



Planning Development Management Committee

Report by Development Management Manager

Committee Date: 19 August 2021

Site Address:	Flat 9,11 & 11A Whitehouse Street, Aberdeen, AB10 1QJ
Application Description:	Form new vehicular access with remote gate, erection of fences, walls and three off-street car parking spaces
Application Ref:	210540/DPP
Application Type	Detailed Planning Permission
Application Date:	19 April 2021
Applicant:	Mr & Mrs Andrew Mitchell
Ward:	Mid Stocket/Rosemount
Community Council:	City Centre
Case Officer:	Ross McMahon



RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The application site is located within an established residential area close to the city centre, and comprises a detached, two-and-a-half storey granite building made up of three flatted properties. The block presents itself as a break in the established building line on the west side of Whitehouse Street, with most of its communal garden area positioned in front of its principal elevation, creating a large setback from the street. At its eastern side, adjacent to Whitehouse Road, the site is demarcated by a granite wall, timber fence and timber gate. The communal garden comprises an existing area of raised decking, open garden and raised patio. The application site is located within an area identified as 'Residential' in the Aberdeen Local Development Plan and associated Proposals Map.

Relevant Planning History

Planning permission (ref. 210282/DPP) for the partial removal of the wall, formation of vehicular access, installation of retaining wall and steps, erection of double carport and installation of fence and sliding gate was withdrawn by the applicant in April 2021.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the following:

- Formation of three off-street parking spaces including a turning/access area within the private front garden ground, finished in tarmacadam;
- Formation of a c.2.4m wide automatic gate within a c.4.4m wide, 2m deep recessed access area, finished in dark grey composite cladding and loc-bloc respectively;
- Formation of a new pedestrian gate finished in dark grey composite cladding;
- Erection of new fencing to enclose the vehicular and pedestrian opening and to the top of the retained section of the existing granite boundary wall, finished in dark grey composite cladding;
- Erection of a low-rise boundary wall formed with granite duntakings from the partially demolished front boundary wall.

Amendments

Following submission, the proposal has been amended in the following ways:

- Vehicular access has been set back 2metres from the pavement, creating a pedestrian visibility splay;
- Introduction of 0.5m turning head for end car parking space.

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=QRTGDDDBZIQE00>

- Supporting statement
- Document regarding loss of on-street parking

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the application has attracted six or more letters of representation (nine in total) that express concern with the proposal. Subsequently, the proposal falls out with the Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Notes the adequacy of the

revised submission regarding impact upon on-street parking provision, resulting in a net benefit of two spaces. Accepts the proposed drainage arrangements and proposed vehicular set back and visibility splay. Notes that the applicant should apply for a footway crossing through the regular channels, including a Section 56 application.

City Centre Community Council – No comments received.

REPRESENTATIONS

A total of nine letters of representation have been received. Whilst two of the submitted representations state a 'neutral' position, all express some degree of concern with the proposal. Representations are summarised as follows:

1. The proposal will have a negative impact upon already limited on-street car parking provision, resulting in the loss of 1-2 spaces for surrounding residents.
2. The proposed vehicular crossing poses a vehicular and pedestrian safety hazard.
3. Whitehouse Street is very narrow limiting manoeuvrability, particularly for police, fire and ambulance vehicles.
4. The private garden serving the application property should be retained.
5. The existing granite wall contributes positively to the street scene.
6. There is little street greenery left on Whitehouse Street.
7. Whitehouse Street will be 'gridlocked' during construction.
8. Concerns regarding the structural stability of adjacent buildings during the construction phase.
9. Planning permission was never sought for the current street fence.

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.

Aberdeen Local Development Plan (2017) (ALDP)

- Policy H1 – Residential Areas
- Policy D1 – Quality Placemaking by Design
- Policy D5 – Our Granite Heritage

Supplementary Guidance (SG)

- Transport and Accessibility
- Householder Development Guide

Proposed Aberdeen Local Development Plan (2020)

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

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

The foregoing can only be assessed on a case-by-case basis. The following policies of the Proposed ALDP are of relevance in the assessment of this planning application:

- Policy H1 – Residential Areas
- Policy D1 – Quality Placemaking
- Policy D7 – Our Granite Heritage
- Policy T3 – Parking

EVALUATION

Principle of Development

The ALDP 'proposals map' identifies the entirety of the site being located within a 'residential area'. Policy H1 (Residential Areas) applies to development within such areas, and states that a proposal for householder development will be approved in principle if it:

1. does not constitute overdevelopment;
2. does not have an unacceptable impact on the character and amenity of the surrounding area;
3. does not result in the loss of valuable and valued areas of open space; and
4. complies with SG.

There would be no loss of open space given the nature and type of development proposed, in that the development comprises to the alteration and conversion of an existing private communal garden. Therefore, in terms of establishing the acceptability of the principle of the proposal in the context of Policy H1, provisos 1, 2 and 4, as set out above, are applicable. Where appropriate, such matters are discussed in the context of the Council's Transport and Accessibility SG (hereafter referred to as 'SG'), below.

The Council's Supplementary Guidance 'Householder Development Guide' stipulates that no more than 50% of the front or rear curtilage shall be covered by development. When taking into account the proposed development in addition to the existing communal patio and decking areas, a significant proportion of the front garden ground would be covered by development such that, in terms of front garden coverage, the proposal amounts of overdevelopment of the site. However, a reasonable degree of private amenity space would be retained as a result of the proposal, namely, the existing raised deck and patio areas, which themselves are considered sufficient for three flatted properties in a city centre context. Further, the nature of the proposal is such that a degree of openness would be retained within the front garden, on the basis that the 'developed area' would be used for the purposes of parking vehicles, rather than a physical extension, for example, which would likely alter the physical characteristics of the street and overall pattern of development. Despite a degree of conflict with proviso 1 of Policy H1 (Residential Areas) and General Principle 3 of the Council's Supplementary Guidance Householder Development Guide in respect of development coverage, the proposal is considered to be acceptable in this regard for the aforementioned reasons.

Design & Amenity

Policy D1 (Quality Placemaking by Design) states that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Provisio 2 of Policy H1 (Residential Areas) seeks to ensure that the character and amenity of the surrounding area is suitably protected.

Within the site, the proposed surface materials include tarmac and a low granite boundary wall constructed from granite duntakings from the partially demolished boundary wall, in compliance with Policy D5 (Our Granite Heritage). The public and semi-public elements of the proposal include a new dark grey composite fence, gates (vehicle and pedestrian) and an area of loc bloc. Such materials are considered to be acceptable and generally in keeping with the street and surrounding area, representing a partial continuation of the building line between both adjacent properties and creating defensible space for the residents of the application property. The proposal would ensure that residential amenity is suitably maintained in respect of privacy, daylight and sunlight impacts, largely due to the existing site levels and the presence of adjacent property gables to the sides of the application site and the properties current garden area.

Accordingly, it is considered that the proposal would have a neutral impact on the character and amenity of the street and surrounding area, with much of the proposed development taking place to the rear of the private wall, wholly out of sight from the adjacent road and pavement and ensuring that amenity to adjacent properties is protected.

Parking & Safety

The Council's Roads officers are satisfied with the principle of the proposal in so far as it represents a potential benefit and net gain of two on-street parking spaces for surrounding residents. This is on the basis that three cars would likely be taken off street, accounting for the loss of a single on-street space in providing for the private access.

The amended proposal results in the formation of a vehicular access that meets visibility splay requirements to alleviate concerns regarding pedestrian safety. Roads officers are satisfied that adequate space is provided within the site to permit the entry and exit of vehicles in forward gear. Drainage proposals are considered suitable and in line with requirements.

Proposed Aberdeen Local Development Plan

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

Matters Raised in Representations

Of the matters raised in representations, those relating to the loss of on-street parking, residential amenity, loss of greenery, visual amenity and pedestrian safety have been addressed specifically in the foregoing assessment; is considered that the proposal is acceptable for the reasons outlined therein. Concern regarding the structural integrity of adjacent buildings during the construction phase is not a planning matter and thus cannot be taken into consideration as part of the assessment of this application. The Council holds not record of planning permission for the existing fence, which undoubtedly requires planning permission based on its height and relationship to the road. Nevertheless, the Council has a duty to consider the proposal at hand as part of this application and the proposed boundary treatment is considered to be acceptable for the reasons previously outlined.

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

The proposed vehicular and pedestrian access, off-street parking, fence, gate, boundary treatment and associated works generally comply with the relevant policies of the Aberdeen Local Development Plan, namely policies H1 – Residential Areas, D1 – Quality Placemaking by Design

and D5 – Our Granite Heritage in addition to the Council's Supplementary Guidance 'Transport and Accessibility' and 'Householder Development Guide'. The proposal is considered to be acceptable in respect of its layout, form, access and use of materials in relation to both the property and the wider area and would avoid any significant impacts upon visual and residential amenity and road safety. The proposal is also considered to be acceptable against the relevant policies of the Proposed Aberdeen Local Development Plan 2020. Where tensions exist with the Policy H1 – Residential Areas and the Council's Supplementary Guidance 'Householder Development Guide' in respect of overdevelopment and garden ground coverage, site circumstances are such that a minor departure is considered acceptable in this instance. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that would warrant refusal of the application.

ADVISORY NOTES FOR APPLICANT

- Footway crossings are required to be constructed by Aberdeen City Council. The applicant should contact footwaycrossings@aberdeencity.gov.uk for further information.
- A Section 56 application should be submitted for the proposed access and contact should be made with Colin Burnett (01224 522409 cburnet@aberdeencity.gov.uk) for further information.