



Strategic Place Planning

Report of Handling

Site Address:	Land To The Rear Of 44/46 Bedford Road, Aberdeen, AB24 3LH,
Application Description:	Erection of 4 residential flats with associated landscaping
Application Reference:	180555/DPP
Application Type:	Detailed Planning Permission
Application Date:	6 April 2018
Applicant:	George Taylor ASA
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Froghall, Powis and Sunnybank
Case Officer:	Gavin Clark

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

On the eastern side of Bedford Road, at its junction with Bedford Place, extending to approximately 332sqm and representing the existing curtilage of 44/46 Bedford Road, comprising: a 2½ storey end-terrace building of traditional granite construction, which incorporates a small newsagent/grocer at ground floor level (now vacant) and box-dormers in its roof space; to the rear of this 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. This rear garden contains no notable trees or landscaping, beyond overgrown shrubs and small trees. The southern boundary to the adjoining property at 42 Bedford Road is defined by a brick boundary wall of approximately 1.2m.

The northern side of Bedford Place is characterised by 1½ storey, mansard roofed terraces of dwellinghouses. However, immediately opposite the application site is a row of 2-storey terraced houses, fronted with synthetic granite block; as well as a single 1½ more traditionally styled detached granite dwellinghouse. The southern side of Bedford Place is largely similar; however 2½ 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 Planning History

Planning permission (Ref: 171410/DPP) was refused in January 2018 for the erection of four flats (over four floors) with associated car parking and landscaping. The reasons for refusal were that:
1. The development has not been designed with due consideration for its context, with a roof design that does not complement the character and appearance of the surrounding area, and the use of materials which are not readily found in the surrounding area. The proposal would also provide inadequate amenity space for proposed residents and would have an adverse impact on

the amenity afforded to properties in the surrounding area. As a result the proposal fails to accord with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan and its associated Supplementary Guidance: The Sub-Division and Redevelopment of Residential Curtilages;

2. Insufficient information has been submitted with regards to the provision of visibility splays, the width of parking bays and to indicate that vehicles could enter and exit the site safely in a forward gear. As a result the proposal fails to accord with Policy T2: Managing the Transport Impact of New Development of the Aberdeen Local Development Plan and the associated Supplementary Guidance: Transport and Accessibility; and

3. The applicants have failed to demonstrate that adequate waste provision would be provided within the sites curtilage, and as a result the proposal does not accord with Policy R6: Waste Management Requirements for New Development of the Aberdeen Local Development Plan and its associated Supplementary Guidance: Resources for New Development.

The applicants sought review of the decision via the Local Review Body (LRB). The decision of the LRB, on 17th May 2018, upheld that earlier decision to refuse the application.

Planning permission (Ref: P141664) for an older scheme is currently pending the issue of the decision notice, which is to follow the conclusion of a legal agreement. This proposes the erection of a 3½ storey serviced apartment development (eight units), with associated car parking. Although a willingness to approve the application was reached in April 2015 the legal agreement has not yet been concluded. In coming to the positive conclusion the proposed serviced apartments were considered to be acceptable in this predominantly residential area, having no significant detrimental impact on the existing uses surrounding the application site. The report of handling acknowledged that the area of garden ground was limited and would not satisfy the Council's minimum standards for dwelling houses/flats, however it was recognised that serviced apartments are a pseudo-residential use which have a higher degree of turnover in occupation and are arguably somewhere between residential flats and hotels – thus the requirement to benefit from external amenity space in line with more permanent residential uses was reduced.

A further historic application in January 2014 (Ref: P140090) sought detailed planning permission for 8 flats, again within the rear garden of 44 Bedford Road. This application was refused under delegated powers on 31st March 2014, on the basis that it would: represent an over-development of the site; have an adverse impact on amenity arising from the loss of private garden space and the under-provision of garden space for the new development; the design would not relate well to its surroundings; some windows within the building would have limited opportunity for natural light; and there would be a significant shortfall in car parking provision. Following that refusal, the applicants sought review of the decision via the Local Review Body (LRB). The decision of the LRB, on 4th July 2014, upheld that earlier decision to refuse the application.

APPLICATION DESCRIPTION

Description of Proposal

Consent is sought for the erection of four flats over three storeys, located on the southern side of Bedford Place, close to its junction of Bedford Road. The site is currently occupied as overgrown garden ground associated with the flats located at 44/46 Bedford Road. Access to the property would be taken from Bedford Road, with no parking associated with the development. Four cycle parking spaces would be provided within the rear curtilage of the property; with access to these (and the bin storage area) being taken from an access sitting immediately adjacent to the proposed building. The garden ground associated with the flats would be located adjacent. Materials proposed include slats, white render with granite on the front and part of the site elevations and grey timber framed windows and doors.

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=P6RD5PBZKJC00>

The following documents have been submitted in support of the application –

Design Statement: Neil Rothnie Architects: April 2018: this document provides details of the proposed development, as well as a site context, appraisal, concept, details of the proposed plans, sustainability, transportation issues and a conclusion/ summary.

CONSULTATIONS

ACC - Flooding and Coastal Protection – No objection; advise of a risk of surface water flooding and recommend the use of permeable materials and rainwater harvesting.

ACC - Environmental Health – No objection; advise of informatives on site noise and dust management.

Scottish Water – No objection; advise of sufficient capacity at both water and waste water treatment works.

ACC - Roads Development Management Team – No objection. Discuss issues such as walking/ cycling, public transport, parking and refuse storage, see below.

ACC - Waste Strategy Team – Advise of the waste management requirements for the proposed development.

REPRESENTATIONS

6 objections have been received, summarised as follows:

1. impact on residential amenity of properties in the surrounding area;
2. over development of the site;
3. poor integration of the proposed structure with nearby buildings;
4. traffic/ parking concerns; and
5. noise concerns.

Non-material planning matters raised (and will therefore not be discussed again in this report) relate to: the number of student type developments in the surrounding area; and that the proposal should be used as a form of social/ affordable housing, providing benefits to the local community.

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)

- Policy D1: Quality Placemaking by Design;
- Policy T2: Managing the Transport Impact of New Development;

- Policy T3: Sustainable and Active Travel
- Policy H1: Residential Areas;
- Policy NE6: Flooding, Drainage and Water Quality;
- Policy R6: Waste Management Requirements for New Development;
- Policy R7: Low and Zero Carbon Buildings, and Water Efficiency; and
- Policy CI1: Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

- The Sub-Division and Redevelopment of Residential Curtilages;
- Transport and Accessibility;
- Flooding, Drainage and Water Quality; and
- Resources for New Development

EVALUATION

Principle of Development

The site is within a predominantly residential area, zoned as such in the Aberdeen Local Development Plan - Policy H1 (Residential Areas). H1 allows for residential development, provided the proposal: does not constitute over development of the plot; does not have an unacceptable impact on the character and appearance of the surrounding area; would not result in the loss of valued or valuable areas of open space; and complies with any relevant Supplementary Guidance (SG), in this instance the Sub-Division and Redevelopment of Residential Curtilages. Whether the proposal complies with the aforementioned policy and SG will be discussed in the below evaluation.

Siting and Design

The proposed building would be orientated to face onto Bedford Place, with the basement element occupying the majority of the depth of the plot (tying in with the depth of the adjacent property, which also has a deep rear garden). However, the first and second floors would only be roughly half this depth, except for the proposed stairwell. This arrangement would provide a rather peculiar massing and form in the context of the surrounding area; where “half” a building would be visible from Bedford Road, at its junction with Bedford Place; a feature not found in the surrounding area and providing a structure of little positive architectural merit when viewed side on. The proposed rear elevation would also provide a relatively blank aspect, that is of little architectural merit and which would provide a poor architectural aspect when viewed from the garden areas of the properties on Bedford Road. The lack of windows also ensure large, 3 storey high blank elevations which are not considered to be appropriate, and which are not a common feature in the surrounding area. The lack of a roof (it appears that only a small element of the roof would be visible from the rear elevation) is also not considered appropriate for the site’s context. As a result, it is not considered that the development has not been designed with due consideration for its context, and would therefore fail to comply with Policy D1. It is, however, noted that the proposed northern elevation would replicate the overall general design of the streetscape, with windows which line through to the adjoining building, and utilising a granite finish.

The proposed private garden is positioned to the side of the blocks ‘half gable’, measuring 13m x 10.9m and extending to approx. 144 sqm; an arrangement not found in the surrounding area. This area is also proposed to be used by the existing tenemental flats within the upper floors of 44/46 Bedford Road.

Garden Ground

The proposal would result in approximately 43% of the plot being developed (taking the red line boundary and excluding the existing tenemental building). The proposed amenity space arrangement is not common in the surrounding area, with garden ground to be located to the side

of a building almost up to the rear site boundary (the ground floor rear elevation would be located approximately 1.4m from the rear boundary). The red line boundary indicates that all of the garden ground would be associated with the new residential development, leading to no rear garden ground for the existing tenemental flats. The proposal would therefore fail to comply with Supplementary Guidance: The Sub-Division and Redevelopment of Residential Curtilages, which advises that new residential development should not borrow amenity from, or prejudice the development of adjacent land. This guidance also states that properties of two storeys or more should have rear gardens extending to 11m, this would not be provided. The level of garden ground associated with the proposed development is therefore not considered to be appropriate, and this element of the proposal would fail to comply with Policy H1 and its associated Supplementary Guidance.

As discussed in the “siting and design” section above, it is also considered that the design of the proposed gable and roof, which would be highly visible from Bedford Place, would not respect the character or the appearance of the surrounding residential area.

Relationship with pattern of development and Amenity

The established pattern of development in the surrounding area is that of buildings positioned close to the pavement's edge, with large 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 partially obscured by the presence of the proposed building. Issues with regards to the level of amenity space have been discussed above.

Privacy

It is also noted that the proposed development would have slightly less of an impact on privacy than the previously refused proposal, given that no habitable windows on the upper floors would overlook the garden ground of properties to the rear (the only windows would serve the hallway and stairwell), it is however noted that the windows on the side elevation would be located approximately 15m from the rear elevation of the properties at 44/46 Bedford Road. The SG states that garden ground “*must not be directly overlooked by windows of habitable rooms of adjoining residential properties*”. That is what would occur from the windows in the existing tenement. The window-to-window distance of approximately 19m with the properties on the opposite side of Bedford Place, which is considered to be acceptable.

Parking/ Transportation

It is noted that the site is located within a Controlled Parking Zone (Zone RR – which operates between 10am and 4pm Monday- Friday). SG also states that “*car parking provision should be in line with Council Standards*”. New developments must be accessible by a range of transportation modes, with an emphasis on active and sustainable travel, and the internal layout of development must prioritise walking, cycling and public transport penetration. The proposal has been subject to consultation with colleagues in Roads Development Management (RDM), who have noted that there are good walking and cycling links locally, and there are bus stops in both directions within 100m.

In order to comply with parking standards (as provided within the Transport and Accessibility Supplementary Guidance) the proposal would normally require 6 off-street parking spaces; however, the proposal is being progressed as a development that does not provide any parking within the curtilage of the site. RDM note that each property would be entitled to 2 on-street parking permits, which would add to the existing parking pressures within the area. Council records indicate that 93 permits have been issued in Zone RR, 7 of which have been issued to properties on Bedford Place, indicating that there may be some capacity for further permits in the area. However, in order to mitigate against the lack of parking spaces within the site, measures would be required by way of cycle parking (which has been adequately provided by way of 4 secure cycle spaces). In addition, to support developments such as this, vehicular contributions

towards “Car Club” should be sought in order to promote existing provision, or the introduction of additional provision in the area. The nearest existing cars are located on Orchard Place/ Street, approximately 700m from the application site boundary and at the Kittybrewster Depot approximately 480m. The applicant would be required to discuss this matter further with colleagues in Transport Strategy (usually provided at £400 per flat – although this could be more if an additional car is to be provided). To date no indication of provision of these facilities have been provided, and this matter would need to be resolved were consent to be granted. Subsequently, there is currently a conflict with Policy T2: Managing the Transport Impact of New Development and the associated SG: Transport and Accessibility.

Cycle parking for 4 bicycles has been identified in accordance with the associated Transport and Accessibility Supplementary Guidance. These would be secure, covered and lockable and provided to the rear of the building. The proposal is also located within close proximity to bus routes and is within walking distance of the city centre. As a result, the proposal would comply with Policy T3: Sustainable and Active Travel.

Waste Management Requirements for New Development

All new development should have sufficient space for the storage of general waste, recyclable materials and compostable waste where appropriate. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Refuse facilities have been shown to the rear of the building and would be located approximately 10m from the side entrance to the building. The proposal has been assessed as appropriate by colleagues in Waste Management and as a result the proposal is considered to comply with Policy R6: Waste Management Requirements for New Development and its associated SG.

Low/ Zero Carbon Developments

All new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. Whilst no details have been submitted in this regard, this matter could be controlled via an appropriately worded planning condition to ensure compliance with Policy R7: Low and Zero Carbon Buildings and the associated Supplementary Guidance: Resources for New Development.

Digital Infrastructure

All new residential development will be expected to have access to modern, up-to-date high-speed communications infrastructure. The proposal is located within a primarily residential area, which currently has access to said infrastructure. The proposal would therefore comply with Policy C11: Digital Infrastructure.

Matters Raised in Letters of Representation

The matters raised in relation to impact on residential amenity of properties in the surrounding area has been discussed earlier in this report. As insufficient amenity space would be provided within the sites curtilage (for both properties) it is considered that the proposal would result in over development of the plot. No significant road safety concerns have been raised by colleagues in RDM, and it is considered that there would be sufficient parking facilities in the surrounding area to accommodate the development in addition to contributions to car club (although it is noted that this issue has not yet been adequately resolved).

Conclusion

Whilst residential use is consistent with the character of the area, the detailed characteristics of this proposal are not acceptable, such that: it would have an unacceptable impact on the character and amenity of the surrounding area and of future residents, contrary to the provisions of Policy H1 (Residential Areas) of the ALDP. It is also considered that the proposal would not be consistent

with the established pattern of development in the wider area, due to the unique gable/roof design and projecting rear element, providing the appearance of “half” a building.

The proposal would also be viewed prominently from adjacent rear gardens, having an adverse impact on these spaces, appearing as a dominant and poorly integrated with the prevailing design character. The proposal would also result in all garden ground being removed from the adjacent tenement flats (according to the site plan) and the proposal would fail to provide sufficient amenity space in order to comply with associated Supplementary Guidance relating to curtilage splits.

Taking the above into account, whilst there are some positives to the scheme, with regards to the design of the principal elevation, the proposal is considered to fail to comply with Policy D1 (Quality Placemaking by Design) and the associated Supplementary Guidance: Sub-Division and Redevelopment of Residential Curtilages as well as with Policy T2: Managing the Transport Impact of Development and its associated Supplementary Guidance: Transport and Accessibility of the Aberdeen Local Development Plan.

In this instance there are no material planning considerations that would warrant approval of planning permission. The proposal is therefore recommended for refusal of the reasons below.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The development has not been designed with due consideration for its context, with a gable/roof design that does not complement the character and appearance of the surrounding area, particularly when viewed from the side and rear elevations, and a development built close to the rear boundary of the site, a feature which is not commonplace in the surrounding area. The proposal would also provide inadequate, poor quality, poorly sited and overlooked amenity space for proposed residents and would have an adverse impact on the amenity afforded to properties in the surrounding area. As a result the proposal fails to accord with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan and its associated Supplementary Guidance: The Sub-Division and Redevelopment of Residential Curtilages. There are no material planning considerations that would warrant approval of consent in this instance.
2. No confirmation of acceptance has been submitted with regards to the provision of car-club membership for the proposed development. The proposal currently fails to comply with Policy T2: Managing the Transport Impact of Development and its associated Supplementary Guidance: Transport and Accessibility of the Aberdeen Local Development Plan.