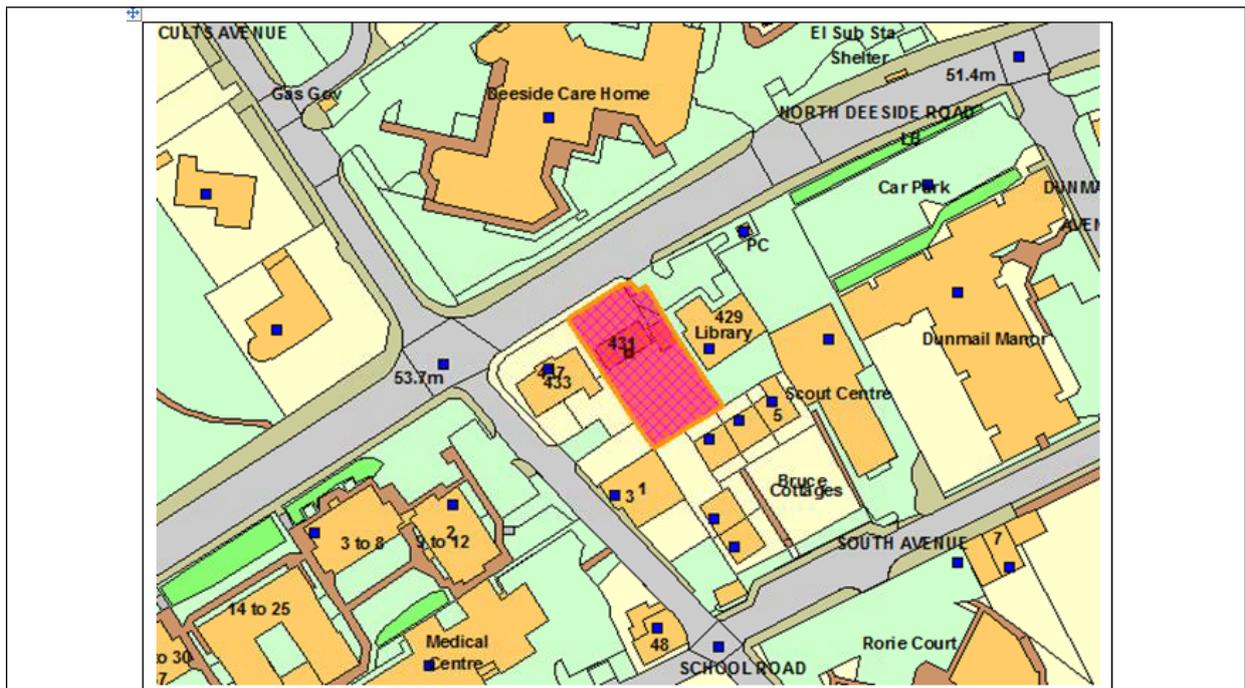


Planning Development Management Committee Detailed Planning Permission

161804/DPP: Demolition of existing building and garage annexe and erection of 4No residential flats at 431 North Deeside Road, Cults, Aberdeen, AB15 9SX

For: 3J Property Investment Ltd

Application Date:	23 December 2016
Officer:	Dineke Brasier
Ward:	Lower Deeside
Community Council:	Cults, Bieldside And Milltimber
Advertisement:	N/A
Advertised Date:	N/A
Committee Date:	16 March 2017



Location Plan

RECOMMENDATION: Refuse

SITE DESCRIPTION

The site is located in an existing residential area within the settlement of Cults. It is currently occupied by a part demolished traditional cottage and garage. There is a distinct fall in levels across the site. The cottage is therefore single storey fronting North Deeside Road, and two storeys with additional accommodation in the roof space facing the rear garden. This rear garden itself slopes down gently to the rear

boundary. To the front is a drive leading up to the garage and an enclosed gravelled area, previously used as the front garden. The front garden is enclosed by a low granite boundary wall with a mix of 1.8m-2m chainlink fencing and close boarded timber fencing surrounding the rear garden.

To the east is the Cults Library, to the west is a two storey residential building, immediately to the south (rear) are the single storey Bruce Cottages, with a further two storey residential building to the south west of the site.

RELEVANT HISTORY

There is no relevant planning history

DESCRIPTION OF PROPOSAL

Planning permission is sought for the demolition of the existing building and garage and the erection of four flats. Floorplans for each flat would be the same and would contain a single bedroom with dressing room and en-suite bathroom, a second bathroom and a large open plan living/dining/kitchen area. The three flats on the upper floors would each have a south facing balcony, whereas the lower ground flat would have opening doors leading to the communal garden. The building would be three storeys to the front and four storeys to the rear, with a height of 9m facing North Deeside Road and 12m to the rear. To enable the overall four storey height at the rear, the rear garden would be dug out by roughly 1m and completely levelled. The front garden would also be slightly lowered and finished entirely in hard surfaces. The building would have a rectangular plan and a flat roof, with a length of 15.6m by a width of 10m, leaving only a narrow gap of 1m to the boundary with 433-437 North Deeside Road to the west, whilst completely built up to the boundary with the library to the east. Proposed finishes include light grey brick, including dark grey brick detailing, full height glazing and panelling. It is proposed to provide five car parking spaces at the front of the building, accessed via the existing shared vehicular entrance with the library.

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=OIN5L6BZI9D00>.

- Design and Access Statement by Fitzgerald Associated, dated December 2016
- Planning checklist by Fitzgerald Associates, received 23 February 2017
- Shadow study covering Spring, Summer, Autumn and Winter

CONSULTATIONS

Consultee	Date of Comments	Comments Made
ACC - Roads Development Management Team	25 January 2017	No objection. Five parking spaces should be sufficient for this development. No concerns with regards to the use of a shared access with the library.

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ACC - Environmental Health	6 January 2017	No objection subject to the conditioning of a Noise Impact Assessment
ACC - Flooding And Coastal Protection	6 January 2017	No objection subject to the consideration of rain water attenuation storage and the adoption of permeable block paving.
ACC - Waste Strategy Team	6 January 2017	No objection. Some concerns with regards to servicing as access very close to a signalised pedestrian crossing.
Cults, Bieldside and Milltimber Community Council	23 January 2017	Would like to raise concerns with regards to: <ol style="list-style-type: none">1. Access to parking spaces. It appears difficult to manoeuvre vehicles without encroaching onto the library forecourt;2. Residents of Bruce Cottages should be consulted with regards to the proposed tree screen arrangements; and3. Quality of design. The straight box design lacks the geometric imagination that could be expected for a building fronting the main street of Cults.

REPRESENTATIONS

Six letters of objection, five letters of support and one letter commenting on the proposal have been received.

The letters of objection raise the following matters:

1. Due to its size, the proposed building would overshadow and have an overbearing impact on 433-437 North Deeside Road;
2. Height and footprint of the proposed building would be larger than that of the existing building and would constitute an overdevelopment of the site;
3. Design should be revised in a lighter colour and its height should be increased;
4. Proposed building would result in devaluation of 433-437 North Deeside Road;
5. Design would not complement that of existing buildings in the area/ would visually detract from area;
6. Increase in traffic could result in misuse of existing parking spaces at the library and manoeuvring out of these spaces would appear complicated without crossing over into the library car park;
7. Increase in traffic in combination with the shared use of the access with the library and the proximity of the signalised pedestrian crossing could pose safety issues for pedestrians;
8. Demolition of existing building will cause disruption to adjacent properties;
9. Right of way across library access

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The letters of support raise the following matters:

1. Proposal would result in economic regeneration of a property that has been unoccupied for years;
2. Proposal would result in removal of an eyesore that has been empty for years

The letter commenting raises the following matters:

1. Concerns about parking provision. Any overspill from the proposed development into the library car park would disadvantage library users.

REASON FOR REFFERAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because six letters of objection have been received. The application therefore falls outside the scheme of delegation.

PLANNING POLICY

Aberdeen Local Development Plan 2017

H1: Residential Areas

D1: Quality Placemaking by Design

T2: Managing the Transport Impact of Development

NE6: Flooding, Drainage & Water Quality

R6: Waste Management Requirements for New Development

R7: Low & Zero Carbon Build & Water Efficiency

OTHER RELEVANT MATERIAL CONSIDERATIONS

Interim Planning Guidance on Transport and Accessibility and Subdivision and Redevelopment of Residential Curtilages

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.

Design and Impact on character and appearance of surrounding area

The proposed building would have a length of 15m by a width of 10m, resulting in a total footprint of 150m². It would be three storeys to the front and four to the rear. The flat roofed building would have a height of 9m facing North Deeside Road and 12m to the rear. Proposed materials would predominantly consist of brick with feature full height glazing for the staircase and entrance with additional dark grey cladding to the front. The rear would contain a recessed balcony for the ground, first and second floor flat. Windows in the front elevation would be fairly standard, with windows in the rear elevation either obscurely glazed or high level.

The site would be levelled to the front and lowered by approximately 0.4m. As a result, the finished front ground floor level would sit lower than that of the

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neighbouring property at 433-437 North Deeside Road. To the rear, the garden would be further excavated and levelled. The rear elevation would sit up to 1.15m lower than the current ground level. This would result in the lower ground floor flat only having windows facing south out over the rear garden with no natural light entering from the north. The proposed building would be set in line with the existing garage and the library, 3.4m behind the front elevation of the existing property on the site and 5m behind the front elevation of 433-437 North Deeside.

The existing building and garage on the site combined would have a footprint of 80m². Both buildings are relatively low with the eaves height of the cottage facing North Deeside Road set at 3.1m and the ridge height at 6.7m, with the ridge height of the garage at 3.4m.

The proposal would result in a building of a significantly larger height, scale and massing than that currently on the site. It would be substantially larger and higher than both the Cults library and the neighbouring property of 433-437 North Deeside Road. The existing building has an eaves height of just over 3m with the roof sloping away from North Deeside Road to an overall ridge height of 6.7m. This building on the other hand, would have a flat roof, which consequently means its massing would be much greater, resulting in a much denser development. As such, even though the building might only be 1m higher than the ridge height of 433-437 North Deeside Road as shown on the street scene drawings, its massing and impact would be much greater. Furthermore, it would fill nearly the full width of the plot, leaving only a narrow gap of around 1m to the boundary with 433-437 North Deeside Road. Again, this indicates a significant increase in site coverage. Finally, the proposal would not leave any separation between the front elevation/entrance into the building and the hard surfaced driveway/ parking area. This would provide a poor setting for the building, and would not respond to the site context, as most buildings surrounding the plot have landscaped front gardens.

This part of North Deeside Road has a mixed character, with in general more traditionally designed pitched roof two storey buildings fronting on the south side of North Deeside Road. The library immediately to the east of the site is a more modern building with large windows and a height of one and a half storeys onto the North Deeside Road and two and a half storeys to the rear. The proposal is for a modern, square building, which could be considered to appear incongruous in this context, especially in relation to the neighbouring property at 433-437 North Deeside Road. Its design is square and does not necessarily read well as a residential building. In addition, the southern elevation would appear blank and utilitarian. This is due to the constrained nature of this site and the position of neighbouring buildings and is an indication that the proposed building does not fit comfortably on the site and is considered an overdevelopment. Finally, bricks and cladding are not materials that are prevalent in this area, and the proposed colours (light grey bricks and dark grey brick detailing and panels) would stand out in this context.

Furthermore, to enable the construction of a four storey building on this site, the rear garden would be significantly lowered and excavated by up to a metre compared to current levels. As a result, the building would sit lower than surrounding development, which is particularly relevant for the lower ground floor flat, as this flat would not have any windows looking out over North Deeside Road. In addition, the

rear elevation clearly demonstrates that the proposed building is too large for the site. All windows facing south are either frosted, high level or recessed within a large balcony. This is due to the distance between the rear elevation of the proposed building and the Bruce Cottages, which at 15m is 3m less than the required 18m. As such, the proposal does not take due consideration of the context in which the building is set. Taking account of all the above, the proposal can be considered not to respect the existing built environment in terms of massing, height, materials and its visual impression.

Policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan sets out that all proposals will be considered against six essential qualities. These are:

1. Distinctive
2. Welcoming
3. Safe and pleasant;
4. Easy to move around;
5. Adaptable;
6. Resource efficient

The supporting text then goes on to set out criteria for each of these qualities. With regards to 1 (Distinctive) this includes that all proposals should respond to the site context, and are designed with due consideration to siting, scale, massing and proportions. In addition, they should also reinforce established patterns of development. In this case, it's considered that due to the reasons set out above, the proposed building does not respond well to the site context, and would be considered an overdevelopment of the site, and is therefore considered contrary to policy D1.

Impact on residential amenity of neighbouring properties

433-437 North Deeside Road

The proposed front elevation would be set in line with that of the Cults library, but would be more than 5m behind the front elevation of 433-437 North Deeside Road. Due to the size of the proposed building, this means that the rear elevation would be 7m behind the main rear elevation of this neighbouring building. The west elevation of the proposed building would not contain any windows or any other features. As such, the residents of 433-437 North Deeside Road would look out to a large, imposing, high brick gable at close proximity to their flats, which would be considered to have an overbearing impact on their outlook and would be detrimental to their residential amenity. This would be contrary to the requirements of policies D1 and H1 of the 2017 ALDP.

The applicant has submitted shadow studies covering all seasons. These show that, due to the orientation of the building and its relationship with 433-437 North Deeside Road, the proposed building would not cast unacceptable levels of shadow over this neighbouring property.

Bruce Cottages

The Bruce Cottages, a row of small terraced single storey dwellings to the south would be set at a distance of 15m from the rear elevation of the proposed building. Even though their main outlook would be south towards South Avenue, they contain

several windows facing north towards the application site. The floor levels of Bruce Cottages would be at a similar level as the lower ground floor level of the proposed building. The proposed building, due to its height, width and massing would be considered to have a detrimental impact on the outlook from and would have a dominating and overbearing impact on these small residential properties. The applicant has attempted to mitigate the impact of the building by the introduction of a 2m close boarded timber fence on the boundary with a tree screen immediately behind. It is considered that this would not be sufficient to screen a 4 storey building, and that it would not sufficiently mitigate the overbearing impact of a building of such a scale and size. Furthermore, the proposed screening itself, especially the trees, could pose issues with regards to loss of light and outlook. It should be taken into account though that it would be possible to erect the fence under permitted development rights.

The distance between the rear elevation and the Bruce Cottages would be 15m. The rear elevation would contain a high level window, two obscurely glazed windows and a recessed balcony for each of the upper floor flats with patio doors and full height glazing for the lower ground floor flat. The balconies would have a depth of 3m. All of these measures, the obscure glazing, the high level windows and the recessed balconies, technically comply with guidance in relation to overlooking – keeping the distance between facing windows serving habitable rooms at 18m. However, the need to utilise all of these measures, is an indication that the relationship between the proposed building and the Bruce Cottages is extremely tight and uncomfortable, even more when taking account of the difference in scale between the two buildings and the increase in the number of units overlooking these small properties. It is therefore considered that the proposal would have an adverse impact on the residential amenities of the residents of the Bruce Cottages, which would be contrary to policies H1 and D1 of the 2017 ALDP.

1-3 School Road

To the south west of the site is 1-3 School Road, a two storey residential building. This building is located directly behind 433-437 North Deeside Road. The distance between 1-3 School Road and the proposed building would be 13m. Again, it is considered that due to its scale and massing the proposal would have an adverse impact on the outlook of residents from this property. However, as the outlook towards the building would be set at an oblique angle, this in itself would not warrant a reason for refusal.

Proposed building

With regards to the living accommodation provided, each floor would contain a large living/dining/kitchen area, bedroom with dressing room and en-suite bathroom and a further bathroom. Again, even though technically the proposal would work, the internal layout demonstrates the conflict between the building and the Bruce Cottages to the rear with the bedroom looking out towards North Deeside Road and the bathrooms utilising the obscurely glazed windows in the usually more desirable south elevation. In addition, due to the proposed internal layout, the bedroom of the ground floor flat only has an outlook over the hard surfaced parking area. There is no separation or any soft landscaping between this area and the building itself. This would result in a poor outlook for this room and the north facing windows serving the living/kitchen area.

The three upper flats would be served by a large balcony and all four flats would have access to a communal south facing rear garden approximately measuring 200m². This would be an adequate provision of external amenity space.

Impact on local highway conditions, especially in relation to access and parking

Access and parking

The site layout shows five parking spaces to the front of the building sharing an access onto North Deeside Road with the library to the east. Interim Planning Advice on Transport and Accessibility sets out that a 1 bed flat in Cults should provide 1.5 parking space, resulting in a requirement of six parking spaces for the overall development. As such, there is a shortfall of one. However, taking account of the position of the site on a main route to the city centre, well served by several bus routes and within walking distance of essential facilities such as a health centre, school and supermarket, this shortfall is accepted.

The driveway into the development is 6m wide, which would be sufficient for cars to enter and exit the site in a forward gear. The proposal would use the existing access onto North Deeside Road serving the library. Concerns have been raised in letters of objection about the intensification of the use of this access. Roads Development Management Team (RDMT) has considered this issue, and is satisfied that the intensification of the use of the access would not result in any public safety issues. Visibility splays would be acceptable.

Cycle Parking

Cycle parking would be provided to the rear of the building. Bikes would need to be carried down 14 steps to the communal garden. Again, RDMT has considered this, and concluded that this location is acceptable. No details have been provided of a safe and secure cycle store. However, taking account of the size of the communal garden, there is sufficient scope to accommodate a bike shed. If Committee were minded to approve, then these details could be conditioned.

Waste and flooding

Waste

A bin store would be located next to the entrance into the site. The proposed bin store would be sufficiently large to accommodate all necessary bins. Distance to the bins from the front door of the building would be within 30m, and the distance from the bin store to the road, where pick-up would take place, would be less than 10m. As such, this aspect of the proposal would meet all requirements.

Flooding

Flooding Team has been consulted, and did not raise any objections to the proposal. The use of rainwater attenuation storage and porous materials for the driveway and parking spaces is recommended.

Low and zero carbon buildings

Policy R7 of the 2017 ADLP sets out that all new buildings must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 20% below that required under current buildings standards. In their supporting statement, the applicant has not proposed any concrete measures in

achieving this target, but has indicated a willingness to accept a condition requesting this information.

Other matters raised in letters of representation

Letter of objections:

1. Overshadowing of 433-437 North Deeside Road: This has been discussed in the evaluation above.
2. Height and footprint larger than that of existing building: This has been discussed in the evaluation above.
3. Height of proposed building should be increased: The height of the proposed building has been discussed in the evaluation above
4. Devaluation of neighbouring properties: This is not a material planning consideration
5. Design would not complement buildings in surrounding area: This has been discussed in the evaluation above.
6. Library parking: This has been discussed in the evaluation above;
7. Increase in traffic: This has been discussed in the evaluation above;
8. Demolition: The proposal would result in the demolition of the existing buildings on the site. An informative could be added advising the applicant of a restriction to working hours. However, this would be an issue dealt with under Environmental Health legislation.;
9. Right of way across library car park: The applicant has confirmed that this right of access is within the title deeds.

Letters of support:

1. Economic regeneration: Scottish Planning Policy is generally supportive of proposals that would result in economic development and regeneration, and this is a material consideration. However, any development would need to be compliant to other planning policies and would be acceptable on a site-by-site basis. In this case, it is considered that the proposal would fail to comply with various policies in the 2017 ALDP, and that in this case, this material consideration would not justify a departure from recently adopted policy.
2. Removal of an eyesore: The planning authority would support the redevelopment of this site. However, as stated above, any proposal would need to comply with relevant planning policies and it is considered that, in this case, not all relevant planning policies are met.

Recommended conditions

This application is recommended for refusal based on the reasons below and described in more detail in the evaluation above. However, if Committee were minded to approve, then it is recommended the following conditions are attached to any consent:

- Details of materials
- Details of hard and soft landscaping
- Details of boundary treatment
- Provision of car parking
- Details and provision of cycle parking
- Noise Impact Assessment
- Low and Zero Carbon generating technology

RECOMMENDATION: Refuse

REASONS FOR RECOMMENDATION

1. The proposed building, due to its architectural design, height, scale and massing has not been designed with due consideration for the site context, and is considered to be an overdevelopment on a relatively small site. The proposal would therefore be contrary to the requirements of policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan.
2. Due to the large gable, which would extend 7m to the rear of the neighbouring property at 433-437 North Deeside by an overall height of four storeys, the proposal is considered to have an overbearing impact on the outlook of the residents of this existing building, to the detriment of their residential amenity. This would be contrary to the requirements of policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan.
3. Despite the proposed screening on the rear boundary consisting of a 2m close boarded fence with trees behind, it is considered that the construction of a building with an overall height of 12m at a distance of 15m from the rear elevation of the single storey Bruce Cottages, and the increase of number of units on the site would have an overbearing impact on the Bruce Cottages and would result in an increased level of overlooking. Taken together, this would result in a significant detrimental impact on their residential amenity, which would be contrary to planning policies D1 (Quality Placemaking by Design) and H1 (Residential Areas).