

Planning Development Management Committee Detailed Planning Permission

160557: Proposed 4 storey development of residential flats and retail unit. at 325 Holburn Street, Aberdeen, AB10 7FP,

For: Mr H Singh

Application Date:	6 May 2016
Officer:	Jane Forbes
Ward:	Torry/Ferryhill
Community Council:	Ferryhill And Ruthrieston
Advertisement:	N/A
Advertised Date:	N/A
Committee Date:	16 March 2017



Location Plan

RECOMMENDATION: Refuse

SITE DESCRIPTION

The application site comprises part of the wider garden of the residential property at No 325 Holburn Street, and specifically an area of some 217m² which lies between the gable ends of No 325 and that of the 4 storey tenement building at No 323, which lies immediately to the north of the site. The application site is located on the eastern side of Holburn Street, at a distance of some 20 metres north of its junction with Bloomfield Road, and at approximately 130 metres south of the Broomhill Road roundabout. To the rear of the application site, and at a distance of 13 metres from the eastern boundary, is a 3 storey flatted development. This property, which is accessed from and fronts onto the Hardgate, was built within grounds which previously formed part of the wider garden ground of No 325 Holburn Street, with conditional consent having been granted for the residential development in 2013.

The area within which the application site lies is zoned as residential (Policy H1) within the Aberdeen Local Development Plan, and is largely characterised by 1½ storey traditional granite buildings which are set back from Holburn Street, with garden ground to the front and rear.

RELEVANT HISTORY

- Planning application Ref 130765 for the sub-division of the existing curtilage and erection of four flats with associated car parking was approved conditionally under delegated powers on 1 November 2013.
- Planning application Ref 150623 for the erection of a rear extension over ground floor and semi-basement level to replace an existing extension was approved unconditionally under delegated powers on 5 June 2015.
- Planning application Ref 151265 for the formation of a driveway was refused under delegated powers on 11 November 2015.

DESCRIPTION OF PROPOSAL

The application seeks full planning permission for the erection of a 4 storey, flat-roofed property which would incorporate a single retail unit at ground floor level, and 3 no. two bed flats, with one on each of the upper floors. The proposed development would extend for a length of 13 metres, from east to west, and across the full width of the application site (6.6 metres), thereby adjoining the neighbouring tenement at No 323 Holburn Street, whilst retaining a separation distance of 1 metre from the gable end of the dwelling at No 325 Holburn Street. The front (west) elevation of the proposed development, which would face onto Holburn Street, would have a staggered building line; initially linking and lining up with the frontage of the tenement building at No 323 Holburn Street, and then angled back at 45° to link with the southern boundary of the site. The retail unit and the upper flats would have separate entrances, both accessed off Holburn Street, with the entrance to the upper levels also providing internal access to the rear of the site where bin and cycle storage would be located. External finishes to the property would include grey brick with a brick string course, anthracite grey composite boards, black aluminium framed windows with galvanised steel protective barriers, and an EPDM (synthetic membrane) covered flat roof.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

- Supporting Planning Statement, including traffic survey, dated 28th April 2016.

CONSULTATIONS

Consultee	Date of Comments	Comments Made
ACC - Environmental Health	12 May 2016	Noise Impact Assessment required to assess likely sources and levels of internal and external noise for the 4 storey development, including road traffic noise.
ACC - Roads Development Management Team	19 July 2016	Object to the proposal on the grounds of insufficient parking for residential and retail elements of the development.
ACC - Flooding And Coastal Protection	12 May 2016	No observations.

REPRESENTATIONS

9 letters of objection have been received raising the following matters:

Impact on amenity

1. Following recent development of a block of flats to the rear of the site, the proposal would see further division of the garden ground at 325 Holburn Street, resulting in overdevelopment of the site.
2. Adverse impact on amenity, with the scale, height and massing of the proposed development affecting sunlight/daylight of existing properties and/or garden areas at No's 280 Hardgate, 322 & 323 Holburn Street.
3. Impact on privacy of neighbouring properties at No's 280 Hardgate, 322 & 323 Holburn Street, with increased overlooking.
4. Proposed retail unit would introduce additional noise/odour issues, as a result of the bin area located to the rear of the proposed development.
5. Proposal would block views from 323 Holburn Street.

Impact on character of surrounding area

6. Design, scale, height and massing of proposed development would be out of place in this location, and would not fit with the character of existing property in the surrounding area;

Impact on Parking and Traffic

7. The proposal does not propose parking for either the residential or retail use.
8. The surrounding area has existing parking issues, with insufficient on-street parking for residents and pressure from commuters parking in the area. Further residential/retail development would add to this pressure.
9. Holburn Street is particularly busy with traffic and at this location buses struggle to pass with cars parked on both sides of the road.
10. Road safety issues raised concerning the speed and number of vehicles passing this location.
11. Construction work would cause additional traffic congestion/parking issues within the area.

Other

- 12. Existing high level of vacant retail units within the area.
- 13. Lack of clarity on type of retail use for the ground floor unit.
- 14. Proposal would result in devaluation of surrounding properties.
- 15. No detail on proposed hours of construction work or likely duration of works.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because more than 6 letters of objection have been received. The application therefore falls outside the Council's 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

OTHER RELEVANT MATERIAL CONSIDERATIONS

Interim Planning Advice: Subdivision and Redevelopment of Residential Curtilages and Transport and Accessibility.

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 which are of relevance in this instance relate to the principle of the proposed development; its design, scale and siting and how this fits within the context of the area; its likely impact on the character and amenity of the area, including whether it affects existing privacy/amenity of neighbouring properties; whether appropriate access and parking forms part of the proposal; and finally, whether the proposed development can deliver a suitable level of amenity for future residents.

Impact on the Character of the Surrounding Area

The application site lies within a residential area, zoned under Policy H1 (Residential Areas) of the Aberdeen Local Development Plan, which states that 'proposals for new development will be approved in principle if it does not constitute over development; does not have an unacceptable impact on the character and amenity of the area; and complies with Supplementary Guidance. Proposals for non-residential uses will be refused unless they are considered complementary to residential use; or it can be demonstrated that the use would cause not conflict with, or cause any nuisance to, the enjoyment of existing residential amenity.'

In this instance the proposed mixed use development, incorporating 3 flats and a retail unit, would be located within part of the garden ground of No 325 Holburn Street, a 1½ storey dwellinghouse with basement. The garden at No 325 has

previously been subdivided, following the granting of planning permission in 2013 and the subsequent construction of a 3 storey flatted development, built to the rear of the current application site. Whilst acknowledging that the proposed 4 storey development would adjoin an existing 4 storey tenement building at No 323 Holburn Street, the scale of development being proposed would remain very much out of character with that of the surrounding area, including that of the neighbouring dwellinghouse at No 325, given there is an established building pattern of 1½ storey detached/semi-detached, traditional granite dwellings which is very much in evidence along this stretch of Holburn Street. Taking into account the scale of development being sought, it would appear that the proposal is seeking to capitalise on the 4 storey tenement at No 323, however, this property is a later addition to the street and does not accurately reflect the immediate context within which the application site lies, in terms of the height, density and building lines of surrounding properties.

Taking into account the height and siting of the proposed development, with a separation distance of just 1 metre from the neighbouring 1½ storey dwelling with basement at No 325 Holburn Street, it is apparent that this proposal would introduce a particularly imposing elevation when viewed from Holburn Street, and in particular on approach from the south. Whilst a section of the front building line may well fall in line with that of the 4 storey tenement property at No 323, it would nevertheless project some 6.5 metres beyond that of the neighbouring property at No 325. Furthermore, although acknowledging that a staggered front building line has been incorporated into the design with a view to minimising the visual impact and massing of the 4 storey development along this front, public elevation, it is nevertheless apparent that the building would remain extremely dominant in the context of the existing streetscape, and particularly overbearing on the property at No 325.

On the basis that the scale of development being proposed would clearly result in overdevelopment of the site, and would neither respect nor complement the character of development in the immediate area, it is considered that the proposal would be contrary to both Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan, and would fail to address the requirements of Interim Planning Advice on 'The subdivision and redevelopment of residential curtilages'.

Design & Materials

The proposed design of the 4 storey building shows a relatively contemporary style, with a flat-roof and a feature, angled front elevation incorporating floor to ceiling windows. To the rear, the building has a regular pattern of window openings on the 4 levels, whilst to the side (south), where the elevation extends along the mutual boundary with No 325 Holburn Street, it is blank with the exception of narrow full length windows facing directly south, on each of the upper floors. The contemporary style of development which is being proposed would contrast with the more traditional appearance and materials of the properties surrounding the application site, and whilst this approach in itself would not be of particular concern, when this is considered alongside the concerns being raised in relation to the scale and positioning of development within the site as highlighted above, it is considered that the quality of design is not of a sufficiently high standard, as required under policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

Impact on Residential Amenity

The proposed development would extend the full width of the application site, thereby adjoining the existing 4 storey tenement building to the north (No 323 Holburn Street) and lying at 1 metre off the gable end of the 1½ storey dwelling with basement at No 325 Holburn Street to the south. The front elevation of the development would have a staggered building line, linking up with the front building line of the tenement at No 323, and then falling back at an angle to lie some 1.2 metres forward of the front building line of No 325. To the rear (east) of the site, the proposed development would extend 1 metre beyond the building line of the tenement building at No 323, whilst the rear building line of the neighbouring property at No 325 would lie some 1.2 metres beyond that of the proposed building. As a result of the proposed siting, the southern gable end of the development, at 4 storeys in height, would have a particularly overbearing impact on the 1½ storey dwelling at No 325 Holburn Street, to the detriment of existing residential amenity.

To the east and beyond the rear boundary line of the application site is a recently constructed flatted development which fronts onto the Hardgate (No 280), with a drop in ground level of some 2 metres between the application site and the property at No 280. The rear building line of this development incorporates balcony areas which provide the potential for residents to sit outside, and with a degree of privacy, given there is currently no direct overlooking. The proposed development would lie directly to the rear of the aforementioned flatted property, with a separation distance of just 24 metres between the rear building line of the proposed 4 storey development and that of No 280 Hardgate. The proposed development, which would include windows up to 3rd floor level, would rise to a height of 11 metres, but with the added impact of an additional 2 metres in height, when compared to the property at No 280, given the change in ground level between these neighbouring sites. Taking this into account, it is considered that the proposed development would adversely affect existing privacy and introduce additional overlooking to the rear elevation of the flatted property at No 280 Hardgate, and would also likely result in overshadowing to the rear of this neighbouring site, to the detriment of the residential amenity of these residential properties.

The distance between the front elevation of the proposed building, which incorporates a high level of glazing, and the properties which lie directly opposite, and across Holburn Street, at No's 322 and 326, would be some 23 metres. The Subdivision and Redevelopment of Residential Curtilages Interim Planning Advice states that a minimum distance of 18m should be achieved between facing windows. Taking into account that the separation distance between these aforementioned properties which lie across Holburn Street and to the west of the application site, and the building line of the proposed development, would be more than the recommended 18 metres, and that there is a rise in ground level of approximately 2 metres between the development site and the two properties, then it is considered unlikely that the proposal would have any significant impact on existing privacy for those properties lying directly opposite the site. Whilst concerns have been raised by some residents about their loss of views, this is not a material planning consideration.

Based on the above, the proposal would be contrary to the requirements of Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan. The proposed development would introduce a significant degree of massing and a resulting impression of overbearing on the dwelling at No 325 Holburn Street, and would also adversely affect the existing residential amenity and privacy of residents at No 280 Hardgate. Whilst the impact of the proposed development on the adjoining tenement at No 323 may be less significant, it remains likely that the introduction of a 4 storey high development directly south of the tenement, with a projection of 1.2 metres beyond that of the tenement rear building line, would have some adverse effect on existing daylighting.

Provision of Residential Amenity

If viewed in isolation of the potential impact on existing residential amenity, then it is likely that the proposed flats within the development could secure a reasonable level of amenity for future residents. An area of private garden ground could be delivered to the rear of the site, and whilst no detail is provided in relation to the landscaping of such an area, this could be conditioned. Likewise, the orientation of the proposed development would allow for a suitable level of interior daylighting and sunlight to the flatted properties. It is however apparent that any view from the proposed flats to the rear of the site would likely introduce overlooking issues towards the outdoor balconies of the neighbouring flatted development at No 280 Hardgate, as previously outlined, and that the scale of proposed development would cause varying degrees of overshadowing on all neighbouring properties to the site. On the basis that the Interim Planning Advice, 'The Subdivision and Redevelopment of Residential Curtilages' states that "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 sunlighting", then it is clear that the amenity which would be achievable for the proposed development would be to the detriment of the amenity currently enjoyed by existing residents of neighbouring properties, and on that basis such a proposal would not be acceptable.

Impact on Roads & Traffic

Interim planning advice on transport and accessibility states that for this site, which is deemed to lie outwith the city centre, 1.5 parking spaces per flat and 1 parking space per 30m² for the retail use should be delivered within the curtilage of the site. However, with no parking proposed within the layout, there would be an overall shortfall of 6 spaces for the development.

The proposal includes the delivery of 4 no. cycle racks to the rear of the building, and whilst these are not shown to be covered, nor secure, such detail could be conditioned. Notwithstanding this, the Roads Development Management team has objected to the proposal on the grounds of insufficient vehicle parking for both the residential and retail elements of the proposed development. Their comments are based on the aforementioned shortfall in on-site parking provision and the inability to deliver such parking as a result of the existing constraints of the site. A previous planning application for the formation of a driveway at this site was refused in November 2015, as a result of road safety concerns.

Whilst as part of the planning supporting statement, the applicant included a parking survey for the area surrounding the site which appeared to demonstrate some

capacity for on-street parking; the survey was not completed in accordance with the Roads Development Management team's recognised standards. Furthermore, the findings of the survey did not appear to reflect issues regarding existing congestion and pressure on parking within the area, albeit that these issues were highlighted by local residents in their letters of representation, and recognised by the Development Management team.

Taking all of the above into account, the proposal would be contrary to the requirements of the Interim Planning Advice on Transport and Accessibility, and would not be deemed suitably compliant with the requirements of Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan.

Matters Raised in the Letters of Representation

The above evaluation has addressed all issues raised in the letters of representation, with the exception of the following matters:

4. *The proposed retail unit would introduce additional noise/odour issues, with the bin area being located to the rear of the development.* Environmental Health officers advised that a Noise Impact Assessment should be carried out in order to assess the likely sources and levels of noise both within and outwith the premises. The proposed layout includes an area for bin storage to the rear of the property, and this would typically be deemed the most appropriate location for such a facility.

11. *Construction work would cause additional traffic congestion/parking issues within the area.* This is not a material planning consideration. It would be up to any developer to ensure that access to all properties would be maintained.

12. *Existing high level of vacant retail units within the area.* This is not a material planning consideration.

13. *Lack of clarity on type of retail use proposed at ground floor level.* The proposal, if approved, would allow for any Class 1 use to operate from the premises.

14. *Proposal would result in devaluation of existing properties.* This is not a material planning consideration

15. *No detail on proposed hours of construction work or likely duration of works.* Environmental Health officers advise hours of construction work during development phase and this would be included as an informative, were consent to be granted for the proposed development. No indication of the likely duration of development work is required as part of the planning process, once development commences on site.

Recommended conditions

The application is recommended for refusal, however, should committee be minded to grant consent, then conditions should include the submission of details on materials, landscaping, drainage, bin and bike storage detail, and a noise impact assessment would be recommended.

RECOMMENDATION: Refuse

REASONS FOR RECOMMENDATION

1. The proposed development would result in the subdivision of an existing residential plot, and would not be in-keeping with the established pattern of development which prevails in the area. Whilst the introduction of mixed use development such as this, with retail at ground floor level and residential on the upper floors, would not in principle be deemed unacceptable within an area which is zoned as Policy H1 (Residential) in the Aberdeen Local Development Plan, the impact of the proposed development in this instance would be considered inappropriate for its residential context, given that it raises fundamental issues in terms of its design, scale and positioning of development within the site, and the adverse impact which this would have on the character of the area. On this basis the proposal fails to comply with the requirements of both Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the ALDP.
2. Aberdeen City Council's Roads Development Management team has objected to the proposal on the basis that the proposed development would fail to deliver a suitable level of off-street parking, and without such provision, the congestion already experienced in the streets surrounding the site from existing on-street parking would only increase to the detriment of residential amenity and road safety. The proposal would neither address the requirements of Aberdeen City Council's Interim Planning Advice on Transport and Accessibility, nor suitably comply with the Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan.
3. The proposed building, due to its height, scale and massing would have an overbearing impact on the neighbouring dwellings at both 325 Holburn Street and 280 Hardgate, and given the drop in ground level from west to east, would introduce an unacceptable level of overlooking to the rear of the property at No 280 Hardgate, and in particular the private balcony areas associated to this flatted development. The proposal is therefore considered to have a significant detrimental impact on existing residential amenity, and would be contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan and to the Interim Planning Advice on the Sub-division and Redevelopment of Residential Curtilages.