

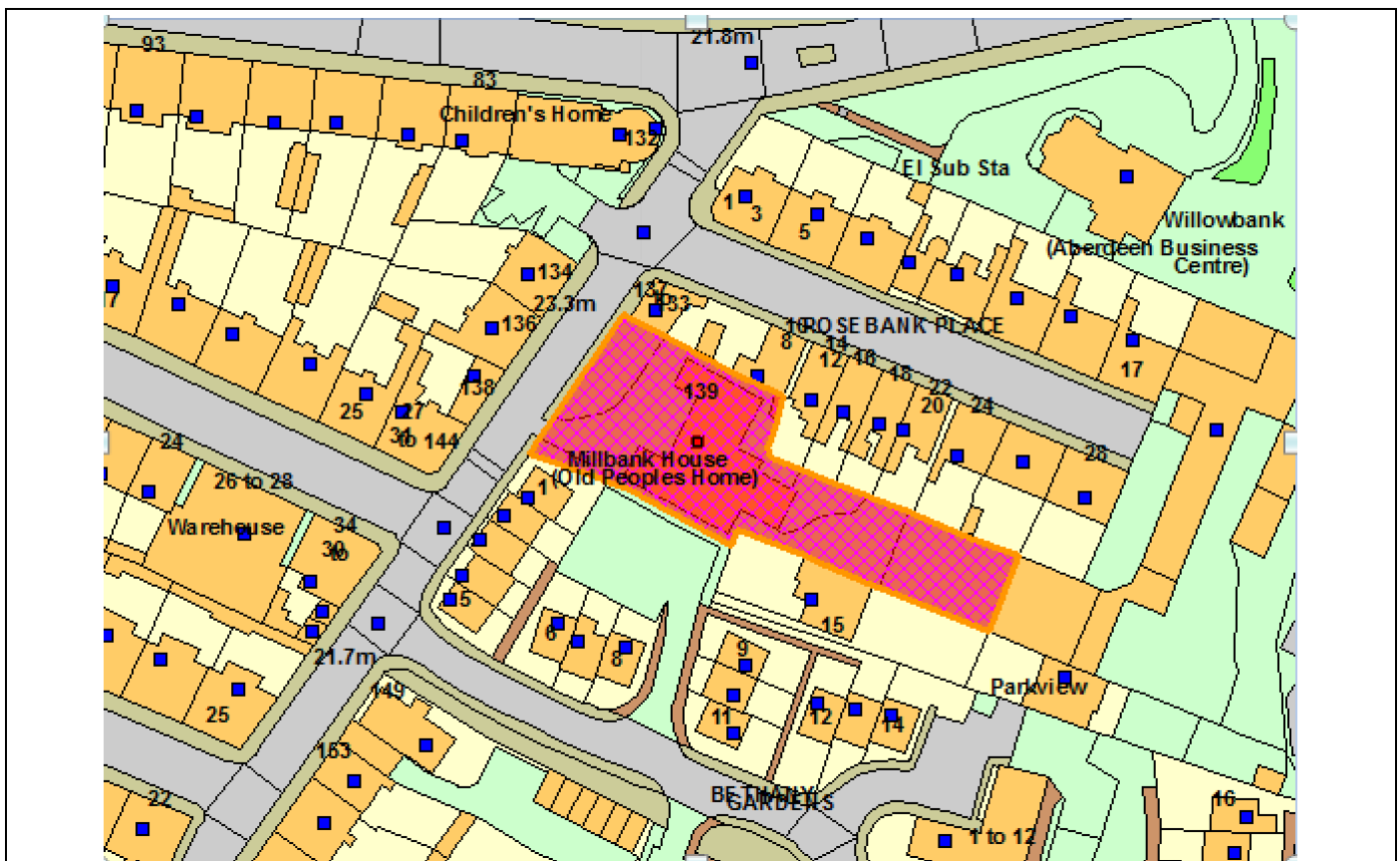


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 26 May 2022

Site Address:	Millbank House, 139 Hardgate, Aberdeen, AB11 6XQ
Application Description:	Change of use from Class 8 (residential institution) to form 10 flats (sui generis), erection of single storey extension to rear, formation of terraces and balconies with associated balustrades, alterations to existing openings and other associated works
Application Ref:	211430/DPP
Application Type	Detailed Planning Permission
Application Date:	8 October 2021
Applicant:	Voluntary Services Aberdeen/Assurance Homes Ltd.
Ward:	Torry/Ferryhill
Community Council:	Ferryhill and Ruthrieston
Case Officer:	Robert Forbes



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RECOMMENDATION

Approve Conditionally & Legal Agreement

APPLICATION BACKGROUND

Site Description

The site comprises a vacant residential institution which was operated by a local charity (VSA). The original granite building on the site is 2½ storey high and is set back from the street frontage. It has been significantly altered and extended with later 2 storey extensions using granite and rendered blockwork. The site retains its historic granite entrance pillars and boundary wall, albeit the access appears to have been widened. The wall provides a degree of privacy and is an imposing feature in the street scene. The front garden contains established deciduous trees and shrub planting which provides amenity and visual softening. The rear part of the site is landlocked and contains a number of established trees which are not visible from any public area.

The site lies within a largely residential area, notwithstanding its proximity to the city centre. There are 4 storey tenement flats overlooking the site frontage located on the west side of Hardgate and 3 storey traditional tenement flats flanking Rosebank Place. 2 storey modern terraced houses with associated parking areas are located to the south, fronting Hardgate and on Bethany Gardens. Immediately to the south of the rear part of the site is a detached Victorian house with associated private garden ground. There are a mix of commercial uses in the immediate vicinity on the Hardgate including a café, a hot food takeaway, and class 2 uses. Nearby on Holburn Street are a range of supporting commercial uses, including a supermarket. A care home is located at the junction of Hardgate and Willowbank Road. Bon Accord Crescent Gardens lies around 270m walking distance from the site.

Relevant Planning History

None for the site

A pre-application enquiry regarding demolition and redevelopment of the site to provide flats was submitted by the current agent in 2020 (ref. 200197/PREAPP). The response encouraged retention and conversion of the existing granite building.

A planning application for redevelopment of a nearby site at 26-28 Hollybank Place to form 11 flats (ref. 211807/DPP) awaits determination.

APPLICATION DESCRIPTION

Description of Proposal

Conversion and alteration / extension of the existing building to form 10 flats (7 x 1 bed units and 3 x 2 bed units). 4 flats are proposed on the ground floor, 5 on the first floor and 1 on the top floor. The flats would be accessed via the existing front door and would share a central stair core and lift. The existing building would be retained and minor external elevational alterations made to accommodate a revised internal layout. These alterations would include formation of external balconies / terraces to provide private amenity areas for occupants. The rear of the building would be further extended to provide additional accommodation. A small single storey flat-roofed extension would be formed on the east elevation of the building; this would measure around 4.4m deep by 7.2m wide. It would be positioned around 2m off the south boundary. An external terrace area would be formed on its roof. The access to the front garden would be altered by widening the access width to 5.5m and reconstruction of the pillars. The existing parking area in the front garden would be adjusted / slightly extended to form additional parking (a total of 7 car parking spaces are proposed).

Amendments

Provision of glazed screens to proposed roof terrace / balconies and obscure glazed windows.

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=R08XCRBZGKH00>

- Tree Survey Report
- Viability Summary Report

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because in excess of 5 objections have been received.

CONSULTATIONS

ACC - Housing – No objection. Advise that ALDP Policy H5 requires a 25% affordable housing contribution from all housing developments of 5 units or more which equates to 2.5 units. For developments of less than 20 units the provision of affordable housing may be on-site, off-site or commuted payments. If the developer intends to provide Low-Cost Home Ownership (LCHO) as an affordable housing contribution, they should enter into early discussions with the Housing Strategy Team regarding this as there is currently little demand for this type of affordable housing.

ACC - Roads Development Management Team – No public safety objection. Note that the site is located in the inner city, in controlled parking zone 'H', very close to City Centre and therefore readily served in terms of walking, with direct access onto the public footpath along Hardgate. Advise that the proposed secure cycle storage is accepted. Advise that a minimum site entrance width of 5.5m is required (as now proposed). Advise that, in terms of ACC transport guidance, the proposal results in a theoretical total car parking requirement of 14 spaces.

ACC - Environmental Health – No response received.

ACC - Developer Obligations – No objection. Advise that contributions are required towards healthcare facilities (£3,808), core path network (£2,455), secondary education (£2,635), open space (£1,208), and community facilities (£12,068).

ACC - Schools Estates Team – No objection. Advise that the proposed development is likely to result in Harlaw Academy further exceeding its capacity, so a contribution would be required from the developer to assist with the cost of creating additional capacity at the school, through the reconfiguration of existing space. There is sufficient capacity at Ferryhill School to accommodate the number of pupils expected to be generated by this development.

ACC - Waste and Recycling – No objection. Advise that communal waste and recycling bins would be provided for residents.

Scottish Water – No objection. The proposed development will be fed from Invercarnie Water Treatment Works (River Dee). Unfortunately, Scottish Water is unable to confirm water supply capacity. Advise that there is currently sufficient capacity for a foul only connection in the Nigg Wastewater Treatment works to service the development. Advise that for reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system.

North East Scotland Biological Records Centre – No objection. Provide information regarding species sightings / records.

Ferryhill and Ruthrieston Community Council – Not currently established.

REPRESENTATIONS

A total of 7 objections have been received, largely from nearby residents. The issues raised can be summarised as follows:

- Traffic generation / need for traffic impact assessment
- Unsuitable access / impact on pedestrian safety
- Adverse impact on existing on-street car parking
- Adverse impact on residential amenity due to overlooking from proposed external terraces / balconies
- Overdevelopment of the site
- Impact on foxes / wildlife
- Waste generation
- Impact on foul drainage
- Temporary impacts during construction works
- Lack of need for more flatted development
- The premises should remain as a car home
- Impact on trees in rear garden area / need for tree works
- Design quality/ adverse impact on historic building facade

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 2014 (SPP) expresses a presumption in favour of development that contributes to sustainable development.

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

The current SDP for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. The extant local development plan (ALDP) is now beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 was submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of SPP which states:

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.”

The following policies are relevant –

H1: Residential Areas

H3: Density

H5: Affordable Housing

T2: Managing the Transport Impact of Development

T3: Sustainable and Active Travel

NE4: Open Space Provision in New Development

NE5: Trees and Woodland

NE6: Flooding, Drainage & Water Quality

NE8: Natural Heritage

D1: Quality Placemaking by Design

D2: Landscape

D5: Our Granite Heritage

R6: Waste Management Requirements for New Development

R7: Low & Zero Carbon Build & Water Efficiency

CI1: Digital Infrastructure

I1: Infrastructure Delivery & Planning Obligations

The southern edge of the city centre boundary, as identified in the ALDP, lies 76m to the north-west of the site.

ALDP Supplementary Guidance (SG)

Affordable Housing SG

Flooding, Drainage and Water Quality SG

Green Space Network and Open Space SG

Landscape SG

Noise SG

Natural Heritage SG

Planning Obligations SG

Resources for New Development SG

Transport and Accessibility SG

Trees and Woodlands SG

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The PALDP was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP.

The following policies are relevant: H1- Residential Areas; H3- Density; H4- Housing Mix and Need; H5- Affordable Housing; D1- Quality Placemaking; D2- Amenity; D5- Landscape design; D6- Historic Environment; D7- Our granite Heritage; R5 - Waste Management Requirements for New Development; R8- Heat Networks; I1 - Infrastructure Delivery and Planning Obligations; T2 - Sustainable Transport; T3- Parking; CI1- Digital Infrastructure.

Other Material Considerations

The Aberdeen City and Aberdeenshire Housing Need and Demand Assessment 2017 (HNDA). Figures in the HNDA identify up to 1,368 new affordable homes needed per annum over a 20-year period. This estimate of net annual housing need depends greatly on the economy and the housing market.

ACC Open Space Audit 2010.

EVALUATION

Principle of Development

The delivery of housing on a disused brownfield site within a settlement which is accessible by public transport accords in principle with the SPP presumption in favour of development that contributes to sustainable development. Given the non-strategic scale of the proposal and that it does not raise matters of a cross boundary nature, the SDP is of limited relevance in this case. Adequate infrastructure exists to service the development, in accordance with the expectations of ALDP policy I1. Although the site is not specifically identified as a brownfield opportunity site with potential for housing development within appendix 1 of the ALDP, or in the PALDP, the proposal accords with ALDP spatial strategy to encourage the regeneration of brownfield sites and aligns with the aspirations of the HNDA. The principle of a residential conversion at the site was accepted in pre-application advice issued in 2020 and is welcomed. It is considered that there has been no material change in circumstances which changes that opinion. The retention and reuse of a historic granite building is in accordance with the objective of ALDP policy D5. However, the proposal raises a number of issues which require detailed assessment.

Design Quality

The retention and sensitive adaptation of a historic granite building, as opposed to demolition and redevelopment of the site, is particularly welcome in terms of sustainable design. It is considered that the external alterations of the building are limited in extent and are considered to complement the historic character of the building. It is noted that the setting of the original building has been significantly altered by the historic construction of extensions, including the 2-storey flat roofed extensions which flank the frontage. The addition of the proposed balcony features on the front elevations of these extensions would therefore not have a detrimental impact on the historic character of the building. Details of construction of the balconies / terraces can be secured by condition in order to accord with the objective of ALDP policy D1. It is noted that the extension to the rear of the building would not be visible from public view. Although its flat roofed form does not relate to the original historic building form, it is noted that the building already has flat roofed extensions and thus, the extension would not be visually incongruous. Whilst the widening of the access would result in a loss of part of the existing granite wall at the site frontage, which is regrettable, it is designed to be the minimum width that is acceptable to ACC Roads Service. A condition is proposed in order to ensure that the granite wall / pillars are preserved and reinstated in accordance with the objective of ALDP policy D5.

Impact on Existing Residential Amenity

It is noted that the existing use of the site as a care home is of a residential related use. The proposed

use as flats would be of similar nature, and would not conflict with residential amenity in principle. The physical alterations to the building are limited in extent and do not present any fundamental concerns. The proposed single storey ground floor extension at the rear of the site is of limited scale and would not result in any conflict with adjacent amenity due to overlooking, over domination or shading impact. The principal concerns relate to the impact of the terraces and balconies due to potential overlooking.

It is accepted that there would be potential for overlooking of adjacent houses / flats from the proposed terraces / balconies. However, the existing wall at the site frontage provides a degree of screening of the windows of ground floor flat windows. The existing trees at the front of the site provide further screening of the terraces when viewed from the upper floor flats on Hardgate facing the site, particularly in the summer when the trees are in leaf and the terraces are more likely to be used by occupants. The retention of the existing boundary wall and trees at the site frontage is therefore considered to be essential in order to protect adjacent amenity and can be required by condition. It is noted that the south most terrace proposed on the frontage faces onto a single storey hot food take-away and a gap between the facing tenement flats rather than directly overlooking flats to the west. There would be potential overlooking of the rear garden of the adjacent house to the south of the site from the south elevation of this terrace. This potential impact can be addressed by use of condition requiring details of physical screening measures.

There would also be need for provision of physical screening measures on the terraces and balconies located on the non-primary (side) elevations of the building) due to the proximity of these amenity spaces to other housing to the north and the south of the site and potential overlooking concerns. A condition can address the need for provision of details of such measures, as use of screening measures is acceptable on these secondary elevations (in contrast to the front / principal elevation).

It is noted that the extension to the rear of the building would be of limited scale (height and footprint) and sufficiently distant from the site boundaries such that it would have no significant impact on adjacent amenity.

Although there would inevitably be a degree of disturbance and noise generation during the proposed construction / conversion works, these would be of a transient nature and have no long-term effect. It is noted that the Environmental Health Service has not provided comments on the proposal. However, given the existence of other noise nuisance controls, construction noise does not warrant imposition of a condition.

Overall, subject to imposition of suitable conditions, there would be no adverse impact on residential amenity.

Proposed Amenity for Occupants

It is considered that the proposed development would achieve high level of amenity for occupants in accordance with the objective of PALDP policy D2. The flats at the building frontage would be set back from the street and the upper flats would benefit from their outlook onto the existing landscape area and trees at the site frontage. Although it is accepted that the immediate outlook of the ground floor flats at the frontage onto car parking would not be ideal, reduction of the level of car parking proposed on site in order to enhance such amenity would not accord with the wishes of the objectors and could result in overspill parking on adjacent streets. The provision of sizeable private amenity spaces for each upper flat is a welcome feature. In addition, all occupants would have access to a large communal area at the rear of the site which includes existing mature trees of amenity value and would not be affected by the development. This would provide a valuable usable external area and can be suitably landscaped. Overall, an acceptable level of amenity would be created for occupants.

Open space Impact

It is noted that ACC Open Space Audit identifies no public open space as being within the site. No public open space is proposed within the site. The scale and nature of development and its constrained brownfield location is such that public open space cannot reasonably be required to be provided within the site. However, Bon Accord Crescent Gardens, which is a valued public park, lies within easy walking distance of the site. It is accepted that the development would place additional demand on existing public open space. In order to address this matter, a contribution towards the enhancement of open space outwith the site has been agreed with the applicant as part of the developer obligations package in accordance with the objective of ADLP policy NE4 and related SG. Adequate communal external amenity space would be provided for occupants of the development within the site. In addition to the proposed private terraces / balconies, landscaped external seating and drying areas could be provided within the existing garden area at the rear of the site. The detailed layout, planting and design of this can be secured by condition.

Tree Impact

The submitted tree report recommends felling 2 category B cherry trees at the frontage of the site. It is considered that the mature flowering cherry trees within the front garden area of the site are of amenity value. Their retention is required in order to protect amenity and to provide a degree of privacy and softening of the proposed external terraces at the site frontage when viewed from the upper floors of the flats on Hardgate facing the site. As the removal of these trees at the site frontage is not considered acceptable in terms of compliance with the objectives of ALDP policy NE5 and wider amenity / sustainable development objectives, the site plan has been updated accordingly. Further details of tree protection and the precise layout, no dig construction techniques and any adjustment of the external area at the site frontage are required in order to ensure a satisfactory design solution and can be required by use of a suspensive condition.

The two other (Norway Maple) trees in the rear garden area which it is proposed to fell are considered to be of limited amenity value due to not being visible from any public place. Their proximity to the building and site boundary is such that removal of these trees is warranted, subject to provision of replacement planting. Further details of tree protection, management and replacement planting at the rear of the site can be required by suspensive condition in order to ensure continuity of tree cover on site.

Natural Heritage Impact

Although no ecological survey has been submitted in support of the application, the site contains no designated sites of wildlife value and does not lie adjacent to an Local Nature Conservation Site. The information provided by Nesbrec does not indicate a high degree of sensitivity or the likely presence of protected species at or near the site. It does, however, indicate that Swifts are present in the area and thus incorporation of suitable nesting boxes within the building / site would be appropriate. Although bats may be present in the surrounding area, there are no Nesbrec records of bat sightings at or near the site. The submitted tree survey states that the surveyed trees had no bat roosting potential. Given that no works are proposed to the roof of the existing building, it is therefore considered unreasonable to require a more detailed bat survey in this instance. It is noted that foxes are not a protected species and thus no fox survey can reasonably be required. The presence of foxes on the area is not evidenced by Nesbrec records. Although they may be present in the site / surrounding area, the main undeveloped part of the site of potential wildlife value lies to the east of the building and would largely be unaffected by the works (other than removal of two trees). A condition can be imposed to ensure that appropriate ecological enhancement measures and soft planting are implemented in the site in order to enhance its value as an ecological resource in accordance with the objective of ALDP policy NE8 and related guidance.

Drainage

It is accepted that the development would generate foul drainage, as does the existing use. It is noted that foul drainage from the development would connect to the existing public sewer and

Scottish Water have confirmed that adequate foul drainage capacity exists. Thus, there is no basis for refusal of the proposal on grounds of foul waste capacity / generation.

The proposal would result in a limited increase in the extent of building and hard surfacing within the site and thus a limited increased risk of surface water flooding / pollution (e.g. during construction works). The limited scale of the works is such that a DIA is not required. A condition can be imposed to ensure that appropriate SUDS measures are implemented on site in accordance with the objective of ALDP policy NE6 and related SG.

Traffic Generation

ALDP Policies T2 and T3 advise that new developments should provide sufficient measures to minimise any traffic impact that may occur as a result of the development. Likewise, new developments should maximise opportunities for sustainable development and should be accessible by a range of transport modes.

In this case the development is located within a central area and would provide limited off-street car parking spaces. The site is readily accessible by other modes of transportation such as walking, cycling and buses, due to its central location, with regular bus services nearby on Holburn Street. In addition, the site would be reasonably close to the City's bus and train stations. The site has good access to nearby facilities, including shops and schools and no network / infrastructure interventions are required to enable the development. Given the central location of the development and the variety of transport modes that can be used to access the site, the proposal is considered acceptable in principle in terms of relevant transport policy. The provision of a financial contribution to be used for enhancement of the City Car club would help to minimise any traffic impact (by reduction of parking demand) and would accord with ALDP Transport SG and the objective of policy T2. A contribution of £4000 is required and can be secured by a legal agreement.

It is noted that the limited scale of the development is such that a formal transport impact assessment (TIA) is not required and has not been requested by ACC Roads Service. The site is located within a central area close to the city centre with good access to public transport and varied existing supporting facilities / land uses. It is therefore likely that a significant proportion of trips associated with the development could be made by non-car modes (e.g. relative to a peripheral / suburban development at the outskirts of the city). Given this context and the SPP presumption in favour of development that contributes to sustainable development, the absence of a TIA or Transport Statement does not warrant refusal of the application.

It is noted that ACC Roads Development Management do not object to the proposal on the basis of traffic generation and have raised no specific public or road safety concerns in relation to vehicle traffic generation, servicing and delivery requirements. They acknowledge that pedestrian linkage is acceptable.

Car Parking

Lack of parking provided within the site has been raised as a concern in the objections received for this application. However, the Planning Authority are promoting low car developments within appropriate central areas of the site to encourage sustainable development in accordance with the objectives of alleviating issues such as traffic congestion and climate change, by discouraging car use and incentivising modal shift. Given the central location of the site, it is likely that the development would result in low car usage, relative to more peripheral / suburban locations. In addition, given that the site lies within one of the Council's Controlled Parking Zones, on-street car parking in such areas is regulated. It is recognised that future occupants of the site would be entitled to apply for parking permits for neighbouring streets within this zone, thereby increasing on-street car parking pressure, particularly during the evening / overnight. This is an area where there is already an overprovision of parking permits issued to residents and thus likely high pressure for on-street parking. Although no parking survey has been undertaken by the applicant, it is noted that

during a recent site visit, there was some available on street parking during a midweek evening. Overall, given the existing use of the site and the relatively small scale of development, it is considered the development would unlikely have a significant adverse impact on existing parking pressure and this does not in itself warrant refusal on safety grounds. Use of a condition regarding car parking provision on site and developer contributions towards implementation and use of the city car club is recommended in this case in order to reduce such on-street parking pressure. Prospective occupants would also have the potential use of both Hardgate and Chapel Street public car parks, although these are both some distance from the site, so not highly convenient.

Whilst ACC Roads Development Management Team have requested that 14 car spaces are provided on site, that would not be feasible to achieve, unless the existing building and trees are demolished, which is not an appropriate design solution. In this instance the urban design and sustainability benefits of retention of the existing building and trees necessitates a reduced level of car parking provision on site. Notwithstanding the tension with ALDP car parking guidance, it is considered that a degree of flexibility in the application of the guidance is warranted in this instance, particularly given other amenity considerations (e.g. tree / building retention / landscape design) and the wider objective of sustainable development. It is noted that residential car parking standards are not minima and a degree of flexibility is typically applied, especially in relation to conversion of existing historic building in an inner city location. In accordance with ACC transport guidance, provision of EV charging facilities can be required on site by condition.

With regards to cycle parking, this would be acceptably located within the rear external area, accessed from Hardgate. One secure space would be provided per flat, which is in compliance with the requirements outlined in the Transport and Accessibility Supplementary Guidance. Although further details of provision are required (e.g. of the specific facilities and provision for visitors), this can be addressed by condition.

Access

No specific road / pedestrian safety concerns have been identified by ACC roads service regarding the revised access arrangements which has been adjusted to satisfy their concerns regarding its width. It is noted that the existing shared vehicle / pedestrian site access is onto an existing traffic calmed one way street which carries a relatively low volume of traffic and has relatively low traffic speeds (e.g. relative to Holburn Street and Willowbank Road). It has a 20mph speed limit and on street parking on its west side. It is noted that the proposal would result in a betterment of the existing situation in terms of road safety by widening the existing access and thereby enabling increased visibility at the junction of the site with the public road. It is noted that there are double yellow lines on the east side of Hardgate in the vicinity of the access and no adjustment of the existing on street waiting restrictions or removal of car parking is considered to be required in order to avoid compromise of visibility at the access. The proposed site plan indicates that the existing footway crossing would be removed and replaced with a more formalised access. However, as this would not prioritise pedestrian movement, this would not accord with ALDP policy T3 and is therefore not accepted. Details of any adjustment / reconstruction of the footway crossing, thereby retaining its existing format, which prioritises pedestrian movement, can however be secured and implemented by use of a suspensive condition.

Servicing

It is presumed that refuse vehicles would not enter the site, to avoid reversing and as that would not be convenient for drivers of such vehicles. It is noted that the proposed bin storage area would be located within 15m of the kerbside, such that kerbside uplift would be convenient and in accordance with the expectations of ACC Waste Service. As regards other servicing vehicles, it is noted that many food deliveries are now undertaken using moped / cycles which could easily enter and turn within the site. Space for larger vehicles such as supermarket or other delivery vans to park / offload within the site could be provided but this is not required to accord with SG and would require adjustment of the parking layout and some reduction of residential car parking within it. Precise

details of the proposed vehicle parking, servicing, layout and turning arrangements can be secured by condition.

Energy and Water Efficiency

Whilst no detailed technical information has been submitted in relation to provision of energy and water saving technology on site, as the proposal is for a change of use and only a limited extent of new floorspace is proposed, there is no requirement to provide such equipment this instance in terms of ALDP Policy R7. Thus, notwithstanding SPP objectives of sustainable development, there would be no basis for refusal of the application because of conflict with policy R7.

Other Technical Matters

Whilst the proposed use would generate waste, this would not differ significantly from the existing use. There would be adequate space for provision of suitably screened waste and recycling bins within the external area at the frontage of the site where existing bins are located. A condition can be used to ensure detail and delivery of this in accordance with ALDP policy R6 and related SG.

It is presumed that there is adequate telecoms services (e.g. phone, internet) at the site given its location within a central urban area and thus no conflict with ALDP policy CI1. It is noted that neither the applicant nor the Council has any responsibility for provision of telecommunications infrastructure, which is delivered by private companies. It is noted that the roll out of full fibre broadband within the city is continuing (in part funded by the Scottish Government) and such services are available in the area. Thus, it would not be reasonable to impose a condition requiring any service upgrade. No evidence exists that the development would adversely impact on existing TV reception or other telecommunications signals.

Whilst no connection to the district heating network is proposed, this is not a requirement of current planning policy / guidance. Proposed policy R8 within the PALDP states that heat networks are encouraged and supported. Such heating systems are desired in terms of sustainable design. However, as guidance referred to in this policy (i.e. Aberdeen Planning Guidance regarding Heat Networks and Energy Mapping) has yet to be published, the weight which can be afforded to that policy is limited. It would not therefore be reasonable to refuse the development on the basis that no connection to a heat network is proposed.

Other Concerns Raised in Objection

The site would have an overall density of 68 units per hectare which is considered appropriate for a central urban site (given that the minimum density figure in ALDP policy H3 is 30 units per hectare, and that is applied to more remote urban fringe locations). Given the limited footprint of new building proposed, the limited external alterations and given that significant parts of the site would remain undeveloped, the proposal is not considered to result in overdevelopment of the site. The alleged lack of need for more flatted development is not supported by any evidence and conflicts with the HNDA and the expert advice of ACC Housing Service of a continued need for provision of affordable housing. Such alleged lack of need is not a material grounds for refusal of residential development. Given that the ALDP is not prescriptive regarding the use of the site and zones the site within a general residential area, there is no planning policy basis for insisting that the premises should remain as a care home. In any event, the proposed use requires to be considered on its merits. It is noted the original use of the site would have been for residential purposes (i.e. a house) and the proposed use as flats is consistent with that purpose.

Viability

The viability statement submitted by the agent has been reviewed by the Developer Obligations consultee. Although the site lies outwith the affordable housing waiver area, following negotiation with the Developer Obligations Team and provision of additional viability information by the agent, it has been agreed to waive the requirement for Affordable Housing as expressed in ALDP policy H5 and as referred to by ACC Housing Team. Although the proposal would therefore conflict with

ALDP policy H5, given the overall benefit of securing an appropriate new use for a disused granite building located within a central area close to the City Centre, this is considered to be a justified and reasonable solution. The other elements of financial contribution referred to in the developer obligation assessment and the car club contribution would remain requirements.

Proposed Aberdeen Local Development Plan

In relation to this particular application, other than policy D2 and R8, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given. The tensions with proposed policies D2 and R8 are addressed above and do not warrant refusal of the application.

Heads of Terms of any Legal Agreement

In order to address the matters raised by the developer obligations consultee, any approval would require to be deferred pending the conclusion of a legal agreement with the Council. Such agreement would be required to address contribution requirements towards core path network (£2,455), secondary education (£2,635) healthcare facilities (£3,808), open space (£1,208), community facilities (£12,068) and car club contributions (£4,000).

RECOMMENDATION

Approve Conditionally & Legal Agreement

REASON FOR RECOMMENDATION

The delivery of residential development on a disused brownfield site within a built-up central area of the city which is accessible by public transport accords with the presumption in favour of development that contributes to sustainable development as set out in Scottish Planning Policy 2014.

The development is considered to be appropriate for this residential zoned area, subject to conditions, having no adverse impact on the amenity of the area in terms of scale, design, noise, overlooking, or overshadowing. As such, the development complies with Policy H1- Residential Areas, Policy D1 - Quality Placemaking by Design, Policy H3 – Density within the Aberdeen City Local Development Plan 2017 (ALDP). Whilst there will be a loss of some traditional granite walling, it is considered that there is sufficient reuse of granite within the site for the development to be acceptable in terms of Policy D5 - Our Granite Heritage. Although the proposal would conflict with ALDP policy H5 - Affordable Housing, given the overall benefit of securing an appropriate new use for a disused granite building located within a central area close to the City Centre this is considered to be justified.

Contributions are being sought and secured via a legal agreement in line with Policy I1 - Infrastructure Delivery and Planning Obligations. Whilst no public open space is proposed, compensatory contributions are being sought for the enhancement of nearby open spaces and the development is in a good area to provide access to these. Such contribution is required in order to address the objective of Policy NE4 - Open Space Provision in New Development. Suitable tree protection, management and planting can be secured by condition in accordance with the objectives of ALDP policy NE5 - Trees and Woodlands and Policy D2 – Landscape. Connection to public infrastructure is proposed and is acceptable and suitable drainage measures can be provided such that the proposal complies with Policy NE6 - Flooding, Drainage and Water Quality. Suitable mitigation measures can be installed on site to address the expectation of ALDP Policy NE8: Natural Heritage. Appropriate waste provision and digital communications can be provided within the site. Therefore, the proposal complies with Policy R6 - Waste Management Requirements for New Development and Policy C11 - Digital Infrastructure.

The proposal is considered to comply with the objectives of ALDP Policy T2: Managing the Transport Impact of Development and T3: Sustainable and Active Travel of the ALDP and its associated guidance, subject to conditions regarding pedestrian access and cycle provision. The development would be acceptable in terms of traffic generation and in terms of assessment against relevant planning policy regarding transport. The requirement for car club contributions to address the reduced level of off-street parking can be secured via a Legal Agreement. Whilst no EV parking is currently proposed on site, a condition can be used to ensure its delivery and the delivery of visitor and resident cycle parking on site. As such, it is considered that there would be no substantive grounds for refusal of the application on the basis of car parking pressure, transport generation or planning policy.

The proposal would be compliant with the equivalent zoning and topic-based policies in the Proposed Aberdeen City Local Development Plan 2020 (PALDP). Although there would be tension with PALDP policies D2- Amenity and R7 – Heat Networks, this is not considered to warrant refusal. All concerns raised through submitted representations have been addressed and there are no material considerations which warrant refusal in this instance.

CONDITIONS

1. Tree Protection

No development shall take place pursuant to the planning permission hereby approved unless a further scheme for the protection of all trees to be retained on the site during construction works has been submitted to and approved in writing by the Planning Authority and such scheme as may have been approved has been implemented in full for the duration of the site works. No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason - In order to ensure adequate protection for the trees on site during the construction of the development.

2. Tree Management

The flats hereby approved shall not be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all existing trees on the site and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation.

Reason - In order to preserve the character and amenity of the area and ensure continuity of tree cover on the site.

3. Landscape and Amenity Space

No development pursuant to the planning permission hereby approved shall take place unless a detailed scheme of landscaping and amenity space for the site has been submitted to and approved in writing for the purpose by the Planning Authority. This scheme shall include details of the proposed grassed / herbaceous areas, areas of any tree/shrub /climber planting including details of numbers, densities, locations, species, sizes, stage of maturity at planting and establishment / protection measures and management arrangements. All planting, seeding and turfing comprised

in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any planted areas which within a period of 5 years from the completion of the development, are removed or become seriously damaged shall be replaced in the next planting season with others of an extent and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason - In the interests of protection of the amenity of the area and ensure a suitable landscape treatment and amenity for occupants.

4. Ecology Enhancement

No development shall take place pursuant to this permission unless details of proposed ecological enhancement measures on site (including provision of bird and bat boxes) and native planting has been submitted to and agreed in writing by the planning authority. The flats shall not be occupied unless such measures have been implemented in accordance with the approved details.

Reason - In the interests of protection of natural heritage and ensure suitable mitigation measures.

5. Surface Water Drainage

No development shall take place pursuant to this planning permission unless the proposed surface water drainage system for the site has been submitted to and approved in writing by the Planning Authority. This shall include details of surface water SUDS measures and associated maintenance measures as required on site. The building hereby approved shall not be occupied unless the approved surface water drainage system has been implemented in full and is permanently retained thereafter in accordance with the approved maintenance scheme. For the avoidance of doubt, no surface water shall discharge from the site onto the public road or connect to the foul sewer.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

6. Cycle Storage / Parking

No development shall take place pursuant to this permission unless details of secure cycle storage for all occupants and visitor cycle parking at the site frontage has been submitted to and approved in writing by the Planning Authority. The flats hereby approved shall not be occupied unless the approved cycle storage facilities, including those shown on drawing no. 11 B, or such other drawings as may be approved, have been provided. The secure store shall be demonstrated to be secure/lockable, via submission of such details.

Reason: In the interests of encouraging more sustainable modes of travel and the objective of ALDP policy T2.

7. Granite Re-use

No development shall take place pursuant to this planning permission, nor shall any demolition works commence, unless a scheme for the sensitive doughtaking, storage and subsequent re-use on site of existing granite walling, gatepost and setts within the site has been submitted to and agreed in writing by the planning authority. Thereafter, the development shall be implemented in complete accordance with the approved scheme.

Reason: In order to secure appropriate re-use of granite within the development in accordance with the expectations of ALDP policy D5 and sustainability objectives.

8. Boundary Wall / Site Entrance

No development shall take place pursuant to this planning permission, unless a detailed scheme for the retention and alteration of the existing granite boundary wall at the site frontage and the

retention, dountaking and subsequent reinstatement of the existing granite entrance pillars has been submitted to and approved in writing by the Planning Authority. The development hereby approved shall not be occupied unless such scheme as may be approved and the site entrance as shown on drawing 17, or such other drawing as may be approved in writing by the Planning Authority, have been implemented in their entirety, unless otherwise agreed in writing.

Reason: In the interest of visual and residential amenity / privacy and to ensure a satisfactory finish of the development.

9. Privacy

Notwithstanding drawing 15 hereby approved, flat 9 hereby approved shall not be occupied unless additional glazed screening has been provided on the south elevation of the proposed external terrace at the roof level of the proposed extension, in accordance with additional construction details to be agreed.

Reason – In the interest of the protection of the residential amenity (privacy) of the adjacent house and private garden ground at 15 Bethany Gardens

10. Building Construction Details

No development shall take place pursuant to this planning permission unless construction details of the proposed windows /doors, balconies / terraces and associated glazed screens; external vents / ducts; including detailed cross sections demonstrating the relationship with masonry, have been submitted to, and approved in writing, by the Planning Authority. For the avoidance of doubt all ventilation pipes and services shall be directed to the rear of the building / roof and any interventions on the granite façade shall be minimised. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual amenity and to ensure a satisfactory finish of the development

11. Vehicle Parking / Servicing / Layout / Turning arrangements

The development hereby approved shall not be occupied unless the vehicle parking area hereby granted planning permission has been constructed, drained, laid-out and demarcated in accordance with a detailed approved scheme which shall be submitted to and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of ancillary vehicle parking / provision of access to / servicing the development and use hereby granted approval. For the avoidance of doubt, a minimum of one electric vehicle (EV) parking space shall be provided within the site, together with associated EV charging infrastructure.

Reason – in the interests of public safety and residential amenity

12. Footway Crossing

No development shall take place pursuant to this planning permission unless a detailed scheme for the proposed footway crossing / reinstatement at the site frontage has been submitted to and approved in writing by the Planning Authority.

Reason: In the interests of encouraging sustainable modes of travel and the objective of sustainable development and ALDP policy T3.

13. Bin Storage

The flats hereby approved shall not be occupied unless provision has been made within the application site for the storage of refuse disposal and recycling facilities in accordance with a scheme which has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt such storage shall include suitable screening, ventilation and wash down / drainage facilities.

Reason: In order to preserve the amenity of the neighbourhood and in the interests of public health.

ADVISORY NOTES FOR APPLICANT

Noise from site construction works

In order to protect amenity of the occupants of the neighbouring residences and prevent any potential noise nuisance outwith the site caused by construction works, it is recommended that construction works / operations should not occur:

- Outwith the hours of 07:00 to 19:00 Monday to Friday and
 - Outwith the hours of 08:00 to 13:00 on Saturdays,
- unless otherwise agreed with the Aberdeen City Council Environmental Health Service