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06 January 2017

ABERDEEN CITY COUNCIL
ENTERPRISE, PLANNING & INFRASTRUCTURE
BUSINESS HUB 4
MARISCHAL COLLEGE
BROAD STREET
ABERDEEN
AB10 1AB

**For the attention of MS DINEKE BRASIER**

Dear Ms Brasier,

**PLANNING APPLICATION REF: 161721/DPP – ERECTION OF 4 RESIDENTIAL FLATS AND ASSOCIATED CAR PARKING AT 19 SOUTH AVENUE, CULTS**

**OBJECTION ON BEHALF OF MR & MRS LEITH, 21 SOUTH AVENUE, CULTS**

I write on behalf of Mr & Mrs Leith to object strongly to the above planning application. This is clearly an overdevelopment of the site but also raises a wide range of serious planning concerns and impacts on my client and by implication their neighbours. Initial comments are set out below followed by a review of these against newly adopted Council policy.

This objection has been lodged in line with the attached e-mail confirming that the consultation period has been extended to 8th January. We note, however, that the online representation form is no longer available to those wishing to comment through the Council's webpages.

**Context** - The site is located within a residential area of the City. South Avenue presents a clearly defined boundary between a more built up area to the east and the low density housing area to the west and south. The area to the west generally comprises single houses in large plots. There are no flatted developments in the immediate area to the west of South Avenue. Contextually therefore the proposed development is out of character with the surrounding area.

**Scale of Development** - This application is for 4 one-bedroom flats on the site of a much smaller, now demolished single storey cottage. The proposed flats are very large and range from 147sqm to 153sqm. To put that into context a 4 bedroom detached 2-storey house could be in the range of 140sqm to 160sqm. The proposed flats are each essentially of a similar floor area to that of a reasonably large family house. That has implications for the level of open space and other elements such as car parking or servicing. Where a one-bedroom flat may have a lower level of these required, larger properties require greater amounts. These proposed properties should therefore be treated in relation to their floor space rather than number of bedrooms as the latter is misleading.

**Density** - As a result of the size of the units the site density is proposed to be increased significantly, even over the previous consent for a very large single house to replace the original small cottage. Given the scale of each of the flats this proposal is the equivalent of locating 4 family sized houses on the site of a single house.

**Height and Mass** – The height and massing of the proposals are out of context with the surroundings. The proposal is for a single monolithic block over 9.6m high to the North elevation and over 12.6m to the south elevation. The previous scheme at 1 ¾ storeys with a pitched roof gave some relief to the mass but the current proposal is box like with no consideration to the context of the area.

**Daylight and Overshadowing** - The height and location of the building so close to my client's house is such that it will create unacceptable overshadowing in the garden to the north. This will be at its most pronounced in the morning but will result in my client's amenity being significantly undermined.

**Privacy and Overlooking** - The height and the proximity of the proposed development to my client's home will clearly create significantly greater opportunities for overlooking and impact adversely on the privacy of their property. Three storeys of balconies at the south of the property look directly into my client's garden and from height, exacerbating the impact. The northern elevation's windows will also look directly into the northern garden of no 21, again significantly undermining the privacy and amenity of this presently quiet and secluded garden ground.

**Design** -The design of the proposals are totally out of context with the residential area to the South of the North Deeside Road. Properties to the South have been designed in such a manner to limit the visual impact by sitting low behind the historic walls that are a feature to the South side of the North Deeside Road.

The building is forcing itself into the surroundings and its mass is totally uncomfortable in relation to the adjacent properties. Mention is made that it relates to the properties at Cults Court but to design this box to the heights suggested will produce a development that is totally out of keeping. The current proposal keeps relating to the application approved P141049 for height and massing. There appears to be many conflicts with regards to heights, datum levels massing etc. We cannot tell from the plans submitted how this application actually relates in height to that approved as there is no constant datum. From the information provided we think the proposal could be in excess of 1.6m higher than that previously approved. We also note that floor to floor heights have not been noted and we would like confirmation of these so an assessment to fixed datum's can be reviewed. Dimensions and floor areas do not tie up either. The building footprint is stated as 180sqm however the dimensions provided of 15 x 13.7 (excluding Balconies) give a footprint of 205.5m some 25.5m of a difference.

We have checked the submitted plans and we calculate the overall external envelope (including balcony floor space) to be in the region of 221sqm. Clarification is required to what is correct as this will amend any coverage figures that have been stated.

The number of discrepancies throws doubt on the accuracy of the drawings submitted and this will need absolute clarification prior to any decision being made on this application. In that circumstance my client will expect a re-notification and opportunity to consider the proposals based on definitive drawings. We suggest that the Council should request updated drawings that can be considered in a like for like manner with the existing circumstances.

**Building Line** - The building line dimensions are also confusing and require to be clarified as at no stage has the rear of the building in the previous application been 12m to the face of the back of the building. Indeed the current proposal makes the step back from 21 South Avenue increase from 2.8m, as marked on the approved drawings, to 3m. This is obviously not a large increase but the design now being a vertical face of 9.6 meters to 12.6 plus means this will be an overpowering and unacceptable mass of this very large building only 2m from the gable of 21 South Avenue.

**Access and Traffic** – South Avenue is an unmade and un-adopted private road which has its junction to the north of the access point to the proposed development. This single width road serves 15, 17, 17a 19, and 21 South Avenue along with Armstrong Boarding Kennels. South Avenue continues to the West, again unmade and un-adopted and is currently unusable meaning that all access to the proposed site and existing properties is from the North Deeside Road junction. Increasing traffic on to this junction will put pressure on an already difficult junction. The South Avenue exit sits opposite the busy Church hub / McCartney Stone residential junction and immediately adjacent to the access to Cults Court to the East. Additional traffic to this single lane access will heighten the safety issues to an already tricky manoeuvre and increase the potential for traffic queuing on North Deeside Road while waiting to turn into this very narrow single lane access road.

Additional traffic, especially construction traffic, to South Avenue will further affect the condition of the surface to the detriment of the existing residents.

It is surprising to see that the Council's Roads department have made no comment on the parking arrangements as there are a number of areas where we would question the safety and usability of some of the spaces.

The parking arrangements to the rear are very tight and brings into question the practical use and number of usable spaces provided. One space clearly encroaches on the existing hedge and towards the opposite end of the parking court where the spaces are located at ninety degrees to each other no allowance has been made should any car overhang without the loss of a space.

In regards to safety the location of the 1800mm high timber fence to the rear of the bins is questionable - does this still provide adequate visibility to ensure there is no conflict between cars entering the site and reversing out of the proposed spaces? Can you also clarify what measures would be in place to ensure the safety of those entering our client's property and occupants reversing out of the proposed spaces?

Security of motor and cycle parking - The provision of the 1800mm high timber fence to the rear of the cycle and motor spaces creates a security issue as these won't be overlooked by the residents.

**Parking** - parking seems to have been provided on the basis of four 1-bed flats. On the face of it that may be initially considered reasonable but given the scale of the properties we don't believe that to be the case. These properties are each the size of a 4-bedroom house so in theory could accommodate many more residents than the number of bedrooms suggests. In any event at least one of the parking spaces is not viable as it would lead to the loss of a communal hedge (and consent for its removal would not be forthcoming) and the parking for motorcycles and bicycles does not provide for safe access for them or the pedestrians who may be sharing the pathway that these vehicles have to cross.

**Amenity** – there are several issues with the design that will have a serious detrimental impact on the amenity of the area and adjacent neighbours

- Parking – The current proposal indicates the parking layout being formed by the removal of the hedge between 19 and 21 South Avenue. This is a joint boundary and removal or damage to the existing hedge will not be permitted by the joint owners at 21 South Avenue. This will require the layout to be revised to ensure the hedge is maintained. Although the plans indicate the parking area to be 'grass' coloured this is a grasscrete finish which in general will be a concrete finish as regular use kills any chance of grass growing. This makes the parking and access area a harsh, hard surfaced area. The reversing and exiting of cars will be a dangerous manoeuvre as they will back out onto the shared access with 21 South Avenue. We cannot see how the turning manoeuvres will be carried out safely.

- Overlooking – The full length balconies are of concern for overlooking of the adjacent properties and in particular the garden area of 21 South Avenue. This is unacceptable in terms of design and will require to be re-designed to mitigate any overlooking of the properties. This also applies to the north facing windows which overlook the rear garden of 21 South Avenue.

- Existing Hedge – The existing hedge, a joint boundary, will require to be maintained in full to ensure that the privacy of 21 South Avenue is maintained. No permission for its removal will be granted by my clients.

**Construction Impact** – The proposal as submitted cannot be built on the East boundary without the closure of South Avenue to accommodate scaffolding. This is totally unacceptable as this is the only functional access for 15, 17, 17A, 19, 21 South Avenue and the Armstrong Boarding Kennels. This access is also required for refuse collection and emergency vehicles at all times. The part of South Avenue to the East is an un-adopted section of road which is unpassable for most vehicles. Given the access constraints and necessity of continuous access at this part of South Avenue we can't see how the proposed building could be constructed in its proposed location. South Avenue must remain open at all times.

There is also concern that the construction zone to the West boundary is too tight for construction scaffolding without impinging onto 21 South Avenues land. Further clarification of how the applicant proposes to overcome this major constraint to construction is absolutely necessary.

**Precedent** – The proposal presents a dangerous precedent and context for the ongoing densification of this part of Cults. South Avenue presents a clear separation between the more dense central Cults area and the suburban west, with its lower densities and larger plot sizes. If this application is approved then we can see significant pressure for similar developments in this area.

**Servicing** – This does not seem to have been considered for larger vehicles as they cannot turn within the curtilage of the application site. With 21 South Avenue having unrestricted access rights at all times it is not acceptable that deliveries block this access at any time and confirmation of servicing requirements is required. This is also applicable to any potential construction traffic and a clear and safe access must be maintained at all times therefore confirmation on an access strategy is required before any decision is made.
Given that these properties will also require servicing vehicles to access the site for deliveries etc. that a swept path analysis is provided to ensure that servicing this site does not impinge on the accessibility or safety of my client and their property.

**Previous Consent** – the applicant makes much of the previous consented house to support their new proposal's scale and form. This should be discounted and the proposed development dealt with on its own merit. This is a flatted development and not a single house. It's also larger with a greater requirement for servicing and parking as a result. These impacts alone in this area of Aberdeen are enough to warrant a refusal.

It has also been brought to my attention that there may be issues with the ownership of the site around the location of the proposed bin stores. If that is the case then that proposed location is not deliverable.

**Review of Proposals against Planning Policy**

ACC have only very recently approved the adoption of the new Local Development Plan. All planning decisions must be made in the context of its policies unless strong material considerations suggest otherwise. In this case the policies and supplementary guidance are at their strongest and up to date. In that respect the following policies apply:

***Policy D1- Quality Placemaking by Design*** *- All development* ***must*** *ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.*

We don't believe that the proposal does take account of its context or create a strong sense of place. It looks out of place, is too large and does not fit within the pattern of development that surrounds it**. It is therefore contrary to Policy D1 and should be refused.**

***Policy D2 – Design and Amenity -*** *(4) When it is necessary to accommodate car parking within a private court, the parking must not dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in high density schemes* **–** in this case the 50% limit is breached **contrary to policy D2**.

***Policy D4 – Historic Environment*** *- The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. It will assess the impact of proposed development and support high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas, archaeology, scheduled monument, historic gardens and designed landscapes.*

Although at the edge of a Conservation area the historic boundary wall and the fact that it is the dominant feature as you enter the Conservation Area from the West will be clearly affected. The wall is part of the historic character but so too is the fact that houses in this location sit well back and are hidden to a great extent by the wall. The proposed flats are tall enough to have a major impact on that character by appearing well above the wall and closer to it than other houses along this part of North Deeside Road. As a result the proposed development will not preserve and enhance the Conservation Area and is **contrary to this policy too**.

***Policy H1 Residential Areas*** *- Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:*

1. *does not constitute over development;* in this case it does.
2. *does not have an unacceptable impact on the character and amenity of the surrounding area;* in this case the character and amenity of the area are seriously eroded
3. *does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010;*
4. *complies with Supplementary Guidance* – this is considered below but we believe that many of the requirements of SG are also undermined

**As a result the proposed development is Contrary to 3 out of 4 requirements of this policy and should be refused.**

**Supplementary Guidance: The Sub-Division and Redevelopment of Residential Curtilages -** This is the Council's general guidance covering the complete redevelopment of existing dwellings by new dwellings. It sets out guidelines on a number of topics (policy guidance is shown in italics with commentary following each element):

***Built Form and Townscape***

- *The location and size of any new dwellings must be in keeping with the established spatial character and built form of the surrounding area* – this is clearly not the case in this instance.
- *New dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces (gardens etc.)* - The application intends having the West gable closer to 21 South Avenue than that approved under the previous application P141049. This will give rise a significant mass closer to the existing application which will be very dominating and oppressive.

- *The scale and massing of the any new dwellings should complement the scale of surrounding properties* - The scale and massing is totally out of character to the nearest properties to the West of South Avenue which consist of a mixture of bungalows, 1 ½ storey and 2 storey houses. Reference is made to the flats at Cults Court which are higher however they are within the more built up Eastern side of Cults.
- *The density of the surrounding area should be reflected in the development proposals for the new and existing property* - this is simply not the case. The density of this part of Cults is characterised by single houses in large plots, usually 1.5 to 2 storeys in height.
- *As a general guide, no more than a third (33 per cent) of the total site area for each individual curtilage should be built upon* – check?
- *New dwellings should generally not project forward of any established building line* – again, the proposal breaches this rule as the established building line is closer to that of no.21.
- *The distance between proposed dwellings, and between proposed and existing dwellings, (i.e. between gable ends) should be similar to that predominating on the street* - again, the proposal is in breach of this part of the guidance. The gables are significantly closer than that predominantly in the streetscape but also closer than even the approved single house;
- The ridges or wallheads of any new dwellings should be no higher than the ridges or wallheads on adjoining dwellings - Again, the proposal conflicts with this part of the guidance.

***Design and Materials***

*High quality design and materials which enhance the appearance of the surrounding area, or that provides an attractive contrast to surrounding buildings, will be encouraged. Particular care will however be necessary to ensure that any new dwelling incorporates design elements and materials that do not have a detrimental impact on the character of the area. Facing materials should be of equal or higher standard than that of existing dwellings.*

*In areas where granite architecture predominates, all elevations of new development that would be prominently visible from the street (including gables) should be finished with natural granite and the main roof should be of complementary natural roofing materials (almost always natural slate). An exception may be made in circumstances where a particularly high quality modern design is proposed.*

The palette of materials being used on the proposed development is totally out of keeping with the character of the area. The site sits on the edge of the Conservation area is suggesting the use of materials that will *'contribute to the visual character of the place'*. The choice of materials of clay brick and Scotlarch are totally alien and out of keeping within the residential area and due to the mass and height proposed would be detrimental to the character of this part of Cults.

**Amenity**

We feel that the current proposal falls short on meeting the guidelines for Amenity and Design:

- Good design and amenity looks for Residential developments to have a public face to a street and a private face to an enclosed garden or court. The proposals put forward have ignored the policy by putting private garden space to the North of the development and facing the busy North Deeside Road. They have mentioned how this reflects the garden space at 21 South Avenue however this is incorrect as 21 also has private space to the quieter south. Beyond that the proposals are looking to raise the level of the private garden space up by some 1.5m from original levels, making this space heavily overlooked from Cults Court and transport on the North Deeside Road. The original character of the area sets garden space and the buildings down behind the historic walls to give privacy and reduces traffic noise. This important streetscape element has been ignored in the current application.
- The most beneficial private open space on this development is limited to the south and has parking dominating the space. The proposal looks to accommodate car parking within a private court to the South of the scheme which dominates this space. Over 50% of the area provided is taken up by parking spaces and access roads giving poor private space to the rear. This private space is also overlooked by the balconies of the other three flats reducing its usefulness in both amenity and operational senses.
- The development, although is taking the opportunity to create views to the south, has ignored the overlooking issues to all neighbouring properties and as a result is considered to be completely unacceptable as a result.
- The Development proposals design in setbacks and areas secluded from sight that heighten opportunity for crime not only to the proposed development but for 21 South Avenue as well.

No consideration seems to have been given to residential amenity with regards to light spillage/pollution from the full glass frontages and balconies that overlook adjacent properties. This part of Cults enjoys limited light pollution at present and this development will completely alter that character and adversely impact on the local amenity.

*New residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sun lighting.* – The proposal does impact on the amenity and privacy, overlooking and daylighting of neighbouring properties and is **therefore contrary to this particular requirement.**

*Likewise, the new development should be afforded a reasonable amount of amenity in line with the prevailing characteristics of the surrounding area.* – as a result of overdevelopment of the site the amenity of the proposed development is reduced and **certainly not in line with the prevailing characteristics of the surrounding area**.

*Any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings.* – again, the proposal contravenes this part of the guidance as both north and south facing habitable rooms overlook the neighbouring private garden spaces .

**Garden Ground**

*Rear gardens of houses up to two storeys in height should have an average length of at least 9 metres and dwellings of more than 2 storeys should have garden lengths of at least 11 metres. It will not be acceptable for private garden ground to be situated at the street frontage of a property where it is close to / overlooked from a road. Private garden ground should also not be located under the canopy of trees or in a location that is excessively shaded by vegetation or buildings. It must also not be directly overlooked by windows of habitable rooms of adjoining residential property.*

The applicant should provide an overshadowing study to examine how this building affects the site and its neighbours. We strongly suspect that a lot of the northern garden will be in shade for a significant period of the year as a result of the height and mass of the proposed development. If that is the case then it also contravenes the general principles of the above requirements for usable unshaded open space.

***Trees***

*Trees make a valuable contribution to the landscape setting of urban areas. Care should be taken to position new buildings to minimise potential disturbance to the root system of the tree canopy. The loss of mature or attractive garden ground or trees where it is considered to make a significant contribution to the visual amenity of the neighbourhood will not be acceptable. If trees are to be lost, replacement planting will be required to mitigate the loss. Policy NE5: Trees and Woodlands, and the Trees and Woodlands Supplementary Guidance provide more information.*

The impact on existing trees is not clear from the proposal. What is clear is the potential loss of an 80 year old hedge to the south west boundary if the proposal goes ahead as planned. Hedges have significant wildlife and ecological value and should not be lost where possible.

*Submission Requirements In addition to the site/location, elevation and floorplans, the following information is required in order to fully assess a planning application to redevelop a residential curtilage:*

- *where new dwellings are proposed that either adjoin or sit between existing properties, a street elevation to a recognised scale so as to illustrate the relationship between the proposals and existing properties* – this requires additional and properly dimensioned street elevations that accurately reflect the properties around this site. Number 21 is not shown accurately and we have already mentioned the differences between drawings and dimensions for this and previous applications,
- *daylight and sunlight calculations and illustrations based on the BRE Information Papers on Site Layout Planning for Daylight and Site Layout for Sunlight and Solar Gain.* – this hasn't been provided and given the scale of the development and its impact on my clients' property then this will be required, certainly to demonstrate the negative impact on the daylight and sunlight currently enjoyed by number 21

Bringing all of this together my clients are of the view that the proposal contravenes most of the policy aims and objectives of Aberdeen City Council's recently adopted residential design and planning policies. In all aspects it's too large, doesn't respect the existing context or density, impacts significantly on my client's privacy and amenity, impacts on the neighbouring conservation area, the proposed car parking won't work, relies on an existing substandard access onto a private narrow road, and will set a dangerous precedent for further densification of this part of Cults.

Worryingly too there seems to anomalies between drawings, measurements, site areas and building heights. These need to be resolved to allow a full a proper consideration of the proposed development.

Regardless of this the proposal is so far away from the principles enshrined in the Council's residential, design and other policies mentioned in this letter that it should simply be refused. The previous planning application for a single house pushed the boundaries of planning policy and this proposal extends them even further.

I would also request that your Roads colleagues review their initial consultation response on the basis of this letter and specifically the single lane access to the site and the operational and safety issues raised in respect of the rear car park. The issues set out in this objection may not have been obvious on first inspection.

Given the lack of clarity in some of the information provided with this application I reserve the right on behalf of my client to make further comment should additional clarification or supporting information be lodged.

Yours faithfully,

**STEVE CRAWFORD**
**REGIONAL DIRECTOR PLANNING**
**FOR AND ON BEHALF OF HALLIDAY FRASER MUNRO**

Encs.