

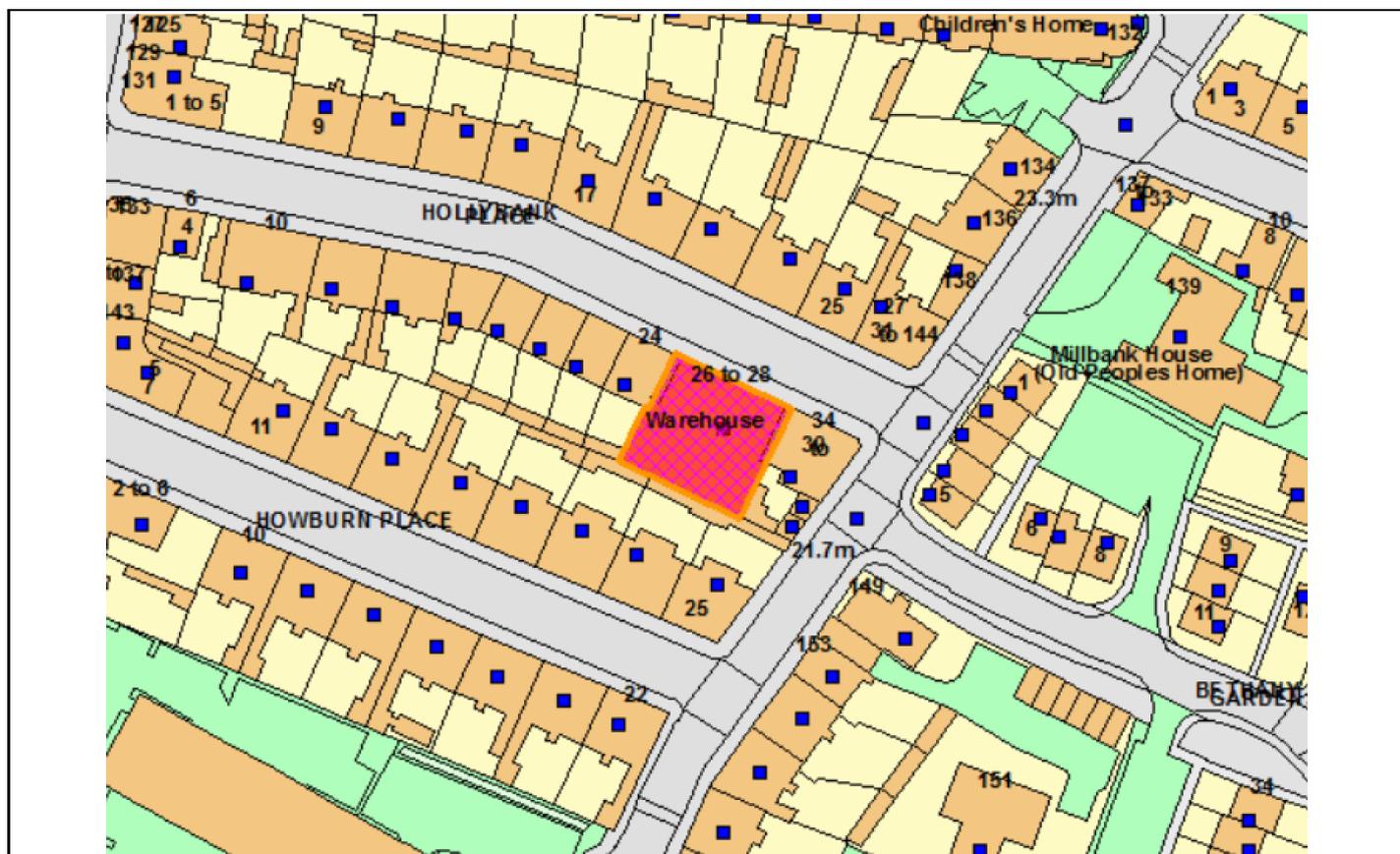


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 12 January 2023

Site Address:	26 Hollybank Place, Aberdeen, AB11 6XS,
Application Description:	Demolition of an existing commercial unit and erection of 9 residential apartments over 3 storeys with associated cycle storage and hard and soft landscaping works
Application Ref:	211807/DPP
Application Type	Detailed Planning Permission
Application Date:	23 December 2021
Applicant:	Duncan & Todd (group)Limited
Ward:	Torry/Ferryhill
Community Council:	Ferryhill And Ruthrieston
Case Officer:	Roy Brown



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a single granite-built commercial building in a residential area, which dates from the mid-20th century. The established use of the site is Class 4 (business) use and it is currently used as such by Duncan & Todd (Group) Ltd opticians.

The building has a northeast facing principal elevation that fronts Hollybank Place. It is bounded to the southeast and northwest by the gable ends of 3 storey granite-built tenement buildings and by the rear curtilage of residential flats to the (rear) southwest. There is no off-street parking provision serving the existing building.

The built environment of Hollybank Place is characterised by its uniformly designed early 20th century three-storey granite-built tenement buildings that bound the public road. The surrounding area is residential in nature and only the application site and the commercial units at ground floor level of the buildings at the western and eastern ends of the street are in non-residential use. The Holburn Street Neighbourhood Centre is located less than 100m away to the west and the city centre boundary is c.200m to the north. Hollybank Place is in Controlled Parking Zone H and very few of the properties in the area have off-street parking provision. Two car club cars are located c.100m to the west.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a 3-storey residential building containing 9 two-bedroomed residential flats, for the laying of soft and hard landscaping to form residential curtilage and for the erection of bike stores to the rear. This would replace the existing commercial building on the application site.

The building would be on the northeast boundary of the site, fronting Hollybank Place. It would be the width of the site (c.21m) and adjoin the adjacent tenement buildings to the southeast and northwest. It would be c.10.3m in length and its front and rear elevations align with those of the adjacent buildings.

It would be 3 storeys in form with its upper floor on its northeast principal elevation being contained within a mansard-styled roof with pitched roofed dormers and a wallhead gable. Its rear elevation would be 3 storeys in form and would have a pitched roof. The ridge of the building would be c.13m in height, the front eaves would be c.7.8m in height and the rear eaves would be c.10.2m in height.

The building would be divided into two blocks, which would each have a black-painted timber communal entrance door that would front the road. On the principal elevation, each block would be divided by tabling and a downpipe. The walls of the principal elevation would be finished in natural granite, and it would have granite stringcourses, tabling and chimney tabling. The stringcourses would be located below the windowsills at ground and first floor levels and the windows would be vertical in their proportion, framed in white-painted timber and uniform in their fenestration. The

roof would be finished in natural slate. The rear elevation would be finished in smooth cement render and would have communal doors into the rear curtilage.

The proposed rear curtilage would be communal and would c.9.9m in length from the rear elevation. A single storey outbuilding containing 9 individual cycle stores would be located along the southwest boundary. It would be c.21m in width, c.2.4m in length, would have a lean-to roof with a maximum height of c.3.6m and an eaves height of c.2.2m and it would be finished in smooth cement render and natural slate. Each cycle store would have 2 bicycle stands.

Amendments

The following amendments have been made to the application since its submission:

- The number of apartments proposed has been reduced from 11 to 9.
- The design and form of the building has been changed substantially. It was initially proposed to have a contemporary appearance in that it would have been a flat-roofed building that would have been slightly lesser in height (c.12.1m) than the revised development, built over four storeys, incorporated a pend at ground floor level, be finished in modern materials and incorporated balconies on the upper floor.
- The application has been revised to include cycle storage in the rear curtilage of the site.

Supporting Documents

All drawings and the supporting document listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R4K689BZJ8000>

Design & Access Statement (Prepared by TINTO Architecture Ltd)

Appraisal of site and proposal with reference to planning policies, design approach, shadow analysis, access arrangements and sustainability. Document includes photographs and visualisations.

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 or notification) that express objection or concern about the proposal.

CONSULTATIONS

Roads Development Management Team – Whilst there is a parking shortfall with this proposal with respect to the Parking Standards, given the close proximity to the city centre, its inner-city location, good public transportation links and contributions to the car club, this proposal could be considered a zero-car development. They can therefore accept the shortfall and have no objection to this proposal. Nevertheless, they require the following:

- Developer contributions of £400 per unit (totalling £3600) for the car club.
- The existing granite setts/footway crossing outside the front of the site to be removed, a level footway to be instated to match the existing footway, changes to the controlled parking

zone parking restrictions through the removal of the 'no waiting' double yellow lines to form space for either an additional car club car or to increase the number of on-street parking spaces by approximately 2. These changes would require both Section 56 consent and changes to the CPZ Traffic Regulation Order and would be at the expense of the applicant.

- A Residential Travel Park (RTP) to be prepared, submitted and reviewed by them before any occupation of the flats, and thereafter distributed to all residents upon moving in which shows local walking, cycling, and bus infrastructure / facilities, as well as car club car information. The RTP should ideally include local schools and amenities on the walking map.
- Information on how surface water would be handled, as no water from the proposal would be permitted to discharge onto the public road.
- Suitable waste storage to be provided. Given no on-site storage would be provided, they would accept on-street waste storage, which should be installed at the expense of the applicant.

Housing Strategy Team– Policy H5 requires a 25% affordable housing contribution from all housing developments of 5 units or more. For this development, this equates to 2.25 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 LCHO as an affordable housing contribution, they should enter into early discussions with the Housing Strategy Team regarding this, as demand for this type of affordable housing has reduced, particularly in relation to 2 bedroomed flats.

Schools Estates Team – No objection - The proposed development falls within the school catchment areas for Ferryhill School and Harlaw Academy. The latest school roll forecast indicates that both schools are likely to exceed their available capacity so contribution from the developer would be required in order to assist with the cost of re-configuring both school buildings to accommodate the additional pupils.

Developer Obligations Team – Contributions of the following will be required:

- Transportation – To be advised directly by the Transportation Team (set out above).
- Core Path Network - £2678
- Primary Education - £2635
- Secondary Education - £2635
- Healthcare Facilities - £4154
- Open Space - £1318
- Community Facilities - £31,165
- Affordable Housing – 2.25 affordable housing unit to be secured by on-site provision, off-site provision or commuted payments. If the developer intends to provide Low Cost Home Ownership (LCHO), they should enter into discussions with the Housing Strategy Team.

Scottish Water – No objection - although this does not confirm that the development can current be serviced. The proposed development would be fed from Invercarnie Water Treatment Works but its capacity cannot currently be confirmed. With respect to wastewater, there is capacity for a foul only connection in the Nigg PFI Waste Water Treatment Works. Capacity would be reviewed once a formal connection application is submitted. Surface water connections would not be accepted into the combined sewer system.

Waste And Recycling Team – No objection – Bins will be provided on-street in agreement with the Roads Authority.

Environmental Health – No objection - Due to the location of the proposed development and the risk of dust emissions impacting the amenity of the surrounding residential properties, it is recommended that suitable and proportionate dust suppression measures, including water sprays, are employed during demolition and any other activity presenting risk of dust emissions. To protect the amenity of the occupants of the neighbouring residential properties from noise produced as a result of demolition, site/ground preparation works and construction works, it is recommended that operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

Ferryhill and Ruthrieston Community Council – No response received.

REPRESENTATIONS

15 representations, all objections, have been submitted in total. The Planning Service re-notified neighbours and the development was re-advertised in the local press following the submission of revised plans in May 2022 and then again in November 2022. The matters raised comprise the following:

- Adverse impact on the limited number of on-street parking spaces in the surrounding area.
- Adverse traffic generation from the proposal and its construction. Queries have been raised regarding potential road closures and delivery schedules during construction.
- Increased traffic from the proposal would damage the public road.
- The proposal would increase pressure on existing on-street bin stores.
- As only 2 bedroomed flats are proposed but there are no 3 bedroomed flats in the surrounding area, it would not address the needs of the community.
- Adverse impact on the privacy of neighbouring residential properties. Of particular concern, were the balconies that were included on the superseded initial submission, which are not included in the revised design.
- Concerns regarding the design, height and scale of the superseded initial submission and the first revision, which included a parking area at the rear.
- Adverse impact on sunlight to neighbouring residential properties to the north and neighbouring gardens. This concern was raised in relation to the superseded initial submission.
- Concerns raised with respect to structural integrity in terms of how demolition would affect the wall between the properties. It is queried if the proposed flats would be attached to the adjacent gable walls.
- Property boundary matters, in terms of compensation for the re-siting of a satellite dish, the responsibility of parties for previous building repairs.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that, 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

National Planning Framework 4

National Planning Framework 4 (NPF4) was laid before Parliament as a revised draft for approval on 8th November 2022 and is scheduled for final Parliament approval on 11th January 2023. Although NPF4 has not yet been formally adopted it is now a material consideration in the assessment of planning applications. The weight to be given to it prior to its adoption is a matter for the decision maker. It is considered that NPF4 will carry more weight once it has been approved by Parliament. In the case of this application, there are not considered to be any significant differences between the policies in the adopted Local Development Plan and the policies of NPF4 that require detailed assessment. The following assessment therefore focuses on the policies of the adopted local development plan.

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020

The current Strategic Development Plan 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 five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) 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 –

- Policy H1 - Residential Areas
- Policy C11 - Digital Infrastructure
- Policy D1 - Quality Placemaking by Design
- Policy H5 - Affordable Housing
- Policy I1 - Infrastructure Delivery and Planning Obligations
- Policy NE4 - Open Space Provision in New Development
- Policy NE6 – Flooding, Drainage and Water Quality
- Policy R6 - Waste Management Requirements for New Development
- Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency
- Policy T2 - Managing the Transport Impact of Development
- Policy T3 - Sustainable and Active Travel

Supplementary Guidance (SG) and Technical Advice Notes (TAN)

- Affordable Housing
- Planning Obligations
- Resources for New Development
- Transport and Accessibility

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- Policy H1 - Residential Areas
- Policy C11 - Digital Infrastructure
- Policy D1 - Quality Placemaking
- Policy D2 - Amenity
- Policy H5 - Affordable Housing
- Policy I1 – Infrastructure Delivery and Planning Obligations
- Policy NE2 - Green and Blue Infrastructure
- Policy R6 – Low and Zero Carbon, and Water Efficiency
- Policy T2 - Sustainable Transport
- Policy T3 - Parking

EVALUATION

Principle of Development

The application site is in a residential area zoned Policy H1 – Residential Areas of the ALDP. The proposal relates to residential development by way of a building comprising 9 flats. Residential development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, does not result in the loss of valued open space, and it complies with the Supplementary Guidance (SG).

This proposal would be located on the footprint of an existing building and therefore would not result in the loss of publicly valued open space. The other issues are assessed in the below evaluation.

Impact on the Residential Amenity of the Surrounding Area

The qualities of successful placemaking referred to in Policy D1 seek that development avoids unacceptable impacts on adjoining uses, including noise, smell, vibration, dust, invasion of privacy and overshadowing. To consider the impact on the character and amenity of the surrounding area, the impact on the amenity of the adjacent residential properties is therefore considered.

Background Daylight and Sunlight

Using the principles of the 25-degree rule in the Householder Development Guide, it has been established that the proposed building would adversely affect the existing levels of background daylight afforded to the windows of habitable rooms of the ground floor flats of 21, 23 and 25 Hollybank Place to the north and northeast. This is furthermore demonstrated in the Shadow Analysis in Section 2.3 of the Design & Access Statement which shows that the proposal would

adversely affect the sunlight of those flats. The greatest impact would be in the afternoons of the autumn and the spring.

This is because the existing building is single storey in height and scale and the existing buildings on the southwest side of Hollybank Place are sufficiently far enough from the ground floor flats of 21, 23 and 25 Hollybank Place whereby they have negligible impact on the background daylight afforded to them. Whilst it is recognised that the proposed building has been designed to replicate the design, scale and form of the surrounding historic buildings, there has never been a 3-storey building on the application site. Historic maps show that this site was primarily undeveloped until the 1970s, before the current single storey building was erected. As such, and particularly in that their windows are southwest facing, the ground floor flats of 21, 23 and 25 Hollybank Place have always been afforded high levels of sunlight and background daylight.

This proposal would introduce a 3-storey building opposite these flats for the first time. The proposal would have a significant adverse impact on the level of background daylight afforded to these residential properties. Because the proposal would significantly adversely affect the existing levels of residential amenity afforded to the neighbouring residential properties it would be in conflict with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the ALDP.

It is noted that the Design & Access Statement does acknowledge that there would be an adverse impact on the level of sunlight afforded to the neighbouring flats. However, the justification presented is that mitigating this impact would require the removal of the upper storey, which would be detrimental to the streetscape. This justification is considered insufficient to warrant such an adverse impact on the amenity of existing residential properties in the area, particularly in that an alternative sympathetic design could have been proposed.

Privacy

The Householder Development Guide states that it is common practice for new-build residential development to ensure a separation distance of 18m between windows where dwellings would be directly opposite one another. This is to ensure acceptable levels of privacy.

In this instance, there would be a sufficient separation distance of 20m between the proposed windows and the windows of the residential properties to the southwest. However, the building would introduce windows serving bedrooms 14m from the windows of 21, 23 and 25 Hollybank Place to the northeast, which are likely to serve habitable rooms. Given the proposed windows would serve bedrooms rather than primary living / dining room spaces; the neighbouring windows are public facing and already experience a degree of overlooking from other windows on the streetscape and from the public road, it is considered that the windows of the proposed flats would not adversely affect the privacy afforded to the flats of 21, 23 and 25 Hollybank Place to any significant degree.

Dust Prevention

As the Environmental Health Service have advised, the proposal could result in dust being generated during construction and demolition, which could be to the detriment of the amenity afforded to the surrounding residential properties. Had the Planning Service been minded to recommend approval, it would therefore have been subject to an appropriately worded planning condition requiring suitable and proportionate dust suppression measures, including water sprays, to be employed during construction and demolition.

Noise

Likewise, as the Environmental Health Service have advised, the proposal could adversely affect the amenity of the neighbouring residential properties from noise during construction if it were to occur outside standard working hours. Therefore, this matter would have been addressed by a planning condition limiting the hours of construction to standard working hours.

Summary

The proposal would have a significant adverse impact on the existing level of background daylight and sunlight, and thus the existing residential amenity afforded to the ground floor flats 21, 23 and 25 Hollybank Place. It would therefore significantly adversely affect the amenity of the surrounding area, in conflict with the aims of Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the ALDP.

Impact on the Architectural Character and Visual Amenity of the Surrounding Area

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

Whilst the scale of this proposal would adversely affect the residential amenity of surrounding area by way of adversely impacting the sunlight and background daylight of neighbouring properties and this is a reason to recommend refusal, it is considered that the design, scale and layout of the proposal would not adversely affect the architectural character and visual amenity of the surrounding area.

The proposal would be the same length as the adjacent residential tenement buildings, be the width of the site and its principal elevation would immediately front the footway like the other buildings on the street. It would have shared residential curtilage and outbuildings (by way of cycle storage) to its rear like the other residential properties on the street. Its layout would therefore reflect the layout of the adjacent buildings.

The building has been designed to replicate the scale and form of the adjacent buildings. Its principal elevation has been designed to replicate the design, materials detailing, scale, form and features of the principal elevations of the historic granite tenement buildings on Hollybank Place. This includes the ridge and eaves heights, 3-storey form and partial-mansard principal elevation which are very similar to the adjacent buildings as are the granite and slate finishing materials. Furthermore, the principal elevation would include stringcourses, a wallhead gable with decoratively cut granite to match that of the adjacent building, pitched roofed dormers and vertically proportioned windows with a uniform fenestration. It would have two communal entrance doors divided by tabling and a downpipe similar to the other buildings on the street, which would break up the principal elevation.

Limited details have, however, been provided with respect to the detailing and materials of the proposed finishes. Given the uniformity of the streetscape, the approach to replicate the surrounding historic buildings could be detrimental to the character and visual amenity of the surrounding area if the features and materials on the principal elevation were not accurately modelled to be of the same colour, detailing, dimensions, and proportions as the equivalent features on the surrounding historic buildings. Therefore, had the recommendation been to approve, an appropriately worded condition would have been required for the submission of

finalised details and samples for the finish to the walls and roof of the principal elevation, including the wallhead gable and pitched roof dormers.

It is recognised that this proposal would include two 'mock' windows on the principal elevation, which would be framed externally and enclosed internally. Given the overall scale of the building and that these would be at 1st and 2nd storey level, these would not adversely impact on the visual amenity of the streetscape to any significant degree.

Furthermore, the rear elevation visible from Hardgate would be finished in modern smooth render, which would be somewhat unsympathetic to the historic architectural character of the surrounding built environment. However, this would be located on a secondary elevation and there are other modern materials on the streetscape of Hardgate from where the rear elevation would be publicly visible. With the foregoing in mind, subject to the approval of finalised details of the colour and texture of the render, it is considered that the rear elevation would have negligible impact on the character and visual amenity of the surrounding area.

As such, whilst finalised details would be required which could have been addressed through planning conditions, the design and scale of the development would not adversely affect the character and visual amenity of the surrounding area. However, as discussed earlier in this report, the height, scale and massing of the proposed development would adversely affect the residential amenity afforded to the flats to the northeast. As such, and given to the existing site context whereby there has never been a development of this scale on the site, the development would be considered overdevelopment in this particular context. On balance, the proposal would therefore conflict with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the ALDP.

Residential Amenity of the Proposed Flats

The proposed flats themselves would be afforded sufficient levels of residential amenity in terms of sunlight and daylight and would have a level of privacy that is characteristic of the surrounding inner city residential area. The flats would be dual aspect with sufficiently sized living / dining rooms that would have southwest facing windows. The siting of the living / dining rooms at the southwest side of the building would maximise solar gain, in accordance with the principles of Resources for New Development SG. The flats would have access to outdoor amenity space in terms of the proposed communal curtilage to the rear. Whilst the proposed flats would adversely affect the amenity of the surrounding area, the proposed flats themselves would be afforded sufficient levels of residential amenity.

Whilst the proposal would not necessarily incorporate public open space, it would not be possible given the siting and scale of the development. The inclusion of communal curtilage in addition to the developer contributions to improve the quality of nearby open space, which is set out in further detail under the 'Developer Obligations' heading below, would be sufficient to accord with the aims of Policy NE4 – Open Space Provision in New Development of the ALDP.

Transportation

Policy T2 – Managing the Transport Impact of Development of the ALDP states that commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Hollybank Place is a densely populated street with a very high demand for on-street parking spaces. It is estimated that there are approximately 28 standard on-street parking spaces on

Hollybank Place serving 89 existing residential flats, none of which have off-street parking provision. Whilst the demand for on-street spaces for these properties may be slightly lesser than it would otherwise be due to the presence of 2 existing car club spaces at the western end of Hollybank Place and its proximity to the city centre, there is presently very limited parking provision for the residential properties in the surrounding area. The Roads Development Management Team have also noted that the Low Emission Zone, which is c.150m to the north may result in the displacement of non-compliant vehicles into the area, as some of the LEZ is within CPZ H. The CPZ furthermore operates Pay and Display ticketing on Mon-Sat 08:00 – 20:00, which means that non-residents can park on Hollybank Place. The limited availability of parking provision on Hollybank Place and concern of the impact of proposal on parking provision has been expressed in the representations from the residents in the surrounding area.

The Parking Standards in the Transport and Accessibility SG require this development to have a maximum of 14 parking spaces, which is 5 greater than applies to the current commercial use on the site, which could have a maximum of 9 spaces. The existing use of the site is eligible for two parking permits whereas this development would allow 2 permits per flat, which could result in 18 permits being issued for the site. It is expected that the timing for parking demand the proposed flats would differ in that there would likely be greater demand for parking overnight, the same as the existing flats.

As advised by the Roads Development Management Team, the impact on parking provision could be partially offset by removing the existing dropped kerb to the immediate northeast of the building, instating a level footway to match the existing footway and changing the CPZ parking restrictions to remove the 'no waiting' double yellow lines and form space for either an additional car club car or increase the number of on-street parking spaces by approximately 2. Had the recommendation been to approve, this alteration could have been ensured by an appropriately worded planning condition.

Whilst there is limited parking provision in the area and this proposal could result in additional cars being parked on the street, the Transport and Accessibility SG states that the Council will support and encourage low or no car development where there is evidence that car ownership and use will be low enough to justify proposals. It furthermore states that in Inner City locations, low and no car development may be acceptable depending on access to cycling and public transport options. This approach is reiterated in emerging national policy, Policy 13 of NPF4, which states that development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

The proposal would comply with the majority of criteria set out in the Transport and Accessibility SG to qualify as a no car development. This site benefits from good walking, cycling and public transport accessibility by way of pedestrian and cycle routes to the city centre. There is cycling and public transport infrastructure on the surrounding streets and the development is c.200m walk of the city centre boundary. The site is accessible to destinations that the occupants of the flats would be likely to visit on a daily basis given the proximity to local facilities, amenities, local education and the employment uses in the surrounding area. The proposal would incorporate cycle stores for each flat with room for two bicycles, in accordance with the Transport and Accessibility SG, which would incentivise sustainable travel. Complementary measures would be in place to remove the need for residents to own a car as there are 2 car club cars on Hollybank Place itself within c.100m of the site. To disincentivise private car ownership (and thus limit the impact on parking on the street), developer contributions to the car club would be secured. Given its very close proximity to bus stops, the absence of parking would not result in significant barriers to access for disabled people, and a disabled parking space could theoretically be provided if it was necessary.

Roads Development Management have not objected to the application as they consider this a suitable candidate to be no car development given the close proximity of the site to the city centre, good public transport links and contributions would be secured for the car club. Furthermore, they would require that a Residential Travel Park (RTP) is prepared, reviewed by them and thereafter distributed to all residents upon moving in, to encourage sustainable travel.

Given its accessible inner-city location and proximity to the city centre, provided that the additional on-street parking spaces would be formed, car club contributions would be secured, cycle storage would be provided and the RTP is provided to all new residents, it is considered that this proposal would be acceptable as a no car development. The proposal would increase the number of on-street parking spaces and a range of measures are proposed would encourage sustainable and active travel.

It is therefore considered that the impact on the existing on-street parking provision in the surrounding area would be very minor and the proposal would result in negligible traffic generation. As such, the proposal would not adversely impact the existing amenity of the neighbouring residential properties through increasing on-street parking pressures by any significant degree. Subject to these measures, sufficient measures would be taken to minimise traffic generated and to maximise opportunities for sustainable and active travel, in accordance with Policy T2 – Managing the Transport Impact of the ALDP, and it would be accessible by a range of transport modes with an emphasis on active and sustainable transport, in accordance with Policy T3 – Sustainable and Active Travel of the ALDP.

Road Safety and Drainage

A drainage impact assessment would not be necessary in this instance given the proposed building would replace an existing building, the relatively small size of the site, and the site is not identified as an area at risk of flooding on the SEPA Flood Map. The Roads Development Management Team have advised that as the site is being demolished and rebuilt, information should be provided regarding how surface water would be handled. This is to ensure that no water from the proposal would discharge onto the public road.

As such, had the recommendation been to approve, it would have been subject to an appropriately worded condition requiring the submission of these details and implementation of any necessary mitigation measures. Subject to this condition, the proposal would not result in water discharging onto the street and the proposal would not adversely affect road safety. It would not increase the risk of flooding and it would not be at risk itself from flooding, in compliance with Policy NE6 – Flood, Drainage and Water Quality of the ALDP.

Waste Storage and Collection Arrangements

Policy R6 - Waste Management Requirements for New Development of the ALDP requires all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

Section 2.1 of the Design & Access Statement states that the development will have sufficient space for the storage of waste and that it will be provide communal facilities for this. Details of the waste storage and collection arrangements for this development have not been shown on the submitted plans and it is unclear from the plans where the bins could be stored without bins needing to be moved through the building on collection day. It is therefore considered that additional on-street bins would be required for the development.

The Roads Development Management and Waste and Recycling Teams have confirmed that they would accept on-street bin storage for this development. As such, had the Planning Service been minded to grant planning permission, it would have been subject to a condition requiring the addition of on-street communal bin storage to be implemented in advance of the building being brought into residential use, to accord with Policy R6 – Waste Management Requirements for New Development of the ALDP and the Resources for New Development SG.

Energy and Water Efficiency

The Climate Change (Scotland) Act 2009 requires the ALDP to specify how a proportion of the Building Standards carbon reduction standard should be met through the installation and operation of low and zero carbon generating technologies. Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency of the ALDP and the Resources for New Development SG requires, from 2020, that this building is to meet at least 25% of the building regulations carbon dioxide emissions reduction target through the installation of low and zero carbon generating technology (LZCGT) and to have a ‘Platinum Standard for Energy’ Building Standards Sustainability Label.

Insufficient information has been submitted to demonstrate compliance with these targets. Section 2.1 of the submitted Design & Access Statement states that it would only meet at least 20% of the of the building regulations carbon dioxide emissions reduction target – which is the target for development proposed between 2016 and 2020 - and Section 2.6 of this statement states that it would have a ‘high’ sustainability label. A list of methods to improve sustainability have been set out in Section 2.6, notably in terms of a smart heating system, efficient appliances, sustainable insulation and Low-E windows. Furthermore, it states that solar panels would be proposed on the south facing roof slope. However, the solar panels are not shown on any of the submitted plans and technical information has been submitted to demonstrate compliance with the targets.

Policy R7 also states that to reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques. This SG requires evidence that the development would achieve the ‘Platinum Standard’ Building Standards Sustainability Label. Whilst Section 2.6 of the Design and Access Statement refers to the use of ‘low flow toilet and fixtures’, no analysis has been submitted to demonstrate compliance with this water use efficiency target.

Insufficient information has submitted to demonstrate that this development would comply with any of the CO₂ emissions and water efficiency targets in Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency of the ALDP and the Resources for New Development SG.

Had the Planning Service been minded to recommend approval, it would therefore have been subject to the appropriately worded condition for no development to take place unless a scheme of the Standard Assessment Procedure Assessment Procedure energy rating (SAP) in accordance with the Resources for New Development SG, and details and plans of the proposed low and zero carbon generating technology, would be submitted to, and approved in writing by the Planning Authority. It would need to be demonstrated that the development would achieve:

- At least 25% of the building regulations carbon dioxide emissions reduction target;
- A ‘Platinum Standard for Energy’ Building Standards Sustainability Label; and
- A ‘Platinum Standard’ for Domestic Buildings Building Standards Sustainability Label for Water Usage,

Furthermore, the condition would have required the development and all low and zero generating technology to be implemented in accordance with the approved detail scheme prior to the occupation of the building.

Digital Infrastructure

Given its urban location near the city centre, the proposed flats would have the same access to modern, up-to-date high-speed communications infrastructure as the surrounding area, in compliance with Policy CI1 – Digital Infrastructure of the ALDP.

Planning Obligations

In instances where a development would either individually or cumulatively place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, Policy I1 - Infrastructure Delivery and Planning Obligations of the ALDP requires the developer to meet, or contribute towards, the cost of providing or improving such infrastructure or facilities.

The Developer Obligations Team have been consulted and have advised that the developer obligations would be required for this development. As above, the Road Development Management Team have advised that car club contributions would be required. Had the recommendation been to approve, the Planning Service would therefore have secured the following developer contributions:

- Transportation (Car Club) - £3,600
- Core Path Network - £2,678
- Primary Education - £2,635
- Secondary Education - £2,635
- Healthcare Facilities - £4,154
- Open Space - £1,318
- Community Facilities - £31,165
- Affordable Housing – 2.25 affordable housing units to be secured by on-site provision, off-site provision or commuted payments.

As explained under the ‘Transportation’ heading above, transportation contributions would be required for the car club to minimise the impact on existing on-street parking provision and encourage sustainable and active travel.

The Core Path contribution would be required for the enhancement of Core Path 75, which is located in close proximity in Bon Accord Gardens. The primary and secondary education contributions would be required towards the provision of additional capacity at Ferryhill Primary School and Harlaw Academy, which are both expected to exceed capacity. The community facilities contribution would be required for Ferryhill Community Centre and Aberdeen Central Library, which have proposals in place to create additional capacity to accommodate additional users as a result of development.

Policy NE4 – Open Space Provision in New Development requires the provision of at least 2.8ha per 1,000 people of meaningful and useful open space in new residential development. It also states that on some brownfield sites it may not be possible to increase the amount of open space and therefore commuted sums towards off-site provision or enhancement of existing open spaces will be sought instead. As no public open space would be provided by this development, the open space contribution would be required to improve the existing open spaces and potentially food growing in the surrounding area to ensure the development would have access to meaningful and useful open space.

Policy H5 - Affordable Housing of the ALDP requires housing developments of 5 or more units to contribute no less than 25% of the units as affordable housing, which in this instance would be 2.25 units. The Developer Obligations and Housing Strategy Teams have advised that this could be remitted by way of on-site provision, off-site provision or commuted payments, although if LCHO would be provided, this should be discussed with the Housing Strategy Team. The agent has advised that they would intend remit the affordable housing obligations by way of commuted payments, which would be acceptable approach for this development.

Had the Planning Service been minded to recommend approval, it would therefore have been subject to a Legal Agreement to secure these obligations, to ensure the development would not place additional demands on the community facilities and infrastructure in the wider area, in accordance with the aims of Policies I1 - Infrastructure Delivery and Planning Obligations and NE4 - Open Space Provision in New Development of the ALDP and the Planning Obligations and Open Green Space Network & Open Space SG.

Heads of Terms of any Legal Agreement

Contributions would be required towards the car club, primary education, secondary education, the core path network, healthcare facilities, open space and community facilities. Additionally, affordable housing contributions would be required by way of commuted payments or on-site or off-site provision. If the applicant were to provide on-site or off-site affordable housing provision, a Section 75 Legal Agreement would be required. If they were to provide affordable housing contributions by way of commuted payments, either a Section 69 or Section 75 Legal Agreement would be required. It is noted that the applicant has agreed to the Heads of Terms outlined within the Developer Obligations Assessment.

Proposed Aberdeen Local Development Plan

Policy T3 – Parking of the PALDP states that in inner city areas, low or no car development will be supported in suitable locations where there is adequate access to active travel and public transport options. For the reasons stated above under the 'Transportation' heading, the development would be acceptable as a no car development, in accordance with this policy.

Otherwise, the relevant PALDP policies substantively reiterate those in the adopted ALDP, notably Policies H1 – Residential Areas and Policies D1 – Quality Placemaking of the PALDP. The proposal is therefore unacceptable in terms of both plans for the reasons previously given.

Matters Raised in the Representations

The matters raised relating to on-street parking spaces, traffic generation, waste storage, the design and scale of the development, sunlight, noise, daylight and privacy have been considered in the above evaluation.

With respect to the concern that only 2 bedroomed flats are proposed rather than 3 bedroomed flats, there is no requirement for the applicant to propose a variety of dwelling sizes for a development of this size. The relevant policy with respect to housing mix, Policy H4 – Housing Mix of the ALDP, applies to housing developments of more than 50 units.

Given the minor scale of the development, traffic generation during construction and once in use is expected to be minor and not to the detriment of the surrounding area.

The matters raised relating to structural integrity, property boundaries, road closures and delivery schedules and road repairs are not material planning considerations. Matters relating to structural

integrity are regulated separate though building standards legislation, property boundary issues are civil matters to be settled between the relevant parties, repairs to public roads are undertaken by the by the roads authority independent of the outcome of this application and road closures and delivery schedules are regulated by the roads authority.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

In the context that there has never been a building of the scale proposed on the application site and that the existing building is single storey, the proposed building of 9 flats, which would be 3 storeys in form, height and scale, would have a significant adverse impact on the existing (and long-standing) levels of background daylight and sunlight afforded to the ground floor flats of 21, 23, and 25 Hollybank Place to the north and northeast of the development, to the significant detriment of the amenity afforded to those flats. It would, consequently, adversely affect the residential amenity of the surrounding area and, in its context, would constitute overdevelopment. It would also for the same reasons conflict with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 and Policies H1 – Residential Areas, D1 – Quality Placemaking and D2 – Amenity of the Proposed Aberdeen Local Development Plan 2020.

In reaching this recommendation, it is recognised that this residential development would be located in an accessible location in an inner-city residential area near the city centre. Had it not been for this adverse impact on the amenity of the surrounding area due to its scale, height and massing, the development could have otherwise been supported, subject to appropriately worded planning conditions and registration of the Legal Agreement to satisfy matters regarding transportation, cycle infrastructure, design, amenity, sustainability, drainage, waste storage and developer obligations. The justification raised in the Design & Access Statement, that the building would replicate the scale and form of the historic tenement buildings on the street is not sufficient to warrant such an adverse impact on the neighbouring residential properties because an alternative residential development of lesser scale and height that would be complementary to the surrounding area could have been submitted which may not have had such an adverse impact to the amenity of the surrounding area.

CONDITIONS IN THE EVENT OF A WILLINGNESS TO APPROVE

If the Committee is minded to give a willingness to approve this application, it is recommended that this should be subject to a legal agreement to ensure payment of the required developer obligations and to secure affordable housing provisions as contained within the Developer Obligations response. It is also recommended that conditions should be applied to any grant of planning permission in relation to the following items:

Residential Amenity

- Suitable and proportionate dust suppression measures, including water sprays, being employed during construction and demolition.
- Hours of construction being limited to standard working hours.

Design

- Submission and approval of finalised details and samples for the finish to the walls and roof of the principal elevation, including the wallhead gable and pitched roof dormers, and thereafter implantation in accordance with these approved details.

Transportation

- The removal the existing dropped kerb to the immediate northeast of the building, a level footway to be instated to match the existing footway, changes to the controlled parking zone parking restrictions through the removal of the 'no waiting' double yellow lines to form space for either an additional car club car or to increase the number of on-street parking spaces by approximately 2. These changes would require both Section 56 consent and changes to the CPZ Traffic Regulation Order and would be at the expense of the applicant.
- Submission and approval of a Residential Travel Park (RTP) before the development is brought into residential use, which would be distributed to all new residents.
- The cycle storage infrastructure being provided.

Road Safety and Drainage

- Submission and approval of details of how surface water would be handled and the implementation of any necessary mitigation measures in accordance with these details.

Waste Storage

- Implementation of any necessary on-street communal bin storage before the building is brought into residential use.

Energy and Water Efficiency

- Submission and approval of a scheme of the Standard Assessment Procedure Assessment Procedure energy rating (SAP) in accordance with the Resources for New Development Supplementary Guidance, and details and plans of the proposed low and zero carbon generating technology. It would need to be demonstrated that the development would achieve:
 - At least 25% of the building regulations carbon dioxide emissions reduction target;
 - A 'Platinum Standard for Energy' Building Standards Sustainability Label; and
 - A 'Platinum Standard' for Domestic Buildings Building Standards Sustainability Label for Water Usage,

Thereafter, the development and all low and zero generating technology would need to be implemented in accordance with the approved detail scheme before the building is brought into residential use.