

Planning Development Management Committee

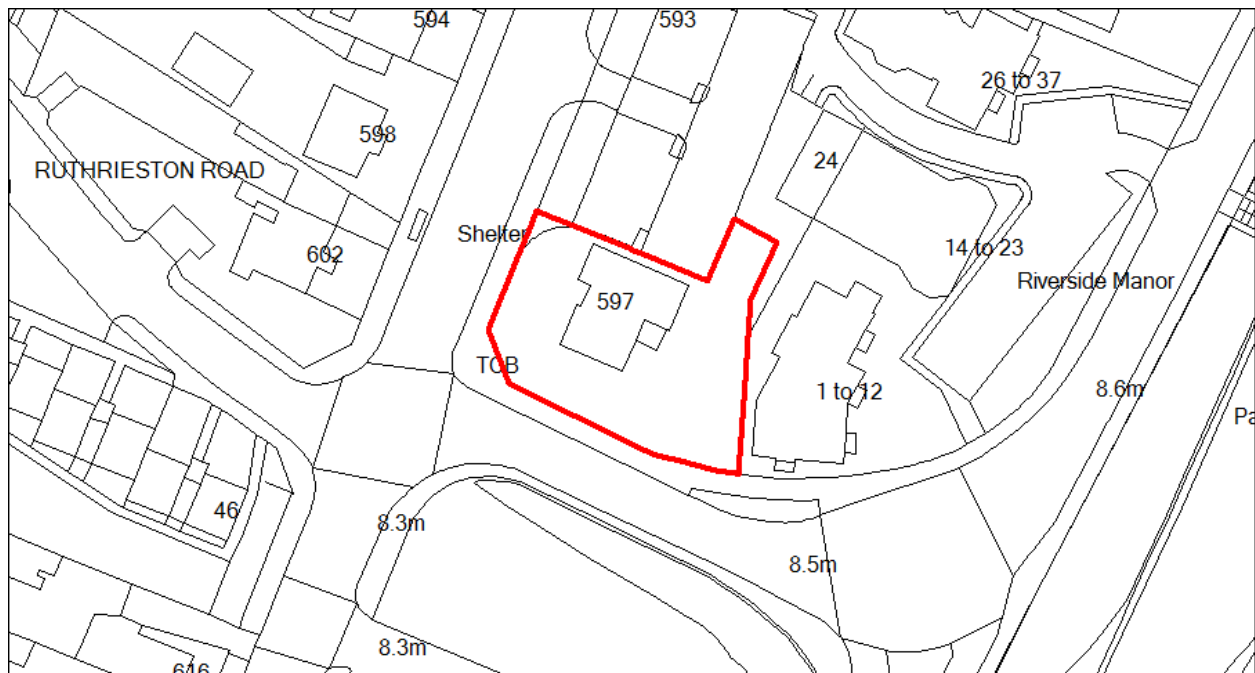
597 HOLBURN STREET, ABERDEEN

ERECTION OF STUDENT ACCOMMODATION
(INCORPORATING ALL ASSOCIATED
INFRASTRUCTURE WORKS AND
DEMOLITION OF EXISTING
DWELLINGHOUSE)

For: SHC Developments LLP

Application Type : Detailed Planning Permission
Application Ref. : P151755
Application Date: 05/11/2015
Officer: Nicholas Lawrence
Ward : Torry/Ferryhill (Y Allan/A Donnelly/J
Kiddie/G Dickson)

Advert : Can't notify neighbour(s)
Advertised on: 13/01/2016
Committee Date: 16th June 2016
Community Council : No response



RECOMMENDATION: Willingness to approve subject to appropriately worded planning conditions, but to withhold issue of the consent

document until the applicant/landowner has entered into a legal agreement for development obligation payments towards core paths and open space

APPLICATION SITE

The site comprises a roughly rectangular shaped parcel of land totalling 0.1 hectares, which is currently occupied by a dormer styled bungalow at the junction of Holburn Street and Riverside Place, Aberdeen.

The site is bounded to the North by a range of 3 storey flats (i.e. the former Ruthrieston Esso Garage site) and to the east by an apartment complex comparable in height to the proposed development, with Holburn Street forming the western boundary. The site is delineated to the south by a granite wall and a number of trees that have been severely pollarded. The character of the wider area is principally of residential development that ranges from single storey through to 3 storeys in height and no one particular architectural style or form is dominant.

In terms of designations the site is within a Residential Area as set out within the Inset Plan to the Aberdeen Local Development Plan 2012 and constitutes previously developed land (i.e. a brownfield site).

RELEVANT HISTORY

Planning Application reference P150996 – A 4 storey building to accommodate 46 units of student accommodation – withdrawn 14th of October 2015

PROPOSED DEVELOPMENT

In brief, planning permission is sought for the erection of a singular 3 storey L-shaped building that 'turns' the corner of Holburn Street and Riverside Place that will provide for 33 units of student accommodation. The submission also includes a disabled parking space, cycle parking both outside and securely within the building, external bin stores (serviced off Riverside Place) and amenity areas. In addition, the proposal seeks to remove a number of pollarded trees that face onto Riverside Place.

The scheme as originally presented involved the demolition of the substantial granite wall. The current submission had retained the wall, save for a number of insertions to provide light to the proposed development. The Applicants have also reduced the depth of the development on its northern limb to marry with that of the neighbouring apartment development.

In terms of form and presence the proposed building adopts a linear form that follows the form of the apartment building immediately to the north and the upper floor is stepped back, again which has a resonance with the neighbouring flatted development.

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=151755>

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 27 letters of representation, a number from multiple respondents, have been lodged against the proposed development. Accordingly, the application sits outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objection subject to a condition requiring a management plan

Environmental Health – No observations

Developer Contributions Team – Contributions to Core Path and Open Space, the latter following discussions with Environment Team

Communities, Housing and Infrastructure (Flooding) – Suds scheme required

REPRESENTATIONS

27 representations of objection have been received that relate to the following matters:

- Need for student accommodation
- Overdevelopment
- Increased noise levels
- Affect upon amenity
- Loss of view
- Lack of parking
- Road safety
- Too noisy for students to study
- Out of character
- Height
- Vehicular access
- Design/Massing/Materials
- Location of bins
- Should be elsewhere
- Loss of granite wall

- Loss of trees

PLANNING POLICY

National Policy and Guidance

- 3rd National Planning Framework
- Scottish Planning Policy
- Creating Places
- Planning Advice Note – Inclusive Design

Adopted Aberdeen Local Development Plan (ALDP):

- T2 - Managing the Transport Impact of Development
- I1 - Infrastructure Delivery and Developer Contributions
- D1 - Architecture and Placemaking
- D2 - Design and Amenity
- D3 - Sustainable and Active Travel
- D4 – Granite Heritage
- NE5 – Trees and Woodland
- NE6 – Flooding and Drainage
- R6 - Waste Management Requirements for New Developments

Proposed Aberdeen Local Development Plan (PALDP):

- D1 - Quality Placemaking by Design
- D2 - Landscape
- T2 - Managing the Transport Impact of Development
- T3 - Sustainable and Active Travel
- NE5 – Trees and Woodland
- NE6 - Flooding, Drainage and Water Quality
- R6 - Waste Management Requirements for New Developments
- C11 - Digital Infrastructure
- I1 - Infrastructure Delivery and Developer Contributions

Supplementary Guidance

- Technical Advice Note (TAN) – Provision of Student Accommodation

MAIN ISSUES

The main issues are; firstly, whether the principle of the development is acceptable; secondly, if acceptable in principle, whether the proposal in its detailed form harms the character and appearance of the area; thirdly, the affect upon amenity; and fourthly parking and highway matters. All issues have regard to the provisions of the development plan and other material considerations.

THE DEVELOPMENT PLAN POLICY FRAMEWORK AND MATERIALITY

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, (the Act) requires that proposals are determined in accordance with the Development Plan unless other material considerations indicate otherwise.

In this instance the Development Plan comprises the Aberdeen Local Development Plan (ALDP) that was adopted in February 2012. Materiality is also set, in part, by the Proposed Aberdeen Local Development Plan (PALDP). Whilst the PALDP has yet to undergo independent scrutiny and 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 should be accorded the appropriate weight.

At the national level, other material considerations include, albeit not limited to, Scottish Planning Policy, Creating Places and Planning Advice Notes.

ASSESSMENT OF MAIN ISSUES

Principle of the Development

The Proposed Use

The site is within a defined Residential Area to which policy H1 of the ALDP attaches. This policy, as with its proposed replacement, establishes a presumption in favour of new residential development in such areas provided a number of criteria are met, that include, not constituting overdevelopment or have an unacceptable impact on the character and amenity of the surrounding area.

Neither the policy nor the Glossary to the ALDP defines what constitutes residential development. For the purposes of this matter it is considered that the proposed use (i.e. student accommodation) constitutes a quasi-residential use and is therefore captured by policy H1.

Supply of Housing and Student Accommodation

In terms of housing supply, conventional housing can be accommodated on the site and there are no physical constraints that would preclude conventional housing making and efficient and effective use of the site.

Notwithstanding the above, the site has not featured as a conventional housing site within the housing land capacity constraints; albeit that there is a general requirement within the ALDP to secure 7,000 homes on brownfield sites by 2023.

It is also recognised that student accommodation should not compromise the capacity to meet the need for conventional dwellings, especially affordable

housing or undermine the policy position to secure mixed and balanced communities.

The Technical Advice Note (TAN) on the provision of student accommodation merely notes that the continued success of the higher education sector is a key driver of the City's economy. The TAN does not provide an assessment of a quantitative or qualitative need for dedicated student accommodation. There is anecdotal evidence that there is a need for such accommodation and this has not been satiated at the local level.

Bringing the above matters together, the proposed development will increase the supply of student accommodation within the City and allowing for the size of the site, will do so without compromising the delivery of conventional housing. In addition, the development's proximity to the Robert Gordon University would also align with the aims of the Development Plan.

It is therefore considered that the principle of the proposed development accords with the aims and objectives of the Development Plan and other material considerations.

Affect upon the Character and Appearance of the Area

The character of any area is more than the visual flow of the type of buildings and their associated materials; it also embraces the juxtapositions of buildings, their setting and the spaces they create. Any development ranging from the adaptation through to new build of whatever scale should not be considered in isolation and must be informed by the immediate and wider context.

Clearly the mass and scale of what is proposed bears no relationship to the existing dwelling on the site, as the flats to the north have no relationship to the former garage. That though is not a proper basis for any judgement of the merits of the proposal. A much denser form of development of the site than currently exists may be perfectly possible without it appearing out of place in its surroundings.

The assessment of context is set out within ALDP under policy D1 that also looks for new development to make a positive contribution to its setting, whilst seeking a high quality of design. The policy also cites a number of factors to be taken into account in the assessment which include, scale; mass; proportions of buildings; spaces around buildings and boundary treatments.

In this instance the character of the area is primarily of residential development and the flatted development to the north and east of the site adopts linear forms, with set backs, that generally follows the local road network with aspects of courtyard development. Therefore the form of the proposed development (i.e. linear following the local road network / aspects of courtyard developments) would complement rather than harm the character of the area.

On the matter of scale the proposed development is of the same height and number of floor levels as the apartment building to the immediate north and would therefore not be out of character in the area. The height of the proposed development along Riverside Place is comparable to the flatted development to the east, albeit that the roof form is different. It is therefore considered that the proposed scale of the proposed development is appropriate to its context.

With regard to design, the SPP advises local planning authorities that they should not stifle innovation, originality or initiative by adopting a prescriptive approach by imposing architectural styles or particular tastes. This position is set out in the preamble to policy D1 of the ADLP. Whilst the proposed development adopts a contemporary form it follows existing design parameters and the overall design is not considered to sit outside the form and presence of neighbouring developments.

In terms of the proposed pallet of materials, as with design, different materials can add interest to a building and whilst these materials may be used on commercial buildings, it does not undermine their use on other forms of buildings accommodating 'non-commercial' uses. In this instance the pallet of materials would add interest to the area and adopt elements and references from the neighbouring flatted development.

As noted above ALDP policy D1 includes the consideration of boundary treatments. Although ALDP policy D4 – *Aberdeen's Granite Heritage* of the ADLP is focussed upon buildings it does have the intent to retain other aspects City's granite heritage in certain circumstances. The Applicants within their revised drawings have retained the wall save a series of 'cut outs' – providing a castellated appearance, which is marked by a broken line on Drawing No A5401/L(04)101 Rev G. As full details of this facet of the scheme has not been submitted and the fine details of this element can be secured prior to development commencing by an appropriately worded planning condition should planning permission be forthcoming.

Affect upon Amenity

It is accepted that privacy and the protection of general amenity constitutes a material consideration in determining development proposals and is an important design objective in ensuring that residents of properties bounding any development site and those occupying new accommodation feel at ease within and outwith their accommodation. However, ALDP policy D2 – *Design and Amenity* only seeks to afford privacy to the occupiers of new developments.

Any development beyond the scale and form of the current dormer bungalow will have an impact upon the occupiers of neighbouring properties. It has to be acknowledged that in an urban environment there are juxtapositions of buildings with oblique views across residences. This is evidenced in the current relationship of the dormer bungalow to the neighbouring flatted development.

The proposal will not result in direct overlooking of the flats and there are marginal oblique views. With regard to impacts upon the balcony areas the adjoining flats it is considered that there will be no adverse impact upon amenity, having regard that these balconies look directly into the private areas of the current bungalow and obliquely to other amenity areas.

In terms of the occupiers of the proposed development, the Scottish Government in line with the policies of the Local Planning Authority is to secure mixed, socially inclusive and well balanced communities. It is considered that the scale of the proposed use accords with this goal and allowing for its relative proximity to the RGU it is considered that such a use would be expected in such an area.

The proposed development will alter the light pattern to the apartments. That would be true of any redevelopment of the site. It is considered that the reduction in the depth of the building and its alignment will not adversely harm this aspect of amenity afforded the occupiers of the flatted development to the north.

Parking and Road Matters

The Roads Development Management Team of the Council has reviewed the proposed development and bar a condition with regard to a management plan on the operation of the development are satisfied that the proposed development meets the requisite parking and roads considerations.

OTHER ISSUES

Trees

Policy NE5 of the ALDP (Trees) repeated as the same policy reference within the PALDP is framed in the negative by establishing a “presumption against all activities and development that will result in the loss of or damage to trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable”. PALDP policy NE5 omits the reference to significantly and after local amenity concludes “or climate change adaptation and mitigation”.

The trees within the site are not protected either by way of a Tree Preservation Order or by virtue of the site being located within a Conservation Area. Notwithstanding these matters, the trees have been significantly pollarded and it is considered they are not of a quality that should be covered by a TPO or contribute to local amenity. It is considered that as part of a landscaping scheme, should permission be forthcoming, a tree planting scheme can be established with species that will add to the visual amenity of the area.

Noise affecting Students

Allowing for the nature of the dominant development fronting Holburn Street (i.e. residential) it is considered that the noise emanating from Holburn Street will have no greater impact upon the occupiers of the proposed development as it

does upon the residents of Holburn Street. Therefore this matter raised by third parties does not erode the basis of the recommendation of the Acting Head of Service.

RECOMMENDATION

Willingness to approve subject to appropriately worded planning conditions, but to withhold issue of the consent document until the applicant/landowner has entered into a legal agreement for development obligation payments towards core paths and open space

REASONS FOR RECOMMENDATION

The proposed provision of student accommodation is considered to be appropriate use for the site, in particular allowing for its relationship to the Robert Gordon University. Furthermore, it is considered that the form, design, scale and mass of the development coupled to the quantum of development will not harm the visual or residential amenity of the area.

As such, the proposed development is considered to accord with policies T2 - Managing the Transport Impact of Development; I1 - Infrastructure delivery and Developer Contributions; D1 - Architecture and Placemaking; D2 - Design and Amenity; D3 - Sustainable and Active Travel; D4 – Granite Heritage; NE5 – Trees and Woodland; NE6 – Flooding and Drainage and R6 - Waste Management Requirements for New Developments of the Aberdeen Local Development Plan 2012.

Conditions

1.
Notwithstanding Drawing No: A5401/L(04)101 Rev G no development shall take place until samples of the materials (including colour of render, facing block, standing seam metal cladding, aluminium flashing, curtain walling, spandrel panel, hopper and square sections) to be used in the construction of the external surfaces of the development hereby permitted including pantone references and details of the module jointing and arrangement of the standing seam metal cladding and curtain walling have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy D1 of the Aberdeen Local Development Plan 2012 and policy D1 of the Proposed Aberdeen Local Development Plan

2.
Notwithstanding Drawing No; A5401/L(90)01 Rev H the development hereby approved shall not be occupied until details of the form of enclosure to the refuse and recycling storage have been submitted to and approved in writing and the

facilities have been fully implemented in accordance with the agreed details 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 policies R6 and D1 of the Aberdeen Local Development Plan 2012

3.

No part of the development hereby approved shall be occupied until details of the treatment of the granite boundary wall fronting Riverside Place as shown on Drawing No: A5401/L(04)101 Rev G have been submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the agreed details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy D1 of the Aberdeen Local Development Plan 2012 and policy D1 of the Proposed Aberdeen Local Development Plan

4.

The disabled parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicle for a person holding a blue badge belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy T2 of the Aberdeen Local Development Plan

5.

The development hereby permitted shall not be occupied until the cycle parking facilities shown on Drawing No; A5401/L/(90) Rev H 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: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy D3 of the Aberdeen Local Development Plan 2012.

6.

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, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

7.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; 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, unless the Local Planning Authority gives written consent to any variation. 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 policy D2 of the Aberdeen Local Development Plan 2012.

8.

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies D2 and NE5 of the Aberdeen Local Development Plan 2012.

9.

No development shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with policy NE6 of the Aberdeen Local Development Plan 2012 and policy NE6 of the Proposed Aberdeen Local Development Plan.

10.

No part of the development shall be occupied until a Student Accommodation Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include, albeit not limited to, details on servicing, site and landscape maintenance, social behaviour and a green travel plan.

Reason: In the interest of highway safety and the environmental quality of the area.