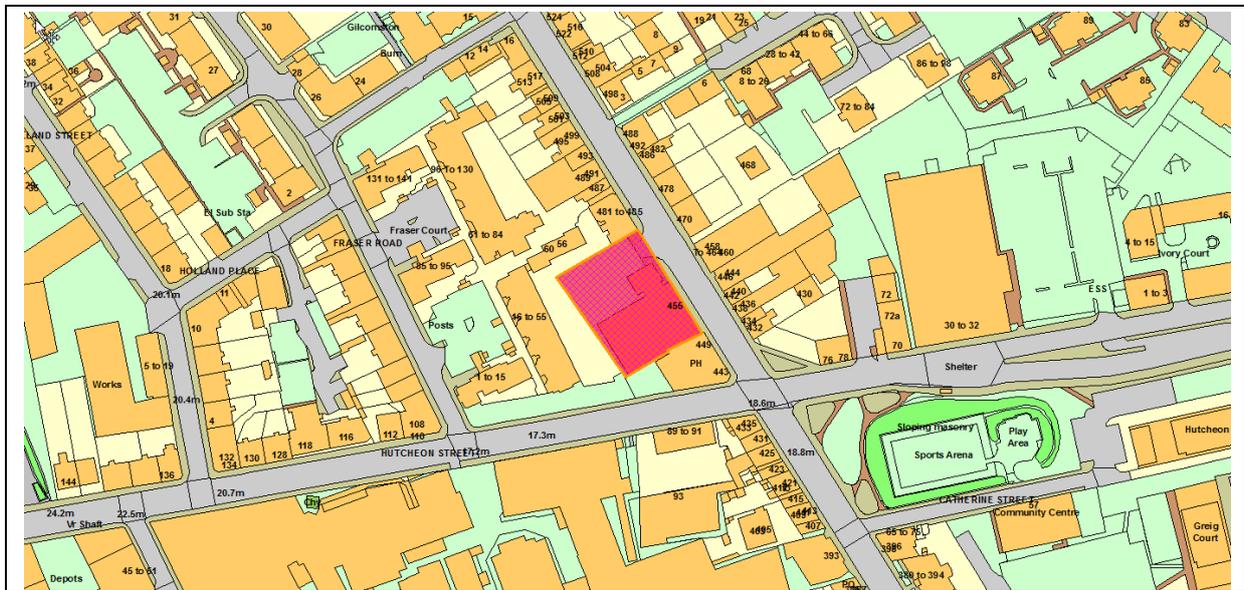


Planning Development Management Committee Detailed Planning Permission

161189/DPP: Demolition of existing building and erection of student accommodation building, parking and landscaping at 455 George Street, Aberdeen, AB25 3YB.

For: McLaren (Aberdeen) Limited

Application Date:	16 August 2016
Officer:	Andrew Miller
Ward:	George Street/Harbour
Community Council:	George Street
Advertisement:	No Premises on Neighbouring Land
Advertised Date:	24 August 2016



Location Plan

RECOMMENDATION: Willingness to approve subject to the developer entering into a legal agreement to secure developer obligations towards open space and the City Car Club.

SITE DESCRIPTION

The site comprises a vacant building (formally occupied by a car parts retailer), associated yard and car park. It is situated on George Street, on the north western corner of its intersection with Hutcheon Street and extends to some 1660 sq metres, with vehicular access to/from George Street. The surrounding area contains a mix of uses: largely residential to the north and west, with retail and other commercial uses to the south and east.

RELEVANT HISTORY

Application Proposal
Number

151588 Demolition of existing building and erection of student accommodation building with 134 studio flats, parking and landscaping was refused Detailed Planning Permission by the Visiting Planning Development Management Committee on 9 June 2016.

Reason for Refusal:

The development represents overdevelopment of the site due to its height and massing and consequently would result in a detrimental impact on the amenity of the surrounding area, due to the overbearance and loss of daylight/sunlight to neighbouring residential properties. There would be insufficient access to the site for servicing and emissions from the plant room to the rear of the site would have a negative impact on neighbouring residents.

DESCRIPTION OF PROPOSAL

Detailed Planning Permission is sought for the erection of student accommodation, comprising 121 studio student residences. The building would be in a T-shaped footprint and would be 5 storeys in height for the George Street facing block, with a rear wing and to the northern side of the George Street Elevation that would step down from 5 storeys to 4 then 1 storey. Two on-street parking spaces and a service bay are proposed on George Street, along with cycle parking to the rear within the proposed amenity space.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OBSYLZBZGEV00>

The following supporting documents were provided with the application:

- Drainage Strategy
- Energy Sustainability Statement
- Geo-Environmental Statement
- Student Accommodation Market Analysis
- Noise Impact Assessment
- Parking Scoping Note
- Student Management Plan
- Transport Statement

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- Asbestos Report
- Daylight and Sunlight Report
- Design Statement
- Environmental Strategy
- Flood Risk Assessment

CONSULTATIONS

Consultee	Comments Made
Roads Development Management	Development can be considered to be no-car development (proximity to a number of bus services and mainline rail station). The building is located within a reasonable walking distance of further education establishments. Sufficient space for provision of parking and service layby on George St. Contribution towards car club sought.
Environmental Health	Generally in agreement with the findings of the Noise Impact Assessment submitted with the application. Condition recommended requiring glazing and ventilator mitigation measures identified in NIA to be implemented.
Flooding And Coastal Protection	Following provision of additional information in relation to flood risk, no objections.
Contaminated Land Team	Conditions requiring Contaminated Land Assessment to be undertaken along with implementation of any recommended
Waste Strategy Team	Details of bins/waste arrangement required for development.
Developer Obligations Team	Contribution towards open space sought (£10,648)
George Street Community Council	No response received.

REPRESENTATIONS

Six letters of objection have been received within the time limit allowed. The matters raised relate to the following:

1. Design and Siting

- 1.1. Reduction in height of the building has made minimal difference to the impact of development on surrounding area and is still overdevelopment of the site.
- 1.2. Design of flats is uninteresting and low, resulting in a squashed appearance.
- 1.3. Materials used bear little resemblance to the traditions normally found in the North East of Scotland.

2. Impact on Residential Amenity

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- 2.1. Height of building will result in overshadowing to neighbouring flats.
- 2.2. Loss of daylight to neighbouring residential properties, including external amenity areas.
- 2.3. Adverse impact on privacy due to proximity of development to neighbouring residential properties.
- 2.4. Noise from occupants of development will have an adverse impact on amenity of surrounding area.
- 2.5. Noise and dust from construction works will pollute neighbouring residential properties.
- 2.6. The communal area to the rear of Fraser Court will no longer be an attractive outdoor space once the development is erected.
- 2.7. Rooftop gardens will attract nesting gulls.

3. Parking/Servicing

- 3.1. Insufficient parking and servicing provision, failing to comply with policy D3 of ALDP.
- 3.2. Overspill of parking to neighbouring residential schemes (e.g. Fraser Court) due to insufficient parking on site.
- 3.3. Adverse impact on traffic during construction process.

The following matters raised are not material planning considerations:

- There is more than enough student accommodation within the city.
- Naïve to believe that rooftop gardens will not be used by students, resulting in disruption to neighbouring residents.

PLANNING POLICY

Aberdeen Local Development Plan

H2 – Mixed Use Areas

RT3 – Town, District and Neighbourhood Centres

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

NE6 – Flooding and Drainage

R2 – Degraded and Contaminated Land

R6 – Waste Management Requirements for New Development

R7 – Low and Zero Carbon Buildings

Supplementary Guidance

Technical Advice Note – Student Accommodation

Transport and Accessibility Supplementary Guidance

Proposed Aberdeen Local Development Plan

H2 – Mixed Use Areas
NC6 – Town, District, Neighbourhood and Commercial Centres
D1 – Quality Placemaking by Design
D3 – Big Buildings
I1 – Infrastructure Delivery and Planning Obligations
T2 – Managing the Transport Impact of Development
T3 – Sustainable and Active Travel
NE6 – Flooding, Drainage and Water Quality
R7 – Low and Zero Carbon Buildings, and Water Efficiency
CI1 – Digital Infrastructure

Other Relevant Material Considerations

None

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

The main considerations in this instance relate to: the principle of the development; design and siting; impact on the surrounding area; servicing arrangements (including parking/access); and drainage.

Differences with Previous Scheme

Following refusal of the previous application (151588), the applicant has amended the proposals as follows:

- A reduction in the height of the scheme by one storey.
- Reduction in number of rooms from 133 to 121.
- Reduced massing by stepping the rear elevation of the building.
- Removal of the boiler/plant room to the north western corner of the site.
- The cycle store has been moved to the rear of the site.
- The green roof elements will not be accessible and will have anti-bird controls/landscaping.
- Additional landscaping strip/privacy to George Street.
- Reduction in massing has subsequent reduction in overshadowing.
- Defined loading area to the front of the student accommodation.
- Active uses incorporated to the frontage (e.g. office/common room).

Principle

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Located within the George Street Neighbourhood Centre, a Mixed Use Area, both as designated in the ALDP.

In respect of neighbourhood centres, associated policy RT3 seeks to ensure the principal retail function of such areas is retained. In this instance, the existing use is non-retail (car parts warehouse, considered to fall within Class 6) with the proposed use going to a quasi-residential use. Accordingly the redevelopment of the site would not undermine the principal retail function of the area and is considered to accord with RT3.

In respect of the wider ALDP designation as a Mixed Use area, policy H2 seeks to ensure new uses are compatible with existing neighbouring uses. Given that the primary surrounding uses are residential the proposal would not conflict, with retail and other commercial uses found on George Street. The proposals are therefore considered to satisfy the requirements of H2.

Design and Siting

Policy D1 seeks to ensure new development is designed and sited with due consideration for its context. In respect of its footprint, whilst relatively large in terms of site coverage, this is comparable with the surrounding plots/context. Areas of enclosed private amenity space are provided to the rear and are considered to provide a suitable level of external amenity, both in terms of outlook and use. The studio rooms would each have at least one floor to ceiling window, offering a suitable level of amenity to each room. It is noted that there are rooms on each floor with a window to a recessed area, though the provision of a larger windows and a southerly aspect is considered to offer suitable outlook and daylighting to residents.

Relative to its height, the overall height of the development is lower than that of the adjacent tenement building to the south (housing the Butcher's Arms Public House at ground level). The building would step down to four stories to the north, adjacent to lower residential flats on George Street. In this form and context, whilst different in scale in comparison to the existing warehouse on site, it is considered the proposed building relates well to surrounding buildings.

The principle elevation to George Street would be broken up by using different materials in a vertical arrangement, which reflects the surrounding width and variety of buildings in the locality. No detailed information has been supplied in respect of the material finishes, as such a condition requiring their submission and approval is recommended.

Taking account of the above, it is considered the building marries in with the adjacent buildings on George Street and can be adequately accommodated within the streetscape. The proposals are therefore considered to comply with policy D1.

Impact on Surrounding Area

Here consideration must be given to: overshadowing; impact on daylight/sunlight to surrounding residential uses; and privacy considerations. Policy H2 seeks to ensure no significant impact on the amenity of existing uses. Relating to overshadowing and

loss of daylight/sunlight, the application has been accompanied by a daylight and sunlight report with tests undertaken in accordance with Building Research Establishment (BRE) standards. Following refusal of application 151588 (see history section above), the development has been reduced in height by one storey and the rear wing has been stepped down in height.

The report highlights that as things currently stand the existing conditions are relatively poor in relation to the standards. In this context it should be noted that the proposals would result in 91% of windows surrounding the development continuing to receive adequate daylight. Those windows that failed (8 in total) are located on the opposite side of George Street from the site (nos. 440-442 and 470). Four of these were bedroom windows (which have a lower daylight requirement), three were living rooms and one a kitchen. All windows will receive adequate sunlight. Relative to overshadowing, the overshadowing testing was undertaken to the amenity areas within the development site, and it was noted that the levels of sunlight would exceed minimum BRE compliance and provide good sunlight conditions. Whilst no analysis was applied to the neighbouring amenity space, based on the information provided for the amenity area proposed, the overshadowing will be no worse than the existing conditions.

Overall, it should be noted that the BRE standards are a guideline rather than a requirement and are designed with suburban situations in mind. The guidance states that flexibility should be afforded to historic context and dense city centre locations such as this site.

In respect of the impact on privacy, there is sufficient separation between windows of the proposed development and neighbouring properties, exceeding the 18 metre standard (the shortest distance is 25 metres between the rear wing and the flats to the north of the site, with 30 metres between the rear of the building and the flats at Fraser Court).

Taking account of the above considerations, it is concluded the development will not have a significant adverse impact on the amenity of the surrounding area and as such would satisfy the requirements of policy H2 in this respect.

Parking and Access

Policy T2 and the associated Transport and Accessibility Supplementary Guidance seeks to ensure suitable parking provision for new development. Here the access from George St to the site will be closed, presenting the opportunity for on-street parking along the frontage. This would result in the creation of two on-street parking bays, one of which would be for disabled drivers to ensure good accessibility. Otherwise the principle of zero-parking provision is considered acceptable on the basis that the site is in a location highly accessible to the city centre and public transport and can be controlled by parking restrictions in the immediate locality. A contribution towards the City Car Club is to be sought given the zero parking provision as part of the development.

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In respect of servicing, the arrangement would be similar to the rest of the properties along George Street, though a loading/service bay has been identified on street. Deliveries to the site would largely limited to postal deliveries.

An area for the storage of bicycles to the north west of the site has been indicated as part of the submission, though no specific scheme has been provided. A condition requiring a scheme to be submitted for approval is recommended.

Drainage and Water

Policy NE6 seeks to ensure surface water is appropriately drained. Surface water would be discharged via stone filter trenches and porous paving to the nearby culverted Gilcomston Burn to the west. Foul drainage would discharge to public sewers. In respect of the requirements of NE6, the proposed drainage means are considered acceptable.

Waste

In relation to waste, policy R6 seeks to ensure development has suitable refuse arrangements. An area accessed from the front of the buildings has been provided, though a specific layout has not been submitted. ACC Waste Services have requested that the mix of bins should be agreed and a condition to this effect is recommended. In respect of refuse vehicles, these would utilise on street collection, in common with all other properties on George Street. In light of this, the proposals are considered to accord with policy R6.

Low and Zero Carbon Buildings

Policy R7 states that all new buildings must install low and zero-carbon generating technology to reduce predicted carbon dioxide emissions in line with standards contained in the associated Supplementary Guidance. The Sustainability Statement provided with the application states compliance with policy R7 given updates in building standards, though no specific evidence has been provided to this effect. A condition requiring submission of these details is recommended.

Developer Obligations

Obligations have been sought towards open space provision. In order to secure these obligations, a legal agreement is recommended.

Matters Raised in Representations

1. Design and Siting

- 1.1. Reduction in height of the building has made minimal difference to the impact of development on surrounding area and is still overdevelopment of the site.
- 1.2. Design of flats is uninteresting and low, resulting in a squashed appearance.
- 1.3. Materials used bear little resemblance to the traditions normally found in the North East of Scotland.

In respect of the above comments on design and siting, it is considered the height of the building and the relationship with neighbouring buildings is satisfactory as detailed in the evaluation above (under Design and Siting). Relative to the materials used, whilst no specific details have been provided with the application (and a suspensive condition requiring this information is recommended), pastiche materials aren't always suitable – though care will be given to ensure the material choices complement the surrounding vernacular rather than seeking to emulate it.

2. Impact on Residential Amenity

- 2.1. Height of building will result in overshadowing to neighbouring flats.
- 2.2. Loss of daylight to neighbouring residential properties, including external amenity areas.
- 2.3. Adverse impact on privacy due to proximity of development to neighbouring residential properties.
- 2.4. Noise from occupants of development will have an adverse impact on amenity of surrounding area.
- 2.5. Noise and dust from construction works will pollute neighbouring residential properties.
- 2.6. The communal area to the rear of Fraser Court will no longer be an attractive outdoor space once the development is erected.
- 2.7. Rooftop gardens will attract nesting gulls.

It is not considered the development will result in adverse overshadowing, loss of daylight or loss of privacy to neighbouring properties. This is given full consideration under "Impact on Surrounding Area" above. In relation to potential pollution from the development during construction, this is inevitable though would be for a limited period.

Relative to the concerns of rooftop gardens attracting nesting gulls, given that the development itself will be residential accommodation, there will likely be desire from the applicant to keep these areas free from gulls. The access to the flat roof will help ensure the areas are maintained.

3. Parking/Servicing

- 3.1. Insufficient parking and servicing provision, failing to comply with policy D3 of ALDP.
- 3.2. Overspill of parking to neighbouring residential schemes (e.g. Fraser Court) due to insufficient parking on site.
- 3.3. Adverse impact on traffic during construction process.

Per the evaluation under Parking and Access above, it is considered the provision of two on-street parking spaces is sufficient for the development. Whilst there may be some disruption from on-street works and the wider construction process, this would be for a limited period.

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The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015 and the Reporter has now reported back. The proposed plan 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 comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporters response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP.

Approval to adopt the LDP will be sought at the Full Council meeting of 14 December 2016. The actual adoption date is likely to be around the third week in January 2017.

RECOMMENDATION: Willingness to approve subject to the developer entering into a legal agreement to secure developer obligations towards open space and the City Car Club.

REASONS FOR RECOMMENDATION

The redevelopment of the site for student accommodation is considered to be a suitable use compatible with neighbouring land uses and is designed, sited and serviced in a way that would maintain the amenity of the surrounding area. Accordingly, the proposals are considered to accord with relevant policies of the Aberdeen Local Development Plan 2012 and associated Supplementary Guidance.

Insofar as they are relevant, the proposal accords with policies contained in the Proposed Aberdeen Local Development Plan 2015.

CONDITIONS

1. External Material Finishes

That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls 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.

Reason: in order that further evaluation can be given to the material finishes of the building, details of which are lacking from the proposals.

2. On-street Parking Provision

That no development shall take place unless a scheme for the provision of two on-street parking spaces has been submitted to and approved by the Council. Thereafter, the development shall not be occupied unless the parking spaces have been provided in accordance with the approved scheme.

Reason: in order to ensure the delivery of on-street parking spaces in a timeous manner and the interests of road safety.

3. Landscaping

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 detailed scheme of hard and soft landscaping for the site, which scheme shall include indications of all terraces proposed as part of this development, green walls, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting.

Reason: in order that further evaluation can be given to the landscaping of the development, details of which are lacking from the proposals.

4. Refuse Storage

That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority.

Reason: in order to ensure the development is served by suitable refused provision, preserve the amenity of the neighbourhood and in the interests of public health.

5. Cycle Storage

That the development hereby granted planning permission shall not be occupied unless a scheme detailing cycle storage provision for 60 cycles in a secure, lockable facility has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.

Reason: in the interests of encouraging more sustainable modes of travel.

ADVISORY NOTES FOR APPLICANT

Further discussion on providing parking on-street and possible use of parking permits for staff at the student accommodation requires contact with ACC Traffic Management – Vycki Ritson 01224 522704 or vritson@aberdeencity.gov.uk.

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Further information on the car club contribution for residents of the student accommodation and the surrounding area is available from ACC's Louise Napier (01224 523327 or lnapier@aberdeencity.gov.uk)

Please contact Hannah Lynch of ACC Waste Management (01224 489256) or halynch@aberdeencity.gov.uk to discuss arrangements for waste collection and recycling facilities at the development.