

Planning Development Management Committee

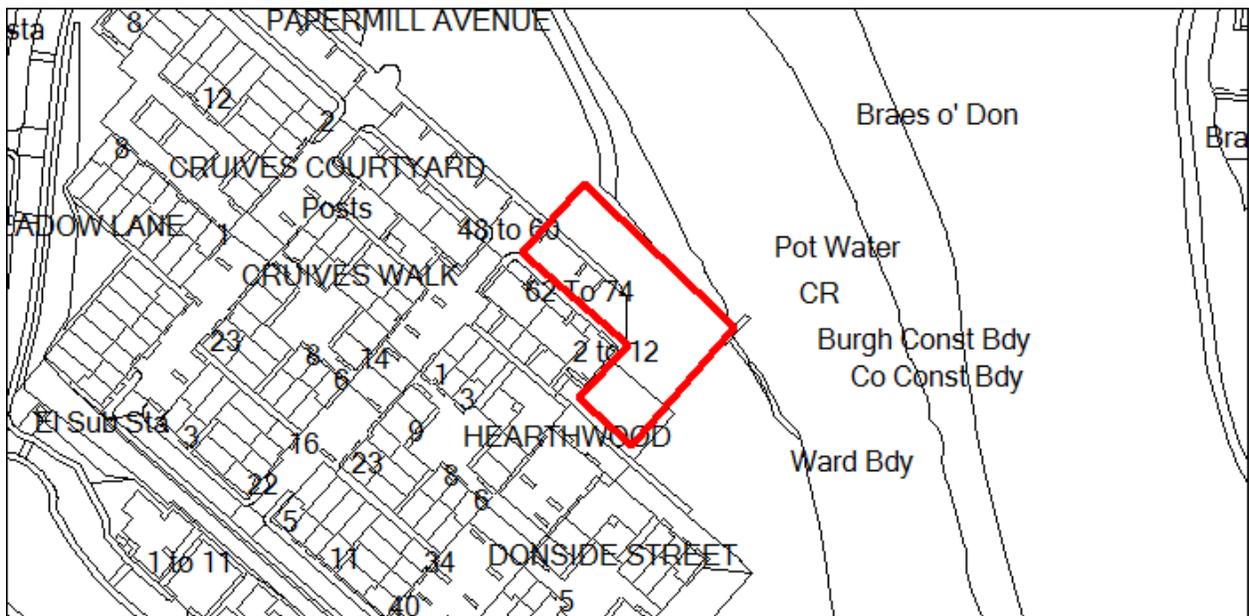
DONSIDE PHASE 2, GORDON MILLS ROAD,
TILLYDRONE ROAD

ERECT 24 FLATS IN A 7, 8 AND 9 STOREY
BLOCK AND ASSOCIATED INFRASTRUCTURE

For: Donside Ltd

Application Type : Detailed Planning Permission
Application Ref. : P140823
Application Date: 17/06/2014
Officer: Lucy Greene
Ward : Tillydrone/Seaton/Old Aberdeen (J
Noble/R Milne/R Grant)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on: 09/07/2014
Committee Date: 19th March 2015
Community Council : No comments



RECOMMENDATION: Approve conditionally, consent to be withheld pending a suitable mechanism to secure developer contributions towards community facilities.

DESCRIPTION

The application site is 0.2195 hectares in size and lies within the centre/ east side of the 'Donside Village' development , adjacent to the River Don. The area to the south and west has been recently developed, largely for residential purposes, but also with small scale office use and a retail unit. Buildings are of two, three and four storeys in height.

The application site has been partially hard surfaced to form part of the emerging street and urban square, that are the subject of this application – having previously been granted planning permission (see History section below).

RELEVANT HISTORY

Planning permission (Ref: A7/0400), for a mixed use urban village, including 278 residential units, and was conditionally approved in April 2008. This application included 'Development of a mixed-use urban village incorporating mixed-tenure housing (278 units),(with at least 50% being affordable housing), a village square, offices (697m²), employment (372m²), local retail (93m²) and cafe/bistro(93m²), an enhanced riverside, and appropriate infrastructure.'

Planning permission (Ref: 110099) covered an area that included the site of the current application. Proposals consisted of residential, office and retail uses. The details are as follows:

'Icon' block: a building consisting of three joined blocks of 6, 7 and 8 storeys, up to approximately 23m in height and containing 21no. Flats, (19no. 2 bed flats and 2no. 1 bed). This building was on approximately the same area of the site as the building that is the subject of this current application.

Cafe block: a 3 and 4 storey building, half within the application site (the other half being the same as was granted permission previously). This building contains a cafe on the ground floor as well as 5no. flats.

Corner blocks 1 and 2: These each contain one small retail unit and 9no. two bed flats.

Office building: This contains approximately 2500m² office floorspace within a 3 and 4 storey building.

Planning permission (Ref: 130218) was approved in July 2013 and consisted of an amendment to the previously approved cafe, two flats and retail unit, to form a landlords staff office and public access point.

To the immediate south of the current application site, planning permission has been granted conditionally for a four storey building, comprising a childrens nursery on the ground floor and flats above (Ref: 110402).

Planning permission (Ref: 110894) was approved in 2011 for the replacement of (13 no.) approved housetypes (approved under A7/0400) with 10 low carbon units.

Planning permission (Ref: 100057) was approved in 2011, for the increase in height of three flatted blocks, adjacent to the western side of the Donside Village previously approved under Planning Consent A7/0400, from five to six stories. It should be noted that three adjacent blocks were reduced in height, resulting in there being no change in the overall number of flats.

Planning permission (Ref: 131073) was approved in March 2014, for two additional flats, at basement level, within the blocks on the western side of Donside Village.

There is also an undetermined application proposing use of the flood basin for car parking (ref. 110283).

There is also an undetermined planning application (ref. 140824) for residential development to the south east. This consists of two blocks:

Block 2: a 6 and 7 storey building, containing 24 no. flats (22no. two bed flats, 2 no. three flats)

Block 3: a 4, 5 and 6 storey building, containing 16 no. flats (15 no. two bed flats, 1 no. 3 bed flat)

Both buildings would, in terms of design, be similar in theme to Block 1.

(Please note, Block 1 is the building that is the subject of this application)

PROPOSAL

The application proposal is for a seven, eight and nine storey residential building, containing 24 no. two bed flats. The proposed building would be sited at the end of the 'main street' in such a way as to still allow a glimpse through to the River Don, whilst forming one side of the village square.

The building would be of contemporary design, consisting of three parallel vertical elements, containing three flats per storey. The upper level of each vertical block would be set back from the main elevation and elevated in grey cladding. The elevational finish consists of framing in buff coloured brick, with grey cladding and glazing within openings. There would be fully glazed facades to each flat: to the south, east and north west, opening onto balconies, or at ground floor - terraces. These areas would serve as private outdoor amenity space.

The stair tower would be the tallest element, at approximately 25.5m and clad mainly in buff coloured brick with a narrow vertical element in grey cladding. The 9 storey block would be approximately 24.3m in height. The 8 storey block would face the square, being approximately 21.7m in height.

The main entrance would be in the south west elevation, facing the square.

Car parking is provided within the area to the north west of the building and also within the urban square and provided on a non designated basis.

Supporting Documents

All drawings and the supporting documents relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140823>

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 Planning Development Management Committee because there are seven letters of objection. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objections. The current application is a minimal alteration from what has already been agreed, though previous planning applications, most recently Ref: 110099. As such the parking and drainage details have already been agreed.

Environmental Health – Request a condition relating to refuse storage and an informative relating to hours of construction work.

Developer Contributions Team – Recognise that this an amended proposal for a block that has approval under Ref: 110099, but includes 3 additional units, within a site where 67% of units with planning permission (built and with permission) are affordable housing. As such contributions are only to be requested on the basis of the infrastructure costs resulting from the three additional units.

Enterprise, Planning & Infrastructure (Flooding) –No objection, subject to the attachment of conditions relating to sustainable urban drainage and the compensatory flood storage basin..

Scottish Environment Protection Agency – request attachment of conditions relating to: surface water drainage, flooding, river engineering and a construction management statement

Community Council – No comments received

REPRESENTATIONS

7 letters of representation have been received, relating to the following matters –

- Object to more housing being built than was originally proposed;
- Tower block would spoil the peaceful riverside walk;
- Parking provision is a cause for concern;

- Traffic congestion: traffic would increase due to Third Don Crossing and due to proposed housing, cutting off existing residents from the riverside;
- Proposed tower building is much higher than was originally envisaged; it is illogical to put the tallest building in front of the view;
- Proposed building would be out of keeping with the character of the area;
- Proposed building is modern, boxy, and flat in colour. It is not to provide variety but to appeal to buyers of contemporary and expensive property;
- It is distasteful that luxury accommodation would dominate a development of affordable housing;
- The site is on top of a fox den, where there were cubs last year;
- The boundary of the conservation area is close by;
- The completion of development at the site is welcomed, in principle, as it would end the on-going disruption. However, residents would like to see appropriate development and a range of facilities as was originally proposed.
- Would like to ensure that any developer contributions are put towards the riverside path and its connections;
- River access including for canoeists, is welcomed;
- Provision of terraces and balconies and change of orientation of the blocks is welcomed;
- Architectural expression at this site is acknowledged to have always differed from the existing development, however, the previous design made reference to the existing architecture and this proposal does not pay respect to the integrity of the existing. This should be addressed prior to approval;
- The proposal is not eco-friendly, which was the original concept for the area;
- Cycle storage provision should be included;
- There has already been tree loss as a result of the compulsory purchase order on land along the roadside and this would further damage the environment of the area;
- That the splitting of the two applications (this current application and application ref. 140824 for two further blocks) is a blatant attempt to avoid the public consultation process that is required for applications of over 50 units;
- That objectors bought property that was sold with 'river view' and in one case large windows, there will be no benefit if the view is blocked;
- Privacy issues if a residential block is built in close proximity to existing property;
- It is requested that the development includes an accessible external tap, as this is not currently provided in the development;
- There were a mix of uses originally proposed for the development and only the office and one small play area have been provided; there are no recycling facilities as promised. Additional play and recycling facilities are required to accommodate the additional number of residents. If these are not provided then the Community Association objects to the increase in the number of residents; and
- It is acknowledged that the applicants presented the proposals to the Community Association, however, it is questionable to what extent this

constituted consultation, as the plans were not presented prior to the event and there was no process for comment.

PLANNING POLICY

Aberdeen Local Development Plan 2014

Policy H2 – Mixed Use Areas

Applications for development in these areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity.

Opportunity Site OP100 – Donside Paper Mill

This is described as a regeneration opportunity for mixed use development. The site may be at risk of flooding and a flood risk assessment will be required to assess suitability for redevelopment.

Policy H5 – Affordable Housing

Housing development of 5 or more units are required to contribute no less than 25% of the total number of units as affordable housing.

The River Don adjacent to the site is a Local Nature Conservation Site (LNCS).

Policy I1 – Developer Contributions

Policy D1 – Architecture and Placemaking: new development must be designed in context.

Policy D2 – Design and Amenity – describes the principles to be applied to ensure an appropriate level of amenity for residents.

Policy NE6 – Planning and Flooding: Development will not be permitted, inter alia, where it would increase the risk of flooding or would be at risk itself. A flood risk assessment is required in circumstances relevant to this application.

Proposed Aberdeen Local Development Plan

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

The proposal is for a residential building in an area that contains a number of buildings in such use. In terms of Policy H2, there would be no undue conflict with surrounding land uses. In terms of the proposed use, there would be no impact on amenity, for the reasons set out below. There has been a residential building approved of up to 8 storeys (23m) in height (under application 110099). The current proposal sees an increase in height, by a storey, following presentation of the proposal at the Design Review Panel, as it was considered that a taller building would provide a focal point at the end of the main street. It should be noted that there is a block of flats on higher ground to the west, as well as a multi storey tower block are visible from the main street. The building is sited so that the view to the river is not overly blocked from the main street. The building is considered to be in keeping with the character of its wider context and to accord with Policy D1.

Amenity

In terms of the factors described in policy D2:

- Privacy: there would be no adverse impact on the privacy of the occupiers of any existing residential units. This is due to distance and position of the proposed block relative to existing residential properties, In terms of overshadowing, there would be an insignificant difference between the impact of this proposed building and that previously approved.
- Public and private face: this particular block is an amended version of a similar block that has planning permission. The location is such that the block does not have a private face, however, all flats would have private terraces or balconies of a size to allow comfortable sitting out and it is considered that given the unusual location of the building, the level of amenity is high and acceptable.
- All residents would have access to sitting out areas as mentioned above.
- Parking does not dominate the space: to two sides of the building would be the quayside and riverbank, whilst a small car park lies to the northwest of the building and the urban square to the remaining side. It is considered that there is a high level of amenity and car parking does not dominate.
- The development has been designed and amended to make best use of views and sunlight, with balconies and windows facing towards river views and to take account of the movement of the sun.
- Designing out crime: the building would enjoy a high degree of natural surveillance from residents due to its location.
- External lighting would be the subject of condition and account would be taken of design and wildlife.

Design

Early in the application process amendments took place to the scheme, which resulted in the reduction in the size of the footprint of the development, as well as the orientation and design, to take account of the views and sunlight. Account was also taken of the residential blocks proposed under pending application Ref: 140824, so that these each are of an individual design whilst also taking account of their context in terms of massing, street frontage patterns and location within the Donside village, whilst the references to each other remain, in terms of materials and design features.

The proposed design is simple and contemporary in nature and, it is considered, would provide an appropriate focal point at this end of the main street. Although the surrounding houses are of a smaller scale, existing taller residential blocks are visible from within the immediate area. Under previous applications, it was also envisaged that a building in this location would be different in nature to those houses within the village.

The design of the public space and quayside remain as were previously approved and similar conditions would be attached in relation to materials and design.

Flood Risk

The proposal is of similar footprint, the same use, and at the same ground level as the 'icon block' previously approved. Confirmation has been received from the applicant's engineers that there is no change to the flood risk assessment. Neither SEPA, nor the Council's flood advisor objects to the application.

Matters raised in objections

The rationale for the design, massing and siting of the building is covered above. The building is not considered significantly taller than that previously approved.

The Roads Development Management Team are satisfied with the level of car parking and there is no significant reason that additional traffic using the Third Don Crossing be redirected off the network to enter Donside Village.

In terms of wildlife, including foxes, the area of the site is largely currently an area of hard standing for construction vehicles and it is considered likely that any wildlife in the immediate vicinity of the site is experiencing considerable disruption. However, it is appropriate to attach a condition that requires pre-construction surveys to be carried out to ascertain the presence of any wildlife, including foxes and to recommend a course of action if these are found

There is no planning reason to require the provision of an external tap.

There is nothing in legislation to prevent the applicant submitting a separate application for this proposal, rather than one application that included Blocks 1, 2 and 3. In this case pre-application consultation is not required. It should also be

noted that Block 1, the subject of this application, has similarities with what has already been approved under application reference 110099.

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 policies are similar to those in the extant LDP and evaluated above.

RECOMMENDATION: Approve conditionally. Decision notice to be withheld pending a suitable mechanism to secure developer contributions towards infrastructure.

REASONS FOR RECOMMENDATION

The proposal is an amendment to a previously approved residential block. The design and massing are intended to create a focal point at the end of the village's main street, whilst being sited so as to allow a view through to the River Don. Residential amenity for existing residents in the surrounding area and future residents of the proposed development would be acceptable. The proposal complies with Policies D1 'Architecture and Placemaking' and D2 'Design and Amenity'. Flood risk has been satisfactorily addressed and accords with Policy NE6 of the Aberdeen Local Development Plan 2012. Subject to the attachment of the conditions recommended, the proposal is acceptable and accords with development plan policy.

Conditions:

(1) That no development shall take place unless a scheme detailing all external finishing materials to the roofs, walls and hard surfaces of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(2) That the full details of the compensatory storage proposals, including cross sections and drawings clearly showing how the scheme will fill and drain freely during a flood event, are agreed with relevant parties including SEPA and implemented in full prior to the commencement of development. The detailed proposals are to be designed in accordance with Appendix C of the Flood Risk Assessment (dated 1 March 2012) and the plan of "Flood Extents" ref 62299/WS/11 (dated 14 March 2012) or other as so agreed with the planning authority – in the interests of preventing flooding.

(3) That the existing piling and any retaining structures shall not be removed or altered unless a detailed method statement, including measures for satisfactorily dealing with contaminated land, has been submitted to and agreed in writing with the planning authority – in order to ensure that there is no adverse impact on the river.

(4) That the development hereby granted permission shall not be occupied unless the agreed compensatory storage have been implemented in full and are fully available for use

(5) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further 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.

(6) 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.

(7) That no development shall take place unless a scheme for external lighting has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of public safety and wildlife.

(8) That no development shall take place unless there has been submitted, at least two (2) months prior to the commencement of any works, and approved in

writing by, the planning authority (in consultation with SEPA and other agencies such as SNH as appropriate) a site specific construction method statement for all works, including to the river bank and including the sheet piling, and construction of wildlife corridor and any other works affecting the river bank. The method statement shall include methods for the prevention of pollution reaching the River Don, including measures to control dust, run-off, timing of works in relation to water levels and the management of waste. The scheme shall be implemented in complete accordance with details as so approved and work shall not take place unless the measures as so agreed are in place and fully operational - to control pollution of air, water and land.

(9) That the development shall not take place unless full details are provided of the surface water drainage system to the satisfaction of the Planning Authority in consultation with SEPA. The development shall not be occupied unless the agreed details have been implemented and are available for use – in the interests of the water environment and flood prevention.

(10) That no development shall take place that alters the riverbank unless there has been submitted to that full details are provided of the treatment of the river banks to the satisfaction of the Planning Authority in consultation with SEPA and the agreed details are implemented in full prior to the occupation of the development – in the interests of protecting the riverside environment.

(12) That notwithstanding the refuse storage indicated on the plans, no development shall take place unless there has been submitted to and approved in writing by the planning authority details of the siting, design and materials of the refuse storage. The development shall not be occupied unless the refuse storage as so approved has been implemented on site and is ready for use – in the interests of public safety and visual amenity.

(11) That no development shall take place unless there has been submitted to and approved in writing by the planning authority, details of cycle storage. The development shall not be occupied unless the cycle storage as so approved has been provided and is available for use – in the interests of encouraging the use of sustainable modes of transport and visual amenity.

(12) That no development shall take place unless there have been submitted to, and approved in writing by, the planning authority, reports on pre-construction surveys by suitably qualified specialists, for wildlife, including foxes, badgers, watervoles, birds and otters. Any measures recommended shall be implemented fully in accordance with the report as so agreed and in accordance with recommended timescales – in order to ensure protection of wildlife.

(13) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with the approved plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be

used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

Dr Margaret Bochel

Head of Planning and Sustainable Development.