

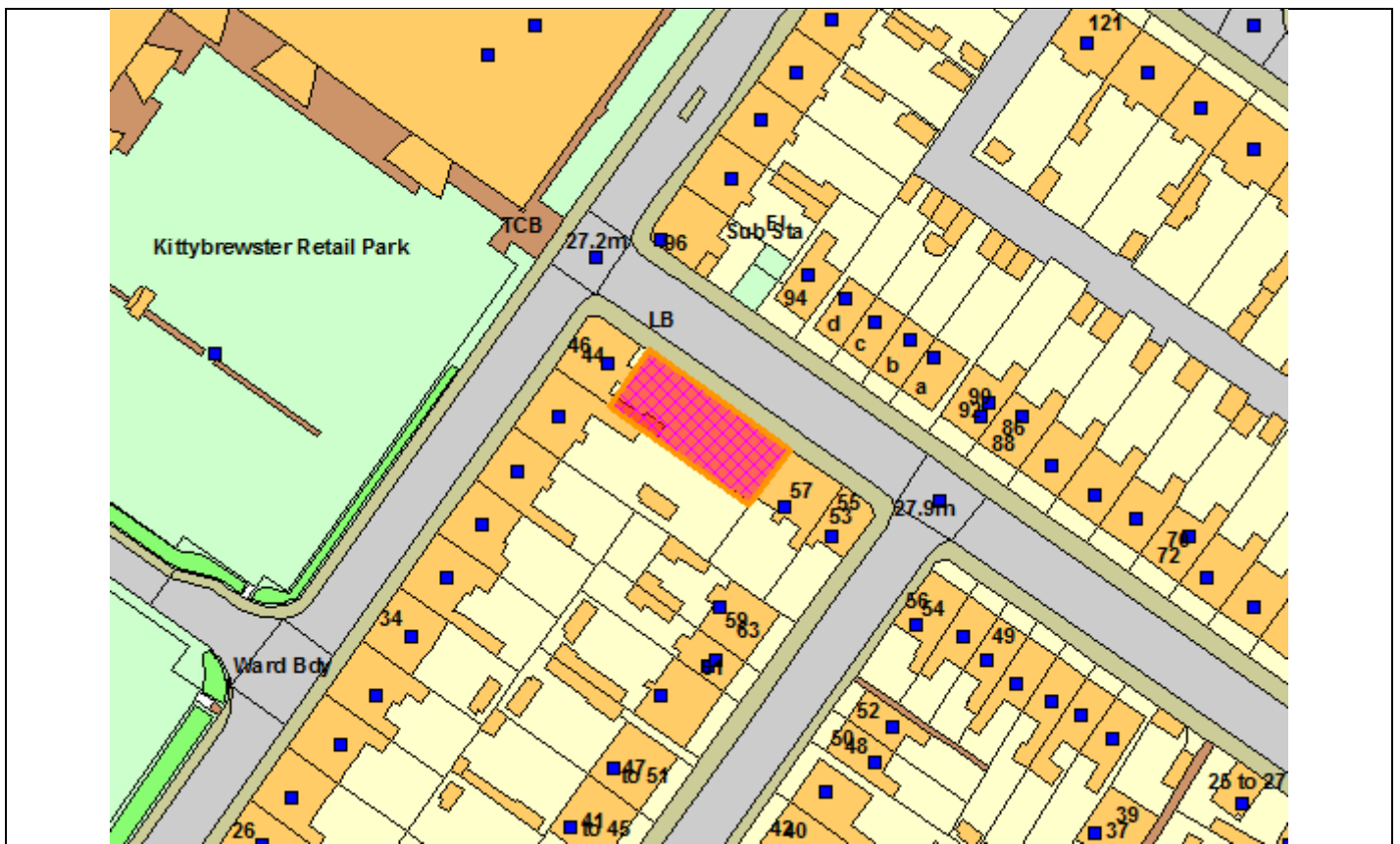


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 23 January 2020**

<b>Site Address:</b>	Land to the rear of 44/46 Bedford Road, Aberdeen, AB24 3NS,
<b>Application Description:</b>	Erection of 6no. residential flats with associated landscaping
<b>Application Ref:</b>	191536/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	10 October 2019
<b>Applicant:</b>	George Taylor ASA
<b>Ward:</b>	George Street/Harbour
<b>Community Council:</b>	Froghall, Powis And Sunnybank
<b>Case Officer:</b>	Robert Forbes



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## **RECOMMENDATION**

Approve Conditionally with Legal Agreement.

## **APPLICATION BACKGROUND**

### **Site Description**

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The site comprises the garden ground of the tenement at 44/46 Bedford Road. This is a 3 storey Victorian tenement of granite and slate construction occupied by flats and a redundant shop on the corner with Bedford Place. It fronts onto and is accessed from Bedford Road and has windows to the rear.

Bedford Place is a relatively quiet minor through road in the city. The site and adjacent streets to the south do not lie within a controlled parking zone (CPZ), however Bedford Place forms part of the southern edge of Old Aberdeen CPZ. Parking takes place on each side of the road, but there is still sufficient width to allow opposing vehicles to pass safely. Bedford Road is a bus route and has limited car parking due to the presence of advisory cycle lanes.

### **Relevant Planning History**

Application Number

Application Number	Proposal	Decision Date
181541/DPP	Erection of 6 flats / landscaping	04.10.19
	Refused. Decision reversed (Approved Unconditionally) by Local Review Body (LRB) on 18.12.18 subject to a legal agreement requiring car club contributions (£2,400).	
180555/DPP	Erection of 4 flats / landscaping	09.08.19
	Refused. Decision reversed (Approved Unconditionally) by LRB on 02.08.18 subject to a legal agreement requiring car club contributions. Determination is pending conclusion of s.69 agreement.	
171410/DPP	Erection of 4 flats with car parking	07.05.18
	Refused. Decision upheld at LRB on 17.05.18.	

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Erection of 6 flats within the rear garden ground of the tenement at 44/ 46 Bedford Road. The 3 storey building would front onto and be accessed from Bedford Place. Its front and north-west (gable) elevation would be clad with granite. Other elevations would be finished in granite chip roughcast. The mansard roof would be clad with slate. Windows would be focused on the front and rear elevations with the front window proportion and floor to ceiling heights matching those of the adjacent tenement. All flats would be 2 bedroomed and accessed via a communal stairwell.

No details of landscaping are provided. The western section of the site would include an area of communal external garden ground which the applicant has advised would be accessible to existing and proposed occupants. It is proposed to elevate the garden / building ground level above existing ground level by infilling the garden around 1.5m. Bin and cycle storage would be provided on a hard-surfaced area at the gable / east end of the site. This would be accessed from the street via a gate. No car parking is proposed on site.

In essence, the proposal is to re-site the consented building (with minor elevational changes) 2m further to the west, resulting in a gap with the adjacent tenement on Bedford Place and increased proximity to the tenements on Bedford Road.

The proposal has been amended in order to avoid overlooking of adjacent residential property by deletion of windows originally proposed on the western gable and by the addition of a build out on the gable with windows facing to the front and rear.

### **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=PZ602TBZK5X00>.

Design Statement

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because an objection has been received from the Roads Development Management Team and the recommendation is approval.

### **CONSULTATIONS**

**ACC - Roads Development Management Team** – Note that the site is well connected by footpath, cycle route and public transport links. Advise that in terms of ACC parking standards, the development would require 9 car spaces but could result in potential for 12 additional residential permits to park within the adjacent CPZ (operational between 10am and 4pm, Monday to Friday). Residents would be entitled to apply for 2 on-street parking permits which could add to existing parking pressures. Furthermore, the directly adjacent and nearby streets which fall outwith the CPZ already encounter significant parking pressures due to the parking being uncontrolled and neighbouring residents within the CPZ opting to park on these streets. Supplementary Guidance states “when considering the suitability of a site for no car parking...it can be demonstrated through a Travel Plan that significant measures will be undertaken to minimise the number of cars expected to travel to/from the site” and “there will be no adverse impact on the amenity of neighbouring sites through increased on-street parking pressures”. Object to the proposal due to likely increased indiscriminate car parking pressure in the surrounding area.

**ACC - Developer Obligations** – Request affordable housing provision / contribution in lieu of such provision on site, and developer obligation contributions in relation to enhancement of Health (£2,770), Open Space (£878) and Primary Education facilities (£2,635).

**ACC - Education** – Advise that the development is likely to result in additional pupil capacity being required at Sunnybank Primary School, and a contribution from the developer should therefore be requested in order to cover the cost of creating this additional capacity.

**ACC - Housing** – Advise that, as per ACC affordable housing policy, 25% is required to be provided as affordable. In light of the current housing market, the preference is for a commuted sum (i.e. £57,000).

**ACC - Waste Strategy Team** – No objection. Recommend that a condition is imposed requiring provision of refuse / recycling bins.

**Froghall, Powis And Sunnybank Community Council** – No response received

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### **REPRESENTATIONS**

2 objections have been received which raise the following matters –

Overdevelopment of the site;  
Loss of garden ground;  
Overlooking of adjacent garden ground / loss of privacy;  
Conflict with policy H1;  
Rear elevation visually incongruous;  
Unattractive Design

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## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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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 which contributes to sustainable development.

### **Aberdeen City and Shire Strategic Development Plan 2014 (SDP)**

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

The SDP is now beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with SPP.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

### **Aberdeen Local Development Plan 2017 (ALDP)**

D1: Quality Placemaking by Design  
D2: Landscape  
D5: Our Granite Heritage  
H1: Residential Areas  
H5: Affordable Housing  
NE4: Open Space Provision in New Development  
NE6: Flooding, Drainage & Water Quality  
R6: Waste Management Requirements for New development  
R7: Low & Zero Carbon Building & Water Efficiency  
T2: Managing the Transport Impact of Development  
T3: Sustainable and Active Travel

## **Supplementary Guidance (SG) and Technical Advice Notes**

Sub-division & Redevelopment of Residential Curtilages  
Resources for New Development  
Transport and Accessibility  
Affordable Housing  
Flooding, Drainage and Water Quality  
Planning Obligations  
Landscape

## **Other Material Considerations**

The previous planning permission for 6 flats on the site (181541) is a significant material consideration.

## **EVALUATION**

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### **Principle of Development**

The principle of erection of a 6 unit flatted development on the site, of similar scale, massing, internal layout and design to that now proposed, has been established by the Local Review Body granting of detailed planning permission ref. 181541. Setting aside the matter of development of garden ground, as addressed below, the introduction of additional flats within a built-up area of the city on an accessible site accords with the objective of sustainable development as expressed in SPP. Due to the small scale of this proposal, it is considered to raise no strategic matters, such that SDP is of limited weight in this instance.

### **Amenity**

Policy H1 of the ALDP supports new residential development in residential areas, provided that (amongst other things) it would not constitute overdevelopment; would not have an unacceptable impact on the character and amenity of the surrounding area; and would otherwise comply with supplementary guidance. The most relevant supplementary guidance deals with the sub-division and redevelopment of residential curtilage. It includes that new dwellings resulting from curtilage splitting should be in keeping with the spatial character and built form of the surrounding area. The principles it sets out include: respect for the established relationship between buildings and their gardens; complementing the scale of surrounding properties; respecting density by generally not building on more than a third of the total area of the existing curtilage; respecting the existing building line; having separation between dwellings similar to that predominating on the street; and keeping to the height of adjoining dwellings. Further supplementary guidance on householder development includes requirements for privacy separation between dwellings and a method for assessing daylight and sunlight impacts.

It is acknowledged that the development would result in loss of existing garden ground and that both that and the issue of overdevelopment, as raised by the objectors, are relevant material considerations. However, the loss of garden ground has previously been accepted by approval of the previous applications. The nature, density, height and building line of the development is identical to that approved under 181541. Whilst there would be a marginal increase in site coverage resulting from the revised proposal for a detached building, this is not considered to be so significant that it warrants refusal on grounds of overdevelopment.

As consented, the proposed flats had west facing windows on the gable elevation which would have looked directly into the rear of the parent tenement. Although the proposal would result in reduced separation with the parent tenement compared to the approval (approx. 14m compare to 16m), the proposal has been amended to delete west facing clear windows which would have resulted in an unacceptable privacy impact. There would be adequate separation in terms of daylight / sunlight impact to that property. There would be a marginal increase in site coverage /

massing and loss of the rear garden due to the revised gable window solution, but this would have no adverse impact on amenity and this change is required to address the privacy impact of the development as submitted. Although the rear of the flats would overlook adjacent garden ground at close quarters, this would also have occurred with the consented scheme and the revised proposal does not result in any worse relationship.

Whilst the revised position of the building would result in the front windows of the ground floor flats being partly obscured by an existing parking meter and a BT cabinet, such that there would be a degree of impact on the internal occupants (particularly from people using the parking meter, albeit for short duration for each occurrence), the applicant has indicated that they intend to seek relocation of such street infrastructure.

Although it is proposed to elevate the garden ground above existing ground level by infilling it around 1.5m, so that there is potential for increased overlooking of neighbours from the garden, this was also proposed under planning permission 181541 (albeit the approved drawings did not correctly show the level of the adjacent garden ground to the south and implied that this was level with the proposed garden level) and no details of the treatment of site boundaries were required by condition. The revised site plan now indicates that screen planting / hedges would be provided along its boundary with the adjacent tenement garden and the street, thereby minimising overlooking of adjacent garden ground.

In essence, in terms of overlooking and amenity, the current proposal is considered to improve on the previously approved scheme. Notwithstanding the expectations of policy H1 and related SG regarding Sub-division & Redevelopment of Residential Curtilages, given the extant planning permission, it is considered that there is no justifiable reason for the refusal of the revised design on the grounds of impact on existing residential amenity and an adequate level of amenity would be created for occupants of the development.

## **Design**

Policy D1 of the ALDP is a high-level place-making policy. It expects development to ensure high standards of design and have a strong and distinctive sense of place. Further detail is found in supplementary guidance, including that above.

The design concept is directly influenced by the tenement to the east and the proposed building would have identical wall-head and ridge heights and of the same mansard form. Only minor changes to the consented design are proposed.

Repositioning of the building as now proposed would result in a 2m gap which would allow the existing granite gable boundary wall of the tenement to the east to be fleetingly visible from the street. This is considered to be an aesthetic improvement. It would also achieve a distinct visual break between the historic masonry of the existing tenement and the proposed new granite, which would inevitably differ in appearance from the adjacent tenement. Furthermore, the amended design would avoid the creation of potentially awkward junction detailing between the existing and proposed building which would have been required under the approved scheme. The offset from the boundary would also result in improved relationship with the adjacent tenement to the east as it has been established that the approved development, if constructed, would have resulted in the rear wall of the proposed building extending beyond the building line of that tenement (as the consented drawings did not accurately show this relationship). As there is no uniformity of the existing streetscape of Bedford Place, with a range of building forms evident, it is considered that the proposed detached building, which is visually similar to the approved frontage, would cause no additional harm to the streetscape. Although the proposal would result in reduced separation with the parent tenement compared to the approval (approx. 14m compare to 16m), the proposal has been amended to delete west facing clear windows which would have resulted in an unacceptable privacy impact. This change is therefore considered to improve on the original design concept and

be acceptable in terms of policy D1. Although the proposed windows would be UPVC framed, as opposed to timber as consented, they would be of traditional proportions. As the site is not located within a conservation area, the proposed framing material is considered visually acceptable. The revised design would have a panelled front door which would be more in keeping with traditional Victorian tenement doors than the flush timber door consented.

No details of landscaping have been provided as expected by policy D2 and related Landscape SG, however, the development is of similar layout and plan to that approved and for which no details of landscaping were required. It would therefore be unreasonable to refuse the development on the grounds of failure to provide such information. The western section of the site would include an area of communal external garden ground which the applicant has advised would be accessible to existing and proposed occupants and it is expected that this would be managed by the residents or a factor. A suspensive condition can be imposed to address provision of such open space / planting.

Whilst the objectors consider the proposed rear elevation to be visually incongruous and unattractive, it is essentially the same as the previously approved scheme (albeit a "bay" window has been added to the western gable) and in any event would not be visible from a public place, so that this concern has limited weight as a justification for refusal. It is considered that the front and gable elevations which are visible from the street are well designed as they would relate well to the proportions, building line and form of the adjacent tenement. The proposed use of natural granite on the publicly visible elevations of the building would accord with policy D5 and is to be applauded. The detailed appearance of the granite to be used can be controlled by imposition of a condition.

### **Traffic / Parking**

Policy T2 expects new developments to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Supplementary guidance on transport and accessibility includes parking standards for residential development and supports low or no car development where there is evidence to show that car ownership and use will be low enough. Notwithstanding that the level of car parking does not accord with the Council's guidance regarding car parking, and no evidence has been provided regarding car ownership / parking pressure in the surrounding area, the previous approval is a significant material consideration which weighs in favour of approval. As no car parking is proposed and adequate pedestrian access to the development and ancillary cycle parking would be provided on site, it would accord with the objective of policy T2. It is noted that Bedford Place forms part of the southern edge of Old Aberdeen CPZ and prospective residents of the development would be eligible to apply for parking permits.

Notwithstanding that ACC Roads Service object to the development due to the absence of car parking provision on site and likely increase in parking pressure in the surrounding area, the intensity / scale of development is no greater than that approved under 181541. The likely traffic impact of the proposed development would therefore be identical to that resulting from the approved development and there has been no change in the physical context of the site or wider planning policy context. It would therefore be unreasonable to refuse planning permission on the grounds of traffic impact, subject to revision of the existing s.75 agreement (requiring car club contributions) to include reference to the current application or the applicant entering into a fresh legal agreement.

Contribution to the car club, as previously agreed, would have the potential to mitigate the likely adverse impact of the development in terms of generation of increased car parking pressure in the surrounding area. Such contributions are identified as an acceptable mitigation option within ACC SG regarding Transport and Accessibility (para 3.3) and within ACC SG regarding Planning Obligations (table 2 – whereby a figure of £400 per unit is identified). A total contribution figure of

£2400 has previously been agreed in relation to application 181541.

### **Flood Risk / Drainage**

The site, and adjacent land within the rear garden of the tenement to the south, is identified within the SEPA flood maps as being of medium risk of flooding due to surface water. However, as the site is not affected due to coastal or river flooding, there is no statutory requirement to consult SEPA in this instance. Although the development could result in increased risk to adjacent property (due to infilling of the existing garden ground), the proposed development is of the same scale and nature as that which has been recently approved (181541) and for which no flood risk assessment was required. It would therefore be unreasonable to require such assessment to be undertaken at this stage.

No details of SUDS / Drainage Impact have been provided, as is expected to be provided on site to accord with policy NE6 and Flooding, Drainage and Water Quality SG. However, as this was not required to be provided / delivered in association with the approved development, it would be unreasonable to refuse the development on the grounds of failure to provide such information.

### **Developer Obligations / Affordable Housing**

Notwithstanding the requested developer obligation contributions, including the request for contribution in lieu of affordable housing provision on site, the proposed development is of the same scale and nature as that which has been recently approved (181541) and for which no developer obligation contributions were required. Given that this permission remains valid and there has been no material change in the planning policy context or physical context of the site since the LRB decision in December 2018, it has significant weight as a material consideration. It would therefore be unreasonable to now require the requested developer obligation contributions such provision now, or to refuse the development on such grounds.

No affordable housing would be provided on site, as expected to be provided to accord with policy H5 and Affordable Housing SG. However, as this was not required to be provided / delivered in association with the approved development and no such developer contribution was required in association with that approval, it would be unreasonable to require such provision now or refuse the development on such grounds.

### **Other Technical Matters**

No public open space would be provided on site, as expected to be provided to accord with policy NE4: Open Space Provision in New Development and related SG. However, as this was not required to be provided / delivered in association with the approved development and no such developer contribution was required in association with that approval ( in relation to enhancement of off-site open space) it would be unreasonable to require such provision now or refuse the development on such grounds.

No details of micro-renewable energy / low / zero carbon energy / water efficiency technology have been provided, as expected to be provided on site to accord with policy R7 and Resources for New Development SG. However, as this was not required to be provided / delivered in association with the approved development it would be unreasonable to refuse the development on the grounds of failure to provide such information.

Adequate bin storage could be accommodated on site in accordance with the expectation of policy R6 .

### **Heads of Terms of any Legal Agreement**

In the absence of variation of the s.75 legal agreement associated with 181541, to include reference to the current application, there would be a need for a separate legal agreement in order to ensure that an equivalent financial contribution to the car club (£2,400) is made in



accordance with the expectations of policy T2 and Planning Obligations SG.

## **RECOMMENDATION**

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Approve Conditionally with Legal Agreement.

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## **REASON FOR RECOMMENDATION**

The principle of erection of a 6 unit flatted development on the site, of similar scale, form, internal layout and design to that now proposed, has been established by the Local Review Body granting of unconditional detailed planning permission ref. 181541. Notwithstanding the expectations of policy H1 and related guidance regarding Sub-division & Redevelopment of Residential Curtilages, given the extant planning permission, it is considered that there is no justifiable reason for the refusal of the revised design on the grounds of impact on existing residential amenity and an adequate level of amenity would be created for occupants of the development. Although the proposal would result in reduced separation with the parent tenement compared to the approval (approx. 14m compare to 16m), the proposal has been amended to delete west facing windows which would have resulted in an unacceptable privacy impact. This change is therefore considered to improve on the original design concept and be acceptable in terms of ALDP policy D1. No details of landscaping have been provided as expected by ALDP policy D2 and related SG, however, the development is of similar layout and plan to that approved and for which no details of landscaping were required. The proposed use of natural granite on the publicly visible elevations of the building would accord with ALDP policy D5. These detailed design matters can be addressed by condition

Notwithstanding that no evidence has been provided regarding car ownership / pressure in the surrounding area, as no car parking is proposed and adequate pedestrian access to the development and ancillary cycle parking provided on site, it would accord with the objective of ALDP policy T2, notwithstanding that the level of car parking does not accord with the Council's guidance regarding car parking. Contribution to the car club would have the potential to mitigate the likely adverse impact of the development in terms of generation of increased car parking pressure in the surrounding area. In the absence of variation of the s.75 legal agreement associated with 181541, to include reference to the current application, there would be a need for a separate legal agreement in order to ensure that an equivalent financial contribution to the car club (£2,400) is made in accordance with the expectations of policy T2 and Planning Obligations SG.

## **CONDITIONS**

01. The development hereby approved shall not be occupied unless the communal external amenity area / shared garden ground as identified on the drawings hereby approved [refs. A(03)001 rev.C; A(03)004 rev.D], or such other drawings as may be approved in writing by the planning authority, has been implemented / planted in full and is thereafter retained as landscaped communal space. **Reason** - In order to ensure provision of adequate amenity for residents and ensure compliance with the objective of local plan policies D1: Quality Placemaking by Design, D2: Landscape, H1: Residential Areas and NE4: Open Space Provision in New Development.

02. No development shall take place pursuant to this planning permission unless construction details of the proposed street boundary wall along Bedford Place and a sample of the natural granite to be used on the external elevations of the building has been submitted to and approved

in writing by the planning authority. The development hereby approved shall not be occupied unless such details as may be approved have been implemented in full. **Reason** – In order to preserve the character and setting of the surrounding area and ensure compliance with the objective of local plan policies D1: Quality Placemaking by Design, D5: Our Granite Heritage and H1: Residential Areas.

03. The development hereby approved shall not be occupied unless secure cycle parking / storage facilities have been provided on site for occupants in accordance with the drawing hereby approved [A(03)004 rev.D], or such other drawing as may be approved in writing by the planning authority. **Reason** – In order to ensure compliance with planning policy T2: Managing the Transport Impact of Development and reduce demand for car parking.

04. The development hereby approved shall not be occupied unless the bin storage area has been provided on site for occupants in accordance with the drawing hereby approved [A(03)004 rev.D], or such other drawing as may be approved in writing by the planning authority. **Reason** – In order to ensure compliance with planning policy R6: Waste Management Requirements for New development

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