

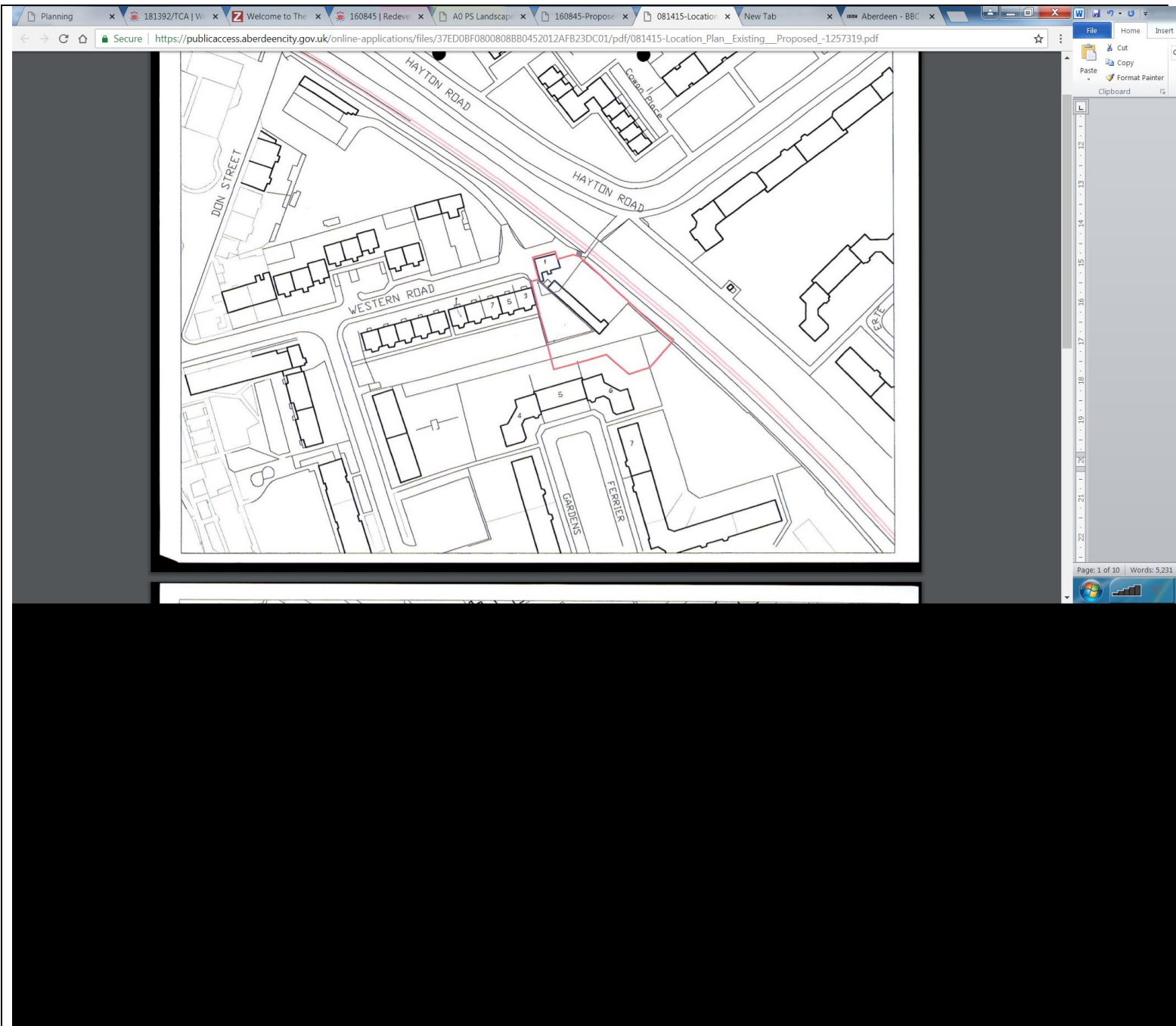


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 16 August 2018

Site Address:	1 Western Road, Woodside, Aberdeen,
Application Description:	Demolition of existing house & outbuildings and erection of 22 affordable 2 bed flats & associated car parking
Application Reference:	081415
Application Type	Detailed Planning Permission
Application Date:	26 June 2008
Applicant:	Caversham Management Ltd
Ward:	Hilton/Woodside/Stockethill
Community Council	Woodside
Case Officer:	Robert Forbes



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RECOMMENDATION

Refuse

Background and previous consideration by the Planning Committee in 2008

The application was previously initially considered by the Planning Committee on the 28th August 2008 when it was remitted to the Planning (Visiting) Sub-Committee to visit the site and consider the application. Subsequent the site visit took place on the 4th September 2008. It was ultimately considered at the Planning Committee meeting on 18th September 2008. The recommendation was to refuse planning permission. However, the Committee, on the understanding that the flats proposed would be affordable housing resolved to express a willingness to approve subject to a legal agreement which would ensure that the flats would represent affordable housing and to apply appropriate planning conditions to be determined by the Head of Planning and Infrastructure. The application was also referred to the Scottish Ministers in 2008 due to the Council's interests as

landowner and due to receipt of objection by SEPA. They declined to intervene in the application processing. The legal agreement with the applicant has never been concluded and a separate legal agreement with the Council, as landowner of parts of the application site, also remains to be concluded. That agreement required the transfer of Council owned land in the southern section of the site and upgrade works to the underpass linking Western Road to Hayton Road. The legal agreement has not been concluded, with sporadic periods of discussion between the applicant and Council officers.

Whilst the applicants wish to have this agreement concluded, little progress has been over the last 10 years. Due to this lack of progress and notwithstanding the previous resolution of the committee in 2008 to express a willingness to approve the application, it is considered appropriate and necessary for the Council to now make a further determination and a final decision on the application. Due to the passage of the extensive period of time since this application was considered previously by committee and that a new local development plan was adopted in January 2017, it is necessary for the planning authority to undertake an new assessment of the proposal against the relevant policies of 2017 local development plan and to make a fresh determination based on that assessment.

DESCRIPTION

This site is located within the Ferrier-Sandilands area of Woodside and forms part of an area dominated by social housing provision. The site is partly vacant / derelict, with a 1½ storey dwellinghouse and corrugated iron clad outbuildings having been demolished. Only the boundary walls of this part of the site, which was formerly used as a yard, remain. The site also includes an adjacent Council-owned surface car parking area (to the south-west of the former buildings), an area of open space (to the south of the derelict site) and part of the communal rear garden ground associated with the adjacent Council-owned tenement properties on Ferrier Gardens (occupying the southern part of the site). The site fronts onto and is accessed from Western Road. The car parking area within the site appears to have been developed for the use of adjacent residential property and appears to be largely unused. The open space within the site is maintained as grassland and accessed via Ferrier Gardens / Ferrier Crescent.

The surrounding area is predominantly residential in nature and includes a mixture of housing and flatted properties. Immediately to the west of the site are single storey terraced houses with associated garden ground and communal open space. These houses front onto the street and have no car parking within their curtilage. To the south of the site are 3 storey tenement flats with associated communal garden ground and adjacent amenity open space. These flats face onto Ferrier Gardens and have no off street car parking provision. There are access gates located at the southern boundary of the car park providing pedestrian access between the tenements and open space located on Ferrier Gardens and the car park on Western Road. The tenements have pitched roofs clad with natural slate and harled walls. The main Aberdeen – Inverness railway is located to the immediate east of the application site. Its boundary with the site is formed by a wall and fencing. Immediately to the north of the site is an underpass, which provides a pedestrian route across the railway line via a flight of steps. Beyond the railway line, on Hayton Road are residential properties ranging from 2 to 4 storeys in height.

PROPOSAL

The application proposes the erection of twenty-two flats with associated car parking, cycle parking and incidental landscaping. Three linked blocks are proposed ranging from 3 to 4 storeys in height and positioned parallel to the railway. All flats would have two bedrooms, a bathroom and living room/ kitchen area. All of the bedrooms would face north-east onto the railway line, with the living areas facing south-west over the car park/ cycle / adjacent gardens / adjacent flats.

The building would have a maximum overall height of approximately 12m (comprising the four-storey element), with a three storey central build with a maximum height of 10m. The build would

be 42m in length and 13m in depth and would include a mono-pitched roof that would slope from west to east. No details of materials have been provided.

Eighteen car parking spaces would be located in the western section of the site along with three motorcycle spaces, twenty-two long stay cycle racks and two Sheffield cycle stands. Bin storage facilities would be located in the northern section of the site; adjacent to the site access. Various incidental areas of landscaping would be located throughout the site.

Upgrade to the southern approach to the adjacent underpass which allows access under the railway line between Tillydrone and Woodside is also proposed as part of the application. A ramped area and new steps (partly on the site of the former house located within the northern section of the site) would be provided. Part of the land required to construct this work lies outwith the application site, adjacent to the railway line boundary.

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?ref=081415>

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

Ground investigation Report; Drainage information; Underpass Access Work Statement

REASON FOR REFERRAL TO COMMITTEE

As noted in the Background section above, the application has been referred to the Planning Development Management Committee as the application has previously been subject to a willingness to approve, in September 2008, by members of the Planning Committee, subject to conditions and a section 75 legal agreement to ensure that the flats to be provided represent affordable housing for the City of Aberdeen. That agreement has never been concluded and a separate legal agreement with the Council as landowner of parts of the application site also remains to be concluded. Whilst the applicant still wishes to have these agreements progressed, it is considered appropriate and necessary for the Council to now make a further determination and a final decision on the application.

At the time of consideration at Committee in 2008, the applicant had advised that Tenant First Housing Co-operative had expressed interest in acquiring / managing the development. More recently the applicant's agent has advised that it is intended that the site would potentially be developed without any RSL involvement. It is considered that this is a significant change in material circumstances.

CONSULTATIONS

Roads Development Management – Advise that the pedestrian access and vehicular access are acceptable, and would be subject to a further proposal for Roads Construction Consent. Request that evidence be submitted that the entire development would be owned/operated by a Registered Social Landlord (RSL) which would allow the reduced car parking standard of 0.8 spaces per unit to be applied. This has not been submitted. As such they have requested that, should planning permission be approved, it would relate to an RSL only, with any other type of housing requiring alternative parking provision. On the basis of the above they have no objection to the application.

Environmental Health – No observations.

Developer Contributions Team – Advised in 2015 that contributions are required towards secondary education, community and recreation and the core path network. A total of £33,998 is sought (£13,200 for secondary education at St Machar Academy; £14,269 for community and recreation and £6,529 for core paths), which could be provided via a S75 legal agreement. The figures are currently being reviewed due to updated school role forecasts and possible requirement for healthcare contribution and thus the total quoted may be revised before the committee considers this application.

Communities, Housing and Infrastructure (Flooding) – No observations

Network Rail – No objection in principle, subject to compliance with their technical requirements (e.g. details of changes in ground levels / foundations / demolition in proximity to the rail line).

Aberdeen International Airport (AIA) – No objection, but request a condition relating to the submission of a Bird Hazard Management Plan (BHMP) and an informative relating to the use of cranes on site during construction works.

National Air Traffic Services (NATS) – No objection.

Scottish Environmental Protection Agency (SEPA) – No updated comments to make on the application. SEPA previously objected to the application in 2008 on the basis of lack of information regarding surface drainage.

Community Council – No active community council

REPRESENTATIONS

One letter of support was been received in 2008. This was submitted by Tenants First Housing Co-operative in August 2008 and advised of their interest in considering options of quality affordable housing as part of their strategic development throughout Aberdeen City. They also noted the wider regeneration and environmental benefits of securing a safer and more attractive pedestrian link between Woodside and Tillydrone through development of the site.

PLANNING POLICY

Scottish Planning Policy (SPP) expresses a presumption in favour of development which contributes to sustainable development. In relation to new housing, planning authorities are required to maintain a 5 year effective land supply. A site is only considered effective where it can be demonstrated that within five years it will be free of constraints and can be developed for housing.

Aberdeen City Local Development Plan 2017 (LDP)

OP68 – Western Road: states that there is capacity for approximately 22 residential units and that development on site is constrained by marketability.

Policy I1: Infrastructure Delivery and Developer Contributions

Advises that development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community 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 infrastructure or facilities.

Policy T2: Managing the Transport Impact of Development

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

Policy T3: Sustainable and Active Travel

New development must be accessible by a range of transport modes. Existing access rights (including paths) will be protected.

Policy D1: Quality Placemaking by Design

All development must ensure high standards of design and have a strong sense of place.

Policy D2: Landscape

Development will have a strong landscape framework which enhances the setting of the development.

Policy H1: Residential Areas

Within existing residential areas and within new residential developments, proposals for new residential development will be approved in principle if it does not constitute over development, does not have an unacceptable impact on the character or amenity of the surrounding area, does not result in the loss of valuable and valued areas of open space and complies with the Supplementary Guidance in relation to The Redevelopment and Subdivision of Residential Curtilages.

Policy H5: Affordable Housing

Developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing.

Policy NE1: Green Space Network

The City Council will protect, promote and enhance the wildlife, recreational, landscape and access of the Green Space Network.

Policy NE6: Flooding, Drainage and Water Quality

Drainage Impact Assessments will be required for new development of 5 or more homes. This should detail how surface and waste water will be managed

Policy R6: Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual, recyclable and composite wastes. Flatted developments will require communal facilities that allow for separate storage and collection of these materials. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Policy R7: Low and Zero Carbon Buildings, and Water Efficiency

All new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. Compliance with this requirement will be demonstrated by the submission of a low carbon development statement.

Supplementary Guidance (SG):

- Affordable Housing;
- Infrastructure and Developers Contribution Manual;
- Low and Zero Carbon Buildings; and
- Waste Management
 - Redevelopment and Subdivision of Residential Curtilages

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.

Notwithstanding the previous resolution of the committee in 2008 to express a willingness to approve the application, due to the extensive passage of time since that consideration of the application (almost 10 years) and the adoption of the new local development plan in 2017, it is considered appropriate and necessary for the Council to now make a further determination against the relevant policies in the 2017 plan and to make a fresh determination based on that assessment.

Principle of Development

The application site is located within a residential area, as identified in the Aberdeen Local Development Plan (LDP). Part of the site is also allocated for up to twenty-two residential units (OP68 – Western Road). Policy H1 of the LDP advises that new residential developments will be approved in principle provided: it does not constitute overdevelopment; does not have an unacceptable impact on the character or amenity of the surrounding area; does not result in the loss of valuable or valued areas of open space, and complies with the associated supplementary guidance.

Whilst the main part of the site is specifically allocated for housing development within the LDP the proposed flatted block would take up a significant amount of the site, with the site also being dominated by car parking, cycle parking and motorcycle parking. The proposal would also result in the loss of an area of open space and garden ground in the southern section of the site. Taking into account the character of the surrounding area and in particular, the relationship and ratio of buildings to open space/garden ground, it can therefore reasonably be considered that the proposal would constitute over development of the site. It would also result in the loss of a valued area of open space and garden ground to the south of the site, which, although within the application site, falls outwith the OP68 site boundary. The proposal, whilst for a site allocated for up to 22 houses in the LDP is therefore contrary to Policy H1 (Residential Areas) of the LDP.

Architecture, Design and Placemaking

The surrounding area is characterised by a variety of property types and styles ranging from single storey to 4 storey with no consistent height or particular pattern of development. The proposed development, at 4 storeys is higher than those in the immediate vicinity and would therefore appear larger and slightly out of character with the immediately surrounding context. However, this height is considered to be acceptable given that there is no consistent building height/settlement plan and given that there is such a variety of building heights in the wider area. However, the massing of the development, such that the main part of the development lacks a street frontage and overlooks / borrows amenity from existing residential property is a significant concern and results in conflict with SG regarding redevelopment of residential curtilages. The proposal therefore conflicts with policy H1. The detailed impact of the proposal on surrounding residential properties is addressed below.

No details in terms of proposed materials have been provided, however these could be controlled via an adequate planning condition. It is envisaged that any materials would respect the character and appearance of the surrounding area.

The submitted site plan shows various minor areas of landscaping, planting and shrubbery within the application site which are of limited extent and functional value. The landscape design is therefore considered to be unacceptable in terms of policy D2. The landscaping would be provided in various pockets throughout the site and would provide very little in terms of amenity for occupants. In order to provide an acceptable standard of design and adequate amenity for occupants, a significantly higher proportion of landscaping would be required, particularly given the loss of existing open space resulting from the development. This could essentially be realised

by reducing the number of flats / footprint of the development and car parking spaces on the site, and avoiding encroachment onto the area of open space and garden ground in the southern section of the site.

Overall, the proposed planting and green space layout is considered insufficient and would not contribute to an acceptable level of amenity space associated with the proposed residential development. It is therefore considered that the proposal has not been designed with due consideration for its context, and would not make a positive contribution to its setting, and therefore conflicts with the general principles of Policy D1 (Architecture and Placemaking) of the LDP. The proposal is therefore considered to conflict with policies D1, D2 and H1 as it results in overdevelopment of the site, particularly given the loss of existing open space and garden ground resulting from the development.

Residential Amenity

It is important to ensure that an appropriate level of amenity is provided within each development and that the level of residential amenity enjoyed by existing residents is not compromised by such development. In addition privacy is something which should be incorporated into proposals. The proposed development does raise concern on a number of points. The proposal does not have a public face to the street, given that it would be located off the end of Western Road and would overlook both a car park and a railway line. It would have the appearance of being shoe-horned into a rather constrained site. Due to the siting and orientation of the building, with bedrooms overlooking the railway and living areas overlooking the car park, the level of amenity enjoyed by prospective residents would be limited. In addition, not all residents would have access to sitting out areas, and the areas of landscaping provided are not particularly useable / extensive. The main external space would be dominated by hard surfacing and car parking. The area along the western boundary would provide a slither of open space, with other area of landscaping incorporating shrubbery and tree planting.

Daylighting and shadowing calculations have been undertaken demonstrating there would be no unacceptable impact on the residential properties located in the surrounding area. The rear gardens of some existing properties in Western Road would be overlooked by the proposed flats, but at a distance in excess of 18m away and at an oblique angle. However, the proposed block at the southern end of the site would directly face onto part of the rear elevation of the existing tenement at Ferrier Gardens. Notwithstanding that a window to window separation distance of about 18m at its closest point and the lack of any objection from residents, it is considered that this would result in a degree of adverse impact in terms of overlooking and loss of privacy for existing residents of 6 Ferrier Gardens who currently enjoy an open outlook to the north. In addition the proposal would result in the direct loss of existing communal garden ground associated with these flats, by its incorporation within the development site. It can therefore be concluded that the development would detract from the amenity of existing residential properties and would conflict with local plan policy H1.

Roads and Access

The proposed access arrangements and parking provision has been arrived at following consultation with colleagues in the Roads Development Management Team, who have advised of their general satisfaction with the scheme, subject to the insertion of a number of conditions, and subject to a Legal Agreement restricting the occupancy of the premises to a Registered Social Landlord (RSL). Notwithstanding the legal obligation which has been drafted, there remains no certainty that the site would be delivered by an RSL. The proposal would include 18 car parking spaces and three motorcycle parking spaces for the proposed 22 flats. This would accord with current Council standards that require 0.8 spaces per flatted property for RSL housing, but would not accord with the minimum standard for mainstream housing. The proposal would include 22 cycle parking spaces and 2 short stay spaces, which meets the standards required within the Transport and Accessibility Supplementary Guidance. Given the proximity of nearby bus routes

and availability of suitable pedestrian and cycle access to the site, the proposal accords with the general principles of either Policy T2 (Managing the Transport Impact of Development) and T3 of the LDP.

The application also proposes upgrading works to the southern approach to the pedestrian underpass which is located to the immediate north of the proposed flatted blocks. This would involve the installation of an access ramp and stairs, partly outwith the application site. This upgrade work is not required as a result of the development and therefore should not be required to be implemented by condition, as it is not necessary to make the development acceptable in planning terms. This work was also proposed when the application was previously presented to Councillors in 2008. Given that part of the land required to implement these works lies outwith the application site and is not under the control of either the applicant or the Council, there is significant uncertainty if the work can be delivered. Whilst the provision of a developer contribution towards implementation of such work by the Council could be sought, the Council has no proposals / project to implement such improvement work as the underpass is owned by Network Rail and such work has not been costed. Further, Roads officers have not indicated that improvement works to the underpass are necessary. Notwithstanding the benefit there may be to the local community of improvements to the approach to the underpass, limited weight can be afforded to the delivery of such work as justification for the wider development.

Developer Contributions and Affordable Housing

The proposed development has been subject to assessment by Aberdeenshire Council's Developer Obligations Team, with contributions payable as noted in the consultation section of this report. The applicants are aware of this requirement, and have intimated their agreement to make the required payments subject to the conclusion of a S75 legal obligation. It should be noted that the Committee resolution in 2008 did not specify any requirement for payment of developer obligations and so this matter is not addressed by the existing draft s.75. Subject to provision of such contributions, the proposal could be considered to accord with Policy I1 (Infrastructure Delivery and Developer Contributions) of the LDP and its associated Infrastructure and Developer Contributions Manual.

The Developer Obligations Team advised in 2015 that contributions are required towards secondary education, community and recreation and the core path network. A total of £33,998 is sought (£13,200 for secondary education at St Machar Academy; £14,269 for community and recreation and £6,529 for core paths), which could be provided via a S75 legal agreement. The figures are currently being reviewed due to updated school role forecasts and possible requirement for healthcare contribution and thus the total quoted may be revised before the committee considers this application.

In terms of affordable housing it is noted that all 22 units would potentially be affordable. The provision of affordable units on site would accord with the general principles of Policy H5 (Affordable Housing) of the ALDP. However, it should be noted that the legal obligation as drafted does not guarantee that the housing would be delivered or managed by a RSL. As the site lies within an area dominated by social housing provision, the provision of other forms of tenure, including private housing would be acceptable in principle given the wider objective of encouraging mixed communities.

Low and Zero Carbon Buildings / Water Efficiency

The application does not include any details to demonstrate how Low and Zero Carbon Generating Technologies / Water Efficiency will be incorporated into the flatted properties, or alternatively how the buildings could achieve deemed compliance with the Council's published 'Low and Zero Carbon Buildings' Supplementary Guidance. It would be necessary to attach an appropriate condition to secure such information should planning permission be approved and to

ensure compliance with Policy R7 (Low and Zero Carbon Buildings and Water Efficiency) of the LDP and associated Supplementary Guidance.

Waste Management

The applicant has provided details for the storage of waste. This is proposed to be located close to the main access to the site on Western Road. The location / capacity of this is considered to be acceptable and has been agreed with colleagues in Waste Management section. Subsequently the proposal accords with Policy R6 (Waste Management Requirements for New Development) and its associated Supplementary Guidance – Waste Management.

Flooding

The Council's Flooding Team have no observations on the proposal. Preliminary drainage calculations were submitted with the application in 2008 but this was found by SEPA to contain inadequate information regarding surface water impact and does not appear to take account of the impact of the proposed car park within the site. No drainage impact assessment has been provided as required by policy NE6 and the SEPA flood map indicates land at that the northern extremity of the site and adjacent land (i.e. the railway underpass) as being at risk of flooding. Although a surface water soakaway is proposed within the site, this appears to conflict with the current design which shows that a car park would be developed in this area. There is no evidence of consideration of use of other more sustainable forms of SUDS and the proposal result in an increase in hard surfacing / reduction in greenspace compared to the existing situation. In the absence of provision of a DIA it cannot be concluded that the proposed development is acceptable in terms of Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP and related guidance. There remains a risk that approval of the development would exacerbate an existing flood risk at the railway underpass. Connections would be required into local networks for foul drainage and separate permissions would be required (such as from Scottish Water).

Contaminated Land

The applicants have submitted a Contaminated Land Assessment due to previous concerns highlighted on the site. The proposal has been assessed by the relevant Council officer, who agrees with the conclusions and recommendations of the submitted report. Remedial works would be implemented during the construction of the development. A condition would be required in relation to the submission of a verification report, to be submitted to, and approved in writing by the Planning Authority. Subject to the above findings and appropriate condition, the proposal accords with the principles of Policy R2 (Degraded and Contaminated Land) of the LDP.

SPP Compliance

For the reasons set out above (i.e. overdevelopment / loss of open space / garden ground / inadequate information) the development is not considered to contribute to sustainable development. As the site is identified as being constrained, approval of the development would not contribute to the 5 years housing land supply. In any event it is considered that sufficient land has been identified / approved for housing development elsewhere within the Aberdeen market area so that there is no shortfall in the 5 year land supply. No clarity has been provided by the applicant regarding the type of affordable housing envisaged and no confirmation has been provided that the site would be developed by an RSL. Therefore limited weight can be given to SPP as a justification for approval of the application contrary to the ALDP.

Conclusion

The proposed development is considered to be unacceptable as it would constitute over development of the site, would result in the loss of a valued area of open space, would detract from existing residential amenity, would result in insufficient amenity space being afforded to prospective occupants and would potentially exacerbate an existing flood risk.

Determination Delay

The issuing of the decision notice, in accordance with the original committee resolution in 2008 has not occurred. This is due to the need to secure legal agreements with the Council, both as landowner and as planning authority. Whilst draft legal obligations have been progressed, at the time of writing, both agreements remain to be concluded. Progression of work on conclusion of the s.75 agreement had been deferred due to the need to firstly conclude the separate legal agreement with the Council as owner, as it was originally intended to sell the land within the site owned by the Council to the applicant.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. The proposal fails to accord with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan, in that the proposal would result in adverse impact on existing residential amenity (by reason of loss of existing garden ground / open space and overlooking of existing residential property) and constitutes overdevelopment of the site by reason of the excessive scale (footprint) of the proposed development, the resultant loss of public open space and communal garden ground in the southern section of the site in contravention of policy NE3 (Urban Green Space);
2. The proposal fails to accord with Policy D1 (Quality Placemaking by Design) and D2 (Landscape) of the Aberdeen Local Development Plan, as it would not afford an acceptable level of amenity to occupiers of the premises, would provide insufficient outdoor amenity space / soft landscaping and would see an area to the front of the building dominated by hard surfacing / car parking.
3. Insufficient information has been submitted in order to assess the proposal. In the absence of provision of a Drainage Impact Assessment it cannot be concluded that the proposed development is acceptable in terms of Policy NE6 (Flooding, Drainage and Water Quality) of the Aberdeen Local Development Plan and related guidance. There remains a risk that approval of the development would exacerbate an existing identified surface water flood risk at the railway underpass.