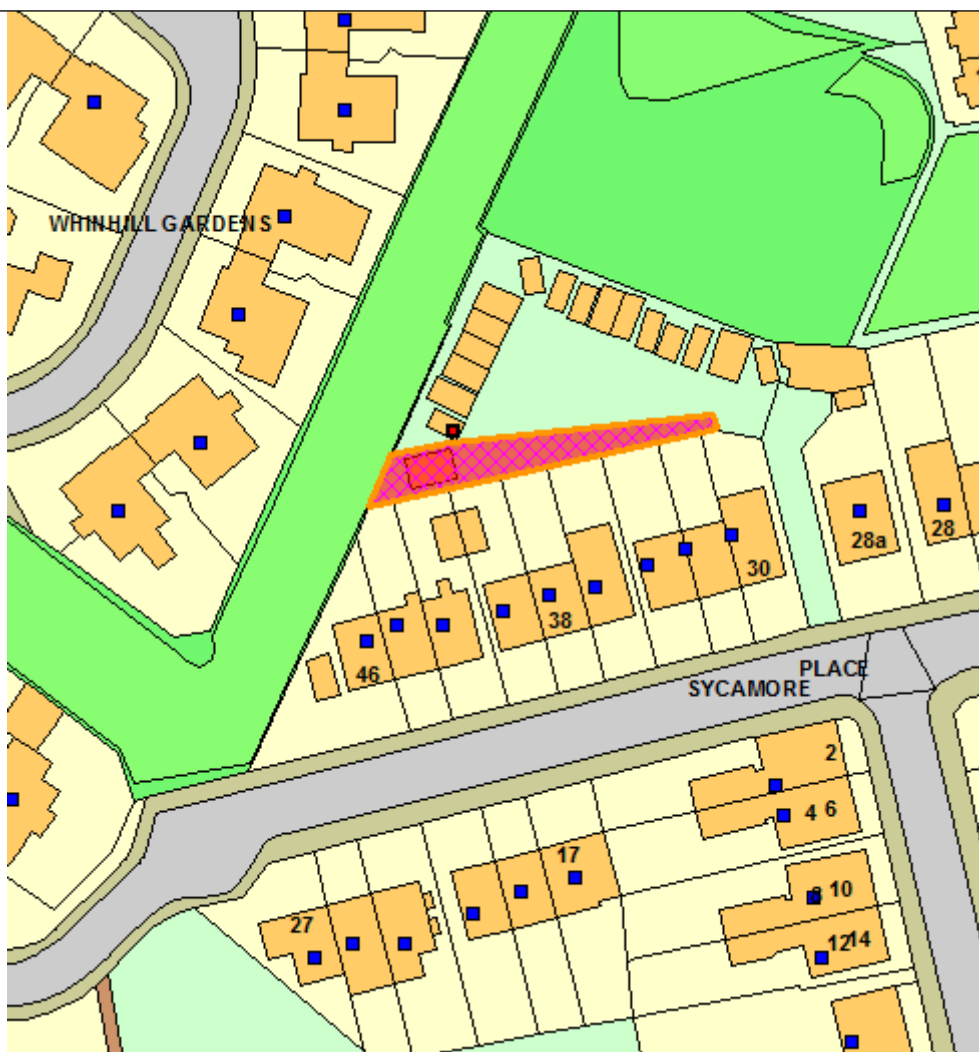


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 7th December 2017

Site Address:	Sycamore Place, (Site Off), Aberdeen, AB11 7SZ
Application Description:	Demolish existing garage and construct 3 garages and 1 store
Application Reference:	170943/DPP
Application Type	Detailed Planning Permission
Application Date:	7 August 2017
Applicant:	Mr Brian Bothwell
Ward:	Torry/Ferryhill
Community Council	Ferryhill And Ruthrieston
Case Officer:	Roy Brown



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site relates to approximately 190sqm of land to the north of Sycamore Place. The site has an existing double garage to its west, and the rest of the site has an informal area which is used as parking space and covered with vegetation. The site is a strip of land at the southern edge of a larger informal triangular area of land comprising lock-up garages, accessed via a lane between two residential properties on Sycamore Place to the southeast. There are a total of 16 garages in this triangular area, all of which are on its northeast and northwest edges.

The application site is situated in an established residential area, and is bounded 9 terraced residential properties, the even numbers of 30-46 Sycamore Place, to the southeast; a retaining wall and an area of open space with mature trees covered by a Tree Preservation Order (TPO) to the west; and the rest of the informal triangular area of land to the north and east.

Relevant Planning History

Application Number	Proposal	Decision Date
161705/DPP	The erection of a replacement garage to the north of the application site.	18 th January 2017 (Approve Unconditionally)
91/1103	The erection of a single storey office and storage building for use by plumbing contractor.	31 st July 1991 (Refused)

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the erection of three single storey garages and a single storey store on the site. The existing garage on the west of the site would be removed to facilitate the proposed development. The buildings would be finished with fyfestone on their south elevations, grey drydash render on all other elevations and metal profile sheeting on their roofs. The buildings would consist of the following:

- A garage to the west of the site, which would have an approximate built footprint of 57 sqm. It would have a slight mono-pitched roof with an approximate maximum height of 3.3m, and an eaves height of 2.5m.
- A building containing two adjoining garages partitioned centrally with garage doors on their east and west elevations. The building would have an approximate built footprint of 54 sqm, a slight gable roof which would have an approximate ridge height of 3.2m, and an eaves height of 2.5m.
- A store building the east of the site, which would have a built footprint of 16 sqm. It would have a slight mono-pitched roof with an approximate maximum height of 2.8m, and eaves height of 2.4m.

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=OU5ZY4BZ00D00>.

The following documents have been submitted in support of the application –

- A support statement from the applicant, which states that the existing garage on the site and the proposed buildings would be used for domestic purposes;
- SPF-1709-TR – Tree Survey Report; and
- 1730 – 05 - Swept Path Analysis, which demonstrates that the vehicles would be able to enter and exit the proposed garages.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has been the subject of six or more timeous letters of representation (following advertisement and / or notification) that express objection or concern about the proposal – representing a significant level of opposition to any local development proposal. Under the Aberdeen City Council Scheme of Delegation for dealing with planning applications for Local Developments the appointed officer is therefore prohibited from determining the application.

CONSULTATIONS

Aberdeen City Council - Roads Development Management Team – No objection

It was requested that the applicant provided swept paths, showing the accessibility of the proposed garages, which they subsequently did. The provided swept paths show that all 3 proposed garages can be accessed relatively easily.

The store building would result in a reduction of the aisle width for one of the existing garages not owned by the applicant from >6m (our recommended minimum), to 4.5m. However, it was subsequently observed on site that the full 6m is not currently clear due to vegetation / parked vehicles within the applicant's red-line boundary.

Aberdeen City Council - Flooding and Coastal Protection – No objection

There is a history of surface water flooding and it is strongly recommended that the garages are protected by property level protection. Permeable materials, such as block paving or permeable asphalt are recommended and, depending on the use of the garage, water butts. If the butts are added on the rear of the garages it would stop the water running into the neighbouring gardens. Green roofs could be used as a method of rainwater harvesting, could help prevent an increase in surface water run off to the surrounding areas, and improve the aesthetics of the development.

REPRESENTATIONS

11 letters of representation (6 letters of objection and 5 neutral letters of representation) have been received for this application. The matters raised relate to:

- The design and scale of the proposed garages not being in-keeping to the appearance of the surrounding area;
- The proposed use of the buildings being for commercial / industrial purposes, which would not be in-keeping with the intended use of the area for domestic purposes;
- Drainage, and the increased flood risk to surrounding residential properties;
- The increase of traffic on a residential street;
- The existing noise coming from the site and noise which would be generated by the proposal;
- The loss of privacy as a result of the increased number of people accessing and working in the buildings.
- Security, as the proposed development would enable easier access to the rear gardens of the residential properties and would inhibit natural surveillance of the triangular area of land;
- Property damage which could result from the proximity of the foundations and prevent the upkeep of boundary fences;
- The loss of access to the rear gardens of the neighbouring properties because of the siting of the buildings, as they would be constructed adjacent to the rear garden gates of residential properties, and the loss of an access to these properties.
- The loss of access for emergency services attending the surrounding residential properties;
- The planning history of the site, as a planning application for a commercial use was refused at the site approximately 20 years because of the likely increase in the level of noise and traffic, and this proposal would be similar;
- The proposal impacting the sensory needs of one neighbouring young resident; and
- The space for vehicles accessing the existing garages in the area.

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

National Planning Policy and Guidance

- Scottish Planning Policy

Aberdeen Local Development Plan (2017)

- Policy D1 – Quality Placemaking by Design
- Policy H1 – Residential Areas
- Policy NE1 – Green Space Network
- Policy NE5 – Trees and Woodlands
- Policy T2 – Managing the Transport Impact of Development
- Policy NE6 – Flood, Drainage and Water Quality

Supplementary Guidance and Technical Advice Notes

- 'The Householder Development Guide'
- 'Transport and Accessibility'

EVALUATION

Principle of Development

The submitted Swept Path Analysis demonstrates that the proposed garages would function as such, as they would be accessible for vehicles and their dimensions would comply with the advised dimensions for garages in the Supplementary Guidance: 'Transport and Accessibility'. Whilst the supporting statement states that the garages would be used for domestic purposes, the development is not directly associated with any existing residential development. The proposal relates to the physical construction of these buildings and for their sui generis use as domestic scale lock-up garages / stores.

The site is located within a residential area, under Policy H1 – Residential Areas of the Aberdeen Local Development Plan. Policy H1 - Residential Areas advises that proposals for new developments will be approved in principle if they do not constitute over development, constitute over development, have an unacceptable impact on the character and amenity of the surrounding area; and they comply with the Supplementary Guidance. These issues are addressed in the below evaluation.

The Intensity of Activity

The proposal would replace one double garage with three garages, and a store. There are 16 existing garages on the triangular plot of land to the north of Sycamore Place, and the proposal would increase the number of garages in this area from 16 to 18.

Because of an appropriately worded condition, which would ensure these buildings would not be used for the operation of a business or any activity which would significantly intensify the use of the site, any impact on the neighbouring residential use and associated increase in the number of vehicles accessing Sycamore Place as a result of the garages and store would be insignificant

Given the large number of garages which already exist on this plot of land, and the minor increase as a result of this proposal, the proposal would have a negligible impact on the local transport network, and therefore it would comply with Policy T2 – Managing the Transport Impact of Development of the Aberdeen Local Development Plan.

Flooding and Drainage

The application site is at risk of surface water flooding as the majority of the application site is identified within the Scottish Environmental Protection Area (SEPA) Flood Map as an area with a 0.5% (1:200 years) chance of surface water flooding occurring within any one year. The proposed garages and store would therefore be at risk from surface water flooding, which would conflict with Policy NE6 – Flooding, Drainage and Water Quality of the Aberdeen Local Development Plan. Nevertheless, Scottish Planning Policy states that buildings should generally be designed to be free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5% (1:200 years). In this case, as the risk of flooding is not greater than this advised annual probability of occurrence, the proposal would comply with Scottish Planning Policy. Given the minor scale and non-habitable use of the proposed buildings, the level of flood risk to

the proposed buildings themselves would not warrant the refusal of planning permission in this instance.

An area encompassing part of the front curtilage of 30, 32 and 34 Sycamore Place, the access lane, and Sycamore Place (approximately 20m to the south east of the site) is identified as an area with a 10% (1:10 years) chance of surface water flooding occurring within any one year.

Scottish Planning Policy states that surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas. The majority of the ground around the site would remain permeable and a drainage impact assessment is not considered necessary in this instance. Nevertheless, to mitigate any adverse impact on the ability of the area to drain and to allow as much surface water as possible to be managed on the site itself, this application is subject to an appropriately worded condition requiring property level flood protection measures which have been recommended by the Aberdeen City Council Flooding Team. Subject to such a condition, the proposal would not significantly increase the risk of flooding in the surrounding area, and would therefore comply with this aspect of Policy NE6 of the Aberdeen Local Development Plan; and the principles of Scottish Planning Policy.

Design and Scale

Whilst larger in terms of their built footprint than the majority of the existing garages in the triangular area, the built footprint of the proposed buildings would be of a domestic scale, the garages would be distanced between approximately 9m and 13m from the neighbouring dwellings, and the majority of the triangular plot would remain undeveloped. The proposal would therefore not constitute over-development. The proposed buildings would be of an ancillary height, the largest of which would be approximately 3.3m, and all would be single storey. Whilst the design of the garages would contrast with the gable roofed form of the majority of the surrounding garages, the proposed buildings would be of a domestic design, they would not be readily visible from any public road, they would be of a scale and massing consistent with the existing garages in the surrounding area and subordinate to the two storey form of the residential properties to the south of the site. The proposed finishing materials would correspond with the materials used on the recently approved garage (Ref: 161705/DPP) to the north of the site, and would be appropriate in a residential area. The proposed buildings would therefore be of a design and scale compatible with the character and visual amenity of the surrounding area, in compliance with Policy D1 – Quality Placemaking by Design and Policy H1 – Residential Areas of the Aberdeen Local Development Plan.

Impact on Amenity

Calculations, using the 45 degree rules in the Supplementary Guidance: 'The Householder Development Guide', show that due to the height of the building and the orientation of the buildings to the north of the residential properties, the proposed buildings would have negligible impact on the level of sunlight and background daylight afforded to the neighbouring residential properties.

Given the buildings would be used as sui generis lock-up garages / storage similar to those elsewhere in the area, and there is existing screening by way of existing fencing on the northern boundaries of the residential properties to the south of the site, the buildings would have negligible impact on the existing level of privacy afforded to these properties.

The proposed buildings would not be overbearing or negatively affect the outlook of the neighbouring residential properties given their subsidiary height and location on the rear boundaries of the curtilage.

As this application relates to sui generis use lock-up garages and store, no noise / odour generating development would be associated with the proposal. The proposal and any existing noise being generated from this area are nevertheless subject to statutory noise control measures controlled by the Aberdeen City Council Environmental Health Team.

The proposed garages and store would therefore have negligible impact on the existing level of amenity afforded to the neighbouring residential properties, in compliance with Policy H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan; and the Supplementary Guidance: ‘The Householder Development Guide’.

Trees / Green Space Network

The triangular area of land is bounded by the Green Space Network (GSN) containing a large number of mature trees protected by way of a TPO. The submitted tree survey identifies two trees to the west of the site (within the TPO area), and one tree to the northeast of the site. The two trees to the west are planted on a bank that is retained by a high wall to the west of the garages. Due to the height of the wall there will be no tree roots within the development site due to the significant change in ground level. The proposal would therefore not adversely affect the function of the Green Space Network or result in damage to mature trees, in compliance with Policy NE1 – Green Space Network and Policy NE5 – Trees and Woodlands of the Aberdeen Local Development Plan.

Matters Raised in the Letters of Representation

The matters raised in the letters of representation relating to design, scale, flooding / drainage, height, traffic, privacy and noise have been sufficiently addressed in the above evaluation.

Any potential use for the buildings as commercial purposes or for the operation of a business would require a separate application for Detailed Planning Permission. Neighbours would be notified and given the opportunity to comment on such a proposal in the event that such an application is submitted. Nevertheless, to ensure that no development associated with this planning application will be used for the purposes of operating a business, the proposed development will be subject to an appropriately worded condition.

As this application relates to sui generis use as a lock-up garages and store, no noise / odour generating development would be associated with the proposal and therefore the proposal would have negligible impact in terms of noise nuisance to the surrounding area. Nevertheless, in the unlikely event that there is noise disturbance, any existing / future noise being generated from this area is subject to statutory noise control measures controlled by the Aberdeen City Council Environmental Health Team.

It is noted that a previous application was refused on the site approximately 20 years ago. The application referred to in the letter of objection is likely to be the application relating to a single storey office / storage building for use by a plumbing contractor (Ref: 91/1103), which was refused 26 years ago. Given the significant amount of time that has passed since the determination of that application, the local development plan, planning policies and guidance which would have been relevant at the time have been superseded. That decision therefore has no influence on this recommendation. Nevertheless, the 1991 application was an application for commercial use as an office and store, as opposed to the buildings which are being proposed in this application.

Matters relating to personal circumstances are not material planning considerations for which the planning authority has powers of intervention. They are therefore not included in this evaluation.

The issues with regards to the right of access, and the impact on the maintenance / upkeep of the boundary treatment of neighbouring properties would be a civil matter between the two parties. Damage to property would be a matter for the police.

It has been queried if the location of the store would still facilitate vehicular access to the garage to the north of the proposed store. The siting of the proposed store would result in the garage to the north only having approximately 4.5m aisle width, which is less than the advised minimum 6m for vehicular manoeuvrability. Nevertheless, there is presently vegetation where the proposed store would be sited, and part of the 6m aisle length would involve vehicles from this garage crossing land which is not communal land. The proposal would therefore result in negligible change to the existing situation. Any vehicle access rights to this land would be a private matter between the two parties and not a material planning consideration.

As the existing boundary treatment of the properties to the south of the site hinders natural surveillance from the ground floor, and the proposed garages are of a single storey form, the existing level of natural surveillance to this area from the upper floors of these properties would be unaffected. The proposal would not in itself result the creation of a space which is unsafe or likely to encourage or facilitate crime. Further security concerns noted would be a matter for the police.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed garages and store would only partially comply with Policy NE6 – Flooding, Drainage and Water Quality of the Aberdeen Local Development Plan as the proposed buildings would be at risk of flooding themselves from surface water flooding. Given the minor scale and non-habitable use of the buildings, and the risk would not be so significant so as to conflict with Scottish Planning Policy, the level of flood risk to the proposed buildings would not in itself warrant the refusal of planning permission in this instance. Subject to an appropriately worded condition related to property level protection measures, the proposed buildings would not increase the flood risk of the surrounding area, nor have any adverse impact on the ability of the site to drain. It would therefore comply with the principles of Scottish Planning Policy and this aspect of Policy NE6 – Flooding, Drainage and Water Quality of the Aberdeen Local Development Plan.

The proposed garages and store would not constitute over-development and would be of a design and scale which is compatible with the character of the surrounding residential area. The proposed garages would be easily accessible for vehicles, in compliance with the Supplementary Guidance: 'Transport and Accessibility'. There would not be a significant increase in the intensity of activity on the site, and the increase in terms of number of buildings would have negligible impact on the local transport network, in compliance with Policy T2 – Managing the Transport Impact of Development of the Aberdeen Local Development Plan.

Subject to an appropriately worded condition, which would ensure that the buildings would not be used for use as business premises / the operation of a business, the proposal would have negligible impact on the amenity of the surrounding area, in compliance with Policy D1 – Quality Placemaking by Design and Policy H1 – Residential Areas of the Aberdeen Local Development Plan.

The proposal would not adversely affect the surrounding area of Green Space Network or nearby mature trees, in compliance with Policy NE1 – Green Space Network and Policy NE5 – Trees and Woodlands of the Aberdeen Local Development Plan.

CONDITIONS

- 1) The development hereby approved shall not be used for use as a business premises / use for the operation of a business, for any use specified within the Town and Country Planning (Use Classes) (Scotland) Order 1997, or for any other sui-generis use other than as lock-up garages and storage space without the express grant of planning permission from the planning authority.

Reason: To enable the planning authority to consider the implications of any subsequent change of use on the amenities of the area.

- 2) That no development shall take place unless a scheme detailing property level flood protection measures has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be brought into use unless the scheme has been implemented in complete accordance with the agreed scheme, and remain in place in perpetuity, unless otherwise agreed in writing by the planning authority.

Reason: In order to mitigate any potential flood risk associated with this development.

ADVISORY NOTES FOR APPLICANT

It is recommended that permeable materials, such as block paving or permeable asphalt are used where appropriate in the design. It is advised that the property level flood protection measures include water butts to mitigate water running off the garages into the neighbouring gardens. The incorporation of green roofs would be a suitable method of rainwater harvesting and would help prevent an increase in surface water run off to the surrounding areas.