travel plan, which could be controlled subject to an appropriate condition.

The proposal does not offend the general principles of Policy T2 (Managing the Transport Impact of Development) of the ALDP and its associated Transport and Accessibility Supplementary Guidance Note.

Trees and Woodland

It is noted that the site contains a number of trees which are proposed for removal. The submitted survey assesses 65 trees (which included scots pine, sycamore, birch and willow). Nine trees are considered to be unviable and have been recommended for removal. In addition, a further 50 trees are proposed for removal, six of which have been categorised as being of a condition that they cannot be realistically retained, seven were considered to be of a high quality, five of a moderate quality and thirty eight of a poor quality. Those that would

remain would comprise a mixture of mature, semi-mature and young coniferous species. It is noted that the proposed development would allow for replacement planting, which would be set out in detail via an appropriate condition. However, such planting would be within the confines of plots and not within dedicated 'landscaped' areas.

In assessing this issue it is noted that the current tree stock is not exceptional, but does undoubtedly contribute to the wider local landscape character and amenity. This includes the well maintained row of Norway maple pollards on the north-east boundary, which form an effective visual divide to the neighbouring property.

Indicative replacement tree planting of 31 trees is proposed, although no finalised details of: numbers, species and sizes of the replacement trees has been submitted.

The updated Tree Survey has addressed some issues raised from the initial proposal; particularly light levels and shade caused by new planting, by increasing planting to the north-east of the site and the planting of "small" species trees throughout the development.

However, the increased planting density to the north-east is less likely to produce trees of particular merit compared to the original proposal and would likely lead to management measures having to be undertaken in the future to minimise crown spread.

The current layout, and the loss of so many trees has not been justified and a revised layout would be required which places an emphasis on the retention of more of the current tree stock or a scheme which would allow for significant replacement planting and long-term management. Neither the current or the previously submitted schemes is considered to be acceptable, and no further information has been submitted along the lines of the suggested amendments. Overall the current layout for four dwellinghouses is excessive in its impact on trees.

Policy NE5 advises of a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to landscape character and local amenity, for the reasoning mentioned above the proposal does not accord with Policy NE5 (Trees and Woodland) of the Aberdeen Local Development Plan.

Drainage

In terms of foul drainage, the submitted Drainage Impact Assessment has indicated that the proposal will connect to an existing combined source (which has been agreed in principle by Scottish Water). The proposal would also include a total filtration system for all new roof and hard standing areas. The proposal has been assessed by colleagues in the flooding section who were generally content with the proposal, but have requested further calculations or infiltration

tests to confirm that the ground is suitable for soakaways. Layouts would also be required. This information could be requested via an appropriate planning condition, should planning permission be approved.

Low/ Zero Carbon Buildings

The application does not include any details to demonstrate how Low and Zero Carbon Generating Technologies will be incorporated into the flatted properties, or alternatively how the buildings could achieve deemed compliance with the Council's published 'Low and Zero Carbon Buildings' Supplementary Guidance. On this basis it will be necessary to attach an appropriate condition to secure such information should planning permission be approved and to ensure compliance with Policy R7 (Low and Zero Carbon Buildings) of the ALDP and associated Supplementary Guidance.

Waste Management

The applicant has provided details for the storage of waste. This is to be located in the north-west corner of the site. This location is considered to be acceptable. Subsequently the proposal is considered to be in accordance with Policy R6 (Waste Management Requirements for New Development and its associated Supplementary Guidance – Waste Management).

Response to Letters of Representation:

As has previously been commented, numerous letters of objection have been received. These points can be answered/ addressed as follows:

Community Council:

1. The loss of trees has been discussed elsewhere within the evaluation section of this report. The loss of so many trees has been assessed as unacceptable;
2. An amended tree survey/ details were submitted that took account of properties outwith the site in addition to those located within the application site boundary;
3. Impact on neighbouring properties has been discussed within the evaluation section of this report;
4. Accordance with the Council's Supplementary Guidance on the Sub-Division and Re-Development of Residential Curtilages has been assessed elsewhere within the evaluation;
5. This matter was highlighted to the agent, and amended plans were submitted, which reduced the height of the garage to below 5m;

Letters of Representation:

1. This matter was highlighted to the agent, and amended plans were submitted, which reduced the height of the garage to below 5m;
2. The tree survey has been discussed in great detail in the “Trees and Woodland” section of the evaluation;
3. See comment above; tree issues have been addressed elsewhere in the evaluation;
4. This matter is not a material planning consideration;
5. Privacy has been assessed elsewhere in this evaluation;
6. Accordance with the Council’s Supplementary Guidance on the Sub-Division and Re-Development of Residential Curtilages has been assessed elsewhere within the evaluation;
7. Density is discussed elsewhere within the evaluation section of this report;
8. The over provision of housing land is not a material consideration to the determination of the current application;
9. The levels of landscaping/ garden grounds etc. have been assessed elsewhere within the evaluation section of this report;
10. A drainage impact assessment has been considered and assessed as part of this application; further clarification would be required on a number of drainage issues and this could be controlled via an adequate condition, should planning permission be approved;
11. Potential asbestos within the building is not a material planning consideration; and would be an issue to be addressed with any subsequent building warrant application for the buildings demolition;
12. Any potential impact on boundary treatments is not a material planning consideration and would be an issue between the applicant and neighbouring properties;
13. The removal of trees and the impact on local amenity has been assessed elsewhere within this report; and
14. The Council’s Roads Projects Team have provided a response on the proposed access; improvements to the surrounding road network could not be sought via this planning application.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the policies in the Proposed ALDP substantively reiterate those in the adopted local development plan and the proposal is unacceptable in terms of both plans for the reasons already previously given

Conclusion

In summary, the proposal relates to land which is presently occupied by a large detached dwellinghouse. The proposal fails to accord with the general principles of Policy H1 (Residential Areas), D1 (Architecture and Placemaking) or NE5 (Trees and Woodland) of the Aberdeen Local Development Plan. In this instance there are no material planning considerations that would warrant approval of planning permission. The proposal is therefore recommended for refusal.

Should Members be minded to approve the application, it is recommended that any such approval includes planning conditions relative to: landscaping and tree protection/ tree planting, further details in relation to the road layout, submission of a green travel plan, waste facilities, low and zero carbon buildings and drainage. An informative would also be require in relation to the hours of construction work.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. The proposal fails to accord with Policies H1 (Residential Areas), Policy D1 (Architecture and Placemaking) and the associated Supplementary Planning Guidance by reason of the detrimental impact and incongruous relationship with the character and amenity of the locality arising from the inappropriate and unacceptable intensification of the residential use and the resultant high density of the development, as a result of which the proposal has not been designed with due consideration for its context.
2. The proposal fails to accord with Policy NE5 (Trees and Woodland) in that the proposal would result in an unacceptable loss of trees within the curtilage of the site. The existing tree coverage contributes to local amenity and to the landscape character of the surrounding area, and its loss, along with the proposed replacement planting is considered to be insufficient.

Dr Margaret Bochel

Head of Planning and Sustainable Development