

Public Document Pack



To: Councillor Dean, Convener; Councillor Corall, Vice-Convener; and Councillors Adam, Allan, Boulton, Cormie, Crockett, Jaffrey, MacGregor, Penny and Yuill.

Town House,
ABERDEEN, 11 April 2012

DEVELOPMENT MANAGEMENT SUB COMMITTEE

The Members of the **DEVELOPMENT MANAGEMENT SUB COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 19 APRIL 2012 at 10.00 am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

MINUTES OF PREVIOUS MEETINGS (CIRCULATED HEREWITH)

- 1.1 Minute of Meeting of the Development Management Sub Committee of 22 March 2012 - for approval (Pages 1 - 24)
- 1.2 Minute of Meeting of the Development Management Sub Committee (Visits) of 30 March 2012 - for approval (Pages 25 - 36)

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS (CIRCULATED HEREWITH)

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Former Summerhill Academy, Lang Stracht, Aberdeen - Proposed Class 1 foodstore, car parking, petrol filling station, access, landscaping and associated works (Pages 37 - 94)

Reference Number - 111468

- 2.2 66 Malcolm Road, Peterculter - Demolition of existing house and erection of new 3 bedroom detached dwelling house with integral garage (Pages 95 - 114)
Reference Number - 120172
- 2.3 124 North Deeside Road, Peterculter - Proposed residential development comprising demolition of existing building and erection of 11 no. new build flats and associated car parking (Pages 115 - 132)
Reference Number - 111196
- 2.4 39 Deevie Road South, Aberdeen - Proposed replacement house (Pages 133 - 158)
Reference Number - 111716
- 2.5 Laurel Drive, Danestone, Aberdeen - Erection of 17.5m high monopole and 1 no. equipment cabinet (Pages 159 - 166)
Reference Number - 120109
- 2.6 Aberdeenshire Cricket Club, Morningside Road, Mannofield - New cricket store and 2 no. residential flats (Pages 167 - 190)
Reference Number - 111670
- 2.7 Elmbank Terrace, Aberdeen - Erection of a (Class 7) student accommodation building, consisting of 7 no. individual studio apartments (Pages 191 - 220)
Reference Number - 120059
- 2.8 The Courtyard, Unit 1 North Deeside Road, Aberdeen - Change of use from Class 1 (retail) to pizza delivery / hot food takeaway (sui generis) (Pages 221 - 242)
Reference Number - 111915
- 2.9 Groats Road, Aberdeen - Erection of 6 no. 16m high floodlights to existing rugby football pitch (Pages 243 - 246)
Reference Number - 120131
- 2.10 236 Holburn Street, Aberdeen - Removal of condition 5 from consent 97/2151 to allow unrestricted preparation of hot food on the premises (Pages 247 - 252)
Reference Number - 120100

- 2.11 225 North Deeside Road, Peterculter - Retrospective change of use from class 1 to mixed use classes 1 and 3, including outdoor seating area (Pages 253 - 258)
Reference Number - 120193
- 2.12 40-42 Thistle Street, Aberdeen - Change of use from class 1 (retail) to class 3 (eat-in licensed restaurant) (Pages 259 - 276)
Reference Number - 120314
- 2.13 Links Road, Bridge of Don - Proposed toilet block near to 7th green / 8th tee (Pages 277 - 280)
Reference Number - 120093

OTHER REPORTS

- 3.1 North Garthdee Farm Planning Brief (Pages 281 - 294)
- 3.2 Robert Gordon University City Centre Campus Planning Brief (Pages 295 - 324)
- 3.3 Planning Digest (Pages 325 - 326)

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Martin Allan on 01224 523057 or email mallan@aberdeencity.gov.uk

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DEVELOPMENT MANAGEMENT SUB COMMITTEE

ABERDEEN, 22 March 2012. Minute of Meeting of the DEVELOPMENT MANAGEMENT SUB COMMITTEE. Present:- Councillor Dean, Convener; and Councillors Adam, Allan, Boulton, Cormie, Crockett, Jaffrey, MacGregor, Penny and Yuill.

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2287&Ver=4>

MINUTE OF MEETING OF DEVELOPMENT MANAGEMENT SUB COMMITTEE OF 16 FEBRUARY 2012

1. The Sub Committee had before it the minute of its meeting of 16 February 2012.

The Sub Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS) OF 27 FEBRUARY 2012

2. The Sub Committee had before it the minute of its meeting of 27 February 2012.

The Sub Committee resolved:-

to approve the minute.

WATER WHEEL INN, 203 NORTH DEESIDE ROAD, BIELDSIDE - 111606

3. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee express a willingness to approve the application in respect of planning permission for the erection of fifteen dwellinghouses, and change of use from a hotel and alterations to form five apartments, withholding consent until a legal agreement is secured to deliver planning gain contributions, and subject to the following conditions:-

- (1) That development shall not take place unless there has been submitted and approved in writing by the planning authority, a specialised construction method statement 'Watercourse Protection Plan' containing details of how the watercourse can be accommodated safely within the design plan for the site to avoid damage to the watercourse during earth moving works and how pollution of the watercourse can be prevented. The plan shall be submitted and approved at least two months before works commence on site. Development shall not take place unless the measures have been implemented in full and are fully in place;
- (2) That no development shall take place within the application site until the applicant has secured the

implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority; (3) That no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission and that these shall be of a nature that is in keeping with the green belt location of the site. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety; (4) That no development shall take place unless there has been submitted to and approved in writing by the planning authority details of the layout of hardsurfaces, including access road, on the site. Such details shall include layout and cross sectional drawings to show levels and shall be adequate to support movement of refuse vehicle. The scheme shall be implemented in full accordance with such details, or others subsequently approved; (5) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (6) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid out and demarcated in accordance with the approved plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval; (7) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems (SUDS) has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; (8) That notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouse, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwelling houses hereby approved without a further grant of planning permission from the planning authority; (9) That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery]; (10) That no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175

Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed. No building(s) on the development site shall be occupied unless (i) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and (ii) a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation. The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation; (11) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, including hard landscaping and the path within the southern area of the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (12) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (13) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation; (14) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied; (15) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within five metres of foliage, branches or trunks; (16) That the building(s) hereby approved shall not be brought into use unless details of the zero and

low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details; and (17) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority.

The Sub Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site.

PLOT 1, KINGSWELLS BUSINESS PARK, KINGSWELLS HOME FARM - 111653

4. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve the application in respect of planning permission for the erection of an office building with associated access arrangements, car/cycle parking, servicing and landscaping and drainage proposals, subject to a legal agreement and the following conditions:-

(1) That all planting, seeding, turfing and other associated soft and hard landscape works, as well as the footpaths and cyclepaths all as comprised in approved drawing numbers

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or such other drawings as may subsequently be approved in writing for the purpose by the planning authority, shall be carried out in or before the first planting season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (2) That all tree works on the site shall comply with the Plot 1 Arboricultural Method Statement prepared by Alan Morton Tree Consulting Ltd, a stamped copy of which is appended to this planning permission, or such other amended document that may subsequently be approved in writing for the purpose by the planning authority; (3) That no part of the development shall be occupied unless (i) the new junction on the A944 has been constructed in compliance with approved Fairhurst drawing number 87537/1300 Revision F, or such other drawing as may subsequently be approved in writing for the purpose by the planning authority, and the junction and associated traffic signals and pedestrian/cycle Puffin and Toucan crossings are fully operational; and (ii) the existing access road leading from the A944 into the Kingswells Park

and Ride site has been closed off to vehicular traffic as detailed in approved Fairhurst drawing number 87537/1300 Revision F, or such other drawing as may subsequently be approved in writing for the purpose by the planning authority. The existing access to the Park and Ride site shall not, however, be closed off until the alternative link road leading from the new boulevard to the Park and Ride site has been completed and is fully operational; (4) That the development shall not be occupied unless further detailed drawings showing (a) a minimum of 38 long stay cycle stands; (b) a minimum of two short stay cycle stands located close to the main entrance to the office building; (c) a minimum of 15 motorcycle parking spaces; and (d) suitable showering facilities for cyclists within the office building have been submitted to, and approved in writing by, the planning authority; (5) That the development shall not be occupied unless the proposed SUDS ponds and associated SUDS measures have been constructed and are fully operational; (6) That, unless otherwise agreed in writing by the planning authority, no trees on the site shall be felled, lopped, topped or otherwise interfered with other than those identified for felling and remedial works in the report entitled Tree Survey and Arboricultural Constraints prepared by Alan Morton Tree Consulting Ltd and associated drawing number TS-02 Revision B, stamped copies of which are appended to this planning permission, or such other details or drawings as may subsequently be approved for the purpose in writing by the planning authority; (7) That no development shall take place unless the tree protection measures identified in Alan Morton drawing number TPP-05, a stamped copy of which is appended to this planning permission, or such other drawing as may be subsequently approved in writing for the purpose by the planning authority, have been implemented and are fully operational. The tree protection measures shall remain in position until all construction work on the site has been completed. No trees located in the Park and Ride site shall be felled or otherwise interfered with without the prior written approval of the planning authority; (8) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the approved scheme of tree protection without the prior written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within five metres of foliage, branches or trunks; (9) That no development shall take place unless a scheme for the creation of a link road between the the proposed boulevard and the Kingswells Park and Ride site has been submitted to, and approved in writing by, the planning authority. No part of the development shall be occupied unless the approved link road has been constructed, is fully operational and is available for use; (10) That the development shall not be occupied unless the energy measures assessed as being designed to achieve a "very good" BREEAM rating on page 9 of the BREEAM Offices Assessment undertaken by Wallace Whittle, a stamped copy of which is attached to this planning permission, have been implemented and are fully operational; (11) That the development shall not be occupied unless (i) the bus stops shown on approved Fairhurst drawing number 87537/1300 revision F, or such other drawing as may subsequently be approved in writing for the purpose by the planning authority, have been constructed and are fully operational; and (ii) a scheme for the provision of bus shelters at the bus stops has been submitted to, and approved in writing by, the planning authority and such scheme as may be so approved has been implemented and is fully operational; (12) That the development shall not be occupied unless a

scheme for improvements to the capacity of the existing Kingswells roundabout on the A944 has been submitted to, and approved in writing by, the planning authority and the approved scheme has been implemented and is fully operational; (13) That the development shall not be occupied unless the car parking provision shown on the approved drawings, or such other drawings as may subsequently be approved in writing for the purpose by the planning authority, have been constructed, laid out and demarcated and are available for use; (14) That all external lighting shall comply with the Wallace Whittle External Lighting Strategy dated October 2011, a stamped copy of which is appended to this planning permission, or such other external lighting details as may subsequently be approved in writing for the purpose by the planning authority; (15) That the development shall not be occupied unless the bird hazard management proposals contained in the Rentokil report entitled "Working with Halliday Fraser Munro to Maintain a Safe Working Environment", a stamped copy of which is appended to this planning permission, or such other amended report as may subsequently be approved in writing for the purpose by the planning authority, have been implemented and are full operational; (16) That the existing bus stops located to the east of the Kingswells roundabout shall remain available for public use until the new bus stops and bus shelters proposed to the west of the roundabout have been constructed and are available for public use; (17) That all development on the site shall generally comply with the principles established in the approved "OP40 - Kingswells Development Framework and Phase One Masterplan Report - September 2011"; (18) That no development shall take place unless a Planning Gain financial contribution of £11,167 has been paid to the planning authority, by way of a suitable binding letter of agreement. The contribution will be used towards core path network environmental and access improvements; (19) That no development pursuant to this planning application shall take place unless there has been submitted to and approved in writing by the planning authority a Dewatering Method Statement carried out in consultation with SEPA. Development shall not take place unless the method statement has been implemented in full; (20) That no development pursuant to this planning application shall take place unless there has been submitted to and approved in writing by the planning authority a location specific Environmental Management Plan for the Kingswells Business Park. The plan shall be submitted and approved at least two months before works commence on site, unless otherwise agreed in writing with the planning authority; and (21) That no development pursuant to this planning application shall take place unless there has been submitted to and approved in writing by the planning authority a detailed plan for the formation and management of the ponds and wetland areas to be formed within Plot 1 to be carried out in consultation with SEPA. All work on each development site shall be carried out in accordance with the approved plan.

The Sub Committee resolved:-
to approve the recommendation.

PLOT 2, KINGSWELLS BUSINESS PARK, KINGSWELLS HOME FARM - 111652

5. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve the application in respect of planning permission for the erection of an office building with associated access arrangements, car/cycle parking, servicing and landscaping and drainage proposals, subject to a legal agreement and the following conditions:-

(1) That all planting, seeding, turfing and other associated soft and hard landscape works, as well as the footpaths and cyclepaths all as comprised in approved drawing numbers

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or such other drawings as may subsequently be approved in writing for the purpose by the planning authority, shall be carried out in or before the first planting season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (2) That all tree works on the site shall comply with the Plot 1 Arboricultural Method Statement prepared by Alan Morton Tree Consulting Ltd, a stamped copy of which is appended to this planning permission, or such other amended document that may subsequently be approved in writing for the purpose by the planning authority; (3) That no part of the development shall be occupied unless (i) the new junction on the A944 has been constructed in compliance with approved Fairhurst drawing number 87537/1300 Revision F, or such other drawing as may subsequently be approved in writing for the purpose by the planning authority, and the junction and associated traffic signals and pedestrian/cycle Puffin and Toucan crossings are fully operational; and (ii) the existing access road leading from the A944 into the Kingswells Park and Ride site has been closed off to vehicular traffic as detailed in approved Fairhurst drawing number 87537/1300 Revision F, or such other drawing as may subsequently be approved in writing for the purpose by the planning authority. The existing access to the Park and Ride site shall not, however, be closed off until the alternative link road leading from the new boulevard to the Park and Ride site has been completed and is fully operational; (4) That the development shall not be occupied unless further detailed drawings showing (a) a minimum of 38 long stay cycle stands; (b) a minimum of two short stay cycle stands located close to the main entrance to the office building; (c) a minimum of 15 motorcycle parking spaces; and (d) suitable showering facilities for cyclists within the office building have been submitted to, and approved in writing by, the planning authority; (5) That the development shall not be occupied unless the proposed SUDS ponds and associated SUDS measures have been constructed and are fully operational; (6) That, unless otherwise agreed in writing by the planning authority, no trees on the site shall be felled, lopped, topped or otherwise interfered with other than those identified for felling and remedial works in the report entitled Tree Survey and Arboricultural Constraints prepared by Alan Morton Tree Consulting Ltd and associated drawing number TS-02 Revision

B, stamped copies of which are appended to this planning permission, or such other details or drawings as may subsequently be approved for the purpose in writing by the planning authority; (7) That no development shall take place unless the tree protection measures identified in Alan Morton drawing number TPP-05, a stamped copy of which is appended to this planning permission, or such other drawing as may be subsequently approved in writing for the purpose by the planning authority, have been implemented and are fully operational. The tree protection measures shall remain in position until all construction work on the site has been completed. No trees located in the Park and Ride site shall be felled or otherwise interfered with without the prior written approval of the planning authority; (8) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the approved scheme of tree protection without the prior written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within five metres of foliage, branches or trunks; (9) That no development shall take place unless a scheme for the creation of a link road between the proposed boulevard and the Kingswells Park and Ride site has been submitted to, and approved in writing by, the planning authority. No part of the development shall be occupied unless the approved link road has been constructed, is fully operational and is available for use; (10) That the development shall not be occupied unless the energy measures assessed as being designed to achieve a "very good" BREEAM rating on page 9 of the BREEAM Offices Assessment undertaken by Wallace Whittle, a stamped copy of which is attached to this planning permission, have been implemented and are fully operational; (11) That the development shall not be occupied unless (i) the bus stops shown on approved Fairhurst drawing number 87537/1300 revision F, or such other drawing as may subsequently be approved in writing for the purpose by the planning authority, have been constructed and are fully operational; and (ii) a scheme for the provision of bus shelters at the bus stops has been submitted to, and approved in writing by, the planning authority and such scheme as may be so approved has been implemented and is fully operational; (12) That the development shall not be occupied unless a scheme for improvements to the capacity of the existing Kingswells roundabout on the A944 has been submitted to, and approved in writing by, the planning authority and the approved scheme has been implemented and is fully operational; (13) That the development shall not be occupied unless the car parking provision shown on the approved drawings, or such other drawings as may subsequently be approved in writing for the purpose by the planning authority, have been constructed, laid out and demarcated and are available for use; (14) That all external lighting shall comply with the Wallace Whittle External Lighting Strategy dated October 2011, a stamped copy of which is appended to this planning permission, or such other external lighting details as may subsequently be approved in writing for the purpose by the planning authority; (15) That the development shall not be occupied unless the bird hazard management proposals contained in the Rentokil report entitled "Working with Halliday Fraser Munro to Maintain a Safe Working Environment", a stamped copy of which is appended to this planning permission, or such other amended report as may subsequently be approved in writing for the purpose by the planning authority, have been implemented and are full operational; (16) That the existing bus stops located to the east of the Kingswells roundabout shall remain available for

public use until the new bus stops and bus shelters proposed to the west of the roundabout have been constructed and are available for public use; (17) That all development on the site shall generally comply with the principles established in the approved "OP40 - Kingswells Development Framework and Phase One Masterplan Report - September 2011"; (18) That no development shall take place unless a Planning Gain financial contribution of £12,365 has been paid to the planning authority, by way of a suitable binding letter of agreement. The contribution will be used towards core path network environmental and access improvements; (19) That no development pursuant to this planning application shall take place unless there has been submitted to and approved in writing by the planning authority a location specific Environmental Management Plan for the Kingswells Business Park. The plan shall be submitted and approved at least two months before works commence on site, unless otherwise agreed in writing with the planning authority; and (20) That no development pursuant to this planning application shall take place unless there has been submitted to and approved in writing by the planning authority a detailed plan for the formation and management of the ponds and wetland areas to be formed within Plot 1 to be carried out in consultation with SEPA. All work on each development site shall be carried out in accordance with the approved plan.

The Sub Committee resolved:-
to approve the recommendation.

LAND TO EAST OF PLOT 2, KINGSWELLS BUSINESS PARK, KINGSWELLS HOME FARM - 120016

6. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**
that the Sub Committee approve the application in respect of planning permission for the creation of vehicular and cycle/pedestrian links to the main access boulevard, subject to the following conditions:-

(1) That all landscaping and boundary enclosure details shown on approved drawings

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shall be implemented during or before the first planting season following completion of the development; (2) That the development shall not be brought into public use unless the junction details shown on approved Fairhurst Drawing number 87537/1200 J have been implemented and the existing vehicular access to the Kingswells Park and Ride site on the A944 has been closed to motor vehicles; and (3) That no development pursuant to this planning application shall take place unless there has been submitted to and approved in writing by the planning authority a location specific Environmental Management Plan for the Kingswells Business Park. The plan shall be submitted and approved at least two months before works commence on site, unless otherwise agreed in writing by the planning authority.

The Sub Committee resolved:-

to approve the recommendation.

LAND TO NORTH OF PLOT 2, KINGSWELLS BUSINESS PARK, KINGSWELLS HOME FARM - 111644

7. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-** that the Sub Committee approve the application in respect of planning permission for the creation of an access road ('Secondary Link Street') extending 127 metres east-west and 93 metres north-south, including a turning circle at the northern extent, with 58 car parking spaces for Plot 2 also included, subject to the following conditions:-

(1) That all planting, seeding and turfing comprised in the approved scheme of landscaping shown on drawing numbers
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shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (2) That the secondary link street shall not be brought into use unless the signalised "T" junction on the A944, and the access boulevard shown on Fairhurst drawing number 87537/1200 Revision J have been completed and are available for public use; and (3) That no development pursuant to this planning application shall take place unless there has been submitted to and approved in writing by the planning authority a location specific Environmental Management Plan for the Kingswells Business Park. The plan shall be submitted and approved at least two months before works commence on site, unless otherwise agreed in writing with the planning authority.

The Sub Committee resolved:-
to approve the recommendation.

LAND TO EAST OF WELLINGTON ROAD, COVE - 111305

8. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-** that the Sub Committee express a willingness to approve the application in respect of planning permission for the erection of 34 dwellinghouses including parking, roads infrastructure and landscaping, with consent to be withheld until a legal agreement is secured to deliver affordable housing and planning gain contributions towards a new northbound lane on Wellington Road, sport and recreation facilities,

library provision, community facilities and core paths, subject to the following conditions:-

(1) That no residential unit within the development hereby approved shall be occupied unless the spine road and associated footways as shown on drawings 1010065-L(--)-004 Rev F and 1010065-L(-)-059 Rev C of application 110063 have been constructed in full accordance with the approved plans to the legal boundary of planning application 110063 (even if this requires the demolition of a mutually owned wall) unless the planning authority has given written consent for a variation; (2) That no development pursuant to the planning permission hereby approved shall take place unless traffic orders have been promoted to (i) stop up the existing junction of Whitehills Road and Wellington Road; (ii) make the length of Whitehills Road, from its junction with the unsurfaced track that leads to Langdykes Road to its junction with Cove Road, a no through road (residents and emergency access only); and (iii) make the length of unsurfaced track from Whitehills Road to its junction with Langdykes Road a route for pedestrians and cyclists only (no vehicles) unless the planning authority has given written consent for a variation; (3) That no residential unit within the development hereby approved shall be occupied unless a paved and lit combined footway/cycleway link from the new community to the footway of Langdykes Road has been constructed via the existing route of the track that links Whitehills Road to Langdykes Road and in accordance with a further detailed scheme that has been submitted to, and approved in writing by, the planning authority; unless the planning authority has given written consent for a variation; (4) That no development pursuant to the planning permission hereby approved shall take place unless a site specific Environmental Management Plan for construction work has been submitted to and approved in writing by the planning authority (in consultation with SEPA and other agencies). The plan will, inter alia, detail measures, including mitigation and monitoring, to minimise odour and dust and to control noise from plant, equipment and site operations to prevent any nuisance or public health risk on the occupants of adjacent residential properties. It will include a construction method plan detailing the impacts of heavy vehicles and any machinery to be operated including the timings and routings of lorry movements to and from the site with the aim of minimising movement along residential streets. No development shall be carried out unless in accordance with the approved plan, unless a variation has been approved in writing by the planning authority; (5) That no development pursuant to the planning permission hereby approved unless a full site waste management plan for the processing of construction and demolition waste has been submitted to and approved in writing by the planning authority. No work shall be carried out unless in accordance with the approved plan unless the planning authority has given written consent for a variation; (6) That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery]; (7) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of hard and soft landscaping for the site (including the

stopped up section of Whitehills Road and the landscape belt surrounding the application site), which scheme shall include (i) the materials to be used for all hard surfaces including footpaths; (ii) detailed specification of children's play equipment; (iii) indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development; and (iv) the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (8) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting, including the landscaped areas outwith the application site (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation; (9) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (11) That that no development pursuant to the planning permission hereby approved shall take place unless a scheme of street and footpath lighting has been submitted to, and approved in writing by the planning authority. No development shall be carried out unless in full accordance with the scheme of lighting approved in writing by the planning authority; (12) That no development pursuant to the planning permission hereby approved shall take place unless a finalised SUDS scheme has been submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. No residential unit within the development shall be occupied unless the SUDS scheme has been implemented in accordance with the approved details; (13) That no development pursuant to the planning permission hereby approved shall take place unless further detailed plans showing the provision of facilities for the storage of domestic waste and recycleable material have been submitted to, and approved in writing by, the planning authority; (14) That no development pursuant to the planning permission hereby approved shall take place unless a further detailed specification of the energy and water saving measures that would be installed in every residential unit is submitted to and approved in writing by the planning authority and no residential unit shall be occupied unless these have been installed, unless the planning authority has given written consent for a variation; (15) That no development pursuant to the planning permission hereby approved shall take place unless an air quality assessment has been submitted to and approved in writing by the planning authority to quantify the impact of increased traffic, particularly on the Wellington Road AQMA. The assessment should be in accordance with the Environmental Protection UK Development Control: Planning for Air Quality (2010) Update; (16) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work

which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority; (17) That no development pursuant to the planning permission hereby approved shall take place unless in full accordance with the plans and drawings listed at the bottom of this decision document, unless the planning authority has given written consent for a variation; and (18) That no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety.

The Sub Committee resolved:-
to approve the recommendation.

GRAMPIAN COURT, BEACONSFIELD LANE - 120034

9. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-** that the Sub Committee approve the application in respect of planning permission for the erection of twelve new build flats and associated car parking on the site of an existing unoccupied hotel/residential accommodation building to be demolished, subject to the following conditions:-

(1) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (2) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid out and demarcated in accordance with drawing No. L(00)31 I of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval; (3) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority; (4) That none of the units hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing no. L(00)31 I have been provided; (5) That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery]; (6) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of

the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; and (7) That prior to the commencement of works on site that a detailed Construction Method Statement is agreed with the planning authority in consultation with SEPA which should set out the measures for dealing with soils, earth movements, waste, fuels and surface water run off on site during the construction phase and shall be implemented in full during construction operations on site.

The Sub Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site.

LAURIES HOTEL, SITE 94 HARENESS ROAD, ALTENS INDUSTRIAL ESTATE - 120129

10. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve the application in respect of planning permission to extend, for a further three years, the Section 42 variation of the five year time limit condition imposed by legislation on an office development consisting of three pavilions with associated car parking, subject to the following conditions:-

(1) That all planting, seeding and turfing detailed in the Planting Specification and Maintenance Schedule dated 18 January 2007 and shown on landscape proposals drawing 0704 (dated 17.1.07) and drawings 1006 and 1007 of the plans hereby approved (or other landscaping plan subsequently approved in writing by the planning authority), shall be carried out in the first planting season following the completion of the development hereby approved. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (2) That no development shall take place unless a scheme for the protection of all trees to be retained on the site during construction works (including the existing beech hedge along the Hareness Road and Wellington Road boundaries) has been submitted to, and approved in writing by, the planning authority and any such scheme as may have been approved has been implemented; (3) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for litter disposal and, if appropriate, recycling facilities in accordance with a scheme which has been submitted to and approved in writing by the planning authority; (4) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; (5) That the development hereby approved shall not be occupied unless a detailed Green Transport Plan, which outlines proposals to encourage a modal shift towards other forms of transport other than the car, together with appropriate monitoring procedures has been submitted to and agreed in writing by the planning authority and that the offices hereby approved shall not be

occupied unless the terms of the Green Travel Plan are being complied with unless the planning authority has given written consent for a variation; (6) That the developer shall afford access at all reasonable times to any archaeologists nominated by the planning authority and shall allow them to observe work in progress and record items of interest and finds. No development pursuant to this planning permission shall take place unless written notification of the commencement date has been given to the Keeper of Archaeology, Aberdeen City Council not less than 14 days before development commences; (7) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid out and demarcated in accordance with drawing no. 1000 of planning application A6/2138 previously approved or such other drawings as may subsequently be submitted and approved in writing by the planning authority. The car parking spaces must at no time be designated or allocated for specific individuals or companies and must remain available to all employees of the office buildings hereby approved unless the planning authority has given written consent for a variation. The car parking areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval; (8) That the development hereby approved shall not be occupied unless secure covered cycle storage has been provided on the site in accordance with further drawings that have been submitted to, and approved in writing by, the planning authority; and (9) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

The Sub Committee resolved:-
to approve the recommendation.

RUTHRIESTON ROAD - 120107

11. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve the application in respect of planning permission for the demolition of a vacant Council depot building and the erection of a new flatted development (6 units) and associated car parking, subject to the following conditions, and a legal agreement to secure affordable housing and suitable community infrastructure provisions:-

(1) That no development shall take place unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of the shared surface layout proposed for the access lane including street furniture, lighting, materials and hard and soft landscaping for the entire development hereby granted planning permission. None of the units hereby granted planning permission shall be occupied unless the said works have been implemented in accordance the approved scheme; (2) That no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land

and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed. No building(s) on the development site shall be occupied unless (i) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and (ii) a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation. The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation; (3) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; (4) That no development shall take place unless a scheme detailing the external lighting proposed for the development has been submitted to and approved in writing by the planning authority. Thereafter none of the units hereby approved shall be occupied unless the external lighting has been installed in complete accordance with the said scheme and is operational; (5) That no development shall take place unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority. Thereafter none of the units hereby approved shall be occupied unless the equipment has been installed in accordance with those approved details and is operational; (6) That no development shall take place unless a scheme detailing the cycle storage provision shown on drawings 101(Rev.E) has been submitted to and approved in writing by the planning authority. Thereafter none of the units hereby approved shall be occupied unless the cycle storage has been installed in complete accordance with the said scheme; (7) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (8) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted,

or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (9) That the development hereby approved shall not be occupied unless the car parking area hereby granted planning permission has been constructed, drained, laid out and demarcated in accordance with drawing No. 101(Rev.C) of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval; and (10) That none of the units hereby approved shall be occupied unless the refuse stores have been provided in accordance with drawings 101(Rev.E) and 102 of the plans or such other drawing as may subsequently be submitted and approved in writing by the planning authority.

The Sub Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site.

UNIT 1-2, 35 FRASER PLACE - 120163

12. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve the retrospective application in respect of planning permission for an extension to the rear of existing industrial units (enclosure of an external storage area), subject to the following conditions:-

(1) That the extension hereby approved shall not be used unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme of landscaping for the land under the applicant's control adjacent to the site, which scheme shall include proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (2) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the approval of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (3) That the extension hereby approved shall not be used outwith the hours from 7.00am until 7.00pm; and (4) That the extension hereby approved shall not be used for any purpose other than as storage or office accommodation on an ancillary/incidental basis to the principal use of the premises, without a further grant of planning permission from the planning authority.

The Sub Committee resolved:-

to approve the recommendation.

8 CHEYNE ROAD - 111876

13. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve unconditionally the application in respect of planning permission for the erection of a one and a half storey extension to a dwellinghouse.

The Sub Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site.

DOONIES FARM, COAST ROAD, NIGG - 111783

14. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve the application in respect of planning permission for the installation of a single storey modular portacabin unit which would provide educational facilities for school groups as well as storage space for equipment and materials used in teaching demonstrations, subject to the following condition:-

- (1) That the temporary building hereby granted planning permission shall not remain on the site after a period of five years expiring on 22 March 2017.

The Sub Committee resolved:-

to approve the recommendation.

THE MACROBERT BUILDING, KING STREET - 111800

15. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve the application in respect of planning permission for the installation of three antenna support poles (each accommodating three antennas), three cabinets and ancillary equipment upon the existing rooftop for the purpose of telecommunications, subject to the following condition:-

- (1) That in the event that any part of this equipment becomes obsolete or redundant, it must be removed within six months of such event. In the event that all of this equipment is removed, the site shall be made good, in accordance with a scheme to be submitted and approved in writing by the planning authority, within one month of such removal.

The Sub Committee resolved:-

to approve the recommendation.

15-19 RAEBURN PLACE - 111084

16. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve the application in respect of planning permission for a change of use of the site from electrical wholesaler with retail outlet to 34

serviced apartments and one self contained flat, all with basement parking, subject to the following conditions:-

(1) That no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of screening measures for the site boundaries and all external walkways and external staircases for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety; (2) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (3) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; (4) That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery]; (5) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority; (6) That no development shall take place unless a scheme for external lighting has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme; and (7) That the building(s) hereby approved shall not be brought into use unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details.

The Sub Committee resolved:-

to approve the recommendation.

10 NEWLANDS CRESCENT - 120042

17. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve unconditionally the application in respect of planning permission for proposed roof alterations, the installation of a driveway and the erection of a rear extension.

The Sub Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site.

OAKBANK SCHOOL, MIDSTOCKET ROAD - 120126

18. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve the application in respect of planning permission for the relocation and replacement of an existing substation, subject to the following conditions:-

- (1) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting;
- (2) That the use hereby authorised shall not take place unless there has been submitted to and approved in writing for the purpose by the planning authority a scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting;
- (3) That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the planning authority and any such scheme as may have been approved has been implemented;
- (4) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied; and
- (5) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within five metres of foliage, branches or trunks.

The Sub Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site.

78 MALCOLM ROAD, PETERCULTER - 120022

19. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve unconditionally the application in respect of planning permission for proposed roof alterations, new dormer windows to the front and rear of the property and the erection of a single storey extension.

The Sub Committee resolved:-

to approve the recommendation, and to request officers to ask the applicant to ensure that the colour of the wood finishing is appropriate in the context of the character and amenity of the surrounding area.

44-48 CANAL ROAD - 120017

20. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve the application in respect of planning permission for the erection of a copper materials shed, subject to the following condition:-

- (1) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

The Sub Committee resolved:-

to approve the recommendation.

LAND AT WOODEND, CULTER HOUSE ROAD, PETERCULTER - 111144

21. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee **refuse** the application in respect of planning permission in principle for a proposed residential development comprising 14 dwellinghouses and associated landscaping and open space, on the following grounds:-

- (1) That the proposal, if approved, would undermine the principles of controlling development and preventing sporadic housing in the green belt, leading to the erosion of the character of such areas and adversely affecting the landscape setting of the city contrary to the provisions of Scottish Planning Policy and Policy NE2 'Green Belt' of the Aberdeen Local Development Plan; (2) That the proposal, if approved, would be contrary to Scottish Planning Policy, the Aberdeen City and Shire Structure Plan key objective on accessibility and Policy D3 of the Aberdeen Local Development Plan by reason that the development would be isolated and remote from the settlement of Peterculter, would be inaccessible by public transport and thus would be reliant on the private car; and (3) That the proposal, if approved, would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic housing in the green belt, leading to the erosion of the character of such areas and adversely affecting the landscape setting of the city

The Sub Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site.

WOODEND FARM, PETERCULTER - 111863

22. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee **refuse** the application in respect of planning permission for a change of use from agricultural land to recreational use (cricket pitch), on the grounds that the proposal, if approved, would be contrary to Scottish Planning Policy, the Aberdeen City and Shire Structure Plan and Policy D3 of the Aberdeen Local Development Plan by reason of its isolated and remote location and its inaccessibility by sustainable means of transport.

The Sub Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site.

MARYFIELD WEST NURSING HOME, 31 QUEENS ROAD - 111912

23. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee **refuse** the application in respect of planning permission for the erection of a two storey rear extension to accommodate en-suite bedrooms and dry space, on the following grounds:-

- (1) That the proposed development would fail to demonstrate due regard for its context, and would not make a positive contribution to its setting, contrary to policy D1 of the Aberdeen Local Development Plan; (2) That the proposed development would, by virtue of its over-development of the site and detrimental impact on both the surrounding townscape generally and the setting of adjacent listed buildings specifically, result in an adverse impact on the character and appearance of the Albyn Place and Rubislaw Conservation Area, and would therefore be contrary to SPP, SHEP and Policy D5 of the Aberdeen Local Development Plan; (3) That the development, by virtue of its development of a front garden area for car parking and the erosion of associated landscaping, would be contrary to policy BI3 of the Aberdeen Local Development Plan and relevant interim supplementary guidance contained in the 'Transport and Accessibility' document; and (4) That the development would, by virtue of overshadowing of rear garden ground and direct loss of privacy within same, result in an adverse impact on the amenity of residents in the adjacent premises at 25-29 Queens Road.

The Sub Committee resolved:-

to approve the recommendation.

12 BEECHGROVE GARDENS - 120152

24. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee **refuse** the application for planning permission for the erection of a garage and construction of a driveway, on the following grounds:-

- (1) That the driveway, if approved, would be contrary to the Council's Transport Supplementary Guidance contained in the Aberdeen Local Plan

2012 and would, if implemented, result in an unacceptable impact on road safety and the free flow of traffic due to its close proximity to a road junction and would result in an undesirable precedent, leading to possible future applications which the Council would find difficult to refuse; and (2) That the location of the proposed garage would be unsympathetic to the character and appearance of the existing streetscape, in particular its inappropriate siting forward of the established building line, adversely affecting the existing residential character of the surrounding area and setting an undesirable precedent for developments of a similar nature which in aggregate would further erode the established character of the area, all contrary to Aberdeen Local Plan 2012 Policies H1 (Architecture and Placemaking) and H1 (Residential Areas).

The Sub Committee resolved:-
to approve the recommendation.

CRAIGTON ROAD - GAP SITE BETWEEN THORNHILL AND GREENWHINS - 111108

25. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**
that the Sub Committee **refuse** the application in respect of planning permission for the construction of a detached new dwellinghouse with access driveway utilising existing access gateway from Craighton Road, on the following grounds:-

(1) That the proposal, if approved, would be undermine the principles of controlling development and preventing sporadic housing in the green belt, leading to the erosion of the character of such areas and adversely affecting the landscape setting of the city contrary to the provisions of Policy NE2 Green Belt of the Aberdeen Local Development Plan and Scottish Planning Policy by reason that the applicant has failed to demonstrate that the house is required to provide residential accommodation for an essential agricultural or forestry worker who must be housed immediately adjacent to his place of employment; (2) That the proposal, if approved, would result in the loss of a significant number of protected trees which would be detrimental to the value and amenity of the woodland, the amenity and character of the green belt and the landscape setting of the city, contrary to Policies D6 Landscape and NE5 Trees and Woodlands of the Aberdeen Local Development Plan; and (3) That the proposal, if approved, would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic housing in the green belt, leading to the erosion of the character of such areas and adversely affecting the landscape setting of the city.

The Sub Committee resolved:-
to approve the recommendation.

PLANNING DIGEST - EPI/12/086

26. The Sub Committee had before it a report by the Head of Planning and Sustainable Development which advised of recent appeal decisions, updates on Scottish Government planning advice and other aspects of the planning service.

The report recommended:-

that the Sub Committee note the outcome of the appeal decisions.

The Sub Committee resolved:-

- (i) to approve the recommendation; and
- (ii) to note the positive comments from the Minister for Local Government and Planning regarding the Council's Planning and Sustainable Development service.

NORTH GARTHDEE FARM PLANNING BRIEF - EPI/12/087

27. The Sub Committee had before it a report by the Head of Planning and Sustainable Development which presented the Planning Brief for North Garthdee Farm for adoption.

The report recommended:-

that the Sub Committee -

- (a) adopt the North Garthdee Farm Planning Brief as interim planning advice; and
- (b) instruct officers to implement the process to ratify the framework as Supplementary Guidance by the Scottish Government.

The Sub Committee resolved:-

to defer consideration of the report to the next meeting to enable various amendments to be made.

- KATHARINE DEAN, Convener.

DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS)

ABERDEEN, 30 March 2012. Minute of Meeting of DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS). Present:- Councillor Dean, Convener; and Councillors Adam, Boulton, Cormie, Crockett, Farquharson (substituting for Councillor MacGregor), Milne (substituting for Councillor Yuill for item 5), Penny, Jennifer Stewart (substituting for Councillor Yuill for item 3) and Yuill.

Also in attendance:- Councillors Greig (for item 3) and Laing (for item 8).

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=2452&Ver=4>

RUTHRIESTON ROAD - 120107

1. With reference to Article 11 of the minute of meeting of the Development Management Sub Committee of 22 March 2012, the Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve the application in respect of planning permission for the demolition of a vacant Council depot building and the erection of a new flatted development (6 units) and associated car parking, subject to the following conditions, and a legal agreement to secure affordable housing and suitable community infrastructure provisions:-

(1) That no development shall take place unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of the shared surface layout proposed for the access lane including street furniture, lighting, materials and hard and soft landscaping for the entire development hereby granted planning permission. None of the units hereby granted planning permission shall be occupied unless the said works have been implemented in accordance the approved scheme; (2) That no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed. No building(s) on the development site shall be occupied unless (i) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and (ii) a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been

carried out, unless the planning authority has given written consent for a variation. The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation; (3) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; (4) That no development shall take place unless a scheme detailing the external lighting proposed for the development has been submitted to and approved in writing by the planning authority. Thereafter none of the units hereby approved shall be occupied unless the external lighting has been installed in complete accordance with the said scheme and is operational; (5) That no development shall take place unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority. Thereafter none of the units hereby approved shall be occupied unless the equipment has been installed in accordance with those approved details and is operational; (6) That no development shall take place unless a scheme detailing the cycle storage provision shown on drawings 101(Rev.E) has been submitted to and approved in writing by the planning authority. Thereafter none of the units hereby approved shall be occupied unless the cycle storage has been installed in complete accordance with the said scheme; (7) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (8) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (9) That the development hereby approved shall not be occupied unless the car parking area hereby granted planning permission has been constructed, drained, laid out and demarcated in accordance with drawing No. 101(Rev.C) of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval; and (10) That none of the units hereby approved shall be occupied unless the refuse stores have been provided in accordance with drawings 101(Rev.E) and 102 of the plans or such other drawing as may subsequently be submitted and approved in writing by the planning authority.

The Sub Committee heard from Councillor Yuill as one of the local members (and as a substantive member of the Sub Committee) with regard to some of the concerns raised by residents in relation to the application.

The Convener moved, seconded by Councillor Boulton:-

That the application be approved in accordance with the recommendations contained within the report, subject to the inclusion of the following further condition:-

(11) That notwithstanding approved drawing 100(Rev.B), no development pursuant to this planning permission shall take place unless a scheme (including samples) of all external finishing materials to the walls of the development hereby approved has been submitted to and approved in writing by the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Councillor Yuill moved as an amendment, seconded by Councillor Jaffrey:-

That the application be refused on grounds of pedestrian safety as a consequence of there being no pedestrian footway included in the proposal for the access track leading to the proposed development; and road safety by virtue of the narrowness of the existing access track.

On a division, there voted:- for the motion (7) - the Convener; and Councillors Adam, Boulton, Cormie, Crockett, Farquharson and Penny; for the amendment (2) - Councillors Jaffrey and Yuill.

The Sub Committee resolved:-

that the application be approved in accordance with the terms of the successful motion.

10 NEWLANDS CRESCENT - 120042

2. With reference to Article 17 of the minute of meeting of the Development Management Sub Committee of 22 March 2012, the Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve unconditionally the application in respect of planning permission for proposed roof alterations, the installation of a driveway and the erection of a rear extension.

The Sub Committee heard from Councillor Yuill as one of the local members (and as a substantive member of the Sub Committee) who spoke in support of the application.

The Sub Committee resolved:-

to approve the recommendation.

GRAMPIAN COURT, BEACONSFIELD LANE - 120034

3. With reference to Article 9 of the minute of meeting of the Development Management Sub Committee of 22 March 2012, the Sub Committee had before it a

report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve the application in respect of planning permission for the erection of twelve new build flats and associated car parking on the site of an existing unoccupied hotel/residential accommodation building to be demolished, subject to the following conditions:-

(1) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (2) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid out and demarcated in accordance with drawing No. L(00)31 I of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval; (3) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority; (4) That none of the units hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing no. L(00)31 I have been provided; (5) That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery]; (6) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; and (7) That prior to the commencement of works on site that a detailed Construction Method Statement is agreed with the planning authority in consultation with SEPA which should set out the measures for dealing with soils, earth movements, waste, fuels and surface water run off on site during the construction phase and shall be implemented in full during construction operations on site.

The Sub Committee heard from Councillors Farquharson, Greig and Jennifer Stewart as three of the local members (with Councillors Farquharson and Jennifer Stewart as substitute members of the Sub Committee) with regard to some of the concerns raised by residents in relation to the application.

The Convener moved, seconded by Councillor Jaffrey:-

That the recommendations contained within the report be approved.

Councillor Farquharson moved as an amendment, seconded by Councillor Jennifer Stewart:-

That the application be refused on the grounds (1) that the proposal represented over-development of the site and would have a detrimental

impact on the surrounding area; and (2) of pedestrian and road safety by reason of the narrow access lane from Beaconsfield Place which would generate additional traffic on an already busy road and junction.

On a division, there voted:- for the motion (6) - the Convener; and Councillors Adam, Cormie, Crockett, Jaffrey and Penny; for the amendment (3) - Councillors Boulton, Farquharson and Jennifer Stewart.

The Sub Committee resolved:-

that the application be approved in accordance with the terms of the successful motion.

8 CHEYNE ROAD - 111876

4. With reference to Article 13 of the minute of meeting of the Development Management Sub Committee of 22 March 2012, the Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve unconditionally the application in respect of planning permission for the erection of a one and a half storey extension to a dwellinghouse.

The Convener moved, seconded by Councillor Crockett:-

That the recommendation contained within the report be approved.

Councillor Jaffrey moved as an amendment, seconded by Councillor Boulton:-

That the application be refused on the grounds that the proposed extension represented over-development of the site and would result in an undesirable precedent, leading to possible future applications which the Council would find difficult to refuse.

On a division, there voted:- for the motion (4) - the Convener; and Councillors Cormie, Crockett and Penny; for the amendment (3) - Councillors Boulton, Jaffrey and Farquharson; absent from the division (2) - Councillors Adam and Yuill.

The Sub Committee resolved:-

that the application be approved in accordance with the terms of the successful motion.

WATER WHEEL INN, 203 NORTH DEESIDE ROAD, BIELDSIDE - 111606

5. With reference to Article 3 of the minute of meeting of the Development Management Sub Committee of 22 March 2012, the Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee express a willingness to approve the application in respect of planning permission for the erection of fifteen dwellinghouses, and change of use from a hotel and alterations to form five apartments, withholding consent until a legal agreement is secured to deliver planning gain contributions, and subject to the following conditions:-

(1) That development shall not take place unless there has been submitted and approved in writing by the planning authority, a specialised construction method statement 'Watercourse Protection Plan' containing details of how the watercourse can be accommodated safely within the design plan for the site to avoid damage to the watercourse during earth moving works and how pollution of the watercourse can be prevented. The plan shall be submitted and approved at least two months before works commence on site. Development shall not take place unless the measures have been implemented in full and are fully in place; (2) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority; (3) That no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission and that these shall be of a nature that is in keeping with the green belt location of the site. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety; (4) That no development shall take place unless there has been submitted to and approved in writing by the planning authority details of the layout of hardsurfaces, including access road, on the site. Such details shall include layout and cross sectional drawings to show levels and shall be adequate to support movement of refuse vehicle. The scheme shall be implemented in full accordance with such details, or others subsequently approved; (5) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (6) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid out and demarcated in accordance with the approved plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval; (7) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems (SUDS) has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; (8) That notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouse, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwelling houses hereby approved without a further grant of planning permission from the planning authority; (9) That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place (a) outwith the hours of

7.00am to 7.00pm Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery]; (10) That no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed. No building(s) on the development site shall be occupied unless (i) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and (ii) a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation. The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation; (11) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, including hard landscaping and the path within the southern area of the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (12) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (13) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation; (14) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken

without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied; (15) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within five metres of foliage, branches or trunks; (16) That the building(s) hereby approved shall not be brought into use unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details; and (17) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority.

The Sub Committee heard from Councillor Boulton as one of the local members (and as a substantive member of the Sub Committee) who spoke in support of the application.

The Sub Committee resolved:-
to approve the recommendation.

LAND AT WOODEND, CULTER HOUSE ROAD, PETERCULTER - 111144

6. With reference to Article 21 of the minute of meeting of the Development Management Sub Committee of 22 March 2012, the Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee **refuse** the application in respect of planning permission in principle for a proposed residential development comprising 14 dwellinghouses and associated landscaping and open space, on the following grounds:-

- (1) That the proposal, if approved, would undermine the principles of controlling development and preventing sporadic housing in the green belt, leading to the erosion of the character of such areas and adversely affecting the landscape setting of the city contrary to the provisions of Scottish Planning Policy and Policy NE2 'Green Belt' of the Aberdeen Local Development Plan; (2) That the proposal, if approved, would be contrary to Scottish Planning Policy, the Aberdeen City and Shire Structure Plan key objective on accessibility and Policy D3 of the Aberdeen Local Development Plan by reason that the development would be isolated and remote from the settlement of Peterculter, would be inaccessible by public transport and thus would be reliant on the private car; and (3) That the proposal, if approved, would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic housing in the green belt, leading to the erosion of the character of such areas and adversely affecting the landscape setting of the city

The Convener moved, seconded by Councillor Jaffrey:-

That the recommendation contained within the report be approved.

Councillor Boulton moved as an amendment, seconded by Councillor Farquharson:-

That the application for planning permission in principle be approved on the grounds that (1) the location was not excessively remote, with access to a core path at the edge of the site leading to Peterculter; and (2) the proposed development would enhance the existing character and amenity of the area and would not adversely affect the landscape setting of the city.

On a division, there voted:- for the motion (3) - the Convener; and Councillors Cormie and Jaffrey; for the amendment (2) - Councillors Boulton and Farquharson; declined to vote (1) - Councillor Crockett; absent from the division (3) - Councillors Adam, Penny and Yuill.

The Sub Committee resolved:-

that the application be refused in accordance with the terms of the successful motion.

WOODEND FARM, PETERCULTER - 111863

7. With reference to Article 22 of the minute of meeting of the Development Management Sub Committee of 22 March 2012, the Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee **refuse** the application in respect of planning permission for a change of use from agricultural land to recreational use (cricket pitch), on the grounds that the proposal, if approved, would be contrary to Scottish Planning Policy, the Aberdeen City and Shire Structure Plan and Policy D3 of the Aberdeen Local Development Plan by reason of its isolated and remote location and its inaccessibility by sustainable means of transport.

Councillor Jaffrey moved, seconded by Councillor Cormie:-

That the recommendation contained within the report be approved.

The Convener moved as an amendment, seconded by Councillor Boulton:-

That the application be approved on the grounds that (1) the proposed recreational use is considered to be acceptable on this green belt site; and (2) although being at an isolated location, the amount of land required for the recreational use proposed reduces the likelihood of sufficient land being available in a less remote or isolated location, thus eliminating inaccessibility by sustainable means of transport.

On a division, there voted:- for the motion (2) - Councillors Cormie and Jaffrey; for the amendment (4) - the Convener; and Councillors Boulton, Crockett and Farquharson; absent from the division (3) - Councillors Adam, Penny and Yuill.

The Sub Committee resolved:-

that the application be approved in accordance with the terms of the successful amendment.

OAKBANK SCHOOL, MIDSTOCKET ROAD - 120126

8. With reference to Article 18 of the minute of meeting of the Development Management Sub Committee of 22 March 2012, the Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee approve the application in respect of planning permission for the relocation and replacement of an existing substation, subject to the following conditions:-

- (1) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting;
- (2) That the use hereby authorised shall not take place unless there has been submitted to and approved in writing for the purpose by the planning authority a scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting;
- (3) That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the planning authority and any such scheme as may have been approved has been implemented;
- (4) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied; and
- (5) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within five metres of foliage, branches or trunks.

The Sub Committee heard from Councillor Laing as one of the local members with regard to some of the concerns raised by residents in relation to the application.

The Convener moved, seconded by Councillor Jaffrey:-

That the recommendations contained within the report be approved.

Councillor Boulton moved as an amendment, seconded by Councillor Farquharson:-

That the application be refused on the grounds that the proposal would have a detrimental impact on the neighbouring properties immediately adjacent to

the site by virtue of the visual impact and the potential for additional noise to be generated.

On a division, there voted:- for the motion (3) - the Convener; and Councillors Cormie and Jaffrey; for the amendment (3) - Councillors Boulton, Crockett and Farquharson; absent from the division (3) - Councillors Adam, Penny and Yuill.

There being an equality of votes, in terms of Standing Order 15(5), the Convener exercised her casting vote in favour of the motion.

The Sub Committee resolved:-

that the application be approved in accordance with the terms of the successful motion.

- KATHARINE DEAN, Convener.

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Agenda Item 2.1

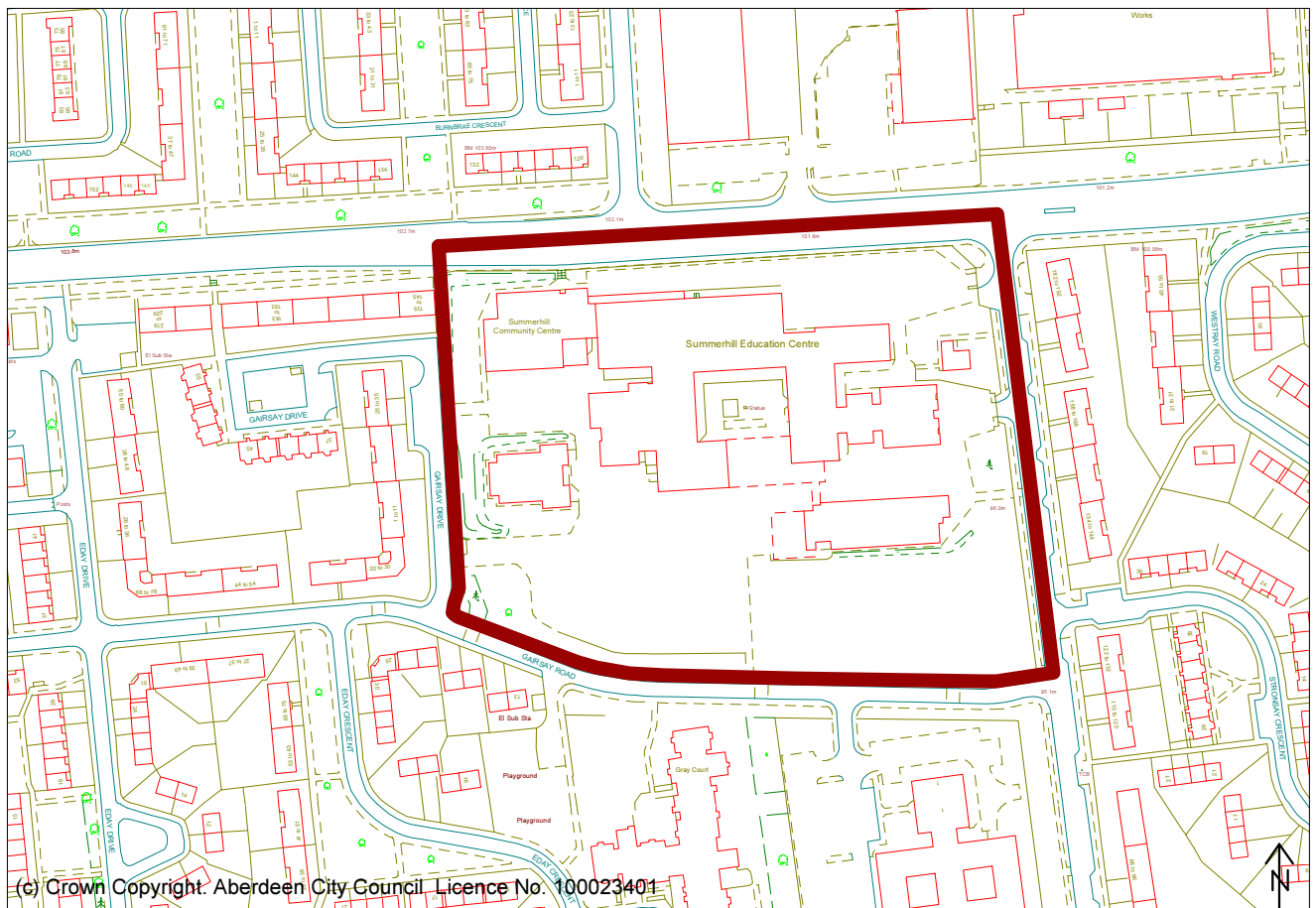
FORMER SUMMERHILL ACADEMY, LANG
STRACHT, ABERDEEN

PROPOSED CLASS 1 (FOODSTORE)
DEVELOPMENT, CAR PARKING, PETROL
FILLING STATION, MEANS OF ACCESS,
LANDSCAPING AND ASSOCIATED
WORKS

For: Optimisation Developments Ltd

Application Ref. : P111468
Application Date : 30/09/2011
Officer : Alex Scott
Ward: Kingswells/Sheddocksley (L
Ironsides/P Stephen/W Stuart)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on : 19/10/2011
Committee Date : 19 April 2012
Community Council : Comments



RECOMMENDATION: Approve subject to conditions and legal agreement

DESCRIPTION

This site is located on the south-west corner of the junction of the Lang Stracht with Stronsay Drive and comprises the large building complex which housed the former Summerhill Academy and community facilities. The site slopes down slightly from the north boundary along the Lang Stracht to Gairsay Road which forms the boundary along the southern and western edge of the site. To the south and west the site is open and comprises open car parking and open space in grass. There is a small coppice of trees in the south west corner otherwise the site is taken over by the large 3-4 storey flat roof former school building and tarmac car parking.

PRE-APPLICATION CONSULTATION

The applicants undertook a public meeting and exhibition in the curling club meeting rooms during June 2011 and the response was satisfactory both in terms of the number of attendees and the positive remarks recorded. The full description and analysis of the PAC is included in the PAC report submitted with this application.

The formal submission of the Pre-application Consultation is included in the application papers. The process involved leaflet distribution within the Mastrick area, a display of posters in key locations including the wider city area, a press advertisement of the exhibition in the Press and Journal and a 2-day exhibition at the curling rink in Lang Stracht in late June. There was also a meeting with Mastrick and Sheddocksley Community Council at this time.

186 people attended the display and questionnaires were returned by 82 with a high proportion (84%) being in favour of a local foodstore though there were a number of concerns regarding traffic.

HISTORY

The site was last used as a school in the late 1980s, more than 22 years ago and has since been used as education and admin offices (mostly for training functions) by this Council until recently when the premises were vacated and currently undergoing demolition. There is an important distinction to be made between the common description of the site as the former Summerhill Academy and the more accurate actual established use as administration offices with community facilities

PROPOSAL

The site is broadly square in plan form and extends to 3.61 Hectares in area. It is proposed to erect a new supermarket building on site to provide a gross floorspace of 6,331 square metres of which 3,383 will comprise net trading space and the remaining 2,948 sq. m as non-trading space including storage, staff facilities and administration. The new store is to be located in the rear south-east part of the site. The frontage area on to the Lang Stracht is to provide access into the site for customers and servicing and 468 car parking spaces.

In conjunction with the store the developer is also to provide a filling station within the north-west part of the site and will provide 6 pump stations (12 fuel pumps) and an enclosed car wash. This will front on to the Lang Stracht though will utilise the main access.

Accordingly the whole development is to provide a new access and exit point on to and from the Lang Stracht opposite the existing T-junction with Fernhill Drive and a new traffic, light controlled cross-road junction with pedestrian crossing phases is to be formed.

The main supermarket building is broadly square in plan, measuring 145 metres by 157 metres and will have a height of 10 metres above ground level to the ridge line of the shallow pitched roof. The store will for the most part be ground floor only though there is a small two storey element on the north-west part of the building to provide a focus for the main entrance in this location and also internal facilities such as offices, staff facilities etc. and a café on the ground floor. This tower element will be 14 metres in height with a flat roof.

The finish of the building will be in matt white profile metal composite panel though the main entrance and café area on the north-west corner of the building will be formed by glazed curtain walling within a black brick frame and there will be deep fascias on both the west and north aspects of the entrance with the operators company logo, namely 'Morrisons' in white letters on a buff coloured rendered canopy. The buff colour will be carried through by the use of a buff brick base course to the building.

The eastern and southern aspect of the building is largely plain and goods delivery is located in the southern part of the building with separate access provided off the main access to allow segregation from the customer car park. There will be an HGV access doorway in the south-west corner of the building.

The applicants have also shown landscaping details for treatment of all the four external site boundaries which will comprise tree and shrub planting.

ADDITIONAL INFORMATION

In addition to the standard plans and the PAC report the applicants have submitted a series of studies to address the impact of the proposal. These studies include a Transportation Assessment, a Design Statement, A study of site ecology and tree condition report, a planning policy and Retail Impact analysis and an Acoustic Assessment.

Design and Access Statement

This statement was prepared to support the planning application.

It is considered that this development will bring vitality and regeneration to this site and a substantial investment and potential employment creation (300 full and part time jobs) in the local area.

The principles behind the development are to create a high quality design and layout to reflect sustainability and viability principles and ensure compliance with local, regional and national planning policies. The policies guiding Architecture and Placemaking, Design and Amenity, Sustainable and Active Travel and Landscape have been used by the applicants to inform the content and approach to this development.

The design objectives have been to create a high quality development integrated into the urban environment. The building will have a very high environmental performance and provide an attractive and welcoming environment. The transportation proposals will integrate pedestrian and public transport routes with provision for adequate car and cycle parking. There will be a dedicated service delivery operation to the rear of the site, opposite an office car park and with minimal effect on nearby housing.

The scale and massing of the building is in keeping with the area and offers significant improvement over the existing dilapidated buildings, though these are in the process of demolition with all suitable materials to be stockpiled for further use in the development. The focal point of the development is the attractive entrance and main glazed elevation on to the car park and the Lang Stracht.

Site landscaping proposals will retain and enhance the setting of the development and utilise the screening provided by existing trees. There will be new planting along the boundaries, particularly along the Lang Stracht frontage. The car park areas are kept open to ensure visibility for pedestrian and vehicle use but are enclosed by site landscaping. The Petrol Filling Station is to be screened by a beech hedge and trees in a grass area.

The materials used in the building include facing brick, insulated cladding, curtain wall glazing and a single ply roof membrane. The layout is designed to provide a high degree of security and the construction will meet carbon reduction targets. Barrier free access to the store and facilities is integrated into the design and layout.

Planning Statement and Retail Assessment

The area forming the catchment for the retail assessment included west Aberdeen to include Cults, Garthdee as well as inner city areas of Holborn, Rosemount, Woodside, Cornhill and Kittybrewster. This was supported by an independent household survey. The applicants also point out that, as the first new build Morrison's store in Aberdeen (the King Street store having been 'inherited') it will attract interest from a wide area as other retailers are already represented by choice of their store locations.

The effect of the proposal on existing centres was also assessed with the conclusion that the overall vitality and viability of these relevant centres, Lang Stracht, Rousay Drive and Summerhill Drive, would not be significantly affected. The main distinction is that the superstore will cater mostly for the main weekly shopping requirements whereas these local centres provide 'top-up' shopping.

The population for the catchment area indicated a 2011 total of 76,937 which is projected to fall slightly to 75,130 by 2014. The wider study area shows a similar fall with a 2011 population of 121,514 reducing to a projected population of 119,367 in 2014.

The retail study included an assessment of convenience retail expenditure throughout the city and suburbs and concluded that there is sufficient capacity to support a store in the location proposed as there is currently substantial 'retail leakage' from west Aberdeen to other centres which a new store in this site will address and 'capture'

Roads and Transportation Issues

Transportation Assessment

The TA prepared in relation to this planning application reflects national and local transport policies and takes into account the local road characteristics, the accessibility of the site by walking, cycling and bus, access, parking and servicing, travel demands and junction capacity assessments. Implementation of the development would also require the preparation of a Travel Plan, the scope of which is designed to prepare a sustainable travel strategy.

The TA considered the likely vehicle trip generation, linked and by-pass trips to the store, the traffic rates related to committed developments, and trip distribution based on traffic surveys.

The site characteristics illustrate that local bus services are better than every 10 minutes with good services and connectivity. A 20 minute walk from the site covers a large proportion of the local areas of Mastrick and Summerhill. All of Aberdeen city centre and west to Westhill fall within the 40 minute cycle catchment.

Site accessibility is very good and the store is located within 2 minutes of bus stops and a 1 minute cycle ride from local routes. Pedestrian, cycling and bus infrastructure is of good standard in the vicinity of the site. There are a number of communities within walking distance which should reduce the need to travel by car and the store is within a 60 minute bus travel time from all of Aberdeen.

The effect on the road network of this store has been assessed at two levels, firstly the internal layout with regard to parking, servicing, site circulation, pedestrian and cycling facilities and secondly, the effect on the wider road and trunk road network.

Access to the site is to be taken by a new junction off the south side of Lang Stracht directly opposite the existing T-junction with Fernhill Drive. This new junction will also be traffic light controlled on all 4 arms with dedicated pedestrian phases. There will also be a dedicated slip road for access into the site for vehicles approaching from the east along the south side of Lang Stracht. All exiting traffic, both to the left and right will require to use the traffic signals.

Within the site the access road curves round with the access to the PFS off to the west then, further round along the southern boundary, accessing the customer car park (452 spaces) which is located in two parts, to the west and north of the store entrance. Service vehicles access the SW corner of the store using the same access with the last section being dedicated to service access only to the goods-in facilities.

Servicing of a building of this floorspace would normally require the provision of 4 loading bays but the applicant has submitted a statement indicating the company's dedicated service operation for all their stores from central servicing warehousing. Essentially this requires only a maximum of 2 vehicles present on site at any one time (normally only one vehicle will be off-loading) and a condition related to the service arrangement is advised.

The site will provide 3 pedestrian access points which are also designed for cycle use. The required provision for disabled parking adjacent to the store entrance and cycle parking has also been made.

The main aspect of work on this application has been related to the wider potential effects on traffic flow in the local area, including the A90 (T). Transport Scotland have confirmed acceptance of the development on the basis of a modest contribution to fine tune the traffic signals at the Lang Stracht/A90 junction and concluded that, in relation to the high traffic flows along the trunk road, this development has only a minor impact with the contribution being proportional to the scale of that impact.

The Lang Stracht is the main corridor serving this development as well as other activities in the vicinity and to the west and is a main public transport route. Public transport links will be retained and bus stops positioned to maximise ease of access to the store though a small alteration to bus lanes will be required through the new junction. Similarly, a small section of cycle lane will be removed but there will be advance stop lanes on the main approaches to the junction.

Travel Plan Framework

The objective is to promote and encourage sustainable travel. The initial preparation of the Travel Plan Framework is proposed as until the store is occupied a full Travel Plan cannot be finalised, cannot set achievable targets and provide benefits to staff, customers and the wider community.

The aim is to encourage cycling and build on the good pedestrian links and the frequent and convenient bus service adjacent to the store.

The main targets of the TPF is to improve travel options, to increase the awareness of sustainable modes of travel, to minimise single occupancy trips by car, to promote health and economic benefits and to manage car use. This will be approached by setting indicators and managed by a Travel Plan co-ordinator with information collected by a staff survey, customer survey and implemented by use of in-store information, promotion of bus use, journey sharing schemes and will be subject of monitoring and review.

Servicing

Based on the operation of similar stores in the group there is likely to be up to 15 HGV trips every weekday and on Saturday to include store deliveries, fuel delivery and waste collection. Servicing was initially to be on a 24 hour programme with main servicing in early morning, late evening and mid afternoon to avoid peak hour traffic. Over a day this results in very low traffic levels. All store delivery traffic will access and exit the site from the Lang Stracht only with no more than 2 vehicles on site at any one time.

A service yard with a turning circle of 28 metres and 2 loading bays is sufficient and is consistent with the applicants other stores of this size. Following consultation the applicant has revised the intended servicing arrangement to restrict activity between 6:00 in the morning to 11:00 at night with no overnight activity.

Traffic flows

The traffic levels assessed for this development factored in the flows related to the Tesco store to the west along Lang Stracht as the only committed development along this corridor and operating at a similar level to the Summerhill proposals. These flows are based on experience and findings at existing Morrison stores. It was established that the Junction Capacity Assessment and analysis determined that all local junctions would operate within capacity with minor upgrading at Rousay Drive, Kings Gate and Stronsay Drive. The conclusion was that the development is not predicted to have any major impact on surrounding road network and traffic associated with the development can be accommodated.

The applicants have committed themselves to the implementation of a Travel Plan but argue that this can only realistically be put in place then adjusted and fine tuned following implementation of the development and the opening of the store. They have submitted a Travel Plan Framework which will require, for example, a staff travel survey to inform the development of an effective Travel Plan.

Upgrading works to local road junctions will be required and the applicants have agreed to this work as well as payment of a capitalised sum for future maintenance. In this regard it is recognised that permission is in place for a rival supermarket operator at Rousay Drive, 600 metre west along Lang Stracht. The impact of that development was taken into account and found acceptable with that operator also required to undertake local road improvement. It will be the first operator to implement their consent and open their store that will require to undertake these works as the relevant conditions relate to the same works which though required for any one of the two stores will function to acceptable levels should both permissions be implemented.

It has been concluded in the preparation and analysis of the robust TA prepared by the applicant that the combined effect of both stores in operation on top of existing traffic levels will be acceptable in terms of traffic levels and flows through the local road network.

Acoustic Assessment

The sources of noise related to this proposed development will include

- Car parking and associated activities
- Fixed plant and equipment
- The movement of delivery vehicles and unloading activities
- Use of the Petrol Filling Station, including the car wash.

Customer activity within the car park includes movement of trolleys and opening and closing of car doors but these tend to be of short duration and of low noise level. The movement of cars within the site is at a slow speed and therefore produces less noise than the faster vehicle speeds outwith the site. The busiest times are identified as weekday evenings and Saturdays. The acoustic assessment concluded that the noise level within the car park will be similar or lower than the existing background noise (which includes aircraft) and will have a negligible impact on the occupants of the nearest dwellings.

The impact of fixed plant and equipment was assessed on the basis of all plant on site operating simultaneously at maximum night time capacity, which in reality is unlikely to happen. It is therefore expected that the noise from fixed plant e.g. refrigeration and ventilation equipment, will have a negligible impact.

Delivery vehicles will enter the site from the Lang Stracht to the secure service yard in the south-west corner of the store and will turn into a walled service yard and reverse on to one of two sealed unloading docks. The low vehicle speed within the site produces lower noise levels than similar vehicles at higher speeds on the roads outwith the site. The store operator has confirmed that reversing alarms will be switched off. The enclosed yard and bulk of the main store building help to screen the noise from the nearest dwellings through the applicants have suggested that a low acoustic screen fence can be installed to further limit noise migration from service activities.

Offloading is within an enclosed and sealed dock and the applicants have specified that acoustically absorbent material will be installed within the service area to prevent echoing of cages and pallet trucks in this area.

The PFS and jet-wash are located 40 metres from the nearest dwellings and the noise levels are assessed as not exceeding the background noise level adjacent to these houses resulting in negligible impact. The operator does undertake to select an appropriate car wash model to limit noise transmission.

In the interests of limiting the risk of late night and overnight disturbance the applicant has agreed to restrict the opening times of the store to between 7:00 in the morning to 11:00 at night with the car wash closing at 10:00pm. No overnight servicing will be undertaken

Habitat and Arboricultural survey

The site comprises large areas of building, hardstanding and car parking and amenity grassland with a short sward and low floral diversity. There are trees along the eastern and southern boundaries. This is not a designated site and development will not have an adverse effect on the nearest wildlife site at Den of Maidencraig.

The main interest relates to the trees, of which 32 are to be removed to allow the development. The trees are varying in age and condition and are a mixture of conifers and broadleaves species. Some trees are of low quality and are damaged.

All tree works will be carried out to standard requirements with remaining trees and root area to be protected from site works. Subsequent discussion on site has produced revised plans which retains more trees particularly in the SW corner.

Ground condition report

The condition of the soil and sub-soil on site were investigated in terms of their suitability for foundations for the new development and in view of the historic use of the site which may have led to limited chemical contamination. Historically the site was in agricultural use as a plant nursery till the early 1960's when the school was built and remained open to the late 1980's since when the buildings have been used as administrative accommodation, mainly related to education purposes and a youth centre.

There is no evidence of made ground formed by dumping top soil on the site and the natural surface material comprises glacial till over granite bedrock at a depth of 5 to 10 metres.

In order to fully investigate any potential contamination a series of trial excavations and bore holes will be sunk to allow soil sampling, groundwater testing and the condition of materials to be established. These works were recently completed and a report submitted as a requirement of the consultation from Environmental Health. This information was found to be in order with no concerns identified though subject to final acceptance once the building on site had been cleared and the solum investigated for any potential contamination.

Sustainable Energy Statement

The store is designed from a low carbon approach, including low and zero carbon energy for the replacement of carbon emissions following the avoidance and reduction of these emissions through passive design and efficiency measures.

Techniques to be utilised include the use of natural refrigerants and highly efficient refrigeration systems, maximum use of natural daylight in the store entrance, café and office spaces, energy efficient lighting, use of waste heat and heat recovery systems and electricity generation using solar photovoltaics.

With these initiatives the SPG on Reducing Carbon Emissions in new development is recognised and the target of at least a 15% reduction beyond 2007 building regulations met.

Drainage Strategy

There are existing combined sewers on all the roads round the site and culverted watercourses on Stronsay Drive and Gairsay Road. Scottish Water has confirmed that there is sufficient capacity in both the local drainage and water supply network to serve the development.

The site is unlikely to be subject to flood hazard and there is no record of local flooding or blockage of the culverts and the development will not result in any increase in surface water run-off.

The new development will be served by a separate foul and surface water drainage network and the existing site network will be removed. Foul drainage is to connect to the existing services on Gairsay Road and Stronsay Drive. Surface water drainage will incorporate SUDS. Owing to aviation guidelines surface water detention basins or ponds cannot be used therefore below ground storage will be used and will complement the porous asphalt system for the car park surface and filter trenches for roof water prior to controlled discharge to the culverts. All drainage from the filling station and service yard, which may be contaminated by oil and fuel spillage, will be connected to the foul sewer.

REASON FOR REFERRAL TO SUB-COMMITTEE

This is a major application and involves land which is in the ownership of the City Council. The local Sheddocksley and Northfield Community Council have also commented on the application and there are 6 letters of objection. All these criteria justify referral to the DMSC

CONSULTATIONS

ROADS SECTION –Had initial concerns regarding the road layout relative to the formation of the new site access, internal parking arrangements, provision of cycling facilities and site drainage. The scale of the proposal also required detailed analysis of the TA and potential effect on local road network. Following discussions between roads officers and transport consultants have now reached agreement with off-site road improvements identified and the financial contributions which will be sought through a legal agreement regarding cycling provision, traffic calming measures and reservation of land for potential road improvements. Will also require contributions towards maintenance of new traffic signals. A travel plan will be required for this development

TRANSPORT SCOTLAND- The operation of this site for retail purposes will have an effect on the A90, North Anderson Drive corridor with particular regard to the traffic light controlled junction between the Lang Stracht and the A90. Have suggested that rather than road improvements to the A90 the applicants make proportional financial contribution. A travel plan will also be necessary

ENVIRONMENTAL HEALTH –no adverse comments following submission of Contaminated Ground Investigation though further work required once site cleared. Have also commented that opening hours and servicing should be restricted in view of the possibility of overnight disturbance to the occupants of adjacent housing.

COMMUNITY COUNCIL –Had initial concerns with the traffic impact of the development though supported the provision of modern shopping facilities in the area. Note that the local community have not had same retail options as other parts of the city and would like to see similar shopping choice in the area. The Lang Stracht is already unacceptably congested, the new store will lead to gridlock at peak times and do not feel that the applicants have addressed the serious roads implications of this development. Also seek provision of replacement community facilities. The concerns regarding the traffic impact have been reiterated in their second consultation response.

PLANNING GAIN – A contribution will be required relative to the development to be utilised towards environmental and access improvements in the vicinity.

REPRESENTATIONS

6 letters of objection received with the main concern being impact on traffic and potential to cause and exacerbate road congestion. One specific objection from rival supermarket operator questioned validity of the applicant's retail analysis.

One objection draws attention to the Reporters findings into the 2008 Local Plan which identified only one particular site at Rousay Drive for a supermarket development. The need for two stores of this scale in the area has not been established and is likely to lead to closures and job loss by local shops.

The potential development of two stores would lead to unacceptable levels of traffic congestion along the Lang Stracht, the A90 and lead to loss of residential amenity in adjacent streets such as Stronsay Drive and Summerhill Terrace.

The objection submitted by a rival store operator draws attention to the provision in the (recently replaced) Aberdeen Local Plan for one store to serve west Aberdeen. This site at Rousay Drive is identified in the adopted local plan by Proposal OP61 and has planning permission with development imminent. No case has been advanced to justify more than one store to serve west Aberdeen and the Rousay Drive site enjoys a more central location within the catchment.

The objections also cast doubt on the validity of the retail assessment undertaken for Morrisons as it defines a catchment area extending well beyond the west Aberdeen area and base their assessment of retail underprovision on the large population within this area, many of whom would be unlikely to shop in the Lang Stracht location. The objector therefore concludes that their will be insufficient local expenditure to support two stores.

The objectors also note that their store is located on the main street frontage whereas the proposed store is located within the rear of the Summerhill site and the car park fronts the Lang Stracht.

The objector's transportation consultants also point out, in their opinion, inconsistencies in Morrisons Transportation Assessment which does not compare to the work submitted by the rival applicant for the Rousay Drive location. The effect of the new store on the local and trunk road network has therefore not been properly addressed and would lead to unacceptable impact.

These objectors have been advised of revisions and updates to both the TA and RIA which have been submitted.

Aberdeen Cycling Forum whilst welcoming the provision of covered cycling parking at the store were concerned about the loss of a length of cycle lane and the potential for cyclist/vehicle conflict at the new store entrance where none exists at present as the cycle lane provides a continuous straight ahead facility at present. They would wish to see additional provision for cycle parking at the store.

Aberdeen Civic Society comment that adequate traffic management procedures should be followed.

Renotification

On receipt of the final and updated submissions from the applicant along with the Roads Engineer's consultation all parties, including the local community council, who made initial representations were invited to submit additional comments on the updated material. This resulted in an additional 3 representations being received which require to be taken into account along with the earlier initial objections. The main concerns still relate to road and traffic issues, which the objectors do not consider have been adequately addressed and retail impact.

It is considered by the objector that Morrisons have exaggerated their large catchment area (parts of which do not naturally fall within the catchment of the Summerhill site) and have not adequately dealt with the effects on existing local centres. Traffic objections include concerns that the trip rate calculation for the proposed store has been significantly underestimated in the context of congestion along the Lang Stracht and that Morrisons have overestimated the pass-by and linked trips to their proposed store. The objectors are not convinced that there is sufficient network capacity to accommodate the proposed store.

PLANNING POLICY

Scottish Planning Policy states Scottish Government policy on important land use planning matters and promotes in Para 52 (Town Centres and Retailing) the preparation of a hierarchy of retail centres with an emphasis on the importance of the town or city centre and advocates a sequential approach which should be used in the selection of retail locations.

Out of centre locations may be acceptable provided that they are easily accessible by walking, cycling and public transport. A convenient location, close to homes or places of work and easily accessible by foot, public transport or car, with available short term parking, is also important.

A retail impact analysis should also be undertaken where a retail development of more than 2,500 square metres gross floorspace outwith a town centre is proposed which is not in accordance with the development plan. An impact analysis may also be necessary for retail proposals which may have a significant impact on vitality and viability.

The policy guidance on transport in paras 165-170 emphasises the shift from car based travel to walking, cycling and public transport with development supported in locations that are accessible by sustainable transport. The guidance advocates the implementation of travel plans and the preparation of Transportation Assessments where new development is likely to result in a significant increase in the number of trips.

The main planning guidance on development of this brownfield site is contained within the newly adopted Aberdeen Local Development Plan (LDP) which was formally adopted on 29 February 2012. This site is identified by proposal OP120 and identifies this vacant site as surplus to requirements and within a Residential policy area. Appropriate development options include residential, office or retail.

The policies within the LDP which have a bearing on this application include

- Policy T2, Managing the Transport Impact of Development which requires that new development will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Applications require to be supported by Transportation Assessments and Travel Plans will be necessary either by condition or legal agreement.
- Policy D1, Promoting High Quality Design and requiring that new development is designed with due consideration to its context and setting
- Policy D3, Sustainable and Active Travel which supports, promotes and facilitates walking, cycling, public transport along with improved facilities such as Core Path enhancement.
- Policy H1, Residential area which states that within existing residential areas proposals for non-residential use will be refused unless they are considered complementary to residential use and it can be demonstrated that the use would cause no conflict with or nuisance to the enjoyment of existing residential amenity.
- Policy RT1, A Sequential Approach requiring that all retail developments appropriate to town centres should be located in accordance with a hierarchical and sequential approach.
- Policy RT2, Out of Centre Proposals which will only be generally acceptable where no other alternative site is available, no adverse effect on the locality would result, there is a proven deficiency in local retail provision, the site will be easily accessible and there would be no significant or adverse effect on travel.
- Policy NE3, Urban Green Space where development should result in no loss of landscape character, public access is enhanced, the site is of no heritage values and would not result in the loss of trees. Consideration must be given to replacement Green Space and improved benefits to the local community.
- Policy NE5, Trees, where existing trees should be retained following objective assessment and replacement provided where tree loss is necessary.
- Policy NE6, Flooding and Drainage, with emphasis on Sustainable Urban Drainage Systems (SUDS).
- Policy R7, Low and Zero Carbon Buildings, where targets for sustainable construction and low energy consumption within new development require to be met.

EVALUATION

The proposal is not considered to constitute a departure from the development plan as a retail use of this site would be complementary to the adjacent housing area. This is not a city centre site though the proposal for a superstore is not one which would normally be located within a city centre and there has been a long term proposal for modern convenience retail facilities in the west of the city.

The applicant has demonstrated that there is sufficient expenditure within the city to support another store in this location and whilst the Retail Assessment was based on the existing population it has also to be noted that the recent approval of the Aberdeen Local Development Plan has made provision for substantial new residential development west of the city in e.g. Countesswells, Kingswells, Greenferns and Maidencraig which will be within the market area of this store.

A main benefit of having modern retail facilities within a large community which is not currently provided with such facilities, particularly with regard to weekly food shopping needs, is that there will be major gains in terms of overall sustainability and traffic generation with customers shopping locally to meet these needs rather than having to depend on private cars to shop at, what are to them, more remote locations as at present.

The site is within a Residential land use allocation in the recently adopted Aberdeen local development plan of February 2012. On such residential areas policy requires that uses other than residential will not be permitted unless considered complementary to residential use, such as local shops (class 1 use) and it can be shown that the use would cause no conflict with or nuisance to the enjoyment of existing residential amenity. All development must meet required standards for car parking and open space.

In the Aberdeen Local Development Plan the site is identified as an opportunity site OP120 with a comment that the former school is now vacant and surplus to requirements.

The recognised established recent use of the site was for administration and offices by the local authority and the landscaping within the site should be considered as amenity ground within the grounds of an office complex. It does not enjoy the status of open space as the public were generally excluded from these private grounds which were not available for general recreation purposes.

The proposed development will result in significant areas of the site being retained and enhanced by additional landscape planting which will result in an improvement to the visual amenity the area. In addition the site will be open to public access through three access points and will therefore be more permeable than at present with a contribution made to enhance the provision of linking footway and cycle routes to and through the site. It is considered that these benefits will outweigh the marginal loss of open space within the site.

In the preparation of the LDP it was considered that there remains a need for modern convenience shopping provision to serve the western districts of the City. A planning consent is in place for a modern supermarket at Rousay Drive and this site at Summerhill has since become available. The impact of two superstores on the Lang Stracht would have to be carefully considered in terms of the effect on the vitality and viability of nearby centres through a Retail Impact Assessment. The proposal for a store at Summerhill must be considered in light of the permission at Rousay Drive as there may be concerns about the cumulative effect on traffic and retail impact though the development of both sites is not precluded.

The crux of this application is to judge whether the combined effect of both the Rousay Drive and Summerhill sites in operation as superstores would result in unacceptable consequences. The TA prepared by the applicant relative to this application took into account the effect of the existing traffic levels (without any store) then the operation of the Rousay Drive site then added on the effect of the Summerhill site opening. This rigorous exercise indicated that only minor traffic effects would result and the combined effects were considered acceptable.

Similarly the applicants indicated in their retail study that there was capacity within the western part of the city to support two stores in this general location on the basis that there is a substantial population which would be closer in terms of travel time to either of these two stores than to existing alternative superstores and that any likely diversion of trade from existing stores would not effect their viability. The effect on local centres is different in that the store would not result in direct competition being directed towards mainly large weekly shops whereas the local retail facilities offer top up shopping.

Accordingly the cumulative and combined effect has been investigated and supports the approval of consent for the Summerhill site.

Comments from Grampian Police Architectural Liaison Officer indicated that a safe environment enhanced by appropriate lighting is required for customer and staff safety, there should be no recesses or recessed doorways in the development and entrances, including staff entrances, should be covered by high resolution CCTV cameras. The location of an ATM should be by the main entrance with enhanced passive surveillance.

The site has existing flowering trees and shrubs some of which will be removed to allow development. The site is adjacent to the approach and take-off routes for Aberdeen airport and though the height of the proposed building is well below the threshold for consultation with BAA the applicants have undertaken to utilise male only planting (which is not fruit or seed bearing) in the new landscape planting programme as such planting stock will not attract feeding birds. The applicants have submitted a fully detailed landscape plan as part of the planning application and have also submitted a Bird Hazard Management Plan. A condition is still advised relating to this as the measures require to be kept in place for the whole life of the building relating to this. In addition a landscape maintenance condition related to the applicants own high specification soft landscape maintenance programme is also necessary.

The proposed site layout has been developed taking into account the required need for a new dedicated vehicular access, to be taken directly off of the Lang Stracht together with the various existing physical site constraints. The existing topography of the site is such that it falls some 6m from the Lang Stracht down to Gairsay Road and there is a main sewer wayleave which lies within the site running parallel with Stronsay Drive.

The proposed main building location has therefore been set towards the rear of the site straddling the location of the existing higher, four storey section of the current building. It is in keeping with other new and existing developments along the Lang Stracht that have been set back from the dual carriageway such as the adjacent Lidl supermarket and the various car showrooms.

In siting the main supermarket further back into the site this allows clear separation between the filling station and the main store car park. This allows them to operate independently and offers security opportunities to close off the main car park when the store is not in operation.

In visual terms by locating the building to the rear of the site this allows for the active frontage to face the Lang Stracht and limits the height impact of the overall development. If the development were to be located directly on the Lang Stracht the operation of the store would result in a need to 'turn its back' on the main road as the retailer requires the store entrance to be entered directly off the main customer car park which would be in the rear of the site in this scenario.

The current proposed orientation and location suits both the operational requirements of the retailer with all its customers having easy access to the main entrance point and is also a sustainable construction solution as the main existing site levels are utilised to achieve the required minimum falls across the car park without the need to either remove or import excessive amounts of material. If the building were to be erected on the Lang Stracht at the higher level this would require a great amount of imported material to maintain the gradient over the car park and the car park would be at a higher level than currently proposed and would result in the need for steps to access the site.

As currently proposed the service yard is enclosed and accessed off the main site access road and avoids conflict with the main car park. Should the store be located on the site frontage, servicing may have to utilise a second dedicated access off Gairsay Drive and would result in conflict within the customer car park as well as potential noise issues.

It is therefore considered that the proposed site layout and building location is the best solution in terms of planning policy, sustainability and operations needs.

In terms of visual amenity the initial eastern elevation was considered bland and this has been revised to introduce a colour and material differentiation and introduce an acceptable level of visual interest as shown on the final plans.

The final details of the surface drainage arrangements are yet to be agreed and a condition is advised. An appropriate condition is also advised regarding ground conditions and any potential for contamination though the information available to date does not indicate any problems but the ground underneath the buildings to be demolished still requires final examination before this requirement can be concluded. An agreed statement for the management of servicing of this store has been submitted as part of the application though a condition restricting construction access to the main access point off Stronsay Drive via the Lang Stracht is advised and the developers are in agreement with this. A condition to limit the noise levels of the ventilation and refrigeration plant installed is a failsafe recommendation though interpretation of the Acoustic Assessment indicated no issues should arise. In addition, opening hours of the store, the PFS and the car wash are specified by condition and there will be no overnight deliveries to the store.

Roads and transportation

A transportation Assessment (TA) was prepared in support of the development and considered the impact on accessibility and transportation matters. It considered all travel and transport modes to the development and examined both sustainable travel modes and travel by private car.

The development requires access on to the Land Stracht where there is significant existing congestion during the AM, PM and Saturday peak periods.

The TA was initially prepared in May 2011 and has been subject of recent analysis; the store access requires a new junction and this has been assessed on the basis of its performance to accommodate traffic on the route with acceptable queuing and delay. The results of traffic modelling undertaken for the development confirm that the network can accommodate the anticipated level of traffic. The analysis demonstrated that the traffic to be developed by both the Tesco and Morrison's proposals can be accommodated on the local road network and queues and delays are within acceptable limits.

It is also relevant to point out that any redevelopment of the Summerhill site will require a new access regardless if it is Morrison's or another development, such as business or housing. The junction arrangement will inevitably change and will not be the same as present. Whilst, therefore, the proposals may be acceptable there are three issues relative to the consequences of this development that require to be addressed.

Traffic signal control of the junctions of Eday Road with Stronsay Drive and Stronsay Place and with Stronsay Drive and Kings Gate will require to be installed and conditions are advised regarding these works. It should be noted that similar conditions were placed on the Tesco approval at Rousay Drive and who ever implements their consents first will require to undertake these works. However, the capacity of these junctions has been assessed following both the opening of Tesco and Morrison's and both junctions will operate within acceptable limits.

Right turn bans are to be implemented on Westholme Avenue with Kings Gate and to prevent rat-running along Westholme Crescent traffic calming by way of speed cushions is advised and an appropriate condition is required.

The proposed site access requires the removal of a length of bus lane and cycle lane along the site frontage, Traffic Regulation orders will be required for these amendments and the applicant will have to fund the administrative costs. The applicants have also to make a financial contribution towards future cycle lane provision in lieu of actual works on site. These aspects are covered by a legal agreement

In physical terms there remains potential to widen the Lang Stracht along this frontage and the applicant has been requested to reserve land for a 15 year period should these works become necessary. This requirement will need to be included in a legal agreement relative to this development

The applicants are committed to the preparation and implementation of a Travel Plan and in this regard have submitted a Travel Plan Framework as a starting point. Travel surveys will be undertaken within 6 months of opening and the information used to develop the Travel Plan for the store to target the most appropriate measures to influence both staff and customer behaviour.

A legal agreement reflecting this mechanism and the attainment of satisfactory performance levels is advised and complements the point made by Transport Scotland that a Travel Plan is necessary for this development.

Concluding planning consideration

The planning gain contribution towards enhancement of the local Core Path network is relatively modest as is the contribution sought by Transport Scotland for reconfiguration of the traffic signal controlled junction of Lang Stracht with North Anderson Drive and minor alterations at Kings Gate. There are other developer costs involved with improvements to the local roads network and they are to be governed by suspensive conditions. In addition other contributions are being sought for future improvements to cycling provision and reservation of land for road improvements in the area. The applicant has indicated a willingness to pay these contributions through the preparation of a legal agreement. The current ownership of the site by the City Council has to be recognised in legal terms and an enabling agreement under the terms of S69 of the Local Government (Scotland) Act is required such that the developer, on purchase of the site, subsequently enters into a planning agreement under S. 75 of the Planning Acts. This agreement will then provide for payment of contributions through Planning Gain and the roads requirements including the delivery of the Travel Plan.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

This retail development is considered to be ancillary to the residential land use allocation of the site and adjacent area, has been assessed to result in limited impact on the vitality and viability of local centres and does not result in adverse impacts on traffic flow or safety in the adjacent road network and is of a suitable design and layout.

It is recommended that approval is granted subject to the completion of a legal agreement and with the following condition(s):

(1) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(2) Prior to the commencement of any development on site a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the planning authority, in consultation with Transport Scotland. The Travel Plan shall identify measures to be implemented; the system of management, monitoring, review and reporting; and the duration of the plan - in support of sustainable transport initiatives.

(3) Prior to the occupation of any part of the development the modifications to the A90(T)/Kings Gate roundabout, generally in accordance with figure 9.13 of the SKM Colin Buchanan Transport Assessment dated September 2011, together with timing adjustments to the A90(T)/Lang Stracht signal junction, shall be implemented, or a contribution in lieu of the physical works made to Transport Scotland, to the satisfaction of the planning authority, after consultation with Transport Scotland - in the interests of the free flow of traffic on the Trunk Road.

(4) That prior to the commencement of the development hereby approved the operator shall submit to and have agreed in writing with the planning authority a management plan for the routing of construction vehicles to and from the site which shall subsequently be implemented in accordance with the agreed scheme. For the avoidance of doubt all construction vehicles shall be required to access and exit the site using the main entrance on Stronsay Drive via Lang Stracht/A944 and North Anderson Drive/A90(T) only - to avoid traffic conflict with the main road network.

(5) That for the avoidance of doubt this planning consent hereby granted shall be strictly for 6,331 sq. metres floor area only (this provision shall allow for 3,383 square metres or thereby of trading floorspace and 2,948 square metres non-trading floorspace within the store) and that any permitted development rights by virtue of S26 (2)(a)(i) of the Town and Country Planning (Scotland) Act 1997 are hereby removed - in order to accurately define the terms of the consent as the traffic impact has been assessed on the floorspace of the proposals as submitted.

(6) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. AL(0)06 RevE of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(7) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(8) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(9) that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

(10) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

(11) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

- (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
- (c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

(12) that no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination,
2. a site-specific risk assessment,
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

No building(s) on the development site shall be occupied unless

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and

2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation- reason: in order to ensure that the site is fit for human occupation

(13) Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of - *management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'*

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority- It is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

(14) that the development hereby permitted shall not be brought into use until the zero/low carbon equipment has been installed in full accordance with the details shown on the approved plans - to ensure this development complies with the on-site carbon emissions target outlined in Scottish Planning Policy (SPP) and specified in the City Council's adopted Supplementary Planning Guidance, 'Reducing Carbon Emissions In New Development'.

(15) That none of the units hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing no. AL(0)06 RevE have been provided - in the interests of encouraging more sustainable modes of travel.

(16) that the use hereby granted planning permission shall not take place unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes from the premises has been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation - in order to preserve the amenity of the neighbourhood.

(17) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(18) That the development hereby granted planning consent shall not be occupied until the following road improvements have been implemented to the satisfaction of the planning authority:-

1. The Stronsay Drive/Stronsay Place/Eday Road junction shall be signalised in accordance with the engineering details shown on SKM Colin Buchanan Drawing No. VN19877_02_SK001 and

2. The Stronsay Drive/Kings Gate junction shall be signalised in accordance with the engineering details shown on SKM Colin Buchanan Drawing No. VN19877_02_SK002 which works shall include the banning of right turns at Kings Gate/Westholme Avenue.

- in the interests of road safety and the free flow of traffic.

(19) That the operational hours for this development shall be restricted as follows unless agreed in writing with the planning authority:-

The Petrol Filling Station opening hours shall be between 07:00am to 11:00pm

The store opening hours shall be between 7:00am to 11:00pm

The Car/jetwash/vacuum activity shall be restricted to the hours of 7:00am to 10:00pm

and all delivery activity shall be restricted to between 6:00am and 11:00pm,- in the interests of residential amenity

(20) That prior to the occupation of the development hereby approved the measures as identified in the applicants Acoustic Impact Assessment dated 23 September 2011 relative to this application shall be installed and operational unless otherwise agreed in writing with the local planning authority - in the interests of residential amenity

Dr Margaret Bochel

Head of Planning and Sustainable Development.

Alex Scott.

PI - Planning Objection to Application No 111468 (Redevelopment of Former Summerhill Academy)

From: "Mastrick, Sheddocksley & Summerhill Community Council"
To: PI PI <PI@aberdeencity.gov.uk>
Date: 10/13/2011 09:25
Subject: Planning Objection to Application No 111468 (Redevelopment of Former Summerhill Academy)
Attachments: Morrisons Objection.pdf

Please find attached objection to this application. I would appreciate confirmation that you have received this message

Thank you
Steve Delaney

Steve Delaney

Chairman, Mastrick, Sheddocksley & Summerhill Community Council

33 Benbecula Road, Sheddocksley, Aberdeen. AB16 6FT

Tel: Mob:

MASTRICK, SHEDDOCKSLEY & SUMMERHILL COMMUNITY COUNCIL

**Steve Delaney,
Planning Officer,
33 Benbecula Road,
Aberdeen. AB16 6FT
20 March 2012**

**Head Of Planning & Infrastructure,
Aberdeen City Council,
Business Hub 4,
Marischal College,
Broad Street,
Aberdeen.
AB10 1AB**

Application Number 111468 (Morrisons Supermarket – Lang Stracht)

Dear Sir/Madam,

With reference to the amended information submitted on 13th March 2012, we would have the following comments.

The removal of bus lanes in the vicinity of the application site is welcomed as is the integration of signalised junctions into the SCOOT system. We believe both these changes will offer some relief in addressing traffic impact created by the proposed supermarket. Whilst we welcome confirmation of the position in this respect, we have grave concerns that these proposals still fail to address the full impact of traffic accessing the store.

In particular we remain very concerned that dedicated right turn lanes have not been included at the two locations suggested in our original submission. We refer to the need for a right turn lane into Morrisons at the Lang Stracht/Fernhill Drive junction to ensure traffic travelling towards Anderson Drive and beyond does not get bottlenecked by traffic accessing the store. Similarly, the Lang Stracht/Stronsay Drive junction needs a dedicated right turn lane feeding into Stronsay Drive. This junction currently bottlenecks traffic traveling eastwards towards Anderson Drive at all times of day.

Although a store at this location would be welcomed by the community it remains our belief that the applicant has failed to mitigate the traffic impact of the store. The mitigation measures at Stronsay Drive/Eday Drive/Stronsay Place and Stronsay Drive/Kings Gate are worthless and will have no effect on traffic using this store. We therefore call on Committee to defer the application in order to address the traffic impact on the Lang Stracht.

It goes without saying that our original letter of objection remains valid and should go to Committee along with this representation.

Yours faithfully



**MASTRICK, SHEDDOCKSLEY & SUMMERHILL
COMMUNITY COUNCIL**

**Chairman
Steve Delaney,
33 Benbecula Road,
Aberdeen.
AB16 6FT**

13 October 2011

**Head Of Planning & Infrastructure,
Aberdeen City Council,
Business Hub 4,
Marischal College,
Broad Street,
Aberdeen.
AB10 1AB**

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**Planning Objection to Application No 111468
(Redevelopment of Former Summerhill Academy)**

Dear Sir/Madam,

Mastrick, Sheddocksley and Summerhill Community Council wishes to make the following representation in respect of this application.

We are not opposed in principle to the building of a large supermarket located off the Lang Stracht, provided substantial measures are taken to mitigate the traffic impact caused by such a proposal. There has been a lack of shopping options in the west of Aberdeen in comparison to other areas of the city and we would like to see our community have the same choices at affordable prices as those available elsewhere.

We welcome the applicant's statement on recycling of refuse arising from the operation of the store. We also commend their proposals with regard to disabled parking spaces and reserved mother and child space in close proximity to the store entrance. We welcome the revised plans showing several pedestrian access routes to the site and statements that various pedestrian crossings are provided within the site. We trust that officials will ensure the number of these proves to be adequate for the expected footfall at the store.

With the Tesco application already approved for Rousay Drive, we have significant concerns about the traffic impact of two superstores within five minutes' walking distance of each other. This is not to say that we have a preference regarding either Morrisons or Tesco, but we do feel that if this application is to proceed, it needs to be very carefully controlled in order to mitigate traffic impact on this main arterial route and preserve a decent level of residential amenity for people living in the area.

The Lang Stracht is a poorly designed road which is subject to significant congestion nearing gridlock at peak times. It is not uncommon to take 15 minutes to drive from Skye Road to the junction with Westburn Road at busy times. This is a distance of just 1.5 miles. We believe the building of a supermarket of this size will generate sufficient additional traffic to gridlock the road completely at morning peak times and add significant

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congestion at other times of day unless the applicant is compelled to make significant contributions towards addressing this issue, something we will set out in greater detail in the course of this submission.

We therefore object to the proposal as currently submitted on the basis of the applicant's failure to address the traffic impact created by the store. However, we're looking for no more than a fair acceptance of the need to address these issues in order to turn this into a viable proposal. We are therefore hopeful that continued negotiation between the Planning Authority and the applicant will go some significant way towards addressing our main concerns which are discussed below.

1. Site Boundary/Road Widening

The plans show the developed area of the site running to the existing boundary on the Lang Stracht on the northern boundary of the site. Acknowledging that this accommodates a feeder lane into the store when heading westwards along the Lang Stracht, it does not allow for any widening of the road. We would therefore request that any approval be deferred pending a re-design to address this issue. The purpose of this suggested widening is discussed next.

2. Addressing The Main Road Junctions

In order to avoid ensure the free flow of traffic in the immediate vicinity of the proposed development we request the following junction improvements. There needs to be a dedicated right turn lane into Morrisons at the Lang Stracht/Fernhill Drive junction to ensure traffic travelling towards Anderson Drive and beyond does not get bottlenecked by traffic accessing the store. Similarly, the Lang Stracht/Stronsay Drive junction needs a dedicated right turn lane feeding into Stronsay Drive. This junction currently bottlenecks traffic traveling eastwards towards Anderson Drive at all times of day but the additional traffic following completion of the store is likely to result in delays exiting the store, on Lang Stracht and on Fernhill Drive unless this issue is addressed. As well as the frustration this will cause for non-store traffic, access to the store will also be disrupted unless dedicated right turn lanes are introduced at both locations.

3. Bus Lanes

We believe the bus lanes on Langstracht to be part of the problem as far as the current congestion goes. It's not that we fail to see merit in bus lanes, in an ideal setting they can be invaluable for keeping public transport moving. We just feel they should only be used at locations where they will serve a useful purpose and should not be used where they create a detrimental effect.

The applicant states that the Lang Stracht has a dedicated bus lane operating at peak times. This is not a statement based on fact as only a small part of its length has bus lanes. The poor design of this road can only accommodate bits of bus lanes dotted along the length of the road. Most of the bus lanes on the Lang Stracht are far too short to be useful to buses anyway and present a hazard to all, by having to dodge in and out of the inside lane as the bus lanes stop and start. This is most obviously seen at the entrance to Lidl where the bus lane is far too close to the junctions with Fernhill Road and the Lidl entrance. There are several other examples of this along the length of this road. Our preference would be to get rid of the bus lanes on this road as they benefit nobody but we accept this is unlikely to find favour with Committee.

However, we would strongly urge the removal of all the short bus lanes on Lang Stracht (of which there are many) which do nothing other than increase traffic congestion. A site visit would reinforce the reasonableness of this request.

4. Traffic Impact

We have read the Traffic Impact part of the Transport Assessment with some concern. We agree with the applicant that the catchment area for this store is the whole of Aberdeen (excluding Bridge of Don) and goes as far out as Westhill. However, their analysis fails to take cognisance of the amount of traffic this will generate. The Tesco development at Rousay Drive has been included as committed development in their calculations, but the proposals in the soon to be approved Local Development Plan such as Maidencraig North, Maidencraig South (750 homes) and the office development at Home Farm, Kingswells (2,500 employees) have been conveniently forgotten. Unfortunately (for the community) the timing of the application appears to be such that its determination will pre-date adoption of the Plan.

As part of the Transport Assessment, the applicant conducted a survey using the industry standard TRICS database to calculate the number of trips expected to the store at specific times of day and on different days of the week. This suggested 395 vehicles movements in morning peak with 901 in the evening peak and 930 in the Saturday peak. The applicant thought these figures were unrealistically high and substituted them with 154 morning peak, 475 evening peak and 537 Saturday peak. Just to confuse matters, the Design & Access Statement suggested different figures with 224 vehicles morning peak and 785 vehicles for both evening and Saturday peak. We could have accepted the accuracy of the original figures as a reasonable estimate, but not the pure fiction which has followed.

These "revised" figures are exceptionally low and appear to be nothing less than an attempt to arrive at figures which support a pre-determined conclusion that the store will result in no net detriment to the roads network. The assertion that all junctions would be working within capacity at all times is quite frankly ludicrous! It would therefore be grossly irresponsible for this proposal to go ahead on the basis of disregarding figures produced by the Scottish Government's approved TRICS database for no reason other to "make it fit" with the applicant's wishes. The resultant net detriment brought to our community would be unsustainable if it remains unmitigated, which appears to be what the applicant is proposing.

Comparisons were made to stores at Giffnock, Johnstone and Stirling on the basis of similar store size. Whilst they may be comparable in size to this proposal, they do not have the population of Aberdeen nor do they have to contend with the pre-existing congestion on the Lang Stracht. The proposed store is very easily accessed from most of the city via Anderson Drive and the Lang Stracht by car, and from Kingswells and Westhill via the Lang Stracht. It will be a popular store and is likely to attract customers who currently use other supermarkets in the city. We honestly believe the output of TRICS to have been a reliable assessment, albeit that it excluded other proposed development in the area. We therefore question the reliability of the subsequently "adjusted" data which was used to justify the theoretical "no net detriment" position.

Similarly, the applicant dismisses the need to include trips to the petrol station in its trip analysis data. We agree that many visits to the petrol station will be made by visitors to the store. However, no cognisance has been taken of the fact that it will be the only petrol station between North Anderson Drive and Tesco at Westhill (with

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the possible exception of the Five Mile Filling Station which is only accessible to traffic coming eastwards from Westhill). On that basis local people will use the Morrisons Petrol Station by choice. We therefore believe that some reasonable allowance should be made in respect of this and we question the illogical reasoning behind this approach.

The statement by the applicant that bus frequencies are 10 minutes or better is both completely misleading and untrue. The most frequent service is 12 minutes with others running to 20, 30 and 60 minutes. With the exception of the 30 minute No 13 service (which they mentioned as a No 20 on a 20 minute service) and the 12 minute No 23 service which they erroneously state as 10 minutes, the true frequencies are acknowledged in the application, yet the applicant somehow computes this to equate to 10 minutes or better! Even if they are looking at the waiting time between any two buses passing their store, their logic is flawed because these bus routes serve different areas and customers will, in most cases, only a single service which can take them home. We therefore challenge the reliability of the supplied data.

We also have concerns about anecdotal evidence that 50% of customers will walk, cycle or arrive by public transport. The sample was small and not necessarily representative, yet it is referred to throughout the application as if merely repeating it validates its findings. Transporting messages on a bicycle isn't really feasible and walking is OK unless you have more than a couple of bags of messages, in which case it also becomes unrealistic. Public transport is unlikely to be used for short local trips, though it will undoubtedly come into play with customers coming from further afield. In reality, we need to accept that car journeys will make up the largest number of trips to this store whether or not it's politically correct to acknowledge this. Public transport will only ever become a real option when it becomes frequent, reliable and affordable but that's not a debate to go into in detail here.

In conclusion on this point, there will be a major impact on the local roads network and we can live with that if it is acknowledged honestly and mitigated fairly. We believe the "facts" and figures put forward by the applicant to be a work of fiction. This data is out of touch with reality and contrary to established and accepted methods for data gathering. We would therefore request either the TRICS data be used without adaptation or further independent studies be conducted by Aberdeen City Council prior to determining the traffic impact and the level of mitigation required.

5. Green Transport Plan

Within the Transport Assessment the Green Travel Plan put forward by the applicant is very "woolly". It offers nothing more than making employees aware of alternative modes of transport. The narrative says that it's not possible to formulate the detail of the plan prior to the opening of the store and that it can be reviewed periodically thereafter. This statement is repeated several times. We therefore have concerns that this is no more than a box ticking exercise as Morrisons must have Green Travel Plans for other stores and must know what works and what does not. We therefore believe it would make sense to have an agreed and enforceable Green Travel Plan signed off prior to the opening of the store and request this be applied by way of Planning Condition.

6. Cumulative Impact of Development on Lang Stracht

We believe it to be reasonable to expect Morrisons to make a substantial contribution towards the cumulative cost of improving traffic flow along the length of this road in proportion to the traffic impact created by their superstore. If proposed developments such as Maidencraig North East, Maidencraig South East and the office development at Home Farm, Kingswells (particularly the later phases) go ahead, the impact of these and other smaller development will further impact on the sustainability and viability of this arterial route.

In all fairness to Morrisons it's not solely their responsibility to resolve this, but it would be unacceptable for them to walk away from their responsibility towards the cumulative impact. To put this in context, we believe the potential developers of Maidencraig North East, Maidencraig South East, Home Farm, Kingswells and other smaller developments should also be contributing based upon their own pro rata share of the impact of additional traffic on the Lang Stracht.

We therefore call on Committee to instruct a Lang Stracht Planning Brief as Supplementary Guidance to the Local Development Plan. Development along the length of this arterial route and development which has a direct or indirect impact on this route should contribute towards a central pot of money in order to bring the road design and capacity up to what is identified as being necessary in that Planning Brief.

Such an approach has been followed in the past in Justice Mill Lane and in respect of other areas where it is reasonable to assume a cumulative effect given the scale of expected development. As members will be aware, failure to set up such a facility at an early stage and secure sufficient contributions from major developers such as Morrisons represents a missed opportunity for the city, which is why we urge you to set aside an appropriate contribution towards a major upgrade of the Lang Stracht by way of Legal Agreement attached to any consent in respect of this application.

It is clearly essential that such a Planning Brief be put in place prior to determination of this application, otherwise its effectiveness will be greatly reduced.

7. Community Facilities

Prior to the closure of the Summerhill Centre in order to facilitate the sale of the site, there was a vibrant Community Centre operating from the building. It was the only community facility of its type in Summerhill. Some years earlier the Council made it clear that alternative community facilities would be put in place prior to the closure of this facility. Whilst accepting that the Council was not by that time in a financial position to deliver facilities prior to closure of the site, it is not unreasonable to expect these facilities to be delivered following receipt of Planning Gain in respect of this, which would be expected upon completion of any development of the site.

We therefore ask Committee to ensure that appropriate Planning Gain is secured by way of Legal Agreement in order to deliver a suitable facility. We would also request that the Community Council and the wider community in Summerhill be consulted regarding how best to take this forward.

8. Recycling Centre

We are concerned about the current proposed location of the recycling centre as it is very close to existing residential properties. There will be increased noise from the recycling facilities during store hours and a risk of anti-social behaviour at bottle banks outwith these times. Whilst welcoming the facility, we would request it be moved to a central location within the car park in order to minimise disruption and preserve the residential amenity of those already living in the area.

9. Light Pollution

It was suggested to us by Morrisons that lighting would be switched off outwith operating hours in order to minimise disruption to local residents. However, such an undertaking was verbal and without sanction were it to be breached. We would therefore welcome appropriate conditions to require lighting to be installed in such a manner as to minimise light pollution at all times and to ensure that lighting is indeed switched off outwith the store's opening hours. It is accepted there needs to be a short overlap of perhaps half an hour before and after opening hours in order to ensure the personal safety of staff.

10. Delivery Times/Residential Amenity

Morrisons have advised us they intend having delivery vehicles accessing the site 24 hours a day. We do not think it is reasonable for local residents, especially those whose tenure pre-dates this application, to be denied an uninterrupted night's sleep night after night. My understanding is that bedrooms look onto the site at Gairsay Drive, which only heightens our concerns. As store hours were stated to us as being between 7am and 11pm we would request that deliveries be restricted by condition to these hours. There is also mention in the application of the possibility of using a low acoustic barrier but not a formal offer to do so. I don't fully understand the science behind this, but would ask the matter to be investigated and serious consideration given to using either a low acoustic barrier or a comparable technology in order to minimise disturbance in what is clearly a residential area.

11. Running Engines

In the interests of residential amenity we would also request a condition requiring delivery vehicles to switch off their engines whilst waiting within the site boundary in order to minimise noise (to residents of Gairsay Road) and pollution within the site.

12. Petrol Station

We have no objections to a petrol station as part of this application but the proximity of the petrol station next to existing residences would create significant issues of residential amenity were it to remain open outwith the normal opening hours for the superstore. We would therefore request a condition be imposed limiting the opening hours of the petrol station from 7am to 10pm.

13. Pedestrian Phase of Traffic Lights

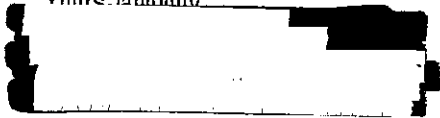
We would ask that the pedestrian phase of existing traffic lights at Fernhill Drive/Langstracht and Stronsay Drive/Langstracht be examined to ensure appropriate time is allowed for pedestrians to cross to and from the proposed store. Our members are of the opinion that current timings do not allow sufficient crossing time, especially for people who are elderly or disabled.

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We trust Committee will give the fullest consideration of these issues and open them up to maximum scrutiny on what is after all a major application in our area. We believe the proposed Morrisons store could work very well with these additional 13 points taken on board. Unfortunately, a failure to deal with these issues would further exacerbate the functionality of this main arterial route, impacting on both local residents and people coming from further afield travelling to and from their place of work.

Thank you for your consideration of these issues

Yours faithfully,



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Henry	01 MAR 2012			ADJUT. 115
Imp	Strategy	Build Con	Admin	
Action				

AS DM

RDPC

A Scott Esq
 Senior Planner
 Planning and Sustainable Development
 Enterprise Planning and Infrastructure
 Aberdeen City Council
 Business Hub 4, Ground Floor North
 Marischal College, Broad Street
 ABERDEEN AB10 1AB

Our Ref: 22041

29th February 2012

Dear Mr Scott

Planning Application 111468 Summerhill Academy, Lang Stracht, Aberdeen

We have now had the opportunity to examine the addendum report submitted by GVA in support of their client's application for a superstore development at the former Summerhill Academy site on Lang Stracht.

It is noted that GVA have corrected the mathematical errors which we pointed out in our letter of 21st November 2011, but that they have not altered the assumptions, calculations or impact estimates contained in their assessment. Therefore our previous objections to the many deficiencies in their assessment remain applicable.

It is also noted that GVA have sought to defend their designation of a very large catchment area, containing more than three times the population of that living within the core catchment area defined by Tesco Stores Limited for their Woodend proposal. GVA argue that it was stated at the outset that Zone 29 of the Aberdeen and Aberdeenshire Retail Study (AARS) should be the 'starting point' for defining the catchment area, and this is not disputed, given that the proposed store is located within, although on the edge of, that zone. However they correctly point out that Zone 28 is also relevant, given that much of the immediate catchment of the new store would fall within Zone 28.

What is disputed is the inclusion within the catchment area of much of Zone 27 of the AARS, which is much more closely associated with Berryden and the city centre than West Aberdeen, and also those parts of Zone 29 which do not naturally fall within the catchment of the proposed new store – in particular postcode sectors AB10.7, AB15.7 and AB15.9, which are much more naturally contained within the Bridge of

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Dee (Asda and Sainsbury) catchment area, and also all of sector AB15.8, most of which is within the Westhill catchment. This exaggerated catchment area – which GVA have not justified in their addendum – together with their assumptions regarding further trade draw from beyond this large catchment area, and 28% of the store's turnover being drawn from unspecified destinations other than the city centre and main food shopping destinations in Aberdeen, combine to render the conclusions of the GVA assessment unreliable.

In paragraph 2.8 of their addendum GVA seek to justify their exaggerated catchment area by arguing that the proposed store will be a 'full format new build' Morrisons store, the attractiveness of which they believe will result in shoppers travelling in large numbers from much further afield. Thus they accept that the store is not designed to serve 'primarily' the West Aberdeen area as required by the local plan, but instead will rely on drawing a large proportion of its trade from well beyond West Aberdeen, contrary to principles of sustainability and the need to minimise the length of shopping journeys. IF GVA had confined their assessment to the much smaller and more realistic catchment area adopted by Tesco in their assessment of the Woodend proposal, they would have been unable to justify their proposal because of insufficient available locally-generated expenditure.

Furthermore the argument that the proposal will provide a 'full format new build' store is of no relevance in the assessment of the planning application, as consideration can only be given to the principle of the proposed store and its likely effects, regardless of the specific operator.

In their assessment of the vitality and viability of existing neighbourhood centres, GVA take no account of the intention in the local plan that Rousay Drive would be elevated to district centre status following development of the superstore there, or the effect which the Summerhill proposal might have on the long-term vitality and viability of that district centre. The development of the superstore at Rousay Drive was recognised as strengthening the overall community function of the units at Rousay Drive, and establishing an enlarged and much improved shopping centre in a highly accessible location, and the likely effect of the opening of a new store at Summerhill on this aim of establishing an improved centre at Rousay Drive, with district centre status, has not been examined.

Accordingly it is considered that there is nothing in the GVA addendum which overcomes our criticisms and objections to their assessment of the Summerhill proposal, which were set out in our letter of 21st November 2011.

We note the comment in your email of 28th February that the view has been taken that no further representations will be received on the application, but we made clear in our letter of 2nd November 2011 that we would wish to make further comments on any response from the applicant to our previous objections. Accordingly we would ask that these further observations be reported to the council's committee when the application is determined. These comments are being submitted within 14 days of the notification which we received from you at 15.33 on 16th February 2012.

29th FEBRUARY 2012

Yours sincerely

Robert Drysdale
Director, RDPC Limited



Direct Tel:
Direct Email:

Our Ref: TRN10697/OBJ2
Your Ref:

Date: 26th March 2012

Head of Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
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Aberdeen
AB10 1AB

Dear Sir/Madam,

Planning Application Ref 111468 - Proposed Class 1 (Foodstore) Development, Car Parking, Petrol Filling Station, Means of Access, Landscaping and Associated Works

Further to our letter of representation (TRN10697/OBJ1) dated 1st November 2011, the additional information submitted by SKM Colin Buchanan in support of the aforementioned planning application, and in response to correspondence received from Aberdeen City Council (TR/KM/1/51/2/6) dated 7th March 2012, we wish to make the following comments.

Waterman Boreham have considered the additional information submitted, and also the letter received from Aberdeen City Council, and would reiterate Tesco's concerns with regards to the Transport Assessment undertaken to support the proposed foodstore development.

We understand that SKM Colin Buchanan have met with Aberdeen City Council officers to discuss the detail of Tesco's concerns, and also a number of outstanding issues. This meeting has been confirmed by a letter from SKM Colin Buchanan to Aberdeen City Council (19877-01-1) dated 13th February 2012, within which a summary of the discussions is provided. It is apparent that the discussions held have informed the response received by Waterman Boreham from Aberdeen City Council (TR/KN/1/51/2/6), and this letter provides Tesco's reply.

Both Tesco and Waterman Boreham continue to have concerns with the SKM Colin Buchanan Transport Assessment. These concerns are as follows;

1. The response received from Aberdeen City Council does not provide any further comfort with regards the trip rate calculations undertaken within the SKM Colin Buchanan study. No detail is provided to substantiate why the trip rates applied are not consistent with the requirements for the equivalent Tesco study, why the inclusion of a petrol filling station has not been appropriately accounted for, why the unique Aberdeen city demographic has not been considered, or why only trip generation information for Morrisons stores has been analysed when the application is for a food retail development.

In the response received from Aberdeen City Council, the difference between the trips rates applied within the Tesco Transport Assessment and that produced for this application, is described as being 'only 7%'. Whilst we would present that the figure will be higher if correct account was taken of the proposed petrol filling station generation; by any standards, 7% is not insignificant given the scale of the Morrisons development and the traffic conditions experienced on Lang Stracht, which is already at or approaching theoretical capacity when considering the impact of the Tesco planning consent.

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2. Waterman Boreham would reiterate the point made previously in relation to the application of a 40% discount on new trips to the proposed development, which has been attributed to passby and diverted/linked trips. This is not consistent with standard practise, particularly with regards to its application during the Saturday peak period, and subsequently significantly underestimates the impact of the proposed development.

The response received from Aberdeen City Council refers to the application of this figure being consistent with available guidance, but does not detail what guidance is being referred to. Standard industry practise would suggest that a combined passby and diverted/linked trips figures of 30% is appropriate for application during the weekday peak periods, and a combined figure of 10% during the weekend peaks. The response further details that 'each individual development should be considered on a case by case basis'; however, no evidence has been presented which demonstrates why the aforementioned trip reductions are appropriate for a food retail development at Summerhill.

3. The trip distribution percentages associated with the discounted diverted/linked trips has been heavily biased towards the A90/Lang Stracht junction, thus resulting in the development having a reduced impact at this location. The response from Aberdeen City Council indicates that they are satisfied with the distribution, but this differs from the approach required for the Tesco Transport Assessment, and no explanation has been offered as to why this would be the case.
4. Aberdeen City Council have confirmed that they will require that the Morrisons development implements the improvements to the junctions at Stronsay Drive/Eday Road, and Stronsay Drive/King's Gate which are to be delivered through the Tesco planning consent and Section 75 agreement. The Council have stated that the assessment work undertaken by Waterman Boreham has identified that these junctions can accommodate the additional traffic generated by the Morrisons application.

Waterman Boreham's assessment work undertaken for these junctions does not in any way account for the inclusion of the proposed Morrisons foodstore, and it does not appear that SKM Colin Buchanan have undertaken detailed assessment work to demonstrate that they will continue to operate within capacity.

Furthermore, the junctions are not something which can be viewed for Morrisons to deliver as an improvement, as suggested by the Aberdeen City Council response. These improvements should be considered as committed development, as Tesco have a live planning consent, and have submitted an RCC application for these to be implemented. It should fall to Morrisons and SKM Colin Buchanan to demonstrate that the additional traffic generated by the Morrisons development can be accommodated at these locations, over and above the committed Tesco development. Waterman Boreham are not aware of any such assessment being available, and subsequently the impact at these locations has not been adequately demonstrated.

5. The detailed junction capacity assessments undertaken within the Transport Assessment indicate significant queues forming at nodes along the Lang Stracht corridor. It is unclear from the report whether the interaction of these queues has been correctly considered, and also whether the reported queues have been calibrated with detailed independent on-site observations. The response from Aberdeen City Council does not provide any further information in this regard, other than to state that they are satisfied. Tesco's position remains that there is insufficient information provided to ascertain whether the Linsig study has been correctly calibrated.

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In conclusion, Waterman Boreham and Tesco's position remains that there are a number of areas which cause serious concern in regard to the Transport Assessment and the methodologies adopted. The response received from Aberdeen City Council does not contain sufficient detail to determine whether the points raised have been adequately addressed.

The methodology and approach of the SKM Colin Buchanan report remains inconsistent with that agreed with Aberdeen City Council for the Transport Assessment undertaken to support the Tesco consent, which is surprising given the proximity of the two developments and their similar catchments.

In particular, the trip rates and associated discounting agreed with Aberdeen City Council have not been adequately justified, and are not consistent with standard industry practise. Also, the development impact at the proposed signal junctions at Stronsay Drive/Eday Road and Stronsay Drive/King's Gate has not assessed in accordance with Tesco's planning consent, and Waterman Boreham's detailed junction assessments do not demonstrate sufficient capacity at these locations to accommodate the proposed development in addition to the Tesco foodstore.

Waterman Boreham also still have concerns over the validity of the detailed junction assessments undertaken on the Lang Stracht Corridor, particularly in light of the figures reported within the Tesco Transport Assessment, and we are not convinced that there is sufficient network capacity to accommodate the proposed foodstore.

Tesco Stores Ltd would request that the committee take account of the aforementioned concerns when determining the planning application.

Yours sincerely


Michael Cummings
Divisional & Operations Director

A Scott Esq
Senior Planner
Planning and Sustainable Development
Enterprise Planning and Infrastructure
Aberdeen City Council
Business Hub 4, Ground Floor North
Marischal College, Broad Street
ABERDEEN AB10 1AB

Our Ref: 22041

2nd November 2011

Dear Mr Scott

Planning Application 111468
Summerhill Academy, Lang Stracht, Aberdeen

Our clients Tesco Stores Limited wish to object to the planning application by Optimisation Developments Limited for development of a superstore on the site of Summerhill Academy, Lang Stracht, Aberdeen.

The objection is based on (1) planning policy, (2) retail impact, (3) design and layout, and (4) transport issues. This letter addresses issues 1 to 3, and the enclosed letter from Waterman Boreham addresses the fourth issue. We would be grateful if the contents of both letters could be carefully considered by your council prior to determination of the application.

1 Planning Policy

Background

- 1.1 The Aberdeen Local Plan which forms part of the Development Plan for the City of Aberdeen was adopted in 2008, following a lengthy public inquiry into objections and consideration by the council of the conclusions and recommendations presented by the Inquiry Reporters. The issue of the need for a new superstore to serve west Aberdeen was one issue which was examined in detail, and involved consideration by the Reporters of a substantial amount of evidence led by the council and by other parties, including Tesco Stores Limited.

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- 1.2 A report on the Reporters' conclusions and recommendations was presented to the council in January 2008. An extract from that report, relating to Issue 239 – the Need for a Superstore to West of City, is included with this objection. Also included is the Reporters' report on the topic. The January 2008 report stated *"The Reporters conclude from consideration of the evidence led that support for a new food superstore to serve west Aberdeen does accord with the structure plan and that there is a need for such development"*. It continued by noting that *"The Reporters found that a failure to identify a site for a new superstore in west Aberdeen does not accord with national guidance and is not consistent with the practice followed in the rest of the local plan. The finalised local plan should identify a specific site for the superstore that it envisages for west Aberdeen. The matters considered for this issue point strongly to designating the OP61 site (Woodend Hospital Annex) as the location for the new west Aberdeen food superstore"*.
- 1.3 In recommending that a specific site be identified for the new superstore, the Reporters – in paragraph 44 of their report – noted that if a site other than Woodend Hospital Annex were to be identified for a superstore, the existing permission on the Woodend site could also be implemented, resulting in *"two major retail developments, possibly in close proximity to each other. No case has been made for this scale of development and nothing has been put forward to show how it could be avoided"*. This evidence led the Reporters to recommend designation of the Woodend site as the location for the new superstore to serve west Aberdeen. It was clear from their approach that they regarded the prospect of two major retail developments in close proximity to each other in west Aberdeen to be unacceptable.
- 1.4 It is clear from the council's submission in response to the objection by Tesco Stores Limited to the proposed Aberdeen Local Development Plan (also attached) that the council has not undertaken any additional analysis of the situation since the recommendations of the Reporters were accepted by the council in 2008. It remains of the view that a new superstore is needed in west Aberdeen, and states that development of either the Woodend site or the current application site *"may meet the need"*. A further observation in the council's submission, regarding the possibility of stores being developed on both sites, is that the impact on the vitality and viability of nearby centres *"would have to be carefully considered"* by way of a retail impact assessment.

Development Plan Position

- 1.5 However the current application has to be determined in accordance with the current development plan, which comprises the 2008 Aberdeen Local Plan and the 2009 Structure Plan. The latter document contains more general strategic aims and objectives and reiterates Scottish Planning Policy that new retail developments should comply with the sequential approach to site identification. The local plan gives support to one superstore in west

Aberdeen on the Woodend site, and to no other superstore developments in the city. Any new superstore proposals are to be assessed against Policies 65A (Sequential Approach) and 65B (Out-of-Centre Proposals).

- 1.6 As regards Policy 65A, the applicant's consultants have undertaken a brief assessment of the scope for existing centres to accommodate their proposal. They dismiss the suitability of the Woodend site in paragraph 4.21 by suggesting that it is *"not a suitable site to convenience retail occupiers"*, notwithstanding the fact that its owners Tesco Stores Limited – who are the leading convenience retailer in the UK – participated at length in the Aberdeen Local Plan Inquiry to argue the case for development of the Woodend site for a superstore to serve west Aberdeen, subsequently submitted a planning application for a superstore on the site, obtained a resolution from the council for approval of the store in November 2008 and then devoted two years of efforts to secure agreement with the council regarding the terms of a complex legal agreement to provide for local road alterations and improvements, culminating in the grant of planning permission in November 2010. Since then Tesco Stores Limited and its consultants have been working on the detailed designs of the store and the site preparation requirements including diversion of services to enable the development to proceed. Implementation of the development is now imminent. None of these actions suggest that Tesco Stores Limited regard the site as unsuitable for convenience retailing.
- 1.7 As regards Policy 65B, there are five criteria to be satisfied when out-of-centre retail proposals are to be assessed, and failure to satisfy any of these criteria required that planning permission should be refused. There is no dispute by the applicant that the site is out of centre.
- 1.8 The first test of the policy is that there are no other suitable sites in a location acceptable in terms of Policy 65A is available or likely to become available. The applicant's consultants argue in paragraph 4.28 that they have not considered neighbourhood centres as possible locations because the terms of Policy 65A appears to rule them out as regards large convenience stores. Accordingly they have only considered town and district centres and have dismissed them as offering no development opportunities. However they have failed to consider the proposed district centre at Rousay Drive, notwithstanding the fact that the Woodend site at Rousay Drive has planning permission and that its implementation would result in the Rousay Drive location becoming a District Centre in accordance with the adopted Local Plan.
- 1.9 As regards the second test of Policy 65B, relating to the potential of the development to have a significant adverse effect on the vitality or viability of any designated retail location, the consultants refer to their retail impact assessment which is considered below. Similarly the third test, which relates to the existence of retail deficiencies, they refer to their retail impact study and again we consider this point below. In both cases we show below that

the proposal fails to comply with the requirements of these clauses of Policy 65B.

- 1.10 Consequently there is no requirement to consider the remaining tests of Policy 65B, because failure to comply with any of them necessitates refusal of the application.

Location of the Store in the Area of Need

- 1.11 One of the greatest benefits of the Woodend site at Rousay Drive in meeting the need for a superstore to serve west Aberdeen is its very central location within that area, thus minimising the distances which people have to travel to reach the store. The Summerhill site, by contrast, is located considerably further east along Lang Stracht and therefore less accessible to the majority of those living in the area of need.
- 1.12 This point is recognised and verified by the consultants for the applicant, in paragraph 6.48 of their report, where they state that the Tesco site at Rousay Drive has a *“more central location within the catchment”* than any other location assessed by them, including the application site at Summerhill. Thus the applicant’s consultants themselves recognise the significant advantage which the Tesco site enjoys over the Summerhill location.

Policy Conclusions

- 1.13 There is a recognised need for a new superstore in west Aberdeen, and the adopted Aberdeen Local Plan makes clear that this should be provided at the Woodend Annex site at Rousay Drive, which is well located within the area of identified need. The Reporters to the Local Plan Inquiry insisted that a specific site should be allocated to ensure that the prospect of two major retail developments in west Aberdeen was avoided, because no case had been made for more than one. The current application clearly proposes a second major retail development only a short distance away from the site allocated in the Local Plan, which would be directly contrary to the terms of the plan and for which there is no need. Furthermore the proposal does not satisfy the tests to be applied to out-of-centre retail applications, and as such the terms of Policy 65B require that the application be refused.

2 Retail Assessment

- 2.1 The applicant’s retail assessment has been undertaken by GVA Grimley. It is considered that the assessment contains unsupportable assumptions which lead to incorrect conclusions, for the following reasons.

Catchment Area

- 2.2 The defined catchment area for the proposed Summerhill store extends westwards almost to Westhill and includes Kingswells, south-west to include Bieldside, southwards to include Cults, northwards almost to Danestone and well into the Danestone catchment, and eastwards to include most areas of inner Aberdeen apart from the City Centre itself. Consequently it includes many parts of the inner city where residents would naturally gravitate towards other more convenient existing stores for their food shopping needs – particularly the Asda on Beach Boulevard, the Sainsbury at Berryden and the Morrisons on King Street. Residents of Kingswells would naturally look to Westhill for its shopping needs, and the NEMS survey conducted on behalf of the applicant illustrates this.
- 2.3 In the report to Aberdeen City Council in January 2008, in which the findings and recommendations of the Reporters who considered objections to the Aberdeen Local Plan were presented to committee, it was confirmed that there was a need for a new superstore in west Aberdeen and that the Woodend Annex site should be identified for the purpose. It was also stated that the new superstore should have *“a catchment that is confined to west Aberdeen and this is the area where need has been established. A larger catchment would attract a greater volume of traffic, to the detriment of local amenity and contrary to the aim of reducing travel. The importance of this part of the local plan is such that it merits an associated policy”*.
- 2.4 This requirement was translated into Policy 62 ('New Superstore') of the adopted Local Plan, which states that proposals for a new food superstore must *“demonstrate that customers will come primarily from west Aberdeen”*.
- 2.5 Paragraph 3.49.6 of the Local Plan, as adopted, further states that the store must be well located to serve the main concentrations of population and served by frequent public transport. The Rousay Drive site was recognised to achieve this requirement.
- 2.6 The retail assessment submitted by Tesco Stores Limited for the Rousay Drive development identified a core catchment area which was very much confined to the west Aberdeen area, including only the postcodes of AB15.6 and AB16.6, plus around 25% of postcode AB15.8, which are those parts of west Aberdeen lying to the west of North Anderson Drive and to the north and south of Lang Stracht, plus postcode AB16.5 which straddles North Anderson Drive adjacent to postcode AB16.6. The estimated population of this area in 2011 (as estimated in 2008) was 24,219 persons.
- 2.7 Furthermore the assessment by Tesco showed that the store would draw 75% of its turnover from this core area, thus conforming to the requirement in the local plan that it would draw trade primarily from west Aberdeen.

- 2.8 The assessment by GVA Grimley for the applicant proposes a primary catchment area with a population of 76,937 persons in 2011, more than three times the core catchment for the Tesco proposal, and extending well beyond the west Aberdeen area. It includes areas whose residents would be very unlikely ever to choose to shop in the west Aberdeen area. For a large proportion of the population living in the eastern part of the applicant's primary catchment area, the Sainsbury's store at Berryden, the Asda at Beach Boulevard and the Morrisons store at King Street would be far more convenient.
- 2.9 By identifying a primary catchment which extends well beyond the boundaries of west Aberdeen and includes an additional 52,718 persons, the applicant's retail assessment is demonstrating a clear and very substantial breach of the requirements of the adopted Local Plan.
- 2.10 In Table 9, the consultants set out estimates – taken from the NEMS survey – of the amount of each shopping destination's turnover which is taken from the primary catchment area, and from this they estimate the market share of each destination – i.e. the proportion of the convenience spending generated by residents in the catchment area which is drawn to each destination. The table shows that the Asda at Garthdee achieves a 17% market share, and the Sainsbury's at Berryden Road a 15% market share. It also shows that city centre convenience shopping facilities achieve a 14% market share.
- 2.11 Because the City Centre is located outside the Primary Catchment Area, this 14% flow of expenditure is described as 'outflow' or leakage from the Primary Catchment Area. In reality, a large proportion of this spending ought to flow into the City Centre because it is generated in those areas closest to the City Centre, not in west Aberdeen. Thus it cannot be described as 'leakage' or 'outflow'.
- 2.12 Paragraph 6.3 of the study claims that the total outflow amounts to £73.98 million, which is 45% of the total available convenience spending in the Primary Catchment Area. It is then argued that this £74 million represents 'deficiency' in convenience shopping provision. In reality this is a gross exaggeration of the level of outflow, because so much of the defined catchment area includes areas which are not located within west Aberdeen and which are already well served by convenient existing superstores. These areas are not located within the area of identified need, they would not be better served by a store at Summerhill than by their existing closer stores, and thus the spending which they send to these convenient existing stores does not amount to leakage, nor is it any demonstration of deficiency.
- 2.13 If one examines the level of spending available in the true west Aberdeen area, by referring to Table 2 in the consultants' report – confining the calculation to those postcode sectors identified by the Tesco assessment as being located in west Aberdeen (AB15.6, AB16.5, AB16.6 and approximately 25% of AB15.8), the estimated available spending is £50.5 million in 2014.

The consultants have estimated that the combined turnover of the Tesco commitment and the new Morrison's store – trading in competition with each other – would be £55.73 million, which exceeds the total available spending in the west Aberdeen area by more than £5 million. Given that existing shopping facilities located in the four postcode areas AB15.6, AB16.6, AB16.6 and the eastern part of AB15.8 (at Mastrick, Midstocket, Sheddocksley and Cornhill) already account for £9.76 million according to the consultant's figures (Table 7), the total turnover demand in the area would be £65.5 million, or £15 million more than the amount of available spending.

- 2.14 Even if only 75% of the combined turnover of the Tesco and Morrison's stores was taken from the west Aberdeen area – i.e. £41.8 million – it would be impossible to support the turnover of both the new superstores and existing retail facilities unless all the residents of west Aberdeen were prepared to spend their money solely in the new stores and existing centres in west Aberdeen, and not spend anything in the City Centre or in any of the other centres which they currently visit. In other words leakage from west Aberdeen would have to reduce to zero, the combined market share of the new stores and existing shops in west Aberdeen would have to be 100%, and there would have to be an inflow of expenditure to the new stores of some £15 million from other parts of Aberdeen. This is a wholly unrealistic proposition. The Tesco assessment assumed that the new store at Rousay Drive would achieve a 35% market share within the west Aberdeen core catchment, in recognition of the fact that travel-to-work patterns and the mobility of shoppers will mean that a significant amount of spending will always be exported to other areas of the city, particularly the City Centre.
- 2.15 The consultants for the applicant estimate, in their Table 16, that the combined market share of the two new stores in their Primary Catchment Area would be 34% – but this is 34% of a catchment of 75,130 people with a spending power of £164.4 million in 2014, rather than the west Aberdeen catchment of around 24,000 persons with a spending power of £50.5 million. In order to achieve a combined turnover of £41.8 million from the west Aberdeen area, the market share of the two stores in that area would need to be 83%, which would be an impossibly high target. Thus again the adoption by the applicant of an excessively large and unrealistic catchment area – and one which is in conflict of the requirements of the local plan – results in a misleading impression of the true impact of the proposed Summerhill store.
- 2.16 Thus the statement in paragraph 6.53, that the assessment in Tables 1 to 14 clearly demonstrates an outflow of convenience spending sufficient to justify the new store, is not supported by detailed analysis. Instead our analysis has demonstrated that the catchment area identified by the consultant is around three times larger than the area of need, and that the area of need itself cannot support two new superstores.

Trade Diversions and Predicted Impact

- 2.17 Table 15 in the GVA Grimley study sets out the consultants' estimate of likely trade diversions from existing retail facilities to the new Morrison's store.
- 2.18 The methodology for the assessment is not properly explained. The assumptions regarding trade diversion are made across the catchment as a whole, so it is not possible to examine the consultants' assumptions of diversions for each postcode area or even for sub-areas of the catchment. In particular, as regards what ought properly to be regarded as the core catchment of west Aberdeen (rather than the much larger Primary Catchment Area defined by the applicant), no evidence is presented as to the proportions of trade currently passing from this core area to existing retail destinations which will be diverted to the Morrisons store. This imprecision reflects the fact that while the base data from the NEMS survey is very detailed, the actual analysis of trade diversion is cursory, superficial and inadequate.
- 2.19 The consultants estimate that 20% of the new store's trade will be diverted from the new Tesco store at Rousay Drive, 23% from the Garthdee stores, 10% from the Tesco store at Danestone, 10% from the Sainsbury's at Berryden, and 5% from stores in the City Centre, but a further 28% from unspecified 'other' retail destinations located outside the Primary Catchment Area. Given the likelihood that the vast majority of those customers choosing to shop at the new Morrisons will currently be using the stores at Garthdee, Berryden, Danestone and the City Centre, or will have already diverted to the new Tesco at Rousay Drive, the notion that 28% - or £7.83 million - of the new store's trade will be diverted from unspecified retail destinations located beyond the Primary Catchment Area is not plausible. It is far more likely that the consultants have greatly underestimated the impact which the new store will have on existing retail facilities located across the Primary Catchment Area. It is likely that the impact on the new Tesco store has also been greatly underestimated.

Implications for Assessment of the Proposal against Policy 65B

- 2.20 The adopted Aberdeen Local Plan designates the shopping centre at Rousay Drive as a neighbourhood centre which is to be elevated to District Centre status following development of the new Tesco store. In the proposed Aberdeen Local Development Plan it is to remain as a neighbourhood centre, with the council having given evidence to the examination of the LDP to the effect that consideration will be given to designating Rousay Drive as a District Centre if the Tesco store is developed. The GVA Grimley assessment assumes that the Tesco store will be developed, and thus in terms of the current approved Development Plan their assessment ought to regard the Rousay Drive centre as a designated District Centre.

- 2.21 The application site at Summerhill is an out-of-centre site which requires to be assessed against Policy 65B. The second clause of that policy requires that there should be no significant adverse effect on the vitality or viability of any District Centre. The consultants have estimated an impact of 18% on the Tesco store, and we have explained why that estimated impact is likely to be a considerable underestimate – an impact which would be likely to adversely affect the vitality and viability of a designated District Centre. The third clause of Policy 65B requires there to be a deficiency in quantitative or qualitative terms, and we have shown that there will be no quantitative deficiency after development of the Tesco store, and the existing qualitative deficiency will also have been overcome. Thus the applicant's retail impact assessment fails to demonstrate compliance of the proposal with the requirements of Policy 65B.

Other Comments

- 2.22 There are other deficiencies in the GVA Grimley assessment which require some comment.
- The estimation of market share on the basis of standard national company average turnovers is flawed. Market share – and thus turnover - will depend on the attractiveness of the retail facility, the level of competition, the spending power of local residents, transport facilities, and other socio-economic factors. It is wholly unrealistic to use company average turnovers to estimate market share. Indeed the NEMS survey demonstrates that the existing retail facilities in Aberdeen achieve a wide range of turnovers that do not correspond with company averages, as shown in Columns 1, 2 and 3 of Table 9. Thus there is no basis from the available evidence for the statement in paragraph 6.33 of the consultant's report that "the actual turnover of the stores are likely to be closer to the benchmark company average turnover". Indeed the main effect of Table 9 is to demonstrate that reliance on company average turnover figures can be extremely misleading and inaccurate, and the figures in Table 3 are of minimal assistance to the overall assessment.
 - Table 7 presents a matrix of the estimated distribution of expenditure from each postcode area to each shopping destination, based on the market share figures set out in Table 6. The columns in Table 6 each total 100%, confirming that the table shows the total distribution of convenience spending from each zone. Thus the totals at the bottom of each column in Table 7 should correspond to the total available spend in each postcode sector, as set out in Table 2. However the totals of the columns in Table 7 bear no resemblance to the totals in Table 2. Our Table A illustrates the discrepancies and shows that the totals in Table 7 add up to nearly £365 million, or £103.75 million more than the total available spending shown in Table 2. There is no explanation for this discrepancy nor any explanation of how the totals in Table 7 are derived.

Table 7 therefore gives a grossly misleading impression of the amount of available spending in the specified catchment area.

- In the context of seeking to make the case for a second superstore in west Aberdeen, a conventional approach would be to assess the cumulative impact on existing centres of two superstores being developed, particularly given the terms of Policy 62 and its concerns for local centres, and the requirements of Policy 65B. This is also a requirement of paragraph 64 of Scottish Planning Policy. However the applicant's assessment in Table 15 only shows the estimated impact of the Morrison's store alone.

Conclusions on Retail Impact

- 2.23 We have shown that the assessment carried out by the applicant's consultants has adopted a catchment area which greatly exceeds any reasonable interpretation of the area which comprises the identified area of need – i.e. west Aberdeen. Instead the consultants have included many areas of Aberdeen which would not naturally look to the Summerhill location for their food shopping needs and which are conveniently served by existing superstores. By exaggerating the size of the catchment so that it is approximately three times the size (in population terms) of the area of west Aberdeen, they have then sought to show a high level of leakage from the catchment, but much of this 'leakage' is actually spending which would naturally flow to other destinations rather than to west Aberdeen.
- 2.24 An alternative assessment, examining the available spending in the west Aberdeen area itself, shows that there would be barely sufficient spending to support two new stores and existing shopping facilities, even if a significant proportion of the stores' trade was drawn from outside the area and if expenditure leakage was reduced to zero. In a large urban area with complex travel patterns and a wide choice of superstores, no area will ever retain all of its locally-generated spending and the concept of zero leakage is not plausible, which means that there is insufficient expenditure to support two stores in west Aberdeen. The need in west Aberdeen – both quantitative and qualitative – will be well met by the development of one superstore at Rousay Drive. The applicant's assessment greatly underestimates the likely combined impact of two stores and does not demonstrate any case for a second store.

3 Design and Layout

- 3.1 In bringing forward their proposals for the new superstore on the Woodend site at Rousay Drive, Tesco Stores Limited were urged by the council's planning officials to locate the store at the site frontage, close to Lang Stracht, so as to ensure that the store was convenient for shoppers arriving on foot and by bus, and to contribute to the streetscape along Lang Stracht.

Accordingly Tesco proposed a striking and highly attractive building on two floors, located at the north (front) end of the site with a glazed atrium fronting onto Lang Stracht, making a very positive contribution to the street scene, and providing convenient routes for pedestrians to gain access to the store from all directions.

- 3.2 In contrast with this approach, the layout of the proposed Morrisons store provides no contribution at all to the streetscape, being set towards the rear of the site with the car park in front. There is only one reasonably direct route for pedestrians into the store, from the side road Stronsay Drive, while pedestrians approaching from the west or north and entering from Lang Stracht have to take a very circuitous route into the store. The whole development is very much less pedestrian-friendly than the Tesco proposal. Furthermore the Tesco development has the added advantage of being well linked to the adjacent shops in Rousay Drive and enabling Tesco shoppers to use and support these adjacent facilities.

Having regard to all these points, our clients consider that the application 111468 should be refused planning permission by your council because of its conflict with the policies of the development plan, the lack of sufficient expenditure within the west Aberdeen area to support the turnover of the store together with existing local shopping facilities and the committed superstore at Rousay Drive, the likely harm to the vitality and viability of recognised centres in the shopping hierarchy defined in the adopted Local Plan, and for the reasons set out in the attached letter from Waterman Boreham.

Should the applicant wish to respond to the comments contained in this letter or the attached letter from Waterman Boreham, we would be grateful for the opportunity to make further comments thereafter.

Yours sincerely

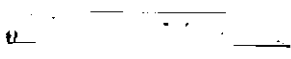

Robert Drysdale
Director, RDPC Limited

Table A
Comparison of Estimated Convenience Expenditure in Tables 2 and 7

	2011 Convenience Expenditure £m (Table 2)	2011 Allocated Spend £m (Table 7)	Excess Spend £m
AB15.6	11.60	16.56	4.96
AB16.5	19.28	29.29	10.01
AB16.6	15.62	21.65	6.03
AB15.5	7.29	11.61	4.32
AB16.7	21.43	27.71	6.28
AB15.4	8.45	14.47	6.02
AB15.7	9.44	16.37	6.93
AB15.8	18.06	25.13	7.07
AB15.9	14.34	25.58	11.24
AB25.3	10.47	16.95	6.48
AB25.2	12.27	20.76	8.49
AB10.7	17.12	29.88	12.76
Sub-total	165.37	256.73	91.36
AB21.9	14.79	15.45	0.66
AB13.0	5.38	8.79	3.41
AB14.0	9.88	15.52	5.64
AB32.6	24.44	26.03	1.59
AB31.5	16.17	17.02	0.85
AB21.7	11.79	12.03	0.24
AB21.0	13.35	13.35	0.00
Sub-total	95.80	108.19	12.39
Total	261.17	364.92	103.75

3 Summerhill Terrace
Aberdeen AB15 6HE

Planning and Sustainable Development
Marischal College
Broad Street
Aberdeen AB10 1AB

25 October 2011

Planning Application Foodstore development, car parking, petrol filling station, landscaping, associated works

Ref No 111468

I object to the above proposed development at the former Summerhill Academy on the grounds of the excessive traffic congestion that will result.

This development would result in there being three supermarkets, Lidl, Tesco (for which planning permission has already been granted) and this one being applied for by Optimisation Developments (widely publicised as being for Morrisons) within a few hundred yards of each other. This would create massive traffic snarl-ups on what is already a very busy route, in addition to that resulting on connecting routes, particularly North Anderson Drive and Kingsgate.

To avoid the worst of this, many potential customers will "rat run" in adjacent residential streets, causing substantial loss of amenity to householders living there.

Establishment of the two supermarkets will impact on the viability of local shops, some of which might well close, further increasing traffic volume when their customers turn by car to the more distant supermarket area.

Mr

s

Mr A C McDougall
Summerhill House
17 North Anderson Drive
Aberdeen AB15 6DZ
31 October 2011

TEL: [REDACTED]

E-mail: [REDACTED]

Planning and Sustainable Development
Aberdeen City Council
Marischal College
Broad Street
Aberdeen AB10 1AB

**Planning Application Ref No 111468
Foodstore Development etc**

I register my objection to this proposed development at the former Summerhill Academy, Lang Stracht, on the following grounds:

1. CONTRARY TO THE ABERDEEN FINALISED LOCAL PLAN

The current Local Plan identifies only one Opportunity site, 61, at Rousay Drive, Langstracht, for a foodstore. Planning consent has already been granted to Tesco, who own the site, for a large food Superstore, and I understand that Tesco currently intend to develop the site accordingly.

The Reporter in his findings after the Public Inquiry (Issue 39, paragraph 44) noted:

"If..... a site other than OP61 were identified for the new food superstore, the owner of OP61 would still be able to proceed with the retail development for which planning permission exists. This would result in two major retail developments, possibly in close proximity to each other. No case has been made for this scale of development and nothing has been put forward to show how this could be avoided. Revocation of the existing planning permission might be a legal possibility, but might be quite impractical for financial reasons."

At no time during the Inquiry, or in approving the current Local Plan, did the Council suggest the former Summerhill Academy for a foodstore. The fact that the Council later advertised the sale of that site for various options, including retail development, and have subsequently agreed the conditional sale of the site to Morrisons for a food superstore, does not in itself modify the Local Plan. or over-ride the Reporter's concerns.

2.

2. TRAFFIC CONCERNS and LOSS OF RESIDENTIAL AMENITY

I object to the possibility of there being two nearby food superstore developments on the Lang Stracht in addition to the existing Lidl's site, because of the significant implications for increased traffic volumes, not only on the Lang Stracht itself, but also on the Trunk Road North Anderson Drive, both with heavy concentrations of commuter and freight traffic. In addition there would inevitably be unacceptable increases in traffic on all the adjacent residential streets leading to the Lang Stracht from north and south. Of these, Stronsay Drive in particular and Summerhill Terrace, both already restricted by traffic pinch points and road humps, serve Fernilea and St Peter's primary schools, with clear and unavoidable safety issues for young children. The increase in traffic would also have serious implications for residential amenity in the area.

Strong representations have already been lodged by the local Community Council in relation to traffic issues, and the apparent significant dilution of assessed traffic volumes in the reports relating to the Application.

3. RETAIL IMPACT

Major implications are likely for the vitality and viability of other food retailers in the area. Following the Inquiry, the need for one food superstore for the west of Aberdeen has been established, but not two. Mastrick District Centre, Lidl's, and many other smaller shops in the immediate area would be at risk, with consequent risk of job loss, even with new jobs at an approved development.

This loss has been reliably assessed on a national basis at -276 full time retail equivalents per superstore within a 10 -15 km catchment area.

(see **"The impact of out-of-centre Food Superstores on Local Retail Employment"** -1998 Porter & Raistrick, Corporate Analysis, The Boots Company PLC)

4. OTHER MATTERS

In view of the Council's interest in the site, Planning legislation would require any willingness to approve to be referred to the Scottish Executive to decide whether to grant final approval.



Allan C McDougall

Direct Tel: _____
Direct Email: _____

Our Ref: TRN10697/OBJ1
Your Ref:

Date: 1st November 2011

Head of Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sir/Madam,

Planning Application Ref 111468 - Proposed Class 1 (Foodstore) Development, Car Parking, Petrol Filling Station, Means of Access, Landscaping and Associated Works

We wish to object to the above planning application on behalf of Tesco Stores Ltd, who are the owners of a development site at the former Woodend Hospital Annexe, Rousay Drive, Aberdeen. This site has an extant planning consent for the development of a Superstore, Access Roads, Service Yard and Car Park under reference number A8/0398 which was granted on the 25th November 2010.

In support of application 111468, and on behalf of Optimisation Developments Ltd, a Transport Assessment was undertaken by SKM Colin Buchanan to examine the impact of a proposed 68,146sqft Gross Floor Area (GFA) Foodstore on the local transportation network.

Waterman Boreham have undertaken a review of the SKM Colin Buchanan Transport Assessment, and have identified a number of areas where our client has concerns with the study. These concerns are as follows;

1. The analysis has utilised vehicular trip generation rates based on stores which are not consistent with the Aberdeen demographic, and are lower than those requested by Aberdeen City Council to be included within the Transport Assessment associated with Tesco's application. As both applications are of a similar scale (although the Morrisons proposal includes for a Petrol Filling Station) and location, it follows that the trip generation should be similar. This has resulted in an underestimation of the vehicular trip generation of the proposed foodstore, and subsequently its impact on the local and trunk road network.
2. Also in relation to the trip generation calculations, it is unclear why only Morrisons' survey information was considered. The planning application is for a food retail superstore, and discounting other retail operators, particularly those sites in Aberdeen, is likely to have underestimated the potential vehicular trip generation associated with the site. Of concern is that Aberdeen and its surrounding catchment has a unique demographic in relation to car use and ownership, which is not considered within the trip rates used.
3. The stand-alone vehicular trip generation associated with a Petrol Filling Station (PFS) in this location has been underestimated. Lang Stracht is a major arterial route into the centre of Aberdeen from the west, serving Kingswells and Westhill, and experiences significant commuter traffic flows. As such, a PFS in this location could be expected to generate a significant number of vehicular trips in its own right.
4. It is unclear from the SKM Colin Buchanan report whether the traffic surveys which were undertaken to provide the baseline data were independent, and the calculated peak hour periods cannot be established as correct, as the base survey data has not been included for examination.

Cont...

2-4 Canning Street Lane, Edinburgh EH3 8ER
t/ _____ w. www

5. The Transport Assessment has considered the application of a 40% discount of new vehicular trips associated with passby and diverted/ linked trips. This assumption has been applied to both the weekday and Saturday peak trip generation figures, and is not consistent with either industry standard practise. The application of such a discount significantly underestimates the new trips associated with a development of this type.
6. The trip distribution percentages associated with the discounted diverted/linked trips has been heavily biased towards the A90/Lang Stracht junction, thus resulting in the development having a reduced impact at this location. No detail is provided as to how these figures were calculated.
7. The analysis work undertaken does not include the committed improvements at the King's Gate/Stronsay Drive and the Eday Road/Stronsay Drive, but includes other improvements which Tesco are delivering as part of their planning consent. Both of these junctions are being signalised as part of the Tesco planning consent to improve accessibility, and the SKM Colin Buchanan Transport Assessment does not account for this, and therefore the junction analysis is invalid.
8. The detailed junction capacity assessments undertaken within the Transport Assessment indicate significant queues forming at nodes along the Lang Stracht corridor. It is unclear from the report whether the interaction of these queues has been correctly considered, and also whether the reported queues have been calibrated with detailed independent on-site observations.

In conclusion, Waterman Boreham would consider that the Transport Assessment undertaken by SKM Colin Buchanan does not appropriately demonstrate the development's impact on the Local and Trunk Road network, and raises serious concerns as to whether the proposed development can indeed be accommodated.

The methodology and approach of the SKM Colin Buchanan report is inconsistent with that agreed with Aberdeen City Council for the Transport Assessment undertaken to support the Tesco consent, which is surprising given the proximity of the two developments and their similar catchments.


The concerns highlighted in this letter indicate that the vehicular trip generation associated with the proposed development has been significantly underestimated, and has been calculated using unrepresentative sites. Furthermore, the detailed junction assessments which have been undertaken by SKM Colin Buchanan do not take account of the Tesco junction improvements proposed at Eday Road/Stronsay Drive and King's Gate/Stronsay Drive, and therefore do not demonstrate the development's impact at these key locations.

Waterman Boreham also have serious concerns over the validity of the detailed junction assessments undertaken on the Lang Stracht Corridor, particularly in light of the figures reported within the Tesco Transport Assessment, and we are not convinced that there is sufficient network capacity to accommodate the proposed foodstore.

Page 3
TRN10697/OBJ1

In light of the above mentioned concerns regarding the applicant's Transport Assessment, Tesco Stores Ltd would ask that the committee refuse to grant planning permission for the proposed development. We also reserve the right to provide further comment on any future related submissions.

Yours sincerely



Michael Summers
Divisional & Operations Director



Registered with the Civic Trust
Registered Charity Number SC003089
Honorary Secretary: Mr A Struthers

Aberdeen Civic Society
c/o 77 Headland Court,
ABERDEEN
AB10 7HW

Td

Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

21 October 2011

Dear Dr Bochel

P111468 – Summerhill Academy –Supermarket

The Society has considered the above application and wishes to comment as follows:-

We trust adequate traffic management procedures will be followed.

We would be grateful if our representation could be given consideration.

Yours sincerely

Alastair Struthers

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 14/10/2011 14:41
Subject: Planning Comment for 111468

Comment for Planning Application 111468

Name : Aberdeen Cycle Forum
 Address : 24 Loanhead Terrace
 Aberdeen
 AB25 2SY

Telephone.: _____

Email: _____

type :

Comment : ACF has looked at this application. We are pleased to see the proposals include covered cycle parking as well as pedestrian and cycle access from Stronsay Drive and Gairsay Road. We do have some comments to make and trust that you will take these on board:

1. There is currently a high quality mandatory textureflexed cycle lane along this stretch of the Lang Stracht. The new junction will cut into this and the left turning lane presents a risk point for cyclists, the obvious risk being that vehicles will cut across them. This is a significant diminution of cyclists safety, with potential cyclist-vehicle conflict where currently there is none. It is important that you do what you can to reduce risk at this point. We would advise that there is no break in the cycle lane ie that it is continuous on the straight ahead lane, with advisory markings where vehicles access the left turn lane. This will act as a signal to drivers that cyclists may be going straight ahead. There is an example of this in Dyce on the north section of Riverview Drive.
2. There should also be a mandatory cycle lane continuing along the left turn lane to the ASL.
3. There should be ASLs at all arms of the junction, including the new junction with the Lang Stracht. There should also be an ASL on Stronsay Drive at the LangStracht junction.
4. The access points off Stronsay Drive and Gairsay Rd should be of the required standard; at least 3m wide; signed as shared use; and with drop kerbs to allow cyclists access from the road.
5. The cycle parking on the plan is inadequate. The location is good and it is covered which is also required but the number of stands is too low. The guidelines in Cycling by Design would require between 13 - 25 stands (depending if it is classed in or out of town); the council's own supplementary guidance would require 25. If this is to be used for staff parking too, then there needs to be additional stands. The car parking provision is up to the maximum allowed under the parking standards. We would expect cycle parking provision to be likewise, given the high residential population in the vicinity and the likelihood that people may choose to cycle the short trip to the site.

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Agenda Item 2.2

66 MALCOLM ROAD, PETERCULTER

DEMOLITION OF EXISTING
DWELLINGHOUSE AND ERECTION OF
NEW 3 BED DETACHED
DWELLINGHOUSE WITH INTEGRAL
DOUBLE GARAGE

For: P & C Developments Ltd

Application Ref.	: P120172	Advert	:
Application Date	: 06/02/2012	Advertised on	:
Officer	: Jane Forbes	Committee Date	: 19 April 2012
Ward: Lower Deeside (M Boulton/A Malone/A Milne)		Community Council	: Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site lies on the east side of Malcolm Road, at a distance of approximately 100 metres north of its junction with North Deeside Road, and 10 metres south of the junction with Cornyhaugh Road. This section of Malcolm Road is characterised by both single and 1½ storey detached or semi-detached properties immediately to the north, south and west of the application site, with two storey terraced properties lying to the north of the Cornyhaugh Road junction. The existing site, which extends to an area of 590m², comprises a single storey, 1960's style dwelling which is set back from the western (front) boundary of the site by a distance of 9 metres; and a single detached domestic garage, which lies to the rear of the dwellinghouse, and is accessed via a driveway extending along the northern boundary of the site.

The property has garden ground to the front and rear, with a gradual rise in ground level between the front boundary of the site and the front building line of the dwellinghouse. To the east of the property and within the rear garden, an evergreen hedge rises to a height of between 2.0 to 2.5 metres, and extends the length of the boundary. Terraced sections have been formed to the rear of the property to accommodate the significant change in ground level, with the garden area rising significantly towards the rear boundary of the site.

The dwellinghouse lies at a distance of 3 metres from the northern boundary, and at a minimum of 2 metres from the southern boundary. The front elevation of No 66 Malcolm Road falls in line with those of the neighbouring properties, creating a relatively constant building line along this stretch of Malcolm Road.

HISTORY

Demolition warrant (B12/0384) was granted on 29 February 2012. Notification of a start date of 15 March 2012 for demolition work to commence has since been submitted.

PROPOSAL

The application seeks full planning permission for the erection of a replacement, contemporary style dwellinghouse which would rise from single storey on the northern elevation to the equivalent of two storeys to the south, with an integral double garage located along the southern elevation and living accommodation above. An area of hardstanding would be created within the front garden, providing access to the garage, whilst the remaining driveway along the northern boundary of the site would be removed and incorporated within the garden area.

The dwellinghouse would be set 9 metres back from the front boundary of the site, with the exception of a vestibule area which would project 2.2 metres forward of the main front building line. The south (side) elevation of the dwelling would be staggered, with an initial projection of 11.6 metres towards the rear of the site from the front building line lying at a distance of 700mm from the common boundary with the neighbouring property at No 64 Malcolm Road. Beyond this, the new dwelling would project a further 6.4 metres, with this rear extension being set back from the site boundary by between 6 and 7 metres. The north (side) elevation of the dwellinghouse would provide a continuous, single storey elevation of 18 metres, and would lie at a distance of 1.15 metres from the common boundary with the neighbouring property at No 68 Malcolm Road.

The building would appear mono-pitched from the front (public) elevation, with the roof sloping from south to north. The roof would rise to a ridge height of between 3.5 metres and 6.8 metres along the southern elevation, with amended plans having reduced the scale of the mono-pitched roof and included a fully pitched section along part of the southern elevation. The rear extension to the dwelling includes a mono-pitched roof, with glazing to the south and east elevations. Along the northern elevation, the building would be between 3.9 metres and 5.7 metres at ridge level and 2.2 metres at eaves level.

The dwelling would be of a contemporary design, with finishes including zinc panelling to the roof, white smooth rendered walls, timber framed windows, and vertical timber linings. The front (west) elevation would incorporate a high level of glazing, as would the rear extension on both the south and east elevations. The north elevation includes 3 no. windows, with amended plans having removed a fourth window, and repositioned it to the front of the property.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub Committee because the proposal has attracted an objection from the Culter Community Council, and therefore, in terms of the Council's Scheme of Delegation, must be determined by the Development Management Sub Committee.

CONSULTATIONS

ROADS SECTION – No objection to the proposal provided the following comments are met:-

- The driveway must be constructed to a gradient not exceeding 1:20 and any hedging or walls that are placed along the front boundary of the property must not be any higher than 1 metre to protect vehicle and pedestrian visibility.
- The forming of the new footway crossing to afford driveway access, of not more than 6m wide, should be constructed by Aberdeen City Council. In addition the existing footway crossing associated with the current driveway must be removed and the footway reinstated.
- The proposed driveway should be internally drained, with no surface water discharging onto the public road, and loose material (e.g. stone chippings) must not be used to surface the first 2 metres of the driveway.
- Approval is granted subject to a condition preventing works commencing on site prior to the agreement of appropriate soft and hard landscaping proposals in the vicinity of the driveway.

ENVIRONMENTAL HEALTH – No response received.

COMMUNITY COUNCIL – Issues raised in a letter of representation received from Culter Community Council can be summarised as follows:

- The proposed new house would result in gross overdevelopment of the site, with very little garden remaining;

- The proximity of the proposed development to the common boundary with the neighbouring property at No 64 Malcolm Road would result in a separation distance of less than one metre between the two properties, with the blank wall and overhanging roof being introduced along the southern elevation of the proposed development adversely impacting on daylighting to the neighbouring property;
- The proposal would reduce the separation distance between development on the application site and the neighbouring property to the north, resulting in a reduction of daylight to this property and an adverse impact on existing privacy.
- The overall mass of the west (front) elevation of the property would be over-dominant in the streetscape.

REPRESENTATIONS

In addition to the letter of objection from Culter Community Council, four letters of objection were received with regards this application, raising the following issues:-

- The proposed development is not in keeping with the surrounding locale;
- The replacement dwelling represents overdevelopment of the site;
- The contemporary style of the proposed dwelling would have an unacceptable impact on the character of the surrounding area;
- Concerns over the proximity of the proposed dwelling to the northern and southern boundaries of the application site, and the resulting adverse impact on daylighting to neighbouring properties, and on existing amenity;
- Concerns over loss of privacy .

Objections were raised in terms of loss of view; and impact on neighbouring properties as a result of construction work, including difficulties created for undertaking future maintenance. However, these points are not considered material planning considerations and have therefore not been evaluated in this report, with issues relating to construction work dealt with at building warrant stage.

PLANNING POLICY

Aberdeen Local Development Plan 2012: 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.

Aberdeen Local Development Plan 2012: Policy H1 (Residential Areas) – The site is located within an H1 Residential Area, where the Council seeks to retain the residential character and amenity of the area. Proposals for new residential development will be approved in principle if it does not constitute overdevelopment; and does not have an unacceptable impact on the character or amenity of the surrounding area.

EVALUATION

Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that, in making a determination under the planning acts, regard is to be had to the provisions of the Local 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. In this instance, the issues for consideration are the design of the proposed dwellinghouse and its impact on the residential character and amenity of the area.

Local Development Plan Policy D1 (Architecture and Placemaking) states that 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 scale, massing, colour, materials, details, and the proportions of building elements will be considered in assessing this.

The design of properties along Malcolm Road and within the residential area surrounding the application site varies, with single storey 1960's style bungalows, traditionally designed 1½ storey dwellings, and more modern, 2-storey terraced properties all located within close proximity. Therefore, whilst the proposed design of this replacement dwelling would be of a more contemporary nature than that of its immediate neighbours, it is nevertheless considered to be entirely appropriate within the context of the residential setting within which it is located, and would not result in a negative impact on that setting. The proposed materials would be considered acceptable given the modern nature of the building.

With the exception of a vestibule area which would project 2.2 metres forward of the front elevation of the replacement dwellinghouse, the proposed siting of the building would allow for a depth of 9 metres of garden and hardstanding to the front of the property, ensuring the existing uniform pattern of development along this stretch of Malcolm Road remains relatively intact.

There is a considerable drop in ground level on site between both the southern and northern (side) boundaries, and from east (rear) to west (front), and it is felt that the proposed dwellinghouse has been appropriately designed with the contours of the site in mind. In assessing the likely impact of the increased width of the proposed building within the site, and its closer proximity to the neighbouring properties than that of the existing dwelling, it is considered that the proposed combination of a mono-pitched and pitched roof design for the roof ensures that the impact of any additional massing created along either of the side elevations would be minimised.

Along the northern boundary of the site, whilst the proposed dwelling would lie at 1.2 metres from the common boundary with No 68 Malcolm Road, rather than the existing 2.9 metres; by incorporating appropriate roof design, where the mono-pitch roof slopes from south to north, the ridge height and resulting massing along the northern elevation of the proposed building has been considerably reduced, with the result that the proposal would have a lesser impact on sunlight and shadowing to the north than is currently the case.

In terms of the southern elevation, amended plans have been submitted which have introduced a fully pitched roof within the central section of the roof design, thereby considerably reducing the resulting massing which the proposed development would have created along this elevation.

Again, when consideration is given to the changing ground levels, both on site and beyond, from south to north, and the considerable drop in existing roof ridge levels between No's 64 Malcolm Road and that of the application site at No 66, the proposed roof at its highest level along the southern elevation would still lie at a minimum of 2.5 metres below the lowest ridge level of the property at No 64, and as such remains acceptable.

Concerns have been raised in terms of the likely adverse impact of the proposal on existing sunlight/daylighting and amenity to the neighbouring properties at No's 64 and 68 Malcolm Road. These concerns have been partially addressed above, in terms of the reduction in massing which the proposal has introduced to the north, and which the subsequently amended plans address to the south. It is also worth noting that the amendment to the southern elevation, through the introduction of a section of fully pitched roof within the design of the building has significantly reduced the impact of the development on daylighting to the 2 no. windows on the northernmost elevation of the neighbouring property at No 64. It is considered that this amendment has adequately addressed the likely adverse impact on daylighting to the property at No 64 Malcolm Road, and in particular to the 2nd floor level window which serves a bedroom, with the window at ground floor serving a domestic garage. Furthermore, it is considered that due to the orientation of the property at No 64 Malcolm Road, which lies directly south of the application site, the proposed development would have no impact on existing sunlight to this neighbouring property.

The proposed dwellinghouse would be considerably larger than the existing building on site, however, it is considered that the site is capable of successfully accommodating the scale of building being proposed. Concerns have been raised in relation to the resulting footprint of the proposed dwellinghouse, with the belief that the proposal represents overdevelopment of the site. The existing plot ratio within the 590m² site is 14%, and whilst the proposed replacement dwelling would result in the plot ratio rising to 36%, this nevertheless remains very much within an acceptable level in terms of the site itself, but also in the wider context of what is considered appropriate within a residential feu. The position of the proposed dwellinghouse within the site would allow for an area of approximately 180m² of amenity space to be retained to the rear of the property, with this area of garden ground benefitting from the high level of screening and resulting privacy provided by the existing evergreen hedging which extends along the rear boundary of the site.

Finally, concerns were raised in relation to the adverse impact on existing privacy resulting from the proposed development. The neighbouring property at No. 68 Malcolm Road has 3 no. windows located along its southern gable end which faces the application site. Two of these windows are narrow openings, with one fitted with opaque glass, and neither considered to be serving habitable rooms. Whilst it was acknowledged that one of the four windows proposed along the northern elevation of the replacement dwellinghouse would likely have an unacceptable level of overlooking to the neighbouring property at No 68 Malcolm Road which lies to the north of the site, this issue has been addressed through the removal of this window, and its repositioning to the front (west) elevation of the dwelling which faces directly onto Malcolm Road. The remaining 3 no. windows proposed for the northern elevation face the gable end of the neighbouring property at No 68. The easternmost window would serve a toilet,

and a condition has been applied requiring opaque glass to be fitted to this window opening.

The remaining 2 no. windows on this elevation would serve a utility room and kitchen. Whilst these windows would face the southern gable end of No 68, in this instance, where a minimum separation distance of 2 metres would remain between the properties and where neither of the windows located to the rear of the gable end of No 68 Malcolm Road are of any significant scale or likely to serve habitable rooms. It is considered that the proposed glazing on the northern elevation of the replacement dwelling would not have any significant impact on existing privacy, nor is it felt that these windows would introduce an unacceptable level of overlooking to the adjacent property. A condition has been applied which would require the submission of a scheme of site and plot boundary enclosures for the entire development to be submitted and approved by the planning authority prior to work commencing on site.

Concerns were also raised in relation to the introduction of glazing to the rear of the proposed dwellinghouse on both the east and south elevations; however, as detailed above, the high level of screening provided by the existing leylandii hedge which extends the length of the rear boundary would ensure the proposed glazing would not adversely impact on overlooking or existing privacy.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

Taking into account all the material planning considerations above, it is considered that the proposal complies with both Policy D1 (Architecture and Placemaking) and H1 (Residential Areas) of the Aberdeen Local Development Plan. Although the proposed development would be greater in scale and of a more contemporary design than the existing dwelling, it is not considered that the proposal would adversely impact on the residential character and amenity of the area, with due consideration having been given to the overall design, siting and scale of the replacement building both within the context of the site and its immediate neighbours, and within the wider area.

it is recommended that approval is granted with the following condition(s):

- (1) that the dwellinghouse hereby granted planning permission shall not be occupied unless a scheme for the provision of foul sewerage and wholesome water facilities has been submitted to and approved in writing by the Planning Authority and that the said scheme has been implemented - in the interests of public health.
- (2) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the

said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(3) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(4) that no development shall take place unless samples of all external finishing materials to the roof and walls of the development hereby approved have been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(5) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

(a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;

(b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or

(c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

(6) that the building hereby approved shall not be brought into use unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details - to ensure this development complies with requirement for on-site carbon emissions contained in Scottish Planning Policy (SPP) and specified in the the City Council's relevant published Supplementary Planning Guidance, 'Reducing Carbon Emissions In New Development'.

(7) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme of landscaping for the front garden area of the site, which scheme shall include indications of all hard and soft landscaping - in order to ensure sufficient turning space is retained within the front garden of the site in the interests of road safety.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

CULTER COMMUNITY COUNCIL



St Quentin
18 Hillside Road
Peterculter
Aberdeenshire
AB14 0TX

18 March 2012

Ms Jane Forbes
Planning Officer, (Enterprise, Planning & Infrastructure)
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen AB10 1AB

Dear Ms Forbes,

**Planning Application P12/0172: 66 Malcolm Road, Peterculter:
Demolition of existing house and erection of new 3-bedroom house with integral double garage.**

This application was discussed by Culter Community Council (CCC) and referred to the CCC Planning Sub-group for further detailed discussion. Two site visits were also made. As a result, I have been asked to write to you detailing the members' strong objections to this application as follows:

- The proposed new house would result in a gross overdevelopment of this site with very little garden remaining.
- The house to the south (on higher ground) stands only some 30cm from their mutual boundary and has a garage window and bedroom (?) window facing the blank wall of the existing cottage some 3-4 metres distant. The blank wall and overhanging roof of the proposed new house will be somewhat less than one metre distant – very significantly reducing the light available to these neighbouring windows.
- The house on the north side (on a similar level) stands approximately one metre from their mutual boundary. It has three windows facing south some three metres from the blank wall of the existing cottage. The proposed new house will reduce this distance to some two metres and the proposal is for four windows in the new house to be facing the three existing windows in the neighbouring house. This will not only reduce the light available to the existing three windows in the neighbouring house but will also remove all privacy from the existing neighbour and the proposed new house.

- The overall mass of the west elevation (facing on to Malcolm Road) will be over-dominant in the streetscape. Aesthetically it will not sit sympathetically with the neighbouring houses even though several are of individual design, in this immediate area of Malcolm Road.

Had the members of CCC seen this proposed new house set in a medium to large garden where it would be 'showcased' and therefore able to blend much more sympathetically with, rather than dominate, its neighbours, then we would be supporting the design but must object to it being proposed for this particular site for the reasons given above.

Yours sincerely,

Lavina C Massie (Planning Liaison)
Culter Community Council

cc: Cllr Marie Boulton
Cllr Aileen Malone
Cllr Alan Milne

Copy

64 Malcolm Road
Peterculter
Aberdeen
AB14 0XB

Planning and Sustainable Development
Aberdeen City Council
Marischal College
Broad Street
Aberdeen
AB10 1AB

10th March 2012

Dear Sir

Objection to Planning application ref: 120172
Demolition of Existing Dwellinghouse and Erection of New 3 Bed Detached Dwellinghouse with Integral Double Garage, 66 Malcolm Road, Peterculter, Aberdeen AB14 0XB

We refer to aforementioned planning application. We occupy number 64 Malcolm Road, immediately to the south of the application site. The deadline for submission of representations is 13th March 2012, and this letter is therefore within the necessary time period. We have several issues of concern in regard to this application and we wish to object to the development for the following reasons:

1 Density of Proposed Development

We are aware that the planning application proposals should comply with the policies which are contained in the *Aberdeen Local Development Plan 2012*. The relevant policy in this case is *H1 – Residential Areas*, and this stipulates that proposals should not constitute over development; and should not have an unacceptable impact on the character and amenity of the surrounding area. Examination of the plans which have been submitted indicates that neither of these policy criteria would be complied with.

Firstly, the replacement dwellinghouse represents over development of the existing plot. The existing dwellinghouse and garage cover approximately 15% of the curtilage, and the proposed application would cause this to double to approximately 30%. This plot ratio is wholly at odds with the existing pattern of development in the immediate area. Examination of the plot ratios contained in the 3 plots to the north of the site, and the 2 plots to the south, (on the east side of Malcolm Road) indicates that the plot ratios range between 13%-19%. The proposed development represents a much greater density of development than that found in the immediately adjoining area, and on this basis represents overdevelopment.

The second relevant policy criteria seeks to ensure that proposals do not have an adverse impact on the character and amenity of the surrounding area. All of the dwellinghouses on Malcolm Road are of traditional suburban design. The proposed dwellinghouse is of a contemporary style, incorporating a zinc monopitched roof and 3 large picture windows on the front elevation. There are no other examples of this style within the vicinity, and it is therefore considered that the proposal would have an unacceptable impact on the character of the surrounding area.

In assessing the application, it is understood that the impact of the proposals on the amenity of the residents in the adjoining properties will require to be considered. This is not assisted by the position of the neighbouring dwellinghouses being shown indicatively on the submitted site plan. Notwithstanding this fact, there are several windows in the neighbouring properties, which would be extremely close to the new development. At the moment the existing dwellinghouse provides satisfactory separation between the gable walls and boundary. These proximity issues can be examined in more detail, namely:

2 South Wall of Proposed Property

The south wall of the proposed new dwelling is built hard to the boundary along its length where it forms the garage (below ground). Where it rises above ground, it extends to nearly two storeys in height. There are no dimensions on the proposal drawings, however, it appears to be very close to the mutual boundary for its western portion, and built **hard up to** the mutual boundary for its eastern portion. The 'Upper Level Plan' drawing unfortunately does not illustrate accurately the proximity of our property to the new south wall, and consequently takes no cognisance of the three existing windows on the north wall of our property, and the window facing west. These windows serve the garage at ground floor level and our Living Room and Bedroom respectively at first floor level. The proposed height and close proximity of this wall would essentially block nearly all daylight and view from our bedroom window, and severely restrict the amount of daylight and any view to our Living Room window. Essentially, the proximity of the south wall of this property would be extremely detrimental to the amenity we currently enjoy to these rooms.

In addition, there are fundamental buildability issues in regard to the formation of the south wall to the garage; in terms of how the north wall and foundations to our property could be properly supported and maintained where such a large excavation is required. Construction of the south wall where it rises above ground, and the future maintenance of both this wall and the projecting roof eaves would also be questionable given the proximity of these elements to the mutual boundary.

Section AA (Dwg 2/190/004) does not illustrate the worst case scenario in regard to the proximity of the south wall to our property – a more telling section would be one drafted through the rear (east) of the proposed dwelling, ie. through bedroom 2. This would clearly demonstrate the full impact that this south wall will have on our property and illustrate the loss of amenity we will endure as a result of the relationship of our existing windows to the proposed south wall.

3 Glazing to Family Room

Loss of privacy is a further matter which is worthy of consideration. Policy H1 states that proposals should comply with the City Council's supplementary guidance on curtilage splits and residential extensions. These documents contain guidance on the appropriate separation distances between windows, and stipulate that 18 metres is necessary between windows which face each other to ensure that adequate privacy is preserved. The proposed Family Room located to the north-east of the proposed dwelling is fully glazed along both its south and east elevations. The close proximity of the proposed south glazing to both the mutual boundary, and to the windows that exist on the north elevation of our property, will result in a severe loss of amenity and privacy to ourselves. Clearly, as proposed, the 18m window-to-window planning policy relationship to a first floor window would be breached by the east glazing.

4 Levels

The proposed drawings give no indication of the proposed finished levels either internally or externally. Clearly, clarification of this matter is required since this will have a considerable bearing on the impact to the neighbouring properties.

5 Location of Adjacent Properties

It will be imperative for the developer to accurately locate the existing adjacent properties, and all of their relevant window positions, to allow a full assessment to be made of this proposal.

Policy H1 – Residential Areas contains a range of criteria which require to be met to allow compliance to be achieved. The primary aims of the policy are to ensure that new development does not adversely affect the character and amenity of the area. For the reasons discussed above, the proposed development would have a detrimental effect on these qualities. The design of the dwellinghouse bears no resemblance to any other properties within the area, as a result is at odds with its character. The plot ratio which is illustrated on the site plan would also introduce a new density of development, which would be very different from the current pattern. And finally the proximity of the dwellinghouse and the proposed fenestration would significantly undermine both the level of residential amenity and privacy which is currently enjoyed by the neighbouring properties. On the basis of these factors, the application is contrary to the statutory local development plan, and should therefore be refused. We would be grateful if you could keep us advised of the progress of this application.

Yours faithfully

Mr + Mrs W Thain

PI - Planning Application Ref: 120172

From: [redacted]
To: <pi@aberdeencity.gov.uk>
Date: 27/02/2012 10:47
Subject: Planning Application Ref: 120172

Copy

To Whom it May Concern

We would like to object to the proposed development at 66 Malcolm Road on the grounds that it is not in keeping with the surrounding locale.

Regards,

Jim and Annette Sugden. (70 Malcolm Road).

(

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From:
To: <pi@aberdeencity.gov.uk>
Date: 3/12/2012 6:29 pm
Subject: 120172 application comments
Attachments: objection letter.doc

Copy.

Please find attached my comments on planning application above. Derek Watts

YOUR REF – 120172

Mr D. Watts
68 Malcolm Road
Peterculter
Aberdeen
AB14 0XB

12th March 2012

Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sir/Madam

Demolition of Existing Dwellinghouse and Erection of New 3 Bed Detached Dwellinghouse with Integral Double Garage, 66 Malcolm Road, Peterculter, Aberdeen, AB14 0XB

We write with reference to the above planning application, as immediate neighbours to the development. The deadline for the submission of representations is the 13th March 2012, and this letter is therefore within the necessary time period.

We wish to object to the development for the following reasons.

We are aware that the planning application proposals should comply with the policies which are contained in the *Aberdeen Local Development Plan 2012*. The relevant policy in this case is *H1 – Residential Areas*, and this stipulates that proposals should not constitute over development; and should not have an unacceptable impact on the character and amenity of the surrounding area. Examination of the plans which have been submitted indicates that neither of these policy criteria would be complied with.

Firstly, the replacement dwellinghouse represents over development of the existing plot. The existing dwellinghouse and garage cover approximately 15% of the curtilage, and the proposed application would cause this to double to approximately 30%. This plot ratio is totally at odds with the existing pattern of development in the immediate area. Examination of the plot ratios contained in the 3 plots to the north of the site, and the 2 plots to the south, (on the east side of Malcolm Road) indicates that the plot ratios range between 13%-19%. The proposed development represents a much greater density of development than that found in the immediately adjoining area, and on this basis represents overdevelopment.

The second relevant policy criteria seeks to ensure that proposals do not have an adverse impact on the character and amenity of the surrounding area. All of the dwellinghouses on Malcolm Road are of traditional suburban design. The proposed dwellinghouse is of a contemporary style, incorporating a zinc monopitched roof and 3 large picture windows on the front elevation. There are no other examples of this style within the vicinity, and it is therefore

considered that the proposal would have an unacceptable impact on the character of the surrounding area.

In assessing the application, it is understood that the impact of the proposals on the amenity of the residents in the adjoining properties will require to be considered. This is not assisted by the position of the neighbouring dwellinghouses being shown indicatively on the submitted site plan. Notwithstanding this fact, there are several windows in the neighbouring properties, which would be extremely close to the new development. At the moment the existing dwellinghouse provides satisfactory separation between the gable walls and boundary. The current plans would result in dwellinghouse being constructed only a metre from the first floor window in 64 Malcolm Road, and approximately 2 metres from the south facing windows in 68 Malcolm Road. Moreover the new dwellinghouse would be at a much higher level than the ground floor windows of our property. The very close proximity of the dwellinghouse to the existing windows in the neighbouring properties would mean that the levels of residential amenity which are currently enjoyed would be significantly eroded.

Loss of privacy is a further matter which is worthy of consideration. Policy H1 states that proposals should comply with the City Council's supplementary guidance on curtilage splits and residential extensions. These documents contain guidance on the appropriate separation distances between windows, and stipulate that 18 metres is necessary between windows which face each other to ensure that adequate privacy is preserved. The proposed windows to the north of the property would face directly onto the existing windows at number 64, and are only 2 metres away. This is clearly a totally inadequate distance to ensure that adequate levels of privacy are provided.

We would also ask for clarification on the boundary treatments, currently there is a boundary wall between our property and number 66 which forms part of the garage which is proposed to be demolished. There are no details of the wall being reinstated or material proposed within the application drawings, with the proposed dwellinghouse at a higher level than the existing property we would be very concerned the change in level between the two sites and the effect this will have on the boundary treatment.

Policy H1 – Residential Areas contains a range of criteria which require to be met to allow compliance to be achieved. The primary aims of the policy are to ensure that new development does not adversely affect the character and amenity of the area. For the reasons discussed above, the proposed development would have a detrimental effect on these qualities. The design of the dwellinghouse bears no resemblance to any other properties within the area, as a result is at odds with its character. The plot ratio which is illustrated on the site plan would also introduce a new density of development, which would be very different from the current pattern. And finally the proximity of the dwellinghouse and the proposed fenestration would significantly undermine both the level of residential amenity and privacy which is currently enjoyed by the neighbouring properties. On the basis of these factors, the application is contrary to the statutory local development plan, and should therefore be refused.

Yours faithfully

Derek Watts

Derek Watts	
120172	
RECEIVED	11 MAR 2012
JAF	
13/03/12	

South

From:
To: <pi@aberdeencity.gov.uk>
Date: 12/03/2012 18:56
Subject: Comment on a Planning Application 120172p
Attachments: objection letter.doc

Copy

Please find attached my comments on planning application, please ignore my last email as the attachment was for my husband. Laura Watts

YOUR REF – 120172

Mrs L. Watts
68 Malcolm Road
Peterculter
Aberdeen
AB14 0XB

12th March 2012

Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

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Yours faithfully

Laura Watts

City Development Services Letters of Representation	
Application Number: 120172	
RECEIVED 13 MAR 2012	
Dev. (North)	Dev. (South)
Case Officer: JAF	
Date Acknowledged: 13/03/12	

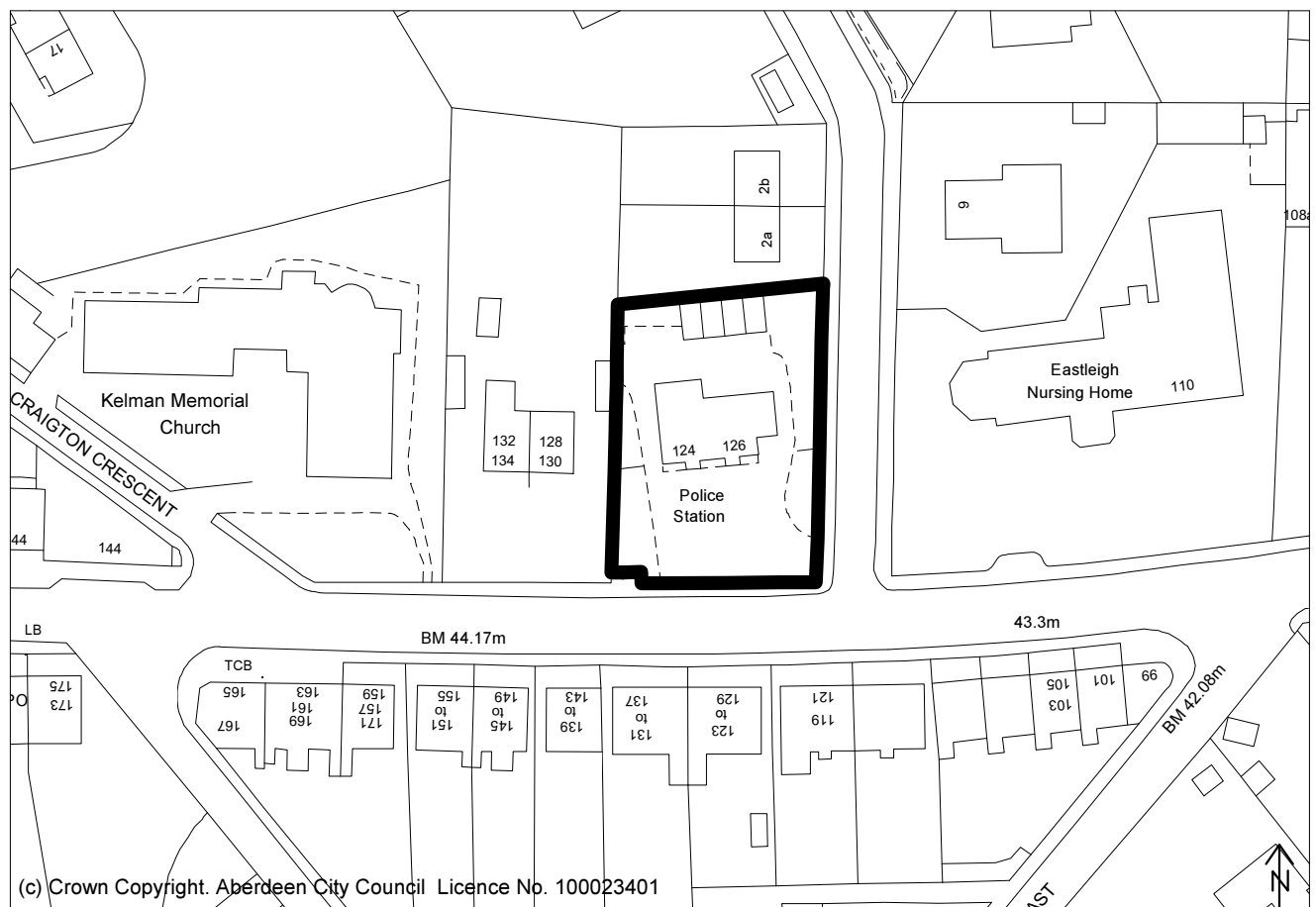
South

124 NORTH DEESIDE ROAD, PETERCULTER

PROPOSED RESIDENTIAL DEVELOPMENT
COMPRISING DEMOLITION OF EXISTING
BUILDING AND ERECTION OF 11 NO. NEW BUILD
FLATS AND ASSOCIATED CAR PARKING

For: Peterhead Land Company

Application Ref.	: P111196	Advert	:
Application Date	: 10/08/2011	Advertised on	:
Officer	: Garfield Prentice	Committee Date	: 19 April 2012
Ward: Lower Deeside (M Boulton/A Malone/A Milne)		Community Council : Comments	



RECOMMENDATION: To approve the application, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a binding agreement with the Council to secure the planning gain contribution

DESCRIPTION

The site located on the north side of North Deeside Road on corner of School Road and comprises a traditional 2 storey detached granite building which was previously used as a police station. The building is set approximately 18 metres back from the public road with most of the area to the front being used as a car park. Access to the car park is gained via an entrance at the corner of North Deeside Road and School Road. There are a number of medium sized trees within the site – two next to the east boundary, three adjacent to the west boundary and one in each of the rear corners. To the rear of the building is a group of 4 garages with shallow mono-pitched roofs. The area around the garages is hard surfaced. To the rear and elevated some 5 metres above the site is a house, the gable end of which faces towards the site. To the west are two semi-detached houses contained within a building of similar design, scale and materials as the vacant police station. To the east and across School Road is a large 1½ storey building comprising a care home. On the opposite side of North Deeside Road is a row of 1½ and 2 storey residential properties.

PROPOSAL

Detailed planning permission is sought for the a proposed residential development involving the demolition of the existing building and the erection of a new building comprising 11 flats (10 two-bedroom and 1 one-bedroom flats) and associated car parking. This is an amended proposal. Permission was originally sought for 12 two-bedroom flats. The result is a slightly smaller building, both in terms of the scale of the wing fronting School Road and the overall footprint of the building. The location of the car entrance was also adjusted to meet the requirements of the roads officer.

Following demolition of the existing granite building it is proposed to construct a traditionally designed, L-shaped building, generally in the same position as the existing structure. It would be a mix of 2, 2½ and 3 storeys high. The building would be 25.5 metre long on the elevation facing North Deeside Road and 17.5 metres on the elevation facing School Road. It would attain a maximum height of 10.8 metres. The building would be located approximately 20 metres from the boundary with North Deeside Road, 4 metres from School Road and 6 metres at the nearest point from the rear boundary. The walls of the building would be finished in wetdash with feature stone/facing block surrounds to windows and basecourse. Natural slates would be used on the roof. It is proposed to install timber framed mock sash and case windows.

It is proposed to provide 16 car parking spaces at the front of the building. The existing entrance would be blocked up and a new entrance formed a little further up School Road. Areas of landscaping would be provided next to the west boundary and next to the corner with the two public roads. To the rear of the building a communal garden would be provided. The existing trees next to the east and west boundaries would be removed. It is proposed to plant 4 new trees at the front of the site.

A design statement has been submitted by the applicant in support of the application.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the proposal has attracted an objection from Culter Community Council. Accordingly, it falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

ROADS SECTION – It is proposed to provide 16 car parking spaces, a ratio of 1.5 spaces per flat. This level of parking is acceptable. The proposed development has adequate accessibility to public transport and adequate pedestrian access facilities will be provided. Vehicular access into the site will be taken from School Road. Adequate visibility can be achieved at the proposed junction. However, a minimum access road gradient of 5.5% must be maintained. A drainage proposals for the site in line with SUDS principles should be submitted to the Council for approval.

ENVIRONMENTAL HEALTH – there is no objection to the proposal. However it is requested that suitable conditions be applied relating to the submission of a noise assessment report, restricting the hours of construction and for the provision of adequate bin storage areas.

COMMUNITY COUNCIL – Culter Community Council highlights that this is the fourth planning application for this site in just over a year. It points out that over the years there has been a steady decline in the number of sites providing a diversity of business, retail and service provision in Culter, which is of concern to the Community Council. The loss of business/retail sites to residential use has resulted in a large over-provision of 1 and 2 bedroom flats and a decline in the number of businesses in the retail centre. The Community Council strongly objects to any proposals which increase the imbalance in the housing stock in the district centre and Peterculter as a whole, by providing even more 1 and 2 bedroom flats. Concern is raised at the substantial increase in the footprint arising from the proposed development, making it obtrusive and cramped. The proposed 3 storeys would make the development even more obtrusive. It would stand one storey higher than all the neighbouring properties. The size of the flats would be likely to attract retired or professional people rather than families. The drawings do not show all the driveways/entrances from adjacent properties on School Road. The Community Council also objects because of the number of parking spaces could lead to overspill parking onto School Road or North Deeside Road and concerns over public and road safety, for example a blind corner and the proximity of the entrance to Eastleigh Nursing Home and its car park. It is also highlighted that School Road is the main access to Culter Primary School.

REPRESENTATIONS

Four letters of objection have been received. The main issues and objections raised can be summarised as follows.

- The existing building is an attractive traditional structure that enhances the appearance of the main village street
- The proposed building would significantly degrade the appearance of the area
- The design of the building is not in keeping with the local architecture and neighbourhood
- The size of the proposed building and the large number of flats
- A 3 storey building is not in keeping with the other nearby buildings and would dominate the area
- Car parking is likely to be insufficient leading to greater demand for on-street parking
- Concerns over the safety of children using School Road
- Loss of privacy for adjacent residents
- Loss of sunlight
- Overshadowing of the adjacent property
- Inconsistencies with regard to which trees would remain after the building would be completed (design statement does not tie up with drawings)

PLANNING POLICY

Aberdeen Local Development Plan

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.

Policy D2 - Design and Amenity

In order to ensure the provision of appropriate levels of amenity the following principles will be applied: (1) privacy shall be designed into higher density housing, (2) residential development shall have a public face to a street and a private face to an enclosed garden or court, (3) all residents shall have access to sitting-out areas, (4) when necessary to accommodate car parking within a private court the parking must not dominate the space, (5) individual flats or houses shall be designed to make the most of opportunities offered by the site for views and sunlight, (6) development proposals shall include measures to design out crime and design in safety and (7) external lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Policy D4 - Aberdeen's Granite Heritage

The City Council will encourage the retention of granite buildings throughout the city, even if not listed or in a conservation area. Conversion and adaption of redundant granite buildings will be favoured. Where a large or locally significant granite building that is not listed or in a conservation area is demolished, the City Council will expect the original granite to be used on the principal elevations of the replacement building.

Policy H1 - Residential Areas

Within existing residential areas proposals for new residential development will be approved in principle if it (1) does not constitute over development, (2) does not have an unacceptable impact on the character or amenity of the surrounding area, (3) does not result in the loss of valuable and valued areas of open space, (4) complies with Supplementary Guidance on Curtilage Splits.

Policy R7 - Low and Zero Carbon buildings

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 a least 15% below 2007 building standards.

EVALUATION

Section 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. As the proposal does not raise any strategic issues, the application will be assessed primarily in terms of the relevant policies in the local development plan. SPP states sets out the Government's core principles that underpin the modernised planning system. It states *"The system should be genuinely **plan-led**...."* and *"There should be a clear focus on the **quality of outcomes**, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment"*. SPP also states that the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places. Furthermore, the aim should be to create places with a distinct character and identity. SPP also states that planning authorities should take a positive approach to development. It is in this context that the application requires to be assessed. The Aberdeen Local Development Plan identifies the site as residential. Accordingly, the principle of residential use on the site is acceptable. The Community Council has expressed concerns regarding the decline in the number of sites providing a diversity of business, retail and service provision within Peterculter. However, the application site was not used for those purposes (it was a Police station) and residential use is considered to be an appropriate alternative use. The Community Council has objected to the imbalance in the housing stock arising due to the over-provision of 1 and 2 bedroom flats. However, there are no planning policies that set targets for particular types of residential accommodation or that control the balance between different accommodation types in any specific area. Each proposal is considered on its own merits.

It is acknowledged that the proposal would involve the demolition of a granite building. Policy D4 of the local development plan encourages the retention of granite buildings, in particular large or locally significant buildings. Whilst the majority of buildings fronting North Deeside Road are constructed of granite, in this case the property is not a large building nor is it considered to be locally significant. Thus its demolition would not be contrary to Policy D4.

The design statement submitted by the applicant draws attention to the fact that the proposal *“recognises the prominent corner location by increasing the scale of the development to 3 storeys and forming a gable to the more important streetscape”*. It states further that *“the design attempts to break up the scale of the building by varying heights and dormer treatment and to convey a sense of a large Scottish house with adjustments and extensions built over time”*. Notwithstanding, the proposed building would be rather prominent in the streetscape due to its size relative to neighbouring buildings, its location on a corner site and the light coloured render walls. However, the centre of Peterculter and in particular North Deeside Road is characterised by a wide variety of buildings designs, sizes and heights. Indeed, it is this variety in the built form that contributes to the charm and character of the village centre. The design of the proposed building is of a high standard, reflecting traditional Scottish architecture. It would be a well proportioned and detailed building with good quality finishing materials, although precise details of colours, type of stonework would be subject agreement by means of a planning condition. The position of the proposed building, being similar to that of the existing structure, is acceptable in that it would maintain the existing building line on the north side of the street. The size of the proposed building has been reduced from the original proposal and as a result would not be an overdevelopment of the site. It is therefore considered that the proposal would not be detrimental to the character of the locality and would comply with the objective of Policy D1 of the local development plan.

With regard to Policy D2 of the local development plan the proposal is generally compliant with the criteria contained therein. The privacy of residents has been taken into account in the design of the development. All flats would have a public face to a street and the majority would have a private face to an enclosed garden. All residents would have access to sitting-out areas, primarily but not exclusively to the rear of the building. Most of the flats would have a south facing aspect, thus making most of the available sunlight. Although the car parking area would dominate the front part of the site, contrary to aim of Policy D2, this is an existing situation and for that reason this aspect of the proposal is acceptable.

The Climate Change (Scotland) Act 2009 requires planning authorities to act in a way best calculated to contribute to the delivery of the emissions targets in the Act and in a way that it considers is most sustainable. SPP advises *“The design of new development should address the causes of climate change by minimising carbon and other greenhouse gas emissions”*. In addition to the use of microgenerating and renewable energy systems, SPP highlights the significant contribution that energy efficient designed buildings can make towards reducing emissions. The Council’s SPG requires new developments to incorporate on-site low and zero carbon equipment contributing at least an extra 15% reduction in CO2 emissions beyond the 2007 Building Regulations carbon dioxide emissions standard. The applicant has not provided any details or calculations of how carbon dioxide emissions would be reduced. Notwithstanding, it is considered that this issue can be addressed satisfactorily by applying a condition to the planning permission requiring the submission of the necessary details and the implementation of appropriate measures.

There are 7 trees on the site, of which 5 trees would be removed, those being the trees along the side boundaries. It is proposed to plant 4 replacement trees at the front the site. Details of the species and size of the replacement trees together with the landscaping of the site would be the subject of a condition attached to the planning permission. It is considered that the front area of the development can be appropriately landscaped to reduce, to some extent, the visual impact of the extensive car parking area.

It is proposed to provide 16 parking spaces within the site. The Council's roads officer is satisfied with the level of parking provision. There is no reason to expect that there would be any significant overspill parking onto adjacent streets. The location of the entrance off School Road is acceptable and represents an improvement on the existing situation. The proposed development has adequate accessibility to public transport (there is a bus stop immediately adjacent to the site). Adequate pedestrian access facilities would be provided. Notwithstanding the concerns of the Community Council, the roads officer has raised no concerns regarding public safety or the additional number of vehicles on the local road network. It is unlikely that the additional traffic would cause any significant congestion or delay on the adjacent roads.

The potential effects the proposal could have on residential amenity include the impacts on privacy, daylight/sunlight, noise disturbance and light pollution. In terms of privacy, the window to window separation in relation to the properties on the opposite side of North Deeside Road would be substantially greater than the Council's minimum requirement and thus there would be no loss of privacy for those residents. The proposed building would sit some 5 metres below that of the adjacent house to the north. With regard to the impact on the occupants of that house, the closest facing windows in the proposed building would be at ground and first floor level and thus below the level of the adjacent house and thus there would be no overlooking. The two bedroom windows at second floor level facing towards the adjacent property would be at least 10 metres from the boundary and would result only in some overlooking of the adjacent garden. Two more windows would be further away and do not relate to living accommodation. Accordingly, it is considered there would be no significant impact on the privacy of the residents of that property. There would be no significant impact on the privacy of the occupants of the properties to the west of the site. The proposal would have no significant impact on the amount of daylight or sunlight reaching any of the neighbouring properties. It is unlikely that the amount of activity on the site would generate any noticeable noise disturbance, especially when compared to the noise arising from traffic using the busy North Deeside Road. As no details of external lighting have been provided, it is recommended that such information is secured and thus the lighting controlled by means of a planning condition.

As the planning application was lodged in the summer of last year the affordable housing and planning gain requirements were assessed in the context of the policy that existed at that time. As a result, there is no requirement for providing affordable housing. The applicant has agreed to pay the planning gain contribution which would be used to support library, recreation and community facilities. The contributions would be secured by means of a legal agreement.

RECOMMENDATION

To approve the application, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a binding agreement with the Council to secure the planning gain contribution

REASONS FOR RECOMMENDATION

The application site is designated as residential in the Aberdeen Local Development Plan. Thus the principle of a residential development on the site is acceptable. The proposal complies with the relevant policies in the local development plan. The design, scale and layout of the development are acceptable. The quality of the design of the buildings would be of a high standard. The proposal would not impact significantly on residential amenity or public safety.

it is recommended that approval is granted with the following condition(s):

(1) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with Drawing No. 1012D of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(2) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(3) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

- (4) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:
- (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
 - (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
 - (c) at any time on Sundays,
- except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.
- (5) That none of the units hereby granted planning permission shall be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.
- (6) that the building(s) hereby approved shall not be brought into use unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details - to ensure this development complies with requirement for on-site carbon emissions contained in Scottish Planning Policy (SPP) and specified in the the City Council's relevant published Supplementary Planning Guidance, 'Reducing Carbon Emissions In New Development'.
- (7) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.
- (8) that no development shall take place unless a scheme for external lighting has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of residential amenity and public safety.
- (9) that no development shall take place unless there has been submitted to and agreed in writing by the planning authority a noise assessment report by a suitably qualified noise consultant that ascertains the impact on the occupants of the proposed development arising from noise generated by traffic on North Deeside Road. The noise assessment report shall be in accordance with Planning Advice Note (PAN) 1/2011 'Planning and Noise' and its accompanying Technical Advice Note and shall identify the likely sources of noise and indicate the measures to reasonably protect the amenity of the occupants of the development from all such sources of noise that have been identified – in the interests of residential amenity.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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CULTER COMMUNITY COUNCIL



St Quentin
18 Hillside Road
Peterculter
Aberdeenshire
AB14 0TX

30 August 2011

Mr Garfield Prentice
Senior Planner (Enterprise Planning & Infrastructure)
Aberdeen City Council
St Nicholas House
Broad Street
Aberdeen AB10 1BY

Dear Mr Prentice,

**Planning Application P111196: 124 North Deeside Road, Peterculter:
Demolition of existing Police Station and erection of a large block of 12 x 2-bedroom flats plus
car park.**

The members of Culter Community Council (CCC) also discussed this application (P111196) at their meeting on 23rd August 2011. It was also noted that this is now the *fourth* application for this site in just over a year and the **second one within a month**, the previous ones being

- P100327 (14 flats);
- P101682 (12 flats);
- P111091 (one terraced house + four flats)
- And now P111196 (again for 12 flats)

The members agreed that their objections to this application were in essence similar to those made previously and I have been asked to report them all again as follows:

- Over the years, there has been a steady decline in the number of sites providing a diversity of business, retail and service provision in Culter District Centre, which is of great concern to CCC.
- This has happened because developers consistently have outbid businessmen in purchasing long-established business and retail sites and *not* because businessmen have no wish to set up business in Peterculter.
- In fact in the past, several have come to CCC with their business proposals and have gained CCC members' support but have lost out to developers in obtaining a business site.
- Businessmen also supported CCC in trying to have a business park established for Culter in an

attempt to redress the situation. Unfortunately CCC failed to have one included in the extant Local Plan.

- The loss of business/retail sites to residential development has resulted in a large over-provision of 1 and 2 bedroom flats in our District Centre and for Culter overall and a decline in the primary school population as a result.
- It also has led to a decline in the number of businesses in our Retail Centre and a worrying reduction in our community's sustainability. We have no wish to see Culter reduced to being a dormitory suburb.

The members of CCC therefore strongly object to any proposals which increase the imbalance in the housing stock in our District Centre especially, and for Peterculter as a whole, by providing even more one and two bedroom flats or houses. In order to remain viable as a proper community Peterculter (Culter) badly needs 3-bedroomed family accommodation.

Looking at the plan and information provided for the proposed flats, the members of CCC also consider these would result in a gross over-development of the site and therefore must object further for several reasons:

- To accommodate 12 flats, the **footprint** of the original building will have to be increased by some three or four times. This will make it obtrusive by being cramped into its space instead of sitting comfortably between its neighbours (Eastleigh Care Home, 110 North Deeside Road and 128 and 130 North Deeside Road).
- Again, to accommodate 12 flats, the **height** of the new building will have to be increased from the present 2 storeys to 3 storeys. This will make it even more obtrusive being one storey higher than its immediate neighbours at 110 and 128 and 130 North Deeside Road
- Because Peterculter is built on a hill the roof of the present Police Station at 2 storeys high is level with the roofs of the 3 storey tenement style blocks of flats on the opposite side of North Deeside Road. The proposed new block of flats at 3 storeys will therefore stand one storey higher than all its neighbours and, if permitted, will be very intrusive indeed.
- The accommodation schedule included with the plans shows the floor space of the flats to be small (on average 832.3 sq.ft. = 69.36sq.m.) and of a style likely to attract retired people or professional and business people, single and couples – each with cars – rather than families.
- As with previous plans, the present plan does not show all the driveways/entrances from adjacent properties on to School Road. They do show that there will be only 20 parking spaces in front of the building. We deduce from the drawings, however, this will be fewer when taking into consideration the space taken up by trees. Are we correct? This may well lead to the new occupants seeking parking space on School Road or North Deeside Road where space is at a premium.

The members of CCC find they must also object because of the number of parking spaces proposed, the number of cars likely to be used by the occupants and because of the existing accesses on to School Road, and the existing traffic and parking problems on School Road and North Deeside Road. Our reasons are:

- The residents of the tenement flats on North Deeside Road vie for parking spaces on the main road opposite the now redundant police station;
- the driveway/entrance onto School Road for Eastleigh Nursing Home and its car park (delivery vans, ambulances, mini-buses and visitors) and 6 School Road, both on the east side of School Road, and the driveway/entrances for 2A and 2B School on the west side of School Road, close to the blind corner;
- the proposed (i.e. the existing) site access for this application lies almost opposite to the School Road entrance to Eastleigh;
- School Road is a main access to Culter Primary School. A large number of pupils use it to walk to and from school. There is a 'lollipop crossing' at its junction with North Deeside Road to allow children to cross the latter safely. Parents also use the road when taking their children to and from school by car;
- On School Road there can be cars parked by the residents of 2A and 2B, and beyond the blind corner, where School Road turns from running north/south to north-west/south-west, the residents of 1-17

School Road (3 blocks each of 4 flats) have no other recourse but to park their cars on School Road. In addition there is often sporadic parking from the junction of School Road with North Deeside Road as far as the entrance to 2A. In combination, all this reduces the carriageway of School Road to the width of a large van or small bus virtually from its junction with North Deeside Road as far as its junction with School Crescent and with the entrance to Culter Primary School.

- The local 93 Peterculter Bus Service also uses School Road.

All of the above points combined can only increase the risk of accidents happening on this busy road and around this busy junction with North Deeside Road where there is a mix of pedestrians (mainly children), cars and the occasional bus, as well as a large number of parked cars and driveways.

The members would find the provision of three bedroom family-sized flats (or terraced housing) in a building that sat agreeably with those adjacent to it and causing fewer traffic/parking problems, much more acceptable.

Yours sincerely,

(Mrs) Lavina C Massie
Planning Liaison
Culter Community Council

cc: Councillor Marie Boulton
" Aileen Malone

130 North Deeside Rd
Peterculter
Aberdeen
AB14 0RS
18th Sept 2011

Planning etc Dept
Aberdeen City Council
St Nicholas House
Broad Street
Aberdeen
AB10 1GY

Dear Sirs,

Planning Application 111196
Proposed 12 flat housing development at 124 North Deeside Rd, Peterculter

We learned today of the magnitude of the above proposed development and would herewith submit our objection to the application on the following grounds:

1. The proposed development is out of keeping with the traditional height and nature of buildings on Peterculter Main Street.
2. The proposed development is of too dense a nature and with only limited parking provision will lead to further street parking and congestion on School Hill and around the junction with North Deeside Road, to the inconvenience of other users

We would request that this application be rejected and that any development proposed on this site observe sensible height and density limits.

Yours faithfully

M & F Douglas

111196

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 8/23/2011 12:49 pm
Subject: Planning Comment for 111196

Comment for Planning Application 111196

Name : Alastair Govan
Address : 6 School Rd
Peterculter
AB14 0SL

Telephone

Email ✉

type :

Comment : The existing building is an attractive traditionally built structure which enhances the appearance of the main village street. Any development of the site should retain this. The proposal to demolish this in order to build a very large 3 storey building containing 12 flats would significantly degrade the appearance of the area. Such a tall building is not in keeping with the other buildings around it and is clearly designed to squeeze in as many properties as possible without regard for the local environment. It is also likely that the parking will be insufficient for >1 vehicle per flat and so the local roads will become even more congested with parked vehicles.


P111196

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 9/6/2011 8:47 pm
Subject: Planning Comment for 111196

Comment for Planning Application 111196

Name : Richard Phillips
Address : 2B School Road
Peterculter
Ab14 0RT

Telephone

Email : 

type :

Comment : The junction of School Road and North Deeside Road attracts a large volume of traffic with the School, Sports Centre, Care Home and Medical Centre in addition to the residential properties all being accessed. As a resident of School Road I am particularly concerned with regard to the safety of children. The size and height of the development is also a concern with regard to privacy in our rear garden and from viewing the plans the development I would consider to be overshadowing our property. Finally I do not consider the design to be in keeping with the local neighbourhood and architecture. For these reasons I strongly object to this application.

p111196

From: <webmaster@aberdeencity.gov.uk>
 To: <pi@aberdeencity.gov.uk>
 Date: 9/5/2011 10:13 pm
 Subject: Planning Comment for 111196

Comment for Planning Application 111196

Name : David Love
 Address : 2A School Road
 Peterculter
 AB14 0RT

Telephone :

Email : ~~del~~

type :

Comment : I wish to strenuously object to the proposed plans for the following reasons:-

Loss of privacy – I currently have a 6ft high fence round the circumference of my garden, which provides privacy in relation to the existing building as it is just now. With the proposed new building extending up to 3 levels, there is no practical measure I can apply which will ensure my privacy.

The plan which shows the orientation of the proposed new building does not accurately reflect the surrounding properties; in particular my house at 2A School Road. This house has an extension on the rear of the property which is not shown on the plans. The extension has windows which run the full length of the side facing the proposed new building. Due to the height and nature of the building, windows from several of the flats would look directly into the extension, which acts as our living room.

Flats 3, 5, 10 & 12 would have unobstructed line of sight into my garden & my living room (extension). Flats 3 & 5 would also have line of sight into my kitchen and two of my bedrooms at the rear of the house. The windows of the stairwell on the first and second floor would also have an unrestricted view into my property.

Loss of sunlight – The position of the proposed block of flats, in relation to our house, means that it will block the sunlight for the majority of the day, as the flats would be directly in line with the route of the sun across the sky. This will be exasperated by the fact that the building will be set back from the road and therefore closer to my house at the rear. This means that the building will loom over our property, blocking much of the direct sunlight to my gardens and to the living areas.

Parking congestion – School Road is an area which is already congested with on road parking, to the point where access to my driveway can be obscured as people park across it at peak times. People also avail themselves of the parking in front of the Police Station building, which is currently unused in an official capacity.

The number of cars wishing to park in this area will not reduce with these new flats; if anything there will be more demand for spaces, as the space currently used in front of the building will be lost to general use. Add to this the fact that the number of parking spaces provided as part of the proposal is inadequate for the number of flats being built, School Road will become even more congested and dangerous.

Access to property – With cars already blocking access to my property (parking across the driveway) at key times during the day, this situation can only get immeasurably worse with the loss of existing spaces as detailed above and the potential addition of extra cars wishing to park in the area.

Building design – The majority of buildings in the area on that side of the road are 1 ½ stories. Building the flats to 2 ½ stories would be out of keeping with the surrounding architecture. Some (but not all) of the buildings across the road are 2 ½ stories, but these are at a slightly lower elevation, meaning that the proposed flats would be higher than anything else in the immediate vicinity and therefore dominate the area. This would destroy the ambience of this part of what is currently an extremely picturesque village.

Trees – There seems to be an inconsistency with the trees which would remain after the building is complete. The design statement states that the trees to the rear of the property would be removed, but they are still show on the plans.

These two trees are both situated right on the boundary of my property and overhang substantially. We requested that they be cut back when the police were still in residence, but this was never auctioned. The tree situated at the front of my property overhangs my driveway and causes damage to the paintwork on our car. The tree situated to the rear also overhangs, but in addition to this it has grow to the extent where it is seriously entangled with telephone wires which extend across the property.

In summary - The proposal tries to gloss over the fact that the building would be higher than the buildings on either side and on the opposite side of North Deeside Road. This height would devastate the sunlight to my property and destroy all privacy. Parking, already an issue, would in all likelihood become much worse.

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Agenda Item 2.4

39 DEEVIEW ROAD SOUTH, CULTS

PROPOSED REPLACEMENT HOUSE

For: Mr Alan Massie

Application Ref.	: P111716	Advert	:
Application Date	: 18/11/2011	Advertised on	:
Officer	: Gareth Allison	Committee Date	: 5 April 2012
Ward: Lower Deeside (M Boulton/A Malone/A Milne)		Community Council	: Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application refers to 39 Deeview Road South, Cults, Aberdeen. The site it refers to features a granite villa set within a large feu, located within an established residential area. Deeview Road South is bounded on the north by the Deeside Walkway, and although access to each property is taken from Deeview Road South, the majority of residences take advantage of the sloping sites with frontages facing south to give views over the Dee Valley. The site is not set within a conservation area and the existing house is not listed. The trees on site are not protected by way of Tree Preservation Order.

HISTORY

There is no planning history relevant to this application.

PROPOSAL

This application for detailed planning permission seeks permission to erect a replacement house within the site with associated access, turning space and landscaping. The northern elevation, which would address Deeview Road South, would be one and a half storey at street level. Ridge lines, wall-head heights and eaves levels would be slightly higher than adjacent properties. The proposed garage would project northward with a hipped roof profile to be located 1 metre from the northern boundary at its closest point. Vehicular and pedestrian access would be provided from the northern boundary with turning space adjacent to the garage and main access doors to the house. Owing to the unique topography and slope of the site, the rear elevation would provide a 3 storey frontage with significant glazing and patio area to face south towards the Dee Valley. External materials would include natural slate, granite, render, and cedar timber linings. The proposed internal space includes an independent, self sustaining unit, with access gained from the north of the site. Following submission of the original plans, amended plans were submitted to include various changes to the proposal including reducing the overall scale of the proposed garage, replacing the proposed kitchen window with 2 No. smaller windows, and screening along the edges of the patio area.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred due to a formal objection being lodged from Cults Community Council.

CONSULTATIONS

ROADS SECTION –

No objections

ENVIRONMENTAL HEALTH –

No observations

COMMUNITY COUNCIL –

Cults, Bieldside & Milltimber Community Council have objected on grounds of:

The loss of the existing building;

Proposed materials;

Proposed scale and massing; and

Impact on neighbouring privacy and amenity.

REPRESENTATIONS

3 No. representations were received from members of the public in addition to the formal objection from Cults, Bieldside & Milltimber Community Council. The main concerns, including that of the Community Council, can be summarised as follows:

- Loss of Granite Building: The application proposes the loss of a traditional granite villa with no plans to re-use the granite in the proposed dwelling.
- Context & Setting: The proposal is out of context with the streetscape and its setting.
- Building Line: The proposal does not respect existing building lines on Deevie Road South. In particular the proposed garage projects to the northern building line and does not respect the northern building line.
- Height: The proposed ridge line is higher than surrounding properties.
- Scale: The dwelling does not complement the scale of other dwellings, is excessive in width resulting in a detrimental visual impact on the character of the street and the amenity of the area.
- Massing: The proposed massing is significantly larger than the existing house, overbearing and out of keeping with other properties within the area.
- Materials: Proposed materials are not considered appropriate for its setting.
- Residential Amenity: The dominating scale of the building would have a dominating affect on the area, whilst the proposed patio areas, elevated walkways, balconies and windows pose a serious threat to neighbouring privacy in terms of overlooking windows and garden ground.
- Daylight and Sunlight: The proposed height and ridgelines will have a detrimental effect on sunlight and daylight levels of adjoining properties, with the potential for overshadowing.
- Light Pollution: Light pollution from the proposed areas of glazing will have a significant impact on neighbouring properties and the valley to the south.
- Landscaping: The proposed development would be out of keeping with the landscape character of Deevie Road South.
- Loss of Trees: The site owner has felled a significant level of landscaping/vegetation/mature trees within the site to accommodate the development.
- Precedent: Approval of such an application would set an undesirable precedent.

The above concerns are addressed in full in the evaluation section below. A further 2 no. objections were submitted from members of the public however these were submitted outwith the neighbour notification period and are therefore not considered as part of the determination of the application.

PLANNING POLICY

1. Aberdeen Local Development Plan Policy

Policy D1 – Architecture & Placemaking: *new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as scale, massing, colour, materials, details, the proportions of building elements and landscaping will be considered in assessing this.*

Policy D4 - Aberdeen's Granite Heritage: *the City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area.*

Policy D6 - Landscape: *development will only be acceptable where it respects landscape character and contributes to local amenity.*

Policy H1 - Residential Areas: *proposals for new residential development will be acceptable where it does not constitute over development; does not have an unacceptable impact on the character or amenity of the surrounding area; or does not result in the loss of valuable and valued areas of open space.*

2. Scottish Planning Policy

Scottish Planning Policy – Housing: *considering the wider context of a proposal is important, with a focus on the character and identity of a locality. Density of development, housing style, materials and siting are just some of the factors which can contribute to a sense of place, and must be carefully considered in relation to the characteristics of an established residential area.*

EVALUATION

The key issue in determining this application is to ascertain whether the proposal is consistent with the Aberdeen Local Development Plan and Scottish Planning Policy, and if not; whether material considerations justify a departure or if any arising issues can be resolved by planning conditions. For the purpose of this assessment, whilst the proposed house is orientated slightly off the north-south axis, the proposed elevations are hereon referred to as the northern, southern, eastern and western elevations. Following a detailed assessment of the site, the submitted plans and all information provided, the subsequent conclusions have been reached.

Policy D4 - Aberdeen's Granite Heritage

The starting point for this application is to assess the acceptability of the removal of the existing house, and the principle of erecting a replacement house within the site. Policy D4 of the Aberdeen Local Development Plan can be applied in instances where the proposal includes the demolition of an existing granite building.

D4 - Removal of Existing House

- Policy D4 states that the Planning Authority should encourage the retention of granite buildings within the city.
- However, given the historical use and significant levels of granite construction throughout the city, the policy seeks to retain and protect those buildings that are seen to have an important historical context, not merely to prevent the removal of any building that is constructed from granite.
- Each individual case should therefore be assessed on its own merits to determine if the requirements of this policy are applicable. This is achieved by ascertaining the historical importance of the building; its context and design; and how these contribute to the heritage of the city.
- In this case, the existing building is a 2 storey villa of traditional Victorian design; however other than its location within a streetscape with other granite buildings; there is no evidence to suggest that it has historical importance or heritage in the wider context.

With the retention of the existing house not justified under Policy D4 and the site and surrounding area being zoned as Residential under the Aberdeen Local Development Plan, the principle of erecting a replacement house is considered acceptable, subject to compliance with the relevant Residential Policy and guidance.

Policy D1 – Architecture & Placemaking & Scottish Planning Policy – Housing

It is acknowledged that the proposed house is substantially larger than the existing house and the adjoining properties in terms of both footprint and width. However in order to fully evaluate its impact within its context and setting, one must also take account of all other relevant factors. Of particular importance in making this judgement is the need to evaluate how the building would relate to the 2 No. adjoining properties, nos. 37 and 41 Deevie Road South, in terms of scale and massing, and in the wider context in terms of plot size, ratio and density.

D1 – Northern Elevation

- Looking firstly at the streetscape and in particular the northern elevation which addresses Deevie Road South; it is acknowledged that this elevation vastly exceeds the adjoining properties in terms of width.
- However to fully assess the acceptability of this elevation in terms of its context and setting, one must have full, collective regard for all proposed circumstances.
- The proposed ridge line would be only 2 metres higher than no. 37, with a separating distance between highest ridge points of 16 metres. Wallhead heights would be 0.5 metres higher, with a separating distance between elevations of 16.75 metres. With No. 41, the proposed ridgeline would be only 1 metre higher, with a separating distance between highest ridge points of 19 metres. Wallhead heights would again be 0.5 metres higher, with a separating distance between elevations of 11 metres.

D1 – Southern Elevation

- As with the northern elevation, the proposed southern elevation differs significantly from the adjacent properties in that it is of 3 storeys in height and again substantially wider within the plot.
- However as with the northern elevation, all other relevant factors must also be taken on board and fully considered.
- In this instance, it is firstly noted that this elevation will not be visible from the immediate public realm, other than from at a distance within the Dee Valley.
- Furthermore the proposed scale of 3 storeys comes primarily as a result of the existing topography and slope of the site to the south and not by raising the proposed ridgeline or wallhead heights from that which is proposed to the northern boundary.
- Indeed, the differences between ridgelines, wall-head heights and distances between the properties remain as above.

D1 – Plot Size

- In order to assess the proposed development in terms of its impact on the wider area, it is also important to consider the plot size, density and ratio.

- Council guidelines state that when erecting a new house, no more than 33% of the plot should be built upon. To allow a comparison, the existing ratio for no. 37 is 7% and no. 41 is 9%.
- With a site area of approximately 1981 square metres, this would allow for a 33% guideline of 654 square metres.
- The ground floor footprint of the proposed house would be approximately 297 square metres, a ratio of 15%.
- The width of the existing curtilage is substantial enough to allow a dwelling to be accommodated without detracting from or prejudicing amenity levels.
- The distance between the proposed and existing gable ends is similar to a number of houses located within the street.

By taking full consideration of the size of the site; its topography and natural slope to the south; the minor differences in ridgeline heights; wallhead heights; and the distances between each property; and having regard for existing and proposed landscaping, it is not considered that the scale and massing would be considered inappropriate for its context or setting and therefore compliant with Policy D1 and Scottish Planning Policy. The excessive width of the building in its own right would not carry enough weight to warrant a refusal of the proposal. Having regard for the size of the overall site, plot ratios and density; when compared to adjacent properties we can see that the development ratio is 8% larger than no. 37 and 6% larger than no. 41. However it still remains 18% lower than the recommended guidelines and therefore would remain within acceptable levels. It would not be considered to constitute overdevelopment, and does not result in the loss of valuable or valued areas of open space, thus complying with Policy D1.

D1 – Building Lines

- By way of layout, the houses along Deevie Road South form a semi-formal building line, which should be respected where possible. What is understood by semi-formal in this instance is that houses are generally located within a similar location in the site, although some elevations do project below or above this line due to the natural topography of each site.
- It is also noted that the situation within the street is unique in that whilst vehicular and pedestrian access is taken in most cases from the northern boundaries, the buildings themselves face south providing principle elevations which overlook private garden grounds and face Dee Valley to the south.
- The southern building line is therefore considered as the principle frontage, which should be respected under the terms of policy requirements.
- In this instance the proposed development projects no further forward of the general building line than other houses on the street.
- With regards the northern building line, it is therefore important to establish that this is considered the rear elevation, projecting northwards of this building line to incorporate an integrated garage would not conflict with policy.
- Indeed it is the case that a number of properties have garages, outbuildings or general built form that projects northwards towards the boundary.
- The key issue is to evaluate the proposed garage in terms of scale, massing, design and materials to ascertain its impact and acceptability within the streetscape.

- It is again noted that the proposed garage is substantially larger in terms of scale and massing than other garages or outbuildings within the street.
- In this regard, one must look individually at each aspect of its built form. It is noted that it would have a hipped roof profile and a wallhead height of 2.5 metres from ground level, set behind the existing boundary wall at a height of approximately 1.5 metres. Such a scale would not be considered to be over-dominating in its own right.
- In design terms, the external walls would be finished solely in natural granite, differing from other materials on the main house elevation (evaluated in full below), thereby giving a clear visual representation of a garage unit that is separate from the main house; as opposed to an additional, projecting section that may be interpreted as part of the overall built form of the house itself.

Having regard for all of the above, the Planning Authority is satisfied that the proposed dwelling respects the southern building line as required by Policy. The proposed garage to the northern elevation, although projecting northwards of the main living area, would, by way of height and external materials, clearly represent an independent garage and not part of the main built form of the dwelling. The hipped roof profile and proposed wallhead heights would ensure that its visual impact on the streetscape is minimised. In this regard, its location to the north of the site and proximity to the boundary would not be justification for further changes to the proposals or refusal of the application.

D1 – Design & Materials

- The proposed design and materials should be assessed both in terms of the surrounding area but also on their own merits and the individual site.
- In this sense, the existence of traditional properties on surrounding sites does not necessarily prevent a modern design being considered acceptable, however in such instances the Planning Authority would expect some reflection of local features or characteristics to be incorporated.
- This proposal includes the use of natural slate to all roof profiles and a significant amount of natural granite to the northern elevation. The east and west elevations would also have a granite finish in areas that would be most easily viewable from the public realm on Deevew Road South.
- The remaining areas of the property would be finished with a combination of cedar timber linings and wet dash rough-cast.

The site is not subject to any specific design requirements, other than it should be designed with due consideration for its context. In light of the above points, it is considered that although the design is modern in comparison to adjoining properties, the proposed materials are sufficient to reflect those within the area, in particular on the northern elevation, and would therefore comply with Policy D1.

Policy D6 – Landscape

In terms of both the site as a whole and the overall impact of the proposed dwelling on the surrounding area, consideration must be given to the existing trees within the site and the proposed landscaping that would be a conditional requirement of an approval.

- The existing site does not currently benefit from the somewhat substantial levels of vegetation and screening as adjoining sites, or indeed as the site itself did previously.
- However when assessing the application, one must have regard for the existing trees on site and the impact that the development may have on these.
- As such a tree survey has been submitted and has been fully considered by the Council's Arboricultural Officer. In this instance the Council is satisfied that important trees within the site can be both retained and protected throughout construction and the use of the proposed development.
- Furthermore the plans confirm an indicative landscaping scheme, which would be controlled through condition.

The proposal would not result in the loss of important trees within the site, with those retained being fully protected, and further landscaping being introduced within the site through condition. In this regard the proposal is considered to accord with Policy D6.

Policy H1- Residential Areas

A primary area of concern with such a proposal is the impact the development may have on the privacy and amenity of neighbouring properties. The proposal includes various windows and elevated walkways to the eastern and western elevations that may impact upon privacy of neighbouring properties, whilst windows, balconies and patio areas to the southern elevation may impact upon neighbouring amenity by way of overlooking areas of rear garden ground. Each elevation can be evaluated independently as follows.

H1 – Eastern Elevation

- The proposed eastern elevation includes kitchen windows at ground floor level, although it should be noted that due to site topography these windows are in essence at first floor level.
- Given their elevated position, located approximately 5 metres from the boundary there is therefore the potential for overlooking.
- The boundary line incorporates a retaining wall; however the height of this offers no screening with regards these windows.
- However there exists screening on the boundary by way of various trees and vegetation.
- Adjoining the boundary is the driveway of no. 37, and a small secondary window on the western gable.
- The two properties sit approximately 16.5 metres apart.
- Having regard for the nature of the living space at this level (kitchen space) it was noted that the original proposal (glazing unit of 2.5 metres in width) was of considerable size and would intensify the potential of overlooking. As such the proposal was amended to incorporate 2 No. smaller windows at a width of 1.5 metres each.
- The elevation also includes an access door at the same level with external staircase.

It is noted firstly that at a distance of 16.75 metres, such an arrangement does not meet Council guidelines in terms of minimum window to window distances. However it is also noted that these are guidelines, and one must look at all the factors involved. It is considered that at 1.5 metres wide, at first floor level, with

trees located on the boundary, the potential for a detrimental impact on privacy by way of overlooking a relatively small, secondary window on the ground floor of the neighbouring property, would be reduced somewhat. Therefore despite a shortfall of 1.5 metres in terms of the guidelines, on balance it is considered that in general the arrangement is not sufficient to pose a serious threat. Likewise given that adjoining the boundary wall is the driveway of the neighbouring property, this is not considered private amenity space. Overlooking onto a driveway does not carry the same weight as overlooking private garden ground. The proposed staircase is, by nature, to provide access to an entrance door. As such and by way of its use for accessing and exiting the property only, any immediate impact would be brief rather than sustained, and as such not considered sufficient to generate a detrimental impact.

H1 – Western Elevation

- The proposed western elevation also includes 2 No. elevated windows at first floor level, located approximately 2.5 metres from the boundary. Owing to the site topography it is actually noted that due to internal floor levels and the slope of the site, the windows are actually slightly higher than first floor level when measured from the actual ground level.
- 1 No. of these windows is to provide daylight to an en-suite, and would be conditioned to incorporate frosted/obscured glazing.
- The second window is approximately 1.5 metres wide, servicing a proposed bedroom.
- The boundary incorporates a retaining wall with additional screening by way of various trees and vegetation.
- Adjoining the boundary is the driveway of no. 41, and a small secondary window on the western gable.
- The two properties sit approximately 11 metres apart.
- The elevation also includes an access door with an elevated walkway providing access from the northern edge of the site.

At a distance of 11 metres, such an arrangement is significantly lower than Council guidelines in terms of minimum window to window distances. However it is again noted that these are guidelines. As with the eastern elevation, it is considered on balance that the potential for a direct impact is reduced having regard for the proposed window width, its high location, with trees located on the boundary, and the location, size and secondary nature of the neighbouring window at ground floor level. The shortfall in distance between buildings is therefore not considered in its own right to be sufficient to pose a serious threat. Again the driveway of the neighbouring property abuts the boundary wall and this is not considered private amenity space. Likewise the proposed walkway is, by nature, to provide access. Such a use would again only pose a risk in terms of a brief impact.

H1 – Southern Elevation

- The proposed southern elevation incorporates substantial areas of glazing along with balconies and external patio area. With the elevation being broken up into 3 No. identifiable sections, the areas of concern regarding glazing and balconies can be narrowed down to the corner sections of both the eastern and western wings which project further south into the site.

- Again as with measuring impact on privacy, to fully evaluate the impact on amenity by way of overlooking, regard must be given to all factors.
- Firstly it is noted that when any houses are located in a line with private gardens to the rear, there is always potential for overlooking of these areas. Therefore it is the degree of overlooking that must be determined, and whether it is of a level that would be considered detrimental.
- The southerly facing windows do not pose a serious threat given that they are at right angles to the gardens. Furthermore it would be unreasonable to restrict south facing glazing as they would maximise the sunlight, daylight and views to the south; an arrangement no different to any other house along Deevue Road South.
- As a result of the proposed footprint, the wings are set slightly forward of both neighbouring properties, both of which have private areas of garden ground located to the south of their sites.
- Both wings incorporate a balcony at second floor level (taking the garden ground as ground floor level). These are recessed within the eaves of the roof; with both projecting forward a distance of 1 metre. As such they are considered to be primarily south facing.
- Furthermore the natural use of such an area in terms of using the space would be orientated towards the south rather than the east or west.
- The areas of glazing at ground floor and first floor level (again taking the garden ground as ground floor level) face directly east and west.
- By way of the nature of the internal space however, these glazing areas represent corner windows leading to access doors to enter and exit the property.
- They therefore do not constitute primary windows, and regard must be given to their use, and the significantly lower threat they would pose when compared to a primary window.
- As noted previously, both boundaries contain varying levels of screening and vegetation, with further landscaping to be agreed within the site.

Having regard for all of the above, it is considered firstly that by way of their southerly orientation, recess within the eaves and minor projection, the proposed balconies do not pose a serious threat to the general amenity of the neighbouring garden grounds. The eastern and western facing windows at ground floor and first floor do pose a more significant threat, however it is also noted that the nature of their use, their distance from the southern areas of the adjoining sites and the combination of existing and proposed screening along the boundaries goes some way to reduce this threat. On balance, it is agreed that it is highly likely that these windows will overlook some areas of garden ground; however for the reasons above this level is not considered sufficient to warrant refusal of the application.

H1 – Patio Area

- The proposal includes an elevated patio area to the rear of the dwelling.
- Located 7 metres from the eastern boundary and 3.5 metres from the western boundary at the closest points, this would provide outdoor useable space for proposed residents in addition to the rear garden.

- Given their elevated position and proximity to the boundaries however, there is clearly a significant threat of overlooking into neighbouring garden areas, and of the patio area being looked into from neighbouring gardens.

In light of the above, it was considered that this threat to amenity was of a significant level to warrant changes to the proposals. As such the applicant amended the proposals to include screening along both extremities of the patio boundaries to protect the amenity of both existing and proposed residents. This is considered sufficient to mitigate the concerns.

H1 – Daylight, Sunlight, Overshadowing

Further to the potential impact on privacy and amenity, the Planning Authority must also measure the impact the development may have on levels of daylight and sunlight of neighbouring properties, the potential for overshadowing and levels of light pollution in relation to neighbouring amenity. In this instance it is important to consider and understand the existing situation, to measure the impact of the proposed development, and to determine if the level of impact is sufficient to be considered detrimental. The applicant provided further drawings to allow these areas to be evaluated in full.

- Having regard for the position of no. 41 and no. 37 within their sites, the majority of direct sunlight and daylight comes from mid morning time through to mid evening as the sun moves through its southerly orientation. The southern elevations of both properties benefit from their siting and would receive the majority of direct sunlight throughout the day. Early morning sunrise and late evening sun-set levels would be restricted by the combination of both the height of the sun in the sky, the topography of each site and adjoining sites, and screening that exists by way of trees and vegetation.
- It is likely that the proposed development would impact upon no. 41 in the early stages of sunrise, with the potential to overshadow the eastern gable and driveway. As noted before on this elevation there is a small, secondary window.
- As the sun continues rise and move towards the south, this impact would be limited for a very brief period of time.
- Furthermore existing trees along this boundary would already overshadow these areas.
- The impact on no. 37 is likely to occur from mid afternoon to late evening as the sun sets in the west.
- Indeed the submitted plan shows that the property will overshadow the driveway and sections of the western gable as the sun moves.
- Overshadowing currently exists in this area however by way of large trees located close to the boundary, within the site.
- The potential impact is again considered to be limited, taking on board the current overshadowing from trees and the fact that it would only impact upon the western elevation, which at later stages of the day does not currently benefit from significant levels of sunlight.

It is acknowledged from the above that there may be an increase in levels of overshadowing and loss of direct sunlight for both nos. 41 and 37. However, for the majority of the day from mid morning to mid afternoon, throughout the year, both no. 41 and no. 37, and in particular their southern elevations, would continue to receive and enjoy the same levels of sunlight and daylight. Such an impact is therefore not considered significant and certainly not of a level that would warrant refusal of the application.

H1 – Light Pollution

- Whilst there is a substantial amount of glazing incorporated within the proposed house, in order to measure the impact of light pollution one must also consider the amount of glazing, the location of the glazing, and the nature of the use of the proposal. Furthermore with all residences producing varying levels of light at night time, the light produced would need to distinctly impact upon and reduce amenity levels of another property for it to be considered as light pollution.
- The northern elevation contains what would be described as an average amount of glazing for a house of this design. Light produced from these windows and any additional external lighting would be considered no more than would be expected. Furthermore by way of the site boundaries and proximity to nearby properties, it is highly unlikely that any light generated from this elevation would cause reduce the amenity of adjoining residents.
- A similar conclusion is reached for both the eastern and western elevations on account of the number of windows proposed.
- On the other hand, the southern elevation does include significant levels of glazing.
- However, given its definitive southern projection, the majority of light produced at night time would generally be orientated towards and contained within the garden ground to the south, with only minor levels affecting neighbouring gardens.
- Furthermore one must consider that within a residential area, there will always be the potential for light generation at night time from the windows of dwellings.

Having regard for the contained areas to the south, and the average levels to the other elevation, the proposed dwelling would not produce any more light pollution than would currently exist within such an area. In addition, it is recognised that the light generated will be visible from across the Dee Valley. This is not considered relevant in this instance however; most light generated at night time would be visible from a distance. To justify changes or refusal on this basis it would need to be proven that this light would have an immediate impact upon neighbouring amenity, which is not the case in this instance.

Having collective consideration for these points and those mentioned previously, it is considered that while the Policy H1.

Conclusion

Having collective consideration for all of the above, it is concluded that while the potential exists for various impacts on neighbouring amenity, the levels of each impact when evaluated in full and having regard for all relevant considerations are considered acceptable under the provisions of the Local Development Plan

and Scottish Planning Policy, having regard for all material considerations and subject to appropriate conditions. As such the application is recommended for conditional approval.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The removal of the existing house is not restricted whilst the proposed replacement house, by way of siting, design and scale is considered to be compatible with the Local Development Plan and Scottish Planning Policy. All areas regarding neighbouring privacy and amenity levels have been fully evaluated as has the potential impact on levels of sunlight, daylight and overshadowing. All issues of car-parking and access have been satisfactorily addressed.

Full consideration has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application. All other relevant material considerations have been considered, and in line with these it is recommended that the application be approved subject to appropriate conditions.

it is recommended that approval is granted with the following condition(s):

(1) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(2) that the en-suite window in the west facing elevation of the house hereby approved shall not be fitted otherwise than with with obscure glass unless the planning authority has given prior written approval for a variation - in the interests of protecting the privacy of adjoining residential properties.

(3) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(4) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(5) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(6) that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

Dr Margaret Bochel

Head of Planning and Sustainable Development.



**290 North Deeside Road
Cults, Aberdeen
AB15 9SB
15th March 2012**

**Mr Gareth Allison
Enterprise, Planning and Infrastructure
St Nicholas House, Broad Street
Aberdeen
AB10 1AR**

Dear Mr Allison,

111716 – 39 Deeview Road South, Cults

I am writing on behalf of Cults, Bielside and Milltimber Community Council (CBMCC) to raise concerns regarding the above application to demolish an existing granite villa and construct a new house.

CBMCC regrets the proposed loss of yet another traditional granite building in our community. The proposed building will not make use of the existing granite in its construction, thus failing to comply with Policy 13. The new granite planned for the construction would likely be a considerably different shade and appear inconsistent with adjacent houses.

The roof line of the proposed house is higher than those of adjacent properties. This combined with the excessive width would make the building very noticeable from the street (Deeview Road South) and have a negative impact on the amenity of the Deeside Walkway.

The proposed building exceeds the existing building line on the south side. We request that the building line is maintained.

The proposed new house is considerable, both in terms of footprint and massing. The two and half storey proposal is a considerable change from the current 1.5 storey house. The overall result would be an overly dominant building that is out of keeping with neighbouring properties. We ask that the footprint and the massing be scaled down considerably.

There will be a negative impact on neighbours' amenity, primarily by the dominating effect of such a scale of building but also significantly from the numerous balconies and from overlooking windows on the west and east elevations. We ask that this issue be addressed in order to respect the amenity of neighbours.

Christine McKay, Planning Coordinator. 290 North Deeside Road, Cults, AB15 9SB



CBMCC request that you take these concerns into consideration when reviewing the above application.

Yours faithfully

Christine McKay, Planning Coordinator

Copy to: Councillor Marie Boulton, Councillor Aileen Malone, Councillor Alan Milne

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 07/12/2011 13:44
Subject: Planning Comment for 111716

Comment for Planning Application 111716

Name : [REDACTED]
Address : 20 solent drive
warsash

Telephone : [REDACTED]
Email : [REDACTED]
type : [REDACTED]
Comment : I object.

The proposed redevelopment is completely unsympathetic to its context. Scale and massing is out of proportion with the rest of the street scene. The development of the plot is inappropriate, the character of the street is one of properties in plots with wide gaps and trees, the proposal almost fills the plot.

Flanking windows in habitable rooms overlook adjacent properties and gardens - these windows are at Ground level which is elevated to road level (parallel with eaves height of adjacent houses). Walkways flanking the proposed house and terraces are so high they overlook gardens to both sides of the proposal removing any opportunity for private enjoyment of gardens.

Materials are ill chosen, the largest areas are proposed to be in white wet dash, this will be broken up by ugly mastic strip expansion joints are being white will stick out like an ey sore. Small areas of wet dash might be appropriate with the largest areas being local stone to match the vernacular of the street and immediate neighbours. the proposed use of cedar is ridiculous, i recommend the architect do a local study of traditional materials to Aberdeen.

South elevation is largely glass and will give rise to light pollution visible from accross the valley and into neighbour gardens, a reduction and greater sense of proportion and bablance needs to be given to the south elevation.

the drawings and information do not adequately relate to neighbouring properties, it can only be assumed this has been done to try and hide the fact that the scale, overlooking and domination by the proposed house is so dreadful.

41 Deeview Road South
Aberdeen
Cults
AB15 9NA

15th December 2011

Aberdeen City Council
Gareth Allison
Planning and Sustainable Development
Marishal College
Broad Street
Aberdeen
AB10 1AB

Planning Application Number 111716, 39 Deeview Road South, Cults, Aberdeen

Dear Mr Allison,

I would like to comment on the proposed demolition of 39 Deeview Road South and replacement with a much larger dwelling as outlined in the above application.

I believe the proposed development should be significantly modified and reduced in scale if it is to comply with the standards the Council is working with in the 2008 Aberdeen Development Plan and towards as outlined in the proposed new Aberdeen Local Development Plan.

The Aberdeen Local Development Plan states "good quality design, careful siting and due consideration of scale are key to ensuring that domestic development does not erode the character and appearance of our residential areas".

My specific concerns are detailed below and I would like these to be considered when reviewing this application.

1. Scale & Design

The appearance and design of the proposed development is incompatible with the character of the rest of the street which is made up of classic Victorian granite detached and semi detached dwellings which all sit below street level. These original houses are all scaled to their plots and are sited such that there is ample space between the buildings and the boundary walls (3-5 m) securing privacy while maximising daylight and sunlight to the plots. The proposed development at #39 covers the full width of the plot and is out of scale and character with the street and impacts on daylight and privacy of the neighbouring homes.

The existing property at #39 is a detached 2 storey Victorian granite villa sited below the street level with a roof height congruent with a similar villa at #37. From the site plans the footprint of the existing dwelling and detached garage appears to be less than circa 100 m². The proposed replacement house including garage and shed has a significantly larger footprint (greater than circa 350 m²). The Aberdeen Local Development Plan states "the

built footprint of a dwelling house as extended should not exceed twice that of the original dwelling." The proposed development is on 3 levels with a small attic space above leading to an overall roof elevation of at least 11m, higher than any other building in the street (and at least 1-2m above #41). The south elevation reveals how big the proposed development is and the north elevation shows a scale that dwarfs the neighbouring houses.

The design requires considerable groundworks to elevate the northern part of the site to street level at the back/street side of the property (2.5m) and extend across the natural slope at the south facing front/garden side (2.5m). In addition major groundworks are planned in the garden below the patio area. These changes in elevation have a major impact on the character of the site as well as privacy and light on neighbouring properties (see detailed comments below). It is worth noting that the proposed development has a 'lower ground floor' (Level 1) equivalent to the existing ground floor and that the '1st floor' (Level 3) is an additional floor level above street level.

The Aberdeen development Plan encourages retention of granite buildings. Only the street side of the development would be granite faced the rest being dash rough cast white or cedar timber, which adversely affects the character of the area. Although the site plans do not indicate any exterior lighting, the southern elevation of the proposed development is c 75% glass which is likely to result in considerable light pollution.

2. Privacy.

The current dwelling at #39 has 2 windows on the west wall at ground level that are below the height of the party boundary wall at a distance of circa 4m from the boundary wall. The proposed development has 6 windows on the west wall at levels 1 and 2, plus a balcony on level 3 and the main entrance to the 'granny' flat on level 2, all at a distance of 1m from the boundary wall. At #41 we have 4 windows on the east side of our property (a utility room, a bathroom and sitting room on the ground floor and a bedroom on the second floor) at a distance of c 5-10m from the boundary. I believe the proposed development does not comply with your guidance with respect to "separation distance of 18m between windows where dwellings would be directly opposite one another". The developer has said he will consider increasing the distance between his proposed development and the boundary to 2m, bringing the total distance between the windows of both houses to c 7-12m, which is insufficient to allay our concerns.

The proposed balcony on Level 3 and the entrance to the separate granny flat on Level 2 are of particular concern:

- The flat entrance enables access to the flat from street level at a height of up to circa 2m above the boundary wall affording full view in to our windows on the east side and potential noise nuisance into our property. This access to the flat is a major concern for us - both the elevation above and the proximity to the boundary. The developer has said he will look at this entrance.
- The balcony will overlook our garden and much of the screening vegetation has already been removed in preparation of the site. I note the Aberdeen Local Development Plan states "any proposed balcony which would result in direct overlooking of the private garden/amenity space of a neighbouring dwelling, to the detriment of neighbours' privacy, will not be supported by the planning authority".

The proposed changes to garden level are also a concern as the plans do not show the full extent of the ground works which in discussion with the developer indicate the level may be built up to above the existing boundary wall resulting in loss of privacy in our garden. As mentioned above much of the screening vegetation has already been removed in preparation of the site.

3. Daylight and Sunlight

The current dwelling is 2 storey whereas the proposed development is 3 storeys and significantly larger than the existing villa and is sited only 1m away from the boundary wall with #41. The area plans of the development site show the proposed dwelling will be sited forward from the existing south side building line by at least 1-2m. Any change in the building line relative to the existing will impact the amount of light we get from the east and our privacy. The height of the building at over 10m in elevation will result in significant loss of light from the east. The Aberdeen Local Development Plan states "It is appropriate to expect that new development will not adversely affect the daylighting of existing development. Residents should reasonably be able to expect good levels of daylighting within existing and proposed residential property". I believe the proposed development does not comply with the 25% or 45% methods of assessing the potential impact of proposed development upon the daylight to our house.

If the development goes ahead in its current form we will no longer enjoy sunlight into the east side of our house and upper garden from March to September due to the excessive overshadowing of the proposed development which will completely block out any direct sunlight from the east.

Finally, I believe the plans and application drawing submitted do not include sufficient information to fully understand the impact of the proposed development and completely fail to illustrate how the proposals deal with the issues I have outlined above.

I believe Planning should require the applicant to demonstrate how the proposals comply with the standards the Council is working with in the 2008 Aberdeen Development Plan and towards as outlined in the proposed new Aberdeen Local Development Plan as I believe they do not.

Yours sincerely,



Dr R J Wood

Ardgowan
37 Deeview Road south
Cults
Aberdeen
AB15 9NA
6th January 2012

Gareth Allison
Planning Enforcement Officer
Planning & Sustainable Development
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Planning Application P111716, 39 Deeview Road South

Dear Mr Allison,

Thank you for seeing me and saying that you would be accepting objections into January 2012. Please find our objection as we believe the proposed development is unsuitable and will have a negative impact on neighbouring properties, is too large, insensitive and out of context. We believe it will adversely affect and lead to an erosion of character in the area. In summary we object to the proposed development because it will negatively impact on the following -

Privacy and overlooking	Amenity
Daylight	Sunlight
Design	Materials
Context	Setting
Scale and Massing	Existing Street Scene
Precedent	Light Pollution Internal and External
Integrated Garage	Ground Level Raised to Street Level

Our objections are based on 'The Aberdeen Local Plan' 2008 and 'The Sub-division and Redevelopment of Residential Curtilages Supplementary Planning Guidance' 2008. The objections to the quality of design and design criteria are based on Council Policy and analytical design criteria which (Caroline Thomson) is very familiar with, having spent most of her working life in design, she holds an MA in Fine Art and Design.

We object to the complete demolition and proposed replacement of an unsuitable new dwelling of much greater density, scale and massing. This is a major issue as it is out of context in the street scape and garden plot. The proposal is at least three times bigger than the existing house, stretching nearly the full width of the plot. The proposed development is the size of three houses being put on this plot with the only (proposed) integrated garage opening onto the street with very large parking area.

Council Policy states that 3.6.6 in all circumstances; the scale and massing of any new dwelling(s) should complement the scale of the surrounding properties. The relationship between the proposed

dwelling(s) will need to be illustrated with any planning application. We believe the proposal to be alien in this respect it is massive, insensitive to and out of context with the fundamental character of this attractive residential street of late 19th century villas (the semi-detached properties have the appearance of a villa) built from granite block, set in large private plots in a semi-formal building line fronting onto a public road in quite a clear pattern.

The privacy and overlooking from the proposed development on neighbouring existing properties is very bad indeed.

We believe an undesirable precedent will be set if this application is approved, Council Policy states Policy 4 'whereby it will be difficult to resist similar developments and the cumulative effect would have a harmful effect on the character and amenity of the immediate area'. This threat would set a precedent for creeping development which in 10yrs, 15yrs, or 20 yrs time has the potential to obliterate the character and unique setting of Deevue Road South which would become unrecognisable.

The integrated garage proposed stretches to the northern boundary of the plot which ignores the existing building pattern and clear informal building line. The Car Parking Area takes more space than any other property on the street (even the semi-detached villas). No other house on the street has an integrated garage which stretches the proposed development to the northern boundary of the plot. The houses conform to a rough build line, the proposed development does not. It nearly fills the plot from East to West it stretches along nearly the whole of the front face. The existing house is approximately 1/3rd of the size of this proposal and is centrally located, with no parking area, large spaces to either side of the property with many mature trees and shrubs, which fit the pattern of the existing houses, built on the street. This proposal does not.

Currently each house on Deevue Road South has a detached garage, small parking area and sits comfortably within its garden plot, with large spaces between the gable ends. Each property has many trees and shrubs in the garden some of which date from the late 19th century which create dense screening and a green leafy environment; there are large spaces between the villas giving a high level of Residential Amenity and character which the proposed development does not respect. Indeed the developer clear felled the site of the rare and interesting species of shrub and tree which we believe contained bat roosts, before submitting the application.

The northern side of the street is flanked by the much enjoyed amenity of the Deeside Railway Line giving further historical identity to the context and setting in the wider terms of the city of Aberdeen to the street scene on Deevue Road South which forms an intrinsic part of the history and setting of this area. This proposed development will adversely affect the fundamental character of this street, the appearance and residential amenity of the area and the city as a whole will be negatively impacted. We are asking the Council to uphold their policies and protect the Appearance and Residential Amenity of this street and therefore the Amenity of the City.

Policy R1 Residential Areas states that 'applications require to be satisfactory in terms of siting, design and external appearance of the buildings'. The proposed development, in terms of siting due to its scale and massing and design, would be more appropriate in a rural setting where the property was approached by a long drive. The proposed plans show it to be overbearing and dominant its main roof is too large and too high and it is not comparable with other properties on the street. It does not respect the scale, form or density of the area and therefore does not make a positive contribution to the setting. It is out of context in the street setting.

With regard to design, The Finalised Aberdeen Local Plan Policy 1: Design states that to ensure high standards of design, new development should be designed with due consideration to its context and make a positive contribution to its setting. We do not believe the proposed plans are in line with policy, nor do we believe they accord with the local plan or fit into its context. The largest areas of

this massive proposed development are to be finished in an enormous expanse of white wet dash broken up by large ugly mastic expansion joints. The building will stick out horribly.

The Building Materials proposed are cheap and more appropriate for a block of flats with limited build life and maximum developer profit, often found in 1970's purpose built blocks, now being knocked down. The proposal does not match or blend in with the neighbouring granite properties.

The drawings do not adequately show the proposed house's relationship, ridge heights and building lines to the neighbouring properties. I can only assume this is to hide how truly over dominant and out of scale they are.

The Light Pollution from the south and sides of the building which has massive expanses of glass will flood out at night and affect neighbouring properties as well as light up the valley. The light pollution from the external lighting to the many flanking external doors and walk ways will cause unnecessary light pollution to neighbouring properties. The quantity of external entrance doorways and walkways is unnecessary for a domestic house, causing a dramatic increase in light pollution from the external lighting as well as the internal lighting. A block of flats would normally have this amount of high level entrances and external lights and walkways but not a private Villa. All our main habitable rooms will be negatively affected by the light pollution - kitchen/diner, sitting room/dining room, two bedrooms, and my studio where I work.

Overlooking and Privacy aspects are really bad and worsened because all the flanking windows and doors of the proposed development are at ground level which is elevated to road level parallel to the eaves of our house the windows and doors look down into our property. The 18 meter rule has extenuating circumstances as per Council Policy under these circumstances. Our living-room/eat-in kitchen, sitting room/dining room, studio where I work, two bedrooms and the whole of our garden will be completely overlooked. We will not have any private space in which to sit out and relax as the whole garden will be overlooked.

Because the Lateral Windows and Doors Overlooking is Very Invasive, we would like the proposed design altered to have non habitable rooms, obscured glass and non-opening doors on lateral walls.

The proposed height and protruding design of the Terrace will overlook all the private space in our garden negating any opportunity to enjoy private time in the garden. It will also overlook our main habitable rooms on the south side of our property.

The Walkways will overlook all space in our garden and badly overlook our main habitable rooms, they are very high, almost level with the eaves of our house and will look down into our property increasing the problems with overlooking and privacy.

The Build Line to the South and rear of the properties along the valley forms an Informal Build Line to allow the residents of each house private space to be enjoy their main garden and main habitable rooms, the design of the proposed development is not characteristic and unlike the rest of the street will overlook our habitable rooms and garden so we will have no privacy to either the front or back of our property either inside or out. The massive areas of glass and the huge protrusion of elevated terrace mean we are seen from every angle. We are asking the Planning Department to look at the southern elevation of the proposal as we believe it to be out of context and overbearing and intrusive.

We are concerned as to the design criteria which would inspire someone to build a house in an urban town garden where the views from the many high level opening doors and windows in the main habitable rooms, the walkways and terrace are so intrusively and invasively of ourselves going about our private business in our home and garden in the neighbouring property. **This proposed development drastically reduces the functionality of our home.** I have an MA in Fine Art and Design and teach and work in this subject, the design values in this building are from an analytical

design perspective, extremely insensitive to its contextual setting they bear no relationship to the existing housing stock which is of similar character, density and pattern. The main bulk of the proposed materials are neither cutting edge nor high quality they are cheap and quick to build with. The weather is more ferocious on the side of the valley which catches the worst of the wind and rain; the existing houses are built to withstand this unlike the build quality of the proposed development.

The Ridge Heights and Building Mass will have a Detrimental Effect on Sunlight and Daylight, we believe there will be Negative Impact from Shadowing and Soft Wave on our house and garden, our main habitable rooms and the garden will suffer as currently we enjoy the amenity of a sunny garden and light and sunny main habitable rooms. **The winters are very long in Aberdeen and the sun sits low in the sky for longer periods of the year, this makes the height of the ridgeline even more critical as all the afternoon and evening sun will be below the ridge line for substantial periods of the year.**

In summary, the south side, the north side, the east side and the west side of this development's design is unsuitable, alien and out of context.

Development Guide lines The Supplementary Guidance Notice is more restrictive and considered 'Necessary' to establish the criteria against which applications for redevelopment and curtilage splitting should be assessed. Although Policy 30 does not apply and No 39 Deeview Road South is not a Listed Building, **under Council Policy it is not acceptable to replace it with an unsuitable building.**

The developer Clear Felled the Site prior to the planning application being submitted. Due to the age of the site there were many Specimen Rare and Interesting trees and shrubs. We believe there were bat roosts in the mature trees. The felling operation could have been done more selectively and sensitively. Two independent tree surgeons said "they had never seen such a mess of felled trees" as the work carried out on this site and asked "who could have done this type of chainsaw work"! The subsequent bon firing of the green wood has necessitated a complaint to the council as the Post Man stated the area was covered in dense smoke. The neighbourhood has suffered the nuisance of cars on the street covered with bonfire ash, burning smuts in the wind, washing and rooms with open windows smelling of smoke.

We believe there to be bat roosts under the slate roof / granite stone wall and newts in the ponding water at No.39. Other wild life on site will be difficult to ascertain due to the mess of felled trees and shrubs.

Having lived in peace for over 16 years at our home in Deeview Road South, within 5 days of the developer phoning me out of the blue to tell me what he was going to build on site, all communication with him broke down as he informed me to only speak to him through his lawyer at Leddingham and Chalmers, yet he did not tell me which Partner, to speak to. We know of several people on the street who would have been delighted to buy No 39 and restore it, leaving its footprint unchanged.

In summary having referred to the Aberdeen Local Plan 2008 and 'The Subdivision and Redevelopment of Residential Curtilages Supplementary Planning Guidance' 2008 – we believe under the guidelines laid out there are other more appropriate options for this particular house and garden, instead of the proposed insensitive, massive, overbearing, over dominant bully boy of a house with its huge area of glass and white wet dash which will stick out like a sore thumb by day and by night.

The proposed development fails the criteria set out in Policy R1 Residential Areas on siting, design and external appearance it is 3 times the size of the existing property, it does not conform to the informal build line either to the north or the south of the property, the ridge heights are much greater affecting sunlight, daylight and shadowing of neighbouring No37, the integrated

garage and parking area are out of context, high level walkways, raised terrace and glaring lighting, raised exits and entrances at the height of the eaves of the neighbouring house at No.37 are unacceptable. This insensitive proposal is not the right design for the right garden or the right street.

The issues of privacy and overlooking are very bad indeed as due to the topography No 37 sits much lower than No 39 this proposal negates any private space in the garden at No 37 allowing the occupants of the proposed development at No 39 voyeuristic opportunities to view the private activities in the garden and all the main habitable rooms of the occupants at neighbouring No 37, due to the difference in heights we believe this to be an extenuating circumstance to the 18meter rule.

No other house on the street has an integrated garage extending to the northern boundary or such a large parking area.

Policy 4 addresses the vast negative we see in this proposal of the loss and erosion of the character and amenity value to the existing neighbouring properties, the street, the area and eventually if this precedent is allowed over time the character of Aberdeen City as a whole. Slow developer creep has been addressed in planning law. We note this type of development is a recognised problem and has been tightened up to prevent it from continuing in 'The Sub - division and Redevelopment of Residential Curtilages Supplementary Planning Guidance 2008.

The bat roosts we believed to be in the mature trees at No 39 were destroyed when the developer insensitively clear felled the site, we believe there are bats roosting in the house roof/walls. We are aware the garden was a haven for various forms of wildlife, including newts in the ponding water.

We ask for the site to be re landscaped and restoration of the trees and shrubs which enriched our lives as the occupants of No.37 to be restored.

We ask for a fence or hedging to be planted by the developer between No 37 and No 39 to restore the privacy which used to exist with tree and shrub cover. As a direct result of the developers actions, we at No 37 are now also losing the cover and privacy from our own shrubs and trees due to the sudden exposure they have to the weather as formerly the trees and shrubs at No. 39 worked in harmony with our own as they grew up together as old established gardens. Already the changes made by the developer have negatively affected the functionality of our neighbouring house and garden.

Yours Sincerely

Caroline & Andrew Thomson

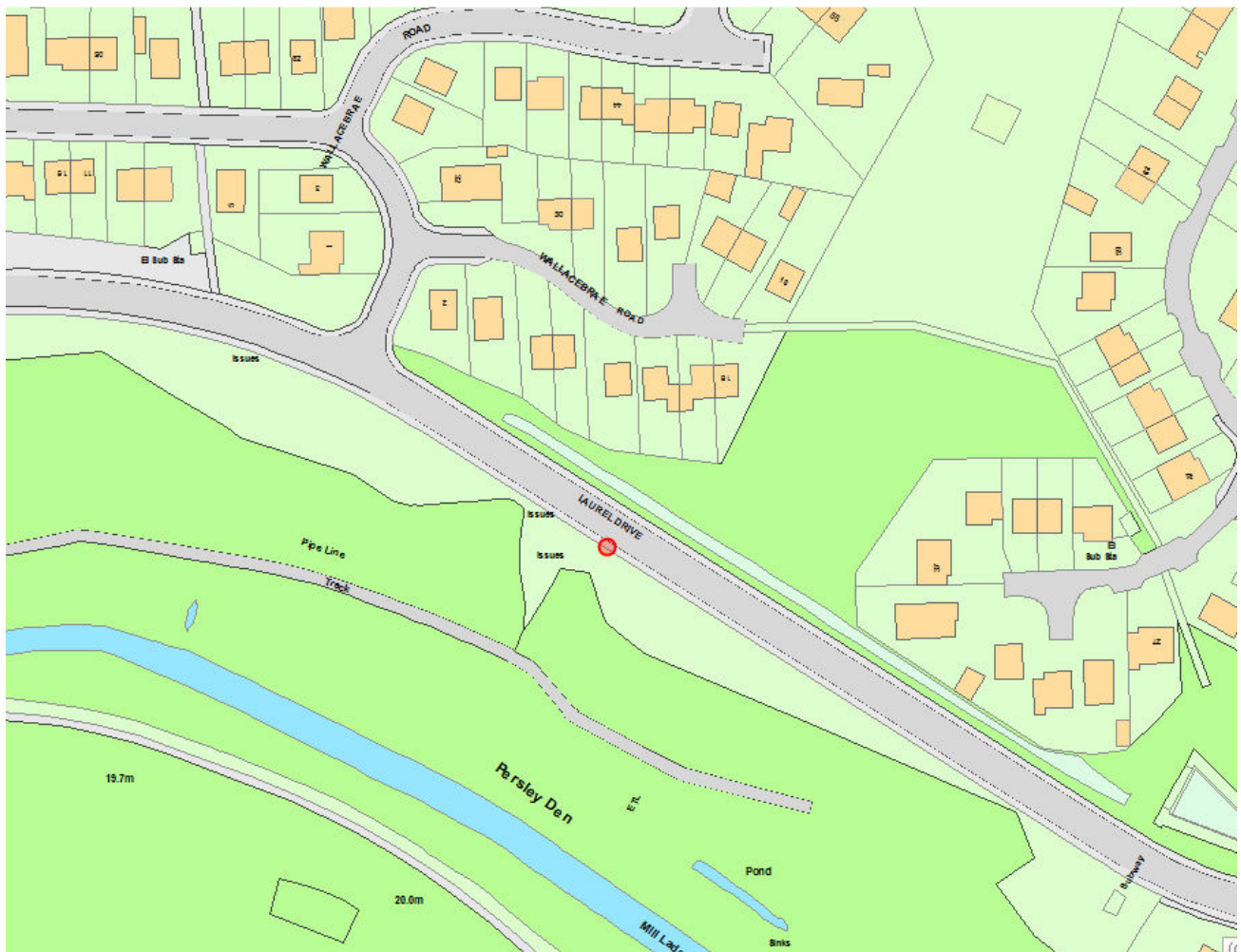
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LAUREL DRIVE, DANESTONE

ERECTION OF 17.5M TALL MONOPOLE
SUPPORTING VODAFONE AND
TELEFONIA ANTENNA WITHIN GRP
SHROUD, 1 NO 300MM TRANSMISSION
DISH WITH EQUIPMENT CABINET

For: Vodafone

Application Ref.	: P120109	Advert	: Full Notify not poss.
Application Date	: 30/01/2012	(neighbours)	
Officer	: Jane Forbes	Advertised on	: 08/02/2012
Ward: Dyce/Bucksburn/Danestone (N		Committee Date	: 4 April 2012
MacGregor/B	Crockett/M	McDonald/G	Community Council : Comments
Penny)			



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site is a section of public footpath on the south side of Laurel Drive, at a distance of some 70 metres east of its junction with Wallacebrae Road. The site lies adjacent to a bus-stop and associated bus shelter, and is set back from the road by means of a layby. The footpath along the length of the layby has been widened to a depth of 3 metres. To the north of the application site are mainly 2 storey, residential properties which front onto Wallacebrae Road. The rear gardens of these properties back onto Laurel Drive, with the 1.8 metre high timber fencing extending along their rear boundaries lying at a distance of between 26 and 61 metres from the application site. An open area of amenity ground lies between the rear boundaries of these properties on Wallacebrae Road and Laurel Drive. To the south of the site, and beyond the footpath lies an open area of grass verge varying in depth between 2 to 6 metres. Beyond this the ground slopes quite steeply to the south, and is covered by a relatively dense area of mature trees rising to a height of approximately 13.5 metres. To the east of the bus shelter, and at a distance of 3.5 metres is an existing lampost and litter bin.

HISTORY

Several applications have previously been submitted by the applicant for similar proposals on different sites within this area, with a need established for an effective 3G network.

Planning Application Ref: 10/0058, for the erection of a 14.8m high telecommunications mast and associated equipment on the footpath immediately to the south of the police station on Fairview Street was refused planning permission, contrary to officer recommendation, by the Development Management Sub-Committee in March 2010 for the following reasons:

- 1) The monopole, because of its height and prominent location, would be detrimental to the residential and visual amenity of the surrounding area;
- 2) The proposal, because of its location, has the potential to distract drivers as they approach the road junction, to the detriment of road safety.

The subsequent appeal was also dismissed for reasons related to visual amenity.

Planning Application Ref: 10/2006 for the erection of a 14.8m high telecommunications mast and associated equipment on the footpath leading to Wallacebrae Walk from Fairview Street was refused by the Development Management Sub-Committee (Visits) on 24th February 2010 against officer recommendation for reason that:

- 1) The visual impact of the mast would represent an unacceptable intrusion for the residents in the immediate area.

Planning Application Ref: 11/0628, for the erection of a 12.5m high telecommunications mast and associated equipment was refused planning permission, in accordance with officer recommendation, by the Development Management Sub-committee on 30 June 2011 for the following reason:

- 1) The visual impact of the telecommunications mast, by virtue of its location adjacent to residential properties and on a prominent open site, would represent an unacceptable intrusion for the residents in the immediate area.

The subsequent appeal was dismissed for reasons related to impact on residential amenity.

PROPOSAL

Full planning permission is sought for the erection of a 17.5 metre high telecommunications mast and 2 no. associated equipment cabinets, to be located on the public footpath along Laurel Drive, at a distance of approximately 70 metres east of its junction with Wallacebrae Road.

The proposed mast would have a monopole design, with a galvanised steel appearance, and accommodate 3G antennas and radio transmission dish. The equipment cabinet (1.8m x 1.6m x 0.7m) and meter cabinet (0.4m x 0.8m x 0.2m) would be located at ground level immediately adjacent to the mast. A distance of 2 metres would remain between the front of the equipment cabinet and the edge of the footpath.

The mast would be shared by two mobile phone operators, Vodafone and Telefonica. An ICNIRP certificate has been submitted by the applicant confirming full compliancy with health and safety requirements in relation to radio emissions.

REASON FOR REFERRAL TO SUB-COMMITTEE

The Council was notified as owners of the land and therefore the Council has an interest in the application. Notwithstanding this, the Bridge of Don Community Council has objected and therefore, in terms of the Council's Scheme of Delegation, such applications must be reported to the Development Management Sub-Committee.

CONSULTATIONS

ROADS SECTION – Agree with the proposal provided that the following comments are met:-

- Note that the proposed telecom pole and the cabinets are within the borders of a public road. The proposal should provide a minimum clear footway width of 1.5m for when the cabinet doors are open, to allow for pedestrian access and it seems that this has been achieved.
- The applicant should be made aware, that if the intended works involve the crossing of a footpath, carriageway or verge at any point, then that part of the works will require an application under the New Roads and Street Works Act.
- Should the application be recommended for approval, the applicant should be aware of their requirement to register as a member of the national register "Symology", and of the requirement to register the intended works through the Scottish Register "Symology".

ENVIRONMENTAL HEALTH – No response received.

COMMUNITY COUNCIL – The Bridge of Don Community Council have submitted a letter of objection which opposes the proposed development on the following grounds: Proximity to existing housing; cause of obstruction to pedestrians using the footpath; location in close proximity to trees, which could constitute a hazard in stormy weather; and visual impact from the nearby park.

REPRESENTATIONS

None received in addition to the letter of objection from Bridge of Don Community Council.

PLANNING POLICY

Scottish Planning Policy (Communications Infrastructure) – Planning authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through the development plan and development management decisions, taking into account the economic and social implications of not having full coverage or capacity in an area. This should be achieved in a way that keeps the environmental impact of communications infrastructure to a minimum. Planning authorities should take the cumulative visual effects of equipment into account when assessing new proposals.

Planning authorities should not question whether the service to be provided is needed nor seek to prevent competition between operators, but must determine applications on planning grounds.

Emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat them as a material consideration.

PAN 62 (Radio Telecommunications) – Highlights that when considering siting and design of telecommunications equipment, the main aim should be to minimise the contrast between the equipment and its surroundings. Further, operators should look to look at mast and site sharing as an option in order to lessen the impact of proposed development. Site sharing will appear more visually acceptable if the masts and other base station elements (equipment housing, power supply, access tracks and fencing) appear as a single group.

Aberdeen Local Development Plan 2012: Policy H1 (Residential Areas) – The site is located within an H1 Residential Area, where the Council seeks to retain the residential character and amenity of the area. It is further stated that proposals for non-residential uses will be refused unless they are considered complementary to residential use; or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997(as amended) require that, in making a 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. In this instance, the issues for consideration are the siting and design of the proposed structure and its impact on the residential amenity of the wider area.

Prior to selecting the application site for the preferred location of the proposed mast, twelve other sites within the surrounding area were assessed and discounted for a variety of reasons including their lack of availability, technical limitations, and proximity to a high density of residential properties.

Scottish Planning Policy states that the cumulative visual impact of telecommunications equipment should be taken into account when assessing such proposals. In this instance, the proposed location of the mast and associated equipment cabinets within the bus lay-by setting ensures that the visual impact of the proposed development would be reduced both from the east and west when travelling along Laurel Drive. When viewed on approach from the west, due to the density and height of the mature trees growing along this stretch of Laurel Drive, the proposed development which would extend between 2 to 2.5 metres above the trees would be relatively well screened, particularly during the summer and autumn months when the trees are fully in leaf. On approaching from the east, the proposed mast and cabinet would be partially screened by the existing bus shelter and litter bin.

Whilst Planning Advice Note 62 (Radio Telecommunications) suggests that the selection of suitable locations for siting telecommunications equipment should be based on minimising the contrast between the equipment and its surroundings, it is nevertheless recognised that technical requirements and constraints may limit opportunities for sensitive design and siting. In this instance, the visual impact of the proposed telecommunications equipment on the surrounding area would not appear to be substantially greater than that of existing lamp standards. In addition to this, the backdrop provided by a relatively dense area of woodland which extends along this section of Laurel Drive would serve to minimise any visual intrusion resulting from the proposed development.

The principle of site sharing between operators is supported by Planning Advice Note 62. This particular mast would be shared between network operators Vodafone and Telefonica. The result is that rather than two separate masts being installed within the area, only one would be required, reducing the number of overall structures needed to provide coverage in the area, which is considered to be a positive aspect of the proposal.

The application site lies within an area designated as H1 (Residential Areas) in the Aberdeen Local Development Plan (2012). The primary aim of policy H1 is to retain the existing residential amenity of established residential areas. The proposed telecommunications equipment would be located on a distributor road within a residential area with no properties having a direct frontage onto the road. In addition to this, a minimum distance of 26 metres would separate the rear boundary of the closest property on Wallacebrae Road from the application site, with the remaining rear boundaries of properties on Wallacebrae Road with any direct view of the application site lying at a distance of anything up to 62 metres. As a result, it is considered that the proposed telecommunications equipment would not conflict with, or cause any significant nuisance to the enjoyment of existing residential amenity, and that the proposal would not be contrary to policy H1 of the Aberdeen Local Development Plan (2012).

The Bridge of Don Community Council raised concerns relating to the proximity of the proposed development to existing housing, however, as outlined above, the separation distance between residential properties and the application site is considered to be acceptable. In terms of the concerns which they raised in relation to the adverse visual impact of the telecommunications equipment, when viewed from the park which lies to the south of the site, it is considered that the high density of mature trees along this southern section of Laurel Drive would provide a particularly effective level of screening from within the amenity area lying to the south of the application site, and this, coupled with the considerable drop in ground level between the footpath along Laurel Drive and the park would mitigate any potential visual impact. The Roads Section have raised no objection to the proposal, and have stated that they are satisfied with the width of clear footway which would remain following the proposed development. Finally, whilst an issue was raised by the Community Council in terms of the possible hazard arising during stormy weather where trees lie in such close proximity to telecommunications equipment, this is not a material planning consideration in the determination of this proposal.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

It is considered that this application complies with both national and local policy. The proposal is considered to be compliant with Scottish Planning Policy, as it allows for the shared use of a telecommunications mast and associated equipment by 2 no. operators, thus reducing any likely cumulative impact; and ensures that the proposed development is sited in such a manner as to minimise the visual impact and contrast with the surrounding area, and minimises any likely impact on existing residential amenity. As such, the proposed development is considered to comply with Planning Advice Note 62 (Radio Telecommunications) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2012. Whilst several applications for similar proposals have been refused within the surrounding area, this particular site has not previously been considered, and its selection would appear to address concerns raised with previous applications.

it is recommended that approval is granted with the following condition(s):

- (1) in the event that any part of this equipment becomes obsolete or redundant, it must be removed within 6 months of such event. In the event that all of this equipment is removed, the site shall be made good, in accordance with a scheme to be submitted and approved in writing by the Planning Authority, within 1 month of such removal – to minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory condition.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

10 Johns Park Place
 Danestone
 Aberdeen
 AB22 8QL

Dept. of Planning & Sustainable Development
 Marischal College
 AB10 1AB

19 February 2012

Dear Sir/Madam

Planning Ref No :120109

I write on behalf of the Bridge of Don Community Council and as a Danestone resident to oppose the Planning Application Ref No 120109 made by Vodafone for the proposed erection of a 17.5M monopole supporting Vodafone/Telefonin Antenna, an Electrical Meter and a Vulcan Cabinet on Laurel Drive, Danestone.

My response is that the site is unsuitable for the following reasons:

1. The site is less than 70 yards from the nearest house to the east (Laurel View) also there are a considerable number of houses on the opposite side of the road and to the west (Mill Lade Wynd).
 A site very near has already been discounted according to the preliminary information received by the Community Council from aandsolutions.co.uk (article 9 discounted sites) and it is my belief that the reasons stated therein apply equally to this site.
2. On the specified site the area between the footpath, drystone dyke and trees is not very wide and as a consequence the meter pillar and Vulcan cabinet would be close to or at worst on the footpath causing an obstruction for users of the footpath.
3. The designated area is very close to trees which could constitute a hazard in stormy weather conditions.
4. The area beyond the trees and below is part of the Danestone Country Park and the Antenna would be visible above the trees from the park.

I trust you will take these views into account when considering this application.

Yours faithfully

Margaret J C Main MBE

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Agenda Item 2.6

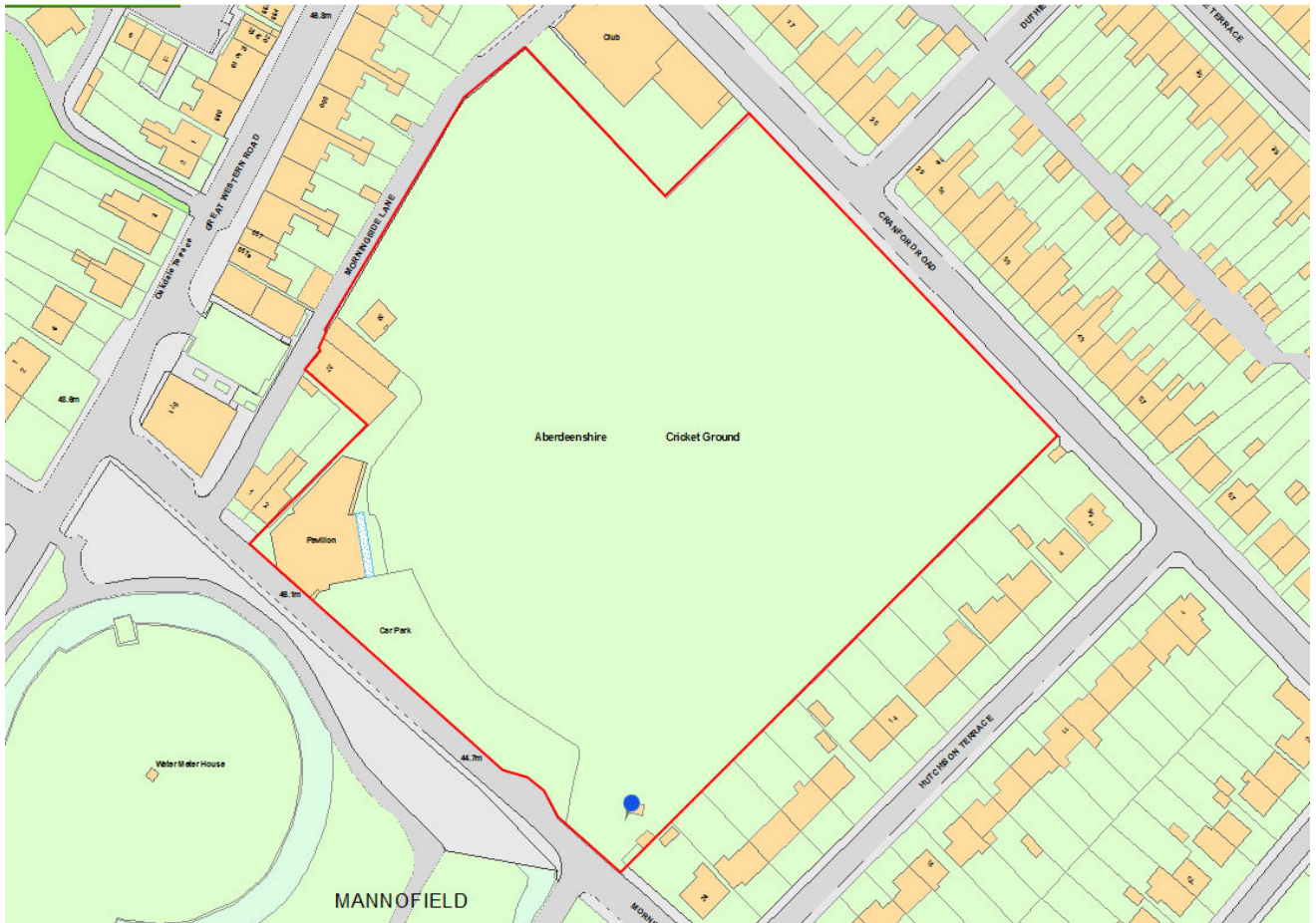
MORNINGSIDE ROAD, MANNOFIELD

CONSTRUCTION OF NEW CRICKET
STORE WITHIN CRICKET GROUNDS
WITH 2 NO.SELF CONTAINED
APARTMENTS ABOVE, ONE
DESIGNATED AS GROUNDSMANS
DWELLING

For: Aberdeenshire Cricket Club

Application Ref. : P111670
Application Date : 08/11/2011
Officer : Gareth Allison
Ward: Airyhall/Broomhill/Garthdee (J Wisely/I
Yuill/G Townson)

Advert : Full Notify not poss.
(neighbours)
Advertised on : 30/11/2011
Committee Date : 19 April 2012
Community Council : Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application refers to the Aberdeenshire Cricket Club, located on Morningside Road within the Mannofield area. Currently the site incorporates an international cricket pitch with club house, Groundsman's dwellings and various ancillary outbuildings and equipment.

HISTORY

- **A7/1810:** Outline Planning Permission was conditionally approved for 'Existing office accommodation - first floor offices reconverted to 2no flats. Ground floor offices converted to workshop & changing accommodation for cricket club use. New building for 3no indoor nets. New link area. New 3 storey office block (1000m2)'. Condition 3 required the submission of a further application in respect of reserved matters no later than 3 years from the date of decision (06/12/2007). No application was forthcoming in this regard.
- **P091456:** Replacement House; Planning permission was granted to replace the existing Groundsman's dwellinghouse within the site.

PROPOSAL

This application for detailed planning permission seeks permission to erect a new cricket store to replace an existing store to the southern most corner of the site. The unit would incorporate storage space at ground floor level, with 2 no. residential flats located at first floor level, one of which is designated as a new residence for the Groundsman. The applicant has confirmed that the other unit would be leased out by the Cricket Club as an asset to provide an additional financial income to the Cricket Club. Following the submission of the application, the proposal has undergone significant design and siting changes. In line with the degree of these changes, neighbours were re-notified of the revised proposals, which are now subject to this determination.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred due to a formal objection being lodged from Braeside and Mannofield Community Council.

CONSULTATIONS

ROADS SECTION –	No observations
ENVIRONMENTAL HEALTH –	No observations received
COMMUNITY COUNCIL –	Objects on grounds of privacy

REPRESENTATIONS

3 No. representations were received in response to the originally submitted plans from neighbouring property owners. As noted above, neighbours were re-notified of the proposal following significant design/siting changes. Following this, 2 No. letters of representations were again submitted by neighbours who had submitted previously. Photographs were also submitted and these have also been taken note of. A formal objection was also received from the Braeside and Mannofield Community Council. The main concerns of all the representations received, both before and after re-notification, including that of the Community Council, can be summarised as follows.

- Finish: The plans do not specify the proposed external finishes or that the finishes would match those of the surrounding residential properties; rather it would appear to match development to the northern end of the site.
- Height: The proposed unit will be higher than surrounding residential properties, overbearing and out of context for the area.
- Location: The proposed location is within close proximity to neighbouring properties and will have an overbearing impact on these properties. Furthermore it would be more beneficial to contain any development within the north of the site.
- Mixed Use: The proposal is for mixed use of commercial and residential which is not suitable for its location.
- Adjoining Land Use: The proposed use of the land immediately surrounding the proposal is not specified and may cause potential nuisance or hazard to neighbours.
- Residential Use: One of the apartments is designated as the Groundsman's dwelling; however the use of the other unit is not specified and may be used for commercial purposes.
- Loss of Open Space: Approval of the application would result in the loss of valuable amenity space.
- Privacy: The development will pose a threat to privacy by way of over-looking from windows.
- Overshadowing: The proposed development will overshadow neighbouring properties to the south.
- Car-Parking: Approval of the application would result in a loss of car-parking within the site which will increase pressure on car-parking within the surrounding area.
- Services: By way of its location and siting to the south of the site, servicing the site will result in additional disruption to both pedestrians and vehicle users.
- Drainage: Additional run-off from the hard standing areas will exacerbate the existing drainage problems in the area.
- Store Use: A proposed store in this location may cause a nuisance to neighbouring amenity by way of noise and fumes, delivery of items, storage of hazardous materials etc.
- Ventilation: The proposed plans do not include ventilation details, and there are concerns that ventilation to the side (gable) elevation would cause a nuisance to neighbouring amenity.
- Relocation of Score Board: The plans do not specify where the removed scoreboard will be relocated to.
- Building Warrant: A building warrant has been submitted prior to the planning application, with preparatory works having been carried out on site. The building warrant may not reflect the changes made during the planning process.
- Previous Application A7/1810: Planning permission was granted under A7/1810 for development to the north of the site, including 2 no. residential flats and is still current. Approval of this application would result in permission being given for 2 No. units in addition to those already granted in 2007.
- Previous Application P091456: Planning permission was granted under P091456 for a replacement Groundsman's dwelling on the north of the site. If

this application is approved, there is no guarantee that the existing dwellinghouse will be removed and the scenario exists for 3 No. units to be present within the site at one time.

The above concerns are addressed in full in the evaluation section below.

PLANNING POLICY

1. Aberdeen Local Development Plan Policy

Policy D1: Architecture & Placemaking: *new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as scale, massing, colour, materials, details, the proportions of building elements and landscaping will be considered in assessing this.*

Policy NE1: Green Space Network: *Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.*

Policy NE3: Urban Green Space: *development will only be acceptable provided that there is no significant loss to the landscape character and amenity of the site and adjoining areas. Public access should be either maintained or enhanced; the site should have no significant wildlife or heritage value and there should be no loss of established or mature trees. Development should also be consistent with the terms of Scottish Planning Policy.*

2. Scottish Planning Policy

Open Space & Physical Activity: *Planning authorities should support, protect and enhance open space and opportunities for sport and recreation.*

EVALUATION

The key issues when determining this application are to ascertain whether the proposal is consistent with the Aberdeen Local Development Plan and Scottish Planning Policy, and if not; whether material considerations justify a departure or if any arising issues can be resolved by planning conditions. In this instance the starting point is to establish if the principle of such a use within the site is acceptable, and if so, to then ensure that the proposal is acceptable under policy and guidance with regards its design, location, and potential impact on public amenity. Following a detailed assessment of the site, the submitted plans and all information provided, the subsequent conclusions have been reached.

Loss of Green Space

- The loss of outdoor green space is restricted mainly to an incidental area of to the south of the cricket pitch, which currently houses a store and signboard tower.
- Such space has little recreational or visual amenity value and cannot be considered to be functional open space.
- In any case, the area lies within the curtilage of a private cricket club and could be considered to be mainly private open space as opposed to the public open space that local development plan policy and Scottish Planning Policy is primarily intended to protect.

- For these reasons, the loss of the specific area of ground is not considered detrimental to the overall landscape character and amenity of the site.
- Furthermore, access to the site will be maintained, and the site itself is not considered to be of significant wildlife or heritage value.
- There are no trees within the site that would be affected by the development.

Proposed Use

- The proposed use can be split into two distinct categories.
- The ground level storage space is considered incidental to and ancillary to the general maintenance and ongoing functionality of the site. The proposed specifications of this storage space have been informed by requirements of the associated equipment; dictating the overall width, length and height of the ground floor space.
- At first floor level, the 2 No. apartments would clearly be residential in nature. One is designated as being the Groundsman's official residence, which is again considered incidental to the general use of the site and the long-term functionality of the site.
- The second unit has been confirmed as being an additional asset of the Cricket Club, with the intention of leasing it throughout the year to create additional revenue; revenue which could theoretically enhance the recreational facilities within the site.
- It should be noted that planning legislation does not require an applicant to designate or connect a residential unit to specific residents; rather it is for the Planning Authority to determine if a residential use is appropriate for the site in question.
- In this instance, the use of the ground floor as storage space and the Groundsman's dwelling at first floor level is considered relevant to the ongoing functionality and long-term recreational viability of the site as a whole.
- The ability to fit an additional unit at first floor level is not considered inappropriate in this instance as the overall footprint, and certainly the ground floor massing of the unit, have been dictated by the storage space requirements.
- The additional residential use is therefore not considered detrimental to the use of the site as it would not result in the loss of any land above that which would already be lost to accommodate the storage unit.
- For these reasons, it is considered that the proposed use of the proposal within this site is acceptable, subject to compliance with other relevant policies and guidance and in particular the impact on public amenity.

Context and Setting

- Any new development must be designed for its context and make a positive contribution to its setting. It is important in this instance to recognise that the immediate context and setting of the site are, primarily, the Cricket Club itself.
- The surrounding residential area would be secondary in terms of context; however appropriate weight and consideration will always be given to the protection of neighbouring privacy and amenity.
- For its immediate context and setting, the proposal is considered to be of suitable scale, massing and design. Indicated external finishes would appear to be in keeping with other development within the site. A condition is

attached to ensure that all external finishes are confirmed and approved in writing.

- It is noted that the height, scale and finishes do not match those of surrounding residential properties; however there is no reason why these features would be unsuitable for its location within the site. With its unique nature by way of differing uses, the unit was not designed strictly as a residential unit and theoretically is not located within a residential site. Therefore there is not the same requirement to directly reflect surrounding residential character in the same way as with a stand-alone dwellinghouse within a residential plot.
- Notwithstanding this, the proposal has gone through significant design changes during the process of the planning application to ensure that it does respect the character and amenity of the surrounding residential area. The purpose of these changes was to introduce specific features that would be more reflective of a residential area than was originally proposed, including; the re-siting of the proposal to form a logical relationship to the main road; the appearance of a principle frontage to address the streetscape; a reduction in scale and massing; lowering of wallhead heights; introduction of gable ends and dormer windows; removal of windows on the gable ends; and the concentration of large glazing areas to the north-eastern and north-western elevations, orientated towards the centre of the site.
- These features and changes are considered sufficient to result in a suitable development for the site itself but one that also goes to sufficient lengths to respect and address the surrounding area.

Privacy and Amenity

- Whilst not set within a residential site, all development must have regard to the residential character and amenity of adjoining sites. In this regard the proposal has been fully evaluated to determine what impact, if any, it would have on the surrounding area and in particular the properties on Hutchison Terrace.
- During the negotiations with the Planning Authority, it was agreed to relocate the proposal. It is acknowledged that it would now be located only 5 metres from the south-eastern boundary, and therefore the potential exists to directly affect no. 26 Hutchison Terrace.
- However the following must also be considered:
 - Moving it further into the site would result in the footprint encroaching onto the cricket pitch.
 - The changes made during the design process also ensured that no glazing units are proposed on the south-eastern gable elevation at either ground floor or first floor level; therefore there would be no overlooking or privacy concerns for no. 26.
 - The proposal will be one and a half storeys with hipped roof profiles (7.6 metres at its highest point) and located approximately 19 metres from no. 26 at its closest point. With such a combination of scale and separating distance, the proposal would not be considered overbearing.
- The direct impact on no. 26 Hutchison Terrace would therefore be regarded as minimal for the above reasons.
- Beyond no. 26 Hutchison Terrace, the closest property would be no. 24 Hutchison Terrace. The potential impact on this property differs from that on

no. 26 in such terms as the proposed gable end would be visible from the garden of no. 24, with a proposed window at first floor level.

- The level of such an impact can be measured in terms of impact on neighbouring privacy via window to window; and impact on amenity by way of over-looking private garden ground:
 - Council guidelines on window to window distances specify that where windows are set at right angles, the minimum distance required to protect privacy is 2 metres. In this case, the windows are set at right angles and are located approximately 27 metres apart.
 - In terms of overlooking of garden ground, it is worth noting firstly that there would be no overlapping of boundaries, with screening of the northern section of garden ground provided along the boundary by way of mature trees and shrubbery. Furthermore, the window at first floor level would be located approximately 9 metres from the boundary, with an off-set of 90 degrees. This combination of screening, distance and angles means that any potential for overlooking of garden ground would not be of a sufficient level to pose a significant threat to neighbouring amenity. Indeed it is noted that the impact would be significantly less than currently exists from the windows of no. 22 or no. 26 Hutchison Terrace.
- Having regard for the above points, with no perceived threat to privacy and amenity, there would appear to be no justified requirement to impose boundary screening of any form in addition to what currently exists; request further changes to the proposal; or to recommend refusal of the application.

Overshadowing & Loss of Sunlight / Daylight

- Owing to the arc of the sun and its natural movement, there is potential for slight overshadowing of the most northern part of no. 26's rear garden. However, given the likely time of day and length of time that such an impact would occur (summer time; late afternoon/early evening), the impact would be considered no greater than currently exists as a result of the existing boundary screening.
- Importantly, given its location, the proposal will neither overshadow nor reduce the amount of daylight or sunlight of any neighbouring property.

Car-Parking and Access

- The proposal has been evaluated by the Council's Roads Officer, who has no objections, with the existing car-parking and access considered suitable to serve the proposed units in addition to the current requirements.
- It is worth noting that the existing area of land is not designated for car parking, and whilst it is not argued that cars would use this area for car-parking at various times, it is not included when evaluating the existing and proposed car-parking levels within the site as a whole.

Letters of Representation

- All concerns relating to finishes, scale, proximity to boundaries, nature of proposed use, loss of open space, privacy, boundary screening, overshadowing, car-parking and access have been addressed above in full. The remaining concerns are addressed as follows:
 - Mixed Use: The proposed mixed use of storage space and residential space are considered acceptable for the reasons noted previously. The proposal does not include commercial use. Any use of the building other

- than that included within this application would require an application for a change of use.
- Adjoining Land Use: The use of the remaining land within the site will be unaffected by the proposal; thus remaining within its current use. Any nuisance caused to neighbours from within the site, as would have been the case prior to the development, would be a separate matter and not a material consideration of this application. The Council provides specific services to deal with such issues.
 - Services: Development of any kind will result in varying levels of disruption to road users and the surrounding area in general. However this is a short term impact and is not material consideration in the evaluation of the planning merits of an application.
 - Drainage: Proposed drainage for the site can be controlled by condition, ensuring that the development meets the recommended standards for sustainable urban drainage systems. A condition is attached in this regard.
 - Store Use: The primary function of the proposed unit is as a Groundsman's store, as such it would be anticipated that equipment will be stored within the unit. Any nuisance arising from the use of equipment is likely to be limited as the equipment would then be taken elsewhere within the site for use. With regards the general nature and use of the first floor as residential units, all windows and doors have been orientated to face away from neighbouring sites, with most glazing facing inwards to the cricket pitch. This would further reduce the opportunity for nuisance to be caused by residents.
 - Ventilation: Ventilation proposals would be fully assessed by Building Standards through the application for a Building Warrant.
 - Relocation of Score Board: The removal of the scoreboard does not require planning permission; however the erection of a new scoreboard may require permission depending on its nature and location. The applicant is fully aware of this requirement and is currently in negotiations with the Planning Authority in this regard. If planning permission is required, it would be dealt with through a separate application and is not a material consideration in the determination of this application.
 - Building Warrant: Development cannot be carried out without the appropriate planning permission and building warrants, and where these are obtained, the development should be carried out in full accordance with the approved plans. It is for the applicant to ensure that plans for the building warrant fully match those of the planning permission. Any deviation or variation from the approved planning application would constitute a breach of planning control; a situation that the applicant is fully aware of.
 - Previous Application A7/1810: Application A7/1810 was outline planning permission, approved conditionally in 2007. Condition 3 of this permission required that an application for reserved matters should be submitted within 3 years of the decision date. As a further application was not forthcoming within this time-scale, the permission granted under A7/1810 has now expired and is therefore no longer valid.

- Previous Application P091456: It is acknowledged that planning permission was granted under P091456 for a replacement Groundsman's dwelling on the north of the site. Likewise the Planning Authority recognises that approval of this application cannot guarantee the removal of the existing unit to the north. Therefore the potential scenario does exist for a total of 3 No. residential units to be present within the site at one time. This fact has been considered in full, and it is concluded that the presence of a residential unit to the north of the site would not justify the prevention of 2 No. units being built on the south side of the site. In such an instance, the determining issues remain that the application for 2 No. residential units in the proposed location should be assessed on its own merits against the relevant policies of the Local Development Plan and Scottish Planning Policy. This has been carried out in full, and for the reasons noted above it is concluded that the nature, use and location of the proposed development would not be detrimental to the use of the existing site or the public amenity within the surrounding residential area.

In conclusion, it is considered that the individual merits of the proposal meet the requirements of the Local Development Plan and Scottish Planning Policy, having regard for all material considerations and subject to appropriate conditions. As such the application is recommended for conditional approval.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposal is considered to be compatible with the Local Development Plan and Scottish Planning Policy. It would not result in the loss of functional public open space and would directly contribute to the long-term functionality and recreational viability of the cricket ground whilst ensuring that the residential and visual amenity of the wider neighbourhood is not compromised. All issues of car-parking and access have been fully addressed, with remaining issues such as drainage being controlled through condition.

Careful account has been taken of the planning history relating to the site and full consideration has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application. All other relevant material considerations have been considered, and in line with these it is recommended that the application be approved subject to appropriate conditions.

it is recommended that approval is granted with the following condition(s):

(1) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual

amenity.

(2) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(3) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

- (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
- (c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.



Braeside and Mannofield Community Council

Planning Officer
Seumas Macinnes
170 Craigton Road
Aberdeen
AB15 7UD

Dr. M. Bochel
Head of Planning and Infrastructure
Aberdeen City Council
MARISCHAL COLLEGE
ABERDEEN
AB10 1 AB

13 MARCH 2012

Dear Dr. Bochel , APPLICATION REF . 111670

We wish to object to the above application .

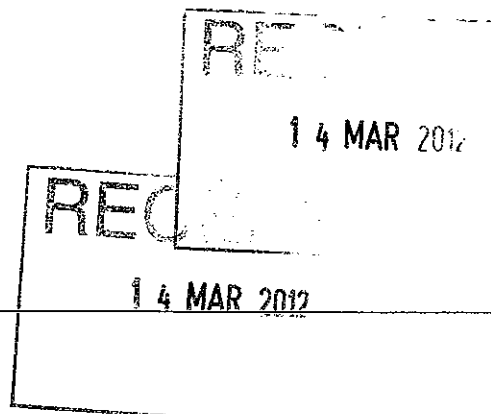
In our opinion the proposed structure is a major intrusion in respect of overlooking the current privacy afforded by the residents on Hutchison Terrace .

In conclusion we concur and endorse all the issues set out in the letters of objection sent to you by the owners of various dwellings and in particular the comprehensive and detailed letter from Fiona G Reid .

In our opinion a site visit with Members would be beneficial for all concerned.

Yours sincerely ,

S.E. Macinnes



P11670

25 Hutchison Terrace
Aberdeen
AB10 7NN

14 March 2012

Aberdeen City Council
Planning Reception
Planning and Sustainable Development
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sir/Madam

**LETTER OF OBJECTION: PLANNING APPLICATION REF 11670 – REVISED APPLICATION
CONSTRUCTION OF NEW CRICKET STORE WITHIN MANNOFIELD CRICKET GROUNDS WITH TWO
SELF CONTAINED APARTMENTS ABOVE**

As the owner of a property in Hutchison Terrace overlooking Mannofield Cricket Grounds and very close to the area of proposed development within the grounds, I am writing to object to the above planning application as submitted, for the following reasons:

1. The proposed buildings are out of character with the surrounding properties in Hutchison Terrace and Morningside Road.

- **Finish**

The revised plans do not indicate the intended finish of the building. The previous submission proposed construction of the exterior walls to be of dense blockwork with smooth white or off-white render finish. There is nothing in the revised submission to indicate that this has changed. The existing surrounding properties are of 1930's construction in traditional granite finish.

- **Height**

The surrounding properties are of low rise one-and-a-half storey build. While the design for the proposed building gives the appearance of also being one-and-a-half storeys, in reality it will be significantly higher as its ground floor needs to be higher than that of a dwelling house or domestic garage to accommodate large commercial machinery, tractors etc. The addition of apartments above the garages results in a building of much greater height than those around it. Using the scale given on the plans the building will be at least half a storey higher than the surrounding properties, and probably higher, as the drawings also appear to show an extended roof-line above the dormer windows compared to the neighbouring houses. The impact is further exacerbated as the Cricket Club is on an elevated site due to the natural slope of Morningside Road.

- **Commercial/ residential mixed use**

The proposed building is for mixed commercial and residential use. While there are mixed-use buildings at the Great Western Road end of the cricket ground (supermarket, offices, garage, laundry etc) where the groundsman's house, garages and stores and the pavilion and function room are currently sited, there are no commercial-use properties in Morningside Road or

Hutchison Terrace, where it is proposed to locate the new building. This area is solely made up of residential properties.

2. The site plan submitted contains several inaccuracies and omissions which are fundamental to the impact on the surrounding neighbourhood.

- **Finish of building**

As indicated at point 1 above, the revised plans do not indicate the proposed finish for the buildings. Should the proposed finish be the same as in the previous application, this is out of character with the surrounding buildings in Hutchison Terrace and Morningside Road.

- **Full intended use of the area under application**

The plans show the area to the south east of the buildings is to 'remain as cricket club laydown and admin area'. I do not understand this term or what this indicates the area is intended to be used for. As this is the closest point to the neighbouring properties in Hutchison Terrace it is important to clarify the cricket club's intentions and ensure that there will be no resultant nuisance or hazard to neighbouring residents.

- **Purpose of second dwelling**

The plans refer to a 'Groundsman's Apartment' but there is no stated intended use for the other apartment. I would like to ask for assurance that this unit would not be used for functions or any other commercial purposes, either now or at any time in the future, as it is so close to the surrounding residential area.

- **Relocation of Score Board**

The original application made reference to the 'Store Building and Cricket Score Board to be removed'. The revised plans make no reference to the store or Score Board, which currently sits in the area covered by the plans. While it can be reasonably assumed that the store would be re-accommodated within the proposed building, the plans give no indication of where the Score Board is to be re-sited.

3. Inappropriate location within Cricket Grounds

- **Overbearing impact on neighbouring properties**

The proposed location within the Cricket Grounds and the proximity of the proposed building to neighbouring houses will result in an overbearing impact on the most closely neighbouring properties in Hutchison Terrace. The windows and upstairs balconies will also overlook many of the rear gardens and windows of the residential properties further along the same side of Hutchison Terrace.

- **Workshop location will create most nuisance to neighbouring properties**

The plans propose to locate the workshop and store at the south east end of the ground floor of the building. However, the plans do not show, or propose, any ventilation for the workshop. The only possibility to vent to the outside is directly through the side wall, straight towards the neighbouring properties in Hutchison Terrace. The proposed configuration of the ground floor will create the greatest potential for hazard and nuisance to neighbouring residents, with noise and fumes associated with the workshop and machinery, delivery of parts and stores and storage of fertilisers, fuels, lubricants weedkillers etc all being at the closest possible point to existing properties. If the ground floor was configured the opposite way round, with the office, changing hall and shower room located on the south east side and the workshop and store located on the north west side, the noise and hazards would be located next to the roadway on

Morningside Road and the open space of the water storage facility opposite.

- **Access to services**

The proposed building is sited in an undeveloped part of the Cricket Ground. Services would be more readily accessed at the north end of the ground, where the existing groundsman's house, stores and pavilion are already situated. Bringing services on site at the undeveloped end of the ground will require far more excavation and will disrupt traffic on the busy Morningside Road. It is only a matter of months since that part of Morningside Road was closed to traffic for an extended period for major re-surfacing. Surely it does not make sense to start excavating and patching so soon after this has been completed?

In addition, in periods of rain, the street drains on Morningside Road are already frequently unable to cope, with water flowing from Morningside Road round into Hutchison Terrace before it drains into the system there. Additional run-off from hard-standing around the proposed development and from the building itself will exacerbate this problem for the neighbouring area.

- **Hazard for pedestrians and other road users on Morningside Road**

There is no pavement on Morningside Road along the entire length of the Cricket Ground wall. The only pavement on this stretch is a narrow footpath on the opposite side of the road. Morningside Road is already a busy road and is well used by pedestrians accessing the shops and buses on Great Western Road. Siting the building as planned will mean that access for all the additional commercial traffic associated with deliveries of supplies and spares, seeds, fertilisers etc for the groundsman's workshop and store, movement of the Cricket Club's own commercial machinery and equipment, as well as traffic from the apartments, will be directly onto Morningside Road. This creates an ongoing hazard for pedestrians and traffic on Morningside Road. The development at the north end of the ground, where the groundsman's house, workshop and stores are currently located, provides much safer access via Morningside Lane, which carries very little traffic and pedestrians.

- **In currently open, green and undeveloped part of grounds**

The proposed development is for a previously open part of the grounds, while there is already a cluster of development at the north end. It is inappropriate to develop piece-meal around the open perimeter of the cricket ground.

4. Mannofield Cricket Club already has current outline planning permission from Aberdeen City Council for a replacement Groundsman's Dwelling (ref A7/1810)

- **New application on the same basis**

Outline planning permission has already been granted to Mannofield Cricket Club to build two flats with office and storage accommodation and changing facilities as a 'replacement groundsman's dwelling' (ref A7/1810) at a different location within the cricket ground. As this planning permission is still current, why is this new application for another 'groundsman's dwelling', together with what appears to be very similar associated accommodation, required?

- **Consistency in Consideration of Privacy and Amenity**

In granting the previous planning permission (A7/1810) to the Cricket Club, Aberdeen City Council sought to ensure the privacy and amenity of adjoining residential properties on Cranford Road would be safeguarded by including measures to plant trees along the Cranford Road boundary of the grounds for screening. The current application proposes to site the building far closer, and to much greater detriment, to the houses in Hutchison Terrace than would have been the case with the Cranford Road properties in the previous application. Consistency has to

be applied when considering the need for privacy and amenity of all residents in the area.

5. Potential for mis-match between Planning Permission and subsequent development

- **Building Warrant applied for and preparatory work commenced in advance of Planning Application**

The cricket club applied for a building warrant (Application Number B120309) relating to the 'Erection of Cricket Club Store with 2 apartments above' on 16 February. This was prior to the current application for planning permission. Preparatory work has been started and plans marked out on the ground at the site of the application. This would seem somewhat premature, since it does not readily allow for any comments or changes resulting from the planning consultation period to be taken into account.

6. Loss of amenity to neighbourhood

- **Development of open amenity space**

The openness and green space created by the Cricket Club and grounds within the surrounding urban landscape are a valuable amenity to the neighbourhood. This ceases to be the case if mixed-use, and particularly commercial, development is permitted randomly around the open perimeter area of the field.

- **Parking pressure**

On match days and at times when functions are taking place at the Cricket Club, Morningside Road and the surrounding residential streets, such as Hutchison Terrace are frequently used for parking as there is insufficient space within the cricket club itself. This can lead to problems of visibility and access to and from residents' driveways. Further development within the club's grounds will result in less space available for parking and exacerbate this problem.

I would ask that these issues be taken into account when considering the above planning application and would also be grateful for this letter to be copied to all members of the Planning Committee on Aberdeen City Council in advance of any decision being taken.

Yours faithfully

P Reid

City Development Services Letters of Representation	
Application Number:	111670
RECEIVED	15 MAR 2012
Dev. (North)	Dev. (South)
Case Officer Initials:	GAL
Date Acknowledged:	16/03/12

Aberdeen City Council
Planning Reception
Planning and Sustainable Development
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sir or Madam: **Re: Planning Application Reference 111670**

Proposed Development: Replacement Cricket Stores and Groundsman's Apartment—Revised Proposal

Type of Application: Detailed Plan

Location: Aberdeenshire Cricket Club, Morningside Road, Aberdeen, AB10 7FB

As an Owner and Occupier whose property is adjacent to both the Cricket Club, and the development site within the Cricket Club, I have been notified of the proposed development, and have several observations which are relevant both to my personal situation, and also to that of the wider local community.

1) Accuracy of submitted plans

a) Although the plan shows that two dwellings are proposed above the store, and that one is designated as a groundsman's dwelling, the applicant has omitted to state the purpose of the extra dwelling. Surely this should not be the case in such a detailed plan.

Given that no intended use is specified for the extra dwelling unit, I would ask that an assurance, in writing, is sought from the applicant that this flat would not be used for functions, or for any other commercial use, so close to my, and other, residences (closer than if two houses were built back to back in adjacent streets) either at the present time or in the future.

b) As can be seen from the enclosed photograph (photograph 1), the scoreboard tower is positioned in the area of the proposed development. As can be seen from photographs 2 and 2A, the tower is now partially demolished, a building warrant for demolition (Application number B120298) having been applied for on 15/02/2012. This tower is not shown on the proposed plan, and neither is the siting of a replacement tower.

c) Building Warrant Application Number B120309, which was applied for on 16/02/2012, -Erection of Cricket Club store with 2 apartments above- exists, and the outline of a proposed building is marked out on the ground. This Warrant was applied for prior to the current application for planning permission. My question is, 'Is this building warrant compliant to the first set of plans submitted in November 2011, or to the second set of plans which were submitted in February 2012?'

I would also like to ask whether a building warrant is valid for the building of a structure for which planning permission has not been granted, and what contingencies exist for the variation of a building warrant to match any plans which are ultimately passed.

2) Why build the 'replacement' buildings on a 'Greenfield site' when the best and obvious decision is to make use of the available 'Brownfield site'

The Cricket Club has applied to replace the existing groundsman's house and separate store, and demolish those which already exist. While I have no objection to the replacement per se, I have some observations to make about the proposed re-siting of the 'replacement' buildings.

a) In other areas –such as Westburn Park and Duthie Park, where redevelopment plans have been submitted, the replacement buildings are being built on or near the site of the previous building. This would appear to be the only redevelopment of this type in an amenity area to apply for change of location. This change of location would lead to loss of space in an amenity area at a time when green space within the locality is already being lost to development

b) If the 'replacement' building is constructed prior to the demolition of the existing structures, what is the guarantee that the demolition will in fact take place later? We may later discover that the plans are actually for additional storage and additional accommodation.

c) The Cricket Club already holds a previously granted valid Planning Permission for a 'replacement' groundsman's dwelling, which has not yet been built. What guarantee is there that if Planning Permission is granted for the current application for development, that both developments will not be built, as the previous 'replacement' includes not only two dwellings but also an indoor practice area, a link area, and a new 3 storey office building.

d) The proposed site is at the end of the Cricket Club which overlooks a neighbourhood completely comprised of 1930's granite houses of one and a half storeys, used solely for residential purposes. The new building would not be constructed from granite, but would be of rendered surface similar to the other commercial developments both inside and outside the cricket club at the Great Western Road end.

e) The proposed development is out of character in the proposed area as it would be of mixed commercial and residential use, would be higher than one and a half storeys, due to the necessity of the lower floor garaging to be high enough to accommodate a tractor, (as can be seen in photograph 3 which shows the tractor parked outside the existing garage), despite the appearance being of one and a half storeys, with dormer windows. The proposed development would also be higher than the existing local houses due to the slope of the ground -Morningside Road is on a hill and the slope is from Great Western Road downwards to Broomhill Road.

f) If the existing site of the groundsman's house and store were to be redeveloped, this would be much more suitable as this is an area of mixed use in close proximity to the shopping centre at the corner of Great Western Road and Morningside Road, and also the commercial properties in Great Western Road. It would also keep all the development within one area of the cricket ground, (rather than give the appearance of an urban village surrounding a village green, but which removes the amenity from the local population) where there is already, in addition to the existing groundsman's house and separate store, the cricket pavilion and restaurant and bar, and function area and also the premises of a financial company.

g) The Outline Planning Permission which already exists for the development proposed for Cranford Road stipulates that measures should be put in place to screen the residents on the opposite side of the road from the development, thus 'ensuring the privacy and amenity of adjoining properties and include details of planting of ----- trees along Cranford Road boundary of the cricket ground'. No such possibility exists in the development proposed for the Hutchison Terrace end of the ground, as since the new building is proposed to be only 5 metres from the boundary wall, there is no space for such planting. However, a precedent has been set for ensuring the continued privacy and amenity of local residents in one area of the ground. This policy

should be continued to ensure that there is no discrimination between residents whose property is affected by the development proposals of the cricket club.

h) The proposed site is less easily accessed than the existing site, as it is tucked into the corner of an area surrounded by wall, separated from the existing residences in Hutchison Terrace only by the existing granite rubble boundary wall. The proximity of the development, together with the obvious lack of height of the existing wall can be seen in photograph 4. Since this is a previously undeveloped portion of the Cricket Club, new access to water and drainage systems would require to be prepared, which would probably entail road works to take place on Morningside Road, which was the site for recent lengthy roadworks to resurface the road, after a long period of having an unsuitable potholed surface. There have also been repeated recent problems with the street drains in Morningside Road where it would be expected that the drain from the Cricket Club would feed into.

i) If the development were to be replaced on the existing site, access would be as now from the existing back lane, where other commercial occupiers also gain access, accept deliveries and have refuse collected. Access to drainage and water systems would also be easier, as there would be existing services, and therefore less disruption at the existing site.

j) The lack of access to the perimeter of the proposed building also has health and safety implications for access of emergency vehicles in the case of fire or accident. While there are also several other health and safety implications resulting from the probable storage of hazardous materials such as fertilisers, weedkillers, oils and gases, together with deliveries into such an area of restricted access, and in such close proximity to both the upstairs dwellings, and the dwellings over the wall, this may not be an issue of interest to the Planning Department.

3) Personal Implications of development in new location

a) I have a north facing garden which is already shaded by my neighbour's high trees, and this development would further overshadow my property, helping to increase stagnation of air circulation, and therefore increase the possibility of dampness in my property.

b) The proposed building is 5 metres from the boundary wall of my property. Previously Aberdeen City Council decided that the distance from the cricket ground across Cranford Road was too close to dwelling houses to be built without screening by trees. The new proposal is closer than if any other neighbour across the back wall was planning a large project, as in that case the length of two gardens would separate the buildings, and although this most recent plan has no windows directly overlooking the rear of my property, where I have a downstairs bedroom and bathroom, the feeling of privacy will be gone.

c) The 5 metre strip between the boundary wall and the development is marked on the detailed site plan as 'Area to remain as cricket club laydown and admin area'. Would it be possible to explain the meaning of this term? My understanding is that this means that it will be used as a lean to storage area just like the area surrounding the existing groundsman's house as can be seen in photograph 3. This can lead not just to untidiness and dampness, but also as a breeding ground for vermin, which may then invade the neighbouring properties.

Finally I would ask that each member of the planning committee be provided with a copy of my letter, and the attached photographs, and would also ask that a site visit be made to verify the unsuitability of the proposed site for the re-siting of both the store and the groundsman's house, and the provision of an extra dwelling, for which no use has been stated.

● Page 4

March 4, 2012

Sincerely,

Fiona G Reid











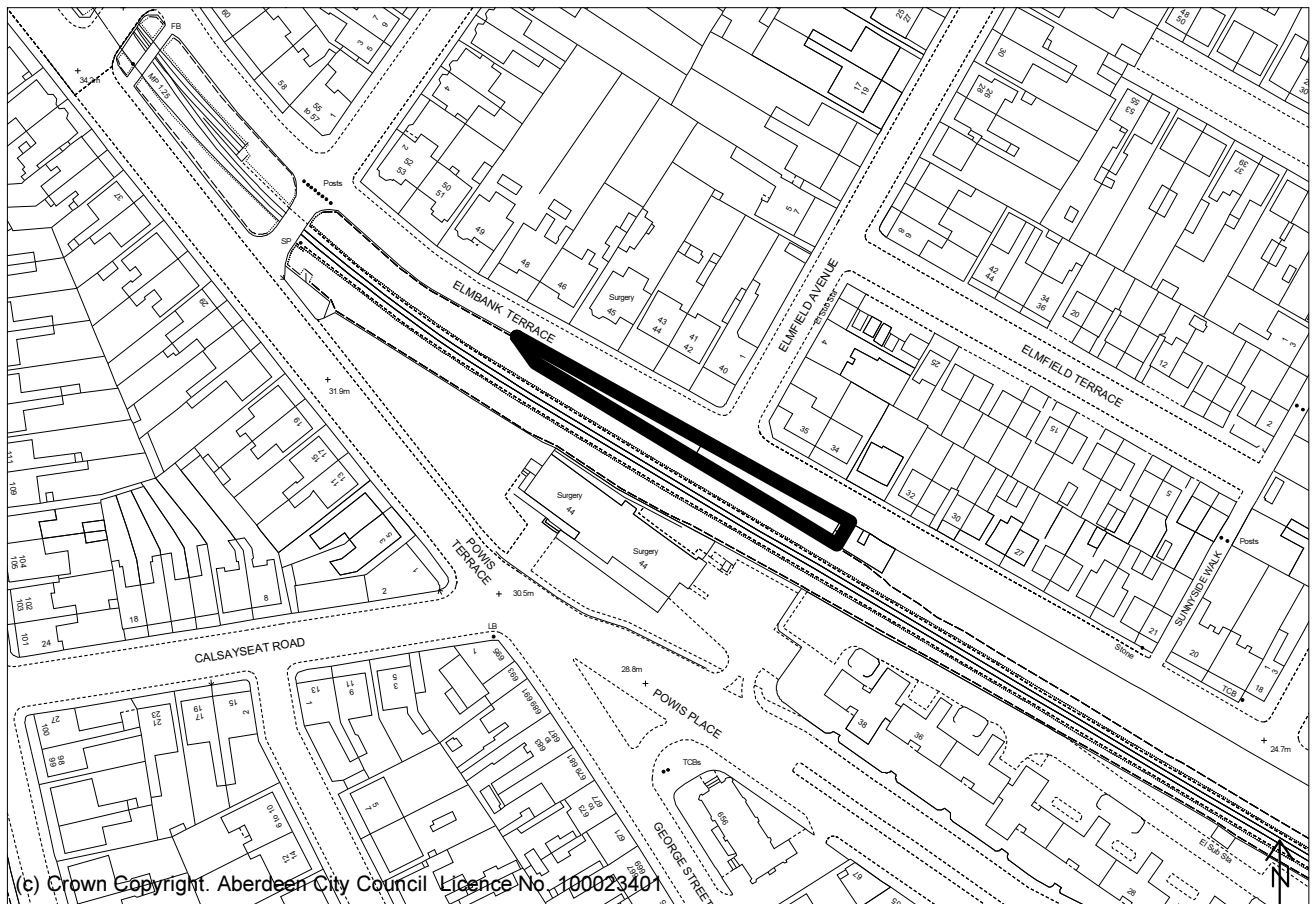
ELMBANK TERRACE, ABERDEEN

ERECTION OF A (CLASS 7) STUDENT ACCOMODATION BUILDING CONSISTING OF 7 INDIVIDUAL STUDIO APARTMENTS

For: David Vardy Architecture

Application Ref. : P120059
Application Date : 19/01/2012
Officer : Gavin Evans
Ward: George Street/Harbour (J Hunter/A
May/J Stewart)

Advert : Full Notify not poss.
(neighbours)
Advertised on : 08/02/2012
Committee Date : 19 April 2012
Community Council : Comments



RECOMMENDATION: Willingness to Approve the application, subject to conditions, but to withhold the issue of the consent document until such time at the applicant has entered into a binding legal agreement requiring the delivery of on-street car parking and restricting occupation of the building during term-times to students in full-time occupation

DESCRIPTION

The application site extends to approximately 425m², and lies on the south-western side of Elmbank Terrace, between the road and a railway cutting. This cutting accommodates a section of single-track railway line leading from Kittybrewster, where it branches off from the main Aberdeen-Inverness line, to Waterloo Quay. It is understood that this section of the line is infrequently used for goods shipments to and from the harbour.

The site is a narrow strip of land, measuring approximately 95m long, with its depth tapering from 6.5m at its eastern end to around 3.9m to the west. The surrounding area is predominantly residential in character and lies to the north of the city centre. To the west of the junction with Elmfield Avenue, the site is enclosed from the road by a 1.8m fence fashioned from railway sleepers. To the east of this junction, the site is enclosed from the road by a granite rubble wall of around 1.8m. Both the railway cutting and the application site are heavily overgrown with long grass and bushes such as brambles.

On the north-eastern side of Elmbank Terrace, as it progresses westwards, there are; a block of 1930s Council-built flats, existing 3 storey traditional granite flats, a row of two storey semi-detached properties and, beyond these, a short-section of 1.5 storey properties which terminates at the junction with Elmfield Avenue.

Directly south of the site, on the opposite side of the railway line, is the Calsayseat Medical Practice. The practice was approved in April 2003 (ref A3/0786) and comprises a modern 3-storey building with basement parking, set in a prominent site at the junction of George Street, Powis Terrace and Calsayseat Road. The practice is clearly visible from across the railway line on Elmbank Terrace, though coniferous planting provides a screened backdrop for the building when viewed from George Street and Powis Terrace.

HISTORY

Application P091685, approved conditionally in October 2010, granted conditional planning permission for the construction of a single contemporary dwellinghouse across 3 storeys, termed the 'skinny house'.

In April 2011, application P110573 proposed the erection of a building on this site to contain a single 3-bed domestic dwellinghouse and 5no 1 bed serviced apartments. This application remains undetermined, with matters raised by the Roads Authority yet to be addressed satisfactorily.

PROPOSAL

This application seeks planning permission for the construction of a 3-storey building, comprising 7 individual studio apartments, which would be offered exclusively to students in full-time education during term-times.

The building comprises two blocks, one containing 3no apartments and one containing 4no apartments, linked by a central open stairway, constructed in galvanised steel and enclosed by galvanised steel mesh, which would provide the basis for an extensive 'green wall', where plants would be grown up the stairwell to soften the appearance of the building.

Communal amenity spaces are provided to the east and west of the proposed building, with access to terrace areas and soft landscaped areas at either end. The proposed building is of a modern design, incorporating a flat roof and the use of contemporary materials. The building would be positioned centrally within the site, with a footprint in the region of 105sqm. Cycle parking provision would be made within the stair enclosure, while it is proposed to incorporate solar panels on the roof via supporting galvanised steel frames.

Near to the eastern end of the site is an existing car parking layby, constructed as part of the approval of 12no flats further east along Elmbank Terrace. As part of this proposal, the applicant proposes to extend this layby to accommodate a further 2no car parking spaces for public benefit. Moving from east to west, the frontage of the site would be defined by a new granite wall, enclosing the eastern section of garden ground and a bin store. This wall would be constructed using gabion-style baskets containing granite salvaged from the existing rubble wall. The street face of the building itself would be finished with a light grey smooth render, while the rear elevation, facing onto the railway line, would be in a darker charcoal coloured smooth render. As mentioned previously, the stairwell structure sits between the two residential blocks, with climbing plants incorporated from ground to roof level. The western section of garden ground would be enclosed by the existing timber fence, though it remains to be seen if this can be satisfactorily retained.

There is currently no pedestrian footway serving this stretch of the southern side of Elmbank Terrace, though as part of the recent development of flats to the east of the site, a new footway has been formed adjacent to the car parking layby mentioned previously. The applicant proposes to link to this footway and extend it westwards to serve the proposed new building. The pavement would not be extended westwards beyond the access to the building, as the level ground tails away to nothing and the public footway cannot feasibly be extended to link up with another footpath. As a result, the footway would simply cease following the main entrance, becoming a gravel surface for the remainder of the building's frontage.

The applicant's intention is to design the building to achieve 'net zero carbon', and to do so in a way that is 'low-tech - practical, affordable and simple'. The building's structure is to be entirely made of waste timber.

REASON FOR REFERRAL TO SUB-COMMITTEE

This application falls outwith the Council's scheme of delegation as it has attracted more than 5 representations within the relevant objection period.

CONSULTATIONS

ROADS SECTION – No objections stated, provided certain specifications are satisfied. It is accepted that the submitted parking survey demonstrates available on-street car parking in the area, capable of serving demand from the development without adverse effect on parking availability in the area generally.

ENVIRONMENTAL HEALTH – No objection in principle, though it is requested that conditions are attached to any consent regarding remedial works in relation to contaminated land, the restriction of hours of construction, the provision of a noise assessment and implementation of recommended mitigation, and the provision of appropriate bin storage areas. Minor concerns are raised over the internal arrangement of the units, though these are matters for any subsequent building warrant application to address.

COMMUNITY COUNCIL – The local Froghall Community Council raised the following objections;

- There are flats in the area which have been empty for some time.
- The area does not have the infrastructure to support new development
- A high proportion of buy-to-let and student accommodation in the area has led to a deterioration in the maintenance of property and gardens, with a resultant deterioration in the amenity of the area.
- The level of car parking is queried, the suggestion being that it is insufficient.
- The distance between the new building and the frontage of premises on the opposite side of Elmbank Terrace is also queried.
- The site is understood to be a designated local nature conservation site, and the adjacent railway line is a wildlife corridor.

REPRESENTATIONS

A total of six letters of representation were received within the relevant neighbour notification period. The issues raised in these letters can be summarised as follows;

- Support for building on 'waste ground' site
- Loss of privacy and daylight to 40 Elmbank Terrace/1 Elmfield Avenue. 1 Elmfield Avenue cast in permanent shade
- Refusal of previous applications along southern side of Elmbank Terrace on privacy grounds and creation of tunnel/canyon effect
- Concern over structural works required to shore up embankment and the detrimental structural effects on 40 Elmbank Terrace/1 Elmfield Avenue
- Visual impact of the new building (described as grey, grim and soulless)
- Insufficient space to accommodate development
- Already too many students in the area/area well served for student accommodation
- Too much development in the area recently – flats unsold
- Building is not in keeping with the surrounding area – materials and proportions alien
- Insufficient car parking provision
- Increased parking problems as a result of development
- Flat roof would attract nesting seagulls
- Proposal to use sleepers not possible as these are rotten
- Concern over safety, resulting from the pavement not extending the width of the building
- Desire that this application be treated independently of previous consent, and not as some kind of amended scheme

- Questions zero carbon credentials
- Glare/reflections associated with glazed central section and solar panels
- Insufficient distance between windows of new building and adjacent 40 Elmbank terrace – does not satisfy 18m ‘standard’
- Non-compliance with BRE guide on daylight
- Concern over refuse storage arrangements – residents would have to carry rubbish through bedrooms, down stairs and along the pavement to the bin store.

PLANNING POLICY

Scottish Planning Policy (SPP)

SPP indicates that infill sites within existing settlements can often make a useful contribution to the supply of housing land. It further states that proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.

Aberdeen City and Shire Structure Plan

Identifies a target to make sure that development improves and does not lead to the loss of, or damage to, built, natural or cultural heritage assets. To achieve this target, Councils will take account of biodiversity, wildlife habitats, landscape, greenspace and other sensitive areas in identifying land for development, preparing masterplans and assessing development proposals.

Aberdeen Local Development Plan

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 scale, massing, colour, materials, details, the proportions of building elements and landscaping will be considered in assessing this.

Policy D2: Design and Amenity

In order to ensure that development provides appropriate levels of amenity for residents, development should be designed with regard to a stated set of principles, relating to matters such as privacy, provision of a public face to the street, access to sitting out areas, and ‘designing out’ crime.

Policy D6: Landscape

Development will not be acceptable unless it avoids disturbance, loss or damage to important recreation, wildlife or woodland resources, or to the physical links between them.

Policy NE8: Natural Heritage

Development that has an adverse effect on an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy (SPP).

Policy H1: Residential Areas

Within existing residential areas (as defined in the ALDP proposals map), proposals for new residential development will be acceptable in principle provided certain criteria are satisfied in relation to over-development, impact on character and amenity of an area, loss of open space and compliance with relevant supplementary guidance.

Within such areas, proposals for non-residential uses will be refused unless they are considered complementary to residential use or it can be demonstrated that the proposed use would cause no conflict with, or nuisance to, the enjoyment of existing residential amenity.

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.

The zoning of the site as part of an H1: Residential area means that non-residential uses will be acceptable where it can be demonstrated that there would not be any undue conflict with the enjoyment of existing residential amenity. This proposal seeks consent for student accommodation within class 7 of the use classes order, and so in assessing the proposal against policy H1, this constitutes a non-residential use. Nevertheless, it is clear that the nature and scale of the proposed student accommodation is broadly similar to residential use, and that the principle of such a use would be consistent with a residentially zoned area. In this regard, it is considered that the principle of this use is acceptable in terms of policy H1, though the specific detail of the proposal remains to be assessed in terms of its direct impact on existing residential amenity.

The design of the proposed building is undeniably modern, with the use of a contemporary form and modern palate of materials, including off-white/light grey render on the principal elevation, darker charcoal render to the rear, and coloured metal window frames throughout. Due to the nature of the site, the building is long and thin, with a substantial frontage onto Elmbank Terrace. It is also noted that the site is in a position of some prominence, located at the junction of Elmbank Terrace and Elmfield Avenue. The Elmbank Terrace frontage and end elevations feature the use of full-height floor to ceiling windows to maximise use of natural light, while windows to the rear are of horizontal proportions and are spaced unevenly across the elevation.

In assessing the visual impact of the proposal, it is noted that this site is located at a transitional point in Elmbank Terrace. To the west of the site are traditional granite dwellings, many of which have been sub-divided into flats, while to the east of the junction with Elmfield Avenue the character changes, with a variety of different styles including detached bungalows, two-storey semi-detached houses and traditional granite three-storey flats. On the southern side of the road, the recently constructed flats to the east are of a relatively simple design incorporating pitched roofs and the use of synthetic granite ('fyfestone').

The backdrop to the proposed building would include the new health centre, which itself is of a contemporary design, incorporating both the traditional, through the use of natural granite, and the modern through such features such as asymmetrical roofing, contemporary detailing and prominent use of a glazed curtain walling in the central part of the building. Existing tree planting and landscaping to the rear of the health centre, and indeed the practice building itself, will provide a good degree of screening of the site from Powis Terrace, on the opposite side of the railway line, while existing trees along the line of the railway should provide screening from the eastern part of Powis Terrace, towards the bridge across the railway line.

The scale and massing of the proposed building is clearly greater than that of the previously approved house, though in assessing this application our attention is on the scheme currently proposed. The building is some 31m in length, though it is anticipated that this frontage will be broken up visually by the substantial 'green wall' at its central point, formed by a galvanised steel stairwell and use of wire rope/galvanised steel mesh to support climbing plants across three storeys. In this regard, the building appears as two blocks, with the overall visual impact of that long façade softened by the unconventional use of landscaping. Taking this into account, the 13m width of each block is not out of place in the context of the 19m cumulative frontage of numbers 41-44 Elmbank Terrace, located just to the west of the junction in question, on the northern side of Elmbank Terrace.

In conclusion, the scale and massing of the proposed building is considered to be acceptable in this context, where existing 2 ½ storey traditional granite buildings are of similar proportions. While undeniably modern, the design of the building is not considered to be fundamentally incompatible with the surrounding area, where there is no predominant building style and considerable variety exists. Indeed, the variety of building styles in the immediate area is such that the site presents an opportunity for a contemporary design approach. In considering the above, the proposal is considered to be largely consistent with policy D1 (architecture and placemaking) of the Aberdeen Local Plan, having been designed with due regard for its context and making a positive contribution to its setting.

The application site lies within the boundary of a recently designated Local Nature Conservation Site (LNCS), and in fact the boundary of this designated site actually extends to the middle of Elmbank Terrace on the Council's mapping system. LNCS designations are the result of the Council's recent review of its designated sites, and it is noted that the previous District Wildlife Site (DWS) designation related only to the railway line and its embankment.

The value of the LNCS and the previous DWS, which extends from the city boundary to the city centre and harbour, lies principally in its provision of a linear route for wildlife, providing a green corridor through the city. The railway line cuts into the landscape and is set at a lower level than the surrounding land. Taking into account this knowledge of the designated site and the nature of the designation, it is not considered that the proposed development would result in any significant adverse impact upon the designation, as it would not encroach onto the embankment, nor interrupt the linear route which the railway line

represents. The proposal is therefore considered to be consistent with policy NE8 (natural heritage) of the local development plan.

The proposal would not result in any significant disturbance, loss or damage to any recognised recreation, wildlife or woodland resource. While the LNCS may be considered to represent a wildlife link for the purposes of D6 (landscape), its integrity would not be compromised as a result of the development, with the linear route retained and unaffected. The landscape value of the site is limited given its enclosure from the public realm and the previous removal of trees. Appropriate landscaping of the application site to ensure an enhancement and a contribution to local amenity can be secured through application of a relevant landscaping condition.

The site plans provided indicate that the windows facing onto Elmbank Terrace will be approximately 17.5m from the frontage of the nearest adjacent building, though this reduces to around 16.8m when the bay window of that property is taken into account. A guideline distance of 18m is often informally used to ensure adequate separation of windows. This proposed development would fall slightly short of that target, though taking into account that these are windows on the public, street elevations of the respective buildings, the constrained nature of the application site and the degree of the shortfall, it is not considered that there would be any adverse impact on privacy as a result of the proposed scheme.

In terms of the amenity provided to residents, the proposal incorporates shared garden grounds within the site, an acceptable level of privacy and a traditional street frontage. While the location of garden areas to either side of the building is unconventional in comparison to the traditional front and rear garden, significant areas of open space are made available for residents, with the larger garden space to the western end of the site some 40m in length from the end of the building. Due to the nature of the site, these gardens would be relatively narrow, at 4-5m in width, but it is considered that this is compensated by their length. Though narrow, it is considered that the site is capable of providing a useable garden for residents, making an important contribution towards amenity. In considering these points, the proposal is considered to be consistent with policy D2 (design and amenity) of the ALDP.

Turning to the comments raised through Community Council consultation and the representations received following neighbour notification, it is noted that a single representation was received in support of the proposal, on the grounds that the recent development of flats has been a positive addition and that this development would utilise an area of 'waste ground' to good effect. The remaining issues raised can be addressed as follows;

- Loss of privacy to dwellings on the opposite side of Elmbank Terrace has been cited as a major concern, though as previously noted, the proposal falls only marginally short of the 18m guideline commonly used for the separation of windows and, given these are front buildings with frontages onto public footways already, any loss of privacy will be negligible and not to the detriment of residential amenity. It has further been stated that the development would result in properties across Elmbank Terrace being

cast into shade for long periods. Taking into account the height of the respective buildings, (approximately 10.2m to highest part of solar panels on the roof of new building, compared with around 10.8m to the roof ridge of the building opposite) and their orientation on opposite sides of a residential street, it is not considered that any impact on daylight or sunlight would be of an unreasonable level in this urban context.

- The refusal of previous applications on Elmbank Terrace is cited as grounds for refusing this proposal however, as members will be aware, proposals are assessed on their own merits and in relation to the prevailing policies contained in the development plan of the day. As such, any historic refusals for different proposals are of very little relevance to our assessment of this application.
- Similarly, concerns over the effects of structural works required to shore up the embankment are not a matter for consideration through the planning system, with structural matters addressed through building standards and other relevant legislation. Should any such works result in damage to adjacent properties, this would be a private matter between the concerned parties.
- Objectors raised concerns that the proposed building would result in adverse visual impact, appearing grey, grim and soulless, and would incorporate a style and materials alien to the area. Interpretations of the design will vary as this is a subjective matter, though it is not considered that the visual impact of this grey coloured building would be detrimental to the amenity of the area, particularly given the softening provided by the central 'green wall'. As mentioned previously, the wide variety in architectural styles, and the 'blank canvas' presented on the southern side of the road lend themselves well to a contemporary design approach.
- As regards the confined nature of the site, it is acknowledged that this has necessitated an unorthodox design approach, with an unconventional arrangement of internal and external space. Nevertheless, it is considered that the unconventional layout of the site alone does not warrant dismissal of the proposal. It is for this application to demonstrate that in spite of this constrained site, a high standard of environment can be created for student residents.
- The perception that there are already too many students in this area is not a matter for this application to consider as students, like any other members of society, are free to live wherever they choose, and the close proximity of the university makes this area popular with the Aberdeen University's student body.
- That a number of the recently built flats to the eastern end of Elmbank Terrace remain unsold is of no relevance to this planning application, and could be a result of various factors including land being purchased at the peak of the market and being available for sale at a time of stagnating prices.

- The shortfall in car parking has previously been addressed, and it is noted that the Roads Authority have been satisfied that the proposed development would not result in any adverse impact as a result of that shortfall. As mentioned above, the extension of the public footway beyond the building is not practicable or necessary, given that the footway currently terminates in a similar fashion on the southern side of the road. Furthermore, the roads authority has made not objections on the basis of safety as a result of that element of the proposal.
- The condition of the railway sleepers to be re-used as a site enclosure is a matter for the applicant to consider. Any consent may be subject to a condition regarding the use of these sleepers, though it may be prudent to allow substitution for an alternative scheme to the satisfaction of the planning authority, in the event their use is not practicable.
- The concerns raised regarding the glare from solar panels and the associated hazard to drivers appears overstated, as these would be located at third floor level and any glare hazard would be comparable to that of any other solar panels in an urban context. This is not considered to be grounds for refusal of the application.
- Concerns over the validity of the applicant's zero-carbon credentials have been stated, though the environmental performance of any given building is primarily a matter for consideration through application for a building warrant, rather than at the planning stage.
- The Community Council's understanding that the site encroaches on the boundary of a Local Nature Conservation Site is correct. The impact upon that designated site has been addressed elsewhere in this report.
- The view that the area does not have sufficient infrastructure to support the proposed development has been stated. This is a small-scale development which is not considered likely to have any material impact on local infrastructure, facilities and services.
- It is acknowledged that roosting birds commonly utilise flat roofed buildings, however as the roof level of this building is not immediately adjacent to other residential properties, the level of noise nuisance generated is considered likely to be no greater than one would expect in an urban area of Aberdeen.
- The stated non-compliance with the BRE's published information paper on Site Layout Planning for Daylight (1) is noted, though this document does not constitute Council policy and has not been utilised in assessment of this development proposal. The issue of overshadowing has been dealt with above.

In conclusion, the proposed development is considered to be in accordance with the zoning of the site in the local development plan, and would provide an adequate level of amenity for prospective tenants without undue impact upon

adjacent residents or the wider area generally. The proposals are considered to satisfy the provisions of development plan policies in relation to design, amenity landscape protection and natural heritage, with no adverse impact on the existing character and amenity of the surrounding residential area. The proposals would bring in to use a vacant city centre site, providing valuable infill development in the urban area without undermining the existing character of the locality, in accordance with SPP. It is not considered that the proposal would result in any adverse impact on existing on-street car parking provision and would not be to the detriment of road safety.

In order to restrict the occupancy of the building to students in full-time education, the applicant has agreed to enter into a legal agreement to this effect. In addition, the agreement would require the delivery of the on-street car parking spaces as detailed in the submitted plans. Such a legal agreement would bind the land, and would therefore transfer to any subsequent owner of the premises.

The proposal is in accordance with the development plan and no other material considerations are considered sufficient to outweigh this. Therefore, it is recommended that the application be approved subject to the satisfactory conclusion of a legal agreement restricting occupancy of the building during term-times to students engaged in full-time education, and requiring the provision of on-street car parking spaces as detailed on the submitted plans. In addition to this legal agreement, it is recommended that conditions be attached to any consent regarding the following matters: boundary enclosures, external finishing materials, car parking, landscaping and hours of construction.

RECOMMENDATION

Willingness to Approve

REASONS FOR RECOMMENDATION

The proposed development is considered to be in accordance with the zoning of the site in the Aberdeen Local Development Plan, and would provide an adequate level of amenity for prospective residents without undue impact upon adjacent residents or the wider area generally. The proposal would satisfy the provisions of development plan policies in relation to design, amenity, landscape protection and natural heritage, with no significant adverse impact on the existing character and amenity of the surrounding residential area. This scheme will bring into use a vacant city centre site, providing valuable infill development in the urban area without undermining the existing character of the locality, in accordance with Scottish Planning Policy (SPP). The proposal would not result in any significant adverse impact upon on-street car parking availability and would not be to the detriment of road safety. In summary, the proposal accords with policies D1 (Architecture and Placemaking), D2 (Design and Amenity), D6 (Landscape), NE8 (Natural Heritage) and H1 (Residential Areas), and is considered to be consistent with the infill development aims of Scottish Planning Policy (SPP).

it is recommended that approval is granted with the following condition(s):

(1) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(2) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(3) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(4) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(5) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

(a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;

(b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or

(c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

(6) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(7) that no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

(8) that no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination,
2. a site-specific risk assessment,
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

No building(s) on the development site shall be occupied unless

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and

2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.- reason: in order to ensure that the site is fit for human occupation

(9) that no solar panels shall be installed on the roof of the approved building until such time as detailed specifications have been submitted to, and approved in writing by, the planning authority - in the interests of preserving visual amenity.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

Gavin Evans - Planning application P120059

From: "Dauna Matheson" [REDACTED]
To: "Gavin Evans" <GEvans@aberdeencity.gov.uk>
Date: 05 March 2012 22:33
Subject: Planning application P120059

Dear Mr Evans

Planning application P120059

Following discussion at our community council meeting, we have the following objections/concerns regarding the Skinny House.

1. There are flats for sale or rent in the area which have been empty for some time. 5 flats on this particular site have been empty since 2009.
2. The area is already strained with new development and does not have the facilities and infrastructure to support it.
3. The high proportion of buy to let/student accommodation in the area has led to a deterioration in property and garden maintenance and in the quality of life for neighbouring owner occupiers some of whom have had to sell their homes.
4. Are two car spaces adequate for 7 flats? This will compound the CPZ issue.
5. Is the distance between the frontage of the proposed flats and the buildings opposite in Elmbank Terrace within building regulations?
6. The site is a designated local nature conservation site for native plants, trees and berries and the adjacent railway line is a wildlife corridor.

We hope you will consider these points when making your recommendations.

Yours sincerely

Dauna Matheson

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PI - Fwd: RE: Elmbank Terrace P120059

From: Gavin Evans
To: PI
Date: 2/8/2012 13:41
Subject: Fwd: RE: Elmbank Terrace P120059
Attachments: Hallo Gavin.doc



Hi,

Please could the attached be logged as a **consultee objection** (community council) to application P120059.

Thanks,

Gavin

Gavin Evans
Planner (Development Management)
Aberdeen City Council

Planning and Sustainable Development | Enterprise, Planning and Infrastructure | Aberdeen City Council |
Business Hub 4 | Ground Floor North | Marischal College | Aberdeen | AB10 1AB
Email Gevans@aberdeencity.gov.uk | Direct Dial 01224 522871 | Switchboard 08456 08 09 10 | Website
www.aberdeencity.gov.uk/localdevelopmentplan

>>> "Dauna Matheson" ·

· 08 February 2012 13:05 >>>

Hallo Gavin.

Thank you for your help with the planning application in Elmbank Terrace.

Attached – a brief response to the application from Froghall Community Council.

Regards

Dauna Matheson

From: Gavin Evans [mailto:GEvans@aberdeencity.gov.uk]
Sent: 02 February 2012 17:48
To: [REDACTED]
Subject: Elmbank Terrace

Hello Ms Matheson,

further to our conversation this afternoon, please find below a link to the online drawings for this application (P120059).

<http://planning.aberdeencity.gov.uk/docs/planningdocuments.asp?appnumber=120059>

If you have any problems viewing this, or if the link does not work correctly, please feel free to contact me via email or on 522 871.

thank and regards,

Gavin

Gavin Evans
Planner (Development Management)
Aberdeen City Council

Planning and Sustainable Development | Enterprise, Planning and Infrastructure | Aberdeen City Council |
Business Hub 4 | Ground Floor North | Marischal College | Aberdeen | AB10 1AB
Email Gevans@aberdeencity.gov.uk | Direct Dial 01224 522871 | Switchboard 08456 08 09 10 | Website
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Hallo Gavin

Planning application P120059

Thank you for your help.

Froghall and Sunnybank Community Council would like to record our objections in principle to the above planning application.

Our main objection is that there is already an overdevelopment of new flats in the area. One third of the new flats built in 2009 at the bottom of Elmbank Terrace have not sold and there is a new development of 40 flats at Causewayend. We believe yet more flats would be surplus to requirement in an already crowded area.

We have other concerns and will be able to send more detailed comments after our meeting on 5th March.

Regards

Dauna Matheson

On behalf of Froghall and Sunnybank Community Council.

PI - Objection to application 120059

From: "Cranna, Christine" <[REDACTED]>
To: <pi@aberdeencity.gov.uk>
Date: 03/02/2012 11:48
Subject: Objection to application 120059
Attachments: objection 2012.doc

Attached is my objection to planning application number 120059. I will also be sending a paper copy.
 Regards

Christine Cranna

SPSA Forensic Services Aberdeen
 Forensic Science Laboratory
 c/o Grampian Police
 Nelson St, Aberdeen AB24 5EQ
 Tel: [REDACTED]
 Fax: [REDACTED]
 E-mail: [REDACTED]

or via Laboratory Reception [REDACTED]
 E-mail: [REDACTED]

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40 Elmbank Terrace
Aberdeen
AB24 3NN

2 February 2012

OBJECTION TO PLANNING APPLICATION

Application No. 120059

Elmbank Terrace

Erection of a (Class 7) student accommodation building consisting of 7 individual studio apartments.

This is at least the third objection to yet another building application to develop the most unsuitable piece of land in Aberdeen. I objected to the previous application (110573) and as far as I can see from your website, this is still pending...so why has this new proposal been submitted? In my opinion, this proposal is even more unsuitable than the last one.


I object to this proposal for the following reasons:

- 1) The siting of this 3 storey building is directly opposite our building (40 Elmbank Terrace / 1 Elmfield Avenue). This will lead to a significant loss of daylight and a distinct loss of privacy.
- 2) Previous applications for building developments along Elmbank Terrace over the last ten years have all been refused when buildings were overlooking existing housing due to loss of privacy and the creation of a tunnel/'canyon' effect. These applications were only successful when the proposals were changed to put the buildings at the end of street junctions, etc. There is already planning permission for this site which places the building at the junction of Elmfield Avenue. This proposal is to extend that building so that it will be directly in front of 40 Elmbank Terrace with all the consequential detrimental effects of loss of privacy/daylight.
- 3) The proposal states that " the "inhabited wall" helps to make sense of its slenderness.....anchoring the building within its setting". It is only ~~that~~ that *makes sense of its slenderness* is the sheer narrowness of the strip of land it is proposed to build on, and the only thing that will anchor this building onto the steep railway embankment is some serious shoring up of that land. (see next point)

- 4) Any pile driving or shoring up of the railway embankment will have serious consequences to our property. The pile driving for the Calsayseat Medical Practice had a detrimental effect on the structure of this property. Previously, the attempted widening of Bedford bridge just along the Avenue had to be stopped due to structural damage the pile driving was causing to the adjoining properties.
- 5) The proposal also states that the "view of the health centre is undesirable and the Skinny House substitutes a more appropriate face to Elmbank Terrace". Whilst we agree that the view of the back of the Health Centre is grey, grim and soulless, we think replacing it with an even closer grey, grim and soulless building (notwithstanding the token greenery to hide concrete staircase) is not desirable.
- 6) The references to 'skinny living' and 'skinny accommodation' are totally meaningless. The only reason this building is called the 'Skinny House' is because there is only a very thin tapering strip of land to build on. The design for which there is existing planning permission was on the widest point of this tapering strip of land. There is no room for further building on the thinner sections.
I suggest an inspection of this site would demonstrate this.
- 7) I can see why this new 'improved' proposal would appeal as it can cram yet more unfortunate students into these rabbit hutches (this is an insult to rabbit hutches which are positively palatial in comparison to these 'cells') However, we already have more than adequate provision for students in this area and there are many more spacious flats for let still lying empty. We already have too many students in this area which is demonstrated by the litter problem due to their inability to put bins out and overfilling them. Their lack of pride in the area is detrimental to the overall tidiness of the Avenue.

For the above reasons I strongly object to this planning proposal and hope that planning permission is denied.

Yours faithfully,



Christine E G Cranna

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 23/01/2012 15:04
Subject: Planning Comment for 120059

Comment for Planning Application 120059

Name : Aileen mcGlennon

Address : 150 queens road, aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Finally the final bit of waste ground will be built, the flats further down and the lay-by have really lifted the street, sooner this gets going the better

1, Elmfield Avenue,
Aberdeen,
AB24 3NU
12/02/12

Aberdeen City Council,
Planning & Sustainable Development,
Marischal College,
Broad Street,
Aberdeen,
AB10 1AB

Dear Sir / Madam,

Application Number 120059

Proposed development Elmbank Terrace

Erection of a {Class 7} Student Accommodation building consisting of 7 individual apartments.

We object strongly to the above proposed development for the following reasons.

This area already suffers from overdevelopment. Four flats in the recently constructed blocks of flats at the bottom of Elmbank Terrace remain unsold after two years. There is a development under construction on Causewayend consisting of 40 + flats.

The proposed building is architecturally not in keeping with the surrounding area in particular No.40 Elmbank Terrace / 1 Elmfield Avenue is of special significance having been designed by George Coutts [Ref Spital Lands by Diane Morgan Page 74]

There is a lack of provision for adequate car parking 7 apartments equates to 7 cars. There are already parking problems in this area due to the high number of student occupied multi occupancy flats having more than one vehicle. This problem has increased since the introduction of metered parking on Bedford Place and Sunnyside Road.

We are concerned that the size of the site is so narrow [Railway Embankment } that deep piling would be required for foundations to support a 3 storey structure. We believe that piling operations would endanger the structure of our property which was built in 1890.

The design features a flat roof [not in keeping with surrounding area] which would be an ideal place for seagulls to nest. They are already a menace in this area.

This is already the 3rd application for a development on this railway embankment. Planning Applications 110573 and 091685 refers.

Proposal to use existing railway sleeper fence is out of the question as the railway sleepers are rotten and two have already fallen onto Elmbank Terrace. A site inspection will confirm this.

We are concerned about loss of light to our property. A 3 storey building topped by solar panels means our property would be in permanent shade.

Siting a property such as this at a busy road junction [Elmfield Avenue / Elmbank Terrace] raises road safety concerns. It would appear that the proposed pavement does not extend the length of the proposed building which further heightens road safety concerns

We hope the Planning Authority of Aberdeen City consider our objections seriously prior to a decision being taken.

Yours Sincerely



David and Helen Sinclair

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 15/02/2012 22:20
Subject: Planning Comment for 120059

Comment for Planning Application 120059

Name : Joanna Murray
Address : 40 Elmbank Terrace
Aberdeen
AB24 3NN

Telephone: [REDACTED]
Email: [REDACTED]
type :
Comment : Dear Mr Evans

Reference Planning Application: 120059, Elmbank Terrace, Aberdeen

I am writing to you to express my objection to the planning application, reference number 120059.

The proposed building is so close to existing residential properties that privacy will be severely compromised. It would appear from the supplied drawings that the north facing windows are positioned such that they will overlook both my bedroom and living room. In addition, the height and proximity of the building will undoubtedly detract from the light, airy and pleasant feel of the street.

Some of the recently built flats at the end of the street have remained unsold and unoccupied. The proposed apartments are even smaller and presumably less desirable to potential residents.

The concept states that this development is aimed at the student population. The area is already well served with student accommodation of a more spacious nature. In my experience the majority of students prefer to live with friends and not in one-bed studio apartments. This is due in part to the social aspect, but is mainly driven by the financial constraints on a student's budget.

There is a further development of flats close by in Causeway End currently under construction. The addition of the 'skinny house' properties would result in over development within the area.

The materials detailed within the plans for the proposed building are not at all in keeping with the local area, which is predominantly Victorian. Although there are a variety of individual styles, the majority are more traditional in style than the proposed. The proportions and materials of the proposed development would be completely alien to the street.

In my opinion, it is naive to assume that the student population do not own and use cars. The plans detail two additional car parking spaces which will be created. It is unlikely that this will be sufficient for use by the seven studio apartments proposed. These additional cars will only add to the existing problem of over parking caused by the recent introduction of the controlled parking zone nearby.

Considering all the points detailed above, it is clear that this planning application is entirely unsound, and would only detract from the area. I therefore urge you to decline the planning application.

Yours faithfully,

Joanna K R Murray

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 16/02/2012 06:59
Subject: Planning Comment for 120059

Comment for Planning Application 120059

Name : Richard Jones
 Address : 35 Elmbank Terrace
 Aberdeen AB24 3PD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : This objection to the planning application for the Skinny House is made in three parts:

• The extent of change from the previously approved application
 • The change of use that this application constitutes for the area
 • The visual and physical impact that the proposed development would produce, to the detriment of the surrounding area.

These objections are very similar to those given to a planning application made in May 2011 (Planning Application 110573), for a very similar development. As a result, the set of objections are also very similar. In the previous objection, a set of graphical presentations of the visual impact was included. I would like to have these visual impact diagrams considered once more, as they show precisely the same issue as previously. They showed, by the overlay of photographs onto the sketches provided by the architect, that the visual impact is very substantial and is not managed effectively, contrary to the claims made in the application. The same applies in this application, though they are to some extent less required, as the sketches provided by the architect actually illustrate the point fairly well anyway.

The two significant changes from the previous application (Planning Application 110573, May 2011) is that there is less development at the south of the area and two additional parking spaces are provided. I consider these to be of no importance in terms of the acceptability of this application, as the change in parking provision is of no issue here. It should be noted that apart from Elmbank Terrace and Elmfield Avenue/Bedford Place, the entire area of Sunnybank is now parking permit controlled. Additional non-permit controlled parking on Elmbank Terrace is only going to increase the influx of cars from the neighbouring streets, which is a feature that has become apparent since the introduction of permitting in the area. It is therefore of little benefit to the local residents that these additional parking spaces are provided, it merely adds to the free parking made available for those commuters who use Elmbank Terrace as a free parking area during the day.

The extent of change from the previously accepted application

The text in the Skinny House Concept document (ACCPlanning61766.pdf, Concept D(0-04) makes a number of statements that seem to imply that this application is just a rework of the existing permitted development. There is little about this application that matches the previous and I consider any similarity drawn (and transfer of any conclusions from the previous to this application) to be spurious. There are too many substantial differences to consider this as anything other than a completely new application that needs to be considered on its own merits alone.

It would appear that the attempt to refer to the previous applications also extends to reference to the planning permission allowed for development on the plot of land to the south of the current application. As this is a fait accompli, with all the facilities within that application, any reference to it should only be in terms of the base level from which this application ought to be assessed. For example, the impact on parking cannot take credit for the parking spaces already present, it can only take account of the potential impact on those parking facilities already present. Otherwise, the conditions placed on the acceptance of the development for the flats at the south end of Elmbank Terrace no longer apply as originally formulated in that planning acceptance.

The major area of change, it should be noted, is actually introduced in the Concept description. This development is for purpose built student accommodation. The intended facilities are to cater for Aberdeen University students in single occupancy apartments.

From this statement it is clear that the intended occupants will not be permanent residents, but transitory, with frequent changes of occupancy and with little commitment to the area for those present. This is a fundamental shift in the provision of residences in the area.

The majority of the rest of the text on the Concept document (ACCPlanning61766.pdf, Concept D(0-04) does not really contribute much to the understanding of the development. The section which is an extract from a Sunday Times article tells us nothing of value for this application.

Though the concept of zero carbon construction is to be supported, there is once again nothing here to support the statements made on this. At best this is lip service, at worst it is an attempt to access this particular phrase and the favourable response it would generate in a cynical manner. Zero carbon construction constitutes more than just reuse of existing material on the site and the inclusion of features like solar panels. As for recycling waste, this is now standard practice, so there is no credit due here.

The overall extent of change is such that there is no direct comparison that can be made, either in terms of impact on the neighbouring properties or on the overall visual impact with the previously allowed application. In terms of basic dimensions, the new development comprises a frontage that is approximately 31 m long and between 9 and 10 m height from the road. The frontage area is approximately 256 m². The previous development was 16.8 m long and no taller than 9m, making a

frontage area of 146 m². That constitutes an increase in frontage of about 75%.

The development encroaches closer on No 35 Elmbank Terrace, as it extends slightly further south. The corners of the main part of the dwellinghouse at 35 Elmbank Terrace is in line with the end of the proposed structure, at a distance of only 3.5 m across the street. The section of the proposed structure to the north of Elmfield Avenue junction now extends a further 12 m north, all across the front of the first building on the east side of Elmbank Terrace and halfway along the second. In the previously allowed application, the building sat mostly between the two sets of buildings, straddling the junction, with much less impact on any of these buildings. This inevitably will have a much greater impact on the lighting at this junction and immediately above it, as well as adversely affecting those properties which will be in the shadow cast when the sun is to the south west.

The visual impact issues are addressed separately below.

The Change of Use that this Application constitutes for the area

I consider the change of use of accommodation in the area to be one of the most significant issues that is unacceptable about this proposal. The stated intention is to move from providing homes – the previous application was clearly for a single dwellinghouse – to one that caters for a transitory student population. The cramped nature of the space available does not suggest that it is meant to be permanent accommodation, even for students.

The wording of the intended audience is left so vague as to make it impossible to conclude whether the plan is lease out the apartments for whole terms, years or shorter periods. One can only draw the conclusion that this is an opportunist development, which will be used to house whoever the owners can manage to persuade to stay in it. To claim there is any plan to the proposed occupation is no more than an assertion once more, as there is nothing within the document to support this.

It should also be noted that there is no access to any outside spaces for 5 of the 7 apartments. Only two on the ground floor of the development have access to terrace areas – though these are rather small square spaces, which presumably would have decking of some form. The lack of any communal space for the students would be a significant detraction – they would be forced to take any communal gathering outside, generating noise and disruption for the local residents.

The visual and physical impact that the proposed development

The size of the new proposed development, at 175% of the (previously allowed) frontage along Elmbank Terrace, places a much greater visual impact on the street. There is some comment and illustration in the documentation about the proposed development being of a similar height to that of the Health Centre. However, no account is taken of the well-established approach to assessing the visual impact, which considers the angles subtended by the new development, both vertically and horizontally. This is a far more realistic way to measure the visual impact, as it takes account of the field of view occupied. I consider the application to be particularly disingenuous in choosing to ignore this issue.

The sketch of the relative heights of the proposed development, the Health Centre and the higher properties on Elmbank Terrace, to the north of Elmfield Avenue (though not of the much lower properties to the south of that junction) actually illustrates this point quite well – see ACCPlanning61764.pdf, Sections/D(0-0)3. The angle subtended from the residences on Elmbank Terrace is close to 30o and is quite clearly going to have a significantly greater visual impact than the much more distant Health Centre (which is almost 3 times the distance as shown).

A comment is made about the Health Centre – The view of the rear of the Health Centre is considered undesirable and the Skinny House substitutes as a more appropriate face to Elmbank Terrace. I want to focus on a number of the issues that this sentence raises.

First, as a resident directly in the field of view of the Health Centre, I can categorically state that I have not had any issue with the view of the rear of the Health Centre, or found it in any way undesirable. The Health Centre is approximately 39 m distant, roughly 3 times the distance of the proposed new structure. It subtends an angle of about 11o vertically and about 45o horizontally. This occupies a region that does not dominate any of the views from the property and in fact hardly rises above the hedge on the property. My estimate of the new building ’s impact is summarized below:

House	Subtended angles	Impact compared with Health Centre
No 35	32o vertically and 60o horizontally	Roughly 4 times larger from front window, ground level
No 40	30o vertically and 90o horizontally	Roughly 6 times larger from front window, ground level
No 42	30o vertically and 60o horizontally	Roughly 4 times larger from front window, ground level

From this table, it is clear that any claim to being a more appropriate face to Elmbank Terrace is shown for the sheer nonsense it is. The impact on these 3 properties, those also most affected by the presence of the Health Centre, shows that the new development is far more intrusive, both visually and physically.

It is unclear exactly what is meant by a “green wall” over the open central stair, though since it is shown as transparent, it is reasonable to presume that it will be some sort of glass structure. A glass fronted central section is also not more appropriate than the Health Centre rear, as there will be inevitable glare issues with this, not least at night when cars are driving up Elmfield Avenue. The reflected light is likely to affect those to the north of the junction, every time a car turns right off Elmfield Avenue up Elmbank Terrace. This light pollution for these residents will cause significant annoyance to these residents, even potentially disrupting sleep.

The installation of solar panels on the roof would have to be positioned in such a manner as to not cause potentially dangerous

reflections, particularly along Elmfield Avenue when the sun is towards the west. This is a potentially serious danger to traffic and people in this area, so would need some careful assessment. Unfortunately, the most appropriate angles for effective solar panels will also be those angles capable of causing this problem. It may require some shielding along the east edge of the roof to ensure that such reflection would not affect the street. If that were done, then the whole visual impact would be proportionately increased, thus compounding the problems over the visual impact currently.

Therefore, I consider there are numerous considerations relating to this development that are objectionable and make this development highly undesirable for the area, not in keeping with its surroundings and highly disruptive in its impact on those in the vicinity.

City Development Services Letters of Representation	
Application Number: 120059	
RECEIVED 20 FEB 2012	
Dev. (North)	Dev. (South)
Case Officer Initials: GFE	
Date Acknowledged: 20/2/12	

40 Elmbank Terrace
Aberdeen
AB24 3NN
15th February 2012

Dear Mr Evans,

Reference Planning Application: 120059, Elmbank Terrace, Aberdeen

I am writing to you to lodge my strong objection to the planning application mentioned above. While this application may be an amended re-submission of no. 110573, it has not been altered sufficiently that my previous concerns have been addressed.

With regards to the proximity to 40 Elmbank Terrace, Sections D(0-)03 portrays the distance as 16.75 metres. As you are no doubt aware, Aberdeen City Council for several years has adopted the national standard separation of 18 metres between windows on dwellings. The two windows in the lounge areas of the two upper flats in the north-west block will directly overlook both our living room and main bedroom. Aberdeen City Council's own adopted local plan policy R1 states that this separation is inadequate between habitable rooms.

I make reference to a previous application to build on Elmbank Terrace, A1/2034 dated 29/11/2001. Permission was refused in this case due to potential for "unacceptable harm to the amenity and privacy currently enjoyed". The distance between windows was below 18m in this case. Refusal was also based on the "Canyon-like effect that would be created on Elmbank Terrace", and the "contrived housing layout". I see many parallels in Application 120059.

The height of the proposed building's roof is such that the requirements of *BRE Information Paper on Site Layout Planning for Daylight 1* would not be met. More precisely the approach angle of sunlight is 26°, **not the required 25°**. Considering the additional height of obstruction posed by the solar panels, the approach angle is 28°. Currently my garden is a bright usable space all year round. If any building that detracts from the natural lighting of my garden is erected, my legal "Right to light" is affected.

Due to the constrained nature of the site, the occupants will have to carry their rubbish bags down an exposed stairway, then walk along a public footpath to access the communal bin store, which to me seems undersized. Furthermore, unless the bedrooms and living spaces are reversed in flats E and G, the occupants will have to carry the rubbish through the bedrooms! This everyday method of access seems ill thought out.

Since the previous application, the applicant has realised that students would be the only people that may choose to live in such cramped conditions. In my experience however, students prefer to stay in low cost purpose built accommodation, or larger flats to allow multiple occupancy.

The applicant has made provision for cyclists within his plans; while this is laudable, the truth of the matter is that most student households have a least one car, and each household is inevitably going to receive visitors by car. The parking spaces required have not been planned for within the application.

It is naive to expect that neither residents nor their visitors will have cars. The Old Aberdeen Area Controlled Parking Zone (CPZ) is now implemented. Neither Elmbank Terrace nor Elmfield Avenue are included within the zone. The obvious and now proven effect of this has been the displacement of parking into these streets. The previously created parking spaces cited in the application are unlikely to be available for the proposed building's use.

While there are a variety of housing styles in the Elmbank Terrace area, harled finish and granite are the predominant styles. The proposed slab-like monoliths with their smooth rendered finish will do nothing to enhance the area. Despite the architect's effort to break up the massing of the buildings, when travelling up Elmbank Terrace they would be extremely imposing and quite out with the character of the area. The choice of materials proposed for the central open stair are more akin to an industrial estate than a largely Victorian residential area. Galvanised steel, exposed concrete and steel mesh do not belong in the street scene.

The addition of gabion walls in this revised application only goes to confirm that the applicant has no interest in reducing the visual impact on the street; instead his agenda is to showcase his alleged talent as an architect. To even suggest using this type of material shows a complete disregard for the detrimental effect this building would have on Elmbank Terrace in general, and in particular the adjacent properties.

To summarise, I strongly urge you to refuse planning permission on the technical grounds of loss of amenity, privacy and daylight due to the proximity and height of the proposal, as well as the flawed concept, the lack of adequate parking provision, inadequate depth of site, and the choice of design and materials which is totally out of context with the area.

As mentioned above, the precedent for refusal has already been set on Elmbank Terrace regarding loss of amenity due to window proximity, contrived layout, and the creation of a "Canyon effect".

Yours Sincerely,

Mr William A. Grieve

City Development Services Letters of Representation	
Application Number: 120059	
RECEIVED 17 FEB 2012	
Dev. (North)	Dev. (South)
Case Officer Initials: GEE	
Date Acknowledged: 20/2/12	

Agenda Item 2.8

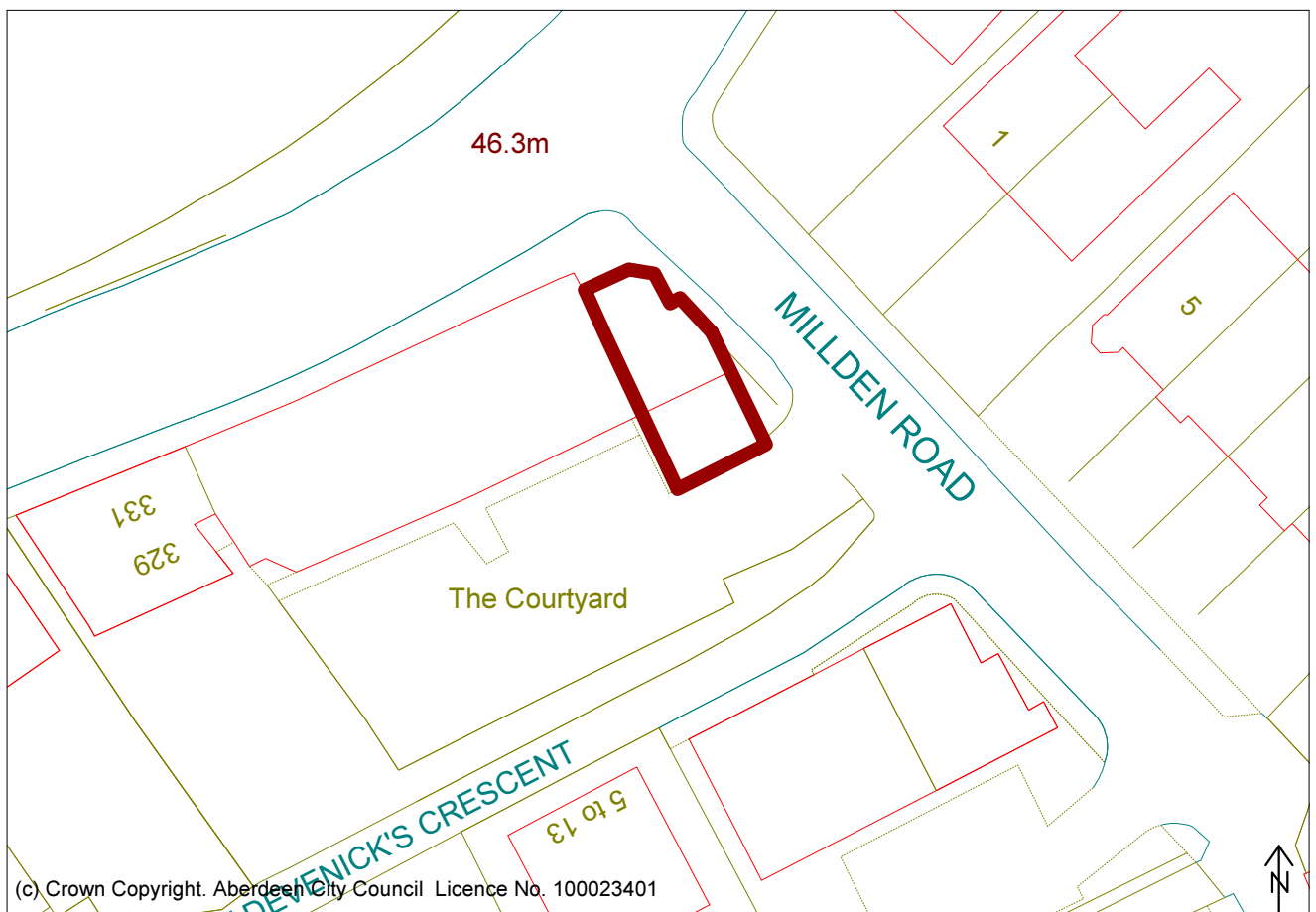
THE COURTYARD, UNIT 1 NORTH
DEESIDE ROAD, CULTS

CHANGE OF USE FROM CLASS 1
(RETAIL) TO PIZZA DELIVERY/HOT-FOOD
TAKEAWAY ESTABLISHMENT (SUI-
GENERIS) WITH INSTALLATION OF
EXTRACTION/VENTILATION AND
COMPRESSORS

For: Domino Pizza Group Ltd

Application Ref. : P111915
Application Date : 22/12/2011
Officer : Frances Swanston
Ward: Lower Deeside (M Boulton/A
Malone/A Milne)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on : 01/02/2012
Committee Date : 19 April 2012
Community Council : Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site relates to the corner unit at The Courtyard shopping arcade on North Deeside Road, Cults. The unit was last in use as Odd bins off licence and has been vacant since June 2011. The entrance to the property is on the corner of North Deeside Road and Millden Road. The building wraps around the corner of Millden Road, which slopes from north to south. There is a car park to the rear of The Courtyard shared by customers of the shops along this part of North Deeside Road. The car park is adjoined by the residential properties on St Devenick's Crescent to the south. There is an on-street parking area in front of the unit on North Deeside Road. The building is bounded to the west by Blockbuster Video. There is existing signage on the building relating to Odd bins. Whilst of a modern design, the building and in particular the existing windows have interesting art-deco style details.

HISTORY

Advertisement consent (application reference 111892) for signage for Domino's Pizza was approved under delegated powers on 21 March 2012.

PROPOSAL

Detailed planning permission is sought for the change of use of the vacant retail (Class 1) unit to a pizza delivery/hot food takeaway (sui-generis) for Domino's Pizza. No physical alterations are proposed to the building's exterior. A separate application has been approved for signage. It is proposed to install an extraction/ventilation duct to the roof on the east elevation to the rear, and a cold room compressor and air conditioning unit to the rear (south) elevation of the building.

In supporting information the applicant states that unlike many forms of food sold for consumption off the premises, Domino's pizzas are only prepared and baked on receipt of an order. Pizzas are not kept warm waiting sales. Customers telephone their orders to the shop and then the pizza is prepared and baked. The vast majority of pizzas are telephone orders. Only about 20% are bought by customers visiting the unit.

The store would typically open with one manager and 1-2 drivers, one driver would start at 10am with a second driver arriving at around 11:30am if needed. This would be the typical level of staffing until 4:30pm. Data from existing stores shows that a maximum of approximately 10 delivery drivers will be working during the peak period of 6:30pm – 8:30pm.

REASON FOR REFERRAL TO SUB-COMMITTEE

The Cults Bieldside and Milltimber Community Council object to the proposal and the application has attracted 11 letters of objection.

CONSULTATIONS

ROADS SECTION – The Roads Engineer states that there is a requirement for the applicants to provide 4 additional parking spaces to accommodate the change of use from retail to hot food takeaway based on the Council's parking standards. The applicant was not able to provide the 4 additional spaces required and was therefore requested to carry out a parking survey to determine whether the vehicles associated with the new use could be accommodated within the existing parking areas. The result of the survey showed that although additional parking spaces could not be provided, there would be sufficient parking spaces both in the shared car park and on North Deeside Road to meet the parking demands of the development. Therefore the Roads Engineer does not object to the application.

ENVIRONMENTAL HEALTH – The Environmental Health officer does not object to the application but recommends a number of conditions be attached to any approval requiring a noise assessment of the external plant proposed, to minimise noise nuisance to neighbouring residential properties, a scheme showing the proposed means of filtering, extracting and dispersing of cooking fumes, bin storage/refuse collection and control over the hours of construction. The Officer also has concern over noise nuisance to residents from deliveries and uplifts to the premises at the rear of the property.

COMMUNITY COUNCIL – The Cults Bieldside and Milltimber Community Council object to the proposal for the following reasons, summarised below:

- inadequate parking for both customers and delivery vehicles;
- Illegal parking on Millden Road by customers using the shops; and
- Proliferation of litter associated with the hot-food takeaway.

REPRESENTATIONS

11 letters of representation were received from neighbouring residents and businesses objecting to the application for the reasons summarised below:

- No suitable parking for delivery vehicles, no dedicated parking spaces and inadequate parking for customers
- Impact of illegal parking on Millden Road
- Inappropriate use in a prime main street location/over provision of carry out food units
- Concern over ventilation and smells from cooking
- Litter problems

PLANNING POLICY

Policy RT3 - Town, District and Neighbourhood Centres

Proposals for changes of use from retail to non-retail use in town, district and neighbourhood centres will only be allowed if:

1. The proposed alternative use makes a positive contribution to the vitality and viability of the shopping centre; and
2. The proposed alternative use will not undermine the principal retail function of the shopping centre or the shopping development in which it is located; and
3. The applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant); and
4. The proposed use caters for a local need; and
5. The proposed use retains or creates a live and attractive shop frontage.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

Planning Policy

The site falls within the Cults shopping centre, which is identified in the Aberdeen Local Development Plan (ALDP) as a Town, District and Neighbourhood Centre and as such Policy RT3 sets out a number of criteria that must be met in order for a change of use from Class 1 retail to be acceptable. The criteria are listed in the Planning Policy section and are discussed below.

The applicant has provided supporting information, which states that marketing of the unit commenced in June 2011 and initially there was some interest from both existing local retailers and parties looking to explore options for a hot food takeaway. Details were widely circulated to local and national retail agents and were advertised on relevant property websites. Problems were highlighted by the previous tenant Odd Bins that whilst the unit provides a degree of character, it is not as versatile as other retail units in the area as it has an inadequate shop front to enable normal shop window displays. Dominos Pizza has been the only serious enquiry/offer to date.

The proposed alternative use would bring back into use a property that has lain vacant for almost 10 months. Whilst there has been an increase in the number of non-retail uses in the Cults neighbourhood centre, the proposed alternative use would not undermine the principal retail function of the centre, taking into consideration the other non-retail uses in the vicinity. The fact that the unit has been vacant since June 2011 would imply that the demand for retail use is not as strong as it once was. The proposed use would create a live frontage rather than an empty, vacant one albeit the majority of potential customers would be phone orders rather than visitors to Domino's Pizza. The proposed use would cater for a local need.

On balance, the new use would add to the vitality and viability of the neighbourhood centre, especially given that the application site has a prominent corner location and has been vacant since June 2011 with little apparent interest from retailers.

Issues raised by the Cults, Bieldside and Milltimber Community Council and letters of objection

No suitable parking for delivery vehicles and no dedicated parking spaces and inadequate parking for customers - The applicant submitted a detailed parking survey for the proposal and has been able to demonstrate that there would be adequate parking to accommodate the parking demands of the hot-food takeaway operation. The parking survey was undertaken on a Wednesday, Friday and Saturday between the hours of 12:00 and 00:00 on the 15th, 17th and 18th February 2012. In addition to the 28 shared parking spaces to the rear, the on-street parking on North Deeside Road was also surveyed. This area provides parking for approximately 11 vehicles.

The busiest times in the car park were on Friday at 13:30, 13:40 and 15:40 where 25 vehicles were parked with three remaining vacant spaces. As these times, there would be a maximum of two parked vehicles associated with Domino's Pizza and as both would be being used for deliveries they would not require to be permanently parked.

The results for all three days on North Deeside Road were similar with peak occupancy of 10 parked vehicles and one remaining vacant space occurring at various times on all three days between 12:10 and 17:10. At all other times during this period on all three days the minimum observed occupancy was for to 5 vehicles leaving up to six spaces vacant. After 18:30 there were rarely more than 5 vehicles parked.

The number of vehicles parked at the site decreased rapidly from 16:30 onwards and by 18:30 only 5 vehicles were parked leaving 23 vacant spaces. The observed occupancy continued to decrease as the evening progressed.

Therefore the applicant has demonstrated that even without dedicated parking spaces for Domino's Pizza vehicles and customers, taking into consideration the Council's parking standards, there would be sufficient parking available at all times to accommodate the parking demand generated by the proposed use.

Impact of illegal parking on Millden Road - The control of parking on Millden Road is not the responsibility of the applicant, it is an enforcement issue. However, the applicant is able to demonstrate that there is sufficient parking to meet the demands of the proposal.

Inappropriate use in a prime main street location/over provision of carry out food units - Policy RT3's purpose is to ensure that the loss of a retail use in a shopping centre is carefully considered. Whilst there are three other restaurants in the vicinity and two takeaway businesses, the predominant use is still Class 1 retail. The shift away from retail uses is perhaps a sign of changing

economic circumstances. The applicants have demonstrated that the unit was widely advertised and no serious retail offers were made. A balance has to be made between leaving units vacant thus not making a contribution to the viability and viability of a shopping centre or allowing a non-retail use into the area. The use of the shopping area as a whole is still predominantly for retail purposes.

Concern over ventilation and smells from cooking - The Environmental Health officer has requested that a condition be attached to any approval requiring the applicant to submit a suitable scheme showing the proposed means of filtering, extracting and dispersing of cooking fumes from the premises along with a system of regular maintenance to be agreed by Aberdeen City Council before the change of use can take place. It is proposed to position the extract duct on the roof at one of the highest parts of the building. The closest residential property would be at St Devenick's Crescent, 22 metres to the south.

Litter problems - The applicant advises that Dominos units are recognised as being good neighbours who take the issue of litter seriously. They also state in support that the nature of pizza deters people from eating it in the street. The Environmental Health officer recommends a condition be attached to any approval requiring suitable litter bins to be provided outwith the unit to allow customers the opportunity to dispose of their litter.

Conclusion

The proposal for the change of use of the vacant unit from Class 1 retail to a pizza delivery/hot food take away is acceptable in terms of Policy RT3 of the ALDP. Whilst there would be the loss of a retail unit within the wider neighbourhood centre, there appears to be little demand for new retail uses in the area combined with the perceived restrictions over the design of the unit's frontage and the limitations this poses for retailers. Approval of the proposal would bring back into use a vacant property on a prominent corner site adding to the vitality and viability of the neighbourhood centre.

The main point of contention surrounding the application is the perceived problems with parking in the area and the increase in vehicles approval of the application would generate. The applicants have carried out a detailed parking survey demonstrating capacity in the existing car park and on-street to accommodate the delivery vehicles and the parking demand generated by the proposal to the satisfaction of the Council's Roads Engineer. Illegal parking in the area is an enforcement issue and not the responsibility of the applicant.

The Environmental Health officer does not object to the application but requests a number of conditions be attached to any approval requiring a noise assessment of the external plant proposed, to minimise noise nuisance to neighbouring residential properties, a scheme showing the proposed means of filtering, extracting and dispersing of cooking fumes, bin storage/refuse collection and control over the hours of construction. No external alterations to the building are proposed other than the installation of an extract duct and air conditioning units. The Officer also has concern over noise nuisance to residents from deliveries

and uplifts to the premises at the rear of the property however the car park has been in existence close to the residential properties on St Devenick's Crescent for a number of years; it is an existing situation. It would not be physically possible to enforce delivery vehicles to only park on North Deeside Road. It is not considered that during the peak hours of operation between 18:30 and 20:30 at night delivery vehicles would cause a significant noise nuisance.

It is therefore recommended that the application be approved subject to conditions requiring a noise assessment to be undertaken, a scheme of filtering extracting and dispersing of cooking fumes, and for bin storage/refuse collection to be agreed and restrictions to the hours of construction.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

that the proposed change of use is acceptable at the location proposed and complies with Policy RT3 of the Aberdeen Local Development Plan. Approval of the pizza delivery/hot food take away would bring back into use a vacant building whilst not significantly detracting from the primary retail function of the neighbourhood centre. The additional vehicle and parking requirements can be accommodated within the existing parking areas.

it is recommended that approval is granted with the following condition(s):

(1) that no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely from all external plant. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

(2) that the use hereby granted planning permission shall not take place unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes from the premises has been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation - in order to preserve the amenity of the neighbourhood.

(3) that the use hereby granted planning permission shall not take place unless provision has been made within the application site for litter disposal and, if appropriate, recycling facilities in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(4) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

- (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) outwith the hours of 8.00 am to 4.00 pm Saturdays; or
- (c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

Dr Margaret Bochel

Head of Planning and Sustainable Development.



**290 North Deeside Road
Cults, Aberdeen
AB15 9SB**

2 February 2012

**Frances Swanston
Enterprise, Planning and Infrastructure
St Nicholas House, Broad Street,
Aberdeen
AB10 1AR**

Dear Ms Swanston,

Planning Applications 111892 & 111915 - The Courtyard Unit 1, Cults AB15 9SD

I am writing on behalf of Cults, Bielside and Milltimber Community Council (CBMCC) to raise concerns regarding the above applications to Change use from Class 1 (Retail) to Pizza delivery/Hot-Food Takeaway establishment with installation of extraction/ventilation and compressors and to erect signage accordingly.

The primary objection relates to inadequate parking, for both customer and delivery vehicles. It has been repeatedly reported to the authorities that residents of Millden Road suffer the impact of illegal parking by customers in the vicinity. Considerable vehicle activity can be expected to be generated by such a food preparation and delivery business and this would exacerbate the disturbance and parking situation for local residents.

CBMCC also have a concern regarding the proliferation of litter. There has been a marked increase in littering since the recent arrival of other food takeaway establishments in the vicinity.

CBMCC recommend that this change of use class is not permitted.

Yours faithfully

Christine McKay, Planning Coordinator

Copy to: Councillor Marie Boulton, Councillor Aileen Malone, Councillor Alan Milne

PI - application no 111915

From: Laraine Selbie [REDACTED]
To: <pi@aberdeencity.gov.uk>
Date: 20/01/2012 13:00
Subject: application no 111915

Dear Sir/Madam

Re: Application 111915

Notice to be served on all Notifiable Neighbours Town and Country Planning (Development Procedure) (Scotland) Regulations 2008

I object to these plans for the following reasons.

St Devenick's Crescent

St Devenick's Crescent is a private residential lane, the upkeep of which is currently the responsibility of the residents. A considerable amount of Courtyard traffic drives along this lane. A plant border runs along the north side of the lane and earth and plant material is washed into the only drain after heavy rain. After recent replanting of this area, residents had to sweep up the substantial amount of loose earth from the road.

In the years I have lived here, I am aware of two failed attempts to have the lane adopted by the council and the maintenance of the only street drain is left to a disabled person who can no longer lift the drain grill and must pay others to clean out this drain several times a year. At no time was the owner or any business of the Courtyard made any attempt to either repair the potholed surface of the lane nor the maintenance of the drain. Adding more traffic will further deteriorate the road surface to the detriment to the residents and those who work from the lane. In previous years, one family business of the lane did much to repair the potholes but sadly, not the last two years. During this time, another residents has been able to have the potholes repaired, but will probably be unable to continue doing so.

Installation of extraction/ventilation and compressors

St Devenick's Crescent is a residential lane very close to the likely location of extraction/ventilation units and compressors. The proposed business' hours of opening are likely to be relatively late in the evening and the days of opening, many. Noise, both from extraction/ventilation units and compressors may well disturb residents quiet time and sleep.

One too many food outlets

Existing commercial food premises, between Tesco supermarket, to the west on North Deeside Road and the Cults Hotel, restaurant and coffee shop to the east, a distance of around 130 metres, comprises a further two supermarkets, three restaurants/coffee shops and two take-away/fast food businesses, one Chinese, the other, a sandwich bar. Adding another take-away/fast food outlet is overkill.

Litter, noise, parking and underage drinking

Already, the level of litter has markedly increased. One of the existing outlets was made aware, since opening and by different residents, of the

unacceptable amount of packaging, plastic cups and drinks cans strewn about the lane and small adjoining car park (in front of the hairdressers').

Steps were taken to improve the situation. Young people congregate, late into the evening in the warmer weather, often shouting and sometimes

acting without due care to property or consideration of residents. At times, there is evidence of alcohol consumption. Another late evening fast food

outlet could offer further opportunity anti-social behaviour. Increased evening traffic, both in the Courtyard car park, along St Devenick's Crescent

and Millden Road would increase the amount of noise and littering and affect on the already limited parking places on Millden Road.

Please consider the points raised when you consider this application.

Yours faithfully,

_ Selbie
(Resident of St Devenick's Crescent)

City Development Services Letters of Representation	
Application Number:	111915
RECEIVED	23 JAN 2012
Dev. (North):	114- (South)
Case Officer Initials:	FAW
Date Acknowledges	23/01/12

1 Millden Road
Cults
Aberdeen
AB15 9LJ

Development Management Team
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen AB10 1AB

11 January 2012

Dear Sirs,

Planning Application 111915 - The Courtyard Unit 1, Cults AB15 9SD

I object to the subject planning application for Unit 1, which is to change its use from Class 1 (Retail) to Pizza delivery/Hot-Food Takeaway establishment with installation of extraction/ventilation and compressors.

The reasons for my objection are as follows:

1. There is no suitable parking for delivery vehicles.
Domino's is very much a pizza delivery business and as such will use delivery vehicles. These cars require parking spaces near the doors of the shop. The three other Domino's establishments in the city have all ample parking areas right in front of the shop. Up to six delivery vehicles are parked there when not out on business. Business hours are from 11am to 11pm or 12pm, so cars need to be parked most of the morning, probably most of the day. Parking is not available near the doors of Unit 1 as it is surrounded by double yellow lines. The parking spaces along the North Deeside road are for 45 min parking only. The small parking area of the Courtyard centre itself is at an impractical distance from the unit doors, is reserved for customers of the shopping complex only (the sign at the entrance states this clearly) and is already of inadequate size for that purpose. I have complained many times to the Traffic Wardens and Community Council about shoppers parking illegally on double yellow lines or across their driveways. People say they are only parking for a few moments to pick up a Costa Coffee or a Subway, but for us residents, it makes access to our houses very difficult, not to mention dangerous.
2. There is inadequate parking for additional take-away customers.
The Courtyard parking area is already too small for the current business of the centre – see point 1 above. Additional take-away customers will have to park illegally most of the day.

I am keen for the strip of shops in Cults to prosper but this does not seem to me to be a suitable business for this area and will only make the existing parking problem worse.

In conclusion: the application for change of use of Courtyard unit1 should be refused.

Yours sincerely,
Eleanor Brennan

Neil Donald
315 North Deeside Road
Cults
Aberdeen
AB15 9SL

9 January 2012

By Post and Email (Email: pi@aberdeencity.gov.uk)

Development Management Team
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sir/Madam

Planning Application number 111915

The Courtyard, Unit 1, Cults, AB15 9SD

Change of use from Class 1 (Retail) to Pizza delivery/Hot-Food Takeaway establishment

I wish to object to the above application on the grounds of car parking, road safety, noise and litter. It is my consideration that the application should be refused and I detail my reasons below;

Car Parking

With our driveway directly across from Unit 1 on North Deeside Road/Millden Road we already struggle at times to get turned or reverse into our drive due to cars parking on the yellow lines. It is often particularly bad on North Deeside Road when visibility is severely reduced by poor parking on the yellow lines - this is a constant problem already. With school children visiting these places regularly and small children living nearby I am concerned that a further increase in this type of service will lead to a much increased risk of accident and injury. Another takeaway or delivery service will only increase this problem.

There is already limited legal car parking along North Deeside Road as it is, and none directly outside this Unit 1. The problem is that people don't want to park behind the shops for a short period and walk round, so they don't bother. It is a sure bet that most delivery vehicles will simply park on the yellow lines nearby as parking gets used up quickly on North Deeside Road. A delivery shop such as this will have a significant number of vehicles at all times of the day.

Road Condition and Safety

A further concern is the likelihood of Millden Road becoming a rat run towards Garthdee by the delivery vehicles. This road is not suitable for such through traffic and the road condition is already poor. Safety must be a factor against this application. This is a through road - albeit not a suitable one for anybody other than residents.

Noise

I note the application also includes for extract ventilation. If the permission is granted, I trust this will extract well above roof level to prevent odours becoming an issue for the residential area. Furthermore the compressors may increase noise. Given the vicinity of the residential households nearby I would request this is fully disclosed with any planning application and that any compressors are behind the unit or preferably on the roof and of a very low noise level.

Rubbish/Litter

With Subway in particular already having led to increased rubbish on the streets and gardens (our garden included). A further take away will surely lead to this area becoming more of a collection point for rubbish. I am concerned about this aspect increasing.

General

In summary, whilst it is excellent that there is interest in this high profile unit, it already has a classification for which it was originally designed and I am concerned at this change of use given its unsuitable corner location and the car parking/access situation. Furthermore, I do not think it is suitable to increase the number of food and take away type businesses in this area further. The mix of the units must be closely considered and a further change of this nature for these outlets is not suitable. This change would lead to increased and constant nuisance and disruption to the nearby residents, in particular on North Deeside Road and Millden Road.

I trust these comments will be taken seriously into consideration, given the direct negative impact such a change of use would have on a number of aspects of the quality of my family's daily life as well as all nearby neighbours.

Thank You

Yours faithfully

Neil Donald

City Development Services Letters of Representation	
Application Number:	111915
RECEIVED	11 JAN 2012
Dev. (North):	Dev. (South):
Case Officer Initials:	
Date Acknowledged:	12/01/12

PI - Objection Letter

From: "The Cults Hotel" <pi@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 23/01/2012 14:36
Subject: Objection Letter
Attachments: objection for oddbins.docx

To Whom It May Concern

Please find attached my objection letter.

Please acknowledge receipt of this letter.

Kind regards

Alastair

The Cults Hotel

328 North Deeside Road

Cults

Aberdeen

AB15 9SE

<http://www.thecultshotel.co.uk>

LH/AH

Aberdeen Planning Department

23d January 2012

Dear Sir/Madam

Application – 111915

With reference to the above application, I wish to object to the change of use from Oddbins wine shop in Cults to a Dominos Pizza Shop.

I strongly feel we have more than enough carry out food units in the village. I also think that parking would be a big issue due to the fact it is on the main road and already has insufficient parking for the village. I think we would also have an increase of litter.

Culds should be trying to encourage more private businesses to invest in the village rather than multinational companies.

Please send an acknowledgment of this objection.

Yours sincerely

MR ALASTAIR HUTCHESON
(Proprietor)

PI - PLANNING APPLICATION 111915 / DOMINO'S /

From: H FORBES
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
Date: 1/5/2012 06:19
Subject: PLANNING APPLICATION 111915 / DOMINO'S /

Dear Sir/Madam,

I would like to respond to the Planning Application above, Odd Bins/ corner of Millden Road. I am a resident in Millden Road, the traffic for Oddbins before was busy, with lots of yellow line parking. The idea of a Pizza eat in , take away or delivery service, would mean so much more congestion. The shops in the Courtyard with parking there for customers, which also has 2 no Coffee Shops, is always full.

When our own family come to visit, they struggle to get parked.

I would like to object to this Application Pending.

Regards

Hilda Forbes

PI - planning application 111915

From: DENIS DURNO
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
Date: 1/6/2012 11:44
Subject: planning application 111915

I wish to object to the planning application from Domino Piazza to open a fast food take away facility in the property formerly occupied by Oddbins. I have no objection to the provision of food at this site. My main concern is the increase in traffic at this particular corner. Firstly parking to deliver supplies to other outlets already results in traffic congestion at this corner where large delivery vehicles normally park on the double yellow lines. Since Costa's opened there has been a noticeable increase in short time parking on the double lines. People popping in for a quick take away coffee. Domino will clearly wish to provide a takeaway service. How many vans? other outlets seem to have at least 4. You must be aware of the pressure on the Courtyard space for parking for current businesses. I envisage increased occupancy by Domino Piazza vans in the Courtyard early in the day when other businesses are busy thereby reducing capacity with spill over into Millden Road etc You may already be aware that some of the double yellow lines on Millden Road are scarcely visible from their overuse. I also anticipate the increased flow of traffic through the already over busy St Devenicks Mews as delivery drivers seek a fast exit avoiding the North Deeside Road which is busy at most times of the day. I wish my objections to be noted. Denis Durno

AB15 9LJ

Development Management Team
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

4 January 2012

Dear Sirs,

Planning Application 111915 - The Courtyard Unit 1, Cults AB15 9SD

I object to the subject planning application for Unit 1, which is to change its use from Class 1 (Retail) to Pizza delivery/Hot-Food Takeaway establishment with installation of extraction/ventilation and compressors.

The reasons for my objection are as follows:

1. There is no suitable parking for delivery vehicles or customers as there are only 4 legal parking spaces on Millden Road, the Courtyard parking area is already too small for the current business of the existing units and is significantly busier since the opening of Costa coffee last Nov/Dec
Please speak to the local Traffic Wardens and Community Council about shoppers parking illegally on double yellow lines or across their driveways. The illegal parking also causes a major problems when trying to enter or exit Millden Road on to the North Deeside Road as the parking on double yellow lines seriously obstructs visibility .(If required I can keep a daily diary backed up with photos to highlight the problems we have)
2. Several years ago one of the units applied for a fast food outlet which was rejected by both the local council and the Scottish Executive so please look back records as to the reasons, they may still be valid. (I am unable to access any records)
3. Concerns about the ventilation, extractor system to reduce smells in the area.

In conclusion: the application for change of use of Courtyard unit1 should be refused.

Fiona Webster
(Resident Millden Road)

9 January 2012

Development Management Team
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sirs,

Planning Application 111915 - The Courtyard Unit 1, Cults AB15 9SD

I object to the subject planning application for Unit 1, which wishes to change its use from Class 1 (Retail) to Pizza delivery/Hot-Food Takeaway establishment with installation of extraction/ventilation and compressors.

The reasons for my objection are as follows:

1. There is no suitable parking for delivery vehicles.

Domino's is very much a pizza delivery business and as such will use delivery vehicles. These cars require parking spaces near the doors of the shop. The three other Domino's establishments in the city have all ample parking areas right in front of the shop. Up to six delivery vehicles are parked there when not out on business. Business hours are from 11am to 11pm or 12pm, so cars need to be parked most of the morning, probably most of the day. Parking is not available near the doors of Unit 1 as it is surrounded by double yellow lines. The parking spaces along the North Deeside road are for 45 min parking only. The small parking area of the Courtyard centre itself is at an impractical distance from the unit doors, is reserved for customers of the shopping complex only (the sign at the entrance states this clearly) and is already of inadequate size for that purpose. Residents of the adjoining Millden Road are continuously complaining to Police, Traffic Wardens and Community Council about shoppers parking illegally on double yellow lines or across their driveways although there have been welcome recent sightings of a traffic warden to curb the most blatant illegal parking.

2. There is inadequate parking for additional take-away customers.

The Courtyard parking area is already too small for the current business of the centre – see point 1 above. Additional take-away customers will have to park illegally most of the day.

3. This appears to be an inappropriate (semi-industrial) use of a high quality unit in a prime main street location.

In conclusion: the application for change of use of Courtyard unit1 should be refused.

Yours sincerely,

Howard Moles
11 Millden Road
Cults
Aberdeen
AB15 9LJ

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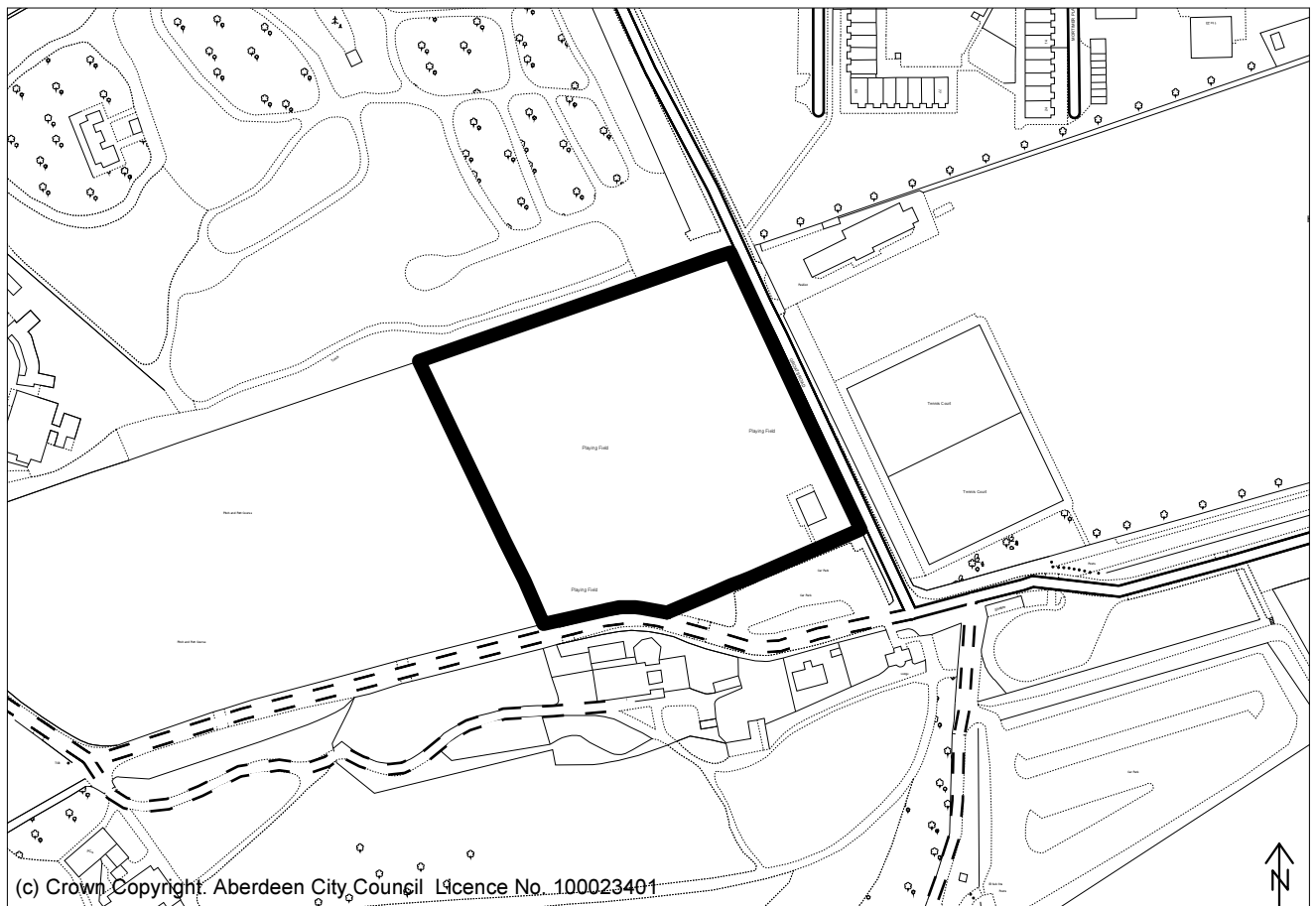
GROATS ROAD, ABERDEEN

ERECTION OF 6NO. 16M HIGH
FLOODLIGHTS TO EXISTING RUGBY
FOOTBALL PITCH

For: Aberdeen Wanderers Rugby Football
Club

Application Ref. : P120131
Application Date : 01/02/2012
Officer : Jennifer Chalmers
Ward: Airyhall/Broomhill/Garthdee (J Wisely/I
Yuill/G Townson)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on : 15/02/2012
Committee Date : 19th April 2012
Community Council : No response received



RECOMMENDATION: Approve Unconditionally

DESCRIPTION

The site is located on the western side of Groats Road, is immediately to the south of the former caravan site and directly to the north of the access road to Hazlehead Park. The existing pitches cover a site area of approximately 1.44ha and has an existing pavillion in the south eastern corner of the site. There are 4 no existing floodlights currently in place at each corner of the pitch.

PROPOSAL

Detailed planning permission is sought to erect 6 no 16m high floodlights to the existing rugby football pitch.

The lighting would be IP65 aluminium die cast floods for 2000W metal halide lamps and these would be positioned, one at each corner of the pitch and the 2 no remaining floodlights would be at the half way line.

REASON FOR REFERRAL TO SUB-COMMITTEE

The proposed floodlighting was advertised as a Section 34 (Project of Public Concern) under Development Management Procedure Regulations 2008 – Schedule 3. Therefore, in terms of the Council's Scheme of Delegation, the application is required to be determined by the Development Management Sub-committee.

CONSULTATIONS

ROADS SECTION – No observations

ENVIRONMENTAL HEALTH – No observations

COMMUNITY COUNCIL – No observations received

REPRESENTATIONS

No letters of representation have been received.

PLANNING POLICY

Aberdeen Local Development Plan: Policy NE2 (Green Belt) – this policy states that no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:
 - (a) the development is within the boundary of the existing activity.
 - (b) The development is small-scale
 - (c) The intensity of activity is not significantly increased
 - (d) Any proposed built construction is ancillary to what exists

Aberdeen Local Development Plan: Policy NE1 (Green Space Network) – The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require planning applications to be determined in accordance with the development plan unless other material considerations suggest otherwise.

The proposal is not considered to be contrary to Policy NE2.

The proposed floodlights would be within the boundary of the existing training ground, would be considered small-scale and would be ancillary to what exists. The applicant has stated that the floodlighting would allow for the introduction of mid-week training for the Youths section, would allow the Club to host Scottish Rugby Union coaching sessions and attract more youth participants to the Club. It is the opinion that the level of intensity is currently there during daylight hours and during the summer months when days are longer and that the floodlighting would increase the use of the pitches, allowing for training in the evenings during the winter but the proposal would not increase the intensity of activity as this already exists.

An illuminance contour plan was submitted with the application indicating the lighting levels in the adjacent area. No comments were received from Environmental Health colleagues and therefore it is considered that there would be little to no impact on the residential properties nearby.

On these grounds, it is therefore considered that the proposed floodlights would not have a detrimental impact on the character or amenity of the surrounding area and would not conflict with the Aberdeen Local Development Plan.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

That the proposed floodlights to the existing rugby football pitch would not have a detrimental impact on the character or amenity of the surrounding area. The proposal does not conflict with the Aberdeen Local Development Plan.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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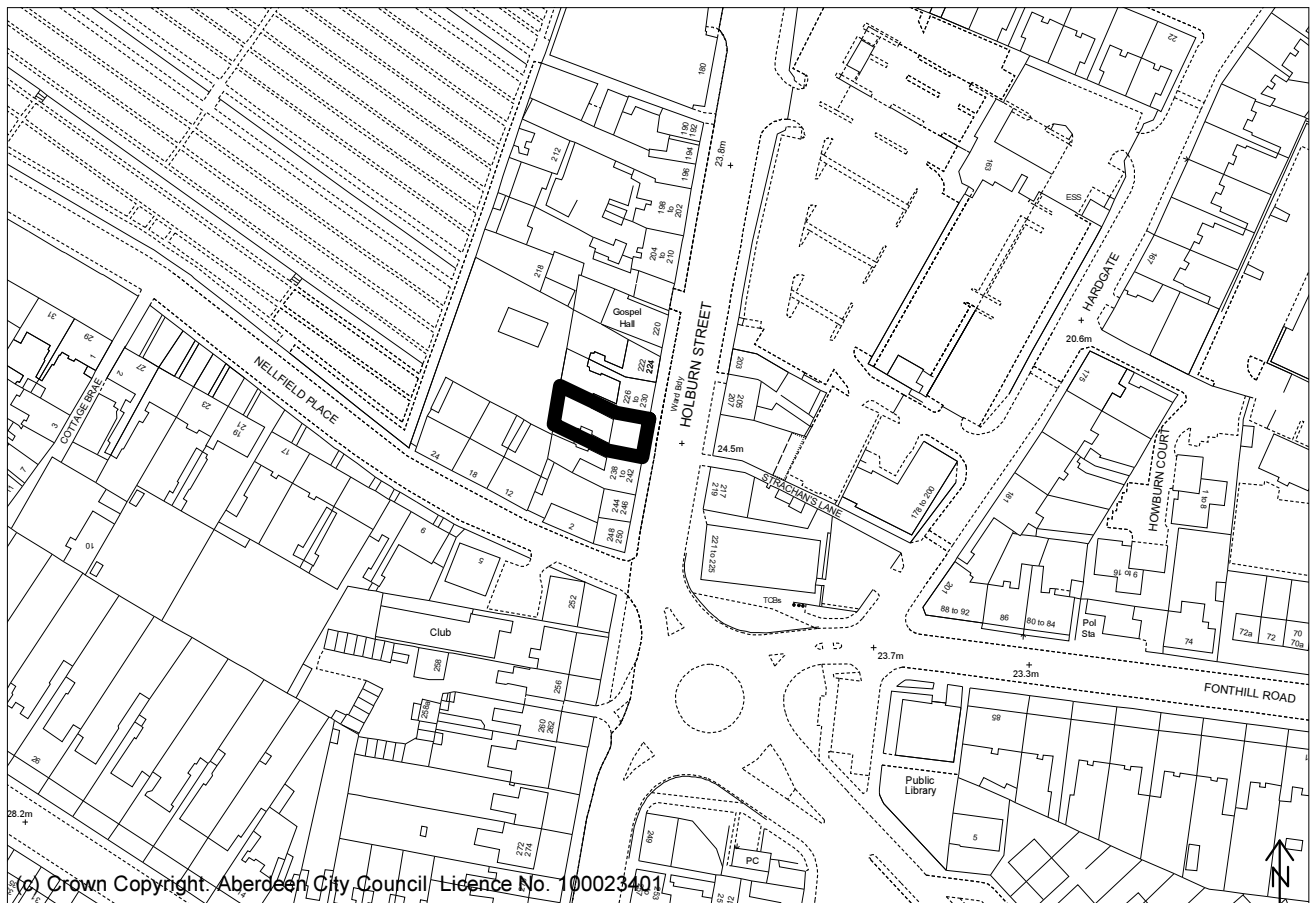
236 HOLBURN STREET, ABERDEEN

REMOVAL OF CONDITION 5 FROM
PLANNING CONSENT REF:97/2151 IN
ORDER TO ALLOW UNRESTRICTED
PREPARATION OF HOT FOOD ON THE
PREMISES

For: Mr Roozbeh Movasat

Application Ref. : P120100
Application Date : 23/01/2012
Officer : Gavin Evans
Ward: Airyhall/Broomhill/Garthdee (J Wisely/
Yuill/G Townson)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on : 22/02/2012
Committee Date : 19 April 2012
Community Council : No response received



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site is located on the western side of Holburn Street, approximately 30m north of its junction with Nellfield Place and directly opposite Strachan's Lane, and comprises a pizza takeaway premises occupying the ground floor of a traditional 3 ½ storey granite building.

HISTORY

The extant pizza takeaway premises was granted consent through application 97/2151, which was approved by members of the Planning Committee on 8th January 1998. This permission was granted subject to several conditions, one of which restricted the cooking operations which may take place on the premises to those necessary for the cooking or reheating of pizza. It is understood that the premises have been in continuous use as a pizza takeaway since that time.

PROPOSAL

This application proposes the removal of condition 5 of planning consent 97/2151, which required that no cooking operations or hot food preparation should be carried out on the premises other than the preparation and reheating of pizza.

REASON FOR REFERRAL TO SUB-COMMITTEE

Under the Council's current scheme of delegation, this application is required to appear at committee as the use proposed (i.e. that of a hot-food takeaway) is termed a 'project of public concern' as specified under Schedule 3 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

CONSULTATIONS

ROADS SECTION – No observations

ENVIRONMENTAL HEALTH – No objection, on the basis that a condition is attached to any consent to prohibit cooking via deep fat frying.

COMMUNITY COUNCIL – No response received.

REPRESENTATIONS

No letters of representation were received in relation to this application.

PLANNING POLICY

Aberdeen Local Development Plan (as modified) 2012

The application site lies within an area designated as an H1 residential area in the newly adopted Local Development Plan (LDP). Within such areas, policy H1 will apply, stating that proposals for non-residential use will be refused unless;

1. They are considered complementary to residential use.
2. It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

The Council's interim supplementary guidance regarding harmony of uses is also of use, making particular reference to the location and nature of hot-food takeaways in the city.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that, in making a 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.

The proposal does not involve modifications to the exterior of the property, nor any material change in the use of the premises. This application solely concerns the removal of condition 5 of planning consent 97/2151, which restricts the cooking and preparation of hot food other than pizzas.

In considering the variation or removal of condition(s) under section 42 of the act, the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and –

- a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant permission accordingly;
- b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

The reason stated for this condition was in order to prevent the creation of nuisance by the release of odours. The applicant has been in dialogue with the Council's Environmental Health Officers and has been able to demonstrate to their satisfaction that cooking odours can be managed effectively by the existing extraction and ventilation systems. Officers have consequently stated no objection to the proposal, though it has been recommended that a condition be attached to any consent to prohibit cooking by deep-fat frying. The applicant has agreed to this arrangement.

In terms of the relevant policies of the development plan, it is noted that the hot-food takeaway in question has been in operation for approximately 10 years. The principle of the use, therefore, it not open for consideration through the assessment of this application. The condition in question was attached to the consent in order to prevent nuisance via release of odours. Given that Environmental Health colleagues are satisfied that odours can be effectively treated via the ventilation and extraction system installed, it appears that there is no compelling case for the retention of this condition. The recommendation from Environmental Health officers that a condition be applied to restrict cooking by deep-fat frying is acknowledged as such cooking methods are associated with a greater degree of odour nuisance.

As this application is made under section 42 of the planning act (as amended), and relates solely to the removal of a single condition, the relevant zoning policy and supplementary guidance is of limited relevance. Nevertheless, it is noted that the business has operated successfully within a designated residential area for an extended period.

Taking into account the comments of authorised officers, it is concluded that the proposal would cause no conflict with, or nuisance to, the enjoyment of existing residential amenity.

The Council's interim Supplementary Guidance on 'Harmony of Uses' is relevant to proposals for the siting of hot-food takeaway premises, but is of little relevance in the context of an existing business of that nature. This document sets out the role of Environmental Health officers in providing assistance to the planning authority in assessing the degree of impact on amenity arising from hot-food takeaways. This document further states that the planning authority will require to be satisfied that that such proposal can provide adequate means of extracting, treating and dispersing odours without an unduly adverse effect on residential and visual amenity.

Taking into account the points raised above, it is concluded that the proposal is in accordance with policy H1 of the Aberdeen Local Development Plan and the Council's interim supplementary guidance entitled 'Harmony of Uses', in so far as relevant to the proposal. Given that the applicant has demonstrated that odours can be treated effectively via the existing extraction and ventilation arrangements, it is recommended that this application be approved subject to conditions. Of those conditions previously attached to consent 97/2151, three were suspensive, requiring action prior to institution of the use, and therefore need not be restated. Condition 5 is the subject of this application, and shall not be restated. Condition 4 of the previous consent restricted opening hours, and remains relevant.

Having regard for the recommendations of authorised officers, it is recommended that the approval be subject to a conditions regarding prohibition of deep-fat frying on the premises and the restriction of opening hours to times between 7.00am and 12.00 midnight. The recommended conditions are shown in full below.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The condition in question was attached to the original consent in order to prevent the creation of nuisance through the release of odours. Having considered the scheme of extraction in place, and the length of time the premises have been in operation in a related trade, it has been determined that the removal of this condition would not result in any significant conflict with, or nuisance to, the existing residential amenity. Consequently, the proposal is considered to accord with policy H1 (Residential Areas) of the Aberdeen Local Development Plan (as modified) 2012. The proposal does not result in any conflict with the Council's 'Harmony of Uses' Interim Supplementary Guidance.

it is recommended that approval is granted with the following condition(s):

(1) that no deep-fat frying shall be carried out on the premises – in order to prevent the creation of nuisance by the release of odours.

(2) that hot food shall not be sold from the premises other than during the hours from 7.00 am until 12.00 midnight - in order to preserve the amenity of the neighbourhood.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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Agenda Item 2.11

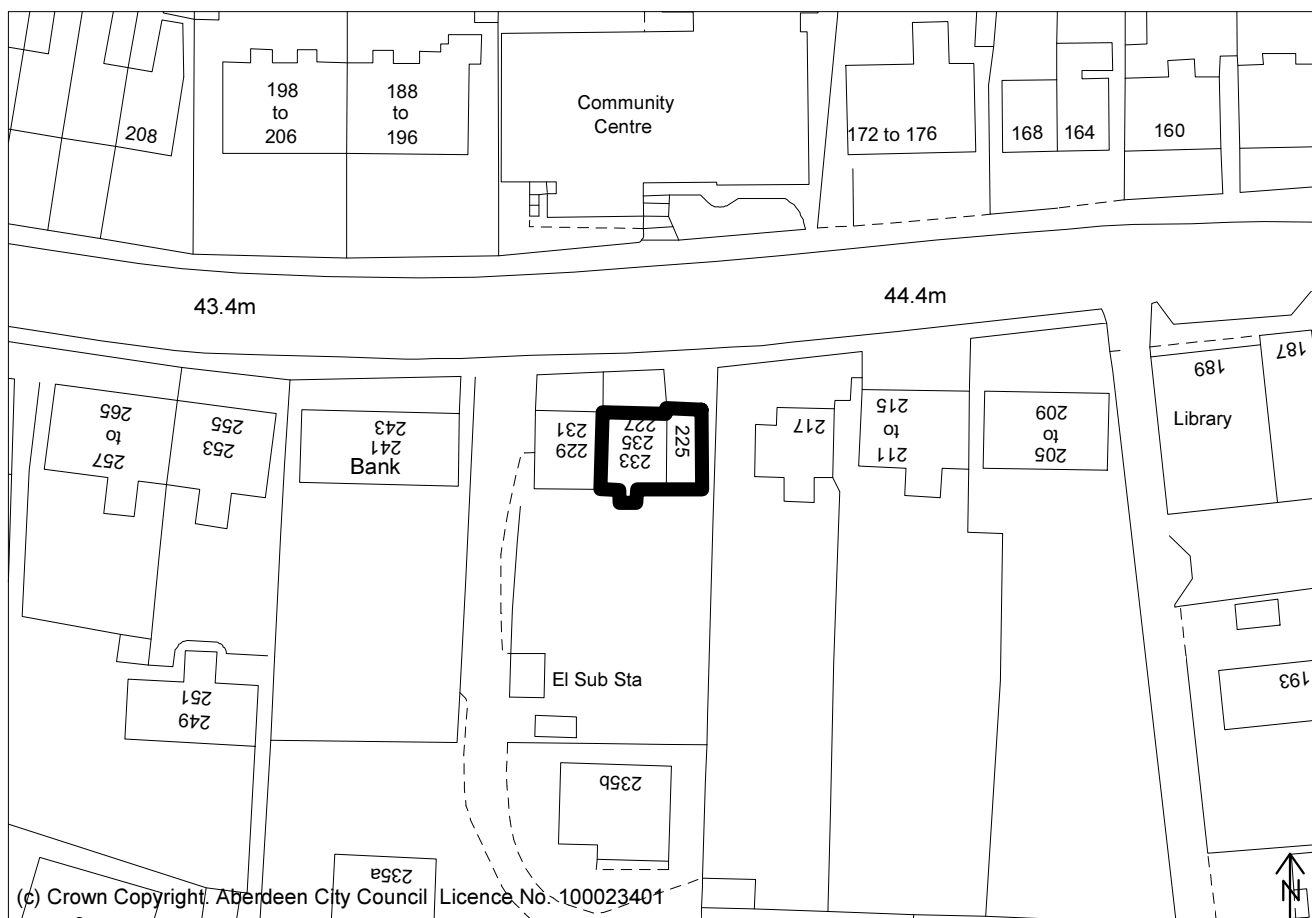
225 NORTH DEESIDE ROAD,
PETERCULTER

RETROSPECTIVE CHANGE OF USE
FROM CLASS 1 TO MIXED USE CLASSES
1 & 3 INCLUDING OUTDOOR SEATING
AREA

For: Cocoa Ooze

Application Ref. : P120193
Application Date : 10/02/2012
Officer : Jennifer Chalmers
Ward: Lower Deeside (M Boulton/A
Malone/A Milne)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on : 07/03/2012
Committee Date : 19th April 2012
Community Council : No response received



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The site is located on the south side of the North Deeside Road. The application property is on the ground floor and there are private residential flats immediately above and below. The shopfront is set approximately 4.6m back from the pavement and there is on street parking directly out front.

PROPOSAL

Detailed planning permission is sought to obtain retrospective change of use from class 1 to mixed use classes 1 & 3 including outdoor seating area.

There are 3 no tables of 4 within the front shop area and a further dining area to the rear of the property again with 3 no tables of 4. Externally there are 2 no tables with 3 chairs at each.

The shop is producing and distributing chocolates, is holding chocolate events/workshops and also serves as a sit in café offering cold food and drinks, such as soup, sandwiches, Paninis, coffees and cakes.

REASON FOR REFERRAL TO SUB-COMMITTEE

The proposed change of use from Class 1 to Class 1 & 3 was advertised as a Section 34 (Project of Public Concern) under Development Management Procedure Regulations 2008 – Schedule 3. Therefore, in terms of the Council's Scheme of Delegation, the application is required to be determined by the Development Management Sub-committee.

CONSULTATIONS

ROADS SECTION – No objection provided 1 no sheffield stand provided, providing 2 no spaces.

ENVIRONMENTAL HEALTH – Request that there be no frying of foods and to restrict the operational hours to prevent potential noise nuisance.

COMMUNITY COUNCIL – No observations received

REPRESENTATIONS

One letter of representation has been received. The objection relates to:

- The emphasis of the business towards parties and group events and courses leads to dangerous roads and parking conditions.
- The applicant's proposed use will lead to significant noise and disturbance to the occupiers of residential properties in the immediate vicinity.

PLANNING POLICY

Aberdeen Local Development Plan: Policy RT3 (Town, District and Neighbourhood Centres) – proposals for changes of use from retail to non-retail use in town, district and neighbourhood centres will only be allowed if:

1. the proposed alternative use makes a positive contribution to the vitality and viability of the shopping centre; and
2. the proposed alternative use will not undermine the principal retail function of the shopping centre or the shopping development in which it is located; and

3. the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant; and
4. the proposed use caters for a local need; and
5. the proposed use retains or creates a live and attractive shop frontage.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require planning applications to be determined in accordance with the development plan unless other material considerations suggest otherwise.

The other issues to be evaluated within this report are:

- Noise
- Car Parking

The retrospective change of use needs to be assessed against Policy RT3 as mentioned above. It is considered that the proposed use makes a positive contribution to the vitality and viability of the district centre and would not undermine the principal retail function of the area. The proposal is considered to cater for a local need as the business provides a small seating area for locals to meet as well as helping the local economy. The premises has a large glazed frontage allowing for people to see both into the premises as well as out, creating a live and attractive street frontage. Under the existing permission, chocolate can be produced and sold together with any ancillary activities taking place and the only element that requires permission are the indoor and outdoor seating areas. In terms of the events and workshops, these are considered to be ancillary to the primary purpose of the business.

In terms of car parking, the roads engineer has acknowledged that there is no car parking provision but finds the proposal acceptable as it is deemed that parking demand is unlikely to have a detrimental effect on the local area and that the premises are within a 400m walk of existing bus stops on the North Deeside Road providing an acceptable level of access to public transport. The roads engineer has however requested the applicant to provide 1 no Sheffield cycle stand within the external area to the front of the property.

In relation to noise emanating from the premises, it is recognised that a degree of noise generally is expected within a flatted property. However, Environmental Health have suggested that a condition be attached, restricting the operational hours in order to prevent any potential noise nuisance.

Overall, it is considered that the retrospective change of use is considered acceptable and that the attached conditions will deal with the objectors concerns. The proposal accords with the Aberdeen Local Development Plan, in terms of the policy on district and neighbourhood shopping centres.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

that the retrospective change of use is considered acceptable and that the attached conditions will deal with the objectors concerns. The proposal accords with the Aberdeen Local Development Plan, in terms of the policy on district and neighbourhood shopping centres.

it is recommended that approval is granted with the following condition(s):

- (1) that the premises shall not operate other than during the hours from 8.00 am until 8.00 pm, Mondays to Saturdays inclusive and from 1.00pm until 6.00pm on a Sunday, unless the planning authority has given prior written approval for a variation - in order to preserve the amenity of the neighbourhood.
- (2) that no frying operations shall be carried out on the premises, unless the planning authority has given prior written approval for a variation - in order to prevent the creation of nuisance by the release of odours.
- (3) that the use hereby granted planning permission shall not take place unless provision has been made within the outdoor seating area for 1 no. sheffield cycle stand unless otherwise agreed in writing with the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public safety.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

Your ref:

Our ref: GXH.Z:GIL0020.7



TODS MURRAY LLP
SOLICITORS

FIRST CLASS and FAX: 01224 523 180

Enterprise Planning and Infrastructure Department
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
ABERDEEN, AB10 1AB

5 March 2012

Dear Sirs

Karen McDonald
233 North Deeside Road, Peterculter
Notice of Objection: Application No. 120193
Proposed Development at 225 North Deeside Road, Peterculter, AB14 0UJ
Applicant: Cocoa Ooze

We act on behalf of Karen McDonald of 233, Beechwood, North Deeside Road, Peterculter, on whose behalf we would wish to object formally to the Planning Application in respect of retrospective change of use from Class 1 to mixed use Classes 1 and 3 including outdoor seating area.

Our client objects to the proposed Change of Use classification on two principal grounds:

- (i) the emphasis of the business towards parties and group events and courses leads to dangerous road and parking conditions; and
- (ii) the Applicant's proposed use will lead to significant noise and disturbance to the occupiers of residential properties in the immediate vicinity.

Dangerous Road Conditions

Cocoa Ooze is situated on the very busy North Deeside Road. We are advised that, from personal observations made by our client, cars often park on the double yellow lines outside to enter the shop. This materially restricts open road visibility when trying to negotiate onto North Deeside Road by car from the narrow single lane side road. This narrow lane is a few yards along from the premises. This is a very real danger to motorists and pedestrians alike. In our client's opinion, this is an accident waiting to happen and is clearly a road safety hazard.

Edinburgh Quay 133 Fountainbridge Edinburgh EH3 9AG

Tel

Fax

DX 1

Also at: 33 Bothwell Street Glasgow G2 6NL Tel

Fax

Glasgow Central

Email

www.todsmurray.com

The parking problems are exacerbated when the children's parties and demonstrations are being held. Our client has observed vehicles parked half on the pavement on the aforementioned side road, thus causing dangerous congestion and restriction.

Noise and Disturbance

From the information which has been made available to us by our client, we are advised that there has been significant noise and disturbance emanating from the Premises which is a situation which has prevailed since the Applicant took occupation of the premises prior to the application having been made. Please note the terms of the enclosed copy letter which our client submitted previously to the Enforcement Officer of your Council on 14 November 2011.

We have been advised by our client that "Cocoa Ooze" run their premises over long periods each day. Part of their business model is to encourage large groups of adults and children to attend public events and parties at the premises which involve a demonstration of chocolate-making.

For the record, our client is in no way trying to hamper or otherwise restrict the business enterprise of the Applicant's company. However, a balancing compromise needs to be achieved between the requirements of allowing our client and other neighbouring proprietors to enjoy the peaceful and quiet possession of their own properties without un-necessary and unwelcome disturbance at times which are inappropriate.

To this end, if your Council is minded to grant Planning Permission, we would respectfully request that the permission is restricted so that parties and chocolate-making demonstrations are always held in the front shop of the premises and are not permitted to take place before 1pm on a Sunday or after 6pm during weekdays and at weekends.

Yours faithfully

Greig Honeyman - Partner
For Tods Murray LLP

Phone:

E-m:

Agenda Item 2.12

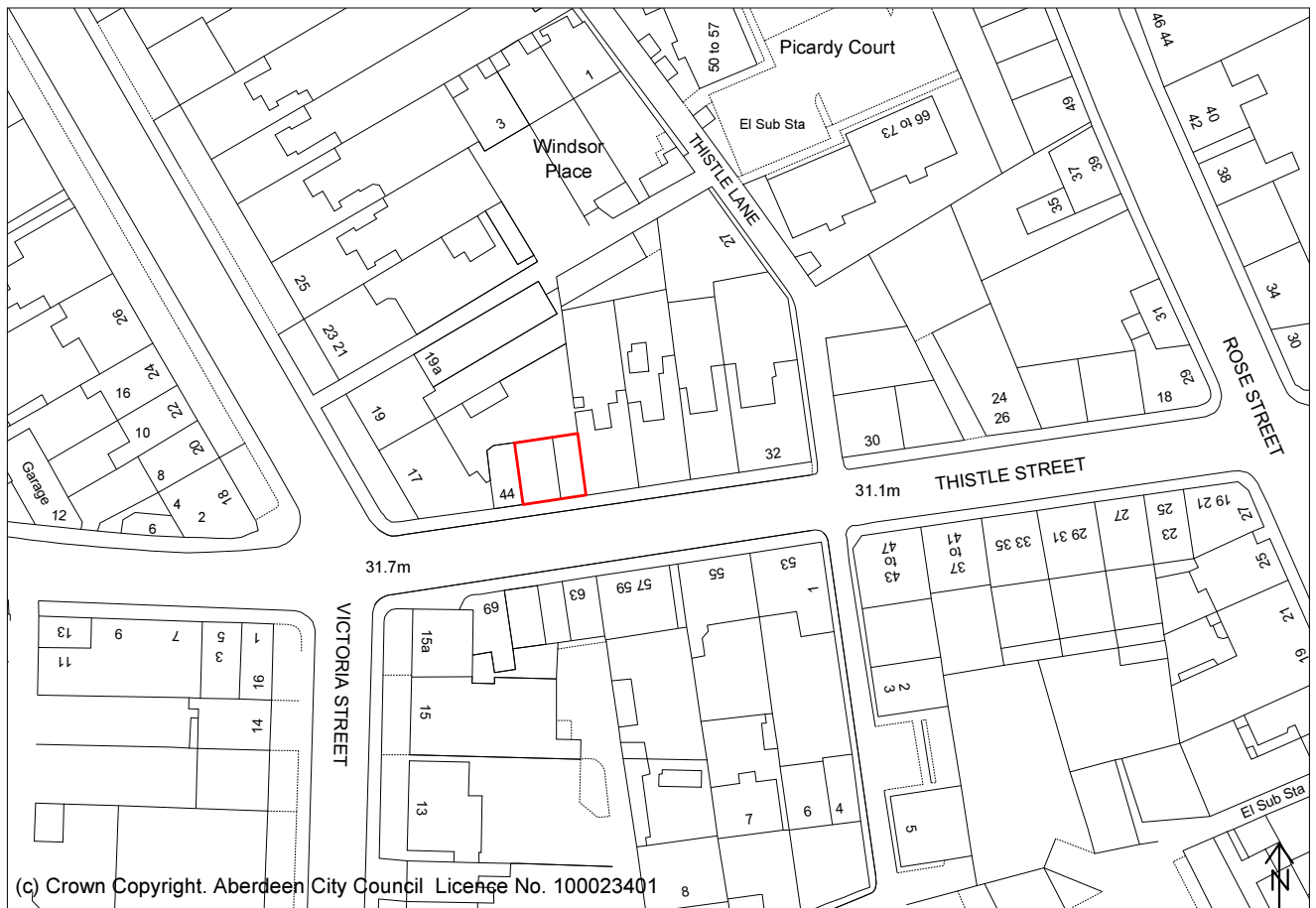
40-42 THISTLE STREET, ABERDEEN

PROPOSED CHANGE OF USE FROM
DRESS SHOP (CLASS 1) TO EAT-IN
LICENSED RESTAURANT (CLASS 3)

For: Mrs Jiaolan Bowden

Application Ref. : P120314
Application Date : 01/03/2012
Officer : Robert Forbes
Ward: Midsocket/Rosemount (B Cormie/J
Laing/J Corall)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on : 14 March 2012
Committee Date : 19 April 2012
Community Council : No response received



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The site comprises a vacant shop unit with a floor area of approximately 135 square metres. It is located in a traditional single storey building with a slate clad pitched roof. It has a glazed frontage with a recessed entrance door onto Thistle Street. The land to the rear of the building does not lie within the site and has no access from the street. The adjacent premises to the west is used by an estate agent. The building abutting the site to the east is a traditional 2 ½ storey granite tenement with commercial use on the ground floor and flats above. There are no windows in the gable wall of that premises overlooking the site. The single storey building to the north of the site accessed from Windsor Lane is used as a meeting hall. Beyond this lies residential flats facing Victoria Street. To the south of the site on Thistle Street are a mix of commercial uses at ground floor (including a French bakery) with residential flats above facing the application site.

HISTORY

None of relevance to this proposal.

PROPOSAL

Full planning permission is sought to change the use of the premises to a licensed restaurant. The agent states that this would be of a nature unique to the UK and that limited cooking would take place on the premises. Consumption of alcohol would only be with meals and there would be no take-away service. The proposed operating hours would be from 11am to 10pm, with no opening on Sundays. No external alterations are proposed and the existing access would remain. The submitted plans indicate that refuse storage would be in the basement. The proposed internal alterations do not require planning permission.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been advertised as a project of public concern and so does not fall within the Council's scheme of delegation.

CONSULTATIONS

ROADS SECTION – No objection;

ENVIRONMENTAL HEALTH – No objection. Request that conditions be imposed regarding restriction of cooking, ventilation, noise and refuse storage in order to protect residential amenity;

COMMUNITY COUNCIL – No response received.

REPRESENTATIONS

A supporting statement has been produced by the agent in attempt to justify the proposal. The agent states that planning permission should be granted subject only to a condition prohibiting deep fat frying.

Three letters of objection have been received from local residents. Their concerns relate to adverse impact on residential amenity (generation of odours, late night noise, refuse), traffic generation / car parking, overprovision of / lack of demand for such premises.

PLANNING POLICY

The site lies within an H1 residential policy area as identified in the Aberdeen Local Development Plan. It lies outwith the City Centre boundary as designated in this plan and is not identified as lying within a retail centre or a conservation area.

SPP is relevant with regard to town centres and economic development.

EVALUATION

This application requires to be determined in accordance with the Development Plan, unless outweighed by other material considerations. The development plan consists of the Adopted Local Plan and the Approved Structure Plan. Scottish Government planning policy (SPP) is a material consideration in this case.

As the proposal does not raise any issues of strategic nature, the structure plan is not of particular relevance in this case.

Subject to imposition of conditions restricting the nature / intensity of / regulating the use and addressing the amenity concerns of the objectors, it is considered that the proposal would have no adverse impact on residential amenity and would therefore accord with the development plan zoning policy.

As the proposal would provide a service which would complement the commercial function of the city centre, it would accord with the objective of enhancement of the vitality and viability of the city centre and with related planning policy in SPP. By securing additional employment creation in an appropriate location, it would also accord with the objective of Sustainable Economic Growth.

Given the proximity of the site to the city centre, where public transport is focused and given the likelihood of a high proportion of patrons using sustainable transport modes (such as walking) the proposal accords with the relevant transport policies in the local plan and in SPP. Given the central location and the existing commercial use, provision of car parking provision is considered to be unnecessary. The other concerns raised by the objectors regarding lack of need for the use or overprovision of such premises are not in themselves material planning considerations and should therefore have no bearing on determination of this application. It is considered that the concern regarding drainage does not warrant refusal of the application as the change of use would have little effect on existing foul drainage infrastructure and there would be no increased rate of surface water discharge.

In conclusion it is considered that, subject to imposition of conditions, the proposal would accord with the local plan and the other material considerations favour approval.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

Subject to imposition of conditions restricting the operation of / regulating the use, the proposal would have no adverse impact on residential amenity and would therefore accord with the development plan.

it is recommended that approval is granted with the following conditions:

- (1) that the use hereby granted planning permission shall not take place unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes from the premises has been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation - in order to preserve the residential amenity of the neighbourhood.
- (2) that the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and storage of recyclates in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the residential amenity of the neighbourhood and in the interests of public health.
- (3) that, notwithstanding the use of the premises as a restaurant hereby approved, no cooking/frying operations or hot food preparation shall be carried out on the premises other than in complete accordance with the written appendix to the permission hereby granted, as referred to in the agent's letter dated 24/2/12, unless the planning authority has given prior written approval for a variation - in order to prevent the creation of nuisance to nearby residential premises by the release of odours.
- (4) that the restaurant hereby approved shall not operate outwith the hours from 8.00 am until 11.00 pm on any day, unless the planning authority has given prior written approval for a variation - in order to preserve the residential amenity of the neighbourhood.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

**PROPOSED EAT-IN LICENSED RESTAURANT
40-42 THISTLE STREET ABERDEEN AB10 1XD**

**Application for Planning Permission
Supporting Statement
including
Design and Access Statement**



for
Mrs Jiaolan Bowden
by

RBCTP

RICHARD BUSH CHARTERED TOWN PLANNER

29H Dee Street Aberdeen AB11 6AW
Phone: —

23 February 2012

PROPOSED EAT-IN LICENSED RESTAURANT 40-42 THISTLE STREET ABERDEEN AB10 1XD

Application for Planning Permission Supporting Statement including Design and Access Statement

Introduction

This statement has been prepared by RBCTP Town Planning on behalf of Mrs Jiaolan Bowden, and accompanies the application for planning permission for a change the use to an eat-in licensed 'hot-pot' restaurant with a maximum of 26 covers. The currently vacant single-storey-with-basement lock-up shop was formerly used as *Image* dress shop (Class 1). No external alterations are proposed in this application. The proposal has been developed following pre-application consultation with Robert Forbes, Raymond Morrison, Michelle Thomson, Grant Tierney and Gordon Spence, all officers of Aberdeen City Council, whose assistance is gratefully acknowledged.

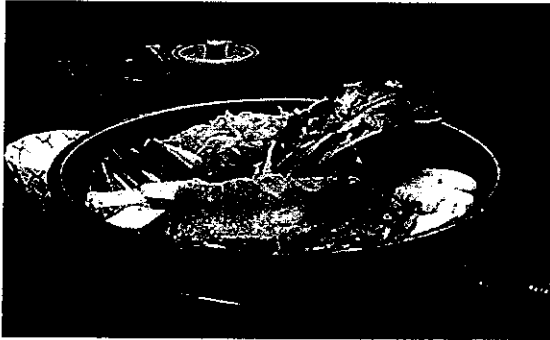
The Proposed Use

Hot pot restaurants are popular in China and Japan (where it is known as *sukiyaki* or *shabushabu*) but, as far as is known, the proposed use would be unique in the UK. Diners are supplied with rice, broth or soup and small pieces of finely prepared raw foods from the kitchen. The latter, typically comprising thinly sliced meats, fresh seafood and vegetables, are then cooked in the simmering broth/soup (using chopsticks or tongs) at individual mini induction hobs set into the food bar and dining tables and, once cooked, eaten with the rice. It is casual dining with a fascinating atmosphere at competitive prices. The intention is to provide affordable, good and swift service, healthy eating, convenience and authenticity to customers. The dining area would extend to 39m² and customer toilets 14m². Gross floor area including kitchen and basement areas is 135m². Between eight and 12 full and part-time jobs would be created, comprising both skilled (chefs) and unskilled (waiting) staff.



Consumption of alcohol will be very much ancillary to the restaurant use and sold only as part of the specialist dining experience (e.g. sake with meals). There will be no take away or delivery service and the hours of operation will on the whole coincide with other eating establishments in the surrounding area. Currently these are proposed to be 11.00 am - 2.00 pm and 5.00 pm - 10.00 pm, Mondays to Saturdays. There would be no opening on Sundays.

Hot pot, like sushi, ticks all the boxes for healthy eating. It uses the freshest ingredients, applies the simplest cooking methods and is almost free of fat and grease. The proposal fully supports the Scottish Government's *Healthy Eating: Active Living* strategy,¹ which promotes beneficial lifestyle change and discourages unhealthy diets. The business will contribute to the local economy. It will bring fresh ideas, incentives,



vitality and new supply and demand to the market.

The Location

This West End city centre site is part of the Aberdeen Business Improvement District, whose vision is:

'to make Aberdeen City Centre one of the most vibrant, attractive, prosperous and liveable city centres in Northern Europe. The role of the BID Company is to stimulate the economy, improve on the existing attractiveness, and to market the city centre as a destination of choice'²

Businesses here have a mainly boutique character and an attractive atmosphere. The whole area offers a variety of eating, drinking, leisure and shopping opportunities to consumers. Retail and class 2 uses adjoin the application site and such uses continue along Thistle Street from the city centre core through and beyond the application site westwards as far as the junction with Victoria Street. Immediately to the east of the application site, flatted upper floor tenement flats present a high gable wall (with no openings). The property shop adjoining the application site to the west is single storey, forming part of the same range of buildings as the application premises.

Policy Background

1. Scottish Planning Policy

Scottish Planning Policy (SPP) regards town (including city) centres as a key element of the economic and social fabric of Scotland. Their role includes providing services for local communities and making an important contribution to economic growth. They should be the focus for a mix of retail, leisure, entertainment, recreation, cultural and community facilities as well as homes and businesses. Retail and leisure uses are fundamental to town centres and planning authorities should support a diverse range of community and commercial activities there. The range and quality of shopping and wider economic and social activity are amongst the key

¹ <http://www.scotland.gov.uk/Publications/2008/06/20155902/10>

² <http://www.aberdeenbid.org/The-Vision-for-Aberdeen/Aberdeen-City-Centre.aspx>

influences on the success of a town centre.³ Social activity in both the day and night time is one of the key elements of successful town centres.⁴ The evening economy should be encouraged in appropriate centres to ensure life and activity outwith usual retail hours⁵. Town centres are first order locations for all retail and commercial leisure uses.⁶ Where development for town centre uses is proposed within a town centre, assessment of its impact on the viability of similar uses is not necessary.⁷

2. Structure Plan

The Aberdeen City and Shire Structure Plan August 2009 (ACSSP) encourages economic development⁸ and considers that a strong service sector, particularly retail and tourism, will have a role to play. It is very important that retail services are promoted to guarantee the vitality and viability of town centres, while creating opportunities for growth in the economy. It is particularly important to support Aberdeen City Centre to improve regional shopping facilities⁹. ACSSP targets Aberdeen to be one of the top-25 retail areas in the UK by 2030.¹⁰ ACSSP supports existing retail centres.¹¹

3. Local Development Plan

The Aberdeen Local Development Plan (ALDP) applies the National Planning Framework 2 (NPF2), confirming the importance of strengthening Aberdeen's role as Scotland's northern gateway and broadening the city's economic base, including:

- developing cultural and recreational facilities to create a more vibrant social scene; and
- attracting more tourists to the city and expanding the service sector...¹²

The ALDP spatial strategy promotes the city centre as the commercial, economic, social, civic and cultural heart of Aberdeen. A vibrant city centre is seen as vital to Aberdeen's future prosperity and to sustaining its attractiveness as a place to live and visit. A strong and thriving city centre is a key attribute in delivering the wider strategic aims of the ACSSP and the ALDP seeks to enhance its role as a key commercial centre.¹³ The city centre plays a major role in the commercial, economic, social, civic and cultural life of Aberdeen and the North East. It is an important regional centre providing a focus for employment and business interaction, offering access to a wide range of services and a place where people meet socially and choose to live

³ SPP para 52.

⁴ *ibid.* para 54.

⁵ *ibid.* para.58.

⁶ *ibid.* para.62.

⁷ *ibid.* para. 63.

⁸ ACSSP. Objective p.13.

⁹ *ibid.* para 4.2.

¹⁰ *ibid.* 'Targets' bullet point 4, p. 13.

¹¹ *ibid.* para. 4.31.

¹² ALDP para. 1.7.

¹³ *ibid.* para. 2.1.

and visit.¹⁴ It is vital for the future prosperity of Aberdeen that the city centre is enhanced and promoted as a safe, attractive, accessible and well connected place which contributes to an improved quality of life. The Business Improvement District has a recognised role in positively promoting the city centre¹⁵ and reinforces the role of the city centre as a regional centre.¹⁶ Policy C1 requires development in the city centre to contribute to the delivery of the vision for the city centre expressed in the City Centre Development Framework (CCDF):

“Successful places are sustainable and adaptable to changing circumstances in social, economic and environmental conditions, in other words dynamic.”¹⁷

As such the city centre is the preferred location for retail commercial and leisure development serving a city-wide or regional market.¹⁸

The ALDP recognises that support facilities such as shops, leisure facilities, etc. can make an important contribution to the city's employment areas.¹⁹ ALDP encourages and promotes the continual development of the prestigious, high quality West End Office Area.²⁰

ALDP recognises retailing as a major activity in the city centre and that, as the region's main shopping centre, it is important to maintain and improve the visitor experience on offer to maintain Aberdeen's strength and competitiveness. Improvements will be encouraged to consolidate and enhance Aberdeen's position as one of the UK's leading retail destinations.²¹ Although the boundary of the City Centre shown in the ALDP Proposals Map runs along the road immediately in front of the application premises, which are designated as part of an H1 residential area, the application site contains no residential use and the premises form part of the Aberdeen Business Improvement District. The premises are both visually and functionally part of the city centre. Strictly applying policy H1, however:

- the proposal can be considered complementary to residential use, since it would offer meals to residents in the many flatted houses in the city centre and residents of the wider area, who may choose to eat out rather than cook for themselves; and provide them with a venue to entertain visitors; and
- the proposal would cause no conflict with, or any nuisance to, the enjoyment of residential amenity. In particular, the ventilation requirements for this type of cooking are not onerous, but fully suitable ventilation equipment will be provided on the basis of advice provided by the client's ventilation engineer (See attached ventilation statement²²). No

¹⁴ *ibid.* para.2.8.

¹⁵ *ibid.* para 2.9.

¹⁶ *ibid.* para 2.11.

¹⁷ CCDF, p.4.

¹⁸ ALDP. Policy C1 *City Centre Development - Regional Centre*.

¹⁹ *ibid.* para. 3.30.

²⁰ *ibid.* para.3.34.

²¹ *ibid.* 3.56.

²² *42 Thistle Street - Proposed Ventilation System*

deep fat frying will take place. Agreement has been reached during pre-application discussions with Raymond Morrison, environmental health Authorised Officer, that a planning condition may be imposed to this effect and that no tall flues will be required to disperse the extracted air. The adjacent property to the east (retail on ground floor) has a tall gable wall with no openings facing the site and properties across the road and adjacent to the west are single storey retail / class 2 premises. The properties either side of Victoria Street as far as Windsor Place are also in commercial use.

4. City Centre Development Framework

The CCDF Principles²³ aim to create and maintain a "sense of place" in Aberdeen City Centre; seek to enhance Aberdeen's unique identity; and to ensure that appropriate connection is made to and throughout the City Centre. The principles include:

- Distinct identity
- Safe and pleasant environment
- Easy to move around
- Welcoming
- Adaptable
- Sustainable

The CCDF defines the West End of the City Centre as the area to the north of Union Street from Huntly Street west, including Chapel Street, Summer Street, Rose Street and Thistle Street, connecting to Union Street. It is seen as a transitional zone between the business-orientated Albyn Place and the more retail focused City Centre²⁴. The area currently offers a variety of uses including speciality retail, housing, business, hotel and entertainment. There are a number of small shop units and businesses within the West End. Many of the streets also have their own distinct character and uses contributing to their success. The smaller streets off Union Street have smaller more niche shops. Further encouragement should be given to local shops and businesses operating in this area. The development of smaller shop units should be encouraged in the West End, which is a good example of Mixed Use with an identity of small niche shop units. There is an opportunity to maintain and enhance the vitality, vibrancy and viability of the West End and to develop a niche market retail strategy in the medium term.

5. Conservation Area

The application premises fall outwith any conservation area designation, although the boundary of conservation area 4 runs a short distance to the west and north. This boundary separates the grander traditional granite terraces of Victoria Street from the more humble single storey buildings (including the application premises) either side of Thistle Street. The character

²³ CCDF p.6.

²⁴ *ibid.* para 5.7, pp 54-55.

of the application premises is therefore distinct from that of the conservation area and subordinate to it. No material alterations are proposed to the exterior of the application premises. Whilst the proposed change of use would result in a modest increase in the vitality of the area, no effect on the character of the conservation area is anticipated.

Design and Access

Although there would be no material alterations to the exterior of the property other than redecoration and new signage, the internal layout of the premises would be designed to give views from the street to the open kitchen and dining areas through the full display windows and glazed doors. This will bring activity and interest to the street scene for passers-by. Lighting would be designed to highlight internal activity and not to spill onto the street. The proposed change of use would increase the vitality of the area by accommodating an increased amount of coming and going compared to the previous specialist dress shop and by providing views of activity within the building compared to the previous static window displays.

Ready wheelchair access is available to the premises through the front door, which has no step. A fully accessible disabled toilet and conventional male and female toilets are provided, all at ground floor level. There is sufficient wheelchair circulation space. Moveable tables and chairs allow flexibility of layout so that it can be adapted to particular needs. Places suitable for wheelchair users will be provided.

Pre-application consultation has taken place with Michelle Thomson, Authorised Officer at Kittybrewster Depot, who has agreed waste collection arrangements and the bin storage configuration shown in the planning application.

Ventilation arrangements are set out in the accompanying document²⁵, based upon information provided by the client's ventilation engineer and following consultation with Raymond Morrison, environmental health Authorised Officer. The requirements are undemanding but are designed to be fully effective against odour and noise emissions, being fitted with filters and insulated as required. They will be visually unobtrusive.

The application site falls within Zone 1 of the Council's parking standards.²⁶ By these standards, non-food retail outlets (<1000m² GFA) such as the currently authorised Class 1 use have a *maximum* car parking requirement of

²⁵ 42 Thistle Street - Proposed Ventilation System

²⁶ As contained in *Transport & Accessibility Supplementary Guidance (Version 2) September 2011*.

one car parking space per 70m² floor area, whereas restaurants and cafes have a *maximum* requirement of 1 per 40m².

- With a gross floor area of 135m² the difference in *maximum* car parking demand is therefore:

Proposed Use: Restaurant	$135 \div 40 = 3.375$
Existing Use: Class 1, non-food	$135 \div 70 = 1.928$
Difference	$= 1.447$

Given that these are *maximum* car parking spaces, that the area is highly accessible on foot, by taxi throughout the day and night and by other readily available public transport, there will be no material effect on parking demand arising from this proposed change of use.

Unilateral on-street pay and display parking is available opposite the application premises and in nearby streets. Non-pay car parking is widely available throughout the surrounding area after 6 pm, when 'working day' parking restrictions are lifted. Further parking space is available within easy walking distance at Chapel Street multi-storey car park and at other city centre locations. There are no loading restrictions.

Regular bus services to all parts of the city and Aberdeenshire are available from Union Street, from where night buses also run hourly or half-hourly until approximately 0330 to all parts of the city. Taxis are available at a rank in nearby Chapel Street and elsewhere within the city centre. Late at night, taxis are available instead on Union Street at its junction with Summer Street. (However, the applicant has no intention of opening at late hours). Aberdeen railway station is within reasonable walking distance.

Planning Assessment of the Proposal

This proposal fully accords with national, regional and local policies for this West End city centre location and would help to fulfil the vision of the Aberdeen Business Improvement District. In particular it will:

- provide a service to the local community and contribute to economic growth
- provide eight to 12 skilled and unskilled part- and full-time employment opportunities;
- contribute to the necessary mix of city centre uses, extend the range of social and economic activity in the city centre in both day and night time and encourage the evening economy;
- encourage tourism and other retail uses and improve the viability and vitality of the West End shopping area;
- support Aberdeen city centre as a regional shopping centre and its quest to become a top-25 UK retail area;

- develop Aberdeen's cultural and recreational facilities to create a more vibrant social scene and expand the service sector;
- provide a venue for business interaction and a place where people can meet socially and which contributes to an improved quality of life;
- provide a destination for residents and visitors;
- help deliver the vision of the CCDF by adapting the use of premises in a sustainable location to changes in economic and social conditions;
- be in the Council's preferred location for retail, commercial and leisure development that will serve a city wide and regional market;
- provide a support facility for workers in the adjacent West End Office Area;
- be complementary to residential uses in the general area and have no adverse effect on residential amenity;
- support the distinct identity of the West End shopping area as a recognised speciality niche retail, businesses and entertainment area; and as a somewhat quieter, more domestic scale part of the city centre providing a degree of refuge from the size, noise, hustle and bustle of Union Street;
- Help to make the area welcoming;
- have no adverse effect on the character of the adjacent conservation area;
- improve vitality by providing interesting views from the street of activity within the premises rather than static window displays and by increasing the footfall to and from the proposed restaurant;
- provide for ready access by disabled customers, including those in wheelchairs;
- be unobtrusive;
- have no material adverse effect on car parking demand;
- have nearby public transport readily available at all times; and
- be within easy walking distance of all other city centre uses.

Conclusion

This proposal will make a positive contribution to the immediate area and to the city centre as a whole. It is in a sustainable location. The proposed use is appropriate to the area having regard to the development plan and other material considerations. Planning permission should be granted for it, subject only to a planning condition prohibiting deep-fat frying at the premises.

From: ALEX DUNNETT.
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
Date: 20/03/2012 12:09
Subject: Planning Permission Application number 120314

REFERENCE APPLICATION NUMBER 120314

Change of use for:
40-42 THISTLE STREET
ABERDEEN
AB10 1XD

DATED 08 March 2012

Dear Sir, /Madam,

Having received the proposed eat in licensed restaurant at the above address, I have now had time to reflect on the matter and I have grave concerns which I wish to raise in objection to the application on the following grounds :-

- Having personally raised concerns with the previous owners through the council regarding the collection of garbage and use of residential bins I cannot believe that changing from a clothes shop to a restaurant would improve this situation, in fact all parties concerned would agree that this very important environmental issue would most certainly deteriorate.

- I have read the plans for the new ventilation system which has been recommended, I am no expert with regards to this system but I must raise my objection that any restaurant would create odours and gases which is not fair to the residents nor the environment.

- I see they are to request a licence for the restaurant, surely there are enough drinking establishments in this area and another one would only increase the noise and disturbance late into the evenings (possibly early hours depending on the licence) once again you are putting another stress on to the local residents living in this area, whom have a right to a fair nights rest throughout the week and weekends.

- I see there is no mention to improvements to the local drainage system, surely having a restaurant would only increase the quantities of fluids onto this system and possibly create future problems to the local area ?

- As the council is fully aware of, is the major parking problem within this area, to open a restaurant this would bring more traffic to the area and inconvenience not only to local residents but other small businesses that are located in this area – this must be addressed before approval should be considered.

I read in the application that the restaurant would make a 'positive contribution to the immediate area' I for one fully encourage improvements to Aberdeen City Centre in any way I can but I truly believe that the creation of a restaurant in this area is NOT positive and will lead to further deterioration and health risks in the area in the near future.

Submitted for your action & information.

Kindest regards

Alex Dunnett
59 Thistle Street
Aberdeen
AB10 1UY

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 3/13/2012 9:19 pm
Subject: Planning Comment for 120314

Comment for Planning Application 120314
Name : Lorraine McIntosh
Address : 55 Thistle Street
ABERDEEN
AB10 1UY

Telephone : _____
Email : _____
type :

Comment : I do not believe that this application is appropriate and would like to object in the strongest terms. This is a residential street which already has a parking problem and a litter problem. We currently have numerous fast-food and sit-in restaurants in the area with no capacity for parking. In the evenings the street is blocked with cars parking in dangerous positions and I fear that emergency access would be impossible on many occasions. We already suffer from an excess of litter from current establishments with no facilities provided to the current food-providers and they therefore leave boxes outside or use the public provided bins. There is no demand for another restaurant in this area.

My final request to be taken into account in objecting to this application would be that this shop is not designed to be a restaurant and that there is no adequate fan provision and that the smell from this establishment would be detrimental to this residential area.

From: "Wilson"
To: "Planning Application" <pi@aberdeencity.gov.uk>
Date: 15/03/2012 12:19
Subject: 40-42 Thistle Street

Thank you for your acknowledgement of my email of 9 March regarding the above property. I am afraid I inadvertently pressed the send button before explaining my objections to the change of use of 40-42 Thistle Street to you. My objections to the proposal is as follows:

1.. There are enough eating establishments the surrounding area, e.g. in Rose Street, Chapel Street, Holburn Junction and Union Street

2.. Parking is difficult at the best of times in Thistle Street and a restaurant at 40-42 will only exacerbate the situation. Thistle Street is a favourite parking area for non-residents and very often, we who live here, have to tour the surrounding streets that covers our parking permit in order to find a legal parking space.

3.. 38 Thistle Street directly adjoins 40-42 and cooking smells will undoubtedly permeating the whole of this building.

4.. There does not appear to be viable access to the rear of the building and therefore the location of refuse bins is a concern and also how the bins will be secured, bearing in mind they will contain food waste that can attract vermin.

5.. Noise from the patrons particularly late at night.

I accept that it is preferable 40-42 Thistle be occupied rather than empty as it is at present. However, a change of use from a ladies fashion business, to an eating establishment is not acceptable and I feel that the application should be rejected.

Thank you for taking the time to read this email.

Frances C Wilson
1st floor flat
38 Thistle Street
Aberdeen

email! _____
tel! _____

From: "Wilson"
To: "Planning Application" <pi@aberdeencity.gov.uk>
Date: 09/03/2012 15:16
Subject: 40-42 Thistle Street

I have received notice of the application to Aberdeen City Council in relation to the above premises today.

I write to strongly object to the change of use from a dress shop to an eat-in licensed, restaurant.

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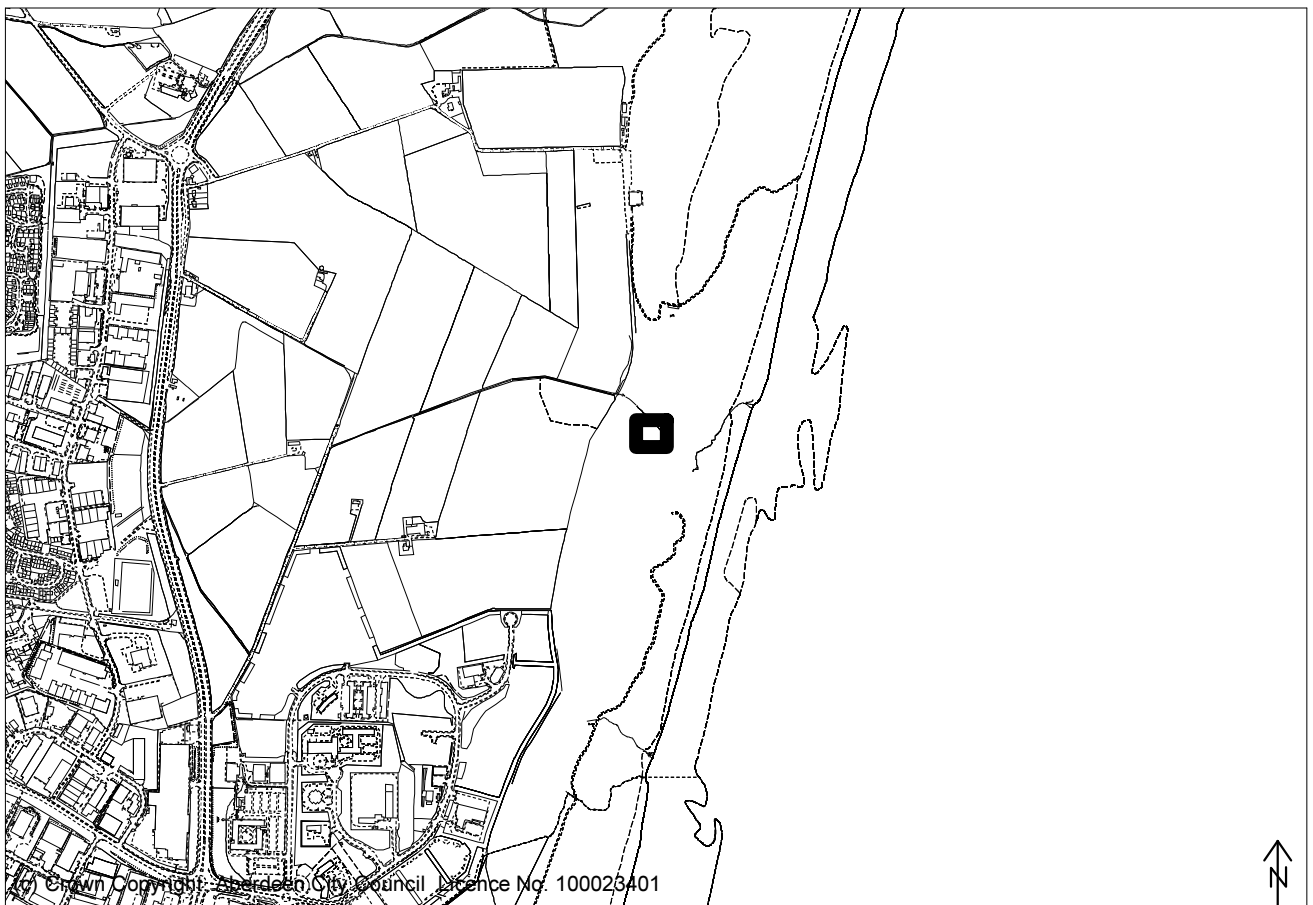
LINKS ROAD, BRIDGE OF DON

PROPOSED TOILET BLOCK NEAR TO 7TH GREEN/8TH TEE

For: Royal Aberdeen Golf Club

Application Ref. : P120093
Application Date : 20/01/2012
Officer : Gavin Evans
Ward: Bridge of Don (M Jaffrey/G Leslie/J
Reynolds/W Young)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on : 22/02/2012
Committee Date : 19 April 2012
Community Council : No response received



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site, which extends to 300sqm, represents part of the royal Aberdeen Golf Club course, and is located some 600m to the north-east of the Aberdeen Science and Energy Park. The location of the works is adjacent to the 7th green and 8th tee on the golf course.

HISTORY

No planning history relevant to this proposal.

PROPOSAL

This application proposes the construction of a single storey building, measuring approximately 3.5m wide by 5m long, to provide on-course toilet facilities to users of the Royal Aberdeen Golf Club. The works proposed are of a minor nature, and involve some changes to ground levels to accommodate the modest single-storey, pitched-roof structure, which would be finished with grey wet-dash render and slate roof. The building, which would contain 2no independent W.C. cubicles, would measure 2.5m in height to eaves, and 3.5m in height to roof ridge. It is proposed to incorporate solar panels on the southern slope of the pitched roof. The area between the existing footpath and the building would be surfaced with 'lock-block' paving.

REASON FOR REFERRAL TO SUB-COMMITTEE

This application falls outwith the Council's current scheme of delegation as the type of development proposed (i.e. that of a public toilet) is termed a 'project of public concern' as specified under Schedule 3 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

CONSULTATIONS

ROADS SECTION – No observations.

ENVIRONMENTAL HEALTH – No response received.

COMMUNITY COUNCIL – No response received.

KEEPER OF ARCHAEOLOGY – requests the attachment of a condition to any consent, requiring the applicant to secure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation approved by the planning authority.

REPRESENTATIONS

No letters of representation were received in relation to this application.

PLANNING POLICY

Aberdeen Local Development Plan (as modified) 2012

Policy NE1: Green Space Network

The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the network will not be permitted.

Policy NE2: Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

Policy D6: Landscape

Development will not be acceptable unless it avoids disturbance, loss or damage to important recreation, wildlife or woodland resources, or to the physical links between them.

Policy NE8: Natural Heritage

Development that has an adverse effect on an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy (SPP).

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that, in making a 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.

The application site lies within an area designated as Green Belt in the Aberdeen Local Development Plan (ALDP). As such, this must be assessed against policy NE2, which allows only certain types of development within green belt areas. The site has been well chosen in relation to the surrounding topography, with the works located in a small hollow, which sits around 2m below the level of land to the north, south and east, and is further screened by existing dense gorse bushes. This site represents an existing recreational use within the green belt, and that the proposed development is directly associated with that recreational use. Furthermore, there would be no adverse impact on the character or appearance of the Green Belt as a result of the development, and it is considered that the proposal accords with policy NE2.

The site also lies within an area designated as part of Aberdeen's Green Space Network. However, given the minor nature of the works and their scale relative to that of the Green Space Network at this point, it is not considered that there would be adverse impact on the character or function of the network, and therefore the proposal accords with policy NE1 of the ALDP.

The site is covered by a third designation, known as a Local Nature Conservation Site (LNCS). The Balgownie/Blackdog Links LNCS extends approximately 5.5km along the coastline, from a point just north of the mouth of the Don until Millden Links, outside the City boundary. Policy NE8 states that development will not be permitted where it is considered to result in an adverse effect on a designated area of this type. The nature of this proposal and its modest scale relative to the extensive Balgownie/Blackdog Links LNCS is such that there is not considered to be any adverse effect on the designated site. It is therefore considered that the proposal accords with policy NE8 of the ALDP.

For these reasons it is also considered that the proposal accords with policy D6, relating to landscape protection.

In summary, the proposal accords with all relevant provisions of the development plan, and it is therefore recommended that this application be approved subject to relevant conditions, detailed below.

Having regard for the consultation response from the Council's Keeper of Archaeology, it is recommended that approval be subject to a condition requiring the applicant to secure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation approved by the planning authority.

In addition, it is recommended that further conditions be attached to require that the applicant provides further details of the materials to be used on the building and external hard surfaces, as well as details of the proposed solar panels to be installed on the southern roof-slope.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed development accords with policies NE1 (Green Space Network), NE2 (Green Belt), NE8(Natural Heritage) and D6(Landscape) of the Aberdeen Local Development Plan. There are not material considerations which are sufficient to suggest that this application should be determined other than in accordance with the development plan.

it is recommended that approval is granted with the following condition(s):

(1) that no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(2) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved, and those of the external hard surface, has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(3) that no solar panels shall be installed on the roof of the approved building until such time as detailed specifications have been submitted to, and approved in writing by, the planning authority - in the interests of preserving visual amenity.

Dr Margaret Bochel, Head of Planning and Sustainable Development.

ABERDEEN CITY COUNCIL

COMMITTEE	Development Management Sub-Committee		
DATE	19 April 2012		
LEAD HEAD OF SERVICE	Margaret Bochel		DIRECTOR Gordon McIntosh
TITLE OF REPORT	North Garthdee Farm Planning Brief		
REPORT NUMBER	EPI/12/101		

1 PURPOSE OF REPORT

- 1.1 The Aberdeen Local Development Plan 2012 highlights the requirement for a Planning Brief to be produced for allocated site OP65 – North Garthdee Farm.
- 1.2 The purpose of this report is to seek approval for a brief produced by Ryden for the site; this has been appended to this report. The Planning Brief went to the Development Management Sub-Committee on 22 March 2012 but was deferred until the 19 April 2012 to ensure that the contents, page numbers and headings were accurate and to clarify some points on the consultation process. These issues have now been addressed and are highlighted in paragraphs 5.6 and 5.7 of this report.
- 1.3 The North Garthdee Farm Planning Brief (March 2012) can also be viewed by accessing the following link:

www.aberdeencity.gov.uk/masterplanning
- 1.4 A hard copy of the Planning Brief is available in the Member's Library and within the Planning and Sustainable Development Service at Ground Floor North, Marischal College.

2 RECOMMENDATION(S)

- 2.1 It is recommended that the Committee:
- 2.2 (a) Adopt the North Garthdee Farm Planning Brief as interim planning advice,

(b) Agree for officers to implement the process to ratify the planning brief as Supplementary Guidance to the Aberdeen Local Development Plan by the Scottish Government.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report outwith normal officer time to evaluate the Planning Brief. The developers have met the cost of preparation of the Planning Brief, including all consultation and engagement.

4 OTHER IMPLICATIONS

- 4.1 There are no known property, legal or equipment implications arising from this report.
- 4.2 The Planning Brief reduces the risk of piecemeal and inappropriate development within the site, by setting out the policies, opportunities and constraints up front.
- 4.3 Approving the Planning Brief will contribute to efficiencies in determining future planning applications by giving clear guidance on planning matters up front.
- 4.4 In accordance with the Aberdeen Local Development Plan, Appendix 4, the Proposed Action Programme and the Infrastructure and Developer Contributions Manual, the Planning Brief references the need to highlights these requirements including cumulative and local transport infrastructure, public transport and walking and cycling.
- 4.5 A Strategic Environmental Assessment has been undertaken on the North Garthdee Farm site as part of the preparation for the Aberdeen Local Development Plan.

5 BACKGROUND/MAIN ISSUES

- 5.1 The North Garthdee Farm site is allocated in the Aberdeen Local Development Plan for 80 homes for the period 2007 - 2016, with the requirement for a Planning Brief.
- 5.2 The vision for the site is –

to create a sustainable development and a community where people aspire to live,
to ensure attractive pedestrian and cycle access throughout the site and onto the Deeside Way and
to create a high quality neighbourhood, firmly rooted in the designing streets philosophy.
- 5.3 The Planning Brief sets out planning and design principles for the site, highlighting opportunities, constraints and policy reference. This section also highlights further studies, contributions and assessments which are required as part of a planning application.
- 5.4 Connectivity and accessibility are key parts of the brief, with the emphasis being on pedestrian and cycle movement, connectivity, access to public transport and minimizing private car use.
- 5.5 A consultation exercise was carried out by the agent on the 13 December 2011. A summary of the comments received as part of the consultation are included in Appendix 1 of the brief.

- 5.6 The consultant has amended the brief ensuring the contents page, contents and headings are included and properly numbered. They have also amended a few typing errors within the brief.
- 5.7 The consultant has confirmed that Cults, Bieldside and Milltimber Community Council were invited to the joint consultation event for the planning brief and the planning application on 13 December 2012. It should also be noted that the planning brief is site specific guidance highlighting planning policy, opportunities and constraints. The planning application for the site has now been submitted, and the community councils will be able to comment on the detailed proposal through this process. A paragraph related to the planning application has been added to paragraph A1.11 of the planning brief.

6 IMPACT

- 6.1 The site includes access to walking and cycling networks.
- 6.2 The Planning Brief contributes to the following Single Outcome Priorities: 1 – We live in a Scotland that is the most attractive place for doing business in Europe; 10. We live in well-designed, sustainable places where we are able to access the amenities and services we need; 12 – We value and enjoy our built and natural environment and protect and enhance it for future generations.
- 6.3 The proposal contributes to the 5 year Business Plan in terms of working with our partners to attract visitors, workers and investment to protect the economic future of the city, encouraging the growth of local businesses through support of existing business sectors and development of new sectors and facilitating new development projects to improve Aberdeen's living and working environment.
- 6.4 The proposal is consistent with the Council's Corporate Plan, in particular delivering high levels of design from all development, maintaining an up-to-date planning framework, sustainable development and open space provision.
- 6.5 The proposal is consistent with the Planning and Sustainable Development Service Plan, in particular engaging the community in the planning process.

7 BACKGROUND PAPERS

- 7.1 Aberdeen Local Development Plan (Feb 2012)
http://www.aberdeencity.gov.uk/Planning/ldp/pla_local_development_plan.asp
- 7.2 Aberdeen Masterplanning Process (July 2010)
<http://www.aberdeencity.gov.uk/masterplanning/>

8 REPORT AUTHOR DETAILS

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Space to live.

David Wilson Homes



BARRATT
HOMES

find the one

Ryden



ABERDEEN
CITY COUNCIL



Residential Development of Land at North Garthdee Farm

Planning Brief

Planning and Sustainable Development

Aberdeen City Council

Business Hub 4 | Ground Floor North

Marischal College

Broad Street

Aberdeen

AB10 1AB

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March 2012



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REFERENCES

The following publications and guidance have been used to inform and support this planning brief and should be used for further reference:

- Scottish Planning Policy 2010
- Designing Places – A Policy Statement for Scotland 2008
- Designing Streets – A Policy Statement for Scotland 2010
- Aberdeen City and Shire Structure Plan 2009
- Aberdeen Local Development Plan 2012
- The Aberdeen Masterplanning Process 2011
- Open Space Interim Supplementary Guidance 2011
- Transport supplementary Guidance 2004
- Landscape Guidelines 2011
- NESTRANS Regional Transport Strategy/2021
- Aberdeen Local Transport Strategy 2008–2012
- Core Paths Plan 2009
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 72 Housing in the Countryside
- PAN 74 Affordable Housing
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 78 Inclusive Design
- PAN 81 Community Engagement – Planning With People
- PAN 83 Masterplanning

1.0 EXECUTIVE SUMMARY

1.1 This draft planning brief has been prepared by Ryden LLP for Barratt East Scotland on behalf of David Wilson Homes to provide a strategic context and clear guidelines for the development of land at North Garthdee Farm for residential development in accordance with the Aberdeen Local Development Plan (2012) (ALDP).

RECOMMENDATIONS FOR DEVELOPMENT

- Proposals must adopt the principles of 'place making', high quality building design, high quality urban design and high quality landscape design;
- Movement to/ from and throughout the site must be designed according to the principles of 'Designing Streets' and should provide pedestrian linkage to the former Deeside Railway Line pedestrian/cycleway and open amenity area;
- Neighbourhood open space should be a focal point of the site layout and dwellinghouses should overlook this area to take advantage of passive surveillance.

2.0 DEVELOPMENT CONTEXT

2.1 This planning brief interprets guidance from a wide range of sources; Scottish Planning Policy is Scotland's national land use policy statement and provides high level guidance for development, in addition to this Designing Places and Designing Streets also provide specific policy guidance. These documents are supplemented by subject-specific Planning Advice Notes (PAN).

2.2 All development must be in accordance with the development plan; at the time of development of the site the development plan for Aberdeen

City will comprise the Aberdeen & Aberdeenshire Structure Plan (2009) and the Aberdeen Local Development Plan (2012). The Structure Plan sets a target for development to generally have no less than 30 dwellings per hectare.

ABERDEEN LOCAL DEVELOPMENT PLAN (ALDP) (2012)

2.3 The ALDP identifies this site as OP65 for the development of 80 homes in the period 2007 – 2016, subject to the preparation of a planning brief. This planning brief considers an integrated approach to site planning, urban design, sustainable transport, ecology, landscaping and community involvement to ensure the development of the site is of a high standard.

DELIVERY STRATEGY

2.4 Planning Permission will be sought in the spring of 2012. Subject to planning approval, development should commence in 2012 at a rate dictated by market circumstances, with a view to complete by 2015.



FIGURE 1: EXTRACT FROM ABERDEEN LOCAL DEVELOPMENT PLAN

3.0 SITE DESCRIPTION AND APPRAISAL

- **Location** 2.5 miles west of Aberdeen to the north of Garthdee Road, immediately east of the allotments at Pitfodels Station Road and north-west of the RGU Campus;
- **Size** 3.1 hectares;
- **Designation** Lies within the Pitfodels Conservation Area – layout and design should work with the site’s topography and include landscaping appropriate to the designation;
- **Current Use** Vacant scrubland, farmhouse and yard;
- **Surrounding Uses** Mix of uses, RGU Garthdee Campus and sports facility to the south, public house and restaurant to the east, fitness club and supermarkets within 1.6km;
- **Access** Pedestrian footways run along Garthdee and Auchinyell Roads, the site is bounded by the Deeside Railway foot/cycleway; vehicular access is via a private driveway from Garthdee Road;
- **Boundaries** Granite walls, post & wire fence, trees to north;
- **Topography** Gently undulating and generally south facing. Deeside Railway line sits at higher level than site;
- **Features** Deeside Railway line forms the northern boundary; allotments to the west; open space to the north-east and south-east, housing to the east at a higher level. The site includes Garthdee Farmhouse and trees;
- **Ecology/ Biodiversity** Scrubland, little exists on site – a row of trees have been planted for amenity of the farmhouse;
- **Service** Service connections lie within the site’s vicinity;
- **Drainage** The site appears free from drainage constraints, a Drainage Impact Assessment must be undertaken;

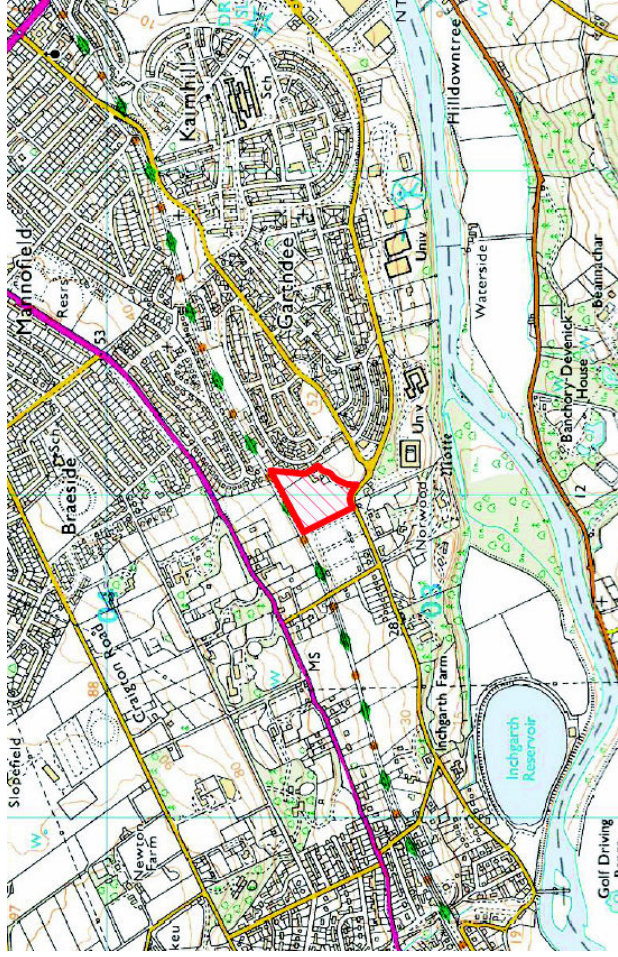


FIGURE 2: OP65 SITE LOCATION

- **Density** Using a mix of house types within the site provides an opportunity to introduce a mix of densities within the development;
- **Constraints** The existing farmhouse and derelict outbuildings on the site, the curtilage of which is bound by immature deciduous trees. A development of 80 dwellings will require a secondary vehicular access into the site; in the absence of a second access capacity of the site will be limited to circa 60 dwellings;
- **Opportunities** The development will visually connect the housing in the east and the allotments to the west, providing a pedestrian and cycle link between Garthdee/ Inchgarth Road and the Deeside Railway line. The existing housing sits higher than the site, prohibiting pedestrian linkage.



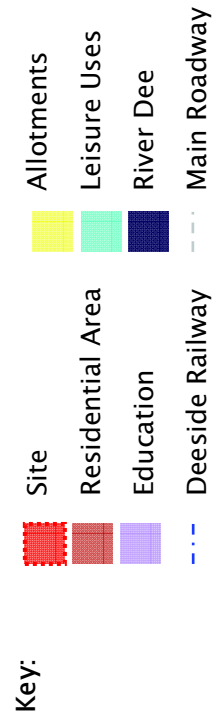
FIGURE 3: SITE FEATURES - FROM AUCHINYELL RD AMENITY AREA

4.0 VISION STATEMENT

- Barratt East Scotland on behalf of David Wilson Homes strive to create sustainable development and communities where people aspire to live.
- Enabling pedestrian and cycle accessibility through the site from the former Deeside Railway line pedestrian/ cycleway to the north between Garthdee Road and the RGU campus to the south is a priority. Attractive pedestrian and cycle linkages will be formed from the Railway line into and through the site to connect with Garthdee/ Inchgarth Road to the south.
- Using high quality materials, attention to detail and a natural palette of colours, the development should respect the Pitfodels Conservation area. North Garthdee Farm should provide areas of neighbourhood open space and pedestrian-friendly streets, firmly rooted in the Designing Streets philosophy, where streets should end in streets and have central open space, rather than cul-de-sacs.



FIGURE 4: SITE CONTEXT



5.0 PLANNING AND DESIGN PRINCIPLES

5.1 The development will provide high quality family homes to address the requirement within the city, including a mix of types and sizes. The development will feature streets, squares and with active street frontages focussed around neighbourhood open space. The internal layout and connections to the wider area should give priority to pedestrians – in line with *Designing Places* and *Designing Streets*. A Design and Access Statement will accompany any future planning application.

- **Character & Identity**
 - Important aspects include open space, pedestrian priority, interaction with the railway line and enhancement of the Pitfodels Conservation Area. The development will be designed to a high standard and incorporate high quality materials and design features, appropriate for the Conservation Area setting; the development should be of a traditional scale and mass, resulting in a traditional neighbourhood setting laid out into streets and squares rather than cul-de-sacs.
- **Scale & Density**
 - Dwellings will be a maximum of 3 storeys in height, at a density in the range of 20 – 30 dwellings per hectare. The land along Morrison Drive to the east lies at a higher level; at this point 3-storey dwellings could be more readily absorbed into the landscape.
- **Overlooking**
 - Dwellings should be laid out on site to respect neighbouring privacy in accordance with the ALDP. Dwellings will face onto the street and open space to fully utilise passive surveillance to increase safety.
- **Open Space**
 - It is likely that the open space provided onsite will be neighbourhood open space. Located at the heart of the development and overlooked by housing, the space will serve a range of recreational uses, per the Council's [Open](#)
- **Landscaping**
 -
- **Sustainability**
 -
- **Affordable Housing**
 -
- **Developer Contributions**
 -
- **Existing Buildings**
 -
- **Other Considerations**
 -

[Space guidelines](#), providing landscaping and recreation for the development and the immediate neighbourhood.

Natural boundary materials and reuse of granite from existing buildings will enhance the existing dykes; hard and soft indigenous landscaping will emphasise connectivity with surrounding areas and Green Space Network. The trees on site have been planted in recent years for the privacy of the dwellinghouse. A tree survey, landscaping scheme and management plan are required as part of any planning application, the Council's guidelines can be found [here](#).

The site is south facing, design must maximise solar gain. The benefits of energy efficient and local materials to create a low-carbon development are fundamental and will be considered at all design/development stages.

The ALDP requires the affordable housing to comprise no less than 25% of the total units.

Through the [Action Programme](#) and [Infrastructure & Developer Contributions Manual](#) proportionate contributions are sought towards: water and sewage infrastructure; core paths and local walking/ cycling networks; Kaimhill Primary School (dependent on capacity); local healthcare; and local and strategic infrastructure, the latter through the [Strategic Transport Fund](#).

Conservation Area consent will be sought for the removal of existing buildings; ALDP policy D4 requires the granite to form part of the new development.

Drainage Impact Assessment, Sustainable Urban Drainage Systems, topographical survey, tree survey and management plan, waste/recycling storage consideration and construction waste surveys and management plans will support any planning application. Direct pedestrian linkages to the allotments are not proposed to maintain their security.

6.0 CONNECTIVITY AND ACCESSIBILITY

6.1 Access and connectivity will be one of the guiding principles of the site layout, maximising accessibility and circulation both to, from and throughout the site. The layout will be designed in accordance with the principles of Designing Streets (2008), including, shared surfaces, varying widths, use of street furniture and attention to speed reduction and parking spaces. Emphasis should be on pedestrian and cycle movement and connectivity, access to public transport and minimising private car use.

- **Pedestrian & Cycle** The site is well-connected to the surrounding area with excellent pedestrian and cycle connectivity along the former Deeside Railway (aspirational) core path; footpath links to integrate these existing routes with the development are required
- **Public Transport** Bus Stops to and from the city centre and RGU Campus are located within 400m of the site on Auchinyell and Garthdee Roads
- **Vehicular** Access is obtained from Garthdee Road at the south of the site. Discussions with Roads and Transportation officers regarding junction arrangements, traffic assessment and appropriate mitigation of any impacts are required.
- **Car Parking** Should be provided in line with the parking standards set out in the [Transport Supplementary Guidance](#)
- **Green Travel Plan** GTP guidance on sustainable travel should be agreed with the Council's Sustainable Travel team and provided to all new residents
- **Community** Pupils will attend Kaimhill Primary School and Harlaw Academy; subject to any rezoning exercise
- **Allotments** The drystone dyke along western boundary will keep the residential site and allotments separate.



FIGURE 5: INDICATIVE CONNECTIVITY DIAGRAM



7.0 DEVELOPMENT GUIDELINES

AGENCIES

7.1 Consultation with the Councils Roads and Transport officers is strongly recommended in the early stages of design of the development; other relevant consultees include Scottish Environmental Protection Agency, Scottish Natural Heritage, Grampian Police Architectural Liaison Officer, emergency and other services.

PRE-APPLICATION CONSULTATION

7.2 Development over 50 dwellings is classed as a 'major development'; developers require to submit a Proposal of Application Notice (PoAN) with the Council and Community Council at least 12-weeks prior to the submission of a planning application. Developers are required to undertake statutory Pre-application Consultation with the community and submit a report of consultation at the time of application for planning permission.

7.3 A PoAN has been submitted to Aberdeen City Council and the community consultation on the development proposals ran in tandem with the consultation on the development brief on 13 December 2011.

7.4 Subject to adoption of this brief as supplementary guidance and completion of supporting studies it is anticipated that an application for planning permission will be submitted in quarter 1 of 2012, along with a report of consultation which will discuss comments received from the community consultation and demonstrate how they have been incorporated into the development where appropriate.

7.5 Subject to planning and other consents, development should commence in 2012; it is anticipated that the site will be developed in a single phase at a rate of build dictated by market conditions.

APPENDIX 1: COMMUNICATION AND ENGAGEMENT

PLANNING BRIEF

A1.1 In line with the steps set out in the Council's Masterplanning Supplementary Guidance the draft brief drew together Scottish Planning Policy and guidance, approved Structure and Local Plan policy, the Aberdeen Local Development Plan, existing and proposed Supplementary Guidance and the infrastructure requirements highlighted by third parties. The draft brief related these policies and guidelines in the context of the site, its constraints and opportunities to provide a clear set of development guidelines.

A1.2 Following consultation with the Council's Capacity Building Officer the proposed development strategy and public consultation process were presented and discussed with Garthdee Community Council at their meeting of 8th November 2011. In addition Braeside & Mannofield and Cults, Bieldside & Milltimber Community Councils were sent an invitation to attend the event; Braeside & Mannofield Community Council were also offered a presentation at their November meeting as their boundary adjoins the development site. Posters advertising the date and venue of the drop-in public consultation exhibition were displayed in Inchgarth Community Centre and Kaimhill Primary School and distributed to shops in the Garthdee area; the event was advertised in the Evening Express on 5th December 2011; and leaflets were also delivered to Kaimhill Primary School on 8th December 2011 for the pupils to take home (appendix 2).

A1.3 The drop-in exhibition ran from 4 – 8pm on 13th December 2011 at Inchgarth Community Centre and exhibited both the planning brief and the initial design proposals; representatives of Ryden, Halliday Fraser Munro, Barratt East Scotland and David Wilson Homes were on-hand to discuss the development strategy, planning brief and initial proposals with the local community.

A1.4 Feedback forms were provided and comments sought on the night, by post and email; 40 written responses were received.

A1.5 Around 20 members of the public attended the exhibition, the split between residents of the Garthdee ward and the Cults, Bieldside & Milltimber (CBM) ward was even. In discussion with attendees, those from the CBM ward sought the reservation of part of the site for a link road connecting North Deeside Road and Garthdee Road, as the current roads linking these routes were not designed to carry the amount of traffic currently using them and are traffic-calmed. The residents of the Garthdee ward however were against an additional road bringing traffic on to Garthdee Road and increasing traffic through the area, which would further exacerbate any traffic increases they anticipate from the consolidation of the RGU campus at Garthdee.

A1.6 Of responses received, one response was received from a resident of the Garthdee ward; 32 formal responses were received from residents of the CBM ward; 7 responses had no postal address. 20no. of the responses contained the same bullet points, of these 5 were the responses with no postal address, therefore it is assumed that at least 37 of the 40 responses were from residents of the CBM ward.

A1.7 The response from the Garthdee ward was the only response to the planning brief received on the feedback form provided:

- Positive aspects of Garthdee: Local green space and vicinity of the Railway Line, river Dee and green belt linking the two (between Garthdee and Cults).
- Connection and integration : Access Road taken from Auchinyell Road and paths to old Railway Line and link to Garthdee Road Pavement.

- Importance of improved public: N/A – so close to buses at transport provision to the site? Auchinyell Road and Garthdee Road
- Key landscape characteristics: Open space to the south, west and environmental qualities and north – with grassed knoll, allotments and green belt land

A1.8 Additional Comments: We've got to be realistic and accept that this land is not going to be merely landscaped. Housing is the lesser of two evils – the other being a main link road between North Deeside Road and Garthdee Road.

A1.9 The 39 remaining responses raised the following:

- The developer should be required to set aside part of the site for a link road between North Deeside Road and Garthdee;
- The developer should make a financial contribution to the new road;
- The developer should be required to be responsible for the building of the part of the road between Inchgarth Road and the old railway line.

A1.10 The draft brief was amended to incorporate the comments at A1.7 relating the development of the site. The site is allocated in the Adopted Local Development Plan for residential development and no provision of a link road is required.

PLANNING APPLICATION

A1.11 Further to the Statutory pre-application consultation required as part of a major development, there will be a further statutory period for public comment on submission of the planning application(s) for development of the site. As the site bounds the Deeside Railway Line the application will require to be advertised, the representation period will run for 21 days from the date of the advert and comments from all parties should be made directly to the Council.



DAVID WILSON HOMES

PROPOSED PLANNING BRIEF AND
DEVELOPMENT PROPOSALS
AT
NORTH GARTHDEE FARM

**PUBLIC CONSULTATION
EVENT**

INCHGARTH COMMUNITY CENTRE
ABOYNE PLACE, ABERDEEN
AB10 7DR
TUESDAY 13th DECEMBER
FROM 4.00pm TILL 8.00pm

WE WELCOME YOU TO VIEW THE
CONCEPT AND COMMENT ON THE
PROPOSALS

Space to live.
David Wilson Homes

ABERDEEN CITY COUNCIL

COMMITTEE	Development Management Sub-Committee		
DATE	19 April 2012		
LEAD HEAD OF SERVICE	Margaret Bochel		DIRECTOR Gordon McIntosh
TITLE OF REPORT	Robert Gordon University City Centre Campus, Planning Brief		
REPORT NUMBER	EPI/12/102		

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval of a planning brief for the redevelopment of Robert Gordon Universities (RGU) City Centre Campus properties at Schoolhill and St Andrews Street. These properties will become surplus to requirement and redundant for academic purposes as part of Robert Gordon University commitment to a strategy of consolidating all academic activities at its Garthdee Campus.
- 1.2 A planning brief for both the Schoolhill and St Andrew Street properties has been produced by DTZ on behalf of Robert Gordon University. The Robert Gordon City Centre Campus Planning Brief (March 2012) can be viewed by accessing the following link:
- www.aberdeencity.gov.uk/masterplanning
- 1.3 A hard copy of the Planning Brief is available in the Member's Library and within the Planning and Sustainable Development Service at Ground Floor North, Marischal College.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee:
- 2.2 (a) Adopt the Robert Gordon University City Centre Campus Planning Brief as interim planning advice, subject to two minor textual changes,
- (b) Agree for officers to implement the process to ratify the Planning Brief as Supplementary Guidance to the Aberdeen Local Development Plan by the Scottish Government.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report outwith normal officer time to evaluate the Planning Brief. The developers have met the cost of preparation of the Planning Brief, including all consultation and engagement.

4. OTHER IMPLICATIONS

- 4.1 There are no known property, legal or equipment implications arising from this report.
- 4.2 The Planning Brief reduces the risk of piecemeal and inappropriate development within the site, by setting out the policies, opportunities and constraints up front.
- 4.3 Approving the Planning Brief will contribute to efficiencies in determining future planning applications by giving clear guidance on planning matters up front.
- 4.4 In accordance with the Aberdeen Local Development Plan, Appendix 4, the Proposed Action Programme and the Infrastructure and Developer Contributions Manual, the Planning Brief references the need for contributions to be made to these and the requirement for early discussions with the planning authority.

5. BACKGROUND/MAIN ISSUES

- 5.1 A Development Framework was produced in 2009 by Robert Gordon University to help meet their aspirations for the University to consolidate all the academic and administrative activities within the Garthdee Campus site. This Framework was approved by the Planning Committee on 18 June 2009 as Supplementary Guidance. This will also be taken forward as Supplementary Guidance to the Aberdeen Local Development Plan (2012).
- 5.2 This planning brief aims to assist in setting the planning context and provide guidance on the future redevelopment and re-use proposals affecting the Schoolhill and St Andrew Street buildings. The brief aims to ensure the highest standard and quality of development is achieved at these prominent locations.
- 5.3 The Robert Gordon University City Centre Campus consists of the St Andrew Street building and four buildings on Schoolhill – Clarke Building, Administration Building, Student Association and 54-58 Schoolhill.
- 5.4 The brief, in accordance with Local Development Plan policy, highlights the potential for the conversion of these buildings to a number of uses. Appropriate uses for both sites could be residential, office or hotel, or a mixture of uses. The brief also highlights the potential for the Clarke Building on Harriet Street to be altered and converted into student accommodation.
- 5.5 A public consultation exercise took place at the Student Union on Schoolhill from 12 – 16 December 2011. The exhibition ran for the week, with the team on hand to answer questions on the Wednesday. George Street Community Council and Rosemount and Mile End Community Councils were also consulted, and George

Street accepted the offer of a presentation of the plans from the Robert Gordon University team. The same presentation was also sent to the Rosemount and Mile End Community Council for their information. The local Councillors were also contacted by the University to make them aware of the work being undertaken and the brief being produced.

6. IMPACT

- 6.1 Both sites are located in the city centre and are well serviced by public transport and within easy walking and cycling access of amenities.
- 6.2 The Planning Brief contributes to the following Single Outcome Priorities: 1 – We live in a Scotland that is the most attractive place for doing business in Europe; 10. We live in well-designed, sustainable places where we are able to access the amenities and services we need; 12 – We value and enjoy our built and natural environment and protect and enhance it for future generations.
- 6.3 The proposal contributes to the 5 year Business Plan in terms of working with our partners to attract visitors, workers and investment to protect the economic future of the city, encouraging the growth of local businesses through support of existing business sectors and development of new sectors and facilitating new development projects to improve Aberdeen's living and working environment.
- 6.4 The proposal is consistent with the Council's Corporate Plan, in particular delivering high levels of design from all development, maintaining an up-to-date planning framework, sustainable development and open space provision.
- 6.5 The proposal is consistent with the Planning and Sustainable Development Service Plan, in particular engaging the community in the planning process.

7. BACKGROUND PAPERS

- 7.1 Aberdeen Local Development Plan (Feb 2012)
http://www.aberdeencity.gov.uk/Planning/ldp/pla_local_development_plan.asp
- 7.2 Aberdeen Masterplanning Process (July 2010)
<http://www.aberdeencity.gov.uk/masterplanning/>
- 7.3 Robert Gordon University Development Framework (2009)
http://www.aberdeencity.gov.uk/planning_environment/planning/planning_sustainable_development/pla_masterplan_rgu_garthdee.asp

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Planning Brief

**Robert Gordon University,
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April 2012

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1 Introduction

This planning brief has been prepared by DTZ on behalf of Robert Gordon University.

RGU has committed to a strategy of consolidating all academic activities at its Garthdee Campus. This relocation will result in its City Centre Campus properties at Schoolhill and St Andrew Street becoming surplus to requirements and redundant for academic purposes. The process of decanting to Garthdee will commence in 2013.

It is intended that this brief will assist in setting the planning context and provide guidance on the future redevelopment or adaptive re-use proposals affecting the Schoolhill and St Andrew Street buildings. Its objective is to ensure the highest standard and quality of development is achieved at these prominent locations

This brief has been prepared in order to set the planning parameters for any future redevelopment or adaptive re-use proposals affecting Robert Gordon University's City Centre campus and ensure the highest quality and standard of development is achieved.

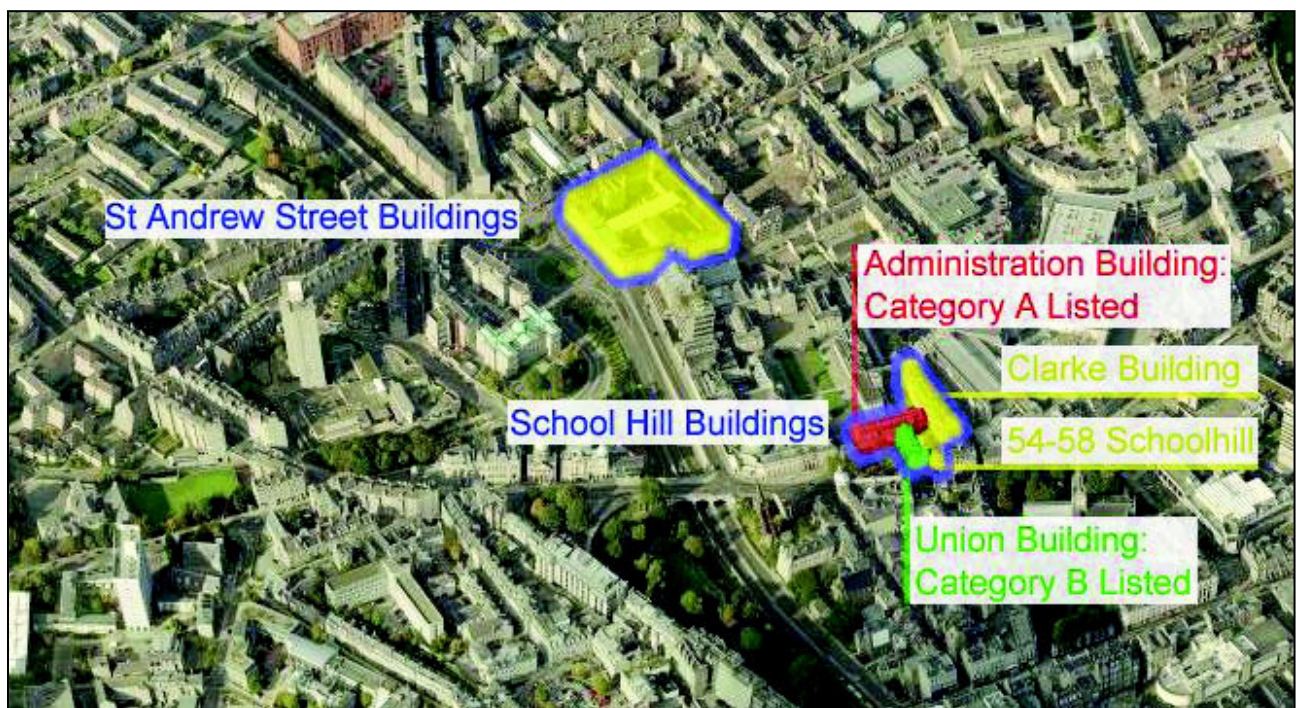


2 Site and Surroundings

The City Centre Campus is split between two distinct sites – Schoolhill and St Andrew Street – and comprises the following buildings:

- Administration Building, Schoolhill
- Student Union, Schoolhill
- Clarke Building, Schoolhill
- 54-58 Schoolhill
- St Andrew Street Building

The relevant site locations and individual buildings are highlighted on the plan below:



2.1 Schoolhill

The site occupies a highly prominent position within Aberdeen City Centre and is located within the Union Street Conservation Area.

The site and buildings immediately to the north are occupied by Robert Gordon's College. To the south, on the opposite side of Schoolhill lies the Academy Shopping Centre. The site is bound to the east by Harriet Street and beyond by Harriet Street Multi-Storey Car Park and the Bon Accord Shopping Centre. Immediately to the west lie Robert Gordon's College, Aberdeen Art Gallery and the Cowdray Hall.

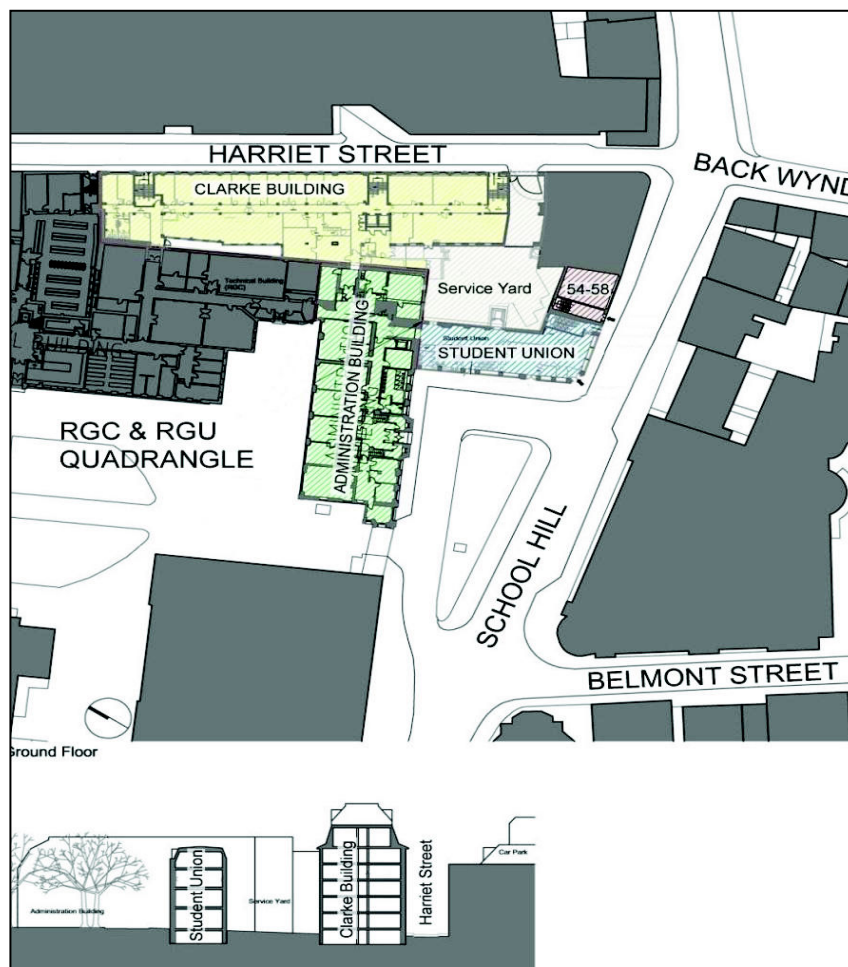
Given the site's central location it provides a highly accessible location within close proximity to all major bus routes in the City, easy walking distance of the railway and bus stations and immediately adjacent to a major public car park at Harriet Street. It is also extremely well situated with respect to all city centre amenities – shops, offices, leisure, entertainment, cultural, green spaces etc.

The Schoolhill site encompasses the Administration Building, Clarke Building, Student Association and 58 Schoolhill. In total the buildings extend to 10,870 sq m and are split as follows:

- Clarke Building - 6,800 sq m.
- Administration Building - 2,500 sq m.
- Student Association - 1,400 sq m.
- 54-58 Schoolhill - 170 sq m.

54-58 Schoolhill is a residential/retail property which fronts directly on to Schoolhill. At ground floor level sits the Student Union shop with traditional tenement flats above. For the purposes of this brief, given this property's restricted alternative use potential, 58 Schoolhill is not considered in detail.

The remaining three properties i.e. Clarke, Administration and Student Association form a conjoined cluster of buildings which share an internal service courtyard (as demonstrated by plan below). Vehicular access to the service courtyard is achieved via Harriet Street.



The Administration Building is Category A listed and, along with The Cowdray Hall, Aberdeen Art Gallery and Robert Gordons College Archway, forms part of a continuous run of Category A listed renaissance-style granite buildings which front onto Schoolhill. The buildings date from c 1885. Historic Scotland's listing description makes reference to the building's construction in distinctive polished grey granite with pink Correnie granite dressing and detailing. Historic Scotland specifically notes the full-height Corinthian columns which flank the main entrance to the building and balustraded staircase at the main entrance hall.

Accommodation is spread over three floors and the building is used solely for education and education related purposes. Having historically been home to Gray's School of Art the building has always been within educational use and the internal design and form of the building reflect this purpose.



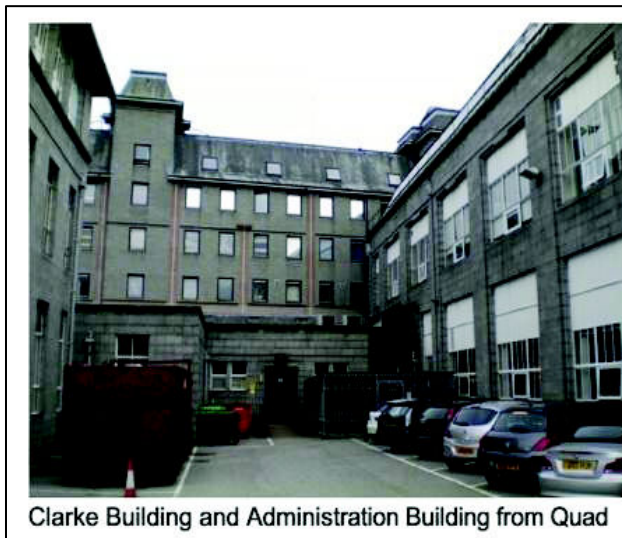
Student Union and Administration Building from School Hill

The Student Association Building is Category B listed. It is spread over three floors plus attic. The building occupies a highly prominent location at the top of Schoolhill and benefits from a primary street frontage. It is currently home to the Robert Gordon University Student Union and Student Association, as well as providing additional educational and associated administrative facilities.

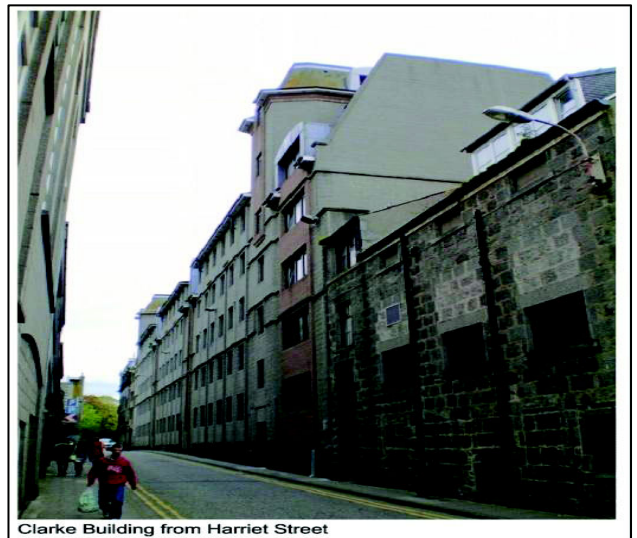
As with the Administration Building it dates from c 1885-86 and was designed by local architect Alexander Marshall Mackenzie in the renaissance-style. The building is constructed in grey granite ashlar with red Correnie granite dressings. Historic Scotland's listing description notes the "unusual use" of contrasting red granite dressings used as a means of easing the transition from the more formal Administration and Art Gallery buildings which are immediately adjacent.

The Clarke Building is a more recent addition to the Schoolhill cluster. It possesses no quality street frontage and at present can only be accessed via the Administration Building. As a building it is of significantly less architectural quality than the Administration and Student Association Buildings.

Accommodation is spread over seven floors plus plant room at roof level. The building has a façade on to Harriet Street which provides low amenity levels. At present the building is solely in use for education purposes.



Clarke Building and Administration Building from Quad



Clarke Building from Harriet Street

2.2 St Andrew Street

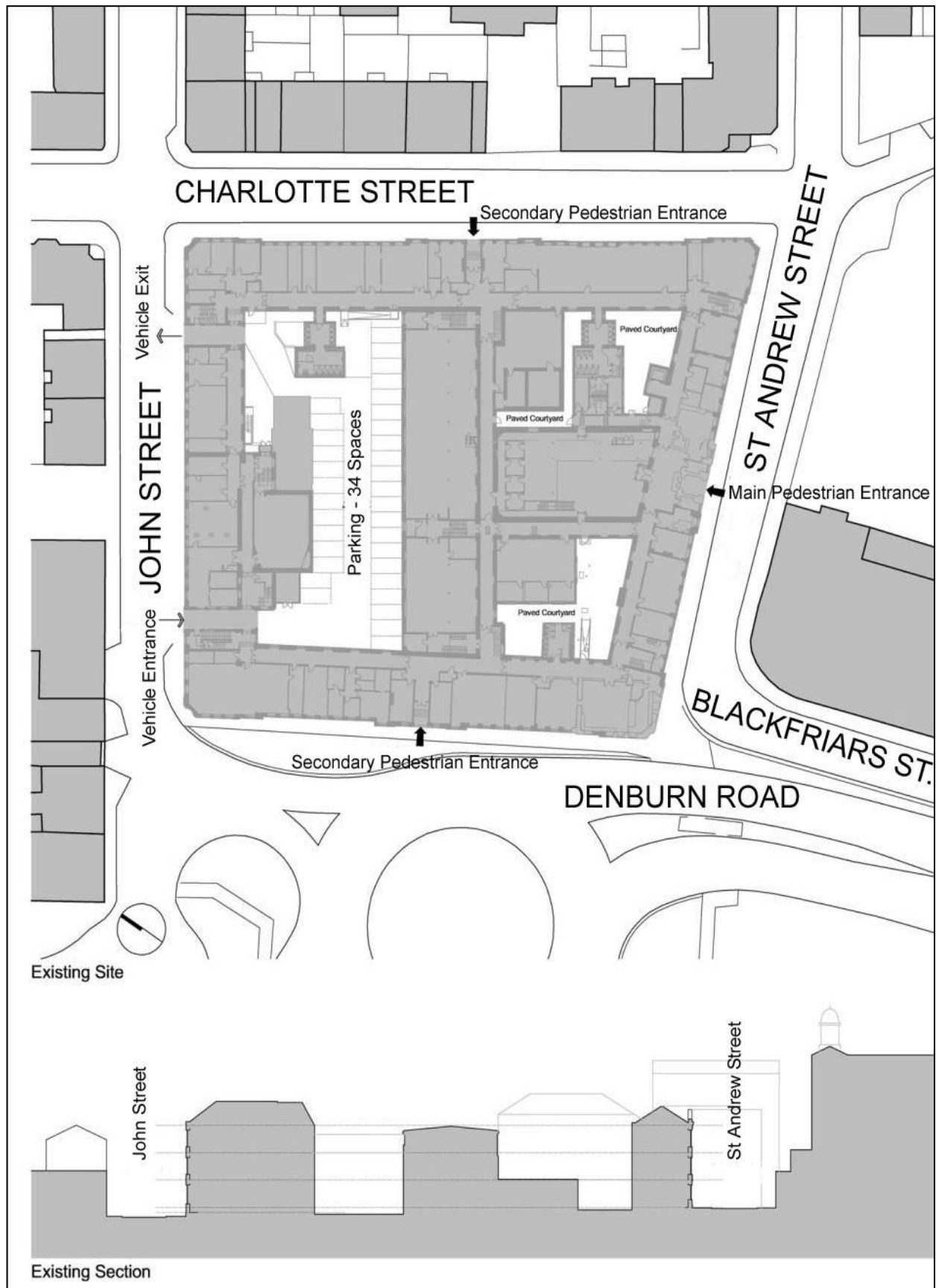
The site is a major academic building comprising a single city block located within the Union Street Conservation Area. At present it is entirely in academic use, and has recently been altered internally to provide a new university library facility. In total the buildings extend to 11,770 sq m



The building fronts onto St Andrew Street, with additional facades to Charlotte Street, John Street and Denburn Road. The site's immediate surroundings are characterised by Robert Gordon's College which is located immediately to the south and the Denburn Road dual carriageway immediately to the west with Woolmanhill Hospital situated beyond. To the north and east John Street and Charlotte Street are of traditional character and generally comprise tenement flats with some commercial properties at ground floor level.

The current St Andrew Street Building varies between two, three and four storeys. The main entrance to the building is taken from St Andrew Street with secondary pedestrian entrances on Charlotte Street, Denburn Road and John Street. Vehicular access and egress is achieved via pends taken from John Street and which open into a courtyard.

The building itself is a period granite building of generally high quality albeit the architectural merit of the building facades vary from high value on St Andrew Street to lesser value on John Street and the internal courtyards. The building's internal configuration is specific to its current use. The building has previously been significantly adapted to include additional floors and modern extensions within the internal courtyard.



3 Planning Policy Review

There is a range of national, strategic and local policy guidance of relevance to the future development of the City Centre Campus.

Any future planning application will be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this instance the Development Plan consists of:

- Aberdeen City and Shire Structure Plan (2009)
- Aberdeen Local Development Plan (2012)

The key policies are summarised below however these should not be considered exhaustive.

3.1 Aberdeen City and Shire Structure Plan (2009)

The Structure Plan identifies high level objectives for the City of Aberdeen. Key objectives include:

- Providing opportunities that encourage economic development and create new employment.
- Increasing the population of the city region.
- Ensuring new development maintains and improves the regions built, natural and cultural assets.
- Ensuring new development meets the needs of the whole community and makes the area a more attractive place for residents and businesses to move to.
- Ensuring all new developments contribute towards reducing the need to travel and encourage people to walk, cycle or use public transport.

The plan identifies three Strategic Growth Areas which will be the main focus for development to 2030. The primary growth area is Aberdeen City where half of all new development is envisaged and where a strong policy preference for the development of brownfield sites is adopted.

3.2 Aberdeen Local Development Plan (2012)

Both the Schoolhill and St Andrew Street sites are located within the identified City Centre boundary. As the “regional centre” Aberdeen City Centre is the preferred location for all development that serves a city wide or regional market and that contributes to economic growth including retail, commercial, leisure and residential uses (Policy C1).

Each site falls within an area identified for “mixed use” purposes. Local Development Plan policy stipulates that applications for development or change of use must take the existing uses and character of the area into account and avoid conflict with adjacent land uses and amenity. Where new business or commercial uses are proposed, development should not adversely affect the amenity of people living and working in the area. Where new housing is proposed, a satisfactory residential environment should be created and should not impinge upon the viability of operation of existing business/commercial uses in the vicinity (Policy H2).



The Aberdeen Local Development Plan

City Wide Proposals Map : City Centre Detail
Scale 1:6,000

Natural Environment

Greenbelt (NE2)
Green Space Network (NE1)
Urban Green Space (NE3)

Housing

Residential Areas (H1)
Mixed Use Areas (H2)
Land Release Policy (LR1)

Community Facilities

Existing Community Sites and Facilities (CF1)
New Community Sites and Facilities (CF2)

Economic Development

Business and Industry (BI1)
Specialist Employment Areas (BI2)
West End Office Area (BI3)
Aberdeen Airport and Harbour (BI4)

Transport

Land for Transport (T1)
Aberdeen Western Peripheral Route
Aberdeen Harbour Port Boundary
Aberdeen Airport Public Safety Zone

Retailing

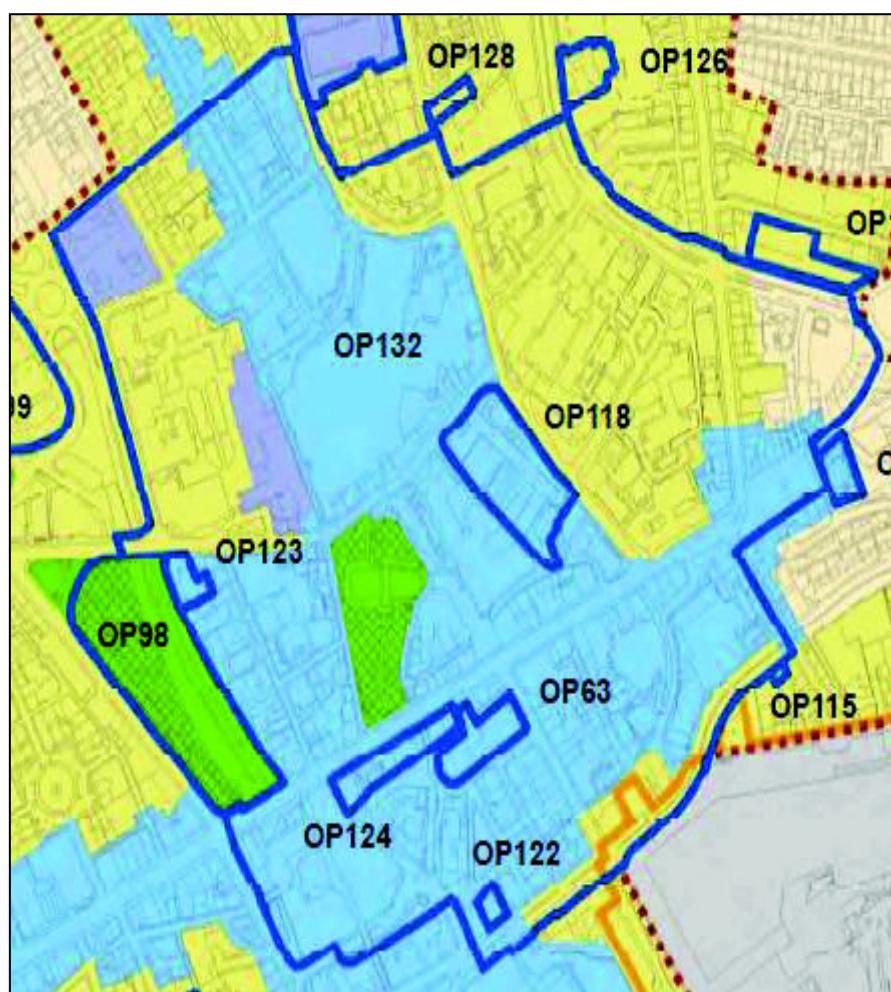
Town, District and Neighbourhood Centres (RT3)
Retail Parks (RP)

City Centre

City Centre Business Zone (C2)

Others

Opportunity Sites (OP number)
City Centre Boundary



In terms of site specific allocations each site is identified as an “Existing Community Site and Facility” where associated policy supports proposals for new or extended community use. Policy makes provision for instances where land or buildings become surplus to current or future requirements. In such cases alternative uses deemed compatible with adjoining uses and a surrounding area will be permitted in principle (Policy CF1).

As previously noted both sites are located within the Union Street Conservation Area. In line with national guidance, policy stipulates that any development must preserve or enhance the special architectural or historic interest of the conservation area (Policy D5).

In addition, the Administration and Student Association Buildings on Schoolhill are listed Category A and B respectively. Policy supports new uses for listed buildings that become vacant or redundant and permits their reuse on the basis that any physical alterations required to accommodate a new use do not undermine the special character or setting of the listed building in question (Policy D5).

More general Local Development Plan policy provisions of note include the strong encouragement given to retention of granite buildings throughout the city, even if not listed or in a conservation area, and the favouring of conversion/adaption of redundant granite buildings – as opposed to demolition (Policy D4).

The Local Development Plan also places strong emphasis on the need for new development to demonstrate that sufficient measures have been taken to minimise traffic generated (Policy T2) and that developments are designed to minimise travel by private car by prioritising transport modes in the following order – walking, cycling, public transport, car, other motorised vehicles (Policy D3).

3.3 Other Relevant Policies

Aberdeen City Centre Development Framework (2011)

The City Centre Development Framework is a key document which aims to set out the key principles that will guide and co-ordinate development and infrastructure development in Aberdeen City Centre. The stated purpose of the Development Framework is to ensure that Aberdeen City Centre becomes a successful place that encourages liveliness, diversity and activity and leaves a positive legacy of the first half of the 21st Century.

The Development Framework seeks to:

- Complement and enhance Aberdeen's unique identity
- Develop clearly defined character areas
- Ensure future development understands the existing context
- Complement the wealth of urban design
- Celebrate the architectural quality present in the City Centre; and
- Ensure a co-ordinated and integrated approach to future development

The quality of the City Centre's 'Public Realm' is a key issue within the Development Framework and a number of specific opportunities for its enhancement are identified. One such opportunity is the Robert Gordon Quadrangle, which is shared by Robert Gordon University, the Art Gallery and Robert Gordon College and of direct relevance to this Brief.

The Development Framework notes that the integrity of the quad is compromised by parking areas and carriageway, the architectural setting is not appreciated, that the Quadrangle is inaccessible, impermeable and does not connect well to its surroundings.

The Development Framework suggests that additional means of access to the Quadrangle, possibly through to Crooked Lane and St Andrew Street, should be considered if any buildings come forward for redevelopment. It also promotes the Quadrangle's development into a space which promotes the architecture of the buildings surrounding the square, allows for seating and informal gathering/use for exhibitions etc.

A further public realm improvement is suggested for the triangle 'pocket park' to the front of the Art Gallery and entrance to quadrangle which could offer better pedestrian space if associated with future development of the Robert Gordon University building.

Supplementary Guidance: Transport and Accessibility

Supplementary guidance contains a range of parking standards and guidelines applicable to all types of development and uses.

A range of maximum parking standards for non-residential uses is set. These stipulate the maximum number of spaces that can be created per sq m of development created.

In terms of residential uses, including student housing, a range of guidelines (as opposed to maximum standards) are provided. These detail the recommended number of parking spaces per

residential dwelling or flatted unit. In the case of student housing guidance is provided regarding the number of parking spaces per staff member / per 10 students.

All development proposals must take cognisance of the above standards however the overall level of parking provision requires to be agreed with Aberdeen City Council Roads and Transportation Officers.

The guidance also contains details regarding the need for Transport Assessments, a requirement for all developments over a certain threshold. The scope of a Transport Assessment generally includes:

- Detail of the development.
- Existing transport conditions.
- Trip generation and distribution of new development trips
- Access
- Traffic Impact Assessment
- Walking, Cycling and Public Transport Assessment.
- Identification and analysis of proposed mitigations
- A travel plan.

Supplementary Guidance: Strategic Transport Fund

The purpose of this guidance is to secure contributions from development to fund the delivery of a package of transport projects, defined by the Aberdeen City and Aberdeenshire Cumulative Transport Appraisal (CTA). The package of transport projects include road and public transport interventions in a variety of locations across Aberdeen City and Aberdeenshire which are deemed necessary to deliver the regions long-term development potential.

All housing, business, industrial, retail and commercial leisure development (subject to criteria) will be expected to make a contribution towards strategic transport projects.

The guidance contains a range of contribution levels – with Developer Contribution calculated on a proportionate basis relative to the size and type of use proposed.

Supplementary Guidance: Affordable Housing

Housing developments of 5 units or more are required to contribute not less than 25% of the total number of units as affordable housing. For development of less than 20 units the provision of affordable housing may be on site, off site or via commuted payments. Developments of 20 units or more are expected to provide the affordable housing contribution on site.

The Council recognises that there is a need to provide or make financial contribution towards major new infrastructure such as schools, drainage, water and roads as part of any development. The Supplementary Guidance states that where a developer can demonstrate that there are exceptional costs which contribute to making a development unviable the requirement for affordable housing contributions may be reduced to ensure the cumulative burden on the overall development does not make the site unviable.

Developer Contributions

Any Developer Contributions required as a result of future development of the sites would be secured via agreements made under Section 75 of the Town and Country Planning (Scotland) Act 1997). In this respect it is recommended that early discussions with Aberdeen City Council's Planning Gain Officer are held.

Supplementary Guidance: Harmony of Uses

This Supplementary Guidance covers many licensing and mixed-use issues within the City Centre and provides guidance on the circumstances where development proposals for specific uses may be permitted, as well as the issues that might need to be addressed where a proposal has the potential to conflict with neighbouring land uses.

Various types of use are covered by the Supplementary Guidance including:

- Hot Food Takeaways
- Liquor Licensed Premises (exceptions to hotels, restaurants, cafes and off-licenses)
- Street Cafes
- Amusement Centres and Arcades
- Living/Working Above or Below a Business
- Residential Developments in the City Centre

4 Development Principles

Objectives

Given the highly prominent location of each site, their location within the Conservation Area, the listed status of the Administration and Student Union Buildings on Schoolhill and the architectural quality of the St Andrew Street Building, the overall objective is to facilitate their redevelopment/adaptive re-use in a manner that responds to the character of the surrounding area, respects and retains existing building fabric (where appropriate) whilst ensuring that the future re-use of these key buildings remain a viable prospect in commercial terms.

A range of key development principles are outlined below. These consider the possible form of development, likely access arrangements (pedestrian and vehicular) and associated transport impact and provision.

All such details would ultimately be subject to detailed planning permission and (where applicable) listed building consent, and would need to be justified by appropriate Design and Access Statements (prepared in accordance with the requirements of PAN 68: Design Statements).

At this stage the principles outlined below should be considered as a guide.

4.1 Schoolhill

Form of Development

The Category A listed status of the Administration Building dictates that any development would require to work within the existing building envelope.

Any proposal to alter the external appearance or increase the height and massing of the building would be unacceptable.

As statutory listing also applies to the interior of buildings, detailed discussions with Aberdeen City Council and Historic Scotland will be required including a full and detailed listed building analysis aimed at establishing development parameters i.e. which features are of value, which must be retained, which can be removed etc.

Subject to the retention of key features the building is considered capable of conversion. This would involve physical alterations to the existing internal layout aimed at accommodating any acceptable alternative uses. Clearly any such alterations must ensure the special character of the listed building is not undermined.

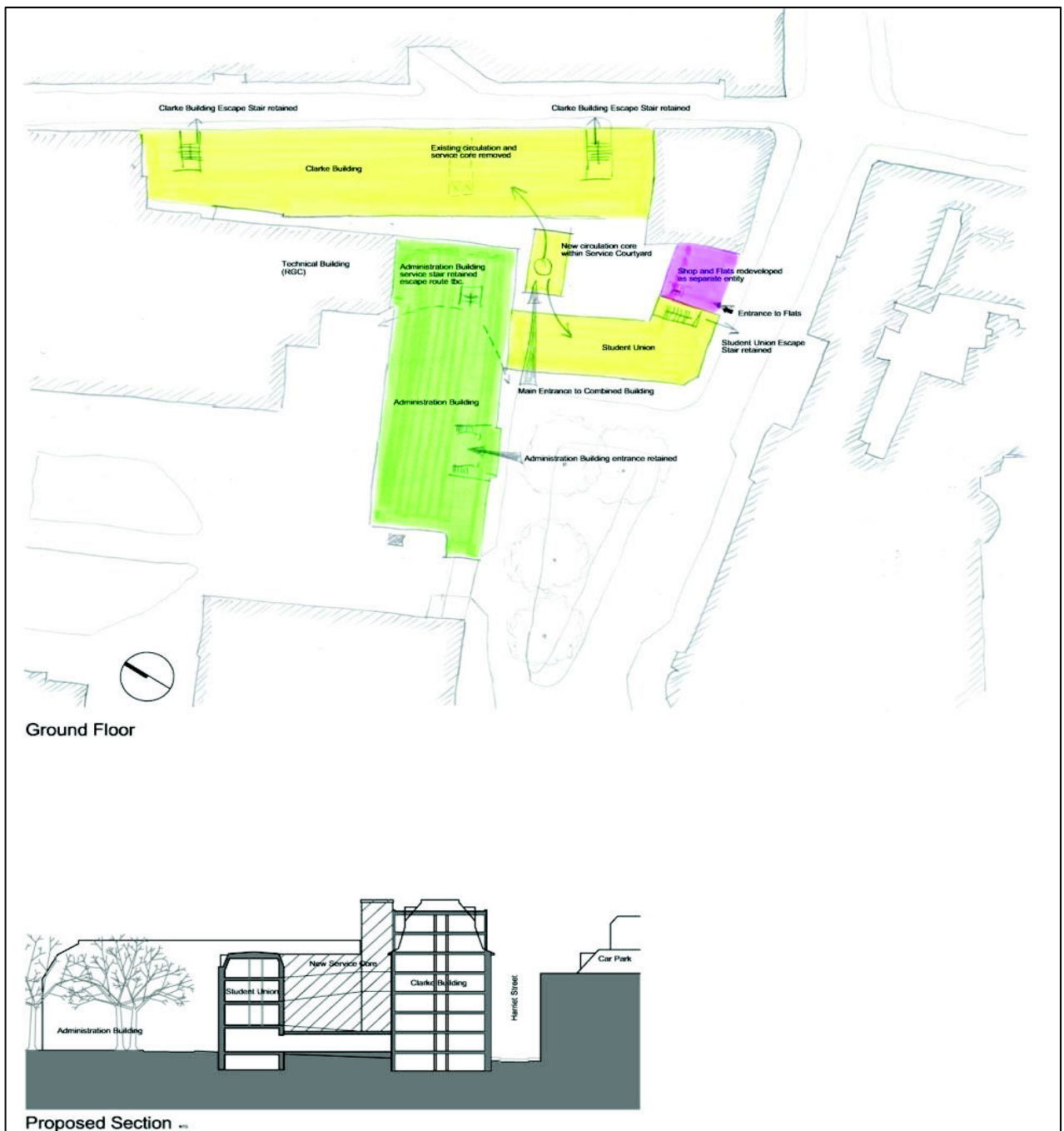
The B listed status of the Student Union Building also requires any future development to respect the existing fabric (internal and external) of the building. The interior of the building has previously been subject to extensive physical alteration, including the installation of mezzanine floors, and may offer a more straightforward opportunity for conversion/adaption.

Again, any proposal to alter the exterior of the building or to increase its height and massing would not be supported. As above, detailed discussions with Aberdeen City Council and Historic Scotland and associated listed building analysis will be required in order to establish development parameters and ensure the special character of the listed building is taken account of.

The Clarke Building is of limited architectural quality/merit and offers opportunity for a more significant development response. At present the Clarke Building is constrained in that it can only be accessed on foot via the Administration Building. To allow possible separation of these buildings, or

to fully integrate the Clarke Building into any wider development proposal, consideration should be given to a new link building within the current courtyard/car park area, as demonstrated by the sketch below:

The Clarke Building currently provides accommodation over seven floors. Opportunity to maximise development of the upper floors by reconstructing the sixth (attic) and seventh (plant area) floors to provide full and usable floor areas may exist. While this would increase the massing of the Clarke Building the height would remain the same and would not unduly impact upon surrounding cityscape. This is highlighted on the proposed section drawing below. Any such proposal must ensure that the setting of the adjacent listed buildings is not compromised.



Access

Access for vehicles to the Schoolhill site is currently achieved via the Robert Gordon Quadrangle where 21 car parking spaces are provided. It is not expected that any future development is capable of increasing this within existing title, in any event this may not be desired by the Planning Authority. Additional service access to the existing courtyard is taken from Harriet Street.

The site's city centre location affords it exceptional accessibility by more sustainable modes of travel, namely pedestrian, and public transport. In line with planning policy any future development therefore provides an opportunity to minimise travel by private car.

In terms of pedestrian access, the Schoolhill buildings are already highly accessible given their central location, proximity to public transport infrastructure etc. Nevertheless, any opportunities to enhance pedestrian linkages to the surrounding area, possibly via the Robert Gordon Quadrangle, should be considered as part of any redevelopment. Potential may also exist to improve the pedestrian environment for example by upgrading the 'pocket park' to the front of the Administration Building. Such aspirations are identified and supported by the City Centre Development Framework.

Transport Provision

The site is extremely well served by public transport and this should be taken into account in developing proposals that provide good pedestrian linkages to these routes and in developing travel plans.

4.2 St Andrew Street

Form of Development

Although not listed the building represents a highly prominent granite block that makes an important contribution to local cityscape and to the wider Conservation Area. Detailed building analysis aimed at establishing development parameters (i.e. which features are of value, which must be retained, which can be removed) should be undertaken at the outset.

While of generally high external architectural quality, the architectural merit of the buildings four façades vary. The highest value facade is on St Andrews Street with the rear facade (to John Street) and the internal courtyard offering lesser value.

In line with Local Development Plan policy D4 any redevelopment proposal will be encouraged to retain existing granite facades. However in support of the conversion/re-use of this prominent granite building scope exists to investigate more innovative and exciting design solutions utilising the internal courtyard and John Street façade.

Innovative design interventions could result in the creation of high quality modern additions to the building at those locations currently offering lesser architectural merit.

The existing low amenity buildings and plant situated within the internal courtyard area and the poor internal elevations of the main building could be removed to increase developable or usable area. The courtyard area may also offer opportunity to meet any open space requirements.

The building may offer potential to increase height and massing. Existing building height varies between two, three and four storeys however the creation of a four storey development throughout, possibly including penthouse accommodation at fifth floor level, could be acceptable. Any increase

in height and massing should take into account the context of adjacent building heights, notably Robert Gordon's College.



St Andrew Street and Charlotte Street Elevations

The detail of any extension should reflect the character of the existing building, taking into account the vertical emphasis of the existing windows. High standards of design and use of appropriate materials that are sensitive to the character of the Conservation Area will ensure the creation of an urban block of high quality.

An artist's impression of a possible design intervention is provided above. These are concepts only with the acceptability of any such proposal subject to Planning Authority agreement during pre-application and planning application discussions.

Access

Vehicular access and egress is achieved via pends taken from John Street which open into a courtyard. The courtyard currently contains 39 dedicated car parking spaces. The John Street facade may represent an opportunity to enhance existing levels of vehicular access.

The existing plant areas within the courtyard could be removed as a means of facilitating construction of a basement car park. Such an option would also require significant works to be undertaken to the John Street facade. Detailed investigations would be required to verify the feasibility and need of such an option, prior to seeking formal agreement with the Planning Authority.

In terms of pedestrian access and amenity, the main pedestrian entrance to the building is taken from St Andrew Street with secondary pedestrian entrances on Charlotte Street, Denburn Road and John Street. These should be retained and enhanced as part of any future development proposal.

The removal of the existing low amenity buildings and plant within the internal courtyard area could facilitate the creation of a high quality public amenity space to serve any future development e.g. a landscaped courtyard / area of usable open space.

Transport Provision

The site is extremely well served by public transport and this should be taken into account in developing proposals that provide good pedestrian linkages to these routes and in developing travel plans.

Summary

In respect of both the Schoolhill and St Andrew Street sites, any development proposals should adhere to the key principles outlined above and the policies in the Local Development Plan.

In setting out these key principles the objective is to highlight the range of potential opportunities that exist for the sites, as well as the possibilities for innovative design interventions – notably at the Clarke Building and at the St Andrew Street building - which will support their adaptive re-use and enhancement.

In exploring the range of opportunities identified within this section early contact and engagement with Aberdeen City Council's Planning, Transportation/Roads and Conservation Departments as well as Historic Scotland will be required.

The following chapter considers the range of potential uses that might form part of any redevelopment scheme and presents various indicative development options for the sites.

5 Appropriate Alternative Uses / Development Concepts

Both the Schoolhill and St Andrew Street sites occupy prominent City Centre locations and offer significant opportunity for redevelopment and reuse following the University's decant to the Garthdee Campus.

The policy background, scale and location of the sites dictate that they would be suitable for a range of individual or mixed uses as part of any development scheme.

Below we consider the range of possible uses for each site and present various indicative development options that may be appropriate. A range of conceptual development options for each site reflective the possible uses outlined below have been provided at Appendices 1 and 2 for information purposes only.

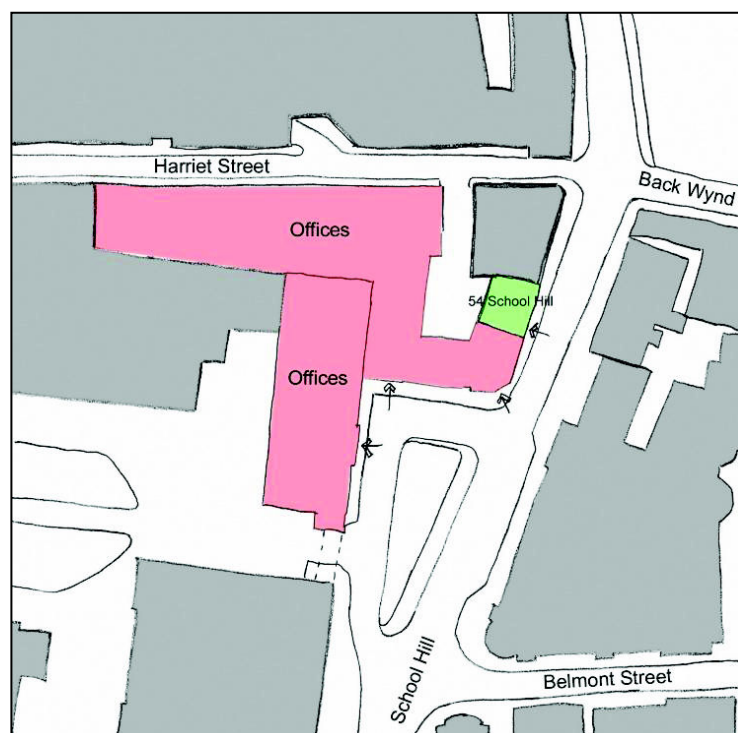
5.1 Schoolhill

Business Use

Business use (Class 4 of the Use Classes Order 1997) would be an appropriate and acceptable use for the site, in accordance with the Aberdeen Local Development Plan.

Subject to any listed building issues, the Administration Building provides a specific opportunity for refurbishment as offices. The Clarke and Student Union Buildings also offer conversion potential to office use.

As stated at 4.1 The Clarke Building is currently constrained by the fact it is only accessible via the Administration Building. The development of a new service core to link the Clarke and Student Union Buildings would allow them to function as office buildings in their own right (separate from any proposal for the Administration Building).



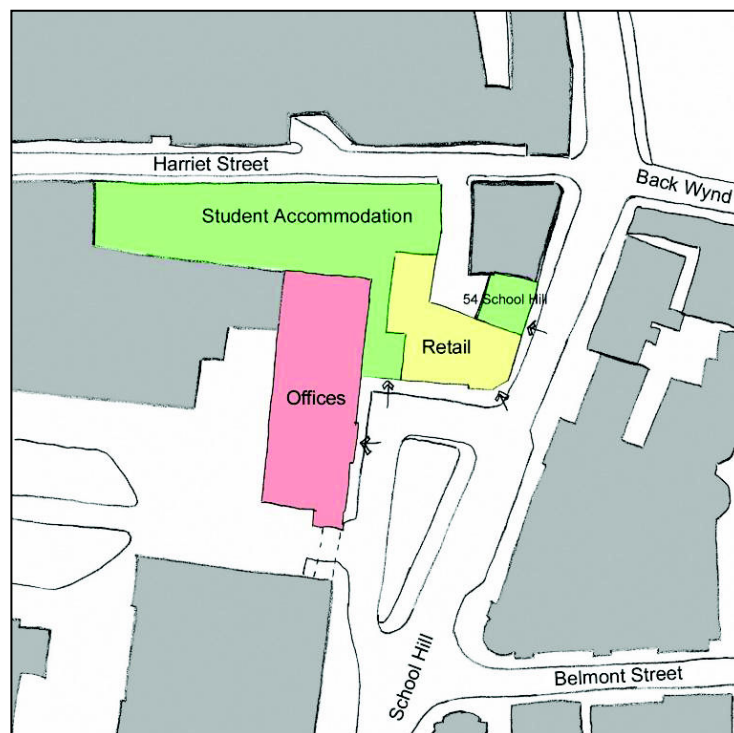
Office development is considered appropriate in the context of the surrounding area, adjacent uses and given the site's highly accessible location within the city centre.

Aberdeen City Centre is experiencing strong market demand for new office accommodation set against a shortage in the availability of quality City Centre office floor space. As such there is likely to be significant demand for this type of use at Schoolhill (DTZ Research).

Student Residential

Student accommodation (Sui Generis within the Use Class Order 1997) is considered to be a suitable use for the Clarke and Student Union Buildings and in accordance with Aberdeen Local Development Plan policy.

Initial feasibility studies indicate that the Clarke and Student Union Buildings are capable of refurbishment. Such a scheme would be reliant on reconstructing the attic and plant area floors to create full useable floor areas, the feasibility of which would be subject to assessment by a structural engineer.

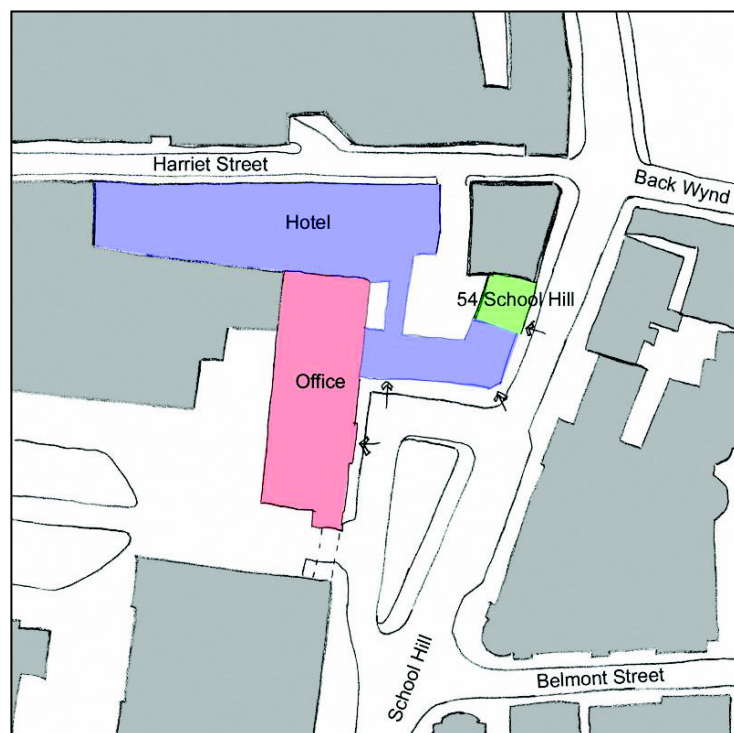


The City Centre is considered extremely attractive as a location for student housing given its proximity to amenities and the excellent public transport links to the city's University Campuses. Demand for purpose built accommodation in the City currently exceeds supply and there is a desire from both students and universities for better quality, better located accommodation. In this respect the Schoolhill site is considered highly desirable.

Hotel

Hotel use (Class 7 of the Use Classes Order 1997) is considered to be suitable at this location and in accordance with Aberdeen Local Development Plan policy. The Clarke and Student Union Buildings offer clear conversion potential to such a use, the Administration Building could also be incorporated.

Initial feasibility studies indicate that the upper floors of these buildings could be redeveloped to form a hotel with associated meeting/function facilities on the ground floor of the Clarke Building and a hotel bar/restaurant area on the ground floor of the Student Union Building.



Aberdeen has witnessed significant investment in hotel development in recent years however there is still considered to be a lack of supply within the City (DTZ Research). It is the budget hotel market that continues to offer the best opportunities and it is anticipated that Schoolhill will prove attractive to operators within this sector.

Retail/Commercial/Food & Drink

Retail/Commercial/Food & Drink uses (Classes 1, 2 and 3 of the Use Classes Order 1997) at this location are strongly supported by Aberdeen Local Development Plan policy. Any Class 1, 2 or 3 element within the Schoolhill building cluster is likely to be limited due to physical constraints however the ground floor of the Student Union Building benefits from a primary street frontage and offers clear potential for such uses – either as part of a wider mixed use development or as standalone uses.

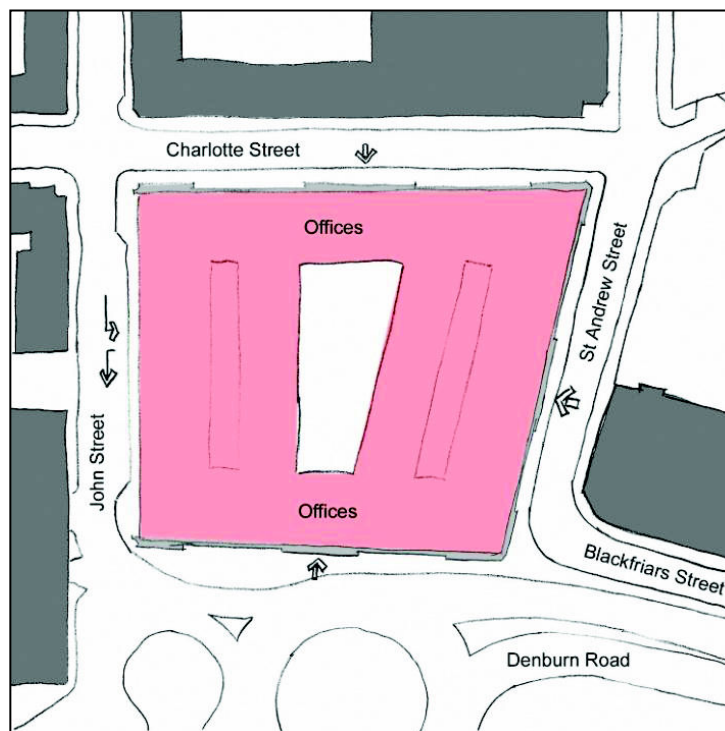
5.2 St Andrew Street

Business Use

Business use (Class 4 of the Use Classes Order 1997) would be an appropriate and acceptable use for the site and is fully supported by Local Development Plan policy.

Recent office development proposals, notably Triple Kirks, have effectively stretched the Central Business District towards St Andrew Street, and the building offers a rare opportunity to control an entire City Centre block and develop a major City Centre office scheme.

Initial feasibility studies aimed at designing a scheme capable of offering “Category A” office space (as defined within the British Council for Offices Guide to Specification 2009) have been undertaken and demonstrate that an office only development offering potential for subdivision into highly marketable individual office suites (either three or four to a floor) could be achievable.

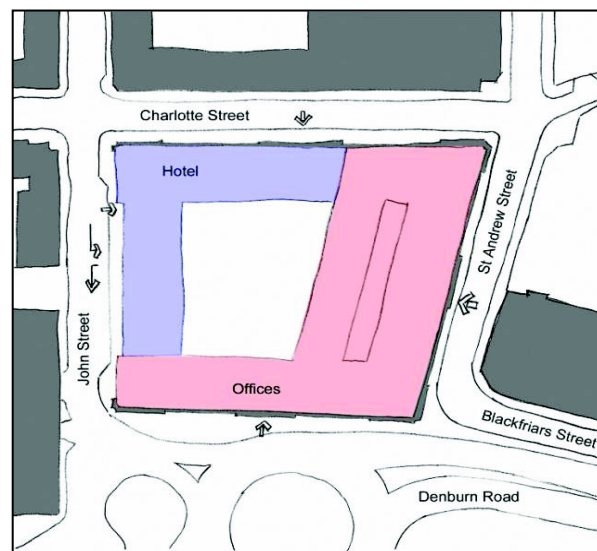


Equally, a smaller scale “Category A” office development could be achieved as part of a wider mixed use scheme incorporating other uses such as hotel or residential (considered below).

Hotel

Hotel use (Class 7 of the Use Classes Order 1997) would be suitable at this location and supported by Local Development Plan policy.

The building offers potential either for a hotel only scheme, or provision of a hotel element as part of a mixed office/hotel or residential/hotel development scheme.



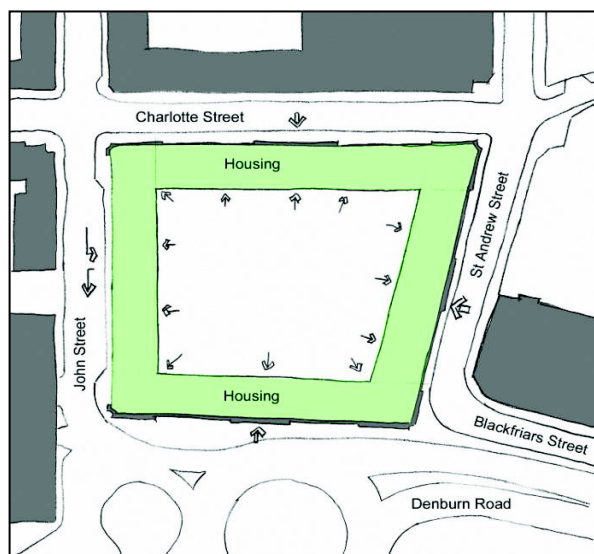
The success of the Hilton Garden Inn on St Andrew Street, which opened in 2010, has demonstrated the location's viability for hotel use.

Initial feasibility investigations have demonstrated that, as a key element of a mixed-use development, a budget hotel which meets the occupation specification of key sector brands, and offers appropriate servicing capacity/vehicular set-down areas, could be achievable following significant physical alteration to the existing building.

Residential

Residential use (Class 8 of the Use Classes Order 1997) would be acceptable at this location in terms of Local Development Plan policy and appropriate in respect of the surrounding area and adjacent uses.

Feasibility assessments have shown that a residential only scheme of circa 200 residential units – a mix of 1, 2 and 3 bed apartments and penthouses may be achievable. Alternatively a mixed hotel/residential development may also be viable in physical terms.



Residential development brings with it a requirement for affordable housing provision (as outlined previously). At the scale of development envisaged by initial feasibility assessments the affordable housing requirement would be 25%.

As outlined as Section 3.3 the final details of any contribution must be agreed following negotiation between Aberdeen City Council's Planning Gain Officer and the developer. In the event that the cost of adapting the St Andrew Street building undermines development viability Supplementary Guidance provides for the negotiation of a reduced contribution where it can be demonstrated that exceptional costs contribute to making a development unviable.

6 Public Consultation

A public consultation exercise was undertaken before preparing this brief.

Having been appropriately advertised in the Press & Journal, on Aberdeen City Council's website and in the windows of the Student Union building an exhibition of the indicative development proposals and options was held in the Student Union between 12th and 16th December 2011.

The public exhibition was manned by Robert Gordon University representatives on the 14th December. Visitors to the exhibition were provided with questionnaires which posed a number of key questions relating to the plans, namely:

- Are you supportive of the proposed development of the buildings?
- Do you feel the alternative uses are appropriate?
- What (if any) changes would you make to the proposals?
- Do you have any additional comments/suggestions?

Eighteen interested parties visited the exhibition on the day it was manned – a combination of members of the public, RGU staff, and Local Property Agents. Three completed questionnaires were received following the exhibition. These raised the following matters:

- General support for alternative uses for the buildings proposed;
- Concern regarding the loss of the central student association/student union facility;
- Support for converting Clarke Building into Student Accommodation;
- Questions regarding the need for further hotel development;
- Existing traffic problems on roads surrounding St Andrew Street will be exacerbated;
- Preference for using St Andrew Street for residential use as opposed to office use.

The key planning issue raised related to the traffic impact of any proposal to redevelop the St Andrew Street building. At this stage the 'impact' of any proposal has not been assessed however any such concerns would be considered by a detailed Transport Assessment at Planning Application stage.

Visitors to the exhibition were made aware that any future planning application on either site will fall into the 'major' development category. It was made clear that planning applications for 'major' developments include a statutory requirement for public consultation which will provide interested parties with a formal opportunity to comment upon the detail of specific proposals.

In addition to the Public Exhibition specific consultation was undertaken with both Rosemount/Mile-End and George Street Community Councils. Representatives from Robert Gordon University presented the plans to George Street Community Council at their meeting in January. Feedback received was positive and no concerns were raised. The same presentation was sent to Rosemount/Mile-End Community Council for circulation to the relevant members.

Robert Gordon University also made direct contact with Councillors Hunter, May and Stewart to make them aware of the work being undertaken. Councillor May attended the George Street Community Council presentation. No formal feedback was received from the Councillors.

7 Conclusion

This brief has been prepared in order to set the planning parameters for any future redevelopment or adaptive re-use proposals affecting Robert Gordon University's City Centre campus and ensure the highest quality and standard of development is achieved.

It is intended that the brief will provide Supplementary Guidance to the Development Plan and will be a material consideration for Aberdeen City Council when making future planning decisions relating to the buildings.

Each site offers clear potential for redevelopment/re-use as a means of ensuring their continued contribution to the vitality and viability of Aberdeen City Centre following Robert Gordon University's relocation to the Garthdee Campus.

All future redevelopment options outlined within this Brief will be subject to planning permission and possibly listed building consent. It is strongly advised that early engagement with both Aberdeen City Council and Historic Scotland is undertaken to assist the development feasibility process.

Any future development proposals should adhere to the following key principles:

Schoolhill

The special character of the listed Administration and Student Union buildings must be retained, however both buildings offer conversion potential to alternative uses. Any proposals to alter the exterior of these buildings would not be supported.

The Clarke Building provides potential for a more significant development intervention, including increased massing and physical separation from the Administration Building via the creation of a new link building within the existing courtyard area. Any such proposals must respect the setting of the adjacent listed buildings and ensure that a positive contribution to the wider conservation area is made.

St Andrew Street

The building offers clear conversion potential to a variety of alternative uses. The existing granite facades to St Andrew Street, Charlotte Street and Denburn Road must be retained however there is scope to investigate more exciting and innovative development solutions involving the internal courtyard area and the John Street facade. As well as offering opportunity to increase developable area the internal courtyard area may also offer opportunity to meet open space requirements.

A specific opportunity may exist to increase height and massing, involving the creation of a four storey development throughout with possible penthouse accommodation at fifth floor level. Any such proposals must take conservation area character and surrounding context into account.

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ABERDEEN CITY COUNCIL

COMMITTEE Development Management Sub-Committee

DATE 19 April 2012

DIRECTOR Gordon McIntosh

TITLE OF REPORT Planning Digest

REPORT NUMBER: EPI/12/103

1. PURPOSE OF REPORT

To advise Committee about the recent adoption of Supplementary Guidance.

2. RECOMMENDATION(S)

To note the contents of this report.

3. FINANCIAL IMPLICATIONS

There are no financial implications.

4. OTHER IMPLICATIONS

This report is for information and does not have any other implications.

5. BACKGROUND/MAIN ISSUES

In connection with the new Aberdeen Local Development Plan, a number of Supplementary Guidance documents have been prepared and approved by the Council. However, before the Council can formally adopt Supplementary Guidance, it has to be sent to Scottish Ministers. It has been confirmed to us that Ministers are content that we can formally adopt the following supplementary guidance with immediate effect. It should be noted that further tranches of approved Supplementary Guidance will be forwarded to Ministers in due course and we will continue to keep members updated of progress.

- Design Review Panel
- Aberdeen Masterplanning Process
- Conversions of Steadings
- Landscape Strategy Part 2
- Sub-division and Redevelopment of Residential Curtilages
- Stone Cleaning

- Temporary Buildings
- Affordable Housing
- Hierarchy of Centres
- Buffer Strips Adjacent to Water Bodies
- Drainage Impact Assessments
- Trees and Woodlands
- Waste Management
- Open Space
- Air Quality
- Harmony of Uses
- Low and Zero Carbon Buildings
- Shopfront Security
- Shopfront and Advertisements Design Guide
- Transport and Accessibility
- Union Street Frontages
- Archaeology and Planning
- City Centre Development Framework
- Energetica

6. IMPACT

The Scottish Government has stated that an effective planning service is fundamental to achieving its central purpose of sustainable economic growth. As such the information in this report relates to a number of Single Outcome Agreement Outcomes:

- 1 - We live in a Scotland that is the most attractive place for doing business in Europe;
- 2 - We realise our full economic potential with more and better employment opportunities for our people;
- 10 - We live in well-designed, sustainable places where we are able to access the amenities and services we need;
- 12 - We value and enjoy our built and natural environment and protect it and enhance it for future generations;

7. BACKGROUND PAPERS

The Supplementary Guidance can be viewed on the Council's website here;

http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_aldp_supplementary_guides.asp

9. REPORT AUTHOR DETAILS

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