

Signed (authorised Officer(s)):

44 BEDFORD ROAD, KITTYBREWSTER

PROPOSED 8 FLATTED DEVELOPMENT
WITH ASSOCIATED CAR PARKING.

For: ASA Ltd

Application Type : Detailed Planning
Permission

Application Ref. : P140090

Application Date : 23/01/2014

Advert : Can't notify

neighbour(s)

Advertised on : 12/02/2014

Officer : Gavin Evans

Creation Date : 28 March 2014

Ward: George Street/Harbour (A May/J

Morrison/N Morrison)

Community Council: No response received

RECOMMENDATION: Refuse

DESCRIPTION

The application site is located on the eastern side of Bedford Road, at its junction with Bedford Place. The site extends to 292sqm and represents the existing plot of 44 Bedford Road, a 2 ½ storey end-terrace building of traditional granite construction, which incorporates a small newsagent/grocer at ground floor level and box-dormers in its roof space. To the rear of the building lies an area of garden ground, set approximately 1m below the level of Bedford Place and enclosed by a granite rubble boundary wall measuring 1.2m from pavement level. The rear of the site appears neglected and overgrown, with no notable trees or landscaping beyond overgrown shrubs and apparently self-seeded saplings. The boundary to the adjoining property at 42 Bedford Road is defined by a boundary wall of approximately 1.2m, of brick construction.

The northern side of Bedford Place is characterised by 1 ½ storey, mansard roofed terraces of dwellinghouses. Immediately opposite the application site is a more recent row of 2-storey terraced houses, fronted with synthetic granite block. The southern side of Bedford Place is largely similar, however 2 ½ storey tenement-style blocks are present at the junctions of Bedford Place and streets running south-west. The blank gable of one such block abuts the south-eastern end of the application site.

RELEVANT HISTORY

Recent planning history at 44 Bedford Road is limited to applications for the replacement of windows in 1996 and alterations to a top floor flat in 1990, neither of which is considered to be of direct relevance to the current proposal.

PROPOSAL

This application seeks detailed planning permission for the construction of a new 4-storey building within the rear garden of 44 Bedford Road, for the provision of 8 new 2-bed flats. The building would face onto Bedford Place, with 8no car parking spaces provided beneath the building in a sub-level and private garden grounds laid out to the north-western side of the building.

The building's walls would be finished with a combination of natural granite and wetdash-style render, with the roof finished in grey concrete roof tiles.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130914>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

CONSULTATIONS

Roads Projects Team – Identifies a shortfall of 8 car parking spaces, likely to give rise to parking in the area, where demand for residential parking is particularly high at night. Notes that the specifications of the access to the car park, the aisle width and parking bay dimensions are do not meet the necessary standards. Notes that no swept-path analysis has been provided. Further information is required in relation to drainage arrangements. The proposed development, if granted planning permission, would be required to make financial contributions towards the Strategic Transport Fund, at a rate of £1,652 per unit, totalling £13,216. Unless these matters are addressed, the Council's Roads Projects Team would object to the proposal.

Environmental Health – No objection, but recommend that a condition be attach requiring appropriate provision for the refuse storage and disposal, including recycling facilities. Recommend that an informative be noted on any consent granted, detailing appropriate hours of construction, due to the residential character of the area.

Enterprise, Planning & Infrastructure (Flooding) - Requests that the receiving watercourse/sewer be identified, and that the term 'soil sewer' be clarified.

Community Council – No comments received.

Police Scotland (Architectural Liaison Officer) – Discourages recessed entrance. Recommends fencing or railings at street level to provide protection to ground floor windows. Notes that gates to the 'courtyard garden' of 42 Bedford Road should be lockable. Highlights absence of natural surveillance for undercroft parking – access should be controlled via shuttering, and bin store located outwith secure area.

Developer Contributions Team – Notes that local schools have capacity, and therefore education contributions are not warranted. Identifies requirement for contributions in respect of community facilities, sports facilities, library and core paths network. Notes that commuted sum in lieu of on-site affordable housing provision will be appropriate in this instance.

REPRESENTATIONS

No letters of representation have been submitted to the planning authority in respect of this application for planning permission.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Paragraph 82 of SPP highlights the important contribution that infill sites within existing settlements can make to the supply of housing land. It further states that infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community.

Aberdeen Local Development Plan (ALDP)

I1: Infrastructure Delivery and Developer Contributions

Sets out that development shall be accompanied by infrastructure, services and facilities required to support new or expanded communities. Where development would place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such facilities or facilities as necessary.

Policy T2: Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1: Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D2: Design and Amenity

Policy D2 sets out a series of criteria for new development, intended to ensure that an appropriate level of amenity can be secured for residents of both that new development and neighbouring land and buildings. These criteria include residential development being designed with a public face to a street and a private face to an enclosed garden or court; appropriate privacy being provided for; the provision of areas for sitting out, such as private gardens, communal gardens, balconies etc; and that development proposals should include measures to 'design out' crime and 'design in' safety.

D3: Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

Policy H1: Residential Areas

The site lies within a designated Residential Area (H1), as defined in the Aberdeen Local Development Plan. Within such areas Policy H1 of the ALDP will apply, requiring that residential development will be acceptable in principle provided it satisfies certain specified criteria. The criteria relevant to assessment of this proposal are as follows:

1. It does not constitute over-development
2. It would not have an unacceptable impact on the character or amenity of the surrounding area
3. It would not result in the loss of valuable and valued areas of open space.
4. It would comply with the Council's Supplementary Guidance in relation to the Sub-division and Redevelopment of Residential Curtilages.

It is further stated that non-residential uses will be refused unless (a) they are considered complementary to residential use; or (b) it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Policy H3: Density

The City Council will seek an appropriate density of development on all housing allocations and windfall sites.

H5: Affordable Housing

Housing Developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing. Further guidance in the relevant Affordable Housing Supplementary Guidance.

R6: Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual recyclable and compostable wastes. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Further details are set out in Supplementary Guidance on Waste Management.

Policy R7: Low and Zero Carbon Buildings

All new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technologies to reduce the predicted carbon dioxide emissions by at least 15% below the 2007 building standards. This percentage requirement will be increased as specified in Supplementary Guidance.

Supplementary Guidance

'Low and Zero Carbon Buildings'; 'Transport and Accessibility', 'Waste Management' and 'Sub-division and Redevelopment of Residential Curtilages' documents are of relevance.

Other Relevant Material Considerations

The matters raised in representations are material to the assessment of this application, so far as they relate to legitimate planning considerations.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

Principle of residential use & Zoning

The application site is located within a predominantly residential area, which has been zoned as such in the Local Development Plan, with policy H1 applicable. Policy H1 allows for residential development, provided a series of criteria can be satisfied. There is significant overlap between these criteria and the principles set out in the 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance, so it is appropriate to consider these together.

Car Parking and Access

As noted in the consultation response from the Council's Roads Projects Team, the relevant 'Transport and Accessibility' Supplementary Guidance sets out that the proposed development should provide 16 car parking spaces. 8 spaces are proposed, and the consultation response highlights that this is an area where there is pressure on night-time car parking to serve residential properties. It is likely that such a shortfall in car parking provision would exacerbate existing on-street parking problems in the area, contributing towards indiscriminate on-street parking.

In addition to the under-provision of off-street car parking, there are a number of matters relating to the practicability of the access arrangements that have led to concerns being expressed by colleagues in the Council's Roads Projects Team. These include insufficient width on the access ramp to allow cars to pass each other, sub-standard parking bay dimensions and insufficient aisle width within the parking area. Taking these matters into account, it is considered that the proposal would not make adequate provision for off-street car parking, as required by the Council's Supplementary Guidance on 'Transport and Accessibility'.

Siting and Design

The proposed new building would be oriented to face onto Bedford Place, occupying the full depth of the plot save for a slight set-back of 0.5m from the footway on Bedford Place. As a result, the garden to be provided for residents of the new building is positioned to the side of the building in an arrangement not recognisable in the surrounding area. Also, the positioning of a 4-storey building immediately adjacent to the mutual boundary would be very prominent when seen from 42 Bedford Road, to the detriment of the enjoyment of the private rear garden at that address.

The building would incorporate 4 full storeys, and as a result its wall-head height is significantly higher than that of the adjacent block at 57 Bedford Place. Whilst it is acknowledged that the main frontage of the building would be set around 1m off the gable of the adjacent building, it is likely that the difference in wall-head height would be quite striking in the street scene, and would be amplified by further underlined by the contrast between the shallow roof pitch of the proposed building and the steep mansard-style roof of number 57. This roof style is a prominent feature in the surrounding area, both in larger corner blocks such as no.57 and in the 1 ½ storey terraces on either side of Bedford Place.

Privacy

It is noted that the development has been designed with privacy in mind, with no windows whatsoever present in the south-western elevation of the building, facing towards the rear garden of the adjacent 42 Bedford Road. The internal accommodation has been arranged to allow for all windows at the rear of the building to be at right-angles to the adjacent feu. The windows of habitable rooms are oriented to either face north-east onto Bedford Place or sideways onto either the gable of 57 Bedford Place or onto void spaces within the plot, with obscure en-suite windows opposite.

Amenity afforded to new residents

Whilst the arrangement of windows to habitable rooms described above has successfully avoided any direct overlooking or loss of privacy to adjacent properties or their gardens, it has led to some of those windows being compromised in terms of their siting and prospect of good levels of sunlight and daylight. Of particular concern are the bedroom windows at the southern corner of the building, which would either face directly onto the adjoining gable at a distance of only 1.4m, or would look onto Bedford Place from approximately 4m within the plot, sandwiched on either side by the gable of 57 Bedford Place and the side wall of the proposed new building respectively.

It is noted also that Police Scotland's Architectural Liaison Officer has expressed concern in relation to the safety and security of the underground car parking area, which may in part be overcome through the area being secured via a shuttering system.

Impact on character and amenity of surrounding area

The proposal would result in a significant reduction in the size of the plot at 44 Bedford Road. It is noted that the garden is currently poorly maintained, however current and future residents remain afforded the option to enjoy this space as they see fit. The proposed development would result in the private rear garden of 44 Bedford Road being reduced from approximately 30m to 6.3m in length. Its width would be similarly compromised, with the ramp to undercroft parking and bin stores for no.44 reducing the width of the useable space to approximately 4.1. It is further noted that this retained 'courtyard garden' would be located immediately adjacent to the communal boundary, where a protruding stair enclosure presents a blank wall which, although not plotted on the submitted plans, appears to project approximately 2.5-3m along that boundary. The presence of this structure immediately adjacent to the only area of private garden space to be retained for no.44 serves to further compromise the quality of that environment.

As noted in the 'Design' section of this report, the roof pitch and wallhead height of the proposed building would not relate well to the immediately adjoining building, and do not appear to reflect the character of development in the

surrounding area. This incongruous relationship would not be consistent with the character of development along Bedford Place, and would be detrimental to the character and amenity of the area.

Relationship with pattern of development

The established pattern of development in the surrounding area is that of buildings positioned close to the pavement's edge, with private gardens laid out to the rear. The rear garden of the adjacent no.42 Bedford Road is currently afforded an open aspect to the north-east, which would be largely obscured by the presence of the proposed building.

Infrastructure and Developer Contributions

The proposed development is of a scale that would warrant payments towards the Strategic Transport Fund, along with developer contributions in relation to community facilities, sports facilities, libraries and the Core Path Network. It is noted also that consultation with the Council's Developer Contributions Team has identified that the 25% requirement for affordable housing set out in the ALDP could best be met through a commuted payment. Such matters could be secured through an appropriate legal agreement were planning permission to be granted.

Summary

Whilst residential use is consistent with the character of the area in broad terms, the specific characteristics of this proposal, detailed above, are such that it would result in the overdevelopment of the site, and consequently an unacceptable impact on the character and amenity of the surrounding area, contrary to the provisions of policy H1 (Residential Areas) of the ALDP. It is further considered that the proposal would not be consistent with the established pattern of development in the wider area.

The building would be unduly prominent from adjacent rear gardens, compromising the enjoyment of those amenity spaces, and the garden ground afforded to no.44 Bedford Road would be substantially diminished, to a level not characteristic of the wider area. The uncharacteristic arrangement of space and undue prominence of the new building relative to adjacent feus suggests that the proposal represents an over-development of the site. Similarly, the arrangement of windows to habitable rooms within the proposed building is such that some would have limited prospect for good levels of daylight. The design of the proposed building would not relate well to its surroundings, particularly with reference to wall-head height and roof pitch and styling, and could therefore not be considered to demonstrate due regard for its context. Taking these matters into account, the proposal is considered to demonstrate fundamental inconsistencies with the principles set out in the Council's adopted supplementary guidance on 'The Sub-division and Redevelopment of Residential Curtilages', and through its failure to demonstrate due regard for its context, would be contrary to policy D1 (Architecture and Placemaking) of the ALDP. The limited daylight afforded to a number of bedroom windows is indicative of a

residential environment below what is expected by policy D2 (Design and Amenity) of the ALDP.

Car parking provision is substantially deficient, and there appears limited scope for adequate parking to be provided within the site. This is likely to encourage indiscriminate on-street parking and to further increase pressure on the available parking to serve residential needs in evenings. The proposal is contrary to the Council's 'Transport and Accessibility' supplementary guidance, and the associated policy T2 (Managing the Transport Impact of Development) of the ALDP.

Deficiencies in terms of 'designing out crime' and making appropriate provision for waste collection services have been identified, which are potentially resolvable and are not central to the principle of the proposal, however are such that currently the proposal would be contrary to the requirement of policy D2 (Design and Amenity), Policy R6 (Waste Management in New Developments) and the associated Waste supplementary guidance.

No material considerations of sufficient weight to warrant determination other than in accordance with the development plan have been identified.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. The proposed development represents an over-development of the site, resulting in an uncharacteristic arrangement of buildings and spaces and an unduly detrimental impact on the private garden of properties at 42 and 44 Bedford Road, contrary to policies H1 (Residential Areas) and H3 (Density) of the Aberdeen Local Development Plan (ALDP) and the associated 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance.
2. The design of the proposed building would not demonstrate due regard for its context, with the height to wall-head level and angle of roof pitch in particular giving rise to a striking contrast with the adjoining building at 57 Bedford Place. In failing to demonstrate due regard for its context and make a positive contribution to its setting, the proposal is contrary to policy D1 (Architecture and Placemaking) of the ALDP.
3. A number of windows into habitable rooms within the building would be poorly sited, with little opportunity for daylight and sunlight, contrary to the provisions of policy D2 (Design and Amenity) of the ALDP and the associated 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance.

4. A significant shortfall in car parking provision would contribute towards increased pressure on the available on-street car parking in the surrounding area, and may encourage discriminate parking as a result. In this regard, the proposal fails to comply with the Council's adopted 'Transport and Accessibility' Supplementary Guidance.