

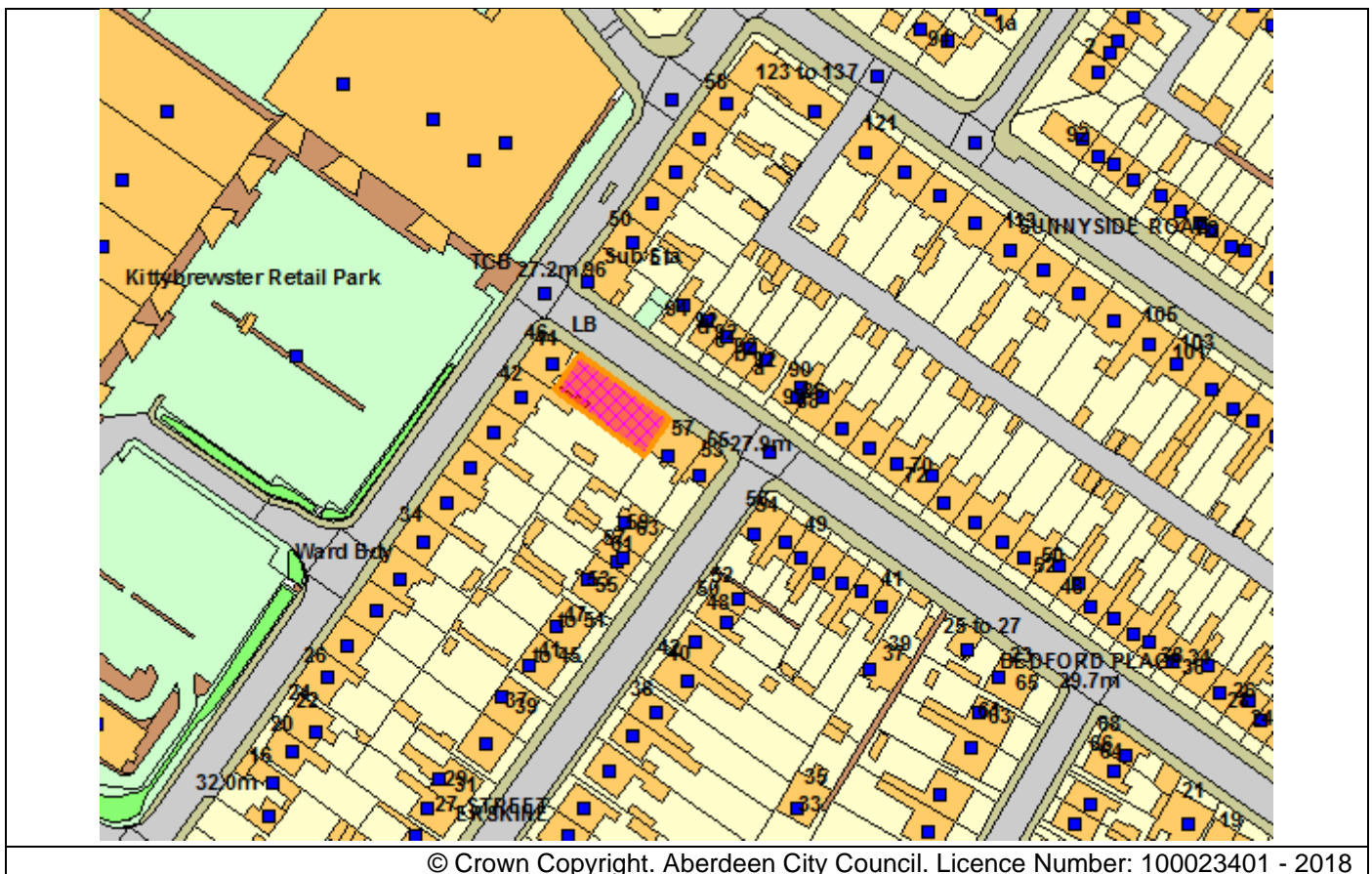


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 1 June 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>	200303/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	5 March 2020
<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**

Willingness to approve conditionally subject to securing a legal agreement to deliver developer obligations towards the car club

## **APPLICATION BACKGROUND**

### **Site Description**

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	Proposal	Decision Date
191536/DPP Approved at PDMC subject to s.69 legal agreement	Erection of 6 flats	25.02.20
181541/DPP Approved at LRB subject to s.75 legal obligation	Erection of 6 flats	29.11.19
180555/DPP Decision pending s.69	Erection of 4 flats	---
171410/DPP Approved at LRB	Erection of 4 flats	17.05.18
141664	Erection of 8 flats with parking	Withdrawn

## **APPLICATION DESCRIPTION**

### **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 and building ground level significantly 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.

A similar proposal was refused under delegated powers and subsequently approved by the Local Review Body in 2019. In essence, the current proposal is to enlarge (elongate) the footprint of the consented building (with minor elevational changes) resulting in increased proximity to the tenements on Bedford Road. There would be a minor increase in the length of the building by 1.5m overall and an increase in the solid to void ratio of the front and rear elevations. The extent of additional floorspace would be 15 square metres. The relationship with the adjacent tenement on Bedford Place would remain identical to that recently consented by approval 191536/DPP. No change to the height or design concept of the consent are proposed. Some windows on the rear elevation would be increased in size (widened from 0.9m to 1.25m).

## 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=Q6Q1LEBZGED00>

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 controlled parking zone (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. 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. Introduction of these new units would, either by obtaining on-street parking permits, or opting to not pay for parking permits and utilise the neighbouring streets, exacerbate the existing and finite parking within this area – both in the CPZ and the adjacent area outwith the CPZ which could lead to further indiscriminate parking.

Object to the proposal due to likely increased indiscriminate car parking pressure in the surrounding area. Advise that there is no way to minimise the number of cars owned by the residents, and this will have an adverse impact on the amenity of neighbouring streets through an increase in on-street parking pressure.

**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). Note that, in light of the planning decision on 181515/DPP, it was not considered reasonable to require the primary education, healthcare, open space or affordable housing contributions when planning ref 191536/DPP was approved. Appreciate that this background/context might also have a bearing on any decision about whether it would be reasonable to require such contributions from this application.

**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**

## **REPRESENTATIONS**

None

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## **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 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 (ALDP) will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under 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

### **Proposed Aberdeen Local Development Plan 2020 (PALDP)**

The PALDP was approved at the Council meeting of 2 March 2020. It 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 ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. In this case similar zoning and topic polices apply to those identified above,

## **EVALUATION**

### **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 granting of detailed planning permission ref. 181541/DPP and 191536/DPP. Both of these permissions remain valid. 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 curtilages. 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. Both that

and the wider issue of overdevelopment 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 191536/DPP. Whilst there would be a marginal increase in site coverage resulting from the revised proposal, (with the extent of hard surfacing increasing from 58 % of the site to 63%) this is not considered to be so significant that it warrants refusal on grounds of overdevelopment, for the reasons below.

There would be no material change to the relationship with adjacent facing windows. Although the proposal would result in a slightly reduced separation with the parent tenement compared to the approval, (i.e. a reduction of 1.5m) there would be adequate separation in terms of daylight and sunlight impact to that property. There would be a marginal increase in site coverage and massing and loss of the existing garden due to the revised proposal, but this would have no significant adverse impact on amenity.

Although the rear of the flats would overlook adjacent garden ground at close quarters, this would also have occurred with the consented scheme. The proposal would have increased upper floor bedroom window proportions on the rear elevation and would therefore potentially result in increased overlooking of adjacent garden ground relative to the previously consented schemes. However, it is considered that this marginal change does not justify refusal.

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 permissions 181541/DPP and 191536/DPP. The proposal 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. Details of the treatment of site boundaries can be required by condition to protect visual amenity and privacy.

In essence, in terms of overlooking and amenity, the current proposal is considered to have similar impact to the previously approved schemes. Notwithstanding the expectations of policy H1 and related SG regarding Sub-division & Redevelopment of Residential Curtilages, given the extant planning permissions, 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 be of the same mansard form as this adjacent tenement. Only minor changes to the consented design are proposed and the site is not located within a conservation area. 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 marginally reduced separation with the parent tenement compared to the approval (i.e. a reduction of 1.5m), this change is unlikely to be visually apparent and is therefore considered acceptable in terms of policy D1.

The rear elevation would not be visible to the public. 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 on these elevations and the front boundary wall

can be controlled by imposition of a condition.

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. The north-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 and the provision of landscaping/ planting.

### **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 approvals are a significant material consideration which weigh 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.

ACC Transport and Accessibility Supplementary Guidance document states:

“In...Inner City locations, low and no car development may be acceptable...In Outer City locations it is unlikely” (n.b. this site is on the border of the inner and outer city). “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”.

In this case no travel plan has been provided but this has not been requested in light of the previous approvals. 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 and scale of development is no greater than that approved under 181541/DPP and 191536/DPP. 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 inappropriate 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 applications 181541/DPP and 191536/DPP.

### **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 (191536/DPP), notwithstanding the marginal increase in site coverage, 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 the provided or 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 approved (181541/DPP and 191536/DPP) and for which no developer obligation contributions were required. Given that both permissions remain valid and there has been no subsequent material change in the planning policy context or physical context, they have significant weight as material considerations. It would therefore be unreasonable to now require the requested developer obligation contributions, 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 the provided or delivered in association with the approved developments and no such developer contribution was required in association with those approvals, 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 or delivered in association with the approved developments and no such developer contribution was required in association with those approvals (e.g. in relation to enhancement of off-site open space) it would be inappropriate to require such provision now or refuse the development on such grounds.

No details of micro-renewable energy, or low and zero carbon energy, or 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 the provided or delivered in association with the approved developments 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.

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

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

In the absence of variation of the s.75 legal agreement associated with 181541/DPP, to include reference to the current application, there is 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.

Although a separate s.69 agreement was entered into in relation to approval 191536/DPP, to secure the financial contribution to the car club (£2,400) referred to above, that legal agreement does not relate to the current application. A fresh legal agreement is now required in relation to the current application.

## **RECOMMENDATION**

Willingness to approve conditionally subject to securing a legal agreement to deliver developer obligations towards the car club.

## **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 granting of detailed planning permissions ref. 181541/DPP and 191536/DPP. Notwithstanding the expectations of policy H1 of Aberdeen Local Development Plan (ALDP) and related guidance regarding Sub-division & Redevelopment of Residential Curtilages, given the extant planning permissions, 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 a marginally reduced separation with the parent tenement compared to the approval, and marginally increased site coverage and elevational changes, these changes are considered be acceptable in terms of ALDP policy D1. No details of landscaping have been provided as expected by ALDP policy D2 and related supplementary guidance, 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 (i.e. use of granite and landscaping) 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.E; A(03)004 rev.E], 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 development 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 development 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.E], 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.E], 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