

## Planning Development Management Committee

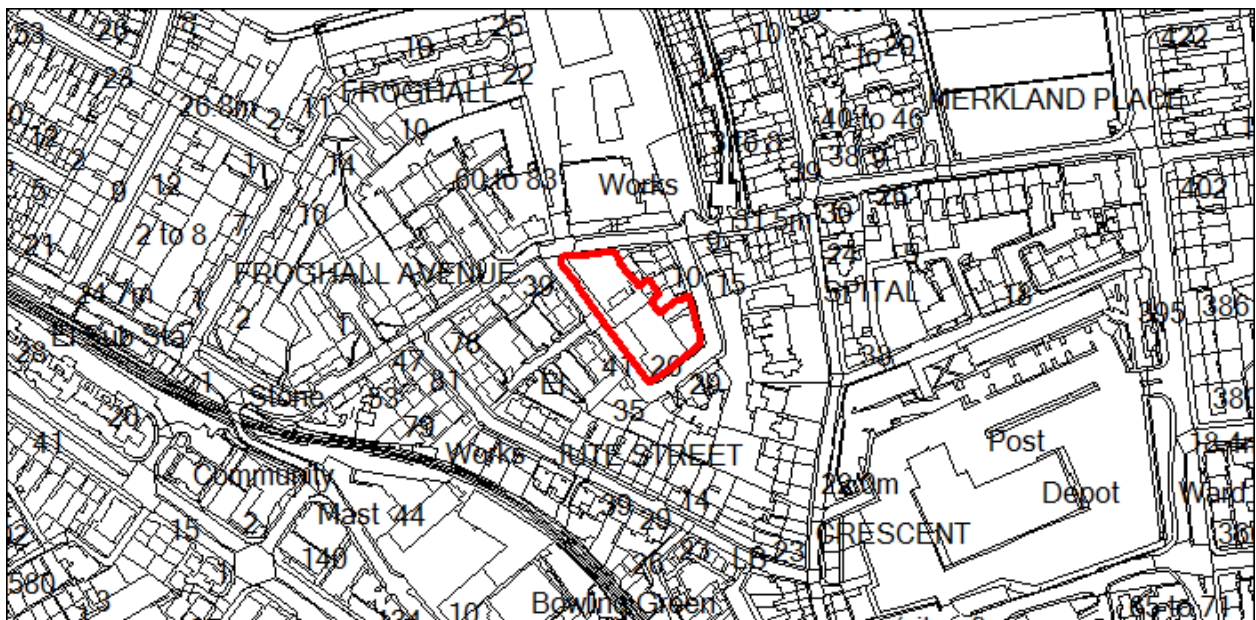
SITE BOUNDED BY, FROGHALL ROAD /  
FROGHALL TERRACE, ABERDEEN

FOR THE ERECTION OF 41 NO. TWO AND  
THREE BEDROOM APARTMENTS WITH  
ASSOCIATED INFRASTRUCTURE AND OPEN  
SPACE.

For: Chap Group (Aberdeen) Ltd

Application Type: Detailed Planning Permission  
Application Ref.: P151316  
Application Date: 12/08/2015  
Officer: Nicholas Lawrence  
Ward: George Street/Harbour (M Hutchison/J  
Morrison/N Morrison)

Advert: None  
Advertised on: N/A  
Committee Date: 17/03/2016  
Community Council : No comments  
received.



### RECOMMENDATION:

Willingness to conditionally approve subject to a legal agreement covering:  
affordable housing; car club contributions; STF payment; education  
(primary and secondary); community facilities; sport and recreation; open  
space.

## **APPLICATION SITE**

The site (the Site) of some 0.30 hectares at the corner of Froghall Road and Froghall Terrace and is currently occupied by a builders yard/storage area and office/light industrial uses, together with areas of parking. The eastern part is at a significantly lower level, marked by a retaining wall.

The immediate and wider area is defined, save for the BT depot to the north, by residential development of 2 to 4 storeys and is characterised, in part, by courtyard styles.

The Site occupies a sustainable location with a full range of employment, educational, commercial, cultural uses accessible by means of transport other than the 'single owner' private motor car.

In terms of designations; the Site falls within a mixed use area as set out in the Aberdeen Local Development Plan 2012 and constitutes previously-developed land (i.e. a brownfield site).

## **RELEVANT HISTORY**

Not relevant

## **PROPOSED DEVELOPMENT**

41 flats are proposed, together with amenity space and parking.

Comprising 3 individual blocks; Block A (4 floors) sits at the junction of Froghall Terrace with Froghall Road and predominately fronts the eastern boundary; block B (4 floors) occupies the southern quadrant; whereas block C (3 floors) abuts the western boundary. However, due to the changing levels, Block C is read as an individual component, with its own access, amenity space and parking area.

The amenity and parking areas to blocks A and B are designed within a courtyard framed to the rear by the retaining wall. The largest western amenity area is separated from car parking and a pedestrian gateway is provided onto Froghall Terrace. Additional areas of amenity are afforded to block B, together with a raised area above the retaining wall.

The courtyard accommodates 33 parking spaces, including 2 disabled, together with motor cycle parking. Access is off the eastern boundary and also accommodates an allocated car club space and a visitor parking space. Secure cycle storage for 34 bicycles within the 'basement level' of block B. With regard to site boundaries, the wall to Froghall Terrace is retained, save the pedestrian access point, and the entrance will also incorporate a granite wall, which will also form the boundary to the parking area of block C. The retaining wall is a formidable structure and will be prominent from the road and within the site. To provide visual interest and add to the biodiversity of the area this structure will

become a green wall. The scheme also includes tree planting in front of blocks A and B.

### **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=151316>

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 7 letters of representation have been received. Accordingly, the application sits outwith the scope of the Council's Scheme of Delegation.

### **CONSULTATIONS**

**Roads Development Management** – No objection subject to conditions and STF payment.

**Environmental Health** – Recommend planning conditions regarding contamination.

**Developer Contributions Team** – Contributions required in respect of education (primary and secondary); community facilities; sport and recreation; open space..

**Communities, Housing and Infrastructure (Flooding)** – Concerns over adequacy of local sewage network to cater for the additional flows.

**Scottish Water** – No objection

**Waste Management** - No objections subject to certain technical criteria being met.

**Community Council** – No response

### **REPRESENTATIONS**

Objections relate to the following matters:

- Impact upon the character of the area;
- Contrary to policies on residential development;
- Increased traffic and adequacy of parking;
- Lack of improvement to the infrastructure of the area;
- Impact of sewage drainage and flood management; and
- Density of the development.

### **PLANNING POLICY**

## National Policy and Guidance

- National Planning Framework 3
- Scottish Planning Policy
- Creating Places
- Planning Advice Note 75: Planning for Transport
- Planning Advice Note 78: Inclusive Design

## Aberdeen Local Development Plan and Supplementary Guidance (SG)

- I1 Infrastructure Delivery and Developer Contributions
- T2 Managing the Transport Impact of Development
- D1 Architecture and Placemaking
- D2 Design and Amenity
- D3 Sustainable and Active Travel
- NE4 Open Space Provision in New Development
- NE6 Flooding and Drainage
- R6 Waste Management Requirements for New Development
- R7 Low and Zero Carbon Buildings
- SG Infrastructure and Developers Contribution Manual
- SG Open Space
- SG Transport and Accessibility

## Proposed Aberdeen Local Development Plan

- D1 Quality Placemaking by design
- I1 Infrastructure Delivery and Planning Obligations
- T2 Managing the Transport Impact of Development
- T3 Sustainable and Active Travel
- NE4 Open Space Provision in New Development
- NE6 Flooding, Drainage and Water Quality
- R6 Waste Management Requirements for New Development
- R7 Low and Zero Carbon Buildings, and Water Efficiency

## **EVALUATION**

### **MAIN ISSUES**

The main issues are firstly; the principle of the development; secondly, the affect upon the character and appearance of the area; thirdly, the impact upon amenity; and fourthly, transportation and parking. All issues must have regard to the provisions of the Development Plan and other material considerations.

### **PLANNING POLICY FRAMEWORK AND MATERIALITY**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1990, as amended (the Act) requires that proposals shall be determined in accordance

with the Development Plan unless other material considerations indicate otherwise.

In this instance the Development Plan comprises the adopted Aberdeen Local Development Plan (ALDP), together with a suite of Supplementary Guidance documents.

Materiality is set, in part, by the Proposed Aberdeen Local Development Plan (PALDP). Whilst the PALDP has yet to undergo independent scrutiny as is not a statutory part of the Development Plan it has been adopted by the Council as constituting a material consideration in the decision-taking process and therefore must be accorded appropriate weight.

At the national level other material considerations include, albeit not limited to, National Planning Framework 3 (NPF3), Scottish Planning Policy (SPP); Creating Places; and Planning Advice Notes (PAN) 75 *Planning for Transport* and 78 *Inclusive Design*.

## **ASSESSMENT OF MAIN ISSUES**

### Principle of the Development

The Site is within a mixed use area as set out under policy H2 of the ADLP, which will permit residential development provided it takes into account the existing uses and character of the surrounding area.

The principle of the proposed use therefore accords with the provisions of the development plan provided the aforementioned factors are taken into account.

### Affect upon the Character and Appearance of the Area

The assessment context set out within ALDP policy D1 looks for development to come forward that reflects and improves character and visual amenity, whilst securing a high quality of design. Regard to context is also set out within SPP (i.e. under the heading of *policy principles*) and Creating Places.

In this instance the character of the area, save that of the BT depot and the Site, is dominated by residential development that adopts both courtyard and strong linear arrangements that follow the local road network. Therefore the form of the proposed development (i.e. linear blocks creating a courtyard) would compliment rather than harm the character of the area.

On the matter of scale, the proposal encompasses a mixture of building heights ranging from 2 through to 4 storeys, excluding roofs. Indeed, allowing for the topography of the area (i.e. significant fall from Spittal to Jute Street) those properties along the northern aspect are seen as buildings of greater scale than their built form. It is by virtue of the changing heights of the site coupled to the surrounding residential development and topography that the scale of proposed

development does not constitute an alien element in the cityscape and consequently would not harm the character and appearance of the area.

On the question of design; securing high quality design goes beyond the mere aesthetic. Policy D1 of the ADLP, as with Scottish Government guidance, all seek not to be prescriptive or to stifle innovation in the visual appearance and design of development. In this instance the visual proposed maintains key elements of the surrounding courtyard and residential development (i.e. vertical emphasis of windows - solid to void ratio – simple pallet of materials), together with an asymmetrical pitched roof that accommodates the upper level of accommodation. The areas of amenity space and their anthropological connection with the accommodation and use of the changing levels provides a clear sense of place as sought with policy D1 of PLPA and guidance set within the SPP.

Turning to density this is usually set against the number of dwellings per hectare (dph). Whilst ADLP policy H3 (Density) sets a notional figure of 30 dph and above, this is only applicable to sites over 1 hectare in area. Here the ADLP merely requires that an appropriate density of development is sought. At the national level, the Scottish Government looks for an effective use of land and seeks to secure higher density housing in sustainable locations. Given the sustainable location and the form of development coupled to the level of amenity provided the density is considered appropriate and comparable to other contextual flatted developments. Therefore the number of units is not out of character with the area.

In terms of the planning balance it is considered that the scale, form, design and number of proposed residences are not harmful to the character and appearance of the area.

### Residential Amenity

Privacy and the protection of general amenity is an important design objective and planning outcome in ensuring that residents of properties bounding any development and occupiers of proposed new dwellings feel at ease within and outwith their homes.

Only the latter element (i.e. the amenity of occupiers of the development) is addressed within ADLP policy D2 (Design and Amenity) and policy H2 critically only considers the residential amenity afforded existing residential accommodation where commercial, business and industrial developments are being considered in mixed use areas.

In any urban environment there will be aspects of overlooking between residences, together with amenity areas that afford greater or lesser degrees of privacy. The arrangement of block A places the bedrooms to the rear (i.e. inward) aspect of the scheme, which is feature common to the area. The distances between the rear of block A to the garden of the nearest dwelling is some 16 metres, whereas this distance is significantly less in regard to the

existing properties. Therefore the proposed separation distance exceeds the current arrangement and it is deemed acceptable. Block C follows the rear line of the neighbouring properties and the rear amenity area replicates the garden areas of numbers 2-18 Froghall Road. As such this aspect will have no greater impact upon neighbouring amenity than many existing relationships between dwellings and rear gardens in the locality. On the matter of the distances between front to front elevations the proposal accords with that along Froghall Road.

### Transportation / Parking Issues

On this matter, there is always a balance to be struck between levels of car parking and amenity space, together with mechanisms to reduce the dependency upon the 'single ownership' private motor car.

The scheme meets the parking requirements, with the provision of a car club parking space, and the Roads Development Management Team are supportive of the application subject to:

1. securing restrictions prohibiting cars from waiting at any times adjacent to each of each entrance on the south side of the frontage.
2. a condition promoting the use of means of transport other than the private motor car by way of a travel pack; and
3. a contribution to the Strategic Transport Fund

Allowing for the technical advice received from the Roads Development Management Team it is considered that the proposed development will not have an adverse impact on the road network or parking.

### **Other Issues**

#### Capacity of Infrastructure

A number of representations on the application referenced the lack of capacity of the surface water and sewerage network and instances of local flooding. The flooding team of the Council have raised a question on the capacity of the existing infrastructure to cater for the proposed development and the current capacity of the Scottish Water infrastructure. Whilst Scottish Water don't object to the proposed development, their consultation response judiciously notes that *"that this does not confirm that the proposed development can currently be serviced"*.

Allowing for the potentiality that the scheme may not be capable of being serviced, this issue can be addressed by an appropriately worded planning condition.

#### Affordable Housing

The proposal provides for 25% of the flats to be affordable and this provision accords with the adopted policies of the ALDP and will be secured by way of a legal agreement. This equates to 10.25 units, 10 within the development and the 0.25% being addressed by way of a commuted sum.

### Developer Obligations

The Developer obligations team have stated that the scheme attracts contributions in respect of education (primary and secondary); community facilities; sport and recreation; and open space. Again controlled via the legal agreement.

## **RECOMMENDATION**

Willingness to conditionally approve subject to a legal agreement covering affordable housing; car club contributions; STF payment; education (primary and secondary); community facilities; sport and recreation; open space; together with appropriately worded planning conditions.

## **REASONS FOR RECOMMENDATION**

The proposed development by virtue of its function, form and design coupled to the promotion of sustainable urban travel complies with policies I1 (Infrastructure Delivery and Developer Contributions); T2 (Managing the Transport Impact of Development); D1 (Architecture and Placemaking); D2 (Design and Amenity); D3 (Sustainable and Active Travel); NE4 (Open Space Provision in New Development); NE6 (Flooding and Drainage); R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan 2012; together with advice contained within Scottish Planning Policy; Creating Places; and Planning Advice Notes 75 and 78 (Planning for Transport and Inclusive Design respectively).

## **CONDITIONS**

1. No development shall take place until full details of the materials (including colour of render including pantone where relevant) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and in the interest of the visual amenity of the area to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012.



2. No cables, aerials, satellite or other communication equipment, flues, pipework (except rainwater goods) shall be fixed to any outward facing elevation of the development hereby approved.

Reason: In the interest of the visual amenity of the area and high quality design and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012.

3. The development hereby approved shall not be occupied until the cycle parking facilities shown on drawing No. A5390/P(-- )022 have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to the development at all times.

Reason: In the interest of promoting and securing sustainable modes of transport and to comply with policy D3 of the Aberdeen Local Development Plan 2012.

4. No part of the development hereby approved shall be occupied until the refuse and recycling facilities indicated on the approved drawings have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy R6 of the Aberdeen Local Development Plan 2012.

5. The whole of the amenity areas shown on the approved drawings (including terraced gardens) shall be retained permanently for the benefit of the occupiers of the development hereby permitted.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with policy NE4 of the Aberdeen Local Development Plan 2012.

6. Prior to the commencement of development details of the proposed outdoor furniture as indicated on approved drawing A5390/P(-- )004B shall be submitted to an approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details.

Reason: In the interest of the visual and public amenity of the area to comply with policies D2 and D5 of the Aberdeen Local Development Plan 2012.

7. Notwithstanding the approved drawings no part of the development hereby permitted shall be occupied until precise details of the materials, including

specification, colour, jointing and the permeability of hard surfaces have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be completed prior to the occupation of any part of the development.

Reason: In the visual and public realm interest of the development and in the interest of flood management to comply with policies D1 D2, D5 and NE6 of the Aberdeen Local Development Plan 2012.

8. Prior to the occupation of any part of the development hereby approved details of a travel pack including details how it is to be promoted to residents shall be submitted to and approved in writing by the local planning authority.

Reason: In order to promote sustainable patterns of urban transport and to comply with policy D3 of the Aberdeen Local Development Plan 2012.

9. Prior to the occupation of any residential unit the vehicular accesses as shown on Drawing No. A5390/P(-- )004B is constructed in full accordance with the design standards of the Aberdeen City Council.

Reason: To ensure a satisfactory means of access is provided in the interests of road safety

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, the green wall, means of enclosure and planting of the development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012

11. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out prior to the occupation of any part 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 similar size and species. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012.

12. If piling works are required in the construction of the development the method of piling shall be agreed in writing prior to those works commencing on site. There shall be no driven piling unless there are no other alternatives due to engineering considerations. The details of driven piling shall also be submitted to and agreed in writing by the Council and implemented in strict accordance with those details.

Reason: In order to safeguard the amenity of the local area and neighbouring residents at unsocial hours and to comply with policy H2 of the Aberdeen Local Development Plan 2012

13. No unit of residential accommodation unit of residential hereby permitted shall be occupied until written confirmation to the written satisfaction of the Local Planning Authority has been submitted demonstrating that the public foul sewerage network can cope with the flows from the proposed development.

Reason: In this interest of flood management and to comply with policy NE6 of the Aberdeen Local Development Plan 2012

14. The vehicle parking area shall be completed, delineated and available for use as shown on the approved plans prior to the occupation of any residential unit and shall thereafter be retained for vehicle parking

Reason: To ensure that adequate parking provision is retained

15. The car club space shown on the plans hereby approved shall be provided and made available for use before any apartment/part of the Development is occupied. Thereafter the space shall be retained and used only for parking cars associated with the Car Club.

Reason: To limit car ownership/use and encourage sustainable modes of transport in accordance with policy T2 and of the Aberdeen Local Development Plan 2012

16. Prior to the occupation of any part of the development the applicant shall have secured A Traffic Regulation Order to secure the retention of the car club and visitor parking space shown on the approved drawings.

Reason: To limit car ownership/use and encourage sustainable modes of transport and in accordance with policy T2 and of the Aberdeen Local Development Plan 2012

17. Prior to the occupation of any part of the development hereby approved details of the area for the waiting restrictions shall be submitted to and approved

in writing by the local planning authority and the agreed details shall be implemented before any part of the development is occupied.

Reason: In the interest of highway safety and to encourage sustainable modes of transport and in accordance with policy T2 and of the Aberdeen Local Development Plan 2012

18. No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination
2. a site-specific risk assessment
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. verification protocols to demonstrate compliance with the remediation plan

Reason: To comply with policy R2 of the Aberdeen Local Development Plan 2012

19. No residential unit hereby approved shall be occupied building unless:

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken

and

2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out,

No residential unit shall be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan

Reason: To comply with policy R2 of the Aberdeen Local Development Plan 2012