

Public Document Pack



To: Councillor Milne, Convener; and Councillors Boulton, Corall, Cormie, Delaney, Finlayson, Grant, Jaffrey, Lawrence, MacGregor, McCaig, Jean Morrison MBE and Thomson.

Town House,
ABERDEEN, 28 November 2012

DEVELOPMENT MANAGEMENT SUB COMMITTEE

The Members of the **DEVELOPMENT MANAGEMENT SUB COMMITTEE** are requested to meet in the Council Chamber - Town House on **THURSDAY, 6 DECEMBER 2012 at 10.00 am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

MINUTES OF PREVIOUS MEETINGS

- 1.1 Minute of Meeting of the Development Management Sub Committee of 8 November 2012 - for approval (Pages 1 - 14)
- 1.2 Minute of Meeting of the Development Management Sub Committee (Visits) of 15 November 2012 - for approval (Pages 15 - 16)
- 1.3 Planning Appeals Panel of 8 November 2012 - Broadford Works, Maberly Street (Pages 17 - 46)

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

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Queens Links, Queens Links Leisure Park, Aberdeen - Proposed Drive-Thru Restaurant (Pages 47 - 54)
- 2.2 Hazlehead Cafe, Hazlehead Park, Aberdeen - Proposed Extensions and Associated Alterations (Pages 55 - 58)
- 2.3 466 Union Street, Aberdeen - Change of Use to Class 3 Use (Cafe/Snack Bar) (Pages 59 - 62)
- 2.4 7 Harlaw Terrace, Aberdeen - Proposed Alterations to Approved Carport (Pages 63 - 84)
- 2.5 5 Auchlossan Court, Bridge of Don - Rear Extension, Extension at First Floor Level and Front Porch (Pages 85 - 92)

OTHER REPORTS

- 3.1 Planning Enforcement Activity - April to September 2012 (Pages 93 - 116)
- 3.2 Hopecroft Planning Brief (Pages 117 - 150)

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Should you require any further information about this agenda, please contact Martin Allan on 01224 523057 or email mallan@aberdeencity.gov.uk or Martyn Orchard on 01224 523097 or email morchard@aberdeencity.gov.uk

DEVELOPMENT MANAGEMENT SUB COMMITTEE

ABERDEEN, 8 November 2012. Minute of Meeting of the DEVELOPMENT MANAGEMENT SUB COMMITTEE. Present:- Councillor Milne, Convener; and Councillors Boulton, Corall, Cormie, Delaney, Dickson (as substitute for Councillor Jaffrey), Finlayson, Lawrence, McCaig, Jean Morrison MBE, Stuart (as substitute for Councillor MacGregor) and Thomson.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2553&Ver=4>

MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT SUB COMMITTEE OF 27 SEPTEMBER 2012

1. The Sub Committee had before it the minute of its previous meeting of 27 September, 2012.

The Sub Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS) OF 4 OCTOBER 2012

2. The Sub Committee had before it the minute of meeting of the Development Management Sub Committee (Visits) of 4 October, 2012.

The Sub Committee resolved:-

to approve the minute.

MATTER OF URGENCY

The Convener intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that a memo from the Roads Section be considered as a matter of urgency to enable the Sub Committee to consider all relevant information in relation to the following application.

LAND TO NORTH OF FRIARSFIELD ROAD, CULTS (PART OF OP51) - 120340

3. 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 for the proposed residential development of 81 units (including affordable housing), public open space, Sustainable

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Urban Drainage System (SUDS) and access works at the land to the north of Friarsfield Road, Cults with consent being withheld until a legal agreement is secured to deliver on-site affordable housing provision, planning gain contributions towards education facilities, sport and recreation facilities, library provision, community facilities and core paths; and financial contributions towards the delivery of the link road, subject to the following conditions:-

(1) That no development pursuant to this planning permission shall commence unless a detailed delivery statement for the entire link road has been submitted for the further written approval by the planning authority; (2) That no residential unit within the development hereby approved shall be occupied unless a phasing plan for the entire development, which shall include provision of footpath and road linkages to the adjacent sites, has been submitted for the further written approval of the planning authority and thereafter the construction is undertaken in accordance with the plan unless the Council provide written agreement to the contrary; (3) That no residential unit within the development hereby approved shall be occupied unless the proposed zebra crossing on Kirk Brae to the west of its junction with Friarsfield Road and associated footway on the north side of Friarsfield Road are constructed and operational; (4) That no development pursuant to this planning permission shall commence unless detailed plans of the proposed access arrangements connecting the application site to the public footpath to the east of the site which joins Craigton Road and Friarsfield Road, including sections showing the change in levels and the proposed materials, and thereafter the accesses to be provided in full accordance with the plans unless otherwise agreed in writing; (5) That no development shall take place unless there has been submitted to and approved in writing by the planning authority a detailed design for the proposed internal road serving the development. The road shall be designed taking into account the principles set out in "Designing Streets: A Policy Statement for Scotland"; (6) That no development shall take place unless there has been submitted to and approved in writing by the planning authority a detailed design for the section of the link road which runs through the application site. The plans shall include details of junctions, cycle/pedestrian paths, laybys and bus stops; (7) 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 the Scottish Environment Protection Agency (SEPA), and all work shall be carried out in accordance with the approved scheme; (8) That no development pursuant to this planning permission shall commence unless a detailed site specific construction method statement for the site has been submitted to and approved in writing by the planning authority. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS. Such statement shall be implemented in full for the duration of works on the site; (9) That prior to work commencing on site, the mitigation measures as identified in the Ecological Appraisal (dated December 2011) by Northern Ecological Services shall be taken account of and implemented in their entirety; (10) That at least 2 months prior to the

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commencement of any works, a site specific environmental management plan (EMP) must be submitted for the written approval of the planning authority (in consultation with SEPA and other agencies such as Scottish Natural Heritage as appropriate) and all work shall be carried out in accordance with the approved plans; (11) 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; (12) 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; (13) That, except as the planning authority may otherwise agree in writing, (a) no piling work shall be carried out; and (b) no construction or demolition work shall take place outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays; 9.00 am to 4.00 pm Saturdays; or 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]; (14) 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, which scheme shall include (a) the materials to be used for all hard surfaces including footpaths; (b) detailed specification of children's play equipment; and (c) 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; (15) That no development pursuant to the planning permission hereby approved 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; (16) 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; (17) 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: 1989 "Recommendation for Tree Works" before the building hereby approved is first occupied; (18) That no

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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; (19) That on each house plot there shall be planted two trees of species to be agreed in writing with the planning authority. These trees are to be planted at half-standard size or larger. Planting shall take place in the first planting season after completion of each house and any trees 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 similar size and species unless the planning authority gives written consent to any variation; (20) 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; (21) 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. The assessment must also include mitigation measures and thereafter these mitigation measures shall be implemented in full accordance with the approved assessment. The assessment should be in accordance with the Environmental Protection UK Development Control: Planning for Air Quality (2010) Update; (22) 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; (23) That no development shall take place unless samples of 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; (24) That none of the affordable housing flats hereby granted planning permission shall be occupied unless a scheme detailing cycle and motorcycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme; and (25) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets.

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The Convener moved, seconded by Councillor Jean Morrison MBE:-

(1) That the recommendation contained within the report be approved; (2) that the Education, Culture and Sport Committee considers the zoning of this area as part of the schools estate strategy; (3) to instruct officers to facilitate discussion regarding the spine road with the developers to achieve early clarity and hopeful resolution on the requirements for the development of this infrastructure; and (4) to request that a report be presented to the Enterprise, Planning and Infrastructure Committee on the policy of 25% affordable housing provision and when it is appropriate for the planning authority to accept a commuted payment, and the calculation of that payment to maximise affordable housing provision in the city.

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

that the application be deferred for one cycle in order for the issues relating to the spine road and educational provision to be discussed and reported back to the next meeting of the Sub Committee.

On a division there voted:- for the motion (10) – the Convener; and Councillors Corral, Cormie, Delaney, Dickson, Lawrence, McCaig, Jean Morrison MBE, Stuart and Thomson; for the amendment (2) – Councillors Boulton and Finlayson.

The Sub Committee resolved:-

- (i) to adopt the motion; and
- (ii) to note that the following standard archaeological condition would be added to the list of conditions, “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”.

FORMER MILE END PRIMARY SCHOOL, MIDSTOCKET ROAD, ABERDEEN - 120568

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 the redevelopment and extension of Mile End School to form 37 residential units with associated car parking and landscaping, alteration of the vehicular access on Beechgrove Place, the demolition of the single storey toilet block extensions, outdoor shelter and the stand alone dinner hut, subject to the following conditions, and to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to secure the affordable housing and planning gain contributions negotiated between the two parties:-

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(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. 1000F 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; (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; (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; (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; (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; (6) 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; (7) 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; (8) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in

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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; (9) That the windows hereby approved shall be constructed in full accordance with the detailed cross sections submitted and approved with the application and that the visible part of the outer frame of the front windows hereby approved shall not exceed 25 mm in width at the top and sides of the window opening with the remainder of the frame being concealed behind the masonry window check, unless the planning authority has given prior written approval for a variation; (10) 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]; (11) 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: (a) an investigation to determine the nature and extent of contamination; (b) a site-specific risk assessment; (c) 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 (a) 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 (b) 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; (12) that notwithstanding the details shown on Drawing No. 1000F no development shall take place unless there has been submitted to and agreed in writing by the planning authority a further scheme for cycle storage facilities, which shall include the provision of Sheffield-type stands and lighting within the stores. Thereafter none of the residential units hereby granted planning permission shall be occupied unless the cycle storage facilities have been provided; (13) 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;

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(14) That no development shall take place unless a programme for the required alterations to the existing Traffic Regulation Order on Beechgrove Place Lane deemed necessary to implement the development hereby approved has been submitted to and agreed in writing by the planning authority and thereafter the said measures shall be implemented prior to first occupation of the development or any other such timescale agreed by the planning authority, the total cost of all works being met by the applicant; and (15) 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.

The Sub Committee resolved:-

to approve the recommendation.

FORMER MILE END PRIMARY SCHOOL, MIDSTOCKET ROAD, ABERDEEN - 120569

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 Listed Building Consent for the redevelopment and extension of Mile End School to 37 residential units with associated car parking and landscaping, alteration of the vehicular access on Beechgrove Place and the demolition of the single storey toilet block extensions, the outdoor shelter and the stand alone dinner hut.

The Sub Committee resolved:-

to approve the recommendation.

41-45 LEADSIDE ROAD, ABERDEEN - 111370

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 demolition of the existing building and the change of use to form 11 flats at 41-45 Leadside Road, Aberdeen, 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, laid-out and demarcated in accordance with drawing No. 02 rev A

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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 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;

(4) 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;

(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 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;

(7) That the facade of the flat hereby approved shall not be finished other than with natural granite blocks with a surface finish, block size and style of pointing and jointing to match that existing;

(8) 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

(9) 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.

The Sub Committee were then circulated with a revised recommendation as follows:-

“To approve the application, subject to conditions, but to withhold the issue of the consent document until the applicant had entered into a legal agreement to secure the planning gain contributions negotiated between the two parties”.

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The Sub Committee resolved:-

to approve the amended recommendation.

23-25 INVERURIE ROAD, BUCKSBURN - 120751

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 alterations, extension and change of use to form a restaurant/ café to the existing premises at 23-25 Inverurie Road, Bucksburn, Aberdeen, subject to 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; (2) That no part of this development shall take place unless a detailed assessment of the likely sources and levels of noise arising within, and those audible outwith, the premises has been submitted to, and approved in writing by, the planning authority. The noise assessment shall be carried out by a suitably qualified independent noise consultant. All noise attenuation measures identified by the noise assessment which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area shall be installed prior to commencement of the use hereby approved, unless the planning authority has given prior written approval for a variation; (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. Refuse storage containers should be self-closing in order to minimise their attraction to birds; (4) That the premises shall not be open for business outwith the hours of 0700 and 2300; (5) That the garden ground associated with the premises shall not be used for outside dining; (6) That notwithstanding the provision of paragraph 16 of Circular 1/1998 no hot food takeaway service shall be provided as part of the Class 3 (Food and Drink) use at the premises.

The Sub Committee resolved:-

to approve the recommendation.

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NOX, 2 JUSTICE MILL LANE, ABERDEEN - 121185

8. 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 change of use of the existing storage area to form a new roof terrace at Nox, 2 Justice Mill Lane, Aberdeen, subject to the following conditions:-

- (1) That no development shall take place unless details of how the noise attenuation recommendations (contained in sections 6.3 – 6.11 of Acoustic Assessment R-6013-SL1-RGM, dated 21st August 2012 by Robin Mackenzie Partnership) will be implemented have been submitted to and approved in writing by the planning authority. Thereafter the agreed measures shall be implanted in their entirety and shall remain in place so long as the roof terrace is in use unless a written confirmation of a variation is received by the planning authority;
- (2) That no amplified music or public announcement equipment shall be fitted to, or be in use outwith the fabric of the main building; and
- (3) That no development shall take place unless details of the position of any relocated mechanical plant has been submitted to and agreed in writing by the planning authority.

The Sub Committee resolved:-

- (i) to approve the recommendation; and
- (ii) to request that the licensing issues raised in the letters of objection be referred to the Licensing Board to consider.

39 DEEVIEW ROAD SOUTH, CULTS, ABERDEEN - 121083

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 a proposed summerhouse at 39 Deeview Road South, Cults.

The Sub Committee resolved:-

- (i) to note that the summerhouse would not be used as a residential unit; and
- (ii) to approve the recommendation contained in the report.

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MATTER OF URGENCY

The Convener intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that a replacement application report be considered as a matter of urgency to enable the Sub Committee to consider the most relevant and up to date information relating to the following application.

27 CROWN TERRACE, ABERDEEN - 120615

10. With reference to article 12 of the minute of meeting of the Sub Committee of 23 August, 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 proposed change of use and alterations on the first floor from an office to form seven flats at 27 Crown Terrace, Aberdeen, subject to the following conditions:-

(1) 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]; (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 disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority; (3) 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; (4) That none of the flats hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing no. 120615-001 have been provided; (5) That prior to the date of occupation of each unit hereby approved, the developer shall provide evidence that it has paid for and provided two annual memberships of a car club for a period of two years the first owner of each flat; and (6) That prior to the commencement of any works on site, an options analysis and appraisal relating to the increasing security at the entrance to the building and within the building itself shall be submitted for the further written approval by the planning authority and thereafter the agreed measures shall be put in place in consultation with the property owner and other tenants.

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The Sub Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site. The reasons for visiting the site were the impact on the amenity of people living in the vicinity; the access to the building; and the viability and amenity of businesses in the vicinity.

ADJACENT TO 136 CROWN STREET, ABERDEEN - 121052

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 for planning permission to install 1 x DSLAM telecoms cabinet adjacent to 136 Crown Street, Aberdeen, subject to the following condition:-

That 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.

The Sub Committee resolved:-

to approve the recommendation.

37 BROOMHILL AVENUE, ABERDEEN - 120691

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 application in respect of planning permission for the erection of a garage at 37 Broomhill Road, Aberdeen, subject to the following condition:-

That the garage hereby granted planning permission shall not be used for any purpose other than that which is ancillary to the domestic use of the dwelling house.

The Sub Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site. The reasons for visiting the site were the perceived height and scale of the development and the potential that the development could cause overshadowing to neighbouring properties and could represent over-development of the site.

DEVELOPMENT MANAGEMENT SUB COMMITTEE
8 November 2012

RESPONSE TO CALL FOR EVIDENCE ON HIGH HEDGES (SCOTLAND) BILL - EPI/12/250

13. The Sub Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which provided a formal response to the Scottish Parliament for their call for evidence on the High Hedges (Scotland) Bill.

A copy of the proposed response was attached as the appendix to the report.

The Sub Committee resolved:-

- (i) to note that the Head of Planning and Sustainable Development would enquire whether wide hedges were included in the proposed bill, and if they were not to be included, then a request to the Scottish Parliament for their inclusion would be made in the Council's response;
- (ii) to request that the response includes the importance of cutting vegetation outwith the growing season; and
- (iii) to otherwise approve the response as set out in the appendix to the report as the Council's formal response to the call for evidence on the High Hedges (Scotland) Bill.

- RAMSAY MILNE, Convener.

DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS)

ABERDEEN, 15 November 2012. Minute of Meeting of the DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS). Present:- Councillor Milne, Convener; and Councillors Corall, Cormie, Delaney, Dickson (as substitute for Councillor Jaffrey), Finlayson, Lawrence, McCaig, Jean Morrison MBE, Stuart (as substitute for Councillor MacGregor) and Thomson.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=2633&Ver=4>

27 CROWN TERRACE, ABERDEEN - 120615

1. With reference to article 10 of the minute of meeting of the Development Management Sub Committee of 8 November, 2012, wherein the Sub Committee agreed to visit the site, 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 proposed change of use and alterations on the first floor from an office to form seven flats at 27 Crown Terrace, Aberdeen, subject to the following conditions:-

- (1) 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];
- (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 disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority;
- (3) 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;
- (4) That none of the flats hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing no. 120615-001 have been provided;
- (5) That prior to the date of occupation of each unit hereby approved, the developer shall provide evidence that it has paid for and provided two annual memberships of a car club for a period of two years the first owner of each flat;
- and (6) That prior to the commencement of any works on site, an options analysis and appraisal relating to the increasing security at the entrance to the building and within the building itself shall be submitted for the further written

DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS)

15 November 2012

approval by the planning authority and thereafter the agreed measures shall be put in place in consultation with the property owner and other tenants.

The Sub Committee resolved:-

to refuse the application as it was contrary to the Aberdeen Local Development Plan Policy H2 (Mixed Use Areas), specifically that the development would impact negatively on the current non-residential uses (offices) within the same building and as a result, raise security issues throughout the building which would have an impact on the viability of these businesses and that the development would not create a satisfactory residential environment by virtue of its location above restaurants.

In the absence of the Convener, the Sub Committee appointed Councillor Thomson as Chair for the following article.

37 BROOMHILL AVENUE, ABERDEEN - 120691

2. With reference to article 12 of the minute of meeting of the Development Management Sub Committee of 8 November, 2012, wherein the Sub Committee agreed to visit the site, 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 garage at 37 Broomhill Road, Aberdeen, subject to the following condition:-

That the garage hereby granted planning permission shall not be used for any purpose other than that which is ancillary to the domestic use of the dwelling house.

The Sub Committee resolved:-

to approve the recommendation.

- COUNCILLOR RAMSAY MILNE, Convener and COUNCILLOR ROSS THOMSON (as Chair for article 2 above).

PLANNING APPEALS PANEL

ABERDEEN, 8 November 2012. Minute of Meeting of the PLANNING APPEALS PANEL. Present:- Councillor Milne, Convener; and Councillors Boulton, Cormie and Jean Morrison MBE.

EXEMPT INFORMATION

Before proceeding to consider the business before it, the Panel resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended by the Local Government (Access to Information) Act 1985, to exclude the public from the meeting on the grounds that it was likely, in view of the nature of the business to be transacted, that if the public were in attendance during consideration of the said business, there would be disclosure to them of exempt information as defined within Paragraph 12 of Schedule 7(A) to the 1973 act.

BROADFORD WORKS, MABERLY STREET

1. The Panel had under consideration information from the Head of Legal and Democratic Services that the decision of the Development Management Sub Committee at its meeting on 19 July, 2012 (article 5), to refuse the application (120048) in respect of planning permission for a proposed urban village (mixed development) including:- major restoration and conversion of important listed buildings formerly used as a textile mill; demolition of various industrial premises; construction of new build developments comprising 517 flats (of which 175 are conversions); 4,525m² of non-residential uses including a notional 1,975m² of ground floor retail; 1,900m² of storage; a 450m² nursery and a 200m² restaurant; 569 surface and basement car parking spaces and associated engineering works, was now the subject of an appeal against the refusal to the Scottish Ministers.

The Panel had before it a copy of the application report, a copy of the relevant article from the minute of the meeting of 19 July, 2012 and the grounds of appeal lodged by the applicant with the Directorate for Planning and Environmental Appeals.

The grounds for refusal for the application, as recorded within the minute article were:- that the proposed development (1) represented over-development of the site; (2) do not include any provision for affordable housing; (3) did not contribute towards gaining gain; (4) was lacking in the provision of community facilities; and (5) was likely to generate increased traffic to the detriment of the local road network and surrounding residential amenity.

The Legal Manager in attendance advised the Panel on the reasons for refusal and grounds for appeal.

Members of the Panel having received advice from the Legal Manager; the Development Management Manager; and the Team Leader (Roads Projects) on each of the points then discussed the reasons for refusal and grounds of appeal.

PLANNING APPEALS PANEL
8 November 2012

The Panel resolved:-

to refer the matter to a future meeting of the Development Management Sub Committee with a recommendation that the Council do not resist the appeal in this case.

- **RAMSAY MILNE, Convener.**

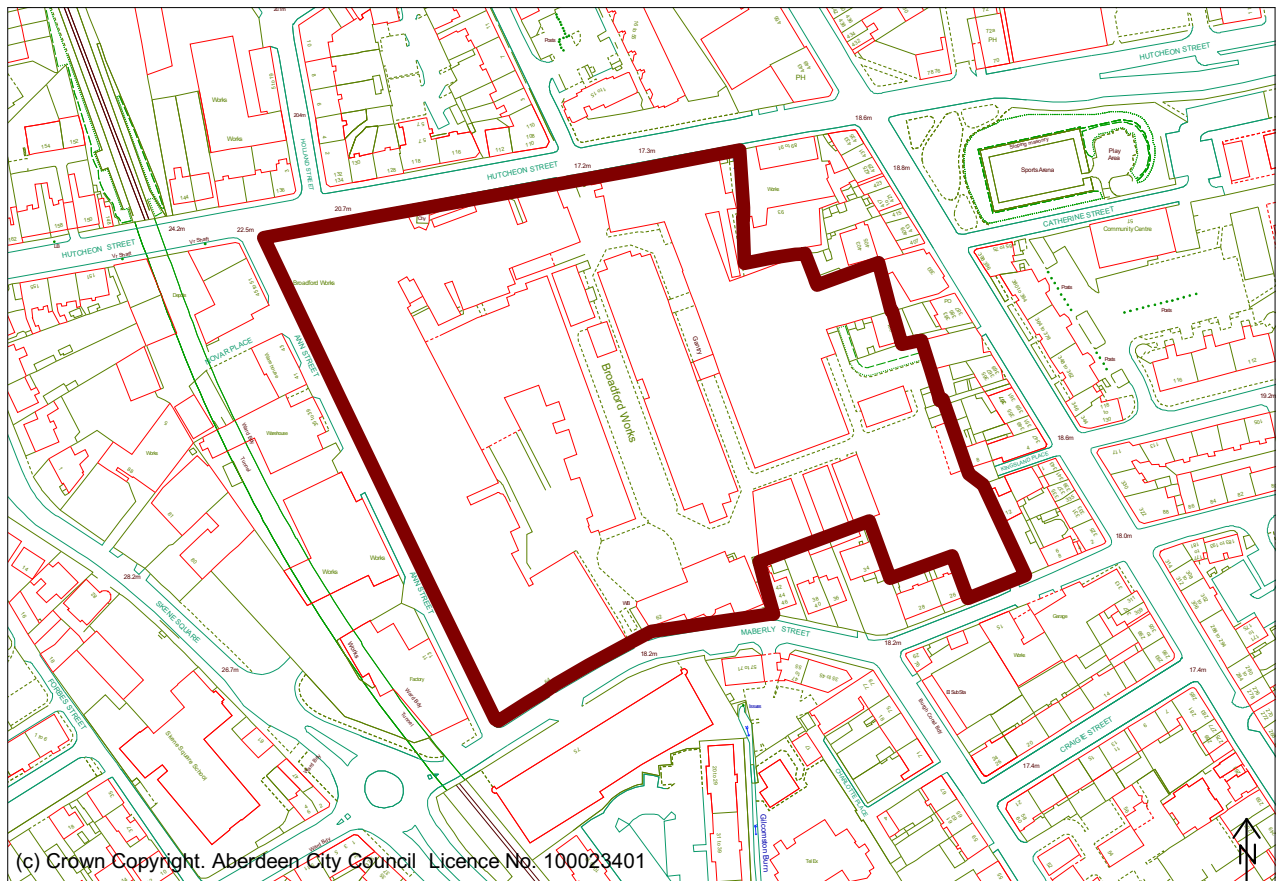
**BROADFORD WORKS, MABERLY STREET,
ABERDEEN**

PROPOSED URBAN VILLAGE (MIXED DEVELOPMENT) INCLUDING: MAJOR RESTORATION AND CONVERSION OF IMPORTANT LISTED BUILDINGS FORMERLY USED AS A TEXTILE MILL; DEMOLITION OF VARIOUS INDUSTRIAL PREMISES; CONSTRUCTION OF NEW BUILD DEVELOPMENTS COMPRISING 517 FLATS (OF WHICH 175 ARE CONVERSIONS); 4525M² OF NON-RESIDENTIAL USES INCLUDING A

For: First Construction Ltd

Application Ref. : P120048
Application Date : 11/01/2012
Officer : Harry Campbell
Ward: George Street/Harbour (A Morrison/N Morrison)

Advert : Section 60/65 - Dev
aff LB/CA
Advertised on : 25/01/2012
Committee Date : 19 July 2012
Community Council :



RECOMMENDATION: Approve with Legal Agreement

DESCRIPTION

Broadford Works occupies a tightly drawn 3.5 hectare site formerly occupied by Richards' textile mills. It is bounded by Hutcheon Street to the north, Maberly Street to the south and Ann Street to the west. George Street runs parallel to the eastern boundary and a large number of individual buildings, generally consisting of commercial properties at ground floor level with flats above, lie between the site and George Street. A number of narrow lanes run from George Street to the boundary of the site, with back yards and gardens abutting the boundary. The site is set in a predominantly residential/mixed use area located less than 1km north of the City Centre. Internally, the site is all but hidden from view as it is inward facing and the tall granite walls of the mill buildings form the principal street frontages. The entire complex comprises a mix of substantial manufacturing buildings clad in granite and red brickwork forming a distinctive element of the City's skyline, created by the eye catching chimneys and hosepipe manufacturing towers and the array of tall mill buildings.

There are 101 separately identified buildings on the site. The whole site is listed Category 'A', including the walls, gates, streetscape and chimneys. The principal buildings comprise mainly 3-6 storey textile manufacturing and storage buildings of granite, some clad with brick, of iron framed or reinforced concrete construction, with granite setted streets between them. As a group, the historic buildings document the history of flax manufacture from the early 19th Century. There are no public traffic or pedestrian routes into or through the site but the main accesses are taken from Maberly Street and Hutcheon Street.

The earliest (1808) and most significant building on the site is the 'Grey Mill'; it is the oldest iron-framed mill in Scotland and the fourth oldest known to survive in the world. Employment on the site peaked at 3,000, and it was once the largest single employer in Aberdeen. The site was owned and operated by Richards plc (formerly Richards & Co) from 1832 until 2002,

The site was later bought by First Construction. The works closed, in 2004, when the employees moved to new premises in Northfield.

The Broadford Works site comprises the largest concentration of Category 'A' listed buildings at risk in Scotland, if not the UK. Most of the buildings are presently in poor condition and have suffered from extensive vandalism and fire damage, but the most substantial and important ones are capable of restoration, provided appropriate capital investment can be found. The site and the individual Category 'A' listed buildings are listed on the Buildings at Risk Register of Scotland.

PRE-APPLICATION CONSULTATION

As this is a major application, there was a statutory obligation on the applicant to undertake consultation with the local community prior to submission of the application. The consultation exercise took the form of a public exhibition held on 8th and 15th February 2011 and a presentation given to the local Community Council also in February 2011. The exhibition took the form of two drop-in sessions with appropriate displays illustrating the proposals. Three members of

staff from the developer's agent were available to explain the proposals and answer questions. Around 60 people attended the events and 15 completed the comments forms that were provided.

Of the 15 comments received, the majority supported the development, which is to be expected given the derelict nature of the site as it presently stands. Only 2 comments were outright objections and these broadly centred on traffic. The main concerns expressed by the Community Council related to piling during construction, car parking and that a proportion of dwellings should be 3 or 4 bedroom family accommodation.

BACKGROUND

A brief resumé of the background to this application may be helpful.

Following initial pre-application enquiries from owners of the site, some ten years ago, the City Council in partnership with Scottish Enterprise Grampian, and in recognition of the site's architectural and historic importance, commissioned from Page & Park Architects a conservation plan and development study for the site. The entire complex is Listed Category A for its special architectural and historic interest and these studies were used as a basis for drawing up a design brief to inform developers about the Council's objectives for the development of the site and to guide appropriate development proposals towards a scheme that respects its conservation value.

The development study proposed a development model based on retaining and refurbishing as many of the existing buildings as possible for reuse, whilst using unobtrusive, peripheral parking which did not intrude upon the sensitive spaces at the core of the site. Any planning application for development of the site was therefore expected to be a conservation-led scheme conforming to the general principles contained in the development study and design brief.

An application for planning permission and listed building consent (ref A4/1262) for conversion of the redundant mill buildings to provide 221 flats, the erection of 177 new build flats, and the provision within existing buildings of retail floor space (2450 sq.m.), a public house (530 sq.m.), a restaurant (250 sq.m.) and offices (900 sq.m.) was submitted in 2004. It was eventually presented to the Planning Committee in August 2007, with a recommendation that be approved, but the Committee disagreed with the recommendation and refused the application on the grounds that:-

(1) The development as proposed makes no provision for affordable housing contrary to national and local policies and guidance which recognise the need to provide housing affordable to those in lower income groups and also the duty placed on the Council in terms of Policy 14 of the Aberdeen and Aberdeenshire Structure Plan 2001-2016 (North East Scotland Together) to seek to secure appropriate levels of affordable housing.

(2) The part of the development involving a ten-storey building (Block C) does not conform to the approved Planning Brief for the site and would because of its height and location have a seriously detrimental impact on Hutcheon Street.

(3) The level of retail floor space proposed at 2,450 square metres, in the absence of any kind of impact assessment, has the potential to have a detrimental effect on existing retail outlets on George Street.

That decision was appealed against, the Reporter in February 2010 (after issuing a letter of intent in June 2008) granting planning permission, subject to conditions and a legal agreement, but refusing listed building consent. The Reporter concluded that the exceptional development costs attached to the site, especially involving decontamination and cross funding to secure the preservation of the listed buildings, would leave insufficient residual value to provide affordable housing, which at that time was pegged at 10% of the total number of units applied for. He also considered that the impact of the new build elements of the proposal, including the proposed 10-storey building at the corner of Hutcheon Street and Ann Street, would be unlikely to result in a significant adverse impact on residential amenity or on Hutcheon Street. In addition he considered that there was no basis for refusal on the grounds of retail impact, particularly as the Council had previously approved the design brief which advocated a mixed used development, including retail uses.

The appeal against the refusal of Listed Building Consent was dismissed principally on the grounds that the application lacked significant amounts of detail which could not be remedied by the proposed imposition of a suspensive condition requiring later submission and approval of these details.

Time has moved on since the previous application was decided upon. The applicant has found little interest from developers in developing any part of the site, principally because the shift in the housing market over the last two or three years, combined with the wide “conservation deficit” between the cost of bringing the Listed Buildings up to an acceptable state of repair and the returns that would be generated by the sale of the residential units. Put simply, the development of the site is uneconomic without determining an acceptable way that will provide “gap funding” that will stimulate interest in developing the site and “cross funding” between the new build elements and the historic elements. Without this there is a likelihood that the historic buildings will continue to deteriorate unless a way forward is found. These issues will be discussed in more detail in the evaluation below.

In the time period since the appeal decision a steering group has been set up comprising the principal stakeholders – The developer (First Construction), Aberdeen City Council, Historic Scotland, Tenants First Housing Co-operative, The Prince’s Regeneration Trust (commissioned by the developer and Historic Scotland), and the National Trust for Scotland. The role of the Steering Group has been to devise a coherent strategy for the Broadford Works site that would enable its phased delivery whilst achieving the appropriate repair and re-use of the listed buildings. A comprehensive and pragmatic strategy is proposed that is capable of ensuring the long term repair and re-use of the Broadford Works site in a way that properly protects its scale and essential character.

PLANNING HISTORY

The most recent planning permission on the site was for conversion of redundant mill buildings to provide 221 flats with 2450 square metres of retail floor space at ground floor level, a public house (530 square metres), a restaurant (250 square metres), offices (900 square metres), the erection of 177 new-build flats and the provision of ancillary car parking (Ref A4/1262) granted on appeal following refusal by the then Planning Committee, contrary to officer recommendation. This was discussed more fully in the Background section above.

PROPOSAL

This is an application for detailed planning permission for a “proposed urban village (mixed development) including: major restoration and conversion of important Listed Buildings formerly used as a textile mill; demolition of various industrial premises; construction of new build developments comprising 517 flats (of which 175 are conversions); 4525m² of non-residential uses including a notional 1975m² of ground floor retail; 1900m² of storage; a 450m² nursery and a 200m² restaurant; 569 surface and basement car parking spaces and associated engineering and infrastructure works”. The changes to the previously approved scheme can be summarised as follows -

The retention and restoration of 11 mill buildings as opposed to 13 in the original scheme;

The submission of a Listed Building Application to cover the demolition of all the remaining buildings on the site – beyond the 11 major buildings being retained. This application is still under consideration;

The arrangement of the whole site into a series of 7 individual development packages (see attached plan), 5 of which are a combination of listed building and new build opportunity;

The design of all aspects of the site, from services through to car parking, in such a way that the individual packages can come forward in any order, even all at once; and

An additional 119 mainly new-build dwellings on the site taking the total dwellings to 517, with 569 car parking spaces many of which will be in basement parking.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application falls within the category of a project of public concern by virtue of the fact that a small part of the proposal involves development of a height greater than 20 metres. As such the application does not fall within the Council’s approved scheme of delegation.

CONSULTATIONS

ROADS SECTION – No objections subject to the attachment of suitable conditions and a the signing of a legal agreement.

A puffin crossing on Maberly Street, the upgrading of crossing facilities at the traffic lights at the Berryden Road/Hutcheon Street junction, the upgrading of the existing controlled crossing at Skene Square to a puffin crossing, and the upgrading of pedestrian crossing facilities at the Ann Street junctions with both Maberly Street and Hutcheon Street are all required.

Other requirements are

A capitalised payment for the maintenance for 10 years of any new traffic signals with an agreed cost secured through a legal agreement

Creation of a shared cycle track linking to the existing national Cycle Route at Mounthooly

Upgrading of crossing facilities at Hutcheon Street/Berryden Road and Hutcheon Street/George Street to allow use by bicycles

The installation of bus shelter, timetables, boarding kerbs and clearway markings at bus stops on Hutcheon Street (near Ann Street), Skene Square (south of Maberly Street), Berryden Road (north of Hutcheon Street) and George Street (north and south of Hutcheon Street)

Provision to the first owner of each flat of 2 annual memberships to a car club and the provision within the development of 4 parking spaces specifically for car club use

A Travel Plan secured by way of a legal agreement should be agreed. This must include future modal share targets, a monitoring regime, funding commitments, a programme of implementation, a travel pack for each residential property, and a mechanism for the review of targets and implementation measures. A travel plan co-ordinator should also be in place from first to final occupation of the development.

Strategic Transport Fund (STF) payments will be required through legal agreement. The final amount will be dependent on the proportions of uses that are eventually implemented therefore flexibility is required. Estimated STF contributions would be £135,604 if a foodstore is included or £40,270 if there is no foodstore.

ENVIRONMENTAL HEALTH – Phase 1 Geo-Environmental Site Assessment and Phase 2 Geo-Environmental Site Investigation have been submitted and assessed. These provide an adequate coverage of the site and assessment of potential risks. There are still some issues that need to be addressed prior to the commencement of development -

Gas monitoring requires updating and risk assessment updated if required

A Remediation Statement should be submitted providing specific details for on-site remediation

Prior to occupation of any dwellings a Validation Report should be submitted for approval giving full details of all remedial works carried out on the site.

COMMUNITY COUNCIL – No comments received.

SEPA – No objections subject to suitable conditions being applied relating to (i) Sustainable Urban Drainage (SUDS), (ii) re-alignment of the Gilcomston Burn culvert, and (iii) the submission of an Environmental Management Plan for each phase of the development.

HISTORIC SCOTLAND – Pleased with the fresh approach being taken in tackling this complex regeneration project. It is essential that a robust S75 agreement be prepared to ensure the appropriate management and co-ordination of the various development packages. Satisfied with the approach being taken to allocate particular listed buildings to each development package. Appreciate that detailed proposals for the listed buildings are not finalised at this stage but that applications for listed building consent will be submitted as end users are confirmed and their requirements are clarified.

REPRESENTATIONS

Four letters of representation have been received from nearby residents. Two of the letters express objections to the proposals, one conveys mixed comments, whilst one is broadly supportive.

The main issues raised by objectors relate to:-

Vehicular access from Maberly Street

Lack of industrial museum. Grey Mill should be industrial heritage museum

Should be some affordable housing

Not enough car parking provision

Could cause traffic problems on Maberly Street

Concerns about the positioning of new-build Block J relative to properties at 12 Maberly Street and 8 Kingsland Place

Also concerns about heights of new-build Blocks G and H

Supporting comments relate to:-

Agree that old hosepipe lining tower be made available for public access

Anti-social behaviour and fire raising on site has gone on too long

Proposals have potential to reflect unique industrial heritage

Could be good for arts community if workshop/community space is provided

Development could diversify local economy and make city centre attractive again and therefore should be embraced

PLANNING POLICY

The site falls within a wider area allocated for H2 (Mixed Use) purposes in the adopted Aberdeen Local Development Plan. It is also identified as an Opportunity Site (OP90) for development. OP90 states "Planning Brief advocates redevelopment of the site as an Urban Village.

Other relevant Local Development Plan policies which the application should be assessed against are:-

Policy I1 – Infrastructure Delivery and Developer Contributions

Policy D1 – Architecture and Placemaking

Policy D2 – Design and Amenity

Policy D4 – Aberdeen's Granite Heritage

Policy D5 – Built Heritage

Policy H3 – Density

Policy H4 – Housing Mix

Policy H5 – Affordable Housing

Policy NE6 – Flooding and Drainage

Policy R7 – Low and Zero Carbon Buildings

Higher Level Structure Plan Targets and Objectives are also relevant.

These include:-

At least 75% of all homes built should be in strategic growth areas by 2030

At least 50% of all homes built should be in Aberdeen City by 2030

Increasing the population of the City Region to 480,000 by 2030

Moving towards building at least 2,500 new homes a year by 2014 and 3,000 new homes a year by 2020.

EVALUATION

The application falls to be considered in the context of development plan policies and any other relevant material considerations.

The development plan consists of the approved Aberdeen City and Shire Structure Plan and the adopted Aberdeen City Local Development Plan.

The **Structure Plan** contains a number of high level objectives and targets which are relevant to this proposal.

at least 75% of all homes built should be in strategic growth areas by 2030. The whole of Aberdeen City falls within a strategic growth area and approval of this application would help to achieve the structure plan target by increasing the stock of housing land.

at least 50% of all homes built should be in Aberdeen City by 2030. Approval of this application would help to achieve the structure plan target by increasing the stock of housing land.

increasing the population of the City Region to 480,000 by 2030. The delivery of these proposed 517 flats would contribute towards achieving this aim by increasing the availability of housing stock in the area.

moving towards building at least 2,500 new homes a year by 2014 and 3,000 a year by 2020. Again the proposal would help to achieve these targets.

The Structure Plan also contains objectives and targets for providing sustainable mixed communities.

to increase the range and quality of housing and the residential environment.

for 40% of all new housing to be on brownfield sites.

for all housing development of over one hectare in strategic growth areas to be in line with approved supplementary guidance and generally have no less than 30 dwellings per acre.

The proposal meets all of the objectives relating to sustainable mixed communities.

The **Aberdeen Local Development Plan** has a number of policies that are relevant to varying degrees.

Policy H2 (Mixed Use) states that applications for development or change of use within these areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with adjacent land uses and amenity.

Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity.

The site falls within a wider area allocated for mixed use. The existing uses in the area surrounding the application site consist of mainly of flats to the north and south on the opposite sides of Hutcheon Street and Maberly Street respectively. To the west, on the opposite side of Ann Street, there are a number of small business premises, while to the east are the rear gardens and yards of 2 and 3 storey properties facing onto George Street. These properties generally accommodate commercial premises at ground floor level with flats above. Implementation of this application would greatly improve the amenity of the vast majority of surrounding properties by removing the dereliction and unsightly buildings found on the site, refurbishing the most important historic buildings and improving security by deterring unauthorised entry into the site. This high quality scheme would create north – south linkages through the site by providing public access where none exists at present. It would significantly increase the population in the immediate locality, potentially increasing demand for local businesses and services.

Policy D1 (Architecture and Placemaking) seeks to achieve high standards of design in new developments by ensuring that they are designed with due consideration for their context and make a positive contribution to their setting.

It is considered that the proposals have taken account of the industrial context and heritage of the site and make a positive contribution to the setting of the retained buildings and the wider neighbourhood. The scale, fenestration, external materials and orientation of the buildings are suitable for the site, reflecting the character of the retained industrial buildings. The proposed surface treatments of granite sets are also acceptable. The industrial heritage of the site, its historical layout and function would still be evident. Public access to the site would allow greater appreciation of its historical significance. The spaces between the retained and new buildings also reflect the character of the site.

Policy D2 (Design and Amenity) requires a number of design principles to be applied to new developments.

Privacy shall be designed into higher density housing

Residential development shall have a public face to a street and a private face to an enclosed garden or court

All residents shall have access to sitting out areas in the form of balconies, private gardens, terraces, communal gardens or other means

Parking should not dominate the space within private courts. Underground or decked parking shall be expected in high density schemes

Individual flats or houses shall be designed to make the most of opportunities for views and sunlight

Developments shall include measures to design out crime and design in safety

External lighting shall take account of residential amenity

Policy D4 (Aberdeen's Granite Heritage) encourages the retention of granite buildings throughout the City. Conversion and adaptation of redundant granite buildings will be favoured. The City Council will also seek to retain original setted streets and granite pavements if they contribute significantly to a sense of place.

The proposal complies with this policy by retaining and refurbishing the most important granite and red brick listed buildings on the site. The proposal will also retain and improve the granite setted streets within the site, thereby maintaining reference to the site's industrial and granite heritage.

Policy D5 (Built Heritage) states that proposals affecting Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

National planning policy on the historic environment is set out in Scottish Planning Policy (SPP), and is supported by Planning Advice Note (PAN) 2 / 2011 Planning and Archaeology (published July 27, 2011) and PAN 71 Conservation Area Management. The SPP should be read in conjunction with the Scottish Historic Environment Policy (SHEP) and the Managing Change in the Historic Environment guidance, produced by Historic Scotland. Together these provide the Scottish Government's policy and advice on planning for the historic environment and should be taken into account by planning authorities when determining applications for listed building consent or planning permission for development which may affect the historic environment. Developers should also take Government policy and guidance on the historic environment into account when forming development proposals.

Key elements of the policy include:

Encouraging a positive and proactive approach to managing change in the historic environment, enabling development and securing best viable use;

Ensuring the special qualities of the historic environment are protected, conserved and enhanced. This should cover statutory and non-statutory designations, while recognising that the latter, such as archaeological remains, can be a material consideration in the planning process.

It is considered that the proposal follows the principles established by the above Scottish Government policy background. A full Conservation Plan for the site has been prepared, identifying the key buildings and the Very Important Buildings which must be retained and refurbished to ensure that the historic environment on the site is protected. The Council and applicant have taken a positive and collaborative approach to encouraging change on the site by and identifying practical ways to make the site viable for developers.

SHEP identifies the following key aims for maintaining quality in the historic environment.

proper repair and maintenance of the historic environment is generally the most sustainable course of action;

management, and any proposed alteration or change of use, should be appropriate and follow best conservation practice;

to retain historic character and future performance of older buildings it is important to use appropriate and compatible materials and construction techniques;

it is important that new developments are sensitive to historic character and attain high standards in design and construction, while recognising the portfolio of original building materials;

provisions for access should be appropriate to the character of the historic environment and should be adequately monitored.

Policy H3 (Density) requires an appropriate density of development on all housing allocations and windfall sites. All residential developments over 1 hectare must:

Meet a minimum net density of 30 dwellings per hectare

Have considered the the site's characteristics and those of the surrounding area

Create an attractive residential environment

Consider providing higher densities in the City Centre, around local centres, and public transport nodes

The proposal fulfills all of the above criteria. The proposed net density is around 142 dwellings per hectare, well in excess of the minimum required density. The extensive studies, including the conservation plan and design brief, undertaken over the last few years have taken full consideration of the site's characteristics and those of the surrounding area. An attractive residential environment, including refurbishment and restoration of the most important listed buildings on the site, would be created if the proposal is implemented. The higher densities proposed on the site are fully compatible with the aims of the development plan, the characteristics of the site and the site's location close to the City Centre.

Policy H4 (Housing Mix) requires housing developments larger than 50 units to achieve an appropriate mix of dwelling types and sizes.

Policy H5 (Affordable Housing) requires housing developments of 5 units or more to contribute no less than 25% of the total number of units as affordable housing.

The planning history and special characteristics of this site are very relevant to the application of Policy H5 to the proposal. Policy H5 states that housing

developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing. In determining the previous appeal on the site, the Reporter, when considering the issue of affordable housing, referred to the appropriate development plan policies which at that time required 10% affordable housing provision. Officers had considered that, because of the exceptional development costs of this site and the “conservation funding gap”, it would be inappropriate to seek affordable housing provision on the site. The Reporter stated that the policy did not specify that affordable housing be provided on every development site and that the Council had placed too much weight on the issue. He went on to state that he agreed that the applicant had demonstrated the complexities of the of the proposed development, that exceptional development costs would be incurred and that the provision of affordable housing as part of the development would be unreasonable. He concluded that the desirability of preserving the listed buildings outweighed the provisions of the affordable housing policy at that time. It is considered that this is still the case with the amended proposal and it is recommended that no affordable housing be sought to ensure that maximum cross funding opportunities are available to secure the preservation and upgrading of the listed buildings.

Policy NE6 (Flooding and Drainage) states that development will not be permitted if it would increase the risk of flooding.

The applicants have submitted a detailed drainage assesement which has been examined by SEPA. SEPA considers the proposed mitigation measures to be acceptable provided appropriate conditions are attached to the planning permission, should it be granted. Appropriate conditions have been included in the recommendation and it is considered there are no outstanding drainage issues attached to the proposal.

Policy R7 (Low and Zero Carbon Buildings) requires all new buildings to be installed with low and zero-carbon generating technology to reduce the the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

The above requirement does not apply to the change of use or conversion of the historic buildings on the site but will apply to the new build elements. An appropriate condition can be attached to require the submission of appropriate information before any phase of new build takes place on the site.

Turning to the letters of representation that have been received, the issues raised have generally been dealt with above. However, specific issues have been raised.

Vehicular access from Maberly Street and Potential Traffic Problems – *Roads officials are satisfied that the proposal is acceptable in terms of access and traffic impact provided appropriate traffic management improvements are implemented. These are covered by conditions.*

Lack of Industrial Museum – *approval of this application would not preclude the future use of part of the original mill as an industrial museum. Indeed such a use would be a welcome element within the urban village. However, there is as yet no*

commitment from any of the stakeholders that such a facility would be provided and how such a facility would be financed, managed and run. It is an issue that could be investigated in future, and be subject to a further planning application, should there eventually be a willingness to progress with a museum proposal.

Affordable Housing – *this has been evaluated under Local Plan Policy H5 above.*

Not Enough Car Parking Provision – *A total of 569 car parking spaces would be provided on the site, with 517 of these being for the use of residents. Roads officials have stated that the residential element of the proposal alone would normally require 714 spaces. However the site has the potential to be well served by sustainable transport modes and the proposed car parking arrangements are considered acceptable. Car parking provision also has to be balanced against the need to preserve the industrial heritage of the site and the spaces between the buildings. To help achieve this limits need to be placed on the amount of surface car parking, particularly in the historic part of the site. The applicant has successfully achieved this by introducing covered and undercroft parking on significant parts of the site. It is considered that a good balance has been struck between car parking provision and the need to minimise its visual impact.*

Height of New Build Blocks G and H – *Blocks G and H would be the equivalent of 5 storeys in height, both being some 17 metres high. Block H would be located some 12 metres or so to the west of the boundary of the property at 8 Kingsland Place. There would be overlooking towards 8 Kingsland Place, and less so towards, 12 Maberly Street from living room windows in Block H. It is not considered that Block G would have any adverse impact on the amenity of either 8 Kingsland Place or 12 Maberly Street. On balance it is considered that these impacts are acceptable given the inner city location of the application site and the densely built-up character of the surroundings.*

Effect of New Build Block J on adjacent properties at 12 Maberly Street and 8 Kingsland Place - *The objector has expressed concerns about the potential effects of Block J on his properties, particularly in terms of overlooking and overshadowing. Block J would be the equivalent of four storeys in height and would accommodate 8 dwellings. It would front on to Maberly Street, on the west boundary of 12 Maberly Street, which would be located some 12 metres north east of the closest part of Block J. There would be no windows on the east elevation of the block. However there would be access balconies on the north elevation at the equivalent of 2nd and 3rd floor levels and this would afford the possibility of overlooking, at an oblique angle, the front garden of 12 Maberly Street. This has to be balanced against the need to provide a frontage onto Maberly Street which respects the local townscape. Block J would in effect occupy a gap site with tenemental properties on either side (albeit with the garden frontage of 12 Maberly Street immediately to the east). It is considered that the scale of building proposed offers the best design solution in townscape terms. The site is also located in a densely built up inner city area where high levels of privacy and minimal overlooking are more difficult to achieve. It is considered therefore that on balance the objector's concerns are outweighed by the need to fully integrate the proposed development with its physical surroundings. Similarly an overshadowing plan submitted by the applicant shows*

that there would be some overshadowing of the garden at 12 Mabely Street at noon and at 3pm during the Autumnal equinox and later in the year. Again this is considered to be acceptable in the context of the development site as a whole. It is not considered that Block J would adversely affect the amenity of the objector's property at 8 Kingsland Place, which is located some 39 metres north of Block J.

Comments of support have also been submitted. These welcome the redevelopment of the site and the associated environmental improvements and regeneration that would flow from that.

Other Material Considerations

Implementation -

The detailed proposals, if approved, will define the overall design, and especially which buildings are to be retained for conservation and which are to be removed to allow the new enabling development. The details of the conservation design (windows, rainwater goods, doors etc) for the retained listed buildings are all specified within the application drawings submitted.

A Section 75 agreement will set out a route map to be followed, which will ensure the listed buildings are restored through the cross-funding which will result from the new build development being approved.

The next stage would be for individual packages to advance with a new developer. There will have to be a Listed Building Application submitted at that stage, but this will principally cover the precise detail of the restoration work.

SUMMARY

This is a welcome proposal which should result in the restoration of the most important historic buildings on the site, provided suitable funding arrangements are put in place by way of the proposed legal agreement. The proposed route map and development packages will enable the new build elements to cross-fund the restoration of the listed buildings.

RECOMMENDATION

Approve with Legal Agreement

REASONS FOR RECOMMENDATION

The proposal complies with the development plan both in terms of achieving high level Structure Plan targets and meeting land use, amenity and design objectives and policies contained in the Local Development Plan. A high quality urban regeneration scheme would be created, resulting in the preservation of the most important listed buildings on the site and retention of the industrial heritage and character. The proposed development packages would enable new build development to cross fund improvements to the historic buildings.

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

(1) that the development hereby approved shall not commence unless a) a scheme showing full details of any proposed townscape features to be erected or installed (including, but not limited to, barriers, bollards, street lamps, planting boxes, hard surfaces and litter bins) has been submitted to, and approved in writing by, the planning authority. No part of the development shall be occupied unless the townscape features relevant to that part of the development have been installed or erected and are fully operational.

Reason - to preserve and enhance the character of the site and in the interests of residential amenity.

(2) The phasing of the development shall comply with the approved phasing plan, or other such plan as may be subsequently approved in writing by the planning authority. Reason: to ensure the orderly development of the site.

(3) That 569 car parking spaces shall be provided as shown on the approved drawings, or other such drawings as may be approved for the purpose by the planning authority. No block shall be occupied unless the car parking spaces relative to that block have been provided in full accordance with the approved drawings. 517 of the spaces shall be restricted for the use of residents of the development only and none of these spaces shall be allocated to any individual flat.

Reason: to ensure that sufficient parking facilities are provided.

(4) No development shall commence until a detailed scheme and specifications for the provision of a minimum of 133 secure cycle parking spaces has been submitted to and approved in writing by the planning authority. No block shall be occupied unless the cycle parking spaces relative to that block have been provided in full accordance with the approved scheme and are available for use.

Reason: to promote sustainable transportation

(5) No development shall commence until a detailed scheme of traffic management relating to vehicle and pedestrian circulation within the site has been submitted to and approved in writing by the planning authority. No part of the development shall be occupied unless the approved scheme of traffic management relative to that part has been implemented in full accordance with the approved scheme and is fully operational.

Reason: in the interests of pedestrian and traffic safety.

(6) No development shall commence until further details of the design of the proposed junction arrangement at the principal vehicular access to the site from Hutcheon Street has been submitted to and approved in writing by the planning authority. No part of the development shall be occupied unless the approved junction details have been implemented in full accordance with the approved scheme and are fully operational.

Reason: in the interests of road safety and the free flow of traffic.

(7) that prior to the commencement of any works within any phase of the development, a site specific environmental management plan (EMP) for that phase shall be submitted for the written approval of the planning authority, in consultation with SEPA and all work shall be carried out in full accordance with the approved plan - to control pollution of air, land and water.

(8) that the Sustainable Urban Drainage scheme for any phase of the development shall be designed and constructed in accordance with approved drawing numbers A/03341/951-1, 951-2, 951-3, 951-4, 951-5, 951-6, 951-7 951 Rev 1 and 952, (or such other drawings as may subsequently be approved in writing for the purpose by the planning authority) and CIRIA C697: The SUDS Manual and shall be implemented and operational prior to the first occupation of any building within that phase - to ensure that each phase of the development receives suitable treatment of surface water in the interests of protection of the water environment.

(9) No development shall commence until an amended Phase II Supplementary Environmental Audit providing additional information on trial pit and borehole investigation, water and gas sampling and the additional mitigation measures proposed for dealing with any land contamination impacts that may be identified, has been submitted to and approved in writing by the planning authority.

Reason: in the interests of public health.

(10) No development shall commence until a noise assessment prepared by an independent qualified noise consultant has been submitted to and approved in writing by the planning authority. The assessment shall identify all sources of noise likely to adversely affect occupants of the development and all sources of noise arising from within the site likely to affect occupants of residential properties outwith the site. The assessment shall identify the detailed measures necessary to mitigate against the adverse impacts of any noise source identified as required by this condition. No part of any building shall be occupied unless the noise mitigation measures identified in the assessment as applicable to that phase have been implemented and are fully operational.

Reason: to minimise noise disturbance to the occupiers of the site and residents living nearby.

(11) No development shall commence until detailed proposals for the storage and collection of refuse generated within the site, including recycling facilities, have been submitted to and approved in writing by the planning authority. No part of the development shall be occupied unless the refuse facilities particular to that part have been implemented and are fully operational.

Reason: in the interests of public health.

(12) No development in respect of the restaurant or nursery hereby approved shall commence until schemes detailing the proposed ventilation and filtration systems to be used to disperse cooking fumes emanating from the premises have been submitted to and approved in writing by the planning authority. Neither

of the premises shall be occupied unless the ventilation and filtration scheme particular to that building has been implemented and is fully operational.

Reason: in the interests of residential amenity.

(13) No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the planning authority.

Reason: in order to protect items of historical importance which may exist within the application site.

(14) No development shall commence until a detailed scheme and specifications for the provision within the application site of a suitably surfaced children's play area containing a minimum of 5 items of play equipment, seating and a receptacle for litter disposal has been submitted to and approved in writing by the planning authority. No part of phase 7, or other such part of the development as may subsequently be agreed in writing by the planning authority, shall be occupied unless the approved play facilities have been provided in full accordance with the approved scheme and are available for use.

Reason: to ensure the provision of adequate play facilities.

(15) 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.

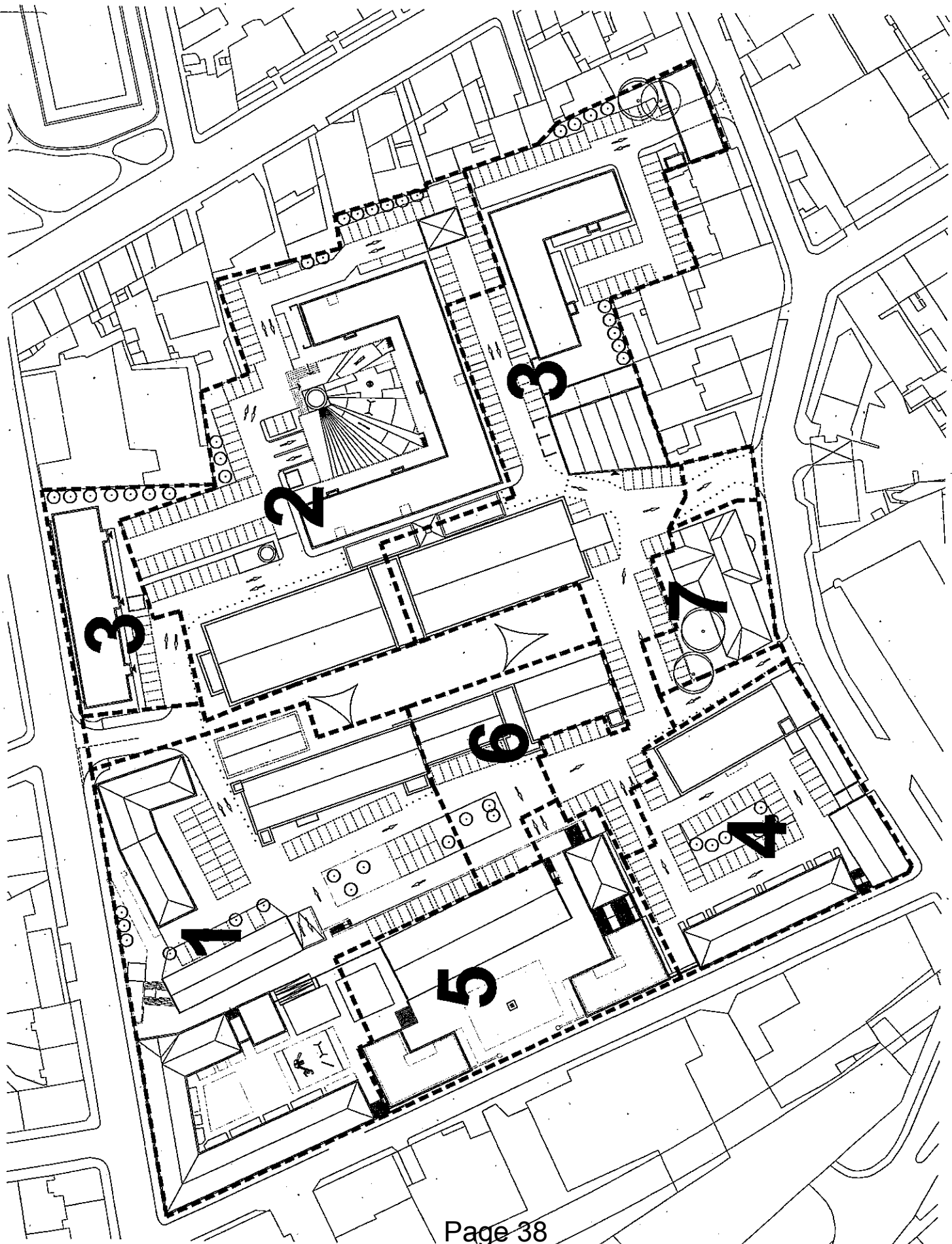
(16) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or 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.

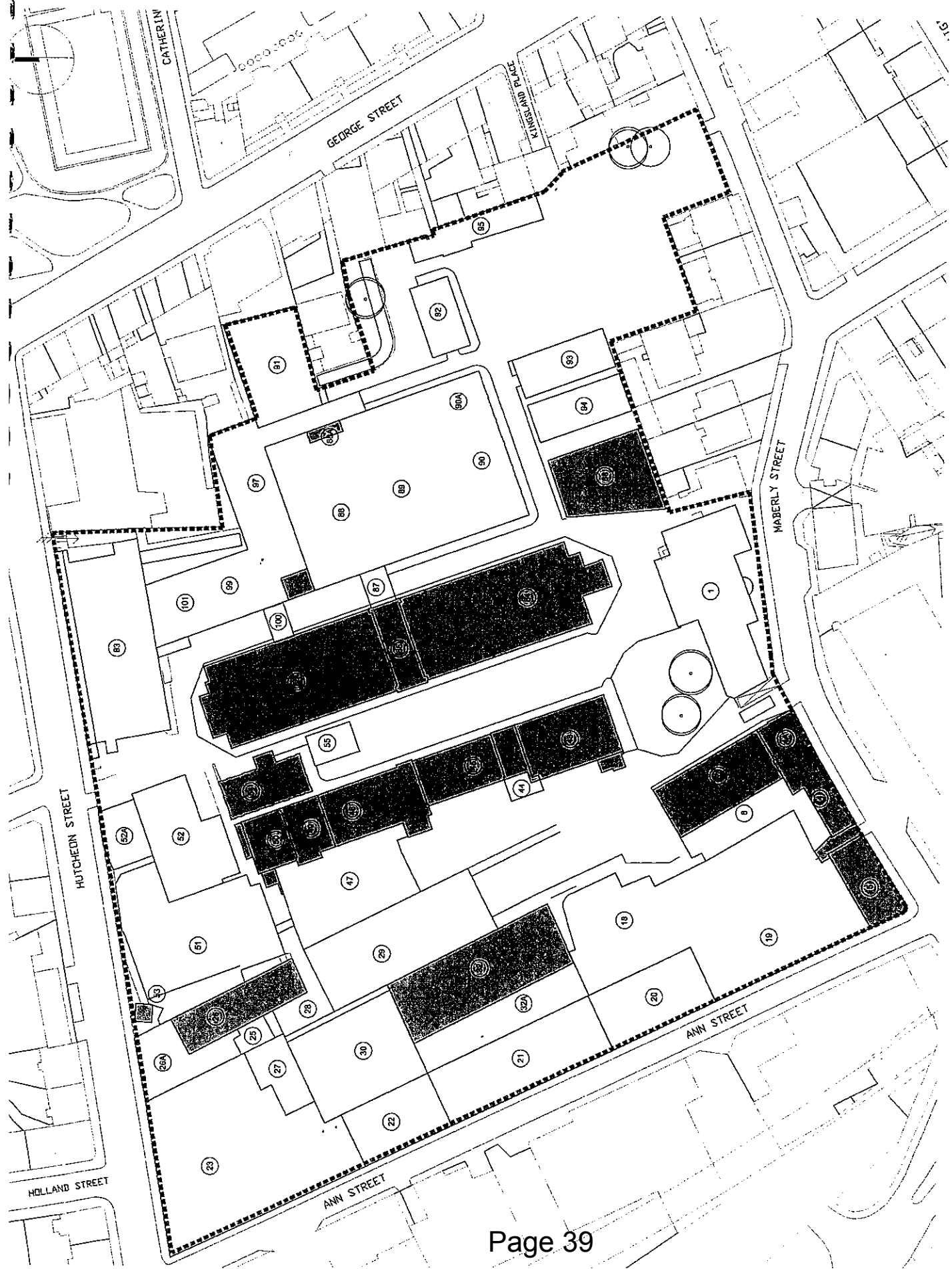
(17) that prior to the development of Block G and any realignment of the existing Gilcomston Burn culvert, a survey of the existing culverted burn within the site shall be undertaken, and a plan of the location of any proposed engineering activities (including realignment of the existing culvert) in the water environment including a justification for each proposed engineering activity and details of mitigation measures to address any adverse impacts shall be agreed in writing with the planning authority, in consultation with SEPA, and thereafter implemented - in the interests of protection of the water environment.

(18) that no development of any proposed new building on the site shall take place unless details of the zero and low carbon equipment to be incorporated into that building 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 'Low and Zero Carbon Buildings'.

Dr Margaret Bochel

Head of Planning and Sustainable Development.





VERY IMPORTANT LISTED BUILDINGS



Our Ref: ep325/let003/DS

09th February 2012

Aberdeen City Council
City Development Services
Planning Department
Marischal College
Broad Street
Aberdeen AB10 1AB

Dear Sirs

PLANNING APPLICATION REFERENCE NUMBER – 120048

APPLICANT – FIRST CONSTRUCTION LIMITED

PROPOSAL – Proposed urban village (mixed development) including: major restoration and conversion of important Listed Buildings formerly used as a textile mill; demolition of various industrial premises; construction of new build developments comprising 517 flats (of which 175 are conversions); 4525m² of non-residential uses including a notional 1975m² of ground floor retail; 1900m² of storage; a 450m² nursery and a 200m² restaurant; 579 surface and basement car parking spaces and associated engineering and infrastructure works at the former Broadford Works, Maberly Street, Aberdeen

We write on behalf of our client Mr Graeme Thain who is the owner of residential properties at 12 Maberly Street and 8 Kingsland Place, Aberdeen (residing in the former) in connection with the above-mentioned planning application which has recently been submitted to your Council by Halliday Fraser Munro on behalf of First Construction Limited. Whilst our client welcomes the principle of the site being re-developed for the purposes proposed he has considerable concerns about the relationship of some of the proposals to his properties at Maberly Street and Kingsland Place.

He is particularly concerned and justifiably so with the positioning of Block J which is proposed immediately to the west of the private garden space serving his dwelling house at 12 Maberly Street. Although the garden in question is situated at the front of the house it is enclosed by a wall thus offering high levels of personal privacy and valuable amenity space particularly in the summer. The positioning of Block J which is four storeys in height along the boundary of our client's property will result in a reduction in sunlight to the garden and a significant element of overshadowing to the ultimate detriment of residential amenity. In the circumstances outlined it is respectfully suggested that Block J be removed from the scheme in the interests of our client's amenity unless the applicants, through the submission of a detailed overshadowing analysis, demonstrate beyond all unreasonable doubt that no such over-shadowing or loss of sunlight would occur.

Our client would also at this stage wish to express concerns about the respective heights of Blocks G and H which are considered to be entirely overbearing, resulting in a significant loss to the residential amenity of both properties.

We would be grateful if you could acknowledge receipt of these objections at your earliest convenience and thank you in anticipation for your assistance.

Yours faithfully,

A large black rectangular redaction box covering the signature of Derek Scott.

Derek Scott

cc. G.Thain

From : webmaster@aberdeencity.gov.uk
To : pi@aberdeencity.gov.uk
Date : 20/01/2012 21:15
Subject : Planning Comment for 120048

Comment for Planning Application 120048

Name : Arthur Wylie
Address : 40 Maberly Street
Aberdeen
AB25 1NB

Telephone:

Email:

Type:

Comment: I cannot see how there could be a vehicle access into the site using the old car park entrance near the bottom of Maberly Street. The road is very narrow and any such access would be dangerous.

When this site first came up for a Planning Application I suggested that an industrial museum be included on the site. I later heard that part of the old granite mill was earmarked for this. There is no mention of a museum in the new plans. What has happened?

I fully agree that the old hosepipe lining towers be made available for the public for viewing platforms. I also suggested this. I would be in favour of the new housing blocks to be named after well known managers or directors of Richards Ltd eg Hitchen Court, Taylor House etc

Aberdeen City Council
City Development Services
St Nicholas House
Broad Street
Aberdeen
AB10 1BW

Andy Pratt
Penthouse South
The Bastille
Maberly Street
Aberdeen
AB25 1NL

21st January 2012

Dear Sirs

Proposed Development at Broadford Works

Having never felt valid necessity to pass comment on a previous application to which I am entitled I regret that this is not the case with the proposed development at Broadford Works.

The main area of concern is the car parking and the 'justification' for the developer not adhering to the ACC Inner City Parking Standards.

Are these standards not there for a reason? Is it acceptable to ignore the Council?

The Bastille has 50+ internal spaces and 20+ external for the 53 flats in the building and they are mostly all full at nights with people putting adverts on the notice board to rent additional ones.

As this is a similar development within the same area and I imagine aimed at people with similar disposable income, how can the developer claim that only 50% of people who will buy/rent these new flats will have cars?

I am not sure of the extent of the Berryden car ownership survey but feel that it may include a lot of student accommodation so is not representative of the requirement for the development.

They make no assessment or allowance for delivery vehicles, tradesmen or visitors.

Please remember that it is not just illegal parking that may result as there are already residents in the area who only have on street parking. Try looking around for spare capacity at the present time, it is not fair to them.

The capacity of adjoining roads also needs to be considered for this volume of traffic. By living on Maberly Street I have seen the difficulties encountered by HGV vehicles as it was never designed for them and there are to be 3 additional exits onto this road, even with the current traffic and volume there are numerous 'near miss' incidents especially on the 'semi blind' corner which people drive around far too quickly.

I would request your serious consideration before **any** approvals are granted for this as what could result in a tasteful and beneficial development within our town centre may well turn into a problem area for residents and police long after the developers have spent the proceeds.

Yours Faithfully

Andy Pratt

From : webmaster@aberdeencity.gov.uk
To : pi@aberdeencity.gov.uk
Date : 1/25/2012 9:10pm
Subject : Planning Comment for 120048

Comment for Planning Application 120048

Name : Michelle Wylie
Address : 40 Maberly Street
Aberdeen
AB25 1NB

Telephone:

Email:

Type:

Comment: As a resident living near the site of the proposed development, I am fed up of seeing it being left to decay and attracting those who engage in anti-social behaviour such as fire raising and alleged drug taking. This is an important site of industrial heritage and therefore any development of the site has to be done in such a way that the importance of the site is taken into consideration.

The proposals that have been submitted have the potential to do just this. The proposal of turning the granite office building into a small hotel rather than a bar/restaurant, in my opinion, is a much more sensible idea. It may still have a public bar but within a hotel, it shouldn't impact on the business of the nearby Charlotte and Northern Bars. Not only that but it'll provide visitors to the city with accommodation near the site if they so wish to visit it.

I still think that the Grey Mill should be converted into a museum of industrial heritage as I hear it still has the old machinery intact. This machinery is something which should not be thrown away but preserved for future generations to understand the history of the site. For years Dundee has had the Verdant Mills which are a major tourist attraction. This is a possible use for the Grey Mill and it could be possible to have guides employed at such a facility to not only explain the history but also to learn how to operate the machinery and demonstrate how it works to visitors. If there is room on the site, it could also house interactive displays as this is something that museum visitors today want out of their visit.

The use of the hosepipe towers as a viewing post is a fantastic idea that would be popular with both visitors and residents alike. A charge is likely to be levied for this but the money raised could go towards maintenance. This is something Aberdeen doesn't really have, other than the Grampian Eye beside the beach, and would increase footfall into the area which would in turn create vibrancy in the area and attract more business to the surrounding shops, restaurants and bars. Aberdeen needs to have the facilities in place to position itself as a successful tourist city in the future and having attractions visitors want and residents can use is vital to this.

There should be some affordable housing on this site as in the current economic climate, many people are finding it hard to get mortgages and therefore don't have the money to buy accommodation at any price. If families are to be attracted in to use the proposed nursery and playpark facilities, they need accommodation they can afford within the city centre. Low paid workers earning less than £30,000 a year also need affordable accommodation they can rent, so perhaps some of these flats could be bought by either the City Council or Housing Associations in order to facilitate this.

The amount of space being given over to studio and workshop space is good for the arts community. The workshop space could easily be used by local artists while the studio space could be used as rehearsal space for local amateur dramatics groups, dance organisations and also any local visual arts in general, so perhaps a home could be offered on this huge site to Peacock Visual Arts. It is also a prime city centre location which, along with other attractions would attract footfall and therefore paying business to this organisation as well.

If Aberdeen is to become a vibrant city in the future, it needs to embrace its art community, not alienate it. If you go to London's West End, it is a busy, vibrant place. This development could help bring the vibrancy that is being sought after by local businesses. The creative industries need to be given a chance to flourish and could contribute to Aberdeen's economy in the long run just as these industries do in Dundee. If the city embraces its local arts community by allowing them to use the studio space this development proposes to provide, it will help Aberdeen's economy to diversify. Most importantly, the local arts community can make money that will stay in Aberdeen and not go south like the profits of the big retail chains that most developers in the past do. If Aberdeen stays entrenched in the energy industry and that industry goes busy in the future, then the city will turn into a ghost town, which is why it must diversify so that areas such as tourism and the arts will help keep the city afloat along with energy.

On the whole, this development has the potential to be the start of the diversification of Aberdeen's local economy and therefore should be embraced. It would also mean that the site is no longer a mecca for undesirables but can be enjoyed by everyone and future generations. Please don't throw away the opportunity Broadford Works represents. It could be the development that makes the city centre attractive again and gets people coming into it for a long time to come.

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Agenda Item 2.1

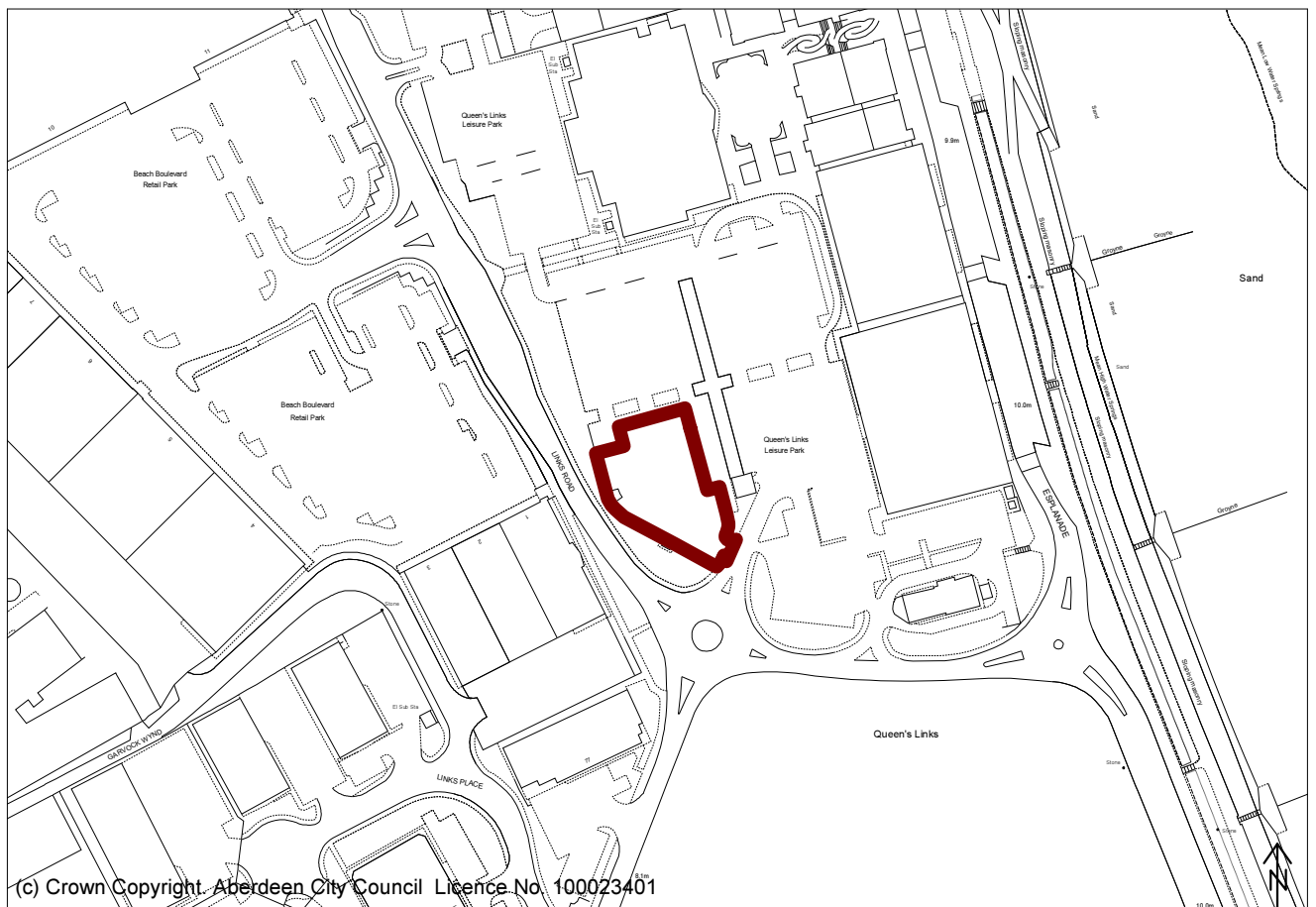
QUEENS LINKS, QUEENS LINKS LEISURE PARK

PROPOSED DRIVE-THRU RESTAURANT

For: X-Leisure

Application Ref. : P120909
Application Date : 26/06/2012
Officer : Robert Forbes
Ward: George Street/Harbour (A May/J Morrison/N Morrison)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on : 11/7/12
Committee Date : 6 December 2012
Community Council : No response received



RECOMMENDATION: Approve with Legal Obligation and Conditions

DESCRIPTION

This site comprises an area of surface car parking and incidental open space forming part of Queens Links Leisure Park. The main anchor unit of this popular destination is a multi screen cinema. The two major leisure units at the south east of the park have been vacant for years but were previously used as a nightclub and bingo hall. The main pedestrian / cycle access to the Leisure Park is located at its north east corner, where there are ramps and stairs providing connection with the Beach Esplanade. Both Links Road and Beach Esplanade are designated as bus routes. The nearest bus stops are on Links Road approximately 100m from the site. There is an established landscape strip / bund running along the boundary of the site with Links Road.

Immediately to the east of the site lies a main vehicle access point to the leisure park car park. There are two other vehicle access points to the car park. To the south of the site beyond the access road lies an area of undeveloped grassed open space. To the south west of the site lies industrial / business premises and to the north west is Beach Boulevard Retail Park. The closest residential properties are flats on St Clement Street, in excess of 300m from the site.

HISTORY

Planning permission for development of the leisure park, on land which was formerly public open space, was granted by the Council in the 1990's and was implemented. This permission included development of the existing Burger King drive through restaurant on land to the east of the application site.

PROPOSAL

Detailed planning permission is sought to construct a restaurant unit on the car park. It would be located parallel to the existing landscape strip running along the boundary to Links Road. The building would be set at an angle relative to that road. It would have a floor area of approximately 330 square metres and would be single storey. The walls would be clad with insulated cladding panels. The roof would be flat and would incorporate solar panels. The main public area, including a seating area would be located at its south eastern end and would be largely glazed. A pedestrian access and link would be formed to connect with the existing pavement at the access to the east. Cycle parking stands would also be provided. Ten surface car parking spaces would be provided within the site and the building would be surrounded by an access road in order to allow it to function as a "drive-thru". The development would result in a net loss of 71 car park spaces from within the existing car park. No new access from or egress onto the public road would be created.

REASON FOR REFERRAL TO SUB-COMMITTEE

The proposal required to be advertised as a project of public concern and the Council has a financial interest in the site.

CONSULTATIONS

ROADS SECTION – Express concern regarding loss of car parking at the site but have no objection to the proposal. Their comments are circulated herewith;

ENVIRONMENTAL HEALTH – No objection;

PLANNING GAIN UNIT – Request that a financial contribution be made towards enhancement of core paths;
COMMUNITY COUNCIL – No response received

REPRESENTATIONS

None

PLANNING POLICY

The site is zoned as urban green space (policy NE3) in the Adopted Local Plan. Local plan policies D1 (Architecture), D3 (Sustainable Travel), T2 (Managing Transport Impact), D6 (Landscape), NE3 (Urban Green Space) and NE5 (Trees) are of relevance. Policy T2 identifies maximum car parking standards for the proposed use and for the other existing uses within the leisure park.

SPP para 38 (Sustainable Development) promotes re-use of previously developed land, taking account of the capacity of existing infrastructure and reducing the need to travel. Para 167 (Transport) states that development should be supported in locations that are accessible by walking, cycling and public transport. The amount of car parking permitted should be controlled to encourage more sustainable travel choices.

The open space to the south of the site is zoned as urban green space (policy NE3) but is designated as an opportunity site for development (OP102) which states that it is reserved for an energy futures centre.

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 Approved Structure Plan and the Adopted Local Plan. Other material considerations include Scottish Government Planning Policy and the planning history.

As the development is of small scale, the structure plan is of limited relevance in this case. The adopted local plan is silent as regards the principle of extension / redevelopment of the leisure park, although the fact that it identifies the existing undeveloped public open space to the south of the site as a “brownfield” opportunity site for development, that the proposed development is relatively small scale and forms an integral part of the existing authorised leisure park use are relevant material considerations which weigh in its favour. No trees of outstanding amenity value would be lost. Subject to imposition of conditions regarding enhancement / replacement of green space / soft landscaping within the site, the proposal would accord with the designation of the site as urban green space in the adopted local plan and policies D6, NE3, NE5.

As the proposed building would be of similar design quality to that of other existing buildings within the leisure park and the nearby retail park, and is not located in an area which is identified as being of special townscape or landscape value, it is considered that it satisfies local plan policy D1.

Whilst the principle of drive through restaurants is questionable in terms of sustainable development and local plan policy D3 (as they can be regarded as encouraging car travel) there is no policy within the local plan or structure plan which specifically prevents such forms of development. The Council's transport consultee has no objection to the nature / principle of the proposed use. The location of the site on brownfield land within the built up area of the city and the use of existing surplus car parking are factors which weigh in favour of the development in terms of SPP regarding sustainable development. As the site is accessible by walking, cycling and public transport and car parking would be controlled, it would comply with SPP regarding transport and with local plan policy D3.

Although a significant number of car parking spaces would be lost from within the leisure park as a result of the development, given the existence of car parking controls on the public roads adjacent to the site, including yellow lines and metering on Links Road and Beach Boulevard, it is considered unlikely that this would result in a public road safety hazard due to displacement of car parking pressure onto those public roads. The parking survey undertaken by the applicant indicates that there is surplus car parking within the leisure park, notwithstanding that it appears to be used by staff from the adjacent retail park as free commuter car parking. The survey concludes that displacement of car parking pressure onto Beach Esplanade nearby, where there are currently no parking meters, or elsewhere, would not be a problem, although the Council's roads projects officers have questioned this conclusion in light of the fact that the leisure park is not fully occupied. It is noted that camera enforcement of car parking control (maximum 3 hour stay) is in force at the adjacent retail park, in contrast to the existing situation at Queens Links leisure park. The proposed level of car parking provision complies with Scottish Government and Council planning policy regarding transport (e.g. local plan Policy T2) and the Council's maximum car parking standards. The reduction in car parking would help to encourage more sustainable travel modes. It is considered that sufficient car parking would potentially remain available to users of the leisure park and retail park. Indeed, it is hoped that there would be a degree of shared use of these facilities, thereby maximising the efficient use of the car parks. It is considered that any potential overspill parking pressure on Beach Esplanade resulting from the development can be addressed by use of a legal obligation requiring contribution to / introduction of car parking controls there and control of the operation of the existing car park at the leisure park.

Although the Council has an interest in this site as landowner, there is no requirement for the application to be referred to the Scottish Government for scrutiny in this instance as the application is not contrary to the development plan and the proposal would not prejudice the use of, or result in the loss of, an outdoor sports facility.

RECOMMENDATION

Approve with Legal Obligation (This is required in order to address the transport impact of the development by means of controlling the use of the existing car park at the leisure park and financial contribution towards provision of / introduction of car parking controls on Beach Esplanade and enhancement of core paths) **and the conditions identified below.**

REASONS FOR RECOMMENDATION

Subject to imposition of conditions regarding enhancement / replacement of green space / soft landscaping within the site, the proposal would accord with the designation of the site as urban green space in the adopted local plan. Subject to provision of further information / imposition of conditions, the proposals would accord with wider planning policies. Further conditions and a legal obligation are required in order to address the transport impact of the development and ensure on site provision of low / zero carbon equipment.

It is recommended that approval is granted with the following conditions :-

(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 no development shall take place pursuant to this planning permission unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority. The building hereby granted planning permission shall not be occupied unless the approved scheme has thereafter been implemented in full - in the interests of encouraging more sustainable modes of travel.

(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 – in order to preserve the amenity of the neighbourhood and in the interests of public health.

(4) 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. 2250/1000 E 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 /or the use of the wider leisure park - in the interests of public safety and the free flow of traffic.

(5) 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 'Low and Zero Carbon Buildings'.

(6) 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.

(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.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

MEMO



ABERDEEN
CITY COUNCIL

To	Robert Forbes Planning & Infrastructure	Date	27/07/2012
		Your Ref.	P120909 (ZLF)
		Our Ref.	TR/GO/1/51/2
From	Roads Projects		
Email			
Dial	01224		
Fax			

Roads Projects
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

Planning application no. P120909
Queens Links, Queens Links Leisure Park
Proposed drive-thru restaurant

1 Development Proposal

- 1.1 I note that the applicant plans to erect a drive-thru restaurant on land currently used as car park.
- 1.2 The proposal would remove from site a net total of 104 car parking spaces. This includes the shortfall of parking for the proposal and the lost parking as a result of the proposed development.
- 1.3 The applicant should address the huge loss of parking in such a busy leisure facility.

Conclusion

I would make further comments on this application once I receive the necessary information.

GERALD ONUKWULI

Engineer (Roads Developments Control)

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Agenda Item 2.2

HAZLEHEAD CAFE, HAZLEHEAD PARK,
HAZLEHEAD

PROPOSED EXTENSIONS AND ASSOCIATED ALTERATIONS

For: Coffee Societea T/A Seasons in the
Park

Application Ref. : P121258

Application Date : 05/09/2012

Officer : Jane Forbes

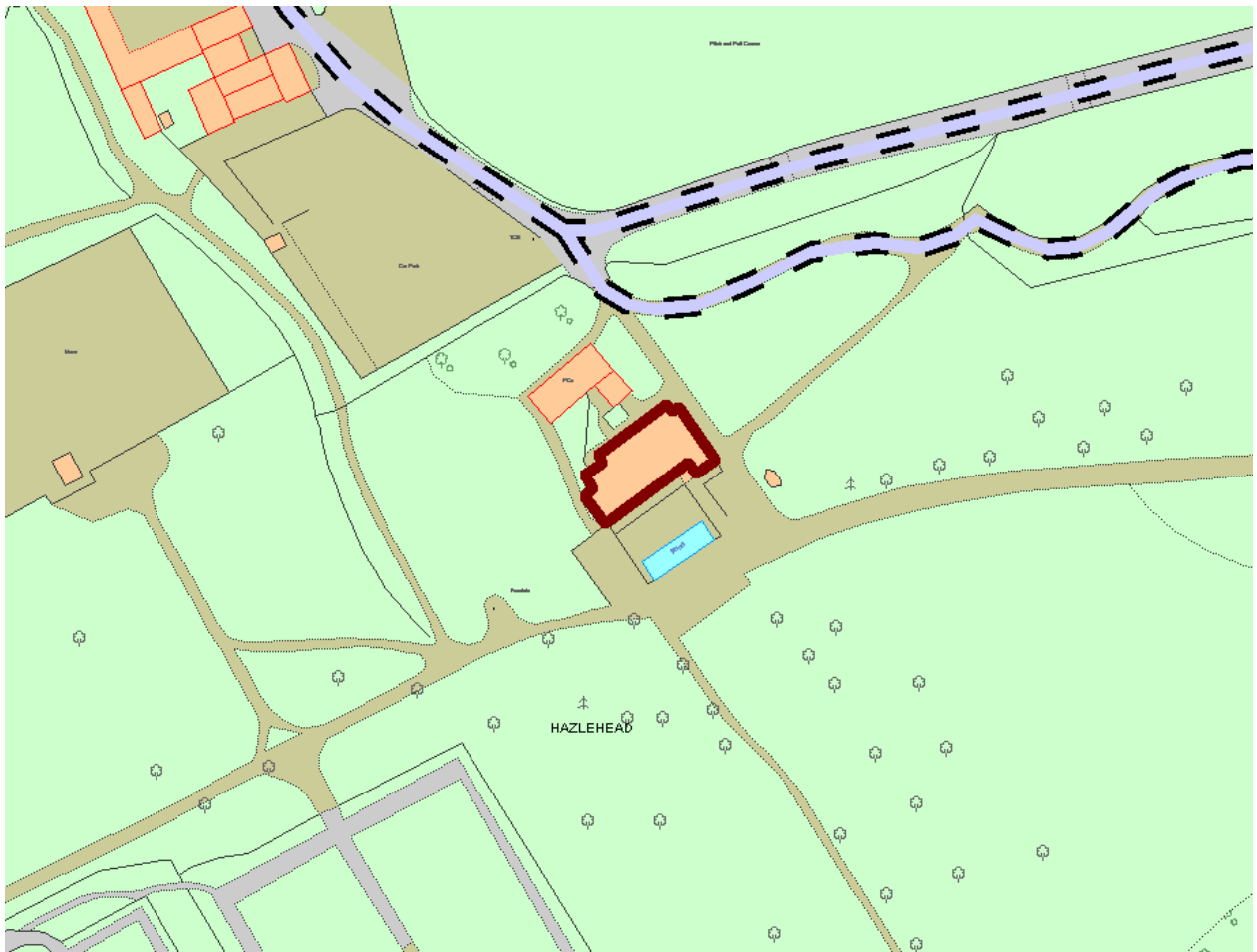
Ward: Hazlehead/Ashley/Queen's Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert :

Advertised on :

Committee Date : 6 December 2012

Community Council : No response received



RECOMMENDATION: Approve Unconditionally

DESCRIPTION

The application site lies within Hazlehead Park and comprises a detached building which rises to a maximum of 2 storeys in height, with a footprint of some 400m². The building was previously used as a café/restaurant for visitors to the Park, but has been vacant for some time. The application site, which extends to approximately 1260m² also includes a patio area and pond to the front (south) of the café building, whilst to the rear (north) lies a yard area within which is located a small group of trees and a detached store. The trees provide some screening between the rear of the cafe and a public toilet block which lies immediately to the north of the application site, with further high level screening of the site provided by the mature trees and hedging located along the northern boundary of the Park.

PROPOSAL

Full planning permission is sought for the erection of a single storey extension to the rear (north) of the property which would include the creation of a new second entrance to the café building and allow for the reconfiguration of the existing internal layout.

The proposed extension would extend a total of 18 metres along the rear elevation of the existing building, and project between 4.8 and 6.9 metres from the rear building line. The extension would include a flat-roofed section of development which would allow the existing kitchen area to be extended, and a conservatory style entrance foyer with tiled roof to match the existing building which would provide direct access onto an existing path which links the site and the park beyond with the visitor's car park to the north. The proposed extension would be finished in a roughcast render to match the existing building, and would incorporate glazing along the north and west elevations, with full length window and glazed door openings within the foyer area.

The proposal also includes the creation of a raised deck area to the front of the two storey section of the existing building, to project 2.3 metres from the front building line at a width of 6 metres, and supported by steel posts rising to 3 metres above ground level, with a glazed balustrade; the replacement of existing glazing; and the installation of 14 no. solar panels on the front (south) elevation of the single storey section of the existing building which would lie flush with the roof.

REASON FOR REFERRAL TO SUB-COMMITTEE

The Council has an interest in this application as owner of the existing café building and Hazlehead Park within which it is located, and therefore in terms of the Council's Scheme of Delegation the application must be determined by the Development Management Sub Committee.

CONSULTATIONS

ROADS SECTION – Response received – no observations.

ENVIRONMENTAL HEALTH – Response received – no observations.

COMMUNITY COUNCIL – No response received.

REPRESENTATIONS

No letters of representation have been received.

PLANNING POLICY

Aberdeen Local Development Plan: Policy NE2 (Green Belt) – all proposals for development associated with existing activities in the green belt are permitted if the development is within the boundary of the existing activity; the development is small-scale; the intensity of activity is not increased; and any built construction is ancillary to what exists.

Aberdeen Local Development Plan: Policy NE5 (Trees and Woodlands) – There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity.

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.

It is considered that the proposal does not conflict with Policy NE2 (Green Belt) in the local plan. The proposed extension would extend the existing property which has a current footprint of approximately 500m² by 104m², with the resultant footprint remaining within the boundary of the existing activity. The proposed extension is very much ancillary to the existing building and the relatively small scale of development which is proposed would ensure that any intensification of use of the building as a café/restaurant would clearly remain within an acceptable level and would not be significant.

It has been recognised that the proposed development may lead to the loss of a small number of trees located immediately to the rear of the existing café, and in this regard the proposal does not strictly comply with Policy NE5 (Trees and Woodlands). As a result of the proximity of some of the trees growing within the application site and the proposed footprint of the extension, the applicant was requested to submit a tree survey. Whilst to date a tree survey has not been submitted, confirmation has been provided by the local authority environment team that a site visit was undertaken by officers, including the local authority's Arboricultural Officer, in order to assess the likely impact of the proposed development on the surrounding trees. The officers assessed the overall condition of trees within the application site and whilst they identified that 2 no. small trees would need to be removed to allow for the proposed development, they also provided confirmation that it should be possible to retain the remaining trees on site and that the health of these remaining trees would be monitored by the Council.

In evaluating the acceptability of the proposed development it has been necessary to take into consideration the importance of balancing the overall benefits which the provision of a refurbished and extended café facility would bring to the numerous visitors to Hazlehead Park, against the potential adverse

impact which the loss of a small number of trees may have on the character of the Park and the surrounding area. In this instance, due to the very limited and localised impact which the tree loss would have on the overall landscape character and local amenity of the Park, coupled with the significant number of mature trees which would remain in very close proximity to the site and beyond, it is considered that the loss of 2 no. trees would be deemed acceptable in order to allow the proposed development to proceed.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The proposed extension and alterations to the existing cafe building are considered acceptable in terms of scale, design and materials. The proposed development is considered to be small-scale and would remain ancillary to the existing cafe and would be suitably located within the boundary of the application site. Although the proposed development would impact on a small group of trees which lie immediately to the rear of the cafe, such impact would be very much localised and would have minimal effect on the character of the wider park area, given the particularly high level of mature trees which would remain within close proximity of the development site. Although the proposal would extend the overall footprint of the cafe building, it is felt that this would not lead to a significant increase in the intensity of activity. Taking into consideration the above, the proposal is deemed to be compliant with Policy NE2 (Green Belt) and whilst not strictly compliant with Policy NE5 (Trees and Woodlands) in Aberdeen Local Development Plan, on balance, the loss of a small number of trees on site as a result of the proposed development is considered acceptable in this instance, given that this would have a minimal impact on the landscape character and amenity of the Park.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

Agenda Item 2.3

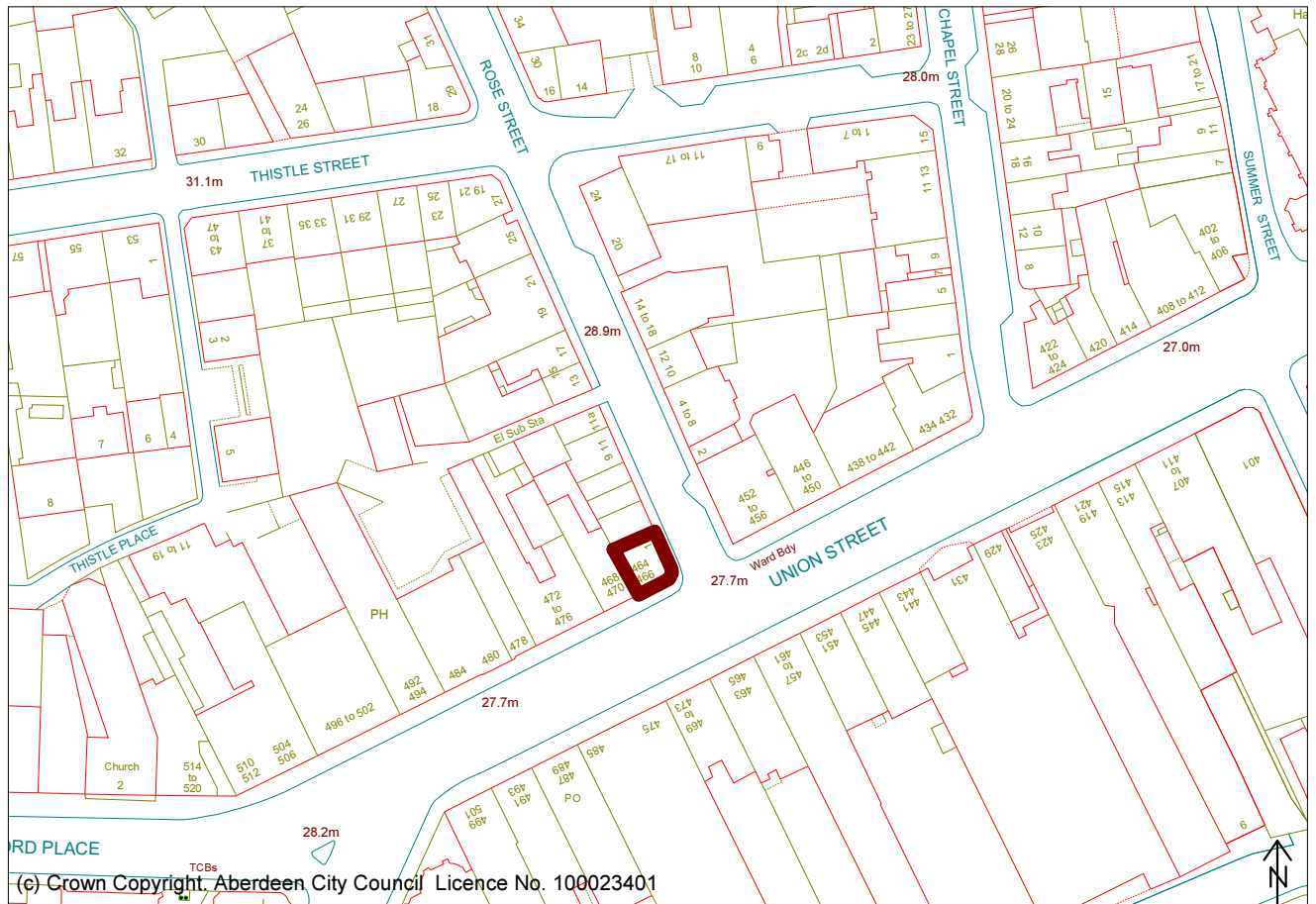
466 UNION STREET, ABERDEEN

CHANGE OF USE TO CLASS 3 USE (CAFE / SNACK BAR)

For: Hamish Munro

Application Ref. : P121287
Application Date : 14/09/2012
Officer : Robert Forbes
Ward: Torry/Ferryhill (Y Allan/A Donnelly/J Kiddie/G Dickson)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on : 26/09/2012
Committee Date : 6 December 2012
Community Council : No response received



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The premises comprise a disused retail unit occupying the ground and basement of a 3 ½ storey tenement block at the corner of Rose Street and Union Street. It is accessed via a door on the corner and has display windows onto both streets. It has been vacant since 2009 and has a total floor area of 248 square metres.

The upper floors of the building are used as flats and have separate access from Rose Street. The building is of Victorian origin and traditional construction. There are a mix of commercial uses in the surrounding area, including hot food take away premises on Rose Street. The ground floor premises directly to the east, across Rose Street, is used as a coffee shop.

HISTORY

In November 2005 the Planning Committee refused planning permission for the change of use of these premises to a hot food take away (specifically a chip shop). This decision was subsequently appealed with the decision letter being issued on 11 July 2006. The appeal was dismissed, the grounds including the established policy regarding hot food take away uses within properties also containing residential units. However, the reporter also referred to the policy regarding retail frontages along Union Street and observed that the policy guidance required a retail frontage of 40% in this sector and, were the appeal premises to obtain change of use out of retail, the proportion would fall to 22%, well below the policy figure. He therefore concluded that the proposals would not accord with the development plan.

A subsequent application for planning permission for change of use of the premises to restaurant use (ref A7/2218) was refused at committee in 2008 on the grounds of contravention of planning policy, detriment to residential amenity and creation of an undesirable precedent.

PROPOSAL

Planning permission for change of use of the premises to form a class 3 use (i.e. cafe / snack bar) is sought. The proposal has been amended to delete the use as a hot food take away element originally proposed. No external alterations to the premises are proposed and no details of the internal arrangement have been provided. The basement would be used for general storage and staff facilities only with the public trading restricted to the ground floor. The existing access would be retained.

REASON FOR REFERRAL TO SUB-COMMITTEE

The proposal required advertisement as a project of public concern and so fell outwith the Council's scheme of delegation.

CONSULTATIONS

ROADS SECTION – No objection;

ENVIRONMENTAL HEALTH – No objection subject to conditions regarding hours of operation, restriction of cooking, provision of refuse storage and noise attenuation;

COMMUNITY COUNCIL – No response received

REPRESENTATIONS

None

PLANNING POLICY

The site lies within the City Centre Business Zone (policy C2) identified in the Adopted Local Plan of 2012. Proposals for change of use from retail to other use in this case must accord with the Union Street Frontages Supplementary Guidance. This controls the level of non retail frontage. Due consideration shall be given to the extent to which daytime vitality would be maintained and enhanced by allowing a mix of active ground floor uses, such as financial and professional services (Class 2), cafes and restaurants and hotels at the West End of Union Street. At street level an active street frontage shall be maintained.

SPP encourages enhancement of the vitality and viability of existing retail centres.

EVALUATION

This proposal requires to be determined in accordance with the development plan, unless outweighed by other material considerations. The development plan consists of the adopted local development plan and the approved structure plan. The other material considerations include Scottish Planning Policy and the planning history of the site, including the previous appeal.

The proposal differs from that which was considered at appeal in 2006 as a hot food take away is not now proposed. Furthermore, in contrast with the previous applications, the current proposal does not now conflict with the Council's SPG regarding Union Street Frontages as the minimum % of class 1 (retail) use for this sector of Union Street would be achieved and the nature of the use is such that it would enhance the daytime vitality of the shopping centre. It would therefore accord with local plan C2. Given the corner location of the unit and the presence of large display windows, maintenance of active street frontages is considered important in the interest of vitality.

The Council's Environmental Health Officers have no objection to the current proposals subject to imposition of conditions, so that any impact on amenity would not be insurmountable. Given the presence of a similar use to the proposal directly across from the site (Caffe Nero) creation of an adverse precedent is not a justifiable reason for refusal in this case. In any event, the daytime nature of the use and the restricted nature of any cooking are such that a restricted class 3 use is compatible with both residential amenity and protection of the retail environment.

Subject to imposition of conditions to restrict the nature and function of the use, the proposal would not result in detriment to residential amenity and would accord with the Council's objectives regarding preservation of the vitality of the shopping centre, so that it would accord with local plan policy and Scottish Planning Policy.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

Subject to imposition of conditions to restrict the nature and function of the use, it would not result in detriment to residential amenity and would accord with the Council's objectives regarding preservation of the vitality of the shopping centre, so that it would accord with local plan policy and Scottish Planning Policy.

It is recommended that approval is granted with the following conditions:

(1) that no cooking operations (including deep fat frying and shallow frying) or hot food preparation shall be carried out on the premises other than the re-heating of pre-cooked produce by means of a microwave oven or the preparation and toasting of sandwiches and paninis, 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.

(2) that the premises shall not operate or be open to the public outwith the hours from 7.00 am until 8.00 pm on any day, unless the planning authority has given prior written approval for a variation - in order to preserve the amenity of the neighbourhood and prevent disturbance to nearby residents.

(3) That no part of this development shall take place unless a detailed assessment of the likely sources and levels of noise arising within, and those audible outwith, the premises has been submitted to, and approved in writing by, the planning authority. The noise assessment shall be carried out by a suitably qualified independent noise consultant. All noise attenuation measures identified by the noise assessment which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area shall be installed prior to commencement of the use hereby approved, unless the planning authority has given prior written approval for a variation - in the interests of residential amenity.

(4) 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 amenity of the neighbourhood and in the interests of public health.

(5) No development shall take place pursuant to this planning permission unless details of the proposed ground floor site layout and treatment of the display windows has been submitted to and approved in writing by the planning authority. The use shall not take place other than in accordance with such approved details or such other details as may subsequently be approved - in order to ensure an active / live window display and preserve the vitality of the shopping centre.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

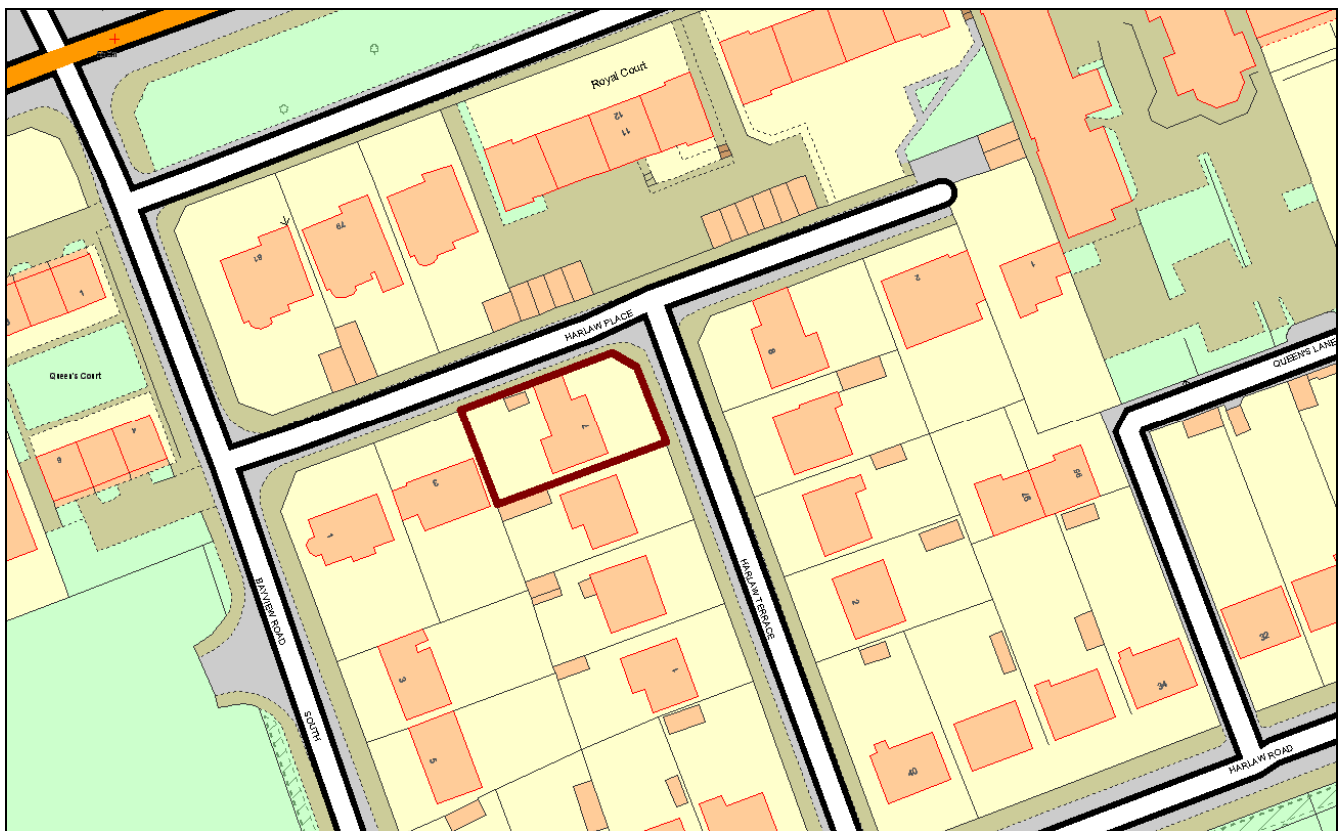
Agenda Item 2.4

7 HARLAW TERRACE, ABERDEEN

PROPOSED ALTERATIONS TO
APPROVED CARPORT

For: Mr Ian Duncan

Application Ref.	: P121239	Advert	:
Application Date	: 03/09/2012	Advertised on	:
Officer	: Jane Forbes	Committee Date	: 6 December 2012
Ward: Hazlehead/Ashley/Queen's Cross(M Greig/J Stewart/R Thomson/J Corall)		Community Council	: Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site, which extends to some 500m², lies on the west side of Harlaw Terrace. The site comprises a 1½ storey detached granite dwellinghouse which is located on a corner site, with the front elevation of the property facing east across Harlaw Terrace, whilst the northern gable-end faces onto Harlaw Place. The rear garden, which is accessed off Harlaw Place, currently provides an area of hardstanding along with a previously approved car port which lies adjacent to the southern boundary of the site.

HISTORY

Planning permission (Ref A2/1818) for a gable extension, dormer window and rear driveway was approved unconditionally on 4 December 2002; and planning permission (Ref 09/0848) for a 1½ storey rear extension, and extension to the front dormer of the house was approved conditionally on 24 November 2009.

Most recently, unconditional approval was granted on 19 December 2011 for the erection of a domestic car port in the south-west corner of the site, with access from Harlaw Place (Ref 11/1673). The approved car port was located 1.2 metres off the southern boundary of the site, measured 6800mm in length x 6500mm in width x 5500mm in height and was constructed of a steel framed structure with a fully pitched, slated roof. The car port incorporated 2 no. rooflights on the eastern elevation, and access via an internally located ladder to attic storage space within the roof.

Planning permission has been fully implemented for the earlier two applications. In respect of the 2011 application, concerns were raised by neighbours during the construction of the car port in relation to its scale and the additional development being carried out on site which did not form part of the original approval (Ref 11/1673). An investigation was undertaken by the Development Management enforcement team, with the result that the planning authority requested the submission of a new planning application, incorporating changes to the proposal.

PROPOSAL

This application, which is partially retrospective in nature, seeks full planning permission for the erection of a domestic car port on site. During construction work of the previously approved car port a door opening was created along the southern elevation of the roof. Following a site visit by an enforcement officer it was established that an external access to the attic store was being created on this southern elevation and the ridge height of the car port was reaching 6000mm, neither of which formed part of the original approval. As a result of these modifications it was established that a new planning application would be required.

This current application relates to a car port with the same footprint as was approved under the previous application (6800mm x 6500mm), but with an increase of 500mm in its overall height to 6000mm. The car port incorporates a pitched roof with 3 no. rooflights in place of the originally approved 2, with the additional rooflight being located on the west elevation. Whilst the new application originally included external stairs and a door opening on the southern

elevation, and this was reflected by the development being carried out on site, amended plans have now been submitted which omit the door opening and external stair access from the proposal. The proposed finishes match those of the original proposal, including timber linings on both gable ends and a slated roof.

It should be noted that representations made in respect of the application largely pre-date the revisions that omitted the external stair from the proposal.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Development Management Sub Committee because the proposal has attracted an objection from the Queen's Cross/Harlaw 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 – Response received – no observations.

ENVIRONMENTAL HEALTH – No response received.

COMMUNITY COUNCIL – Issues raised in a letter of representation received from Queen's Cross/Harlaw Community Council can be summarised as follows:

- The structure built is substantially different to the originally approved design (under planning application Ref 11/1673);
- The current proposal is considerably larger than the original design and includes an external door and access stair at 'attic storage' level which introduces issues of overlooking and loss of privacy; and
- The scale of development is inappropriate for the residential setting and would have an adverse impact on the character of the area.

Concerns were also raised by the Community Council in relation to the building operations taking place on site during construction of the car port, including the delivery of materials on site and the internal finish of the attic storage space within the car port.

REPRESENTATIONS

In addition to the letter of objection from Queen's Cross Harlaw Community Council, six letters of objection were received with regards this application, raising the following issues:-

- The proposal does not conform to the initially approved plan;
- A gable-end doorway and stairs would introduce overlooking and impact on privacy;
- Loft space created above the car port is likely to be used for purposes other than storage;
- The scale and design of the development is out of character and inappropriate within the surrounding residential area, with the ridge level of the car port lying higher than any other garage facility in the area;

- The structure has a considerable visual impact on neighbouring properties, and on the area in general;
- Lights proposed on the car port ceiling would cause light pollution to neighbouring properties;
- Potential noise from external stairs would impact on neighbouring properties;
- The material finishes are not in keeping with adjacent properties;
- The car port adversely impacts on views from neighbouring properties;
- The number of window openings has been increased from the original approval, and this is inappropriate for an attic storage area;
- The submitted drawings do not show clearly what the modifications are from the original approval.

PLANNING POLICY

Aberdeen Local Development Plan 2012: Policy H1 (Residential Areas) – The site is located within an H1 Residential Area, where proposals for new residential development and householder development will be approved in principle if it (amongst other things):

1. does not constitute over development;
2. does not have an unacceptable impact on the character or amenity of the surrounding area; and
3. complies with Supplementary Guidance on House Extensions.

Aberdeen Local Development Plan 2012: 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 including siting, scale, massing, colour, materials and orientation will be considered in assessing that contribution.

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 issues for consideration are the design and scale of the changes to the currently proposed car port and its impact on the residential character and amenity of the area.

In terms of assessing the scale, location and design of the car port, it should be noted that neither the overall footprint of the development, nor its siting within the rear garden of No 7 Harlaw Terrace nor its material finish have changed from the original application which was approved in 2011. Although the height of the structure has increased by 500mm, the additional ground excavation work undertaken on site has resulted in there being no increase to the ridge level of the car port in relation to adjacent buildings, ie the ridge level above ordnance datum has not changed. Therefore, whilst concerns have been raised regarding the visual impact of the car port, its impact was assessed as part of the original application and the alterations proposed as part of this application do not alter the situation. Similarly, whilst concerns were raised relating to light pollution from

light fixtures proposed for the ceiling of the car port, these light fixtures also formed part of the original approval. Furthermore, it should be noted that these light fittings could be installed without the requirement for planning consent, therefore on both counts their potential impact cannot be taken into consideration as part of the evaluation of this new proposal. Plot coverage remains as previously approved which was deemed acceptable within the context of the residential site and the surrounding area.

Neighbours raised concerns in terms of the number of rooflights proposed for the car port, and whilst this application proposes 3 rooflights in place of the 2 approved under the original application, it is considered that this 3rd rooflight to be located on the western elevation of the car port roof would have no adverse impact on existing privacy nor introduce any overlooking of neighbouring properties. It is worth noting that the introduction of rooflights to this type of development would be deemed permitted development, and as such would not require planning consent.

Taking all of the above into consideration the proposal is deemed to be compliant with both Policy D1 (Architecture and Placemaking) and H1 (Residential Areas) in the Aberdeen Local Development Plan. Ultimately the proposal differs only marginally from the original proposal which was granted consent in December 2011. Whilst this new application raised concerns in relation to the overlooking of neighbouring properties and the resulting impact on existing privacy which the introduction of a door opening and external stair access on the southern gable-end of the car port introduced, and these concerns were material planning considerations, amended plans have now adequately addressed these concerns, thereby ensuring the proposal has no adverse impact on the amenity and character of the surrounding residential area. Similarly, whilst concerns have been raised with regards the previously approved car port not having been constructed in accordance with the approved plans, these concerns are being directly addressed as a result of the submission and evaluation of this new application. Finally, in order to address concerns relating to the future use of the attic store area above the car port, a condition has been applied which restricts the use of the attic to that which would be ancillary to a residential property.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

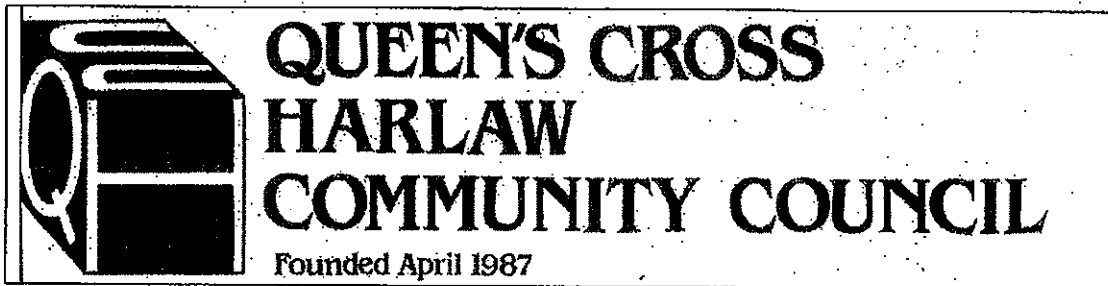
The proposed car port does not conflict with either Policy D1 (Architecture and Placemaking) or H1 (Residential Areas) in the Aberdeen Local Development Plan. The development is of an acceptable scale and design for the location and incorporates suitable materials with the result that it does not adversely impact on the residential character and amenity of the area, and has only minimal impact on neighbouring properties.

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

(1) that the carport hereby granted planning permission shall not be used for any purpose other than that which is ancillary to the domestic use of the dwelling house - in order to preserve the amenity of the neighbourhood.

Dr Margaret Bochel

Head of Planning and Sustainable Development.



Ms Jane Forbes,
Planning and Sustainable Development,
Aberdeen City Council
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

Andrew H.R. Goldie,
276 Union Grove,
Aberdeen AB10 6TQ
2nd October 2012

Tel.: [REDACTED]

Applications 111673 & 121239: Erection of a Car-Port with Attic Storage.

Dear Ms. Forbes,

Further to our recent telephone conversations I am writing on behalf of Queen's Cross & Harlaw Community Council in connection with the above planning application(s). Planning reference 111673 relates to a car-port with 'attic storage' space at 7 Harlaw Terrace, approved on delegated authority in December 2011; and planning reference 121239 seeks retrospective approval for what has actually been built, which deviates substantially from the approved design.

Following approaches from the owners of neighbouring properties a site survey has been undertaken. We have also been furnished with photographs and copies of correspondence between residents (in particular the owners of no. 5 Harlaw Terrace) and officials within the planning department; and following a full discussion of the main issues within the Community Council, our comments are as follows:-

1. The Community council had no objection in principle to the original proposal [111673] to build a new garage (or 'car-port') for this private residence, and lodged no objection to the original application. With hindsight however, and in common with the owners of neighbouring properties, it is clear that the impact of the original design was not fully appreciated at the time; and had the scale and visual impact of the build been properly understood, then it is certain that objection would have been raised by both the Community Council and local residents.
2. The structure that has been built is substantially different to the design as originally approved, hence the need for retrospective planning approval [121239]. It is considerably larger (and even more visually intrusive) than the original design; and with the addition of an external door at the upper 'attic storage' level,

together with external staircase and access balcony, there are clear issues of overlooking (particularly the rear and garden areas of no. 5), with consequent loss of privacy. Even without these obvious draw-backs, the view of the Community Council is that the scale of this development is inappropriate for this residential setting, and would have an adverse impact on the character of the area.

3. It is noted (with regret) that although planning officials were alerted at an early stage to deviations from the approved design, no attempt appears to have been made to arrest building work pending proper planning evaluation; and indeed, building work has continued apace.
4. It is evident from the correspondence that this building project has been cloaked in a certain degree of subterfuge from the outset. For example,
 - builders on site appear to have made inaccurate or misleading statements
 - building materials that were clearly not part of the approved design were delivered well in advance of use
 - the 'attic storage' (originally to be accessed by a loft ladder) has now been equipped by a specialist office design company.

The suspicion of the Community Council is that this project is a cynical attempt to exploit weaknesses in the Aberdeen City Council planning system by submitting a planning application for a particular design, and then building something else entirely; by presenting planning officials with a fait accompli, with the expectation that approved designs will not be enforced, and that retrospective planning application will be granted by default.

In summary, Queen's Cross and Harlaw Community Council have full sympathy for the concerns of local residents with regard to this application. In terms of scale and design, our collective view is that the original design is not appropriate to this residential setting; and we view the enlarged, unauthorised build as even more inappropriate. Our preferred remedy would be for planning officials to enforce a demolition of the structure; but failing that, we would insist on an enforcement order to compel the structure to be restored to the original, approved design.

The above is a fair reflection of the views of Queen's Cross and Harlaw Community Council, and we trust that you will give our comments due weight in the determination of this application. We are of the firm belief that this retrospective planning application should be rejected for the reasons outlined above. Should Committee Members feel in any way inclined to doubt our assessment however, then we recommend that a site visit be undertaken to resolve matters.

Should you require clarification on any of the above points, please do not hesitate to contact me.

Yours sincerely,

Andrew Goldie

Planning Convenor, Queen's Cross & Harlaw Community Council.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 11/09/2012 22:09
Subject: Planning Comment for 121239

Comment for Planning Application 121239

Name : Kevin Harper
Address : 13 Royal Court
Aberdeen

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : It is not clear from the plan attached what the modifications to the existing approved carport are. Can this be detailed, or the previous revision be made available to allow a comparison?

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

3, Harlaw Terrace,
Aberdeen,
AB15 4YU


15/9/12

Dear Ms./Sir,

Subject "Car Port" at 7 Harlaw Terrace

Application Number 121239

We wish to lodge an objection to the proposed alterations to the approved car port at 7, Harlaw Terrace, AB15 4YU.

We did not view the original plans for a car port as we assumed it would be something on the lines of 'A shelter for a car usually consisting of a roof built out from the side of a building and supported by posts' as defined in The Collins Dictionary'.

By no stretch of the imagination can this very large structure be described as anything like the above.

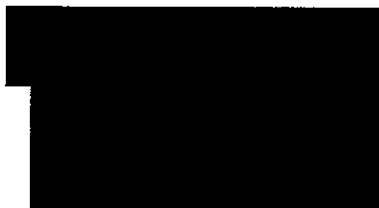
The wooden cladding and huge roof is totally out of keeping with the adjacent houses it is far more than a space for sheltering a car or caravan.

The attic roof space has obviously been constructed not just as a storage space but as some sort of office or living accommodation as the Vexel windows interior finish and proposed access suggests, which is not in the initial planning permission.

Can you explain why the builders are proceeding with the new alterations before they have been approved.

Regards,

Mr and Mrs A.F Knight



F.A.O. Ms J Forbes,
 Aberdeen City Planning Department
 Aberdeen City Council
 Business Hub 4
 Marischal College
 Broad Street
 Aberdeen
 AB10 1AB

121239	
RECEIVED 26 SEP 2012	
Dev. (North)	Dev. (South)
Case Officer Initials	JAF
Date Acknowledged	26/9/12

5 Harlaw Terrace
 Aberdeen
 AB15 4YU

26 SEP 2012	
24 th September, 2012	

Tel [REDACTED]

Dear Madam,

Subject : "Car Port" at 7 Harlaw Terrace, Ref 121239

Introduction

Below are my reasons why I strongly object to the plans for the "Car Port" at No. 7 Harlaw Terrace. It should be noted that most of the changes in the new plans which are now being put forward for approval have ALREADY been implemented by the builders even though those changes have NOT yet been approved. I informed the Planning Dept. that the builders were deviating substantially from the approved plan on 7th AUGUST, 2012 (i.e. 7 weeks ago) but nothing has been done to stop or even slow the building of a structure that does not have approval. Indeed the builders actually speeded up their activities when they were made aware that an objection to their actions was taking place. I would have strongly objected to the initial plans if I had known that they were a apparent "cover" for what was actually going to be implemented and we were being misled by the statement in the approval document dated 16/12/2011 that this "Car Port" would have "minimal visual impact". See attached photo which confirms that that is factually inaccurate and misleading.

Objections

This huge structure is totally out of character with its neighbouring residential buildings and I disagree with the planning approval document of 16/12/2011 which states that it has "no adverse impact on the residential character and amenity of the area and minimal impact on neighbouring properties". I understand other neighbours also agree this structure is totally out of character with the area and not what most people would recognise to be a car port. Indeed it is actually as tall as the surrounding houses and takes up almost ALL of the back garden area of No. 7. It towers over the square of houses which consists of Harlaw Terrace, Harlaw Road, Harlaw Place and Bayview Road South.

I object to the change from one supporting post at each corner of the "Car Port" to SEVEN posts which now have tripod strengthening features plus additional cross beams under the "storage area" floor. These changes show what is required to support the insulation, fittings and room structure that have already been implemented in the "storage area". Also unapproved additional lighting has been added in the "storage area" by adding another window.

I strongly object to putting a door in the gable end facing and looking down on No. 5 and other houses and gardens in the area. This will, and ALREADY has made an enormous impact on our privacy. See the photo of how the door looks down

directly on our conservatory where my wife and I spend a large part of most days. It is a large four season conservatory where we relax. It was suggested that people will not stare down on us from the doorway or stair being proposed for this "Car Port" but we can already confirm that the builders look down on us from that doorway making us feel uncomfortable even before the stairway is built. I question why a doorway is required there anyway as the initial plan proposed a hatch in the roof of the "Car Port" which is surely perfectly adequate to provide access to the "storage area". One can only conclude that the addition of a gable end doorway with stairs will lead to more frequent use of this "storage area" and greater impact on the privacy of No. 5 Harlaw Terrace. The addition of a stair will also impact on the clearance of 1.2 metres which we were informed would be given from the common wall and our garage and which formed part of the reason for approval in the planning document dated 16/12/11.

The initial approval document was misleading and stated that our garage at No. 5 Harlaw Terrace would hide part of the new structure. However it transpires our garage only hides approx. 1.3 metres of the "Car Port" as it is built on higher ground than the garage. This means that not only does the new structure have a much higher visual impact than I thought (see photo) but because they have already put in 6 large lights in the roof of the "Car Port" plus 1 at the front, plus (if they get approval) another above the stairs the surrounding area will be flooded with light at night. This will have a large impact around the whole of the housing square. Because of its high situation it will be seen from afar. I realise it is only hearsay but we understand from the builders that it is the intention to hold barbecues under this new structure.

Conclusion

I am particularly concerned not only of the changes and impact this "Car Port" will have on No. 5 Harlaw Terrace and surrounding area but also the way this planning process and approval has allowed the builders of the "Car Port" to essentially build what they want when they want. The architects even submitted NONE APPROVED plans on 18/8/2012 which went up on the Planning Department website even though the plans were NOT approved and did NOT even at that late stage show what had ALREADY been built. Following my complaint these NONE approved plans were removed from the Planning Dept website and the approved plans went back up again.

You may wish to be aware even now SEVEN weeks after the Planning Dept. was informed the builders were constructing a NONE APPROVED structure; the builders are STILL continuing to build it.

If these plans are approved it will substantially impact on the lives of myself and my wife and our neighbours.

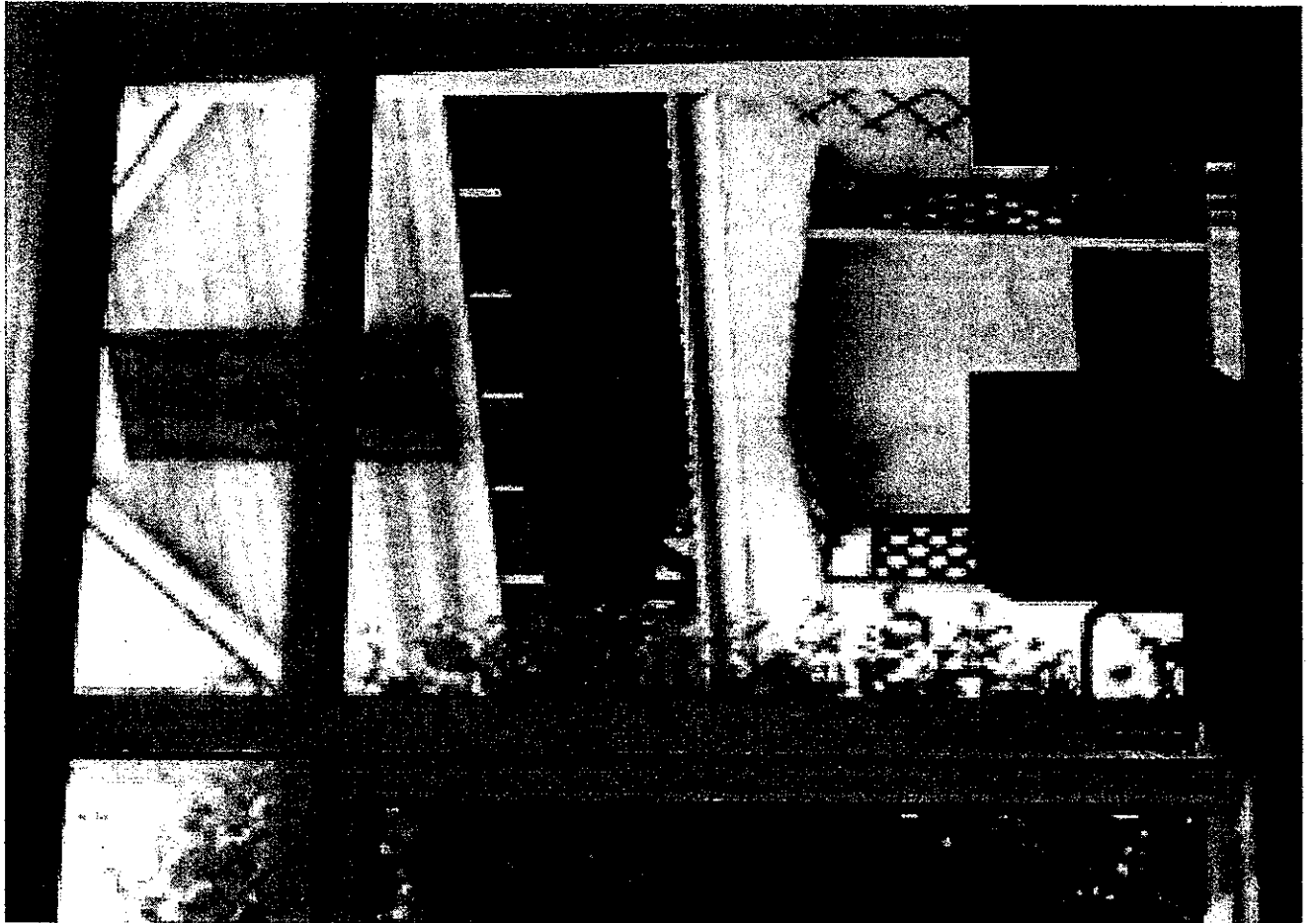
Regards


Mr Kenneth M Hutcheon

Note Attachments and the photo showing how the builders have blocked the pavements and part of the roadway forcing pedestrians to risk walking on the road.

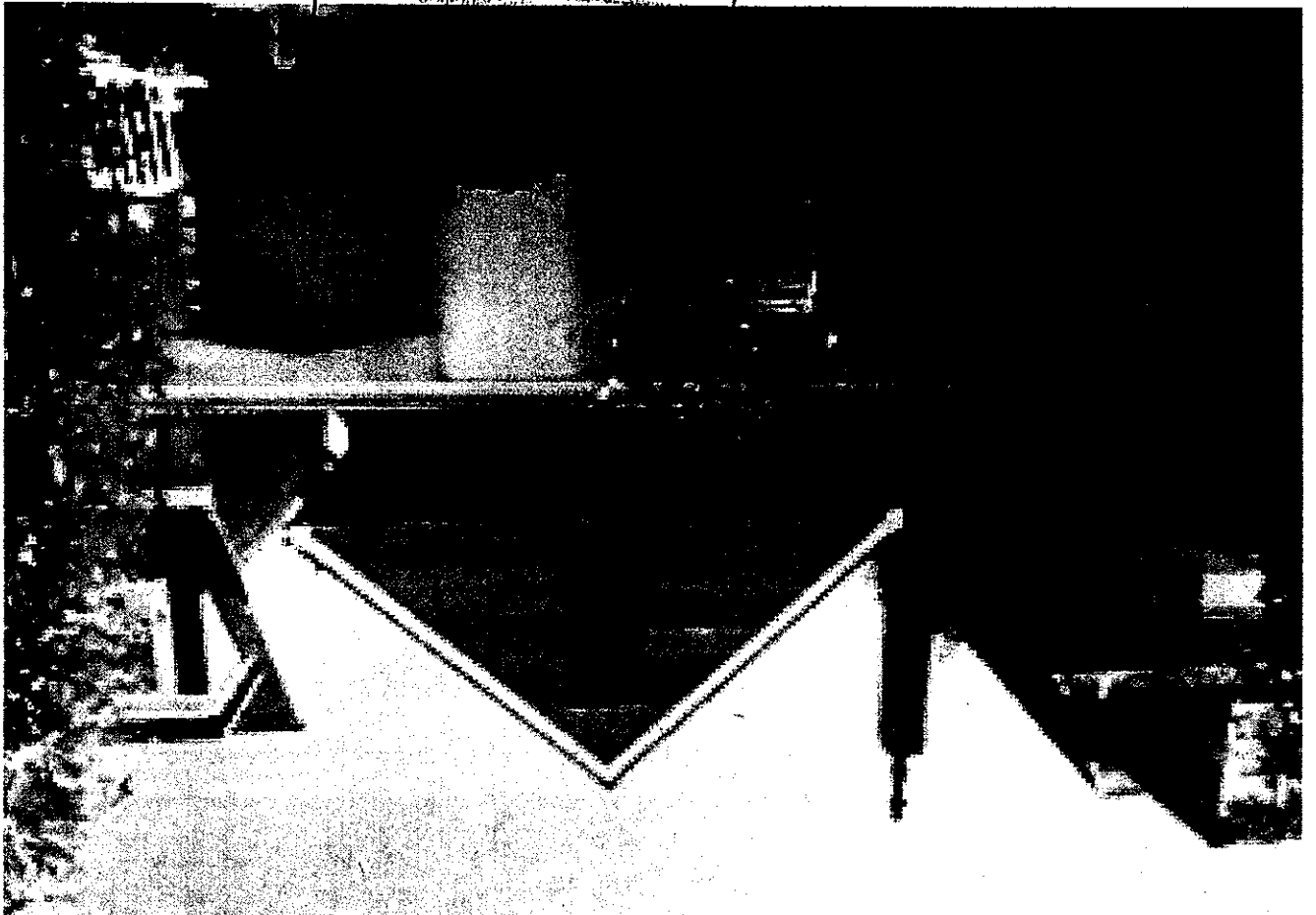


VIEW FROM MY CONSERVATORY



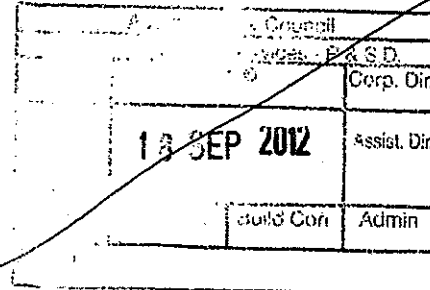


RECEIVED
26 SEP 2012



14th September 2012

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



Attention: Chief Planning Officer

Dear Sir,

Re: Unacceptable Implementation of Planning Procedure 7 Harlaw Terrace

I am writing to you about a planning situation near my home which is causing quite a stir amongst local residents. One of the houses has been modified a number of times over very recent years such that is now quite out of proportion with the area and further construction is underway of another large structure which appears to be the last straw as far as the neighbours are concerned.

I will summarise some facts for you regarding 7 Harlaw Terrace:

About five years ago a driveway was constructed without obtaining permission and without complying with the regulations which resulted in gravel being continuously 'leaked' onto the pavement

About three years ago a large extension was constructed in place of the existing garage at the north end of the house. Though my property is directly opposite this I received no planning notification. I am not sure whether your planning office or the applicant was responsible for this omission.

Last year a further large extension was constructed, this time to the west of the building. I received no planning notification about this either. I understand that at this time your office was responsible for issuing neighbour notifications. I would have objected to this extension because:

- a. It has new windows which look directly in to ours
- b. The roof ridge height is significantly higher than it was in this part of the house and eliminates the view I had previously
- c. It would have been easy to construct with a lower roof line –but I was not consulted

This year a fourth piece of work has been carried out to construct a large pitched roof garage with no walls. This was termed a carport in the planning application. This is again directly in front of the windows in the room we use most. I did receive a neighbour notification for this construction but was busy and assumed that a carport would be fairly minor. However I was wrong. This is a significant building with a large room above it. It further obstructs my view and detracts from the character of the neighbourhood. I feel particularly sorry for the people who live immediately

adjacent to 7 Harlaw Terrace. The quality of life has been materially affected by the succession of extensions carried out.

I have now received a further neighbour notification regarding modification to the so-called 'carport'. There are a number of changes to the original plan which give cause for concern.

The 'attic store' above the carport had access from below via loft ladder –entirely consistent with the idea of an attic store. However the new proposal is to provide a full size permanent external staircase and door on the south side of the building. This would be a gross intrusion for the neighbours on that side but also clearly demonstrates that this is not an attic store but is in fact a further bedroom or living room for the house.

A further change proposed in the current application is that the number of windows has been increased. It would be acceptable to have a roof light in an attic store but four large (1200mm) roof windows are a strong indication that this is a living area or bedroom and certainly not a store.

Please note that work was halted on the carport when one of your planning officers was advised that the building was not in accordance with approved plans. Thank you for taking this action. It is disappointing to see that the builder, architect and owner have such little regard for planning regulations.

I must also point out that the previous application was misleading as it showed one small part of the house as being an extension. On the current application the size has been increased slightly but still ignores the earlier extension and the fact that the house must be twice its original size.

My concerns are summarised as follows:

- a. Extension 1 and 2 were constructed without providing the required neighbour notifications.
- b. The owner has never made any attempt to discuss issues with neighbours. (I am told he is a tax exile in the Middle East and his wife lives alone in this (now) large house)
- c. Extension 2 put windows looking directly into my kitchen which I find unacceptable
- d. The various extensions and carport materially encroach on the privacy of the immediate neighbours
- e. The number and size of windows planned for the attic store is inappropriate for this type of room and suggest that other unapproved and inappropriate use is planned
- f. The external access stairs and door clearly demonstrate an intended level of access to this room consistent with a living room or bedroom rather than a store. It may alternatively be planned as an office and the large carport and room above will be used to run a business from. Whatever the intent, it is inappropriate and unacceptable.

I ask that you look in to this matter in its entirety rather than just the most recent planning modification. The occupants have

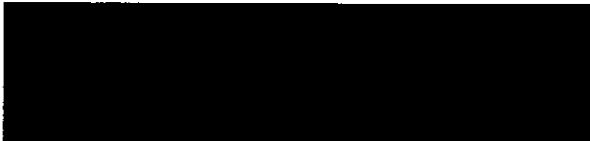
Michael Richardson, 77 Queens Road, Aberdeen, AB15 4ZR

- flaunted planning regulations repeatedly
- failed to consult with relevant neighbours
- carried out construction work which has a high impact on a number of neighbours
- constructed a carport which appears to be destined for other use
- submitted plans to your department which are inaccurate
- attempted to carry out unapproved work

I urge you to take affirm stand on this matter, reinforce the status of the planning regulations and have the carport removed.

I would be pleased to explain these issues to you in more detail either in your office or on site if required.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Michael Richardson

From: SUSAN DUNCAN [REDACTED]
To: <pi@aberdeencity.gov.uk>
Date: 15/09/2012 13:30
Subject: Objection to Planning Application 121239
Attachments: draft J objection-1.doc

Please find attached a letter of objection to planning application 121239
Which i send on behalf of my mother Mrs Jean Nicholson.
Please confirm receipt.
Many thanks
Susan Duncan

F.A.O. Ms J Forbes,
Aberdeen City Planning Department
Aberdeen City Council, Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

3 Harlaw Place
Aberdeen
AB154YW

13/9/12

Dear Ms Forbes,

Subject : Planning ref: 121239 "Car Port" at 7 Harlaw Terrace

With reference to the recent notification of changes to the "Car Port" at the above address I wish to strongly object to the changes. I also wish to strongly object to the "Car Port" at 7 Harlaw Terrace which has ALREADY been built and does not conform to the initial approved plan.

I would have objected to the initial plans if I had known that they were only an apparent "cover" for what was actually going to be implemented.

I wish object to the new plans on several grounds:

1. Both the view out of the proposed gable end doorway, and the view as persons ascend the stairs, will to a very significant degree overlook my garden and invade my privacy.
There is likely to be frequent usage of the stairway since they have changed the plans from a hatch in the ceiling of the car port to access storage, to a large door with a substantial staircase. One can only assume this new format is necessary to support more frequent usage of the interior of the roof area which has already been built, and has been finished internally to the degree that a living space would be. This implies usage by people for purposes other than just a storage area.
2. The very large building is not compatible with the residential nature of the surrounding neighbourhood. It is completely out of character for the area being much higher than any of the other garage facilities in the area.
3. The structure has a considerable visual impact on the area.

- 4. The effect of six large lights (probably seven if they are allowed to create a stairway) high above my garden and garden room will flood not only my area but that of the neighbourhood. One needs to take into account the "Car Port's" high position and lack of any screening round the car port to shade some of the light.

- 5. It is not clear to me from the plans, what the stairway structure is to be built from, but were it to be metal treads, the noise will carry across all of the gardens.

Yours sincerely,

Mrs J Nicolson

City Development Services Letters of Representation	
Application Number:	121239
RECEIVED	17 SEP 2012
Dev. (North)	
Cases Officer Initials:	JAE
Date Acknowledged:	18/09/12

- Mapps

F.A.O. Ms J Forbes,
Aberdeen City Planning Department
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

5 Harlaw Terrace
Aberdeen
AB15 4YU

Tel [REDACTED]

24th September, 2012

Dear Madam,

Subject : "Car Port" at 7 Harlaw Terrace Ref 121239

I strongly object to the plans above. My reasons are given below.

Firstly this "Car Port" building is so very large and poorly designed with wooden cladding that it has an adverse affect on the residential character and amenity of the area despite what the approval document of 16/12/2012 states. It is totally out of place.

Secondly this building already has a significant impact on my privacy and ability to carry out my main pleasure of gardening in my own back garden without people staring down at me. This is because an UNAPPROVED doorway has already been built which allows builders look down on our garden and conservatory. This will be even worse if stairs to this door are built as are proposed in the new plans. I will no longer be able to sit and relax in the privacy of my own garden or conservatory which I have frequently done over the last 15 years. I will lose an enjoyable part of my leisure time just for the purpose of people gaining access to this "storage area" by a large doorway and stairs when the initial plan to have a hatch in the roof of the "Car Port" is perfectly adequate for storing items in the roof space.

Thirdly the lighting from this "Car Port" will illuminate the neighbouring area when we were led to believe from the initial planning approval document our garage would hide much of the "Car Port" building area. This is incorrect as there is a large space of almost 2 metres above the garage that gives ample clearance for light to pervade not only to closeby neighbours but also the surrounding wider area.

I also strongly object to the fact that the builders are continuing to build despite the fact that there are NO approved plans that accord to what they are doing.

Regards,

[REDACTED]

Mrs Kathleen M Hutcheon

Aberdeen City Council			
City Environmental Services - P.O. Box 100			
Atk	Med	Corp. Ld.	
1/1			
Recd	28 SEP 2012	Recd. Dir.	
1/1			
Eng	Storage	Build. Dev.	Admin
1/1			

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Agenda Item 2.5

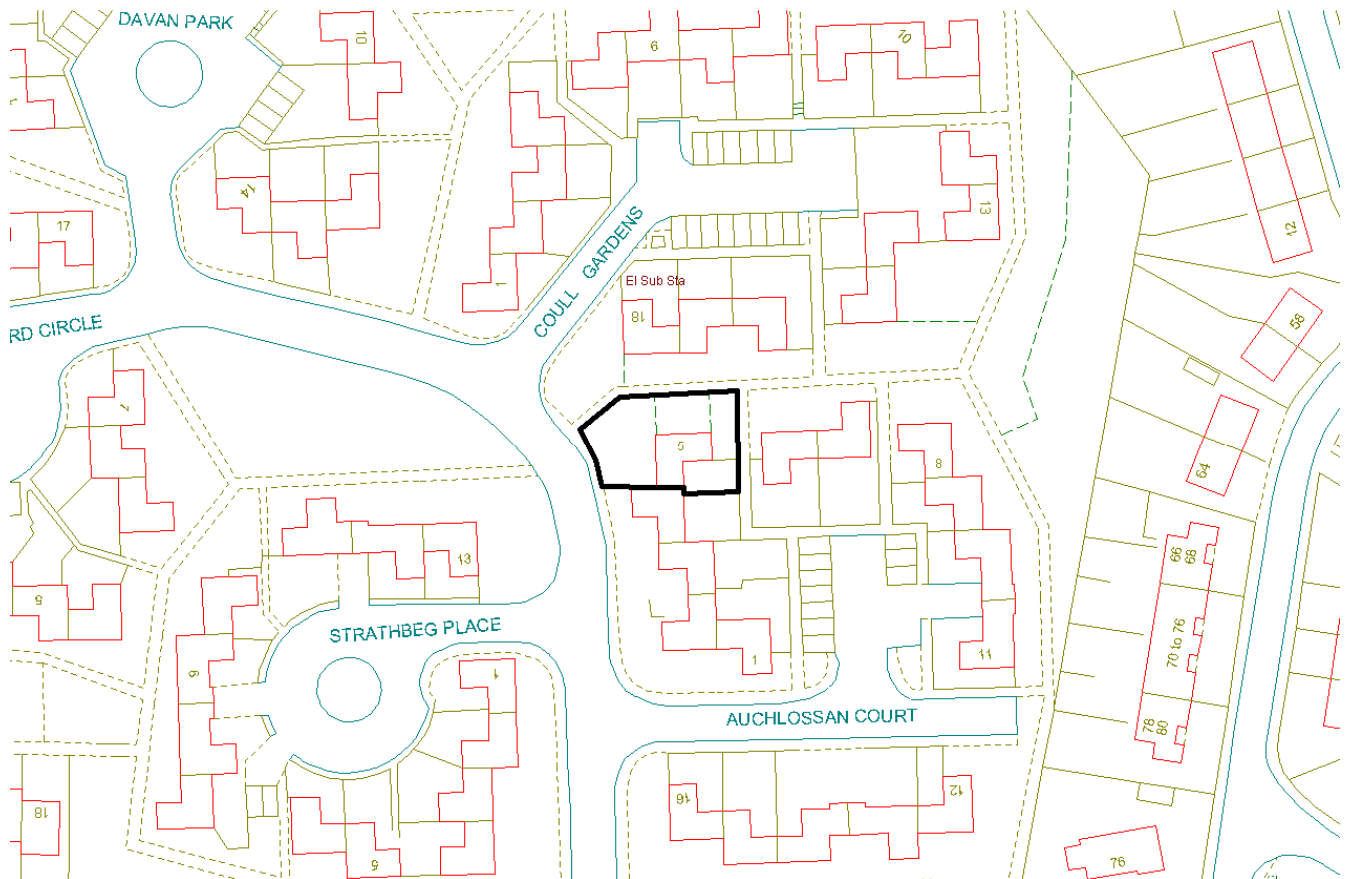
5 AUCHLOSSAN COURT, BRIDGE OF DON

REAR EXTENSION, EXTENSION AT FIRST FLOOR LEVEL AND FRONT PORCH

For: Mr S Opiola

Application Ref. : P121424
Application Date : 09/10/2012
Officer : Jacqui Thain
Ward: Bridge of Don (M Jaffrey/J Reynolds/S Stuart/W Young)

Advert :
Advertised on :
Committee Date : 6 December 2012
Community Council : Comments



RECOMMENDATION: Approve Unconditionally

DESCRIPTION

The application property is situated to the north-west of Auchlossan Court and is a single/2 storey dwelling on an L-shaped footprint with pitched roofs. To the north and west of the dwelling is a grassed area of public amenity space and beyond, to the north, is a path and to the west a road. To the east is a path. To the rear, to the south and east the plot is bounded by a timber fence approximately 1.73m in height. The frontage of the property is set back from the adjoining dwelling to the south. Within the vicinity there is a selection of house designs with a predominant feature of the dwellings being a variety of pitched and flat roofs of varying heights and styles. Most properties in the vicinity are situated within a staggered building layout. The grassed areas within the application site, to the north and west of the house are amenity space, rather than part of the garden ground of the application house. The existing plot coverage is approximately 36.5%.

HISTORY

There is a current, as yet undetermined, planning application (reference 121354) for change of use of the grassed area, to garden ground. This includes the area to the north and east of the house.

PROPOSAL

The application seeks full planning permission for an extension at first floor level, a rear (wrap around) extension, and new front porch.

An additional single storey extension would be created above the existing lounge. The walls of the extension would sit flush with the existing walls and the pitched roof would sit lower than the adjacent roofs. The extension would measure approximately 4.15m x 4.5m. Two windows, to match the existing in scale and design, would be situated on the front elevation and there would be no glazing to the rear.

On the front (west) elevation, a porch would be created. The proposed porch would project 1.5m, have a width of approximately 2.39m and measure 3.15m high to the top of the pitched roof.

To the rear of the dwelling, a single storey wrap around extension would be built. The proposed extension would sit flush with the north-most gable, project approximately 3.2m beyond the east-most gable, extend approximately 2.4m beyond the south-most gable, have an overall length of approximately 7.185m and overall width of approximately 7.4m. There would be one window on the north elevation of the extension, a set of patio doors on the south elevation and 2 rooflights on the east elevation (both measuring approximately 700mm x 1200mm).

The materials for the alterations would match the main dwelling.

It is also proposed to slap through 2 new windows in the existing lounge and create 1 new window in the kitchen. These works are Permitted Development and as such do not require to be assessed in conjunction with the planning application.

The resulting plot coverage would be approximately 54%.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-Committee because the Council own part of the application site and, in addition, comments have been received from the Bridge of Don Community Council. Therefore, in terms of the Council's Scheme of Delegation, the planning application must be determined by the Development Management Sub Committee.

CONSULTATIONS

ROADS SECTION – Response. No observations

ENVIRONMENTAL HEALTH – Response. No observations

COMMUNITY COUNCIL – Response. One letter of representation has been received from the Bridge of Don Community Council.

The Community Council feel that the extension in this application is one in which the local residents' opinions should be taken into consideration. The Community Council add they do not usually comment on individual applications of this sort but would hope that this would not create a precedent so that the area becomes an area of over extended houses.

REPRESENTATIONS

There are no further letters of representation.

PLANNING POLICY

Aberdeen Local Development Plan (2012)

Policy H1 – Residential Areas:

Proposals for householder development will be approved in principle if it:

- does not constitute over-development
- does not have an unacceptable impact on the character and amenity of the surrounding area
- complies with Supplementary Guidance

Householder Supplementary Guidance :

The guidance states front extensions should be of a scale and design which is complementary to, and consistent with, the original dwelling. Modest porches will generally be acceptable and should not detract from the design of the original building or the character of the street.

The general guidance relating to rear extensions states proposed extensions should not project forward of any established building line. (It should be noted the layout of the properties is not of a conventional design).

The plot coverage guidance states no more than 50% of the front or rear curtilage shall be covered by development.

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

EVALUATION

The application shall be determined in accordance with development plan policy unless material considerations indicate otherwise. In this instance there are no strategic issues. The adopted Aberdeen Local Development Plan is of specific relevance in determining the application in terms of Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking Design).

The proposals are considered to comply with the relevant policies for the reasons detailed below.

Policy H1 of the Aberdeen Local Development Plan

The alterations would sit well with and be subservient to the main dwelling and generally comply with supplementary guidance being of suitable design, scale and materials.

The porch would sit well within the streetscape and being modest in scale, would result in minimal additional and no detrimental impact on residential amenity and character. Due to the application property being set back from the neighbouring dwelling, the porch would be extensively screened to the south.

The extension above the lounge is acceptable. The overall height of the roof would be increased by approximately 1.65m, which is not considered to be excessive in relation to the main dwelling and nearby properties. Due to the orientation of the dwellings, there would be no overshadowing of the adjoining property to the south. To the rear, there would be minimal increase in overshadowing of the applicant's garden, for a short period of the day only.

The wrap around rear extension is of appropriate design and scale. Although there may be some additional impact by overshadowing to the east, the shadow would fall short of the gable of the neighbouring dwelling, and due to the orientation of the properties, the impact would be for a short period of the day only and is considered tolerable.

The first floor and rear extensions would result in no detrimental impact on the character and amenity of the residential area. Due to the large variety of roof styles nearby, the increase in height of part of the roof, in order to accommodate the first floor extension, would not significantly impact upon the existing streetscape. The rear extension would result in minimal additional impact. The proposal would not be readily visible from the main street to the west, and only partly visible from the path to the north. In addition, the rear extension would be partly screened by the dwellings to the east and south and by high fencing.

The proposals would result in minimal additional impact on neighbouring residents' privacy. To the front there is existing overlooking and the nearby dwellings to the north-west and south-west are located a considerable distance from the application property. The impact to the north by the small porch window and single sitting room window would be minimal due to the neighbouring dwellings being located a substantial distance from the application property. To the rear, there is adequate screening by a high timber fence.

The proposals would result in 54% plot coverage, as compared to 36.5% as existing. The rear extension and porch would not constitute over-development of the site; after completion an acceptable proportion of usable garden ground would remain. The surrounding amenity space means that although plot coverage is high, the site would not appear over-developed as it still sits within grassed open space.

Although the porch is not fully compliant with supplementary guidance in relation to proportion of glazing, it complies with guidance in relation to scale and materials and due to the location of the porch, would result in no adverse impact on amenity.

Policy D1 of the Aberdeen Local Development Plan

The proposals would sit comfortably with the existing dwelling and would make a positive contribution to their setting. In assessing the application against Policy D1 (Architecture & Placemaking Design) it is considered that full consideration has been given with regard to suitability within the plot and the context of the surrounding area. The porch and extensions are appropriate for the setting and factors such as siting, design, scale, massing, colour, materials, details and proportions of building elements have been considered.

Whilst ownership of the land is not a planning consideration, it should be noted for clarity, that a change of use and sale of the area to the east of the house would be required before the permission may be implemented.

With regard to the issue of precedent, each application for an extension of a house in this area would be treated on its own merits on the basis of its impact on residential amenity and other material considerations, including development plan policies.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION (check and to schedules screen)

The porch, first floor extension and rear extension would sit well with the main dwelling, comply with Policy H1 and D1 of the Aberdeen Local Development Plan and generally comply with the Household Supplementary Guidance. The proposals would result in no detrimental impact on neighbouring dwellings or on the the amenity and character of the residential area.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 28/10/2012 13:41
Subject: Planning Comment for 121424

Comment for Planning Application 121424
Name: Bridge of Don Community Council
Address: 39 Broadfold Drive
Bridge of Don
Aberdeen
AB23 8PJ

Telephone: [REDACTED]
Email: [REDACTED]
type:

Comment: Bridge of Don Community Council feel that the extension in this application is one in which the local residents' opinions should be taken into consideration. We do not usually comment on individual applications of this sort but we would hope that this would not create a precedent so that the area becomes an area of over-extended houses.

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ABERDEEN CITY COUNCIL

COMMITTEE Development Management Sub-Committee

DATE 6th December 2012

DIRECTOR: Gordon McIntosh

TITLE OF REPORT: Planning Enforcement Activity – April to September 2012

REPORT NUMBER EPI/12/278

1. PURPOSE OF REPORT

- 1.1 To inform Members of the planning enforcement work that has been undertaken by the Planning and Sustainable Development Service from 1st April 2012 to 30th September 2012.

2. RECOMMENDATION

- 2.1 That Members note the contents of this report.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no specific implications for revenue and capital budgets, priority based budgeting, or state aid arising from consideration of this report. Some cost may be incurred if direct action to secure compliance with an enforcement notice is necessary. This can generally be accommodated within existing budgets, but where this is not the case, a specific report will be submitted to Committee to seek instructions.

4. OTHER IMPLICATIONS

- 4.1.1 Normal Health & Safety at Work considerations apply. If successful enforcement is not carried out, there may be implications for health and safety in relation to specific unauthorised works. Scottish Ministers attach great importance to effective enforcement as a means of sustaining public confidence in the planning system. The long term credibility of the planning service is dependent on effective enforcement activity. Effective enforcement should result in greater protection for the environment. There would be no direct impact on any of the Council's property functions, unless breaches of planning control have occurred on land within the control of the Council. In such cases, the use of planning enforcement action against the Council as owner is not considered appropriate, and use of alternative powers by the Council as landowner is sought to resolve such breaches.

5. REPORT

- 5.1 This report provides the regular 6 monthly update for the Development Management Sub-Committee on the enforcement work that has been pursued by the Development Management Section. The previous report, which was presented to the Development Management Sub-Committee in June 2012, advised of the enforcement work that had been pursued by the Development Management Section for the 6 months up to 31st March 2012..
- 5.2 This report identifies all cases which have been investigated in the period 1st April 2012 to 30th September 2012 with a view to determining whether or not a breach of planning control has taken place and whether it is expedient to take enforcement action. It details those cases that have been resolved and updates those cases that were under investigation prior to April 2012 and those that have required formal enforcement action. The attached spreadsheets provide a summary of the complaint / breach and an update of the current status and any related action.
- 5.3 It is evident that a number of cases have been resolved through negotiation and discussion, without recourse to formal enforcement action. In a number of circumstances, particularly where householders are concerned, the breaches are relatively minor and may have taken place because the parties were unaware of the requirement of the need for first obtaining planning permission. In many cases, the submission of a planning application and eventual grant of planning permission has resolved the situation.
- 5.4 A total of 88 new cases have been investigated since the last report. The majority (60) have been resolved without recourse to formal action by the approval of a retrospective planning application, by informal negotiation, or were found not to constitute a breach of planning control. The remainder (28 cases) are still under investigation and may require formal enforcement action if negotiation proves unsuccessful and if there is found to be a breach of planning control which has resulted in significant disamenity or threat to public safety. One enforcement notice has been served during the current reporting period and no appeals against this have been received.
- 5.5 It is a continuing trend that a significant proportion of complaints received are of a relatively minor nature and are frequently householder related cases (approximately half of all complaints). As these cases often do not relate to properties in conservation areas or involve protected trees, and often do not raise issues of public amenity or public safety concern, they are likely to be of lower priority in terms of consideration of possible enforcement action. However, these cases can give rise to very strong feelings between those affected, often taking up a good deal of officers' time in investigating / resolving a dispute.

- 5.6 Members should note that during the period concerned, the potential of the enforcement team has been constrained to an extent due to other work priorities (including general development management case work) and as a result of the ongoing economic and budget situation. As some vacant planning posts within the planning service have remained frozen, this also has an impact on service delivery. The following table provides a summary of the enforcement caseload since the previous report and divides the cases into new and those included in the previous report.

<i>New Cases – 1st April 2012 to 30th September 2012</i>	<i>Cases resolved</i>	<i>60</i>
<i>New Cases - 1st April 2012 to 30th September 2012</i>	<i>Under investigation or being negotiated</i>	<i>28</i>
<i>Update of cases from previous reports</i>	<i>Cases resolved and/or closed</i>	<i>21</i>
<i>Update of cases from previous reports</i>	<i>Being negotiated, awaiting planning application/appeal decisions, or referred for enforcement.</i>	<i>23</i>
<i>Enforcement Notices served</i>		<i>1</i>
<i>Enforcement Notices in process of being prepared</i>		<i>3</i>

- 5.7 An Enforcement Charter, which is a statutory requirement arising from implementation of the 2006 Planning (Scotland) Act, was adopted by the Council in June 2009. This helps to explain the role of the planning enforcement team to the public, as well as setting priorities in terms of delivery of the planning enforcement service.
- 5.8 It is intended that, subject to budget decisions, future enforcement activity, including reporting, will reflect the recommendations made within the Charter. A particular emerging issue which may be addressed in future review of the Charter is the need to prioritise cases given the limited resources available to the service in investigating / pursuing enforcement action.
- 5.9 Prior to the reporting period the Scottish Government's review of householder permitted development rights was implemented, in February 2012. A review of non householder permitted development is currently underway. It is anticipated that these changes may reduce the enforcement burden on local authorities, by removal of the need for planning permission for certain development undertaken in relation to domestic and other property. It is hoped that this will allow increased time to be devoted to enforcement complaints which are considered to be of higher priority. However, it is likely that significant time will still be required to investigate alleged breaches of planning control as that is a statutory requirement. It also remains to be seen whether the reforms to permitted development rights will actually simplify the effect of existing legislation and avoid imposing additional complexity on officers in terms of determining whether development is permitted, or avoiding additional enforcement burdens for

which no fee would be forthcoming (e.g. where development is only permitted subject to certain conditions imposed by the regulations). It is too early yet to conclude what effect the change in regulations has had but it is hoped to provide an update on this in a future enforcement update report.

The commitment of the Scottish Government to ensuring sustainable economic growth places increased emphasis on considering the economic implications of enforcement activity at this time. Factors such as employment retention and creation are therefore of increased weight in considering whether, in any given situation, it is expedient to take enforcement activity. There is also increased need at this time to ensure that burdens imposed on developers in terms of planning conditions and planning obligations / legal agreements are proportionate and reasonable.

6. SERVICE & COMMUNITY IMPACT

6.1 Corporate - The enforcement of planning control links to the Council's core value that "Aberdeen City Council will strive to enhance the high quality of life within the City" and corporate objectives that "Aberdeen City Council will continually review, update and enforce the Aberdeen Local Plan in order to maintain the balance between development pressures and the need to conserve and enhance the City's natural environment." The report relates to the Single Outcome Agreement 12 "we value and enjoy our built and natural environment and protect it and enhance it for future generations."

6.2 Public - The Corporate Best Practice Guide on Human Rights and Equalities will be adhered to when deemed necessary to take enforcement action. There is no requirement for Equalities or Human Rights Impact Assessment in this case.

7. BACKGROUND PAPERS

The Council's Planning Enforcement Charter, which is referred to in section 5 above, is available in Council libraries and published on the Council's website at the following address:-

http://www.aberdeencity.gov.uk/web/files/sl_Planning/plan_enforce_charter.pdf

8. REPORT AUTHOR DETAILS

Robert Forbes, Senior Planning Enforcement Officer
Tel: (01224) 522390
Email: rforbes@aberdeencity.gov.uk

Current Ward Index and Councillors

<u>Ward Number</u>	<u>Ward Name</u>	<u>Councillors</u>
1	Dyce/Bucksburn/Danestone	Barney Crockett Graeme Lawrence Neil MacGregor Gill Samarai
2	Bridge of Don	Muriel Jaffrey John Reynolds Willie Young Sandy Stuart
3	Kingswells/Sheddocksley	David John Cameron Steve Delaney Len Ironside CBE
4	Northfield	Jackie Dunbar Gordon Graham Scott Carle
5	Hilton/Stockethill	George Adam Kirsty Ann Blackman Lesley Dunbar
6	Tillydrone/Seaton/Old Aberdeen	Ross Grant Jim Noble Ramsay Milne
7	Midstocket/Rosemount	Jenny Laing Bill Cormie Fraser Forsyth
8	George Street/Harbour	Andrew May Jean Morrison Nathan Morrison
9	Lower Deeside	Marie Boulton Aileen Malone M. Tauqeer Malik
10	Hazlehead/Ashley/Queens Cross	Jennifer Stewart Martin Greig Ross Thomson John Munro Corall
11	Airyhall/Broomhill/Garthdee	Ian Yuill Angela Taylor Gordon Scott Townson
12	Torry/Ferryhill	Yvonne Allan Graham Robert Dickson Alan Donnelly James Kiddie
13	Kincorth/Loirston	Callum McCaig Neil Cooney Andrew William Finlayson

Registered Enforcement Cases - April 2012 - September 2012

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Craibstone Golf Club Craibstone	1	Noise disturbance taking place at golf club caused by works to car park.	No evidence of unauthorised works occurring or anything obvious that would be causing a disturbance. No Breach.
Craibstone Golf Club Craibstone	1	Use of land and erection of new building. New pro shop not built in accordance with planning permission.	Pro-shop not built in accordance with approval. New building erected without planning permission. Letter sent to agent advising of requirement for new application for altered building and planning application required for the new building. Owner has indicated their intention to submit new planning applications for consideration.
2 Guildhall Place Dyce	1	Erection of building in rear garden.	From details submitted by the householder and from visiting site the structure is a permitted development not requiring the submission of a planning application.
Dyce Drive Dyce (Survivex)	1	Erection of large signboard facing onto Dyce Drive.	Following letter to company the signboard was removed.
18 Greenburn Drive Bucksburn	1	Car repairs taking place on street outside house.	Site has been monitored and there has been no evidence that a material change of use has occurred.
9 Fairview Grange Danestone	1	Chauffer hire business operated from house. Business vehicles parked on street.	Monitoring situation to try and ascertain if breach of planning control is taking place.
Farburn Terrace Dyce (Barratt East Scotland)	1	Non compliance with suspensive conditions attached to planning permission (A8/0779)	Following correspondence with developer details have been submitted and approved. No further action.
43 Coull Green Kingswells	1	Erection of shed at rear of house.	Letter sent to householder advising of the requirement for planning permission due to "Article 4 Direction".
Stoneywood Road/Stoneywood Terrace Stoneywood	1	Advertising signboard for residential development on grass verge at Stoneywood Road.	Retrospective application (P120966) for signboard submitted July 2012 and awaiting determination.
101 Waterton Road Bucksburn	1	Removal of outbuildings and erection of new buildings	Site visit has confirmed that demolition of outbuildings that does not require planning permission. has occurred. No new building work has been observed.

23-25 Mugiemooss Road	1	Untidy Land	Condition of land does not warrant action under planning legislation. No further action.
Wynford Playbarn Kingswells	1	Extension to playbarn and formation of flat within playbarn.	Extension approved as a non material variation to planning permission P090706. Playbarn has been inspected. No evidence of any flat/residential used occurring within the premises. No further action.
69 Fairview Circle Danestone	1	Erection of large satellite antenna on front of flatted property.	Satellite dish permitted development not requiring submission of application for planning permission.
Unit 3, Crombie House Grandholm Village	1	Erection of 2 no condenser units at rear of salon.	Letter sent to occupier advising of requirement for planning permission.
The Parkway Bridge of Don (Thistle Windows and Conservatories)	2	Erection of a directional banner.	Following letter to company application submitted and refused. Directional banner removed. No further action.
19 Collieston Road Bridge of Don	2	Erection of advertising banner on side of garage.	Following contact with householder banner was removed from garage wall. Breach resolved.
24 Ellon Road Bridge of Don	2	Boarded up building	No apparent breach of planning but have written to owner advising of concerns raised. No action at present, but situation will be monitored.
1 Jesmond Gardens Bridge of Don	2	Incorporation of amenity land into garden.	Retrospective planning application (P120342) refused. Enforcement notice served October 2012.
Jesmond Drive	2	Obstruction of pavement by telecom equipment cabinets.	Equipment installed in accordance with planning permission P091817. No breach of planning control.
48 Ronaldsay Square Summerhill	3	Large conservatory being erected to rear of property without planning consent.	Site investigation revealed that UPVC boundary fencing, and not a new conservatory has been erected to rear garden area of property. New boundary fencing not subject to planning permission. No further action.
213 Sheddocksley Drive	3	Erection of large timber building in rear garden	Domestic shed in rear garden deemed to be a permitted development. No further action.
42 Marchburn Crescent Northfield	4	Erection of timber fence in rear garden.	Fence erected is a permitted development not exceeding 2.0 metres in height at rear of house. No further action.

565 North Anderson Drive Splash Autocare	4	Erection of new signs for car wash at service station.	Letter sent to company September 2012 advising of requirement for advertisement consent, and requesting removal of signage at entrance. Signboard erected at entrance has been removed from site.
433 Great Northern Road Woodside	5	Untidy derelict building/land	Letter sent to owner of property advising of concerns raised by Councillor. Not expedient to take action under planning legislation.
8F Printfield Walk	5	Erection of shed.	Following letter to tenant planning application submitted June 2012 (P120860) and approved August 2012. Resolved.
Belgrave Terrace Rosemount	7	Unauthorised painting contractor advert signboard erected on railings of flatted property without consent.	Contractor contacted June 2012 & asked to remove advert signboard. Signboard now removed. Resolved.
Mid Stocket Road [former Oakbank School site]	7	Foundation/ground floor level of houses under construction along East side of development (nearest Cairnaquheen Gardens.) built higher than indicated on approved plans. (Ref. 101976)	House foundation level resurveyed and found to be in accordance with approved plans. No further action required.
38 Thomson Street Rosemount	7	Rear boundary wall partly demolished & additional parking area being created to rear of flatted property in conservation area without planning consent.	Initial site visit confirmed the unauthorised works - property owner contacted & letter issued (July 2012) requesting the submission of a formal planning application seeking required retrospective planning consent. Application lodged October 2012 (Ref.121536) decision pending.
150 Union Street (Society Bar)	7	Unauthorised advertisement banner erected above front entrance doorway of Cat. 'B' Listed Building.	Formal request for banner to be removed eventually complied with. Resolved.
23 Ashgrove Road West	7	Erection of timber building in rear garden.	Summerhouse built for use of householder. Permitted development.
156 Union Street	7	Replacement windows on Category C listed building	Letter to owner requesting action be taken to rectify breach. Retrospective applications submitted (P121149 & P121150) August 2012 and awaiting determination.

150 Union Street Society Bar Arum Nightclub	7	Advertisement banners	Following letter in August 2012 to occupant unauthorised banners were removed. No further action.
476 Union Street Cinnamon	7	Erection of illuminated fascia and projecting signs	Letter sent August 2012 to occupier advising of requirement for consent. They have indicated their intention to submit a application for consideration.
470 Union Street Sabai	7	Fascia sign	Letter sent August 2012 to occupier advising of requirement for consent.
254 Union Street The Filling Station	7	Erection of illuminated fascia and projecting signs	Letter sent September 2012 to occupier advising of requirement for consent. Application for advertisement consent (P121538) submitted and awaiting determination.
13 Ashgrove Road West	7	Neighbour concerned that new window is being constructed in side wall/upper level of new extension and not shown on approved plan	A new window is not being constructed in the upper side wall of new extension. What is being constructed is framing/support for a slated haffit panel similar to wall of dormer. No breach of planning has occurred.
Cotton Street (Vodafone)	8	Erection of telecom mast within/adjacent to Shore Porters yard.	Telecom mast erected under emergency powers permitted development for 6 months. Permitted Development.
50 Summerfield Terrace	8	Erection of new/replacement signs	Letter to Keystore advising of requirement for advertisement consent and requesting submission of application.
2-4 Trinity Street The Lorne Bar	8	Removal of upper floors of building in conservation area. Not in accordance with planning permission A8/0464	Following letter sent to agent new planning application submitted August 2012 (P121081) and approved October 2012.
27 Union Street	8	Erection of temporary banner sign on Category C listed building	Letter sent to agent July 2012. Banner removed and previously approved signage erected. Resolved
25A Union Street	8	Untidy shop fascia on Category C listed building.	Letter to owner/agent requesting action be taken to tidy up fascia.
133 Union Street	8	Untidy shop fascia on Category C listed building.	Letter to owner/agent requesting action be taken to tidy up fascia.
19 Market Street	8	Illuminated projecting signs	Letter to occupier advising of requirement for consent. Retrospective application for signs (P121409) submitted October 2012 and awaiting determination.

47-53 Market Street	8	Unauthorised advertisements	Letter sent to occupier requesting removal of unauthorised advertisements. Enforcement Notice served October 2012.
Beach Boulevard Retail Park Links Road	8	ANPR Cameras and columns and warning signs on existing lighting standards.	Letter sent to owner of retail park advising that planning permission and advertisement consent required for cameras, structures and signs. Application (P121472) for warning signs submitted October 2012 and awaiting determination. Application (P121454) for ANPR cameras and columns submitted and awaiting determination.
46 Union Street CEX	8	Erection of internal security shutter (Union Street frontage on Listed Building	Letter sent September 2012 to occupier advising of requirement for planning permission and listed building consent.
4 Belmont Street	8	Alterations to frontage	Letter sent to owner advising of requirement for planning permission. Retrospective planning application (P121342) submitted September 2012 and awaiting determination.
Binghill Drive Milltimber [Christian Fellowship Church]	9	Breach of Condition relating to permitted site working times for construction work on new church building. (Ref 090270)	Investigations & discussions with site contractor confirmed that permitted site working hours had been breached on several occasions. Formal request issued September 2012 asking for permitted site working times to be adhered to complied with. Resolved.
23 Deeview Road South Cults	9	Roof/ridge height of replacement house built substantially higher than shown on approved plans. (Ref.110647)	Detailed site inspection confirmed roof/ridge height of replacement house built in accordance with approved plans. No further action required.
37 Deeview Road South Cults	9	2 CCTV cameras fitted to west facing gable wall without planning consent.	Letter issued to property owners (August 2012) asking for 1 of the CCTV cameras to be removed/relocated to an alternative location to comply with permitted development guidelines, or to submit a formal planning seeking retrospective planning consent. Owners chose to remove 1 CCTV camera to negate the need to apply for retrospective planning consent. Resolved.

39 Deeview Road South Cults	9	Unauthorised importation of soil/material & extensive ground excavation works carried out without planning consent.	Ground/excavation works carried out to bolster/reinforce existing earth retaining wall to front garden area not subject to planning permission. Earth/sand imported & deposited to rear garden area to facilitate site access for earth moving vehicles deemed to be 'permitted development'. No further action to be taken at this time.
Earlspark Development & Earlspark Circle Bielside	9	Breach of planning condition re. provision of trees & hedge along boundary between Earlspark development & Earlspark Circle (Ref.110821).	Formal request for trees & hedge to be planted as per. condition set with the planning approval complied with. Resolved.
Earlspark Circle/Avenue (Earlspark Development) Bielside	9	Breach of Condition re. householders within the development erecting satellite antennae without obtaining planning consent. (Ref.P110821)	Condition set with approval removing householder permitted development rights makes it a requirement for owners to apply for formal planning consent only if works or alterations materially affect the external appearance of the house. Site inspection confirmed that the antennae erected have been positioned to minimise their visual impact and they do not materially affect the appearance of the properties concerned. No further action at this time.
Earlspark Crescent Bielside	9	Ground reinstated by BT following installation of new telephone cabling in sub-standard condition.	Installation of new telephone cabling not subject to planning permission. Issue concerning finished condition of ground referred to Grounds Maintenance Section to resolve directly with BT.
1 Earlspark Road Bielside	9	Large garage built within front garden area of property without planning consent.	Proposals to built a new garage within the front/side garden area of property included with planning application lodged, and approved unconditionally in August 2008 (Ref. 080426) Site inspection confirmed that new garage construction complies with the approved plans. No further action required.
1 Earlspark Road Bielside	9	Site boundary works not in accordance with approved plans (Ref. 080426) and additional works carried out to front garden area without planning consent.	Site meeting with owner & building contractor (August 2012) confirmed that planning permission would be required for additional works. New planning application submitted October 2012 (Ref.121522) decision pending.

Johnston Gardens East Peterculter (former Council Depot)	9	Breach of Condition relating to permitted site working times. (P111574)	Formal request for permitted site working times to be adhered to complied with. Resolved.
Loirsbank Road Cults	9	Foundation base of house under construction at "Deeview" development built higher than approved. (Ref. 101384).	Foundation level resurveyed and found to be in accordance with approved plans. No further action required.
106 Malcolm Road Peterculter	9	Breach of Condition relating to permitted site working times. (Ref.091645)	Formal request for permitted site working times to be adhered to complied with. Resolved.
Newleuchar Cottage (west of Peterculter)	9	Alterations carried out to cottage exterior without planning consent.	Site inspection confirmed that works carried out to cottage do not require formal planning consent. No further action required.
North Deeside Road The Courtyard, Cults [Domino's Pizza]	9	Breach of Condition relating to permitted site working times (Ref 111915)	On site discussions with main contractor confirmed that permitted working times had not been adhered to on 2 occasions during the last 10 days of contracted works, however, no further breaches will occur as all works were completed & shop unit handed over to client on same day as site inspection. No further action.
23 North Deeside Road Bielside	9	New garage construction not built in accordance with approved plans. (Ref.P111101)	Site investigation established that new garage has been built in accordance with approved plans. No further action.
Westfield Estate Milltimber	9	Very large 'structure' erected in field within Westfield Estate without planning consent.	Site investigation confirmed that several large temporary marquee tents had been erected on a field within the Westfield Estate to accommodate upcoming wedding ceremony & reception, and are only scheduled to be on site for several days. Temporary erection of marquee tents not subject to planning consent. Marquee tents now removed. Resolved.
Beaconsfield Lane [former Grampian Court]	10	Breach of planning condition relating to permitted site working times (Ref.120034)	Formal request for permitted site working times to be adhered to complied with. No further action at this time.

48 Devonshire Road	10	Tall unauthorised boundary fence erected to front garden area of property in a conservation area without planning consent.	Letter issued to property owners (September 2012) asking for boundary fence to be reduced in height to 1metre & for a formal planning application to be lodged seeking the required retrospective consent for the altered fence.
120 Forest Avenue	10	Allegation of unauthorised business use operating from residential property.	Property owner is self employed & works from home address. Inspection of property and site monitoring found no evidence of unauthorised business use. No further action required.
114a Hamilton Place	10	Construction of access walkway to rear of property not built as approved. (Ref. 070647)	Site inspection confirmed walkway/handrail construction not in accordance with approved plans. Agent requested to submit new planning application seeking consent for alterations. New application lodged August 2012 and approved unconditionally September 2012 (Ref.121070). Resolved.
7 Harlaw Terrace	10	Construction of new carport not in accordance with approved plans. (Ref 111673)	Site inspection confirmed that carport construction did not fully comply with the approved plans owing to some additional building works having been carried out without the required consent. Agent formally asked to submit new planning application August 2012. New application lodged September 2012 (Ref.121239) due to be presented to EPI Committee Meeting in December 2012.
Queens Road (near Rubislaw Quarry)	10	Unauthorised contractors advert signboard erected on Queens Road side of Rubislaw Quarry.	Request for contractor signboard to be removed complied with. Resolved.
91 Whitehall Place	10	Construction of new rear extension not in accordance with approved plans. (Ref. 100649)	Site investigation established that construction of rear extension appears to comply with the approved plans. No further action required.
42 Airyhall Crescent	11	Additional new extension built to rear of property without planning consent.	Site inspection established that new extension to rear of property is not subject to planning permission. No further action required.

61 Gray Street	11	Installation of unauthorised windows to front bay window	Owner contacted & letter issued (June 2012) asking for unauthorised windows to be replaced. Owner responded to advise that new quotations to replace windows as per the original 'sash & case' design would be sought. Letter issued September 2012 asking owner to confirm his intentions and timescale for resolving the issue.
189 Great Western Road [West End Dental]	11	Large unauthorised banner erected along front elevation of building without consent.	Formal letter issued September 2012 asking for banner to be taken down. Site inspection carried out late September 2012 confirmed that banner had been removed. Resolved.
2 Oakdale Terrace	11	Building work carried out to rear outhouses/storage areas of property in conservation area without prior consent.	Existing rear outhouses/storage areas repaired and refurbished. Upgrading of roofing materials not considered to adversely affect character of conservation area. No further action required.
146 South Anderson Drive	11	Unauthorised business use operating from a summer house erected to rear of property without planning consent, and smoke emanating from flue linked to wood burning stove installed to summer house entering neighbouring properties.	Inspection established that summer house built to the rear of the property is not subject to planning permission. No evidence found to substantiate claims that summer house is being used for unauthorised commercial or business related purposes. Installation of wood burning stove/flue also not subject to planning permission. No further action to be taken.
38 Albury Road	12	Unauthorised works carried out to rear garden area of property in conservation area without consent.	General modifications to rear garden area do not adversely effect the character of the conservation area and are not subject to formal planning consent. No further action.

52 Bridge Street [Magma Night Club]	12	Illuminated signage erected on fascia not in accordance with approved plans (Ref.110234)	"Mask' sign erected above the entrance door does not comply with recently approved plans. Letter sent to agent September 2012 confirming breach & seeking clarification of his clients intentions for resolving the issue. Response received 20th Sept. confirming his clients intentions to replace the mask, however, alternative signage proposals submitted with letter also not in accordance with approved plans. Letter sent to agent October 2012 requesting the removal of the unauthorised sign by November 1st not complied with. City Solicitor has now been asked to serve an Advert Enforcement Notice to secure the removal of the unauthorised sign.
Dee Place	12	New tarmac road surface laid to lane area of Dee Place without planning consent.	Lane roadway privately owned and not adopted or maintained by Council. Resurfacing work not subject to planning permission. No further action required.
515-519 Holburn Street [former Texaco filling station]	12	Height of new flatted development not in accordance with approved plans. (Ref. P101426)	Site investigation established that height of new flatted development appears to comply with the approved plans. No further action required.
1 Justice Mill Lane [Park Inn, Aberdeen]	12	Breach of condition concerning the relocation of archway formerly located within Strawberry Bank Parade to area of ground near boundary line adjacent to Hardgate.	Condition cannot be implemented due to loss of original archway stonework. Property owners asked (September 2012) to submit for consideration a formal planning application for a new boundary wall as an alternative to the former archway construction.
31 Polwarth Road Torry	12	Large lighting unit installed to front garden area without planning consent.	Installation of ornamental lighting unit not subject to formal planning permission. No further action.
7 South Crown Street	12	Various minor unauthorised works carried out to rear of property situated within designated Conservation Area without planning consent.	Letter sent to property owner (October 2012) asking for on site meeting to discuss resolving unauthorised issues. Site meeting confirmed for 21st November 2012.
491 Union Street	12	Replacement windows following refusal of retrospective planning application (P111024).	Letter sent August 2012 to agent requesting action to remedy breach of planning.

10 Charleston Avenue Cove	13	Rear mutual boundary fence increased in height without planning consent.	Alteration of boundary fence to form small canopy not subject to formal planning consent. No further action.
60 Charleston Way Cove	13	Large store/shed under construction within rear garden without planning permission.	Site inspection found that store/shed under construction does not require formal planning permission. No further action.
Leggart Terrace/Stonehaven Rd	13	Developer of new housing scheme on Leggart Terrace (Ref. 090318) depositing large quantities of soil/sand along site boundary adjacent to Stonehaven Road without planning consent.	Application seeking to form earthwork bund along southern site boundary & boundary near Stonehaven Road lodged by Developer May 2012 (Ref.120719) Application approved conditionally November 2012. No further action.
7-13 Provost Watt Drive Kincorth [Spar Store]	13	Unauthorised selling of hot food products from Class 1 shop premises.	Site investigation established that extent of hot food sales (1 solitary small hot dog cabinet) is very minor and considered to be ancillary to the principal use of the shop requiring no additional planning permission. No further action required.
Stoneyhill Terrace Cove [land adjacent to]	13	Position & dimensions of new agricultural store not in accordance with plans lodged with recent Agricultural Notification application. (Ref. 120485)	Site inspection established that position & size of new agricultural store complies with plans submitted along with Agricultural Notification application. No further action required.

Resolved Cases From Previous Report - July 2012

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
48 Hopetoun Avenue Bucksburn	1	Mini bus / coach hire operating from house.	Monitoring of situation has not shown any evidence that any material change of use has taken place. No further action at this time.
Birchmill (formerly Overhills) Farm Kingswells	1	Erection of wall over 1.0 metres in height at front of house.	Retrospective planning application submitted (P120762) and approved July 2012. Resolved.
201 Victoria Street Dyce	1	Car parking arrangements not in accordance with planning permission for guest house.	Breach of control has not been resolved by applicant. It is considered that the breach does not affect amenity and that it is not expedient to take enforcement action. Breach noted for future property searches on property.
Denmore Road Unit 13 Barratt Trading Estate (Cosalt)	2	Use of retail warehouse for industrial purposes.	Planning application for change of use (P120395) submitted March 2012 and approved May 2012. Resolved.
Dykeside Steading Kingswells	3	Erection of store/workshop without planning permission.	Breach of control has not been resolved by applicant. It is considered that the breach does not affect amenity and that it is not expedient to take enforcement action. Breach noted for future property searches on property.
1 Stocket Parade	4	Coach/taxi hire use operating from residential property.	From information provided by householder, no material change of use of property has taken place. No further action required.
64 Orchard Street Old Aberdeen	6	Erection of satellite dish on front elevation of property in conservation area.	Letter sent to householder advising of requirement for planning permission. Satellite dish relocated to less obtrusive location. Resolved.
Park House 120 Westburn Road (Clan)	7	Erection of two 6.0 metre high lighting standards in new car park.	Retrospective planning application submitted (Ref. P111529) October 2011, and approved August 2012. Resolved.

Unit 4, Centrepoint Retail Park Berryden Road	7	New signs erected on shop unit not in accordance with approval.	Fascia signs erected similar to that which was granted consent and considered to be a minor breach. Additional sign erected on side elevation does not affect amenity due to its limited visibility. It is considered that the breaches are minor and it is not expedient to take enforcement action. Breach noted for future property searches.
35 Fraser Place Unit 1 (Crest Glazing Ltd)	8	Industrial unit extended without planning consent.	Retrospective planning application (Ref P120163) submitted February 2012 and approved March 2012. Resolved.
17-21 Market Street Rox Hotel	8	Erection of CCTV cameras on frontage of Cat B listed building in conservation area.	No requirement for planning permission. No further action required.
119 Spital Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	Letter sent to householder advising of requirement for planning permission. Dish has now been removed from the front wall of the building. Resolved.
54 Spital Old Aberdeen	8	Erection of satellite dish on front elevation in conservation area.	Letter sent to householder advising of requirement for planning permission. Dish relocated to less prominent location. Resolved.
17 Gallowgate	8	Erection of illuminated lettering to facade.	Retrospective application for signs (P120755) submitted May 2012 and approved July 2012. Resolved.
35 Dalmaik Crescent Peterculter	9	Excavation works associated with formation of driveway carried out without planning permission.	Owner contacted & asked to submit planning application seeking retrospective consent for works carried out. Application seeking consent for driveway lodged March 2012 (Ref.120561) Approved unconditionally through delegated powers June 2012. Resolved.
51 Craigiebuckler Terrace	10	Unauthorised building works & alterations carried out to existing house extension/garage roof without consent.	Letter sent to property owner(s) April 2012 seeking clarification of works being carried out. Sketch plans lodged by Agent on behalf of owners April 2012 confirm that formal planning consent is required for proposed alterations. Formal planning application requested & lodged June 2012 approved unconditionally August 2012. Resolved.

161-163 Queens Road (McColl's Shop)	10	Unauthorised fascia sign & signboards	Formal request issued to shop owners March 2011 asking for an application to be submitted seeking the required retrospective permission for the fascia sign and for the majority of the signboards currently displayed on the front elevation of the shop to be removed. Application submitted by shop owners May 2011 (Ref.110601) refused June 2011. Advert Enforcement Notice asking for unauthorised signboards to be removed served March 2012. Notice fully complied with April 2012. Resolved.
137 Gairn Terrace	12	Height & size of new extension to rear of property not as approved. (Ref. P110328)	Site inspection established that finished size & height of new extension near mutual boundary does not accord with the approved plans. Property owner formally asked [March 2012] to submit a new planning application. New application lodged May 2012 (Ref.120726) approved unconditionally August 2012. Resolved.
11 Marine Terrace Ferryhill	12	Various works carried out to Cat. (B) Listed Building property in Conservation Area without formal consent.	Site visit confirmed installation of unauthorised windows doors to rear of property. Agreement reached with agent acting on behalf of owner re. type/design of replacement windows & doors thought to be acceptable to resolve planning breach. Formal application seeking required consent for agreed type/design of windows & doors now lodged April 2012 (Ref. P120503) approved unconditionally June 2012. Resolved.
Hareness Road [Altens Lorry Park]	13	Unauthorised large building/store erected to south side of lorry park without planning consent	Site owner contacted March 2012 and asked to submit a formal planning application seeking retrospective planning consent for the new structure/store. Formal planning application submitted May 2012 and approved by DM Sub-Committee July 2012. Resolved.

<p>1 Clerk Maxwell Crescent Kincorth</p>	<p>13</p>	<p>Rear garden extended to encroach onto adjacent public amenity land.</p>	<p>Application by owners seeking to purchase additional area of Council owned land in September 2010 refused. Several formal requests issued by Asset Management Section & the City Solicitor for the owners to remove from the encroached land and reinstate fence to the original boundary line eventually complied with. Resolved.</p>
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Outstanding Cases From Previous Report - July 2012

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Lawson Drive Dyce (Caledonian Logistics)	1	Lack of provision of landscaping to development.	Breach of condition notice served February 2012 requiring implementation of approved landscaping scheme. (Refs. A1/1173, A2/0500 & A2/0501). Notice requires to be complied with by 31st December 2012.
Lawson Drive Dyce (Caledonian Logistics)	1	(i) Lack of provision of car parking within the application site. (ii) Occupant of unit operating outwith hours as set out by condition attached to planning permissions.	Breach of condition notice served February 2012 requiring implementation of approved car parking scheme and to cease all service deliveries/uptime to and from the premises outwith the hours set out by the condition attached to the planning permission. (Refs. A1/1173, A2/0500 & A2/0501). Conditions continue to be breached. Legal advice to be sought to progress matter.
Wynford Kingswells	1	Works taking place to extend car park for farm shop/café & playbarn (P090706).	Retrospective planning application (P120696) submitted May 2012 and awaiting determination.
6 Hopetoun Terrace Bucksburn	1	Extension to rear of garage, erection of decking and erection of fence.	Garage extension and fence deemed to be permitted development. Part of decking area built over split level garden is more than 500mm above ground level and requires planning permission. Decking has been cut back and planning application has been submitted for extension to house (P120980) which included decked area.
5 Cottown of Balgownie	2	Erection of solar panels on roof of Category B listed building.	No response to letters sent to householder. No response to letters sent to householders. A section 33A Notice requiring the submission of a planning application to be sent to householders.
Howes Road (Enermech Ltd) Bucksburn	3	Erection of security fencing and gates.	New planning application for altered fencing submitted (P120667) May 2012 and awaiting determination.

37 Albert Street	7	Unauthorised works & boundary wall removed from front garden area of property in conservation area without consent.	Property owner/agent asked & agreed to submit a formal planning application seeking retrospective consent for works carried out. Application seeking retrospective consent registered March 2012. (Ref.120412) Amendments to the application proposals currently being negotiated, however, formal enforcement action may be initiated if amendments to the application proposals cannot be agreed with applicant.
27 Cadenhead Road Ashgrove	7	Formation of driveway and erection of walls at flatted property	Retrospective planning application (P120652) submitted May 2012 and awaiting determination.
182-184 King Street City Centre	8	New advertisements and alterations to frontage.	Planning application submitted in June 2008 (A8/1093), and approved. No action by applicant to alter frontage to comply with revised approval. Formal enforcement action required if applicant does not resolve matter.
21-23 Market Street City Centre	8	Various lighting fixtures/alterations to frontage of building.	Enforcement notices for unauthorised fixtures served June 2010, but not fully complied with. Applications for installation of external light fittings submitted July 2010 & March 2011 (P101218, P101219 & P110352) have been refused. Agent advised of suitable alterations to lights. Owner has declined to implement this. Update of case has been reported to Development Management Sub Committee on 23rd August 2012.
39 King's Crescent	8	Alteration to wall adjacent to southern boundary and erection of new front entrance gates, erection of decking and alteration to ground at rear of house.	Planning application (P101949) for wall refused consent February 2011. Enforcement action to be considered. Planning application (P120205) submitted February 2012 for gate and altered entrance approved April 2012. Planning application (P120204) submitted April 2012 and awaiting determination.
33 Kings Crescent (Ground Floor/Right (North)) Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	No response to letters sent to householder. Considering serving a section 33A Notice requiring the submission of a planning application.
35 Kings Crescent (1st Floor/Left (South)) Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	No response to letters sent to householders. A section 33A Notice requiring the submission of a planning application to be sent to householders.

23 Spital (1st Floor/Right (North)) Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	No response to letters sent to householders. A section 33A Notice requiring the submission of a planning application to be sent to householders.
57 Spital Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	No response to letters sent to householders. A section 33A Notice requiring the submission of a planning application to be sent to householders.
69 Spital Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	No response to letters sent to householders. A section 33A Notice requiring the submission of a planning application to be sent to householders.
15 Hillhead Terrace (Top Floor) Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	No response to letters sent to householders. A section 33A Notice requiring the submission of a planning application to be sent to householders.
13 Hadden Street (Market Arms)	8	Unauthorised hoarding fixed to windows of listed building.	Correspondence issued asking owners to remove boarding from windows. Information received indicates that renovation work to property was due to start earlier this year, however, no action to date. Situation currently being monitored.
21 Market Street	8	Erection of 2no illuminated projecting signs.	Applications for new signs submitted (P120727) refused September 2012. Legal have been instructed to initiate formal enforcement action.
North Deeside Road Milltimber [Milltimber Equestrian Centre]	9	Unauthorised dumping of building related waste materials and importation of large quantities of soil on farmland adjacent to flood plain.	Formal notice issued on landowner by SEPA requesting removal of unauthorised building waste materials from land complied with. Following several onsite meetings, letter issued to owner September 2011 advising that formal planning consent would require to be sought prior to conducting additional ground excavation works or any further soil importation. Site monitoring to be continued meantime.
Tillyoch Farm Peterculter [Aberdeen Pet Resort]	9	Unauthorised boundary fencing, floodlighting of main arena & CCTV camera at site entrance.	Sections of boundary fencing erected not subject to planning permission. CCTV has been modified to prevent it overlooking onto adjacent public land and the floodlight units around the main arena have been altered to meet recommended lighting specs. Site will continue to be monitored over the next few months.

103-105 Bon Accord Street.	12	Various unauthorised works and unauthorised signage.	Owner(s) asked to submit formal applications with revised proposals in accordance with Planning Authority guidelines. Application lodged December 2010 (Ref. 110048) for car parking/garden alterations approved conditionally April 2011, however, other applications lodged in December 2010 & January 2011 (Refs. 110049, 110191, 110215) for alterations to property were refused. Advertisement Enforcement Notice served November 2011, however, complications re. ownership of property have since arisen. City Solicitor to be asked to serve a Breach of Condition Notice and additional Section 272 or Planning Contravention Notices to establish ownership and those with an interest in the property.
429 Union Street [Istanbul Take Away]	12	Erection of unauthorised fascia sign.	Advertisement Enforcement Notice served November 2011 asking for removal of unauthorised fascia sign by mid December 2011. Notice yet to be complied with. City Solicitor has been consulted on resolving the issue through direct action and costs for carrying out the required works currently being sourced.

ABERDEEN CITY COUNCIL

COMMITTEE	Development Management Sub-Committee
DATE	6 December 2012
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Hopecroft Planning Brief
REPORT NUMBER	EPI/12/279

1 PURPOSE OF REPORT

- 1.1 This report outlines the Hopecroft Planning Brief, prepared as a framework for the future development of land identified in the Aberdeen Local Development Plan (ALDP) as Opportunity Site OP20.
- 1.2 The Hopecroft Planning Brief is appended to this Committee Report and can also be viewed by accessing the following link:

www.aberdeencity.gov.uk/masterplanning

2 RECOMMENDATION(S)

- 2.1 It is recommended that the Committee:
 - (a) Approve the Hopecroft Planning Brief as interim planning advice; and
 - (b) Agree for officers to implement the process to ratify the Planning Brief as Supplementary Guidance. This will include a 4 week public consultation with results reported to Committee prior to submission to Scottish Government.

2.2 Definitions

'Interim Planning Advice' – this specifies that the Development Framework is in the public domain and available for the purposes of a formal City-wide consultation. As such it becomes a material consideration in the determination of any planning application. The duration of consultation will typically be 4 weeks, given that public engagement has taken place throughout the preparation of the Framework. This allows responses to be collated and reported back in the next Committee cycle.

'Supplementary Guidance' (SG) – this is adopted and issued by a planning authority in connection with a Local Development Plan, as a result any such guidance will form part of the Development Plan. Before adoption, the SG must be publicised and a period for representations to be made specified, this includes the targeting of key consultees and stakeholders who may want the opportunity to comment. Following the specified consultation period and as a result of comments received, relevant changes will be made to the final document before reporting back to Committee and subsequent submission to Scottish Ministers. After 28 days have elapsed, the authority may then adopt the guidance unless Scottish Ministers have directed otherwise.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report out with 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 framework and opportunities for development.
- 4.3 Approving the Planning Brief will contribute to efficiencies in determining future planning applications.
- 4.4 In accordance with the Aberdeen Local Development Plan: Action Programme and the Infrastructure and Developer Contributions Manual, the Planning Brief references how the development will seek to address requirements for cumulative and local transport infrastructure; public transport along with walking and cycling, and education.
- 4.5 A Strategic Environmental Assessment (SEA): Screening Report has been undertaken on the Hopcroft site. This report concluded that an SEA is not required because the Plan is unlikely to have significant environmental effects. The SEA Screening Report and a copy of the draft Hopcroft Planning Brief is currently out for consultation with the 3 key statutory agencies, with responses to be returned by 13 December 2012.

5 BACKGROUND / MAIN ISSUES

- 5.1 The Hopecroft Planning Brief has been produced by Optimised Environments Ltd. (OPEN) on behalf of Persimmon Homes and the Rowett Research Institute.
- 5.2 An application for Detailed Planning Permission is expected to be submitted by Persimmon Homes / Rowett Research Institute following the adoption of this Planning Brief. The principles established within the Planning Brief have informed the emerging proposals.

Site Description

- 5.3 The Hopecroft site is located to the north west of Aberdeen in the residential neighbourhood of Bucksburn. The site covers approximately 3.3 hectares and is bounded by Hopetoun Grange to the south and by the A96 (T) (Inverurie Road) to the north. The back gardens of existing housing on Hopecroft Avenue are located to the east and a line of mature trees along a track called 'Lovers Lane' forms the western boundary. The site slopes gently down from south to north and is currently in agricultural use.

Policy Summary

- 5.4 The Hopecroft site is identified in the Aberdeen Local Development Plan (2012) as Opportunity Site (OP20) for the development of housing (30 homes) near to an area where employment uses predominate. The site allocation has been brought forward from the Aberdeen Local Plan 2008. The Reporters Report on the previous plan highlighted two key site constraints which needed to be addressed, (1) existing trees and (2) the airport noise contour boundary.

Content of Planning Brief

- 5.5 The Brief has been developed in order to define a framework for future development on the Hopecroft site which is appropriate and responsive. Key development and design principles are set out along with two-dimensional illustrations of the indicative layout parameters.
- 5.6 The Brief also highlights opportunities, constraints and solutions, provides a planning policy assessment and details key surveys which are required to be undertaken as part of a planning application.

Layout, Design and Density

- 5.7 The Brief for Hopecroft highlights the need for a new residential development which is in keeping with the surrounding neighbourhood in terms of density and housing mix, whilst respecting existing landscape elements.

- 5.8 The Brief considers existing development surrounding the site and suggests that a range of detached family homes at a density between 20-35 units/hectare is appropriate.
- 5.9 A 15 metre “stand off” distance has been applied to the layout which is required between buildings and trees. In addition, the development principles diagram (Section 6.) maps the airport noise contour for the 57dB limit whereby no development can occur, in accordance with ALDP Policy H8. Through site masterplanning and analysis during the production of this Brief, the 2 key site constraints have been addressed. As a result the overall capacity of the Hopecroft (OP20) site is now closer to delivering 65 units.
- 5.10 Connectivity and accessibility are key parts of the Brief, with the emphasis on pedestrian and cycle movement, the use of shared surfaces and principles contained in ‘Designing Streets’ policy.

Public Consultation

- 5.11 Throughout the design process for Hopecroft, public consultation on both the Planning Brief and a Proposal of Application Notice (PAN) have been run in tandem to avoid duplication and confusion.
- 5.12 The Planning Brief for Hopecroft has evolved through input from the local community. Two community consultation events took place during the design process (as detailed below) and in addition there was the ability to comment on the Hopecroft (OP20) site throughout production of the Aberdeen Local Development Plan (2012). In addition, the respective Community Council in the area has been given an advance copy of the draft Planning Brief prior to the Committee meeting.

Public consultation event – the Beacon Centre, Bucksburn (17 October 2012).

Public consultation feedback event – the Beacon Centre, Bucksburn (20 November 2012).

- 5.13 The main issues arising from consultation so far and the design teams response are outlined below:

Comment / Concern	Response
Retention of existing trees	A Tree Survey has been commissioned and the intention is to retain trees wherever possible.
Frontage to Hopetoun Grange and potential loss of trees	As above, and this survey will inform the detailed proposals with regard to any tree works or removal.
Opposition to potential vehicular link to Hopetoun Drive	The potential for a link will be explored during the detailed planning application and a resolution reached

	with regard to feasibility and land ownership. There maintains a desire for a pedestrian/cycle connection as a minimum.
Aircraft noise	The development principles diagram shows the 57dB contour whereby no development can occur in order to create an appropriate level of residential amenity and comply with Policy H8 of the ALDP (2012).
Security issues around eastern boundary	Development along this edge is proposed to be 'back to back' gardens; therefore security should not be an issue.
Maintenance of 'Lover's Lane' pedestrian link	This link is maintained as a key pedestrian route with the Planning Brief.

5.14 Full details of the comments received and the responses can be found on Pages 24-27 of the Hopecroft Planning Brief.

5.15 Pending approval of the Hopecroft Planning Brief as 'interim planning advice' by the Council's Development Management Sub Committee, the Planning Brief will be subject to a 4 week statutory consultation. The following list highlights the key parties that will be consulted:

Bucksburn & Newhills Community Council	Scottish Natural Heritage
Aberdeen Airport	Historic Scotland
Aberdeen City and Shire Strategic Planning Authority	Scottish Enterprise Grampian
Aberdeenshire Council	Transport Scotland
Forestry Commission Scotland	NHS Grampian
Scottish Water	NESTRANS
SEPA	Planning Gain

5.16 The results of the statutory consultation will be reported back to the Development Management Sub Committee, including any recommended amendments to the Brief. Following this, the Brief will be sent to Scottish Government for ratification as Supplementary Guidance to the Aberdeen Local Development Plan (2012).

5.17 It is important to note that engagement will continue throughout the planning application process.

6 IMPACT

6.1 The proposal contributes to the Single Outcome Priorities: 10. We live in well-designed, sustainable places where we are able to access the amenities and services we need; and, 12 – We value and enjoy our



built and natural environment and protect and enhance it for future generations.

- 6.2 The proposal contributes to the 5 Year Business Plan in terms of objective – Communication and Community Engagement; sharing our plans and aspirations for the city; and, facilitating new development projects to improve Aberdeen’s living environment.
- 6.3 The proposal contributes towards the Aberdeen City Council Administrations vision for Aberdeen: 2012 – 2017, particularly creating a City which is a great place to live and bring up a family.
- 6.4 The proposal is consistent with the Council’s Corporate Plan in particular with regard to 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 Service Plan, in particular engaging the community in the planning process, and the delivery of plans/briefs in line with Aberdeen Masterplanning Process.

7 BACKGROUND PAPERS

- 7.1 The Hopcroft Planning Brief (November 2012) is appended to this Report and can be viewed by accessing the following link:
www.aberdeencity.gov.uk/masterplanning
- 7.2 Aberdeen Local Development Plan (2012)
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=42278&slID=9484>
- 7.3 Aberdeen Masterplanning Process 2008 (article 22, Planning Committee Minute, 6/11/08)
http://www.aberdeencity.gov.uk/Planning/pla/pla_planningbriefs.asp
- 7.4 Aberdeen Masterplanning Process Report (Agenda item 1.1 , Enterprise, Planning & Infrastructure Committee, 6/11/12)
<http://committees.aberdeencity.gov.uk/mgConvert2PDF.aspx?ID=22686>

8 REPORT AUTHOR DETAILS

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OP 20: Hopecroft Planning Brief

Hopetoun Grange, Aberdeen

Client: Persimmon Homes

Document No: 120478 PlanningBrief01

Date: 26th November 2012



Project: Hopetoun Grange
Document: Planning Brief
Document Number: 120478-PlanningBrief 01

Issue	Revision	By	Approved	Date
First issue	-	CDG	PMac	26/11/12

This Planning Brief for Hopecroft, Bucksburn has been developed in order to define a framework for future development on the site which is appropriate and responsive.

Key development and design principles are set out along with two-dimensional illustrations of the indicative layout parameters.



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1. Introduction

This planning brief has been prepared by Optimised Environments (OPEN) for Persimmon Homes (East Scotland) to provide the context and principles for the residential development of land north of Hopetoun Grange in accordance with the Aberdeen Local Development Plan 2012 (ALDP). An application for Detailed Planning Permission is expected to be submitted by Persimmon Homes/ Rowett Research Institute following the adoption of this Planning Brief and the principles established within this document have informed the emerging proposals.

The 3.3 hectare site is currently in agricultural use and lies within a residential area; the ALDP identifies the site for residential development. A number of supporting studies have been carried out to inform the preparation of this Planning Brief; these include a Transport Assessment, Tree Survey, Report on Road and Air Traffic Noise, Drainage Impact Assessment and Ecology Survey. These surveys will be submitted with the Detailed Planning Permission application.

Public consultation

Two public events have been organised by Persimmon Homes in order to gather public comments and reactions to initial ideas and principles of development on the site. The results of these events are summarised later in this document and relevant responses and subsequent changes to the proposals by the developer are also noted. It should be noted that these consultation events are in addition to the statutory consultation process which will be followed during the Detailed Planning Application period.

2. Purpose and status of Planning Brief

The purpose of this document is to define a Planning framework for future development in order to help with the delivery of proposals which are appropriate and make best use of the site and its location. The brief clearly indicates the relevant requirements and expectations as set out in ACC Policy and Supplementary Guidance which will be taken into account during determination of development proposals. This includes principles of access, connectivity, open space provision and integration of existing landscape elements for example. Additionally, the document also sets out principles for massing and layout which respond to both the context of the site and the existing sloping topography in order to ensure that the visual impact is considered from the outset in detailed proposals. The document will be progressed to form Supplementary Guidance to the ALDP (2012).

3. Site description

3.1 Site location

The proposed site is adjacent to the community of Bucksburn and is located around 7km to the north-west of Aberdeen City centre. The site covers approximately 3.3 hectares and is bounded to the south by Hopetoun Grange and to the north by the A96(T) (Inverurie Road). The back gardens of existing housing on Hopcroft Avenue are located to the east and a line of mature trees along a track known as 'Lovers Lane' forms the boundary to the west. The site slopes gently down from south to north and is currently in agricultural use. Aberdeen Airport is located to the north of the site. (See Figures 1 and 2).

Site ownership

The land is currently owned by The Rowett Research Institute and under offer to Persimmon Homes Limited subject to various standard contractual obligations being discharged.

Local facilities

The site is approximately around 300m from the local shops at Sclettie Park and around 700m from Bucksburn Swimming Pool/ Beacon Centre sports facility.



fig. 1: Site location plan.

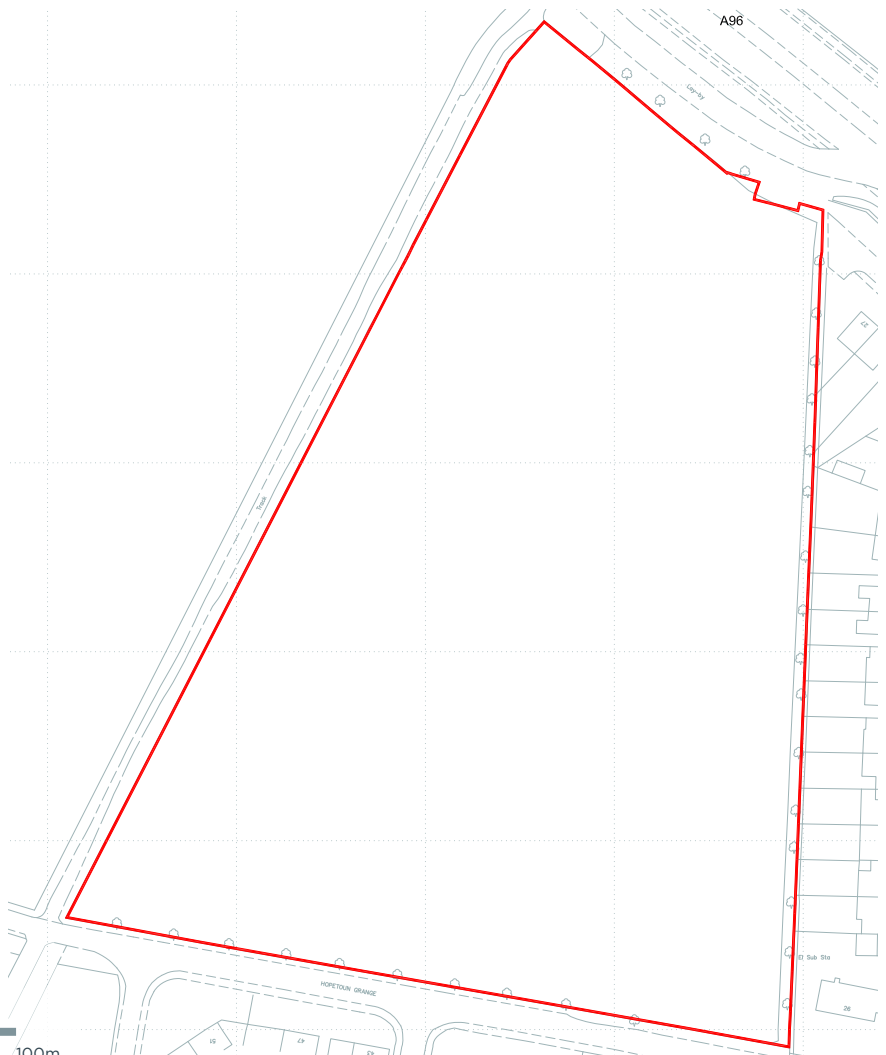


fig. 2: Site boundary on Ordnance Survey plan



fig. 3: VP. 1 Site panorama from south-west corner showing views to Grandholm and beyond



fig. 5: VP. 2 Poor condition of trees on Hopetoun Grange



fig. 4: VP. 3 View along Hopetoun Grange to east
Hopcroft: Planning Brief

3.2 Site photos

The photos opposite and below illustrate the existing site character and condition.

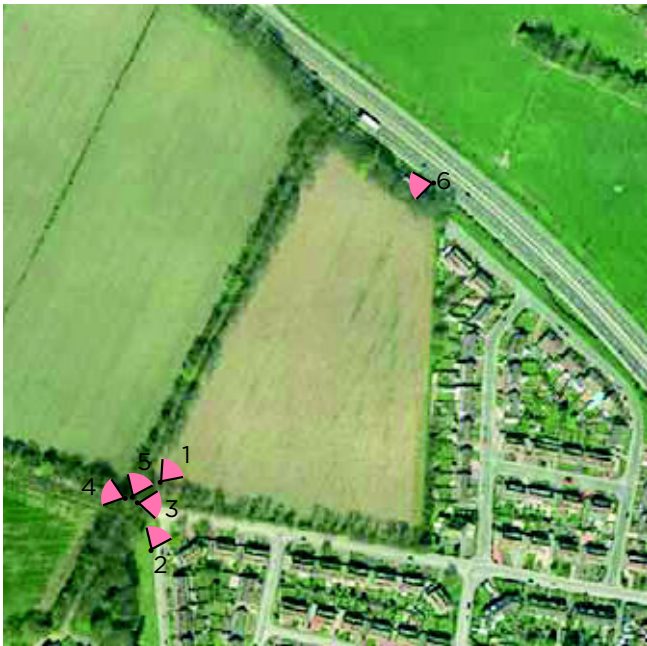


fig. 9: Plan showing viewpoint locations

3.3 Surveys

The following surveys and reports are underway or have been completed which have informed the emerging proposals and address some of the questions raised at initial public consultation, however these have not been assessed or agreed by ACC officers and will form part of the future planning application

- Report on Road and Air Traffic Noise (Charlie Fleming Associates)
- Tree report (Donald Rodger Associates)
- Ecology report (EnviroCentre Ltd)
- Transport Impact Assessment (TIA)
- Drainage Impact Assessment (DIA)
- Archaeology
- Site Investigation
- Topographic survey
- Bat Roost Potential (BRP)



fig. 7: VP. 4 Mature tree avenue to west



fig. 8: VP. 5 Lovers Lane



fig. 6: VP. 6 View from north-west looking along mature trees at western boundary

4. Planning policy background

4.1 Structure plan

The relevant development plans are the Aberdeen City and Shire Structure Plan (2009) and the Aberdeen Local Development Plan (ALDP)(2012). The Structure Plan states a preference for development on brownfield sites, however recognises that the expected scale of growth will mean that a significant proportion of new development will need to take place on greenfield sites. In order to make the best and most efficient use of such sites, a target for development is set to generally have no less than 30 dwellings per hectare. An emphasis is placed on reducing travel distances and making walking, cycling and public transport more attractive to people. The requirement for new communities to have a range and mix of types, sizes and tenures of homes is noted along with the need to provide affordable housing. It is the intention of the Strategic Development Plan Authority to consult on their Proposed Strategic Development Plan early next year.

4.2 Aberdeen Local Development Plan (ALDP)

The land to the north of Hopetoun Grange has been identified as an opportunity for housing since the Finalised Aberdeen Local Plan “Green Spaces – New Places” in 2004 and has since been carried forward to the current Aberdeen Local Development Plan (ALDP) which was adopted in February 2012.

The Reporters Report on the 2008 Local Plan originally set the allocation for 30 units based on constraints relating to noise and existing mature trees. The Report states that “the BAA noise contour map...shows the dB 60 contour just touching the north-east corner of the site” and combined with “the essential need to keep development well clear of existing trees and clear of the future full spread of roots and canopies of new trees that should be planted to maintain landscape continuity, mean that the capacity of the field [ie. OP20 Hopecroft] would most likely be no more than 30 dwellings”. Part of

the purpose of this Planning Brief is to address these specific concerns and give clarity to the actual extent of these two constraints which were not explicitly illustrated within the Reporters Report.

The ALDP identifies the site as “OP20 Hopecroft” and promotes it as “an opportunity to provide housing (30 homes) near to an area where employment uses predominate.” The allocation recognises the advantages of the existing residential areas surrounding the site and addresses the need for family housing in the Bucksburn area.

4.2.1 Constraints: Existing Trees, Noise

Initial discussions with ACC have been held to discuss the potential of increasing the allocation from 30 homes by addressing the concerns previously raised relating to existing landscape elements and noise issues. These have been addressed through a Tree Report and a Report on Road and Air Traffic Noise. The tree report along with a stand-off zone to identify areas excluded from development has helped clarify constraints relating to existing trees. Similarly, the Noise report quantifies the level of road and air traffic noise affecting the site and determines the resulting significance in order to clarify the area limited due to acoustic issues. ALDP Policy H8 “Housing and Aberdeen Airport”, states that “Applications for residential development under or in the vicinity of aircraft flight paths, where the noise levels are in excess of 57dB LAeq (using the summer 16- hour dB LAeq measurement) will be refused, due to the inability to create an appropriate level of residential amenity, and to safeguard the future operation of Aberdeen Airport”. Due to the coarse grained nature of the mapping available which identifies the Aberdeen Airport 57dB Leq Noise Contour, an approximate limit for development can be identified. These constraints of noise and existing trees are illustrated on the Development Principles diagram and together with an understanding of area requirements for SUDS and open space, a revised capacity of around 65 units has been proposed for

The Aberdeen Local Development Plan

City Wide Proposals Map

Scale 1:22,500

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
City Boundary

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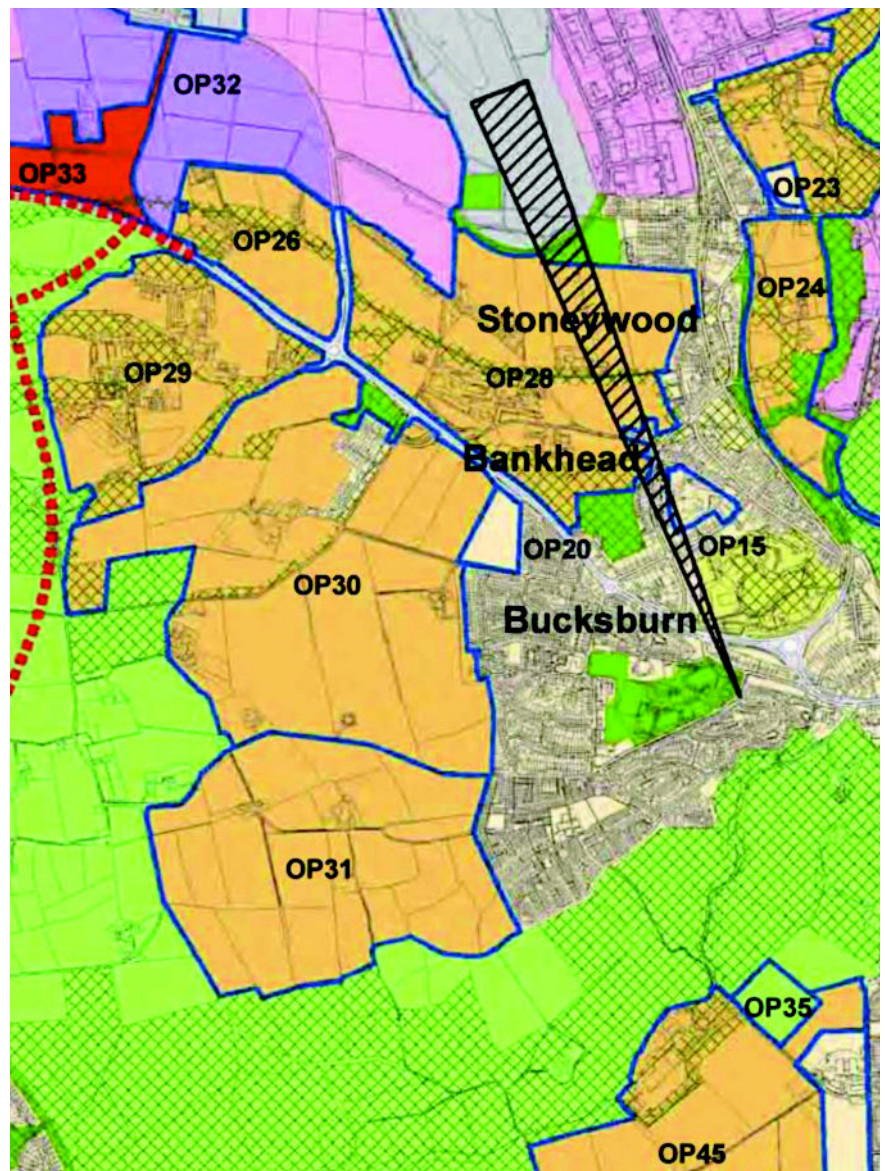


fig. 10: Extract from ALDP (2012), showing OP20 and neighbouring development sites

the net available land. This would be more in keeping with the surrounding residential areas and would be consistent with the minimum residential density set by the Structure Plan of 30 homes per hectare for all developments over one hectare. This density is proposed in order to achieve an appropriate level of population and therefore support place-making.

4.2.2 Neighbouring Development Sites

A number of development sites sit adjacent to OP20 and are subject to one or two overarching Development Frameworks:

- OP26 Craibstone North and Walton Farm
- OP28 Rowett North
- OP29 Craibstone South
- OP30 Rowett South
- OP31 Greenferms Landward

Described as “Newhills Expansion area”, the ALDP (2012) requires a combined Masterplan be prepared for Sites OP26 and OP28 (north of A96(T)) and a combined Masterplan for OP29, OP30 and OP31 (south of A96(T)). These Masterplans may be split into phases/land parcels as appropriate however clear linkages and a holistic approach must be demonstrated, particularly in terms of transportation and connectivity.

Whilst OP20 Hopecroft is not part of this formal process, this Planning Brief makes allowances for key principles such as connectivity and linkages between the site and the adjacent plots.

4.3 Relevant Supplementary Guidance

The subsequent detailed planning application must take into account relevant policy and guidance with specific emphasis on the following supplementary guidance documents:

- Delivering Identified Projects through a Strategic Transport Fund: Supplementary Planning Guidance (March 2012)
- Affordable Housing Supplementary Guidance (SG) (March 2012)
- Low and Zero Carbon Buildings SG (March 2012)
- Transport and Accessibility SG (March 2012)
- Waste Management Requirements in New Developments SG (March 2012)
- Infrastructure and Developer Contributions Manual SG (May 2012)

The specific guidance which has informed and shaped this planning brief includes The Aberdeen Masterplanning Process: A Guide for Developers, which has been followed by Persimmon and their team to respond to four key issues for ACC: Context, Identity, Connection; and Communication and Engagement. The scope and approach of this Planning Brief has been designed to address each of these issues in turn and show that there is an understanding of each which has informed the outline proposals and design principles.

The Open Space Supplementary Guidance, March 2012 which has been used to ensure the required provision of new open space is shown in the principles diagram, and the Trees and Woodland Supplementary Guidance, March 2012 which suggests that consideration be given to the retention of existing trees through the masterplanning process and how new areas of tree planting can link to existing tree cover.

5. Analysis

5.1 Surrounding density, character, use

The existing housing immediately surrounding the site comprises low rise residential development of around 1-2 storeys. Homes are generally semi-detached and terraced and are late 1960s construction. The adjacent diagrams illustrate the typical ranges of residential density in the areas surrounding the proposed Hopetoun Grange site. They demonstrate that utilising detached, semi-detached and terraced house types, existing density ranges from around 23 units/hectare up to around 36 units/hectares.

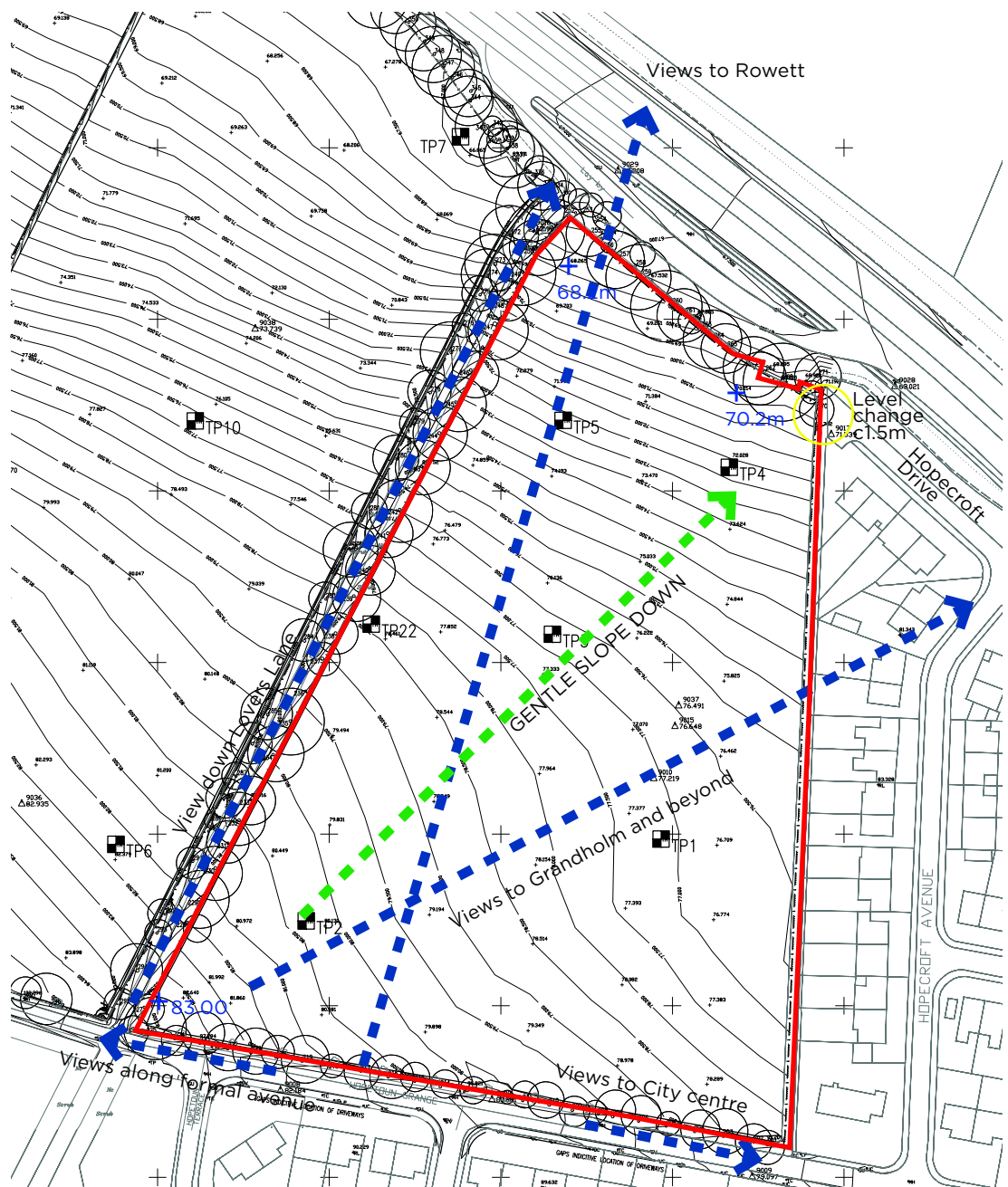


fig. 11: Density study of surrounding context

5.2 Topography and views

The site slopes down from a high point at the south-west to a low point at the north. The highest point is approximately 83m AOD (Above Ordnance Datum) and the lowest point is around 68m AOD. There is a significant level change at the north-east corner between the site and the existing levels of Hopcroft Drive where the site sits around 1.5m-2m below adjacent land. Less significant local changes can be observed along the southern boundary with Hopetoun Grange, although these may be simply due to the presence of collapsed dry stone dykes.

Relatively expansive views are most apparent from the upper portions of the site from Hopetoun Grange across the site to the A96(T) and Rowett land. More directed views are available in both directions along Hopetoun Grange and are quite specific to the site due to the presence of existing mature trees.



Scale 1:2000 @ A4



fig. 12: Topographic survey

5.3 Access/connectivity

The diagram below shows the key existing access and connectivity resources that are relevant to the site.

5.3.1 Pedestrian

Core Paths 38 and 9 run along the A96(T) (Inverurie Road) which is adjacent to the north of the site. Aspirational Core Path AP2 runs along Kepplehills Road around 650m to the south of the site. The track known as Lovers Lane on the western boundary is also well used for pedestrian movements and is recognised on the Scottish Paths Record. It has not been assigned a status as a public right of way, however this does not confirm that it is not one either. There are footpaths throughout the adjacent residential neighbourhood which allow routes to be followed into Bucksburn and further afield.

5.3.2 Cycle

The Aberdeen Cycle Map shows a recommended route to the east of the site which is easily accessed along Hopetoun Grange.

5.3.3 Public transport/bus

First Bus routes 17 and 18 pass through the Sclattie Park roundabout which is within 300m of the eastern

end of the site. These services are generally every 20 minutes. Several Stagecoach services also run along the A96(T) and stop at the Bankhead bus stop which is within 300m of the north-western boundary of the site. Stagecoach's 10, 10A, 10B, X10 routes stop at Bucksburn Police Station and are on an approximately hourly service. The Stagecoach 37/37A Inverurie Connect services (previously 307) also follows this route and during peak hours provides around 3 services per hour. A 20 minute Stagecoach service between the City centre and Aberdeen Airport operates every 20 minutes. The A96(T) does act as a barrier to reaching the east-bound services as safe crossing points are restricted to the pedestrian crossing point situated at Sclattie Park roundabout.

5.3.4 Existing street network

The surrounding street network is highly permeable and subject to a 20mph speed limit. Frontage access is consistent along the length of Hopetoun Grange and other streets immediately nearby. There are few cul-de-sacs within the area although Hopcroft Drive ends in a short section with a single point of entry and egress.



fig. 13: Access and connectivity

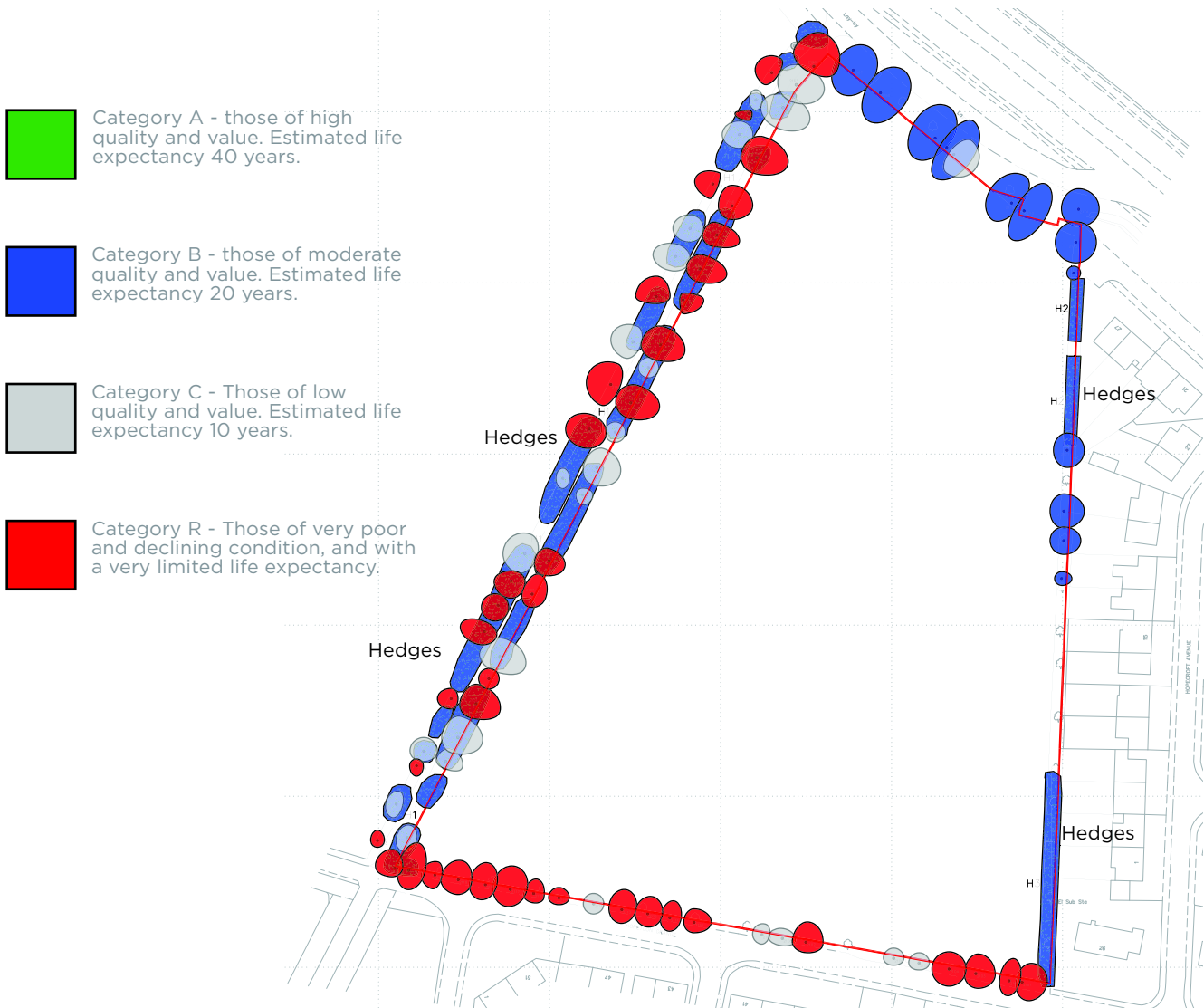
5.4 Existing trees/landscape elements

Tree Protection Order 19: Hopetoun Grange/Inverurie Road/Forrit Brae, Bucksburn is in place which covers many of the trees on, or immediately outwith the boundary of the site, therefore no tree work can be carried out without the express, prior permission of the planning authority on trees within this area.

A Tree Survey has been completed by Donald Rodger Associates Arboricultural Consultants to record the condition of existing trees and inform the evolving proposals. The Survey is subject to approval from ACC's Arboricultural Planner as part of the detailed planning application, including specifics of any tree works or removal. The survey records in detail the nature, extent and condition of the existing tree, hedge and woodland cover within the defined

site boundary, and on land immediately adjoining. It provides a comprehensive and detailed pre-development inventory carried out in line with British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations'. Initial comments and recommendations are also provided regarding tree management and trees in relation to development.

In summary, the report has found that the majority of the beech tree population along Hopetoun Grange and Lovers Lane are in "very poor and declining condition, and with a very limited life expectancy." Such trees are likely to require to be removed in the next 10 to 20 years as they decline further or have to be removed for safety reasons. The development of the site is therefore viewed as a timely opportunity to manage the ageing trees and commence a replacement planting programme.



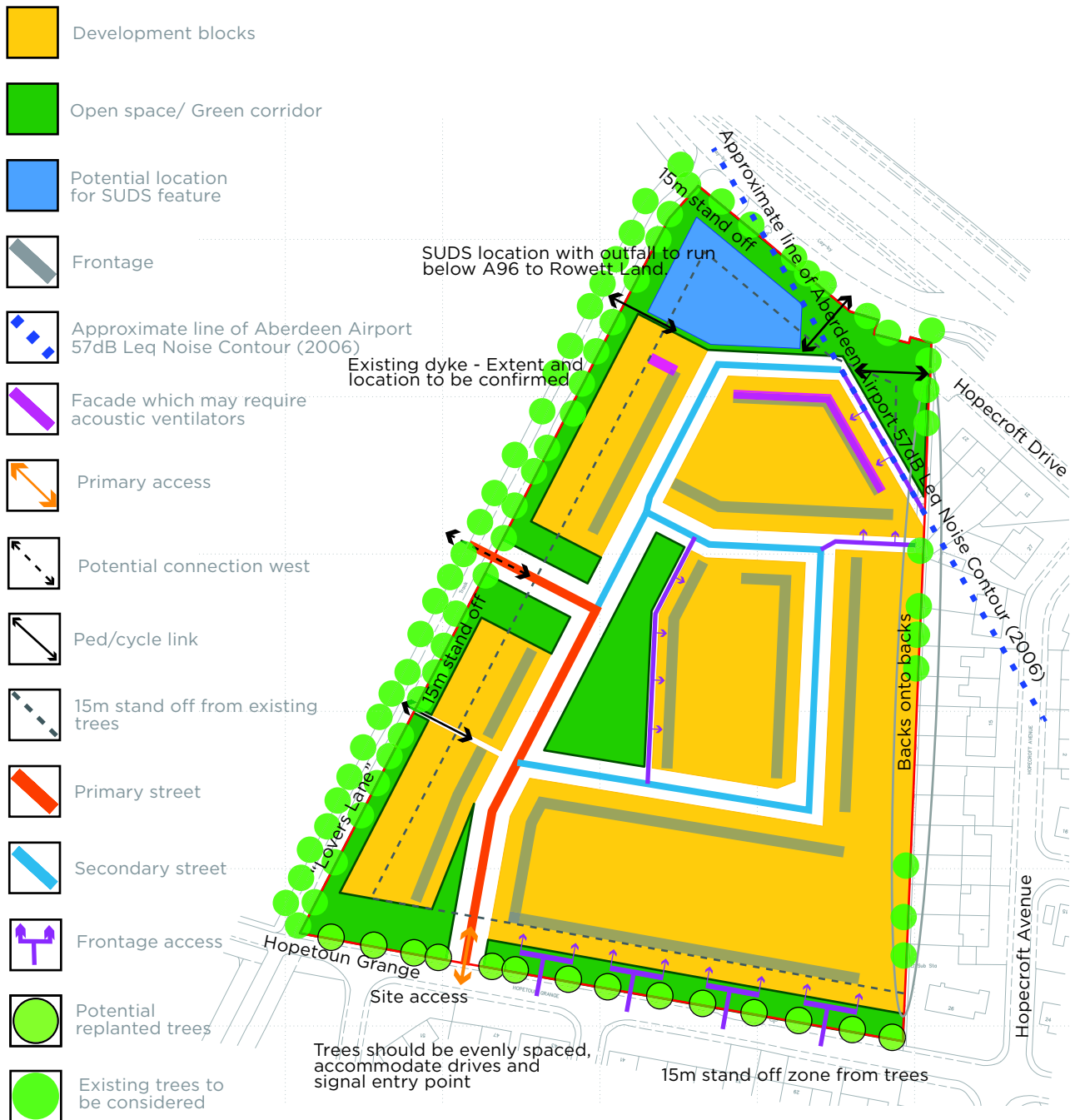
Scale 1:2000 @ A4
 0m 20m 40m 60m 80m 100m
 fig. 14: Tree condition survey Scale 1:2000

6. Development principles diagram

The diagram below illustrates the key principles for development which have been set out in the previous sections. They show:

- Key access points and connections;
- Indicative street location;
- Open space;

- Potential SUDS location;
- Boundary considerations; and
- Frontages.



Scale 1:2000 @ A4



fig. 15: Development principles diagram

7. Development principles

7.1 Vision

The Hopecroft site has a great potential for providing a new residential development which is in keeping with the surrounding neighbourhood in terms of density and housing mix whilst respecting existing landscape elements.

7.2 Design principles

The design principles set out here have been developed with reference to Scottish Government's Designing Places policy and ALDP Policies D1 and D2 which set out policy for high quality design and placemaking. Policy D1 - Architecture and Placemaking specifically requires new development to carefully consider its context and make a positive contribution to its setting. This has been addressed through setting design principles relating to achieving an appropriate urban response in terms of scale and massing. Policy D2 - Design and Amenity should be carefully considered during development of the Detail Planning Application process to ensure that high standards relating to privacy, security and safety are achieved.

7.2.1 Delivering a high quality place

The development principles diagram illustrates a number of overall design principles such as:

- Ensuring an urban layout is created with public face to the street and a private face to an enclosed garden or court;
- Setting out a framework which responds to the existing site topography and surrounding street patterns to help integrate the new development into the neighbourhood;
- Positioning of open space at the intersection of key streets and with orientation which encourages use and activity;
- Protecting existing landscape elements where possible and appropriate and the highlighting the character of existing tree avenues and specific species as an opportunity for developing a clear identity;

- Integrating SUDS from the outset in order to prevent the required spaces being 'left-over' or failing to contribute to the overall landscape setting;
- Clearly defining public and private spaces; and
- Providing clear links and routes into and through the site which allow the easy movement of pedestrians and cyclists and connects people to existing public transport services;

These principles are set out in more detail below.

7.2.2 Density and mix

As set out in 5.1, the surrounding area has been shown to have densities in the range of 20-35 units/hectare. Given the proximity to the local centre of Bucksburn and the need to be compatible with the surrounding character of largely semi-detached houses, an average density of around 25-30 units/hectare appears to be appropriate, taking into account constraints of the airport noise and adequate stand-off areas from existing trees. This would ensure the site adheres to Structure Plan policy and also provides an appropriate urban character which is in keeping with the surroundings. The accommodation of existing landscape elements, adequate open space provision and paths is required to be considered in the context of this density whilst delivering a coherent development. The mix of the surrounding area suggests the scope for a range of detached family homes although consideration will need to be given to the provision of affordable housing which may be in the form of terraced or semi-detached homes.

7.2.3 Scale/massing

Surrounding dwellings are 1 and 2 storey; the site is suitable for similar heights with potential to go up to 2 1/2 storeys or 3 storeys at the north of the site. A taller built edge to the boundary at the A96(T) would have less of a visual impact due to its lower elevation and would offer potential for some noise mitigation to houses to the south by physically blocking noise from the A96(T). The development principles diagram

indicatively shows how housing should generally be laid-out along the slope to minimise visual impact and maximise south facing elevations, subject to detailed analysis as part of a planning application.

7.2.4 Carbon reduction & Sustainability

Layout, siting and design if considered at the outset, can minimise the energy demands for the development in use. Although the Hopecroft site is a north-facing slope, the design principles demonstrate the potential for a layout which creates a significant number of south-facing elevations with the subsequent potential for passive solar gain. Further guidance can be found in the ACC Supplementary Guidance “Low and Zero Carbon Buildings”

7.2.5 Trees

Any replacement tree planting along Hopetoun Grange should reflect the existing trees in the street in terms of the shape and form at maturity. This planting should also make use of appropriate root management systems to reduce future damage to road and pavement surfaces by surface roots. Such root management systems should also be employed for any proposed new tree planting internal to site along new roads and pavements.

Careful consideration should be given to the species and location of new tree planting internal to the site in terms of the aspect and topography of the site and the affect this might have on future shading and proximity to buildings.

Any future access road off to the west of the site should be sited so as to cause minimal impact on the trees lining Lovers Lane.

The retention of the hedging along the eastern boundary of the site is important to provide screening and sensitive boundary treatments.

7.2.6 Site boundary treatments

In order to ensure appropriate maintenance for the key boundaries along Hopetoun Grange, Lovers Lane and the A96(T), it is intended that green corridors along the north, south and west boundaries are factored into the development. This will ensure that existing mature trees and any replacement planting is adequately maintained and does not sit within private householders land. The development principles diagram shows the required 15m “stand-off” distance which is required between buildings and trees.

The eastern boundary which runs along the back gardens of existing houses on Hopecroft Avenue

should be incorporated within the rear gardens of the proposed houses along that boundary in order to avoid ongoing maintenance difficulties and potential security issues. Screen planting may be considered too in this location to separate the new development from the existing homes.

7.2.7 Public open space and landscape

A sense of place which demonstrates a specific character and identity can be created partly through the careful consideration of public open space and landscape treatments. As has been identified by the tree survey, although generally the existing tree stock is in poor condition, there is an opportunity for replanting of removed trees which will contribute to the natural heritage of the site and the amenity of the housing. The existing stone dykes on the site contribute to the identity and character of the area and consideration should be given to their retention or reuse of downtakings if they are to be demolished.

The development principles diagram identifies the preferred location for public open space associated with the key primary street through the development. This is oriented south and west to provide a pleasant outdoor space for residents and should incorporate public seating and a play area. The positioning of the open space is related to the proposed link through to further development for the west, as part of the evolving Newhills Expansion Area Development Framework. The indicative development blocks shown on the development principles diagram show how houses should face onto open space to utilise passive surveillance and therefore increase safety.

7.2.8 Frontage and gardens

In order to maintain an element of consistency across the site, consideration should be given to the treatment of frontages and garden boundaries which front onto key routes and public spaces. It may be appropriate to take pointers from existing landscape elements such as the dry stone dykes or beech hedging to suggest a common palette of walls and hedges which define the edges of public realm. In general, residential development should have a public face to the street and private face to enclosed gardens.

7.2.9 SUDS

Surface water from the development will be dealt with through a Sustainable Urban Drainage System (SUDS) and will follow best-practice principles. The development principles diagram identifies the likely best location for the main SUDS basin to the north-west of the site. The required features should be considered for their potential to contribute to the amenity of the housing area through improved open space and ecological diversity of the site, not just for functions relating to surface water.

Due to the absence of an appropriate outlet within the immediate site confines, the developer is currently progressing designs which will direct treated surface water below the A96(T) into an appropriate receiving water body within land to the north of the A96(T). Additionally, considerations relating to airport safeguarding measures which prohibit permanent open water or other features which might attract birds must be considered through the detailed design.

7.2.10 Noise

In accordance with ALDP Policy H8, no development will be built in areas of the site where noise levels from the airport are in excess of 57dB LAeq. Due to the coarse grained nature of the mapping available which identifies the Aberdeen Airport 57dB Leq Noise Contour, it has only been possible to plot an approximate line on the development principles diagram. Mitigation measures such as the installation of acoustically attenuated ventilators may be considered on specific facades where buildings front onto this 57 dB noise boundary.

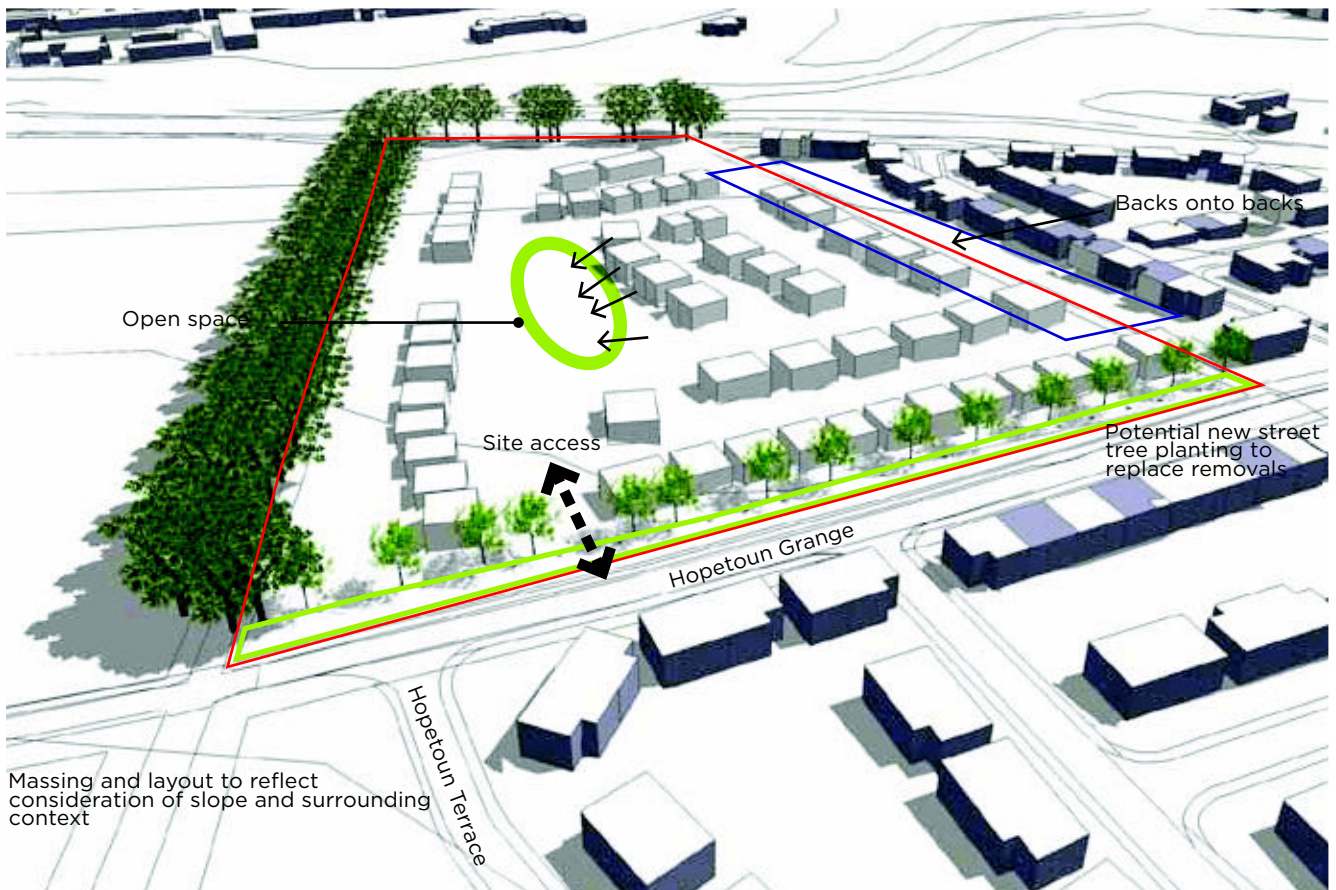
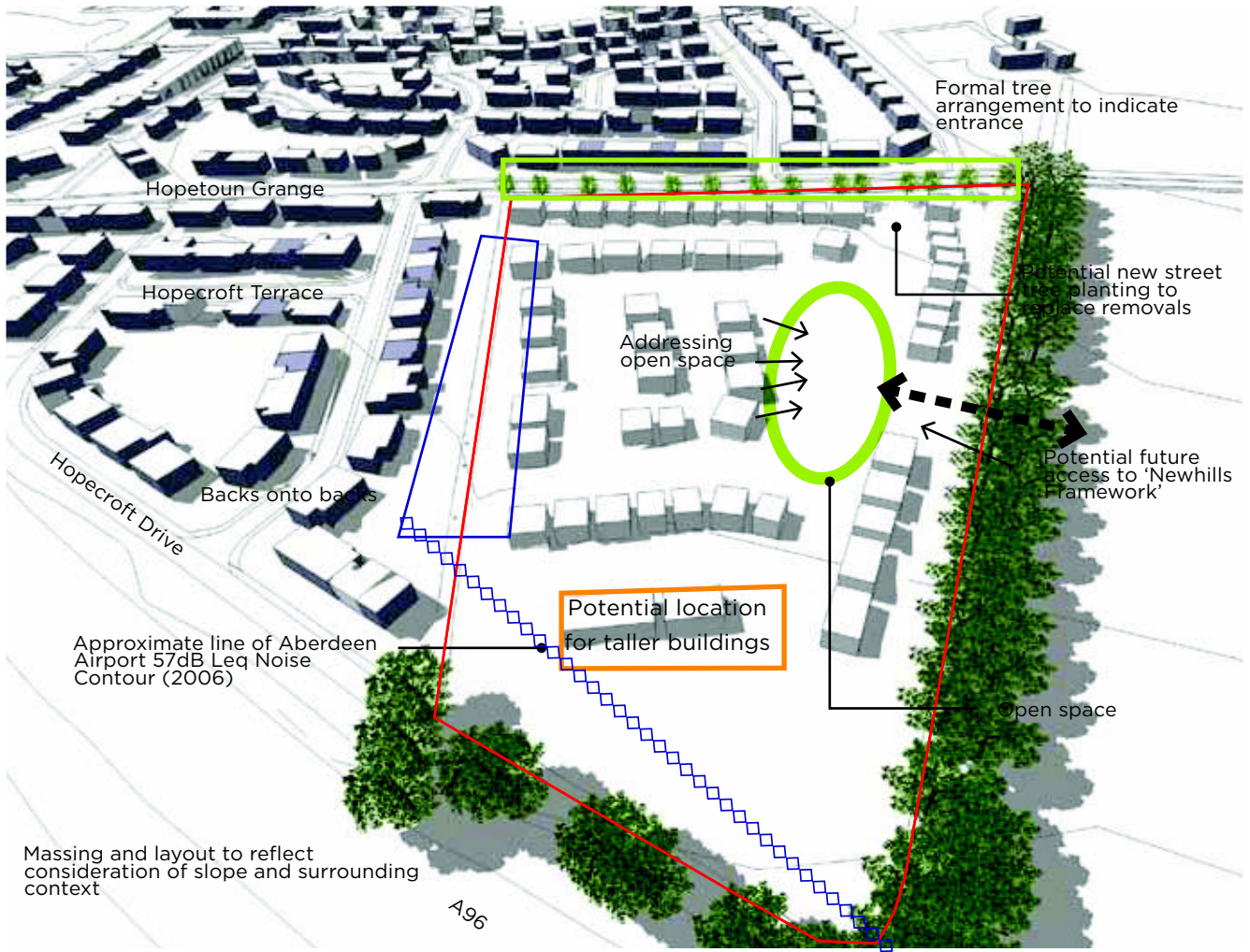


fig. 16: Landscape and visual impact principles

8. Connectivity and Accessibility

8.1 Transport assessment

A Transport Assessment will be scoped and completed during the Detailed Planning Application process. The level of detail and scope required is yet to be determined, however the key principles appropriate to the planning brief are set out below:

8.2 Site access

The primary access to the site will be from Hopetoun Grange. As the tree survey has identified the majority of the mature beech trees on this boundary are recommended for removal, there is an opportunity to replant the avenue and define a distinctive entrance through formal street tree arrangements aligned with an appropriate junction. As evident along Hopetoun Grange, frontage access on this boundary is possible, subject to further discussion with ACC Transport and Roads Officers. Consideration should be given to grouping private drives to reduce number of entry/ exit points onto Hopetoun Grange.

8.3 Pedestrian/cycle

The movement through public open space by pedestrians must be considered from the outset to ensure a safe, secure and convenient experience. Indicative pedestrian movements and links to existing circulation routes are shown on the development principles diagram and reflect both the integration with existing routes, but also the potential for future routes which will run through the adjacent development at Rowett South. The site is well connected to the surrounding area with good pedestrian/ cycle connectivity along Hopetoun Grange.

Although outwith the site boundary, the informal use of Lovers Lane to access the footpath adjacent to the A96(T) should be recognised and new pedestrian links from the site should connect to Lovers Lane at appropriate points with reference to the tree condition survey. The informal pedestrian link to the west should be retained and the potential to formalise this should be considered now and

during the Newhills Expansion Area Development Framework.

The proposed road access across Lovers Lane should be designed to ensure that north-south pedestrian and cyclist movements along it are not severed.

ACC have indicated an aspiration to connect Hopcroft Drive to the new development with a pedestrian/cycleway, however there are considerable issues to be resolved relating to ownership and to a lesser extent, topography, for this to be delivered and the proposal has been strongly resisted in public consultation. There is also an aspiration to provide a non-vehicular link towards the A96 adjacent to the potential SUDS feature. These issues will be explored further during future detailed planning applications for the site to determine an appropriate resolution.

Signage for both pedestrian and cyclists should be considered to direct users east to a safe crossing point over the A96 which will allow for safe access onto the A96 cycleway.

8.4 Public transport

There is an existing and clear route to access public transport along Hopcroft Grange to Firstbus services at Sclattie roundabout - this is within 400m of the site. Stagecoach services heading out of town are easily accessed on the westbound carriageway of the A96 although pedestrians will require to be directed east to the crossing point in order to access stops on the eastbound carriageway.

8.5 Car movements and parking

The detailed proposals for the development must take into account Scottish Government's 'Designing Streets' policy which prioritises the movement of pedestrians and cyclists over vehicular traffic. The development principles diagram illustrates a simple hierarchy of routes within the site, and the treatment of associated footpaths and public realm should reflect that hierarchy. The primary street through the development which may link westwards should

be designed to accommodate such use; elsewhere a 'shared surface' approach which position pedestrian/cyclist on the same surface as a car may be considered.

Appropriate car parking provision should be supplied with reference to the ACC supplementary guidance "Transport & Accessibility".

8.6 Utilities and Servicing

Surveys are currently underway to determine requirements for utilities and other services; further information will be made available through the Detailed Planning Application process.

8.7 Infrastructure and Phasing

Phasing of the development is in line with ALDP housing release 2007-2016. Appropriate contributions to key pieces of infrastructure will be agreed during detailed planning application and Section 75 legal agreement processes.

ACC's Infrastructure and Developer Contributions Manual should be consulted for information on the level and type of developer contribution which may be required. The level of provision or contribution will be commensurate to scale and impact, and either relate directly to the development proposed, or to the cumulative impact of development in the area.

A contribution to the Strategic Transport Fund (STF) will also be required. Further information on the STF can be found in the Delivering Projects Through a Strategic Transport Fund which is Supplementary Planning Guidance to the adopted Aberdeen City and Shire Structure Plan (2009). The SPG was ratified by Aberdeen City Council on 31 January 2012.

8.7.1 Education

Detailed discussions between the developer and the Council's Education Service will be required as part of the planning application process. However, it would be likely that the pupils generated from this development could be accommodated within existing school arrangements, depending upon when the development comes forward. Both the zoned Primary and Secondary Schools are projected to go over-capacity under existing arrangements when other developments take place.

New pupil additions will need to be carefully managed due to temporary relocation of pupils during the process of constructing the new school to replace Bucksburn and Newhills Primary Schools. This development will also be considered during the

Council's current and ongoing review of the school estate. Appropriate developer contributions towards education requirements will be provided, and agreed as part of the planning application process.

8.7.2 Affordable Housing

Policy H5 - Affordable Housing within the ALDP (2012) states a requirement for housing developments of five units or more to contribute no less than 25% of the total number of units as affordable housing. Further information on the provision can be found in the Supplementary Guidance on Affordable Housing. 25% will be provided unless a mutually acceptable off site alternative can be agreed between the Council and the Applicant(s) of any future planning application.

9. Consultation

9.1 Aberdeen Local Development Plan (ALDP) Consultation Events

The following list provides an overview of the consultation events which were held during production of the Aberdeen Local Development Plan (ALDP). The ability to comment on the Hopcroft (OP20) site was available at these events and through formal representations to the ALDP: Proposed Plan.

- Development Options Open Evenings - Dyce/Kingswells. Dyce Academy, 4 June 2009.
- Main Issues Report Workshop - Stoneywood Primary School, 16 November 2009.
- ALDP Proposed Plan Consultation period, 24 September 2012-17 December 2010.

9.2 Public event

An exhibition was held on 17th October 2012 at the Beacon Centre, Kepplehills Road, Bucksburn, Aberdeen. The event was open from 3pm until 7.30pm to give flexibility for people to attend at their convenience. A total of around 30 people attended, and 11 comments were received via a feedback form. A second public consultation event was held on 20th November 2012 to address the comments received at the initial event and to relay subsequent changes to the proposals. No further comments were received at this event.

9.3 Comments received

Feedback on the initial proposals and principles were generally favourable, with several comments received supporting development on the site. Points of concern related largely to traffic, noise and access issues.

The key issues that were raised at the initial public exhibition are listed below:

- Retention of existing trees: There were concerns raised that existing mature trees on the boundaries would be removed and/or houses

would be positioned in close proximity and home owners would subsequently remove them for safety reasons.

- Frontage to Hopetoun Grange: Related to the issue above, concerns were expressed regarding the feasibility of frontage onto Hopetoun Grange (it is assumed in relation to the loss of the existing beech trees, but potentially also relating to road concerns).
- Link to Hopcroft Drive: A number of comments were received which were strongly against providing a link between the new development and Hopcroft Drive, due to concerns over increased traffic, the unsuitability of the road and levels as they currently exist and the creation of a 'rat run' between the new development and the road network.
- Noise/acoustics: Proximity to the airport and A96(T) and the resultant noise levels were noted, with the comment that an increase in the number of inhabitants within such an area should be restricted.
- Eastern boundary: The access arrangements to the area behind properties adjacent to the eastern boundary was questioned and a fear expressed that it might cause security issues through unwanted access and unclear maintenance responsibilities.
- Pedestrian links: The current use of 'Lover's Lane' as a convenient pedestrian route adjacent to the site was noted along with the potential to integrate it with the Core Path system.

Land to North of Hopetoun Grange
Public Exhibition, October 2012

PERSIMMON **Rowett Institute of Nutrition and Health**
University of Aberdeen

Introduction

The Aberdeen Local Development Plan (ALDP) sets out the strategic planning framework for the city and its surrounding areas. It identifies key areas for development and sets out the policies that will guide the city's growth over the next 15 years. The land to the north of Hopetoun Grange is one of the key areas identified for development.



Aberdeen Local Development Plan (ALDP)

The ALDP sets out the strategic planning framework for the city and its surrounding areas. It identifies key areas for development and sets out the policies that will guide the city's growth over the next 15 years. The land to the north of Hopetoun Grange is one of the key areas identified for development.

Site

The site is located to the north of Hopetoun Grange, an established residential area. The site is bounded by Hopetoun Grange to the south and the A96 to the east. The site is currently used for agriculture and is surrounded by residential areas.

Land to North of Hopetoun Grange
Public Exhibition, October 2012

PERSIMMON **Rowett Institute of Nutrition and Health**
University of Aberdeen

Site Analysis and Appraisal

The site is located to the north of Hopetoun Grange, an established residential area. The site is bounded by Hopetoun Grange to the south and the A96 to the east. The site is currently used for agriculture and is surrounded by residential areas.

Site Information

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Analysis and Appraisal Context

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Land to North of Hopetoun Grange
Public Exhibition, October 2012

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University of Aberdeen

Concept Development and Options

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Option A

The site is located to the north of Hopetoun Grange, an established residential area. The site is bounded by Hopetoun Grange to the south and the A96 to the east. The site is currently used for agriculture and is surrounded by residential areas.

Option B

The site is located to the north of Hopetoun Grange, an established residential area. The site is bounded by Hopetoun Grange to the south and the A96 to the east. The site is currently used for agriculture and is surrounded by residential areas.

Preferred Option

The site is located to the north of Hopetoun Grange, an established residential area. The site is bounded by Hopetoun Grange to the south and the A96 to the east. The site is currently used for agriculture and is surrounded by residential areas.

Residential and Community

The site is located to the north of Hopetoun Grange, an established residential area. The site is bounded by Hopetoun Grange to the south and the A96 to the east. The site is currently used for agriculture and is surrounded by residential areas.













fig. 17: Consultation boards as presented on 17th October 2012

9.4 Developer's response

Following the receipt of comments, the following actions and responses have been formulated to address concerns:

- Retention of existing trees: A tree survey has been commissioned and the intention is to retain tree frontage where possible. It is Persimmon Homes intention to retain healthy trees and remove unhealthy ones upon Health and Safety grounds. Replacement planting to maintain the tree avenues will be implemented.
- Frontage to Hopetoun Grange: As above, a tree survey has been commissioned and will directly inform the detailed proposals in consultation with ACC Roads & Transportation regarding the frontage access from Hopetoun Grange.
- Link to Hopecroft Drive: It has been ACC's request that a link is provided from our development to Hopecroft Drive. Given land ownership and levels difference between the site and Hopecroft Drive, this link may not be possible. This will have to be investigated further during the Detailed Planning Application process after further consultation with ACC.
- Noise/acoustics: ALDP Policy H8 does not allow residential development within the 57dB noise contour of the airport. A Noise report relating to Road and Aircraft noise has been completed and the summary findings are presented within the Planning Brief. It will be utilised through the Detailed Planning Application process to determine the exact location of the relevant noise contour and therefore ensure residential development is not positioned where it would be exposed to excessive noise.

9.5 Further Consultation

Throughout the design process for Hopecroft, the public consultation for both the Planning Brief and a Proposal of Application Notice (PAN) have been run in tandem to avoid duplication and confusion. This included the two public consultation events as detailed above. In addition, the respective Community Council(s) in the area is given an advance copy of the draft Planning Brief prior to the relevant Committee meeting.

Pending approval of the Hopecroft Planning Brief as 'interim planning advice' by the Council's Development Management Sub Committee, the Planning Brief will be subject to a 4 week statutory consultation. The following list highlights the key parties that will be consulted:

- Bucksburn and Newhills Community Council
- Aberdeen Airport
- Aberdeen City and Shire Strategic Planning Authority
- Aberdeenshire Council
- Forestry Commission Scotland
- Scottish Water
- SEPA
- Scottish Natural Heritage
- Historic Scotland
- Scottish Enterprise Grampian
- Transport Scotland
- NHS Grampian
- NESTRANS
- Planning Gain

The results of the statutory consultation will be reported back to the Development Management Sub Committee, including any recommended amendments to the Brief. Following this, the Brief will be sent to Scottish Government for ratification as Supplementary Guidance to the Aberdeen Local Development Plan (2012).

It is important to note that engagement will continue throughout the planning application process.

Land to North of Hopetoun Grange Public Exhibition and Update, November 2012



Update since previous Public event

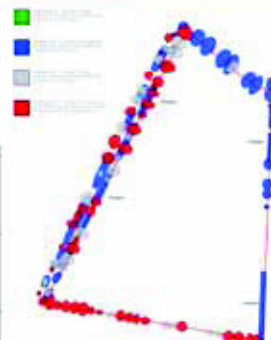
Thanks to you for attending the public consultation and update on the ongoing proposals for land at Hopetoun Grange. Since the last exhibition there on 19th October 2012 at the Beacon Centre, Hopetoun Road, Buckhaven, the technical and design team have been working at Hopetoun Grange which is due to be submitted to Aberdeen City Council in the week of November and comprising a Detailed Planning Application which will follow in early 2013. Today's event has been organized to bring members of the public and stakeholders interested in the project and to present the key technical work with the Planning Brief to be submitted by ACC. As before, ACC consultation does not replace the formal consultation requirements which are required to be followed in the planning process.



Feedback from previous public event

The previous public consultation was set the background to the development, the site context and character and presented a number of options for the future use of the site. The project was presented by around 20 groups and 10 community ward members through the previous public event. Feedback on the initial proposals was presented and discussed. The project was presented through the previous public event. Feedback on the initial proposals was presented and discussed. The project was presented through the previous public event. Feedback on the initial proposals was presented and discussed.

<p>Retention of existing trees There are many trees on the site and it is important to retain as many as possible. The retention of trees is a key consideration in the design of the development. The retention of trees is a key consideration in the design of the development. The retention of trees is a key consideration in the design of the development.</p>	<p>Retention of existing trees There are many trees on the site and it is important to retain as many as possible. The retention of trees is a key consideration in the design of the development. The retention of trees is a key consideration in the design of the development. The retention of trees is a key consideration in the design of the development.</p>
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Tree survey
A tree survey has been completed by Donald Rodger Associates. The survey records the location, size and condition of the existing trees, large tree woodland cover and the surface area of the site. The survey also records the location, size and condition of the existing trees, large tree woodland cover and the surface area of the site.



Development principles
The diagram shows the key principles for development which are set out in the Planning Brief document. They are:
- Retain existing trees
- Retain existing trees
- Retain existing trees



Landscape and visual impact principles
Any proposals relating to changing and landscape elements are detailed in the three-dimensional studies below.



Next steps
ACC will be submitting the Planning Brief for the site to the Development Management Sub-Committee on the 5 December with a recommendation to approve the document as 'interim planning advice' following the consultation. The next steps are to submit the Planning Brief to the Development Management Sub-Committee on the 5 December with a recommendation to approve the document as 'interim planning advice' following the consultation.

fig. 18: Update consultation board as presented on 20th November 2012



PERSIMMON
Together we make a home



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