

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, 5 June 2013

DEVELOPMENT MANAGEMENT SUB COMMITTEE

The Members of the **DEVELOPMENT MANAGEMENT SUB COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 13 JUNE 2013 at 2.00pm.**

Please note that the meeting will commence at 2.00pm, and not 10.00am as originally scheduled.

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

MINUTES OF PREVIOUS MEETINGS

- 1.1 Minute of Meeting of the Development Management Sub Committee of 16 May 2013 - for approval (Pages 1 - 6)

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

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Plot 1, Aberdeen International Business Park, Dyce Drive, Aberdeen - Approval of matters specified in Condition 1 (Access/design/layout) of A4/1644 in relation to erection of a four storey office development and ancillary facilities, car parking and landscaping (Pages 7 - 22)

Reference Number - 130350

- 2.2 Woodbank House, North Deeside Road, Cults - Application for planning permission in principle for proposed demolition of former manager's accommodation / training centre and redevelopment of site for the erection of 4 No. detached dwelling houses with associated access, garages and landscaping improvements (Pages 23 - 54)
Reference Number - 120791
- 2.3 24-28 Belmont Street, Aberdeen - Change of use from Class 2 to Class 1 and Class 3 (Cafe/Snack Bar/Chocolate Workshop) (Pages 55 - 58)
Reference Number - 130377
- 2.4 The Academy, 40 Belmont Street, Aberdeen - Change of use from retail (Units 1-5) to two restaurant units (Unit 1-2) (Pages 59 - 66)
Reference Number - 130255
- 2.5 Union Terrace Gardens, Union Terrace - Variation to Condition 1 of Planning Reference 120427 to extend consent period for further five years (Pages 67 - 72)
Reference Number - 130238
- 2.6 Bucksburn Primary School, Inverurie Road, Bucksburn - Erection of 1 No. single storey and 1 No. two storey accommodation units (Pages 73 - 84)
Reference Number - 130449
- 2.7 Morningside Road, Mannofield - Erection of replacement cricket score board in existing cricket ground (Pages 85 - 130)
Reference Number - 130473
- 2.8 43 Clifton Lane, Aberdeen - Proposed sports gym (Pages 131 - 138)
Reference Number - 121644
- 2.9 Unit 4A-4B, Site 48 Greenwell Road, East Tullos Industrial Estate - Erection of workshop extension and recladding works to existing building (Pages 139 - 146)
Reference Number - 121270
- 2.10 Site 54, Bridge of Don Industrial Estate - Alterations to car park and drive thru lane, installation of customer order displays, 9SQ metre extension to restaurant and creation of corral area (Pages 147 - 152)
Reference Number - 130521

- 2.11 Pinewood / Countesswells Road / Hazledene - Erection of temporary sales pod for associated proposed residential development (Pages 153 - 166)
Reference Number - 130573

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 3.1 Bannermill Development, Bannermill Place, Aberdeen - Installation of pedestrian and vehicular access gates (Pages 167 - 184)
Reference Number - 130020

OTHER REPORTS

- 4.1 Planning Digest (Pages 185 - 190)
- 4.2 Planning Enforcement Activity - October 2012 to March 2013 (Pages 191 - 210)
- 4.3 Travel Plans (Pages 211 - 218)

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

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DEVELOPMENT MANAGEMENT SUB COMMITTEE

ABERDEEN, 16 May 2013. Minute of Meeting of the DEVELOPMENT MANAGEMENT SUB COMMITTEE. Present:- Councillor Milne, Convener; and Councillors Boulton, Corall, Cormie, Delaney, Donnelly (as substitute for Councillor Thomson), Finlayson, Grant, Jaffrey, Lawrence, MacGregor, McCaig and Jean Morrison MBE.

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

<http://committees.aberdeencity.gov.uk/ie/ListDocuments.aspx?CId=348&MId=2559&Ver=4>

MINUTE OF THE DEVELOPMENT MANAGEMENT SUB COMMITTEE OF 18 APRIL 2013 - FOR APPROVAL

1. The Sub Committee had before it the minute of its previous meeting of 18 April, 2013.

The Sub Committee resolved:-

- (i) to note that in relation to article 3 to the minute (Hill of Rubislaw, Rubislaw Quarry – 121692), that the Enterprise, Planning and Infrastructure Committee would consider designating the surrounding area of the quarry as a controlled parking zone to alleviate pressures on residential parking likely to be caused by the development in due course; and
- (ii) to approve the minute.

7 HOWBURN PLACE, ABERDEEN - 130190

2. 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 part demolition of a public house and the erection of a new part public house and six serviced apartments at 7 Howburn Place, Aberdeen, subject to the following conditions:-

- (1) Prior to the commencement of development a noise assessment shall be undertaken, carried out by a suitably qualified noise consultant, and be submitted to and approved in writing by the planning authority. The noise assessment shall address the potential for noise disturbance arising from the extension of the public house and the serviced apartments to adjacent residents; noise arising from the public house extension and its impact on the serviced apartments, and the impact of noise arising from the road. The noise assessment shall include measures to prevent such noise disturbance arising. The noise assessment shall: (i) be in accordance with Planning Advice Note 1/2011 Planning and Noise and its accompanying Technical Advice Note; (ii) identify the likely sources of noise; and (iii) indicate the measures to reasonably protect the amenity of nearby residents of the development from all such sources

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of noise that have been identified. Thereafter, the approved mitigation measures shall be implemented in full prior to the development being first brought into use. (2) Notwithstanding the details submitted, prior to the commencement of development details of a secure long stay cycle storage space to accommodate six bicycles (3 Sheffield Type Stands) within the building shall be submitted to and approved in writing by the planning authority. Thereafter the cycle storage space shall be provided in full in accordance with the approved details prior to first occupation of any one of the serviced apartments hereby approved and retained for such use at all times. (3) Prior to the first occupation of any one of the serviced apartments hereby approved details of the membership to a Car Club scheme for the eligibility of the occupants of the serviced apartments shall be first submitted to and approved in writing by the planning authority. Thereafter the serviced apartments shall continue to operate with membership to a Car Club for the occupants of the serviced apartments. The development does not include any car parking provision; therefore car club membership would act to discourage occupants of the apartments from using their private car(s). (4) Notwithstanding the details submitted, prior to the commencement of development details of the provision of waste facilities shall be submitted to and approved in writing by the planning authority. The detailed waste facilities shall be provided in full in accordance with the approved details prior to first occupation of any part of the development hereby approved. (5) Prior to the commencement of development samples of the proposed glass blocks in the rear elevation shall be submitted to the planning authority for consideration and approval in writing. The development thereafter shall be completed in accordance with the approved details.

The Sub Committee resolved:-

to approve the recommendation contained in the report.

64 BRIDGE STREET, ABERDEEN - 130246

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 planning permission for the change of use of a licensed gaming machine centre to a licensed restaurant with takeaway facility at 64 Bridge Street, Aberdeen, subject to the following conditions:-

(1) The development hereby approved shall not be brought into use until the extraction system detailed in the planning application has been fully installed in accordance with details that shall be first submitted to and approved in writing by the planning authority. (2) Prior to the commencement of development a noise assessment shall be undertaken, carried out by a suitably qualified noise consultant, and be submitted to and approved in writing by the planning authority. The noise assessment shall address the potential for the premises to cause noise disturbance to residents living in the upper floor flats within the building and to the occupier of the restaurant directly above the application

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premises, and the measures to prevent such disturbance. The noise assessment shall: (i) be in accordance with Planning Advice Note 1/2011 Planning and Noise and its accompanying Technical Advice Note; (ii) identify the likely sources of noise; and (iii) indicate the measures to reasonably protect the amenity of nearby residents of the development from all such sources of noise that have been identified. Thereafter, the approved mitigation measures shall be implemented in full prior to the development being first brought into use. (3) The development shall not be brought into use until the bin refuse area has been provided in full in accordance with details that shall be first submitted to and approved in writing by the planning authority. The refuse area shall thereafter be retained at all times for such use. For the avoidance of doubt the refuse area shall be suitably gullied and have a wash-down facility. (4) The take-away element of the proposal hereby approved shall not operate outwith the opening hours of the restaurant hereby approved.

The Sub Committee then heard the case officer propose that an amendment to condition 4 be considered by the Sub Committee. The amendment suggested was that hot food shall not be sold from the premises other than during the hours from 8.00 am until 11.00 pm unless the planning authority has otherwise agreed in writing.

The Convener moved, seconded by Councillor Donnelly:-

that the recommendation contained within the report be approved along with the proposed amendment to condition 4.

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

that the application be refused on the grounds of road traffic safety concerns.

On a division there voted:-

For the motion:- (10) – The Convener; and Councillors Corral, Cormie, Donnelly, Grant, Jaffrey, Lawrence, MacGregor, McCaig and Jean Morrison, MBE. For the amendment:- (3) – Councillors Boulton, Delaney and Finlayson.

The Sub Committee resolved:-

to adopt the motion.

ALBURY OUTDOOR SPORTS CENTRE, ALBURY ROAD, ABERDEEN - 130268

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 for planning permission for alterations and the extension of the existing tennis courts, the erection of floodlights and replacement fencing at Albury Outdoor Sports Centre, Albury Road, Aberdeen, subject to the following conditions:-

(1) that notwithstanding the details submitted, the ten floodlights hereby approved shall be switched off no later than 21:00 every day and shall not be

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switched on before 8:00am the following day. (2) That no development shall take place unless a scheme for the protection of the hedge on 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 for the duration of the construction phase. (3) That no development shall take place until details of two trees to be planted have been submitted to and agreed in writing by 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 the tennis courts and floodlight installation 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.

The Sub Committee resolved:-

To approve the recommendation contained in the report.

6 WEST CRAIBSTONE STREET, ABERDEEN - 130312

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 for planning permission to the change of use from Class 4 (Offices) to Class 2 (Clinic) at 6 West Craibstone Street, Aberdeen, subject to the following conditions:-

(1) That prior to first occupation of the development hereby approved two long stay cycle stands shall be provided within a secure lockable compound in accordance with details that shall be first submitted to and approved in writing by the planning authority. Thereafter the cycle stands shall be retained and made available for such use at all times. (2) That prior to first occupation of the development hereby approved showering and changing facilities for the use of staff shall be provided within the building in accordance with details that shall be first submitted to and approved in writing by the planning authority. Thereafter the showering and changing facilities shall be retained and made available for such use at all times.

The Sub Committee resolved:-

to approve the recommendation contained in the report.

UNIT 10, SUMMERHILL COURT, ABERDEEN - 130286

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 for planning permission for the proposed change of use from a barber's shop to a hot food takeaway, including the

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installation of a ventilation chimney at Unit 10, Summerhill Court, Aberdeen, subject to the following conditions:-

(1) That the use hereby granted planning permission shall not take place unless a detailed 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 the premises shall not be open for business outwith the hours of 07:00 and 00:00.

The Sub Committee resolved:-

to approve the recommendation contained in the report.

INVERSNECKY CAFE, 7-8 SEA BEACH, ESPLANADE - 130431

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

that the Sub Committee approve unconditionally the application for planning permission for the change of use to an outside seating area in association with the Inversnecky Café, at 7-8 Sea Beach, Esplanade, Aberdeen.

The Sub Committee resolved:-

to approve the recommendation contained in the report.

9-11 BELMONT STREET, ABERDEEN - 130227

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

that the Sub Committee approve unconditionally the application for planning permission for a proposed extension to the terrace at the rear of the building at 9-11 Belmont Street, Aberdeen.

The Sub Committee resolved:-

to approve the recommendation contained in the report.

- **RAMSAY MILNE, Convener**.

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Agenda Item 2.1

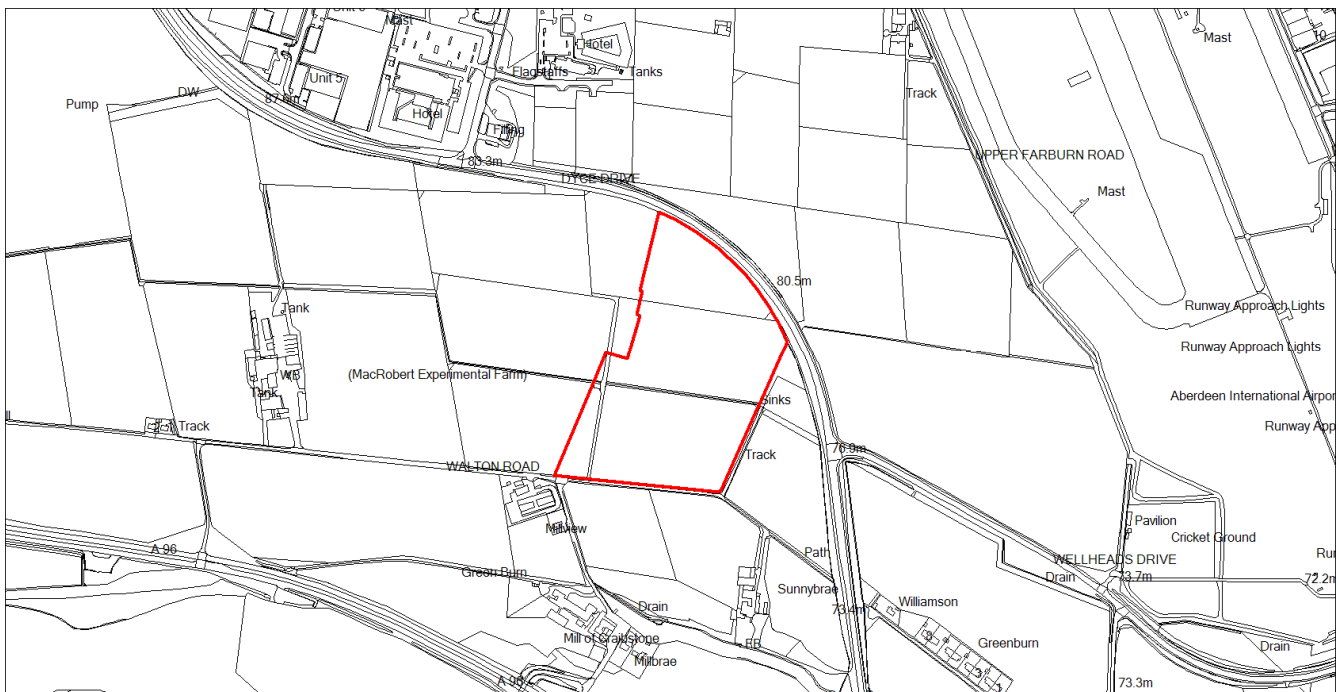
PLOT 1, ABERDEEN INTERNATIONAL
BUSINESS PARK, DYCE DRIVE, DYCE,
ABERDEEN

APPROVAL OF MATTERS SPECIFIED IN
CONDITION 1 (ACCESS, DESIGN, LAYOUT)
OF A4/1644 IN RELATION TO ERECTION OF A
FOUR STOREY OFFICE DEVELOPMENT AND
ANCILLARY FACILITIES, CAR PARKING AND
LANDSCAPING

For: Abstract (Cornwall) Limited

Application Type : Approval of Conditions for
Planning Permission in Principle
Application Ref.: P130350
Application Date: 27/03/2013
Officer: Matthew Easton
Ward : Dyce/Bucksburn/Danestone(B Crockett/G
Lawrence/N MacGregor/G Samarai)

Advert: Section 34 -Proj. Pub. Concern
Advertised on: 10 April 2013
Committee Date: 13 June 2013
Community Council : No response
received.



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The site comprises open agricultural fields on land situated to the south and west of Dyce Drive. It extends to some 6.72 hectares, is relatively flat but has a slight gradient from west to east of 1/100m. There are several dry stone dykes defining the field boundaries. There is a small area of trees to the north west of the site and towards the eastern boundary.

A watercourse (the Northern Burn) runs from west to east through the site. It features straight engineered sections with abrupt change in direction. It is a slow flowing channel which was likely to have been installed to provide drainage for agricultural activities. The burn enters a culvert in the south east corner of the application site before going under Dyce Drive.

To the north and east across Dyce Drive is the ABZ Business Park which is currently under construction. To the south is open farmland which is allocated for development. To the west is further land under the ownership of the applicant where it is intended to develop future phases of the proposed business park. Beyond this is land allocated for the proposed airport link road (ALR) between the A96 and Dyce Drive as well as the proposed park and choose facility, both of which have the benefit of planning permission.

RELEVANT HISTORY

Planning permission in principle (A4/1644) for class 4 business park, ancillary class 5 general industrial and class 6 storage and distribution uses and associated infrastructure works was approved by delegated powers on 19th November 2012.

PROPOSAL

Proposed Development

It is proposed to construct the first phase of what is to be known as 'Aberdeen International Business Park' (AIBP). The development concept is to provide a high quality office campus set within an attractive park environment.

The first phase would be building with a floor space of 32,249m² (gross) and 29,597m² (net). This would be broken down to 27,250m² (net) of class 4 office space and 2347m² (net) of ancillary leisure space, expected to comprise meeting and collaboration spaces, dining and social space, a crèche, fitness facilities and a small retail store to serve employees of the development.

The building would be located centrally within the site and be divided up into three rectangular shaped pavilions, which would be arranged generally in a U shape around a central square which it is intended would be formed as a shared surface. The closest part of the northern most pavilion would be located 60m to the west of Dyce Drive, the central pavilion 100m and the south pavilion 180m. Each pavilion would be 43.3m long x 67.3m wide with the main part of the building extending to 18.8m in height, although the inclusion of plant enclosures of the roof would bring the overall height to 22.2m. The northern and central

pavilions would be connected at ground and first floor level by a glazed atrium, whilst the south and central pavilions would be connected at ground floor only. Each of the pavilions would face onto the aforementioned central square located to the immediate west of the building.

The design of the buildings would be relatively simple with strong vertical lines and a neutral colour scheme of light whites and grey colours. Areas of anodised metal cladding would create different identities for each building.

Vehicular access to the site would be via a new junction from Dyce Drive. After leaving Dyce Drive the access road would lead cars to the east, around the perimeter of the site to car parks behind the central and southern pavilions. This would allow the approach to the central square to be formed as a shared surface and for traffic to avoid the central square. Two further phases of development are shown indicatively on drawings and would be situated immediately to the west of phase one and would stretch to the proposed airport link road (ALR). The aspiration is for public transport to use this route through the square and continue on through the future phases of the business park and exit onto the airport link road, from which access to the park and choose could be taken.

The eastern car park would accommodate 314 spaces at ground level and 272 spaces on a single decked level above. The southern surface car park would accommodate 611 parking spaces, creating a total of 1197 spaces for the development. Strips of soft landscaping would be interspersed throughout the car park and the decked parking structure would be partially clad in green 'living walls'.

Space for 130 bicycles and 47 motorcycles would be provided at ground level underneath the car park deck. Further short stay bicycle stands would be provided within the central square.

In order to accommodate the development layout, approximately 240m of the Northern Burn would be realigned. This realignment would include two culverts and one footbridge.

Native tree species would be planted around the boundaries of the site in a tree belt which would generally be around 10-15m in width. The entrance to the site would be heralded by large single stemmed trees to create a formal approach to the central square which itself would feature soft landscaping and raised planting areas which will include seating to allow office workers to enjoy the space.

There would be a gently sloping landscaped area at the northern end of the site with south facing grass and a path to allow informal recreation such as walking and eating outside. The northern pavilion would enjoy views out over this area and beyond towards the airport. Between the central and eastern pavilion would be the southern garden which would comprise an outdoor dining terrace featuring good quality paving and timber decking and informal seating within a lawn. A basketball court would be provided for office workers to utilise at lunchtimes or early evening.

Matters to Be Addressed

Approval is sought of condition 1 of planning permission in principle A4/1644. This condition relates to the layout and design of the development, specifically –

- (i) means of access;
- (ii) siting of building(s) and location of hard surfaces;
- (iii) design and external appearance of the building(s);
- (iv) car parking layout with the number of spaces conforming with the Council's adopted car parking standards;
- (v) arrangements for the segregation, storage, collection and management of commercial and business waste;
- (vi) noise assessment for any intended development plot carried out by a suitably qualified noise consultant;
- (vii) plot boundary treatment;
- (viii) cycle parking (for employees & visitors) and appropriate changing/showering facilities for cyclists;
- (ix) details of any zero and low carbon equipment to be incorporated into the development and predicted carbon emissions (using SAP or SBEM calculations); and
- (x) landscaping internal to each plot.

Matters relating to traffic generation have already been addressed in the planning permission in principle and cannot be revisited through this application.

A separate and as yet undetermined application (130583) was submitted in early May 2013 for the approval of matters specified in conditions relating to drainage, watercourse engineering, archaeology, environmental management plan and waste management plan.

A further undetermined application has recently been submitted (130754) in relation to the external lighting scheme, bird hazard management and strategic landscaping.

Further applications will be required to address matters relating to a green travel plan and a strategic pedestrian and cycle path strategy for the overall development.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningSearch.asp>. On accepting the disclaimer enter the application reference quoted on the first page of this report.

In support of the application a Design and Access Statement, Access Statement, Landscape Statement, a Low and Zero Carbon Statement and Ambient Noise Survey were submitted.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the development involves construction of a building to a height exceeding 20m. Such developments are specified within Schedule 3 of the Development Management Procedure (Scotland) Regulations 2008 and accordingly the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team –

- Understand that a separate planning condition, which has not yet been purified, will bring forward the full cycle and pedestrian infrastructure and phasing proposals. Satisfied that all details can be confirmed when this condition is purified.
- Urge the applicant to provide an east/west pedestrian and cycle route through the site to allow with eventual tie up with neighbouring sites and to Dyce Drive. It is noted that the applicant has indicated that this can be provided in response to Condition 13 of the original consent. This is of high importance in the accessibility of this site and of the wider masterplan.
- A shared use pedestrian and cycle path should be provided on the west side of Dyce Drive along the site boundary. Additionally a shared pedestrian and cycleway should be provided to both sides of the access road as far as the shared surface area. This can be provided under the terms of Condition 13 of the original consent.
- All combined foot and cycleways, outwith the shared surface area, are required to be of a minimum width of 3m, irrespective of whether or not they are to be adopted.
- Car parking is satisfactory. It is noted that the position of the short stay cycle parking varies between drawings. The preference is immediately adjacent to the main door of the building, or conveniently located in the square. A minimum of 4 cycle spaces should be provided at this location using Sheffield style stands. Long stay cycle parking proposals are acceptable.
- A minimum of 45 spaces are required. Each space will require a means of parking motorcycles securely, and a condition is requested to this effect.
- Satisfied that appropriate details of public transport infrastructure can be considered in relation to Condition 12 of the original consent.

- The Council will require to adopt the access road from the traffic signal junction with Dyce Drive to the shared surface area and the full extent of the shared surface area from the end of the access road. This will include the square, as a turning facility will be required until the full infrastructure connecting with the A96 access road is in place and operational. This will ensure that the shared surface area will be accessible by all. The car park access road will not be adopted beyond the shared surface area. It is understood that the building will be serviced from the rear, and this is accepted. It is considered that it will be possible for a service vehicle to enter and exit the rear car park area in a forward gear.
- The applicant is requested to demonstrate that the road (not the shared surface area) extending from the traffic signalised junction into the site will be of sufficient length to accommodate the full length of the queue that will extend from the traffic signals.
- It is requested that the crossroad junctions adjacent to the shared surface is removed in the interest of road safety.
- There are concerns regarding the proposed access junction with Dyce Drive. It appears that the northwest bound approach on Dyce Drive has arrows indicating one lane each for ahead, left and right turning traffic. This is not in accordance with the original Transport Assessment, or with the junction modelling that was undertaken at that time. The final junction must reflect that which was modelled and approved at that time. It is understood that there are geometrical issues with the proposed layout which have been raised by Roads Construction Consent colleagues. These will require to be resolved.

Environmental Health – No observations.

Enterprise, Planning & Infrastructure (Flooding) – Full drainage proposals including all SUDS proposals and calculations and a Drainage Impact Assessment for the proposed development should be submitted.

Community Council – No response received.

Aberdeen International Airport – The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria after changes were made to the landscaping scheme. Details of drainage, bird hazard management and lighting will be agreed in a future application.

NATS (En-Route) Plc. – In relating to the safeguarding of the Perwinnes radar site, the proposed development was examined from an en-route navigation infrastructure technical safeguarding perspective and the findings show that it may infringe NATS safeguarding criteria as it would introduce reflections of Perwinnes radar. NATS therefore objected to the application.

Since the date of the objection, NATS has been working with the developer to design a means of mitigating the impact and has now secured a contract with the

developer to deliver the agreed means of mitigation at the proposed development. The objection is therefore withdrawn.

REPRESENTATIONS

None received.

PLANNING POLICY

Aberdeen Local Development Plan

Policy D1 (Architecture and Placemaking) – To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City's skyline and aim to preserve or enhance important views.

Policy D3 (Sustainable and Active Travel) – New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order - walking, cycling, public transport, car and other motorised vehicles.

Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation.

Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

Policy D6 (Landscape) – Development will not be acceptable unless it avoids:

- i) significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it;
- ii) obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as

roads, railways, recreation areas and pathways and particularly from the main city approaches;

iii) disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;

iv) sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

Further guidance is available in our Supplementary Guidance: Landscape Strategy Part 2 – Landscape Guidelines.

Policy B11 (Specialist Employment) – In areas that are identified as Specialist Employment Areas on the Proposals Map, only Class 4 Business uses shall be permitted.

Activities associated with research, design and development of new or existing technologies, products, processes or services of a high technology nature, together with related educational/training facilities are encouraged in these areas.

Ancillary facilities aimed primarily at meeting the needs of businesses and employees within the business and industrial area may be permitted where they enhance the attraction and sustainability of the specialist employment area for business investment.

Policy B14 (Aberdeen Airport and Aberdeen Harbour) – Due regard will be paid to the safety, amenity impacts on and efficiency of uses in the vicinity of the Airport and Harbour.

Policy R6 (Waste Management Requirements for New Development) – Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Policy T2 (Managing the Transport Impact of Development) – New developments will need to demonstrate that sufficient measures have been taken to minimize the traffic generated.

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

Supplementary Guidance

Low and Zero Carbon Buildings – Provides the methodology for developers to demonstrate compliance with Aberdeen Local Development Plan Policy R7, which requires all new buildings to install low and zero carbon generating technology.

Transport and Accessibility – Aims to assist developers in the preparation of planning applications. This document examines a number of transport and accessibility issues that may have to be considered as part of a planning application.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise

Principle of Development

The local development plan zoning as business and industrial land and planning permission in principle A4/1644 established that the land is suitable for business and industrial use.

The ancillary uses proposed within the ground floor of the building are expected to include meeting and collaboration spaces, dining and social space, crèche, fitness facilities and retail. Policy BI2 (Specialist Employment) permits ancillary facilities aimed primarily at meeting the needs of businesses and employees within the development if would enhance the attraction and sustainability of the area for business investment. It is considered that that provision of such facilities within AIBP would contribute significantly to the attractiveness of the business park and the wider area as a place for businesses to locate. The distance to similar existing facilities is considerable and the inclusion of such facilities has the potential to reduce the number of vehicle trips to and from the development.

Means of Access (i), Siting of Building and Location of Hard Surfaces (ii) and Design and External Appearance of the Building (iii)

Access

Access to the development would be taken from a new junction from Dyce Drive, opposite the recently constructed junction to the ABZ Business Park to the north. Future phases of the development to the west would continue the internal shared surface road and roads which service the car parks. A secondary access into the business park is expected to be created onto the Airport Link Road once it is completed.

The location and general layout of the Dyce Drive junction are considered acceptable to the Roads Projects Team; however concern has been raised with specific aspects of the junction. It appears that the northwest bound approach on Dyce Drive has arrows indicating one lane each for ahead, left and right turning traffic. This is not in accordance with the original Transport Assessment, or with the junction modelling that was undertaken at that time. Additionally, the length of the access road into the site at the traffic signalised junction as shown on the plans, may not be of sufficient length to accommodate expected queues of vehicles waiting to exit the site. These matters will require to be addressed, however it is considered that it would be subject of discussion at roads construction consent (RCC) stage and it is not considered to be a matter which would hinder the granting of planning permission. If any minor changes are required to the junction as the result of the RCC process, it is expected that they can be dealt with as a non-material variation to the approval planning consent.

Indicative layouts for phase 2 of the development are shown on some of the submitted drawings and show a cross-road junction adjacent to the entrance to the shared surface. This is considered undesirable from a road safety perspective and the Roads Projects Team has asked for its removal. However, the fourth arm of the junction (which results in the cross-road) is within phase 2 of the business park and does not form part of the application, is not proposed at this time and is not within the site boundary for this application. Therefore it is not considered necessary to remove the fourth arm from the plans. It has been made clear to the developer that when an application for phase 2 is submitted a cross-road will not be acceptable.

Details of full pedestrian and cycle routes throughout the current phase 1, future phases and the adjacent D2 Business Park to the west are subject of a separate condition on the planning permission in principle.

The developer has indicated that they wish all roads within the development to remain private. However, the Council as roads authority intend to adopt the access road from the traffic signal junction with Dyce Drive to the shared surface area and the full extent of the shared surface area from the end of the access road. This will include the square, as a turning facility will be required until the full infrastructure connecting with the A96 access road is in place and operational. This will ensure that the shared surface area will be accessible by all. The car park access road will not be adopted beyond the shared surface area. Details of the road construction etc. will be addressed through the RCC process.

The building would be serviced from the rear, and this is accepted by the Roads Projects Team. It is considered that it will be possible for a service vehicle to enter and exit the rear car park area in a forward gear.

Taking the foregoing into account it is considered that the proposal has given due consideration for the provision of Policy T2 (Managing the Transport Impact of Development) and Policy D3 (Sustainable and Active Travel).

Layout

A distinctive and formal entrance to the development from Dyce Drive would be created through the use of formal tree planting and a transition to a shared surface, which is welcomed. Rather than approaching the building through a large expanse of car parking, as is more often the case with office developments, vehicle would be routed around the back of the building in order that the central square outside the three pavilions and the shared surface functions as a semi-pedestrianised space, where the emphasis is on pedestrian movement rather than vehicular. This would contribute to creating a sense of place and provide office workers with a space to enjoy the outdoors. The shared surface and paths throughout the landscaped areas beyond would also provide a safe route for pedestrians through the development from north to south, increasing permeability in the area.

In order to accommodate the development layout, approximately 240m of the Northern Burn would be realigned. This realignment would include two culverts and one footbridge. The detail of the realignment and engineering of the burn is being dealt with through a separate application for matters specified in conditions (130583) however in principle the realignment of the burn is acceptable. It would feature native grasses along its banks and form a green link through the development and contribute to it's campus and parkland character.

Building Design

The proposed building would be substantial in size yet have a relatively lightweight appearance through the extensive use of curtain wall glazing and light coloured metal cladding. The design of the buildings would be relatively simple with strong vertical lines and a neutral colour scheme of light whites and grey colours. Areas of anodised metal cladding would create different identities for each building and add interest. Whilst the design and architecture of the buildings is by no means unusual or outstanding, the building is somewhat more visually interesting than typical office buildings within the industrial estates and business parks of Dyce and that is to be commended.

The large areas of glazing would afford the building occupants views over the central square and area of landscaping around the site.

The development has been designed to a high standard and that the creation of 'a sense of place' has been given a high priority by the developer. The use of a shared space as the focus of the development and provisions for pedestrian movement around the site are welcomed. It is considered therefore that due consideration has been given to the provisions of Policy D1 (Architecture and Placemaking).

Airport Safeguarding

Aberdeen International Airport has been consulted on the proposals in terms of the safeguarding of airport operations. The proposals and have assessed and AIA confirm that there are no physical or technical safeguarding issues with regards to the position or size of the building. Therefore in relation to design and

layout due consideration has been paid to the safety, amenity impacts on and efficiency of uses in the vicinity of the Airport as required by Policy BI4 – (Aberdeen Airport and Aberdeen Harbour)

Radar Safeguarding

Due to the buildings being in excess of 15m in height, the Council was required to consult NATS on the proposal in order to determine if there would be any impact upon the operation of the radar site at Perwiness, which is located approximately 4.8km east of the site, between Dyce and Bridge of Don. In addition to providing data to air traffic controllers at Aberdeen International Airport, the site also provides data to the Scottish Area Control Centre at Prestwick. Therefore because the safety of aircraft in UK airspace in part relies on the Perwiness radar, it is important to ensure that its operation is not inhibited by new developments.

NATS examined the proposed development from an en-route navigation infrastructure technical safeguarding perspective and the findings were that the buildings would introduce reflections to the Perwiness radar. Therefore NATS objected to the proposal. Subsequently NATS worked with the developer to design a means of mitigating the impact and has now secured a contract with the developer to deliver the agreed means of mitigation at the proposed development which will involve modifications to the radar system. Therefore NATS have withdrawn their objection and due to the contract between the developer and NATS there is no requirement for planning conditions or legal agreement in relation to this matter. The Council are therefore satisfied that the safeguarding of the Perwiness radar site has been taken into account.

Car Parking Layout (iv) and Cycle Parking (viii)

Car Parking

The Council's adopted parking standards would allow for a maximum of 1208 parking spaces to be provided for this size of development. 1197 spaces are proposed, which includes 60 disabled spaces, and this level of provision is considered acceptable by the Council's Roads Projects Team. Access and egress to the car park as described previously would be onto the access road and then Dyce Drive.

The siting of the car parks behind the buildings is welcomed and use of decked parking considered sensible given the large area of surface car park which would otherwise be required. Both these elements allow a more pedestrian focused environment to be created within the central square and shared surface area and more extensive landscaping to be provided around the buildings.

Cycle and Motorcycle Parking

Space for 130 bicycles and 47 motorcycles would be provided at ground level underneath the car park deck. This would provide secure and sheltered parking for staff close to the rear entrance to the building and away from the public areas.

Shower and changing facilities would be provided within each pavilion for staff and are identified on the layout plans.

Further short stay bicycle stands would be provided within the central square for visitors to the development in accordance.

A condition has been attached to ensure the provision of motorcycle parking with secure anchor points and short and long stay cycle parking. Although the cycle parking provision varies between drawings, the condition refers to a particular drawing.

The parking proposals are therefore considered to comply with the Transport and Accessibility Supplementary Guidance and Policy T2 (Managing the Transport Impact of Development).

Waste Management (v)

A service road would be created around the rear of the buildings though the car park which would provide access to four waste and recycling stores serving the building.

Vehicles would be able to turn within the car park and enter and exit the site in a forward gear. Future phases of the business park would provide the opportunity for a through route to be created for service vehicles.

It is considered that due consideration has been given to Policy R6 (Waste Management Requirements for New Development).

Noise Assessment (vi)

Part of the development lies within the 57dB LEQ noise contour (2011) for Aberdeen International Airport. Therefore an ambient noise survey has been submitted in order to demonstrate that occupiers of the development would not be subject to unreasonable levels of noise either from aircraft noise or road traffic on Dyce Drive.

The survey shows that with the use of 6mm/12mm/6mm glass the internal noise levels will be met. The developer has confirmed that all glass used within the development will meet this specification.

Therefore it is considered that a suitable environment in terms of noise would be created for future occupants of the building.

Zero and Low carbon Equipment (xi)

A low and zero carbon statement has been submitted which demonstrates that through the building fabric alone there would be a 59.3% reduction in the CO₂ emissions. Therefore the development would achieve a CO₂ saving greater than required by the current building standards and is therefore complies with the Low and Zero Carbon Buildings supplementary guidance.

Boundary Treatment (vii) and Landscaping (x)

The landscaping scheme aims to create a distinctive and formal entrance to the development from Dyce Drive through the use of formal tree planting and a wide boulevard style approach. This would create a good first impression of the development from Dyce Drive.

Usable outdoor space with different characters for recreational use by office workers would be created throughout the development, including the central square, gardens and informal meadow ground. High quality paving would be used throughout with natural granite used at the building entrances. This would assist in creating a sense of place and offer a high quality environment for employees and those using the site as a pedestrian route to the wider area.

Tree and shrub planting within the car park areas would be take the form of long linear areas with the aim of reflecting typical field patterns of the area. They would also assist in breaking up what are large expanses of car parking.

To the south and east boundaries, native planting combined with raised earthworks would create shelter and screens views, whilst to the north the boundary would be defined by formal tree and hedge planting to provide a more perforated edge. The use of native woodland planting would not only help to screen the large surface car parks and decked car park but would provide opportunities to increase biodiversity.

Initial concerns from Aberdeen International Airport in relation to the selection of species and their potential to attract birds have been addressed through amendments to the landscaping scheme. The airport has confirmed that the revised scheme is considered to be acceptable and therefore the landscaping scheme is in accordance with Policy BI4 (Aberdeen Airport and Aberdeen Harbour).

The landscaping scheme is considered to be of a high quality and would assist in integrating the proposed development into the surrounding area. The variety of outdoor areas available for employees to use and shared space which is central to the development would contribute to the overall quality and attractiveness of the proposed business park.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposal for a high quality office development within a landscaped campus is welcomed.

Satisfactory details have been submitted as part of the application to address the particular conditions in relation to access, layout, design, drainage, landscaping, parking, zero carbon equipment, noise and waste storage in accordance with the relevant local plan policies and national guidance.

Agreement has been reached between the developer and NATS in relation to the safeguarding of the Perwinnes radar site. After revisions to the proposal Aberdeen Airport have no objection to the proposal from an airport safeguarding perspective.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) 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 KD-G(90)XXXX-007(03) of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval – in the interests of public safety and the free flow of traffic.

(2) that the development hereby approved shall not be occupied unless the cycle and motorcycle parking scheme detailed on drawings KD-G(90)XXXX-007(03) and KD-G(90)XXXX-011(02) (or such other plan as may subsequently be approved in writing by the planning authority for the purpose) has been installed in complete accordance with the said scheme. Prior to the schemes implementation further details of the exact specification of the cycle parking and motorcycle anchor points shall be submitted to and agreed by the planning authority – in order to encourage use of sustainable modes of transport to the development.

(3) that the development hereby approved shall not be occupied unless all hard landscaping comprised in the approved scheme of landscaping (drawings 102-L04A, 102-L05A, 102-L06A, 102-L07A, 102-L08A, 102-L09A and 102-L23A or such other plan as may subsequently be approved in writing by the planning authority for the purpose) has been implemented – in the interests of integrating the development into the surrounding landscape.

(4) that all planting, seeding and turfing comprised in the approved scheme of landscaping (drawings 102-L04A, 102-L05A, 102-L06A, 102-L07A, 102-L08A, 102-L09A and 102-L23A or such other plan as may subsequently be approved in writing by the planning authority for the purpose) 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 integrating the development into the surrounding landscape.

INFORMATIVES

(1) Attention is drawn to the requirement within the British Standard Code of Practice for the Safe Use of Cranes (BS7121), specifically section 9.9.3 (Crane Control in the Vicinity of Aerodromes) which requires the responsible person to consult the aerodrome manager for permission to work if a crane is to be used within 6km of an aerodrome and it's height would exceed 10m or that of surrounding trees and structures.

Use of cranes, scaffolding above the height of the proposed development, or other tall construction equipment must be notified to Aberdeen International Airport Safeguarding Manager (safeguarding@aairport.com / 01224 725756) at least one month prior to use. Failure to do so may result in any responsible person being guilty of an offence under Article 137 (Endangering Safety of and Aircraft) of the Air Navigation Order (CAP 393) which states that a person must not recklessly or negligently act in a manner likely to endanger an aircraft.

(2) Developers and applicants are advised to ensure that all permanent lighting, construction lighting, or illuminated signage, within the development site must be of a type which does not cause spillage of light above the horizontal, or include strobe, laser or flashing light.

Failure to do so may result in any responsible person being guilty of an offence under Article 135 (Dangerous Lights) of the Air Navigation Order (CAP 393) which states that a person must not exhibit any light which (i) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome or (ii) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

Further information can be obtained from Aberdeen International Airport Safeguarding Manager (safeguarding@aairport.com / 01224 725756).

Dr Margaret Bochel

Head of Planning and Sustainable Development

Agenda Item 2.2

WOODBANK HOUSE, NORTH DEESIDE ROAD,
CULTS

APPLICATION FOR PLANNING PERMISSION
IN PRINCIPLE FOR PROPOSED DEMOLITION
OF FORMER MANAGER'S ACCOMMODATION/
TRAINING CENTRE AND REDEVELOPMENT
OF THE SITE TO PROVIDE FOR THE
ERECTION OF FOUR DETACHED DWELLING
HOUSES WITH ASSOCIATED ACCESS,
GARAGES AND LANDSCAPING
IMPROVEMENTS.

For: Shell Property Company Limited

Application Type : Planning Permission in
Principle

Application Ref. : P120791

Application Date: 06/06/2012

Officer: Gavin Evans

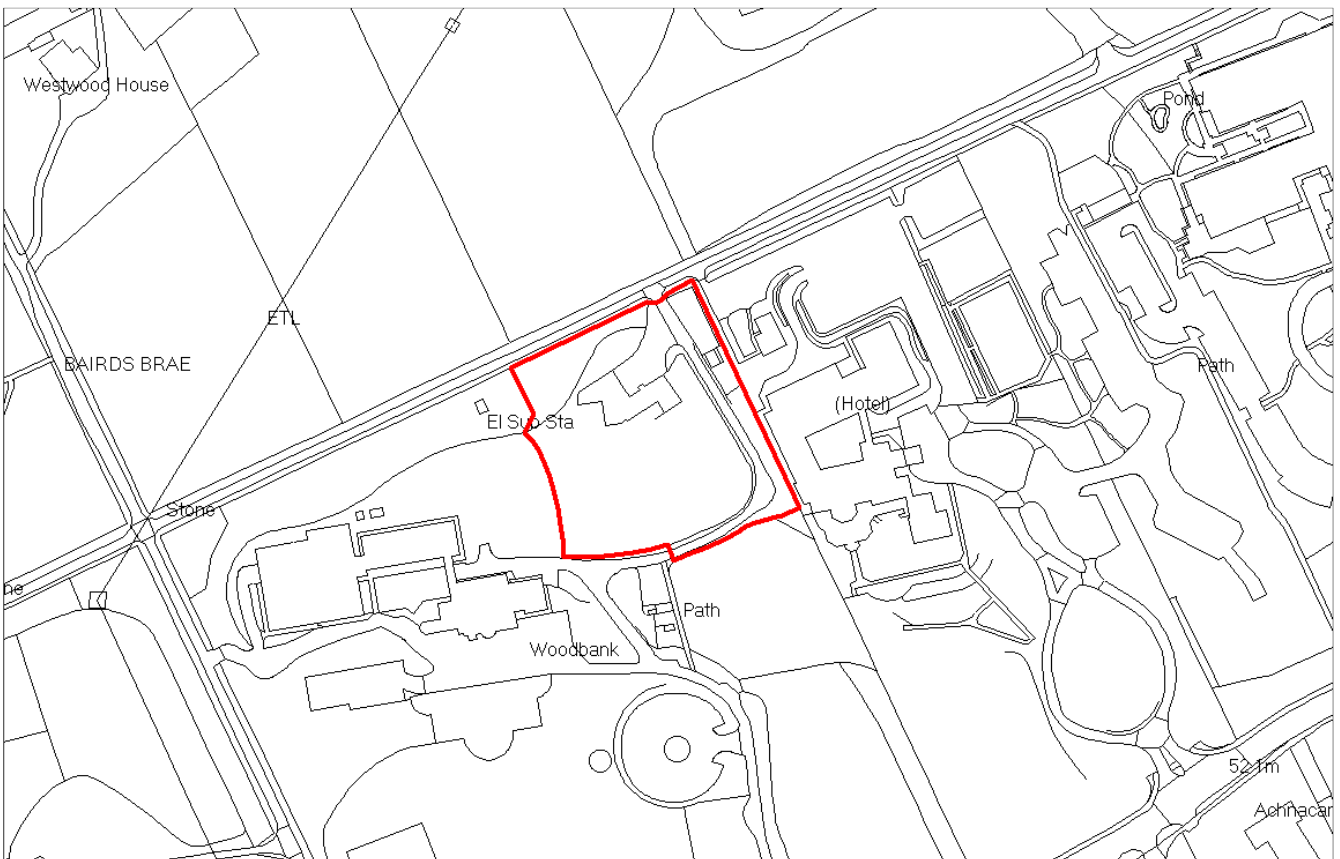
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Section 60/65 - Dev aff
LB/CA

Advertised on: 27/06/2012

Committee Date: 13 June 2013

Community Council : Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site, which extends to some 7100sqm, is located between North Deeside Road and Airyhall Road, in the Pitfodels area to the west of Aberdeen. The site currently forms part of the Shell Woodbank complex, a corporate accommodation, conference and leisure facility set in extensive grounds. This application relates to an area of land to the north-eastern corner of the existing Woodbank site, originally used to provide accommodation for the complex manager, but more recently used for conferencing and storage purposes. It is understood that the building is now surplus to requirements and unused. While the site forms a part of the wider Shell complex, it is separately enclosed in its own generous grounds, and benefits from an existing vehicular access via Airyhall Road, currently connected to the internal road network/driveway within the Woodbank complex.

The northern boundary is well-defined by a combination of a dry-stone boundary wall and mature trees arranged along the western half of the Airyhall Road frontage. An existing access gate is located in the north-eastern corner of the site. Elsewhere within the site, trees are generally arranged along the boundaries, with a gentle slope down to the south, where the grounds are laid to grass. The existing trees within the site provide a degree of screening and also contribute to the woodland character of the area.

As noted previously, the existing Shell Woodbank complex is located to the south and west of the application site. To the east lies the Marcliffe Hotel, which has an area of car parking arranged along the northern boundary, adjacent to Airyhall Road. The Hotel itself is sited close to the eastern site boundary, beyond the existing trees arranged along the application site boundary. To the north of the site, on the other side of Airyhall Road, the land rises gently and appears to be in agricultural use. Airyhall Road itself is a private road, not adopted or maintained by Aberdeen City Council. It does not include a separate pedestrian footway, and is loosely surfaced.

The site is located within the Lower Deeside/Pitfodels Conservation Area.

RELEVANT HISTORY

It is noted that an application seeking Conservation Area Consent for the demolition of the existing building was submitted alongside this application (ref P120792).

PROPOSAL

This application seeks Planning Permission in Principle (PPiP) for the construction of 4no detached dwellinghouses within the grounds of the existing building, which would be demolished. The site would retain its access from the north-eastern corner of the site, with a new driveway routed through the central part of the site and the four dwellings arranged accordingly. At this stage, the applicant seeks to establish only the general principle of development at the scale proposed on the application site, and so detailed design proposals do not form part of the application. Such detailed design proposals would require to be the subject of a further application, relating to Matters Specified in Conditions (MSC), in the event that members are minded to approve this application.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?120791>

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

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the local Community Council have made objections regarding the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation. It is noted that the Braeside and Mannofield Community Council is not currently established following the elections of October 2012. Nevertheless, the comments were validly made by a Community Council that was established at that time.

CONSULTATIONS

Roads Project Team – No objection. The internal road within the development is required to be designed to adoptable standard. The proposed footway connection linking the site to North Deeside Road is noted and seen to provide appropriate pedestrian accessibility to bus links.

Environmental Health – State no objection to the proposal in principle, but recommend that conditions are attached to any grant of planning permission, relating to noise and construction hours. The first of these conditions would require the submission of a noise assessment to ascertain the extent of any potential noise impact arising from extraction fans at the kitchens of the Marcliffe Hotel and identify appropriate mitigation measures. The second condition recommended relates to the prohibition of noise-generating construction works outwith specified hours, in order to prevent undue disturbance to residents of the adjacent hotel during the construction phase.

Community Council – The former Braeside and Mannofield Community Council stated its objection to the proposal on the basis of the development being accessed via Airyhall Road/Rocklands Road, which is understood to be a designated right of way and core path. The approval of vehicular access via this walking route is considered likely to result in safety issues for pedestrians and animals, to the detriment of the Conservation Area. Concerns are raised that the developer or others may have intentions to tarmac the length of Airyhall Road, altering its character to that of an urban road.

REPRESENTATIONS

3 letters of representation have been received. These representations raise the following matters –

1. Query whether Shell or the developer of the site will be required to tarmac a stretch of Airyhall Road from the entrance to Airyhall House to its junction with Baird's Brae, along with the southern half of Baird's Brae.
2. The narrow, unlit nature of Airyhall Road, and its rough surfacing, are not considered to lend themselves to vehicular traffic, and this development proposal is considered likely to give rise to safety issues.

3. Airyhall Road is understood to be a Core Path.
4. Concern that the ongoing operation of the neighbouring Marcliffe Hotel would be prejudiced by the proposed development, with complaints arising from prospective residents potentially impinging on this existing neighbouring business.
5. Further to point 4, there is potential for disturbance of prospective residents as a result of noise arising from function spaces, outdoor smoking areas, extraction equipment and other sources on the western boundary of the Marcliffe site, adjoining the application site.
6. This residential proposal is seen to be out of character with the large detached commercial and leisure properties set within generous feus.
7. Highlights conflict with the guidance contained within the Council's supplementary guidance on the sub-division and re-development of existing residential curtilages, which states that new residential development should not prejudice the development of adjacent land or adversely affect existing development, and that development resulting in dwellings which do not front onto a public road constitutes a form of development alien to the established density, character and pattern of development.
8. The possibility of pedestrians and vehicles sharing the same surface on Airyhall Road is seen to present a safety hazard.
9. Approval of the application would set a precedent for similar developments, the cumulative impact of which would have a harmful effect on the character and amenity of the immediate area.
10. The applicants' ownership rights relating to Airyhall Road are questioned.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Paragraphs 110-114 of SPP set out the role of the planning system in protecting Scotland's built heritage. It is stated that, in most cases, it will be possible for historic assets to incorporate change, where that change is informed and sensitively managed. Paragraph 113 refers to the Scottish Historic Environment Policy for more detailed guidance on procedural matters relating to the management of the historic environment. Paragraphs 115-117 refer specifically to Conservation Areas, stating that a proposed development that would have a neutral effect on the character or appearance of a Conservation Area should be treated as one which preserves that character or appearance. It is further stated that the design, materials, scale and siting of new development within a Conservation Area should be appropriate to the character and setting of the Conservation Area.

Aberdeen Local Development Plan

Policy D1: Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the

proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D2: Design and Amenity

Policy D2 sets out a series of criteria for new development, intended to ensure that an appropriate level of amenity can be secured for residents of both that new development and neighbouring land and buildings.

Policy D5: Built Heritage

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

Policy D6: Landscape

Development will not be acceptable unless it avoids:

1. significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it;
2. obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
3. disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
4. sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

Policy H1: Residential Areas

Within areas zoned as H1: Residential Areas in the Local Development Plan, proposals for new residential development will be acceptable in principle provided they;

1. Do not constitute over-development;
2. Do not have an unacceptable impact on the character or amenity of the surrounding area;
3. Do not result in the loss of valuable and valued areas of open space, as defined in the Aberdeen Open Space Audit 2010;
4. Comply with the Council's supplementary guidance on Curtilage Splits;
5. Comply with the Council's supplementary guidance on House Extensions.

Policy H3: Density

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

Policy T2: Managing the Transport Impact of Development

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

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

Policy NE5: Trees and Woodlands

There is a presumption against all activities and development that would result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity. Appropriate measures should be taken for the protection and long-term management of existing trees and new planting, both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover.

Policy NE9: Access and Informal Recreation

New development should not compromise the integrity of existing potential or recreational opportunities including access rights, core paths, other paths and rights of way. Wherever possible, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Policy R7: Low and Zero Carbon Buildings

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

Supplementary Guidance

The Council's published supplementary guidance relating to 'The Sub-division and Redevelopment of Residential Curtilages' and 'Low and Zero Carbon Buildings' are relevant to the determination of this application.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the

desirability of preserving or enhancing the character or appearance of conservation areas

Principle of Residential Use

The principle of residential development on this site will, in the first instance, be established by considering how it relates to the zoning of the site within a H1 Residential Area, and in particular how it corresponds to the requirements of policy H1 of the ALDP. This policy states general support for residential development within areas zoned primarily for residential purposes, but also states a series of criteria which should be satisfied before the principle of residential development will be accepted.

Scale of development

It is stated that development within areas zoned for residential purposes should not constitute over-development. In considering whether a given proposal constitutes over-development, it is logical to first ascertain whether there is a predominant character to the surrounding area, and whether there is a consistent density or pattern of development. As noted previously in this report, the site currently forms part of the Shell Woodside complex, but benefits from a degree of separation due to its former use as on-site accommodation for the complex manager. The Shell Woodside site is set in generous grounds between North Deeside Road and Airyhall Road, similar to its eastern neighbour, the Marcliffe Hotel. Further west, the International School site represents another non-residential use set in an expansive site. The zoning of the site for residential purposes to some extent sets out the planning authority's aspirations for future development. The nearby residential development at the former Woodlands Hospital site involved a range of accommodation types and building sizes, including new-build development and conversion of former hospital buildings. The variety of dwelling types and scales on the Woodlands site was not considered to undermine the character or appearance of the Conservation Area, and the acceptance by the planning authority of terraced units with relatively modest fees evidences that new residential development in this area will not be restricted to substantial detached dwellings in vast fees where that type of development is not the predominant style. The absence of any residential development immediately adjoining the application site is such that any new development in this location is perhaps less restricted in terms of any need to integrate with such development. Taking into account the relative distance to any residential development, it is concluded that the development proposed need not be bound to replicate any particular site density in order to ensure it is consistent with its surroundings, as any residential development on this site will appear distinct from the non-residential uses which are its nearest neighbours.

The application site extends to approximately 7100sqm. The design statement submitted in support of the application highlights that the footprint covered by buildings and hard surfaces would reduce from its current 1510sqm to roughly 1280sqm, reducing the built footprint of the site from 21% to 18%. The existing building on site at present is an expansive single-storey dwelling of a style which is not considered to make a positive contribution to the character or appearance of the Conservation Area. It is noted further that the existing driveway, which connects to the internal road network within the Shell site, contributes towards

the built footprint of the site at present. The removal of that driveway and the use of a more efficient layout and 2-storey dwelling type will assist in ensuring that the development would maintain a spacious woodland character whilst making provision for 4no dwellings. The design of the proposed dwellings does not form part of this application, however a subsequent application relating to Matters Specified in Conditions would provide a further opportunity for the planning authority to influence the design of any dwellings approved. The density of the development proposed is considered to be appropriate to this site, and in accordance with policy H3 (Density) of the ALDP.

Open Space

The proposed development does not involve the loss of any valuable and valued areas of open space as defined in the Aberdeen Open Space Audit 2010.

Curtilage splitting supplementary guidance

Aberdeen City Council's 'Sub-division and Redevelopment of Existing Residential Curtilages' supplementary guidance is principally aimed at new residential development on existing residential sites, however the principles set out in that document are also relevant to the redevelopment of the application site, from its current use as part of the wider corporate accommodation, conferencing and leisure complex at Woodbank to provide 4no residential dwellings.

That supplementary guidance document sets out principles to guide new residential development, intended to ensure that matters contributing towards the quality of the residential environment created are given due consideration, alongside universal considerations such as design, parking, access and relationship with the character of the surrounding area. Such factors include privacy, residential amenity, daylight and sunlight.

This proposal involves the formation of 4no new dwellinghouses within generous plots in an area benefitting from an open aspect and established woodland character. The proposed dwellings are sufficiently separated from each other and their respective neighbours to ensure that privacy is maintained. Based on the indicative layout provided the open aspect of the site, the detached nature of the dwellings and their respective locations within the application site are such that the dwellings and their gardens would benefit from appropriate levels of daylight and sunlight. The supplementary guidance sets out that residential development should have a public face to a street and a private face to an enclosed garden or court, with all residents given access to sitting out areas. The dwellings proposed would be arranged around a newly created 'street' leading from the site access to the centre of the application site. The dwellings would be arranged around this central point, with the property in the north-eastern corner of the site presenting a frontage onto Airyhall Road itself, adjacent to the site access. Each of the dwellings would benefit from generous gardens, comfortably satisfying the supplementary guidance's requirement for an average of 11m garden depth for properties of 2 or more stories.

The supplementary guidance also highlights that new dwellings should be considered in relation to their bearing on the overall density and pattern of development. As noted previously in this report, the proposed dwellings are not in

an area of predominantly residential development where there is a predominant pattern or density of development. This development is considered to propose an appropriate scale of development, which can maintain the open, woodland character of its surroundings. The detailed design of the dwellings will be subject to further consideration in a future application or applications, when it will be possible to more fully consider the character of those dwellings and their impact on the character and setting of the Conservation Area. Taking these matters into account, it is concluded that the proposal demonstrates due regard for the provisions of the Council's published supplementary guidance on the 'Sub-division and Redevelopment of Residential Curtilages'.

Supplementary Guidance relating to House Extensions

Policy H1 requires that residential development, where applicable, demonstrate compliance with the Council's relevant 'Householder Development Guide' supplementary guidance. In this instance, the content of that document is not of relevance to the design proposal, and so it will not be considered further in this assessment.

Core Path, Access and Parking

Airyhall is designated as a Core Path in the Aberdeen Local Development Plan. As such, any development potentially affecting this route must be considered against policy NE9 of the ALDP. This policy states that any new development should not compromise the integrity of the Core Path, and that where possible new or improved provision should be made for public access, permeability and links to green space for recreation and active travel. The limited number of dwellings proposed is such that there is no requirement for the road to be brought up to adoptable standard. Its existing rural character can therefore be maintained. It is considered that the existing unbound surfaced track can accommodate this limited scale of development without undue conflict between new road users and its existing recreational use. Access to the route as a Core Path would be unchanged. It is therefore concluded that the proposal accords with the relevant provisions of policy NE9 (Access and Informal Recreation) of the ALDP. In maintaining the existing recreational woodland route along Airyhall Road, and avoiding any adverse impact on landscape character, the proposal is also considered to accord with the relevant section of policy D6 (Landscape).

The Council's Roads Projects Team have no objection to the proposed development, noting that the drawings submitted appear to demonstrate adequate car parking provision, but that full details may be provided in a future application relating to Matters Specified in Conditions. Appropriate visibility splays have demonstrated the adequacy of the site access. It is noted that it will be required that the internal road within the application site be brought up to adoptable standard. The unadopted stretch of Airyhall Road from which that access is taken will remain privately maintained and unadopted by ACC. A footway link has now been provided to ensure that public transport services are sufficiently accessible. Taking these matters into account, it is considered that the proposal demonstrates accordance with policy T2 (Managing the Transport Impact of Development).

Design

As this application seeks Planning Permission in Principle (PPiP), the applicant is not required to submit full details of the design of any new dwellings. Such details can be secured as part of a later application relating to Matters Specified in Conditions (MSC). The applicants have submitted a design statement to express their intentions in general terms and demonstrate the justification for the indicative layout of the development in plan form. Respecting the character of the Conservation Area has been highlighted as an important dimension of any proposal, along with respecting the setting of the adjacent listed building at Woodbank House. The indicative layout proposed involves the use of the existing access point off Airyhall Road, with a shared driveway/internal road giving access to one house, nearest the access, and then leading to a central point within the site, from which the remaining three houses would be accessed. This arrangement minimises the extent of any new internal roads/hardstanding, allowing greater scope for landscaping to reflect the woodland character of the area. As noted previously in the 'Scale of Development' section of this report, the absence of any consistent pattern of residential development in the immediate area means that the development would not be readily compared to any neighbouring sites, and the layout would maintain the spacious woodland character of the surrounding area. Taking these matters into account, it is considered that the proposal demonstrates due regard for the provisions of policy D1 (Architecture and Placemaking) of the ALDP, albeit at this PPiP stage where detailed designs of the individual houses are not required. The layout and general arrangement of the development are not in themselves considered to result in any adverse impact on the character or appearance of the Conservation Area, as the spacious woodland character of the area is maintained. Similarly, the application site is currently somewhat distinct from the wider Shell Woodank site and the adjacent category C-listed Woodbank House, being both set back from the frontage of Woodbank House in a subservient manner and benefiting from substantial screening by virtue of the mature trees on the southern and western boundaries of the application site. On that basis, it is considered that the layout and general arrangement of the site would respect the setting of the adjacent listed building, as required by policy D5 (Built Heritage) and Scottish Planning Policy (SPP), but that proper consideration of the relationship between these buildings cannot be undertaken until full design proposals are submitted at the Matters Specified in Conditions (MSC) stage.

Trees and Woodlands

The applicants have provided a tree survey in support of this application. This identifies a total of 12 trees for removal, of which 4 are to be removed specifically to allow for the proposed development, and a further seven are to be removed as a result of their poor condition. The one remaining tree is to be removed both as a result of its condition and to allow for the proposed development. The majority of the existing trees and woodland would be retained, while those to be removed can be replaced through new planting. The Council's Arboricultural Planner has stated no objection to the proposed development, and has requested that certain conditions be attached to any grant of planning permission, relating to landscaping/tree planting and measures for the protection during construction of those trees to be retained. Taking these matters into account, the proposal is considered to accord with the relevant provisions of policy NE5 (Trees and Woodlands) of the ALDP.

Low and Zero Carbon Development

The application does not include details of how Low and Zero Carbon Generating Technologies will be incorporated into the proposed development, however such details can be obtained as part of a future application through the use of an appropriate condition.

Matters raised in representations

There appears to be a divergence in the views of those making representations as regards the need to resurface existing Airyhall Road. Both opposition and support are stated. It is noted that the developer has at no time intimated a wish to resurface Airyhall Road in the manner of an adopted road. The applicants expressed a willingness to resurface the route with unbound surfacing, repairing any pot holes and providing passing places whilst also maintaining its rural character, however it is not a requirement stipulated by the road authority, and cannot be conditioned by the planning authority on the grounds that the developer has not demonstrated control over the land over which the road passes and it does not appear to be fundamentally necessary to allow approval of the development. Given that the Roads Authority is satisfied with the status quo, and any condition requiring the improvement of the track may not satisfy the relevant tests for conditions stipulated by the Scottish Government, it is proposed that the existing road be accepted as being capable of accommodating the level of development proposed. The status of Airyhall Road as a Core Path does not preclude its use by vehicular traffic.

Concerns regarding the relationship between the proposed development and the neighbouring Marcliffe Hotel have been expressed, however it is noted that any noise arising from the hotel may be investigated through the use of a condition requiring an appropriate noise assessment be carried out. It is further noted that the zoning of the site for residential purposes established the principle of this use, irrespective of the existing non-residential uses on adjacent land. The submitted layout suggests there would be a reasonable distance between the respective buildings, however this may be given further consideration on submission of detailed proposals for the development. The relationship between the development and the Council's published supplementary guidance on the 'Sub-division and Redevelopment of Residential Curtilages' is addressed elsewhere in the evaluation section of this report. It is not considered that the approval of this proposal would risk setting any kind of unwelcome precedent, as the land is zoned in a manner which encourages residential development, and an appropriate layout and density has been achieved, without detriment to the character and amenity of the surrounding area. The applicants' ownership rights in relation to Airyhall Road are of no direct relevance, as there exists an established access in this location, and the applicant has not made any claims as regard ownership of Airyhall Road.

Community Council Comments

The former Braeside and Mannofield Community Council made comments on this application, as detailed in the 'Consultees' section of this report, above. It should be noted that this Community Council no longer exists. The Community Council correctly identifies Airyhall Road as part of the Council's Core Path network, and states that this route also constitutes a Right of Way. Recreational

use of Airyhall Road would not be prohibited by the proposed development, and the level of vehicle traffic arising from this small number of dwellings is not considered to represent a significant threat to that recreational value. Similarly, it is noted that Airyhall Road is currently used for vehicular access, and a small increase in the number of vehicles using this route is not considered to be materially different from the current situation as regards safety. Concerns are expressed that Airyhall Road will be upgraded to a traditional street, thereby removing its rural woodland character, however neither the applicant nor the road authority have required/sought this course of action. The Community Council's letter states their objection to the use of Airyhall road as an entrance to the Woodbank complex, however it is not proposed that any vehicular access be provided on this basis, with the access serving only the proposed housing units.

Summary

In summary, this application proposes an appropriate type of development in an area zoned for residential purposes, at a scale and density appropriate to its surroundings. The access arrangements are to the satisfaction of the Roads Authority, and are not considered to compromise the adjacent Core Path or its value as a recreational route. The proposal would create an appropriate residential environment for future residents, and is not considered to prejudice any existing land uses on adjacent land. Noise arising from the adjacent Marcliffe Hotel can be investigated by means of a noise assessment required by condition. Similarly, details of the design of the proposed dwellings may be required by a condition, and assessed as part of one or more further applications relating to Matters Specified in Conditions (MSC). The layout and arrangement of the site are considered to be compatible with their surroundings, where there are a range of land uses contained within sites of varying scale. The proposal does not, in principle, conflict with the character and appearance of the Conservation Area, however this can be considered further on submission of more detailed proposals at the MSC stage. The majority of trees are to be retained on site, while the removal of trees to permit the development can be mitigated through replacement planting. Appropriate details of compliance with the Council's supplementary guidance on 'Low and Zero Carbon Buildings' can be secured through use of a condition. The proposal is therefore considered to accord with the relevant provisions of the development plan. Matters raised by the Community Council and in representations are not considered to be of sufficient weight to warrant determination other than in accordance with the development plan, and it is therefore recommended that this application be approved subject to appropriate conditions, set out below.

RECOMMENDATION

Approved subject to conditions

REASONS FOR RECOMMENDATION

The development hereby approved is of an appropriate type in an area zoned for residential purposes, at a scale and density appropriate to its surroundings, in accordance with policies H1 (Residential Areas) and H3 (Density) of the Aberdeen Local Development Plan (ALDP). The site is considered to be capable of accommodating the proposed residential development in a manner fit to

provide an appropriate residential environment, while respecting the character and pattern of development in the surrounding area, as required by policy D2 of the ALDP and the Council's published 'Sub-division and Redevelopment of Residential Curtilages' supplementary guidance. The landscape character of the area would be maintained and loss of existing trees mitigated with replacement planting, in accordance with policies D6 (Landscape) and NE5 (Trees and Woodlands) of the ALDP. Access to the adjacent Core Path would be maintained, and there would be no adverse impact on the character of that route or its value as a recreational resource, in accordance with policy NE9 (Access and Informal Recreation) of the ALDP. Appropriate access arrangements have been demonstrated, in accordance with policy T2 (Managing the Transport Impact of Development). The scale of development and screening of the site from the south are such that the proposal is not considered to result in any adverse impact upon the setting of the adjacent listed building, nor the Lower Deeside/Pitfodels Conservation Area, consistent with the aims of Scottish Planning Policy (SPP). The proposal therefore accords with the relevant provisions of the Development Plan. No matters raised in representations or through consultation have been of sufficient weight to warrant determination other than in accordance with the Development Plan.

CONDITIONS

It is recommended that approval is granted subject to the following conditions:-

(1) that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration - - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(2) that this planning permission in principle shall lapse unless a further application for approval of the matters specified in condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;

(i) the expiration of 3 years from the date of this grant of planning permission in principle;

(ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(3) that no development shall take place unless details of the siting, layout, design and external appearance of the 4no new dwellings have been submitted to, and approved in writing by, the planning authority. Thereafter the dwellinghouses shall not be occupied unless building in full accordance with the details so approved - in order to ensure that the development demonstrates due regard for its context and makes a positive contribution to its setting, as required by policy D1 of the Aberdeen Local Development Plan.

(4) that no development pursuant to this grant of planning permission in principle shall be undertaken unless a scheme demonstrating the arrangements for the provision of the internal access road, car parking and pedestrian link to North Deeside Road has been submitted to and approved in writing by the planning authority. Thereafter no dwellings shall be occupied until any such car parking areas so approved have been constructed, drained, laid-out and demarcated in accordance with the drawings approved for that purpose - in the interests of public safety and the free flow of traffic.

(5) 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.

(6) 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.

(7) that no development pursuant to this planning permission shall take place unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full - in the interests of ensuring that residents are protected from undue disturbance through noise arising from adjacent land.

(8) 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.

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

(10) That no development shall be undertaken 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.

(11) that no development pursuant to this grant of planning permission shall be undertaken unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full – to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

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

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

(14) That no development shall be undertaken 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.

(15) that no development pursuant to this grant of planning permission shall be undertaken unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full – to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

Dr Margaret Bochel

Head of Planning and Sustainable Development.



Braeside and Mannofield Community Council

Planning Officer
Seumas Macinnes
170 Craighton Road
Aberdeen
AB15 7UD

Dr. M. Bochel
Head of Planning and Sustainable Development
Aberdeen City Council
Marischal College
ABERDEEN
AB10 1 AB

9 JULY 2012

Dear Dr. Bochel , Woodbank House Pitfodels AB15 9PN REF.NO 120791

We wish to object to the above application in respect of the proposed entrance and exit for the four detached houses onto Airyhall Road .

As you are aware both Airyhall Rd and Rocklands Rd are designated RIGHTS OF WAY and are part of the Council,s CORE NETWORK .

Therefore any approval of vehicles using Airyhall Rd will result in the current Walking pathway being subjected to vehicle usage resulting in safety issues , for pedestrians and animals and the desecration of this special conservation area .

It may be the aim of some persons to tarmac the whole length of Airyhall Rd. This is based on the probability that the MARCLIFFE HOTEL and other adjacent developers may wish to change the use of this country path into a full blown road with street lighting ,double pavements and speed bumps .

There is already a suitable road system within Woodbank plus an excellent bus Service on North Deeside Road for the proposed residents of this complex .

Therefore we wish to object to the use of Airyhall Rd being used as entrance to the Woodbank complex .

Yours sincerely ,

S. E. MACINNES

RECEIVED

12 JUL 2012

City Development Services Letters of Representation	
Application Number:	120791
RECEIVED 12 JUL 2012	
Dev. (North)	Dev. (South)
Case Officer Initials:	GEE
Date Acknowledged:	12/07/12

8 Northcote Crescent
ABERDEEN
AB15 7 TJ

9 July 2012

Dr Margaret Bochel
Head of Planning and Sustainable Development
Marischal College
Broad Street
ABERDEEN
AB10 1AB

Dear Dr.Bochel

Proposals Affecting the Setting of Listed Buildings or the Character of Conservation Areas (Sections 60 and 65 of the Listed Buildings and Conservation Areas Act 1997)

Address: Woodbank House North Deeside Road Cults
Aberdeen AB15 9PN

Proposal: Application for Planning Permission in Principle for proposed Demolition of former manager's accommodation/ training centre and Redevelopment of the site to provide for the erection of four detached Dwelling houses with associated access, garages and landscaping improvements

Applicant: Shell Property Company Ltd

Ref No: 120791

I refer to the above Planning Application and submit an objection to the proposals.

I understand the proposal is that the entrance/ exit for the 4 houses would be onto the extension to Airyhall Road (known locally as Fox's Lane).

This Lane is narrow, not made up and unlit without any pavement and to use it as a road would undoubtedly be a safety hazard.

I understand that the Council terms it a CORE PATH. It is used by people walking their dogs and walkers.

Yours sincerely


Fred Robertson

Copy; Councillor I Yuill
Councillor Aileen Malone
Mr S MacKinnes – Braeside/ Mannofield Community Council.

City Development Services Letters of Representation	
Application Number: 120791	
RECEIVED 11 JUL 2012	
Dev. (North)	Dev. (South)
Case Officer Initials:	GEE
Date Acknowledged:	11/07/12

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 24/06/2012 16:10
Subject: Planning Comment for 120791

Comment for Planning Application 120791

Name : Stanley Fraser
Address : 232 North Deeside Road
Cults
AB15 9PB

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

Comment : Will Shell or whoever does the building, if permission is granted, be asked to Tarmacadam Airyhall Road, as this is shown as the Main Access, from the entrance to Airyhall House to Bairds Brae and at least the bottom half of Bairds Brae???

City Development Services Letters of Representation	
Application Number: 120791	
RECEIVED 25 JUN 2012	
Dev. (North)	Dev. (South)
Cases Officer Initials: GEE	
Date Acknowledged: 25/06/12	

South

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

28 June 2012

Our Ref: JF/SC

Your Ref:

Email:

Dear Sirs

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE FOR PROPOSED
DEMOLITION OF FORMER MANAGER'S ACCOMMODATION / TRAINING
CENTRE & REDEVELOPMENT OF SITE TO PROVIDE FOR THE ERECTION OF
FOUR DETACHED DWELLINGHOUSES WITH ASSOCIATED ACCESS,
GARAGES & LANDSCAPING IMPROVEMENTS
APPLICATION REFERENCE: 120791**

Edinburgh

Glasgow

Leeds

Dundee

Inverness

I write on behalf of the Marcliffe Hotel Ltd to formally object to the above proposals.

The Marcliffe Hotel & Spa is a 5 star luxury hotel and Aberdeen's premier venue for weddings and business functions. Set within its own extensive grounds, the Hotel enjoys a secluded location yet within easy reach of the City Centre. It compliments the immediately adjoining uses and currently operates un-impeded by any complaints from neighbouring uses.

However, the Marcliffe Hotel Ltd is concerned that its continued operation could be seriously prejudiced by the erection of four detached houses in such close proximity to the Hotel. Whilst not a significant generator of noise, the Hotel is incompatible with the residential use proposed. Were complaints to arise from the proposed residential properties, it could seriously impinge on the operation of the Hotel and, in particular, its function suite.

An existing house occupies the proposal site, this is tied to the Shell Club and has, in the past, provided managers, accommodation. It has also been utilised as a training centre. The nature of such use is entirely different from that of four private residential properties.

The objection on behalf of the Marcliffe Hotel Ltd relates to the following issues.

Potential Noise & Odour Nuisance

The Hotel is set back from the A93, North Deeside Road, enjoying an elevated position to the north west of its feu. Its courtyard function room, grand ballroom and kitchens lie on the western boundary of its feu, immediately adjacent to the proposal site. Smoking areas serving the grand ballroom, courtyard function room and the Invery Room all open out adjacent to the mutual boundary. As a consequence, guests gather in these areas and noise inevitably emanates both from the guests and the premises when the doors are opened and closed. Although this is carefully managed by the Hotel, this has the potential to create nuisance for the adjoining residential properties.

Bands playing at the hotel also unload and load their equipment, often very late at night or early morning, immediately adjacent to the mutual boundary. The area is also floodlit for health and safety reasons and light pollution inevitably spills over to the adjoining site.

The location of the kitchens and their extraction equipment on the mutual boundary also has the potential to create odour nuisance. Noise also arises from the equipment and air conditioning units on the west elevation are clearly audible from within the proposal site. The kitchens, and indeed the wider Hotel, are also serviced from the north west corner of the site adjacent to the proposed housing. Further nuisance could, therefore, arise as a consequence of delivery vehicles visiting the Hotel in the early morning. Waste and recycled bottles are also collected twice weekly from this area potentially creating further nuisance.

Planning permission is in place for a major extension to the Hotel. This has not yet been implemented, but importantly, it will not change the configuration of the existing function accommodation. The issues, other than in relation to service access, will therefore remain.

Local Development Plan Policy

Although identified as a residential area where Policy H1 applies, development proposals must satisfy all relevant Development Plan Policies. As a consequence of the issues highlighted above, reservations must be expressed as to whether the site provides an appropriate level of residential amenity. The development is, in effect, sandwiched between the Marcliffe Hotel and the Shell Club / Woodbank House, which itself provides guest accommodation and leisure and recreation facilities for Shell UK employees. Nuisance from noise and odour are every bit as likely to emanate from these premises as they are from the Marcliffe. The service areas for that facility also immediately abut the proposal site.

The proposal site also lies within a designated conservation area and sits adjacent Woodbank House which is a category C(s) listed building. The character of the area is one of large detached commercial and leisure properties set within generous feus. The proposal to replace a single house with four large detached residential properties would be out of character with the scale and density of other development in the area.

Also of relevance is the Council's Supplementary Guidance on the Sub-division and Redevelopment of Residential Curtilages. Published in March 2012, this advises that, as a general principle, new residential development should not prejudice the development of adjacent land or adversely affect existing development. It further advises that the redevelopment of a site that results in dwellings that do not front onto a public road, constitutes a form of development that is alien to the established density, character and pattern of development.

It specifically seeks to avoid the use of rear lanes for shared pedestrian or vehicular access to dwellings and rear gardens as it creates a pedestrian safety hazard. It concludes that approval of "tandem" or back land development of the type proposed sets an undesirable precedent for future applications of a similar nature, which, if replicated, could result in the creation of a second building line behind existing dwellings and fundamentally erode the character of the area. Presently, as highlighted above, the character of the area is very much one of a large leisure and commercial premises set back from North Deeside Road and enjoying spacious, wooded feus. To permit residential development unrelated to those uses, and of the scale proposed, would set a precedent for similar development throughout the area.

Whilst the guidance makes provision for the redevelopment of exceptionally large sites, that development is not permitted if, as in this case, it is alien to the general pattern, density and character of dwellings in the area.

Importantly, the guidance advises that the need to avoid setting a precedent is a material consideration when determining Planning Applications. In this case, contrary to the guidance, it would create a precedent whereby it would be difficult to resist similar developments, the cumulative impact of which would have a harmful affect on the character and amenity of the immediate area.

Access

The proposal utilises the access serving the existing house but which appears to have been unused for many years. This takes access from Fox Lane (continuation of Airyhall Road), which is an unadopted private road. It is in poor condition, with no pedestrian footways or street lighting and is incapable of serving the scale of development proposed. It is understood that the applicants have no ownership rights over Fox Lane and are not in a position to upgrade it to adoptable standards.

The guidance highlighted above specifically advises that there should be safe and convenient pedestrian and vehicular access from dwellings to the public road and pavement, avoiding contrived solutions. It advises that it will not normally be acceptable for pedestrian access to be shared with vehicles, "eg. where pedestrians have to walk on the carriageway of rear lanes or public roads to gain access to the development". Whilst a footpath connection is proposed through Woodbank to link the site with North Deeside Road, this will not address the potential conflict with existing users. The lane is popular with pedestrians and dog walkers and its intensification of use by motor vehicles will create a hazard for those existing users as well as the potential occupiers of the proposed houses.

Conclusions

The Marcliffe Hotel Ltd is extremely concerned, for the reasons highlighted above, that the proposed erection of four detached dwellinghouses on the adjoining land could seriously prejudice the future operation of the Hotel. The proposals will adversely impact on the character of the area and set a precedent for similar development to the detriment of the area.

25 June 2012

5

All of the issues highlighted above will be clearly evident from a site visit and no decision should be taken on this application until such a visit has taken place. The Marcliffe Hotel Ltd would be pleased to facilitate access to the hotel and their service areas to enable an appropriate assessment of the above issues.

The proposals are considered contrary to the Local Development Plan and published Supplementary Guidance. As such, it is respectfully requested, that planning permission be refused.

Yours faithfully

A large black rectangular redaction box covers the signature area of the letter.

John Findlay
Partner

cc: Mr Stewart Spence, The Marcliffe Hotel Ltd
Mr Grant MacKenzie, Stronachs, Solicitors

City Development Services Letters of Representation	
Application Number: 120791	
RECEIVED: 29 JUN 2012	
Dev. (Party)	Res. (Party) ✓
Case Officer Initials	GEE
Date Acknowledged	29/6/12

Agenda Item 2.3

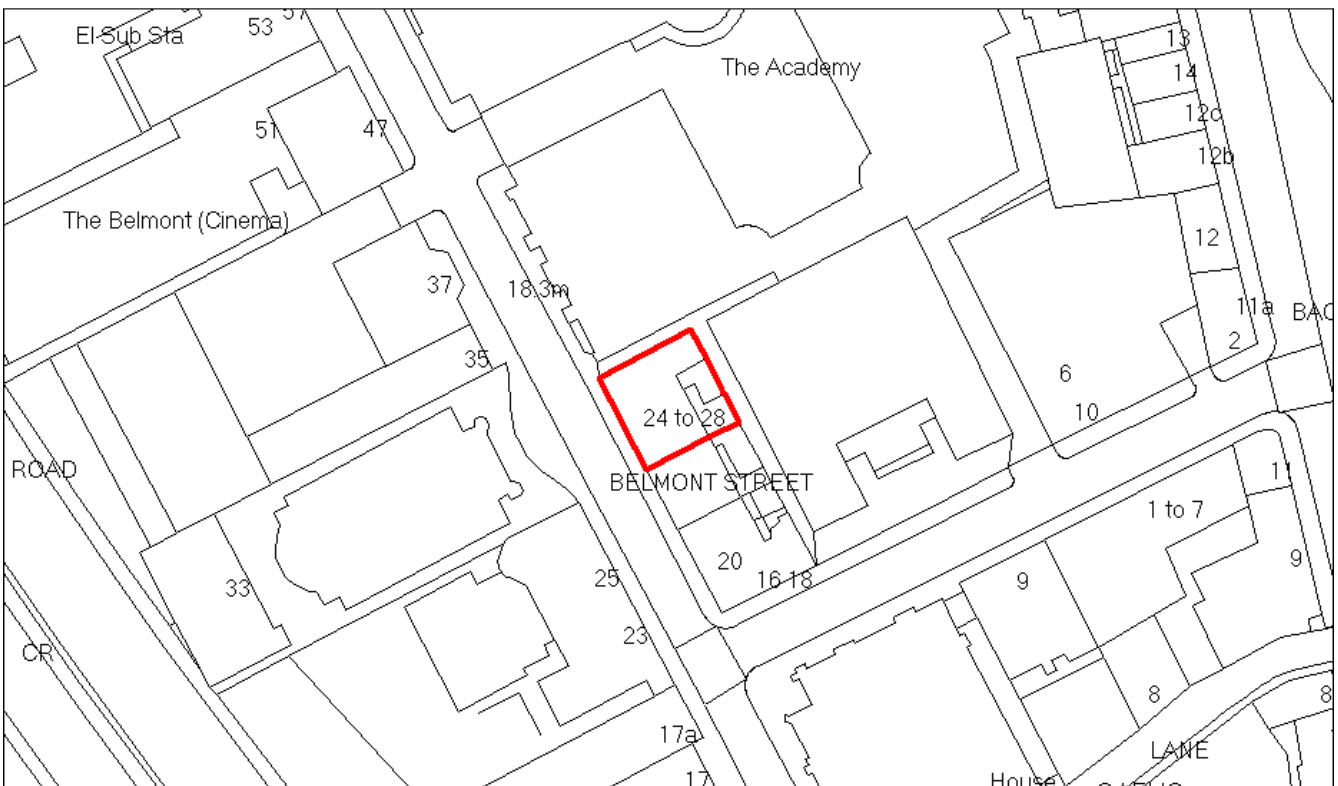
24-28 BELMONT STREET, ABERDEEN

CHANGE OF USE FROM CLASS 2 TO CLASS 1
AND CLASS 3 (CAFE/SNACK
BAR/CHOCOLATE WORKSHOP)

For: Cocoa Ooze

Application Type : Detailed Planning Permission
Application Ref. : P130377
Application Date: 20/03/2013
Officer: Jane Forbes
Ward : George Street/Harbour (A Morrison/N Morrison)

Advert :
Advertised on:
Committee Date: 13 June 2013
Community Council : No response received



RECOMMENDATION:
Approve Unconditionally

DESCRIPTION

The application site lies on the eastern side of Belmont Street, midway between its junction with Union Street to the south and Schoolhill to the north. The site, which is currently unoccupied, comprises a 2 storey traditional granite building and incorporates an existing shopfront at ground floor level, with five original window openings fitted with traditional sash and case timber windows above. The site is located within Conservation Area 2 (Union Street), with the

surrounding area characterised by a mix of uses including shops, but predominately bars, restaurants and takeaways. The Academy Shopping Centre lies immediately to the north of the site, with an independent book shop and café to the south, whilst to the rear (east) is The Old Schoolhouse, with its main access off Little Belmont Street.

RELEVANT HISTORY

In July 1993 the Planning Committee granted permission (93/0415) for a change of use from Class 1 (shop premises) to Class 2 (carers resource centre).

PROPOSAL

Detailed planning permission is sought for a change of use from Class 2 (Financial, Professional & Other Services) to a mix of Class 1 (Retail) and Class 3 (Café/Snack Bar/Chocolate Workshop). The premises would serve for the production and distribution of chocolates, as well as a venue for holding chocolate events/workshops and as a sit in café offering snacks and drinks.

Whilst an application for advert consent seeking replacement of the existing fascia sign has been submitted (Ref 13/0439), no further external alterations are proposed for the building.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130377>

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

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the Council has an interest in the application as owner of the property at 24-28 Belmont Street. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – Response received – no observations.

Environmental Health – Response received – no observations.

Enterprise, Planning & Infrastructure (Flooding) – Response received - no observations

Community Council – No response received.

REPRESENTATIONS

No letters of representation have been received.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) – This states that a proposed development that would have a neutral effect on the character or appearance of a conservation area (ie does no harm) should be treated as one which preserves the character or appearance. SPP also encourages enhancement of the vitality and viability of existing retail centres.

Scottish Historic Environment Policy (SHEP) July 2009 - Conservation areas are defined as areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.

Aberdeen Local Development Plan

Policy D5 (Built Heritage)

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy (SPP).

Policy C1 (City Centre Development – Regional Centre)

This policy states that 'Development within the City Centre must contribute towards the delivery of the vision for the City Centre as a major regional centre as expressed in the City Centre Development Framework. As such, the City Centre is the preferred location for retail, commercial and leisure development serving a city-wide or regional market'.

Policy C2 (City Centre Business Zone and Union Street)

This policy seeks to encourage retail uses within the City Centre Business Zone, and states that other uses may be considered acceptable if it can be demonstrated that such use would satisfy a range of criteria, including enhancing or maintaining daytime vitality, providing an active street frontage, and avoiding conflict with the amenity of the neighbouring area.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

The proposed change of use needs to be assessed against Policy C1 (City Centre Development – Regional Centre) and C2 (City Centre Business Zone and Union Street) in the Aberdeen Local Development, as detailed above. It is considered that the proposed use, which would include the sale of chocolates, in addition to the establishment of a venue for chocolate workshops and a sit in café, would not only bring back into use a vacant property, previously occupied by VSA as a Carers Centre under Class 2 Use (Financial, Commercial & Other Services), but would also make a positive contribution to the vitality and viability of Belmont Street. The premises has a large glazed frontage which in its previous use was largely screened, thus presenting a blank frontage to the street, however, the proposal would allow for pedestrians to see into the premises as well as customers seeing out, thus creating a live and attractive street frontage. The proposed use would fit well with that of existing properties within the surrounding area, where a variety of uses including shops, bars, restaurants and takeaways is evident. The introduction of a mixed use to include retail within this city centre location is therefore considered to be compliant with both Policy C1 and Policy C2.

Scottish Historic Environment Policy (SHEP) indicates that conservation areas are defined as areas of special architectural or historic interest or appearance which it is desirable to preserve or enhance. Whilst a separate application has been submitted for replacement signage, this specific proposal relates to a change of use, with no resulting external alteration to the building. Given that the proposal would not affect the appearance of the building, it is considered to have a neutral effect on the character and appearance of the surrounding conservation area within which the building is located, and would therefore be in accordance with Scottish Historic Environment Policy. In addition to this, with the proposed change of use introducing a more active shop frontage, the proposal would likely improve the vitality of the area and thus have a positive impact on the character of the area. On this basis the proposal is considered to comply with Scottish Planning Policy (SPP), and as a direct result would also be compliant with Policy D5 (Built Heritage).

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The proposed change of use from Class 2 (Financial, Professional & Other Services) to a Mixed Use of Class 1 (Retail) and Class 3 (Cafe/Snack Bar/Chocolate Workshop) would not be in conflict with the aims of Policy C1 (City Centre Development: Regional Centre) or Policy C2 (City Centre Business Zone and Union Street) of the Aberdeen Local Development Plan, which seek to ensure that the City Centre remains the preferred location for retail, commercial and leisure development serving a city-wide or regional market, and encourage development which serves to enhance or maintain daytime vitality, provides an active street frontage, and avoids conflict with the amenity of the neighbouring area.

The proposal would have no adverse effect on the character and appearance of the surrounding conservation area and as such would comply with the Scottish Historic Environment Policy (SHEP) and would also be in accordance with the provisions of Scottish Planning Policy (SPP) and Policy D5 (Built Heritage) of the Aberdeen Local Development Plan.

Dr Margaret Bochel

Head of Planning and Sustainable Development

Agenda Item 2.4

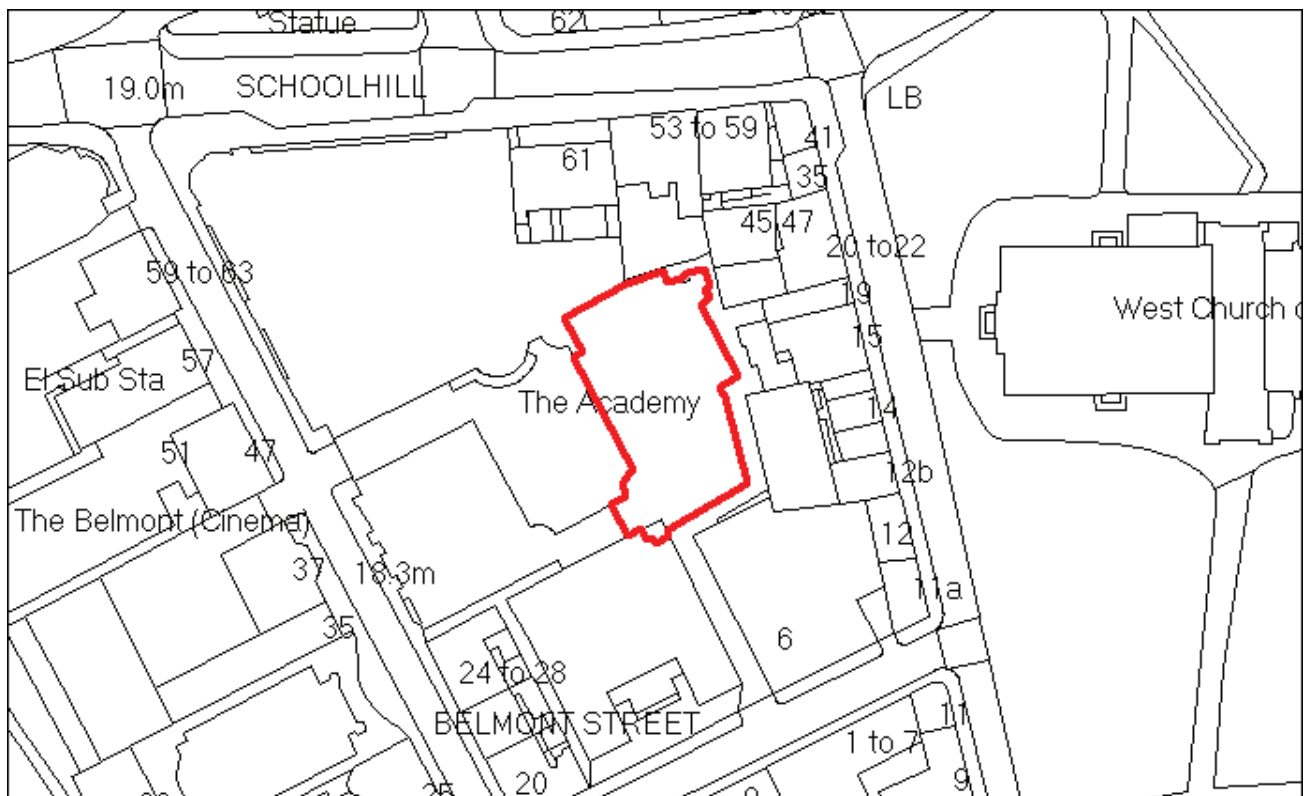
THE ACADEMY, 40 BELMONT STREET

CHANGE OF USE FROM RETAIL (UNITS 1-5)
TO TWO RESTAURANT UNITS (UNIT 1-2)

For: Royal Mutual Society Ltd

Application Type : Detailed Planning Permission
Application Ref. : P130255
Application Date: 01/03/2013
Officer: Gavin Clark
Ward : George Street/Harbour (A May/J Morrison/N Morrison)

Advert : Section 34 -Proj. Pub. Concern
Advertised on: 13/03/2013
Committee Date: 13 June 2013
Community Council : No response received



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The site is presently 5 ground floor retail units within the Academy Shopping Centre. The units comprise approximately 600 square metres and, at present, has a frontage onto the Academy's internal walkway. At present two of these units are occupied by music, with the other 3 presently vacant.

The Academy is occupied by a number of shops, licenced premises, coffee shop and bars/ restaurants. The wider area is generally of a mixed use nature, but predominantly houses bars, nightclubs, restaurants and takeaways.

The site lies within Conservation Area 2 (Union Street).

RELEVANT HISTORY

There is no relevant history associated with the current application site boundary, however, there have been a number of applications in recent years associated with the Academy, ranging from changes of use, internal/ external alterations, telecommunications notifications and advertisement consents.

PROPOSAL

It is proposed to change the use from Class 1 (Retail) to Class 3 (Food and Drink) to allow the site to be used as two licenced restaurant units. The site currently hosts 5 retail units (numbers 1 – 5).

The proposed occupiers of the units are not yet known, however the proposal will see the current units on site reduced from five to two, allowing for a total floor area of approximately 600 square metres.

There are no external alterations proposed at this stage. However it is proposed to extend the unit into the internal glass walkway around the Academy Courtyard.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130255>

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

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the application has been advertised as a project of public concern. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – response received, no objection.

Environmental Health – informal response received. A condition should be inserted into the planning consent in relation to the proposed means of filtering, extracting and dispersing of cooking fumes from the premises. In addition, conditions have been inserted in relation to hours of work and refuse storage/ collection. In addition, it was not considered necessary to insert a condition in relation hours of work, as there are no residential properties in the immediate locale.

Enterprise, Planning & Infrastructure (Flooding) – response received, no objection.

Community Council – no response received.

REPRESENTATIONS

None received.

PLANNING POLICY

Aberdeen Local Development Plan 2012

Policy C2 (City Centre Business Zone and Union Street) – Proposals for change of use from retail (Class 1 of the use classes order) to other uses within the city centre business zone will only be acceptable if, in other parts of the City Centre Business Zone, it can be demonstrated that there is a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant) and how the new use contributes to the wider aims for city centre enhancement.

The proposed new use must enhance or adequately maintain daytime vitality; and an active street frontage and the alternative use does not conflict with the amenity of the neighbouring area.

Policy D5: Built Heritage: Proposals affecting Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

Policy R6 (Waste Management Requirements for New Development) – Details of storage facilities and means of collection must be included as part of any planning applications for development which would generate waste.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

Policy C2 states that proposals for a change of use from retail to other uses within the City Centre Business Zone will only be acceptable if in other parts of the City Centre Business Zone, it can be demonstrated that there is a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant) and how the new use contributes to the wider aims for city centre enhancement.

The proposed new use must enhance or adequately maintain daytime vitality; and an active street frontage and the alternative use does not conflict with the amenity of the neighbouring area.

The applicant has submitted a supporting statement, which states that two of the units (the former AB10 and French Connection) have been vacant since late 2007. There has been very little letting activity in relation to these units. Quicksilver and Sandy Menzies also vacated the site during 2011, which has led to a whole corner of the scheme being vacant and interest in the sites has been minimal due to the lack of footfall and new retailers feeling isolated in this section of the mall. In addition, rents have been reduced significantly since 2008.

Two of the units were let out in early 2012 in order to stimulate longer term leads. Two retailers were identified in imusic and Aberdeen FC. Aberdeen FC vacated the site in May 2013.

The agent has also indicated that retailing opportunities have been extensively circulated round both national and local retailers via the joint agents and the units have even been offered for Christmas lets, which proved unsuccessful. The reasons given related to lack of prominence and footfall, which has resulted in retailers looking at other sites in George Street, Holburn Street and the west end of Union Street.

In summary, it is unlikely that these units will be let for retail use this year despite the efforts of the letting agent, even though the landlord has taken a proactive and flexible approach in respect of lease terms and rental. It has been demonstrated that the units have been marketed for a sufficient period of time, and restaurant use could therefore be supported.

At present there exists a thoroughfare between Schoolhill and Little Belmont Street. This route will be lost as a result of the development, with a more convoluted route, involving walking through the courtyard to a new access door, leading towards Little Belmont Street. The agent has advised that the intent is for the link to be of the same aesthetic as the existing mall with glazed doors to

both ends. It will remain open for public access over a period to accommodate the surrounding tenants opening and closing times as they exist. During their initial analysis they had considered whether this link should have more of an external aesthetic but viewed this as inappropriate because the roof and ceiling zone need to be retained as there are substantial landlord services there that cannot be reconfigured as this would make the proposals commercially unviable.

The loss of this existing thoroughfare is unfortunate, as the link between Schoolhill and Little Belmont Street will be lost, however, this reason alone does not provide sufficient justification to refuse planning permission, and the proposed link will still provide an access into the Academy, albeit via the courtyard.

The proposal will also result in the addition of active street frontages, and will enhance the daytime vitality of the area, but replacing empty retail units with two restaurant uses. The surrounding area also includes a number of restaurants, including Nando's, The Old Schoolhouse, Enigma and Costa Coffee, subsequently, the proposal does not conflict with these uses. The proposal is considered to accord with Policy C2 "City Centre Business Zone and Union Street" of the Aberdeen Local Development Plan.

No physical alterations are proposed to the building. The proposal will sit within the courtyard, and will provide an active frontage.

Roads officers are satisfied that there would be no changes in the parking situation in the area as a result of the proposal.

A condition will be attached to the planning consent requiring details of the extraction system to be submitted prior to the use commencing. A condition will also be attached in relation to refuse storage and disposal, to ensure accordance with Policy R6 "Waste Management Requirements for New Development".

It is not considered that the change of use would have any impact upon the character of the conservation area or the setting of the nearby listed buildings. The proposal therefore accords with Policy D5 "Built Heritage".

RECOMMENDATION: Approved subject to conditions

REASONS FOR RECOMMENDATION

The proposed change of use is acceptable; the loss of the retail unit would not have a detrimental effect upon the area. The proposal would allow the creation of two frontages onto the courtyard and would maintain daytime vitality and enhance evening activity. It has also been sufficiently demonstrated that the retail units have been marketed for a sufficient period of time, and the restaurant use can therefore be supported. The proposal therefore accords with Policies C2 "City Centre Business Zone and Union Street", D5 "Built Heritage" and R6 "Waste Management Requirements for New Development" of the Aberdeen Local Development Plan.

CONDITIONS

it is recommended that approval is granted 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 – in order to preserve the amenity of the neighbourhood.

(2) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and 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.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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Agenda Item 2.5

UNION TERRACE GARDENS, UNION
TERRACE

VARIATION TO CONDITION 1 OF PLANNING
REF 120427 TO EXTEND CONSENT PERIOD
FOR FURTHER 5 YEARS

For: Common Good Aberdeen Mr Steven
Bothwell

Application Type : Section 42 Variation
Application Ref. : P130238
Application Date: 07/03/2013
Officer: Tommy Hart
Ward : Midsocket/Rosemount (B Laing/F Forsyth)

Advert :
Advertised on:
Committee Date: 13 June 2013
Community Council : No response
received



RECOMMENDATION: Approved subject to conditions

DESCRIPTION

The application site is located beneath one of the existing archways and adjoining footpath on the Union Terrace side of Union Terrace Gardens. The archways are Category B-Listed and the gardens themselves are within the Union Street Conservation Area. The specific space beneath the archway and the adjacent area are not currently used for any definitive use.

RELEVANT HISTORY

Planning ref 120427 for proposed temporary café with timber summerhouse and external seating area was approved subject to conditions by the Development Management Sub-Committee in June 2012. The Conditions were as follows; *(1) that the temporary building hereby granted planning permission shall not remain on the site after a period of one year expiring on 14/06/13 - that the character and siting of the structure is not such as to warrant its retention for a period longer than that specified in this permission; (2) that following the expiry of the one year period hereby granted, the approved development must be removed and the site shall be made good, in accordance with a scheme to be submitted and approved in writing by the Planning Authority, within 1 month of such removal - to minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory condition.* This permission was not implemented.

PROPOSAL

This application seeks to vary condition 1 of the original permission to allow the temporary building and seating to be on-site for a further 5 years.

The original application sought permission for the erection of a temporary café cabin underneath the archway, and an area adjacent to the archway to provide seating for customers. The proposal would, in essence, comprise of a timber clad and timber framed cabin and would not be physically connected to the archway itself. Located under cover of the archway, a timber screen would be fitted around the cabin to secure the unit and close off the areas surrounding it. Access to the areas behind this screen would be achieved through concealed, secure gates. The temporary nature of the unit is clear through the lack of foundations and minimum fixings to the existing fabric. Although described as a café, the precise nature of the unit would incorporate the preparation of food and drinks off-site to be delivered to the unit for serving to the public on a daily basis. In this sense there are no proposals for plumbing, sanitary/toilet provision, or areas of preparation within the unit. Power would be supplied via generator which would be located to the secure area behind the cabin, accessible only via the secure gates in the timber screening. It is noted that whilst the archway is listed, Listed Building Consent is not required as the proposal, whilst located under the archway, would not be physically connected to it with the exception of the timber screening.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130238>

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

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the Council has an interest in the land. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – no observations

Environmental Health – no observations

Enterprise, Planning & Infrastructure (Flooding) - no observations

Community Council – no comments received

REPRESENTATIONS

No letters of representation have been received.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) is the statement of Government policy on land use planning and includes the Government's core principles for the operation of the planning system and concise subject planning policies. The general policy on sustainable development and the subject planning policies relating to listed buildings and conservation areas are relevant material considerations

Historic Scotland Scottish Historic Environment Policy (SHEP) – the main principles of Historic Scotland's Scottish Historic Environmental Policy (SHEP), in terms of Development Management, is to ensure that any development within a Conservation Area or relating to a Listed Building enhances or preserves the area or building – in other words, the proposed development should not have a detrimental impact on the character of the area or the building.

Aberdeen Local Development Plan Policy

OP98 Denburn Valley/Belmont Street/Union Terrace: options for the future of the gardens are currently under consideration.

Policy NE1 – Green Space Network: proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

Policy NE3 – Urban Green Space: permission will not be granted for any use other than recreation or sport. Development will only be acceptable provided that there is no significant loss to the landscape character and amenity of the site and adjoining areas; public access is either maintained or enhanced; the site is of no significant wildlife or heritage value; and there is no loss of established or mature trees.

Supplementary Guidance

The Council's supplementary guidance on temporary buildings is a relevant material consideration.

EVALUATION

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the planning authority in determining the application only to consider the

question of the condition(s) subject to which the previous planning permission should be granted. The planning authority has the option to approve the permission subject to new or amended conditions or to approve planning permission unconditionally. Alternatively the planning authority can refuse the application, which would result in the conditions on the original application remaining.

OP98 Denburn Valley/Belmont Street/Union Terrace

The application is to be assessed on its own merits having regard for the existing use of the site. By way of its temporary nature, the proposed development would not conflict with, or have any impact on the consideration of any future scheme for Union Terrace Gardens.

Impact on Green Space Network

Although located within Union Terrace Gardens, the application site refers specifically to the area underneath the archway and the immediate area of land adjacent to this, the nature of which is not considered to have any direct contribution to the Green Space Network. By way of its location, nature and temporary time-scale, the proposed development would not have any impact upon the wider character or function of the Green Space Network within Union Terrace Gardens.

Impact on Urban Green Space

For the same reasons there would be no loss of landscape character or amenity within the site and adjoining areas. There is sufficient space to accommodate the seating and tables without causing hazard to pedestrian users or their movement within the gardens. There would be no impact on wildlife, existing trees or landscaping within the gardens.

Impact on Historic Environment

The heritage value of the archway is acknowledged through its listing, however the application site, being the area of ground underneath the arch and the space adjacent to it, is not considered in its own rights to be of any significant value. The proposed cabin and seating area would not be considered detrimental to the character of the conservation area or listed archway, indeed they may actually enhance this character through the provision of an additional, active public feature. The cabin would not be physically attached to the archway, only the timber screening. Such a proposal would have no impact on the structural integrity of the archway or Union Terrace. On account of minimal fixings, the proposed scale and the temporary nature of the proposal, the long term viability and visual aesthetics of the listed archway would be relatively unaffected. There would be no conflict with Scottish Planning Policy not Historic Scotland's SHEP.

Proposed Timescale

The Supplementary Guidance allows for certain types of temporary buildings to be 'on-site' for an initial period of 5 years, with consideration given to shorter periods up to ten years if certain criteria are met. Permissions will only be granted for more than ten years in exceptional circumstances. The summer house is considered to fit comfortably into the category of temporary building given that there are no permanent fixtures into the urban fabric (the timber structure would

sit on steel shoes). With regards to the specific circumstances of this application, permission was previously granted for one year although this was not implemented.

In the long term, and having regard for the nature of the proposed use, it is considered that a time-scale of 5 additional years is acceptable and justifiable in this specific circumstance as this considered acceptable within the supplementary guidance for other similar temporary structures. In this respect, conditions are attached to ensure that the site is reinstated to its current state, in full, following expiration of 5 years from the date of decision.

RECOMMENDATION

Approved subject to conditions

REASONS FOR RECOMMENDATION

The proposed temporary building and seating is considered to have no detrimental impact on the Listed arch, the Union Street Conservation Area or the Green Space Network within the gardens and as such the provision of a temporary building and seating is not considered to conflict with Scottish Planning Policy subject policies regarding listed buildings and conservation areas, Historic Scotland's Scottish Environmental Policy or Aberdeen Local Development Plan Policies NE1 and NE3.

With respect to the timescale, it is considered that allowing an additional 5 years would not go against the principles of the Supplementary Guidance: Temporary Buildings and as such allowing an additional 5 years is acceptable in this specific circumstance.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) that the temporary building and associated seats hereby granted planning permission shall be removed from the site on or before the expiry of a final period terminating on 13/06/2018 and shall not remain on the site thereafter - that the character and siting of the structures are not such as to warrant their retention for a period longer than that specified in this permission.

(2) that following the expiry of the one year period hereby granted, the approved development must be removed and the site shall be made good, in accordance with a scheme to be submitted and approved in writing by the Planning Authority, within 1 month of such removal - to minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory condition.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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Agenda Item 2.6

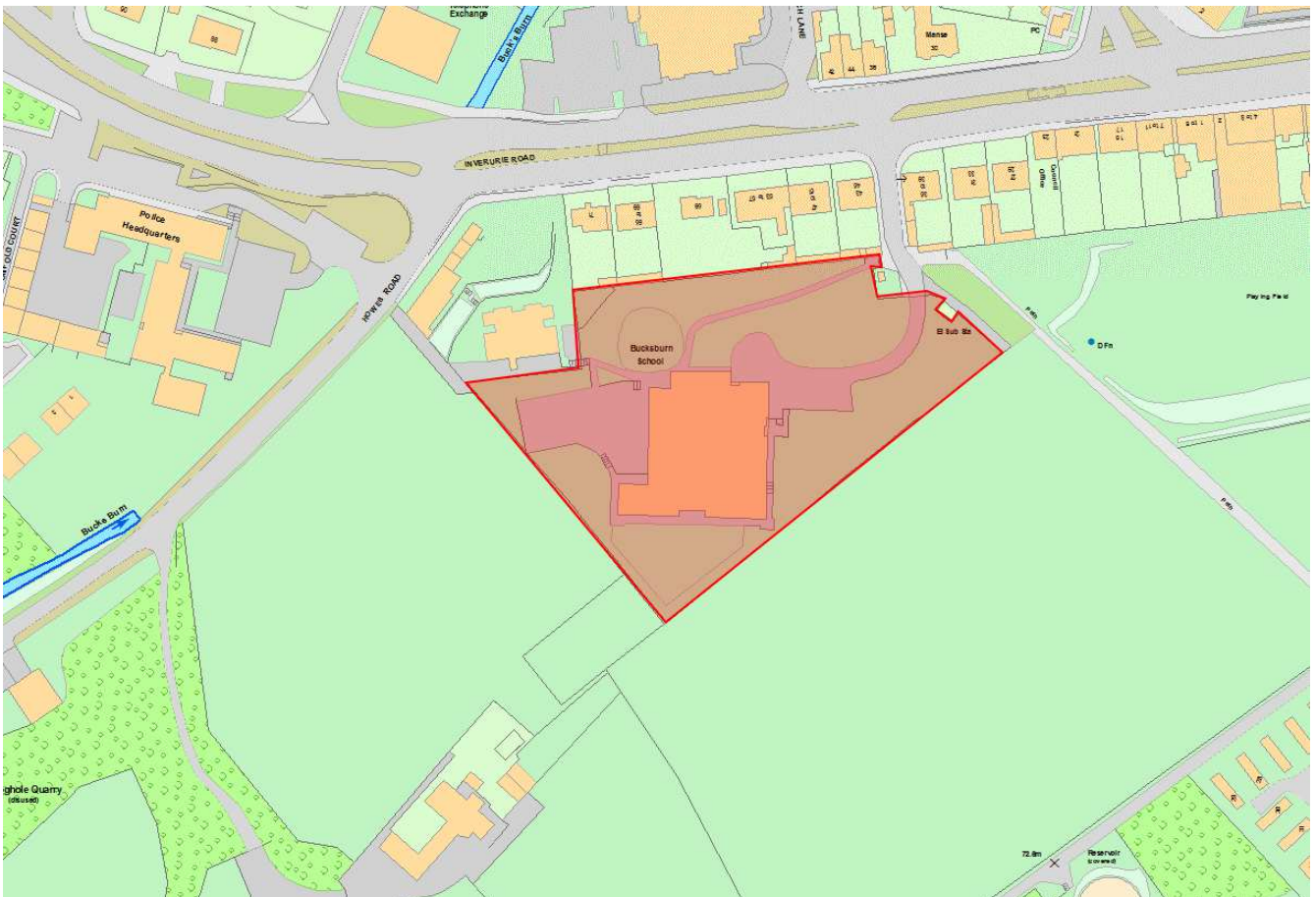
BUCKSBURN PRIMARY SCHOOL, INVERURIE ROAD, BUCKSBURN

ERECTION OF ONE SINGLE STOREY AND ONE TWO STOREY CLASSROOM ACCOMMODATION UNITS

For: Aberdeen City Council

Application Type : Detailed Planning Permission
Application Ref. : P130449
Application Date: 05/04/2013
Officer: Lucy Greene
Ward : Dyce/Bucksburn/Danestone(B Crockett/G Lawrence/N MacGregor/G Samarai)

Advert : Can't notify neighbour(s)
Advertised on: 17/04/2013
Committee Date: 30 May 2013
Community Council :



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site consists of the existing Bucksburn Primary School site and lies on the south side of Inverurie Road (A96 trunk road), behind of row of residential properties that front onto the main road. The existing single storey school buildings lie towards the southern end of the triangular shaped site.

Vehicles reach the existing school via an existing access road off the Inverurie Road, almost opposite the Britannia Hotel.

To the south and west of the school lie agricultural fields; to the north west is the nursery that is linked to the school via steps; to the east is a large grassed recreational area containing a children's play area.

The land within the school site is at a higher level than the properties to the north, with the level difference being such that the area of playground immediately to the south of the residential properties, would be just below the level of the upper floor windows. There is a bank within the school playground that slopes steeply down towards the northern site boundary and the boundary walls to the residential properties.

There are 14no. existing car parking spaces on the site.

RELEVANT HISTORY

On this site there is no planning history of particular relevant.

There is a current planning application for the new primary school at Newhills.

PROPOSAL

The application proposal is for the erection of temporary classroom accommodation. This would be within two 'portacabin' style temporary buildings: a double storey height building that would contain a total of 8 no. classrooms, plus ancillary facilities; and, a single storey building that would contain 2 no. classrooms. It is proposed that the classrooms would be used by pupils currently at Newhills Primary School. The intention is that Newhills Primary School would be replaced on its existing site and the pupils would then move back. It is indicated that the temporary accomodation would be required up until summer 2015, however, the application is not for a temporary period.

The two storey building would lie immediately to the south of houses fronting onto Inverurie Road, the northern side of the building would be between approximately 2.9m and 5.8m from the rear wall of the gardens to these properties, and more than 18m from the rear wall of the properties.

The external face of the walls to both buildings would be 'plastisol' coated steel sheets.

The single storey building would be located immediately to the east of the school adjacent to the car park.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130449>

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

A Transportation Assessment, including Preliminary Travel Plan, by Buro Happold, has been submitted with the application.

This includes the following:

- that staff will be instructed to park at Bucksburn Academy
- parents will be encouraged to park at the former library car park on Kepplehills Road
- that on-street parking in the area would be monitored by the Council and appropriate parking restrictions and enforcement be implemented if required.
- The conclusion is that levels of person and vehicle trips would approximately double, but with a robust parking strategy in place, it is not expected that this will impact significantly on the operation or safety of the highway network.
- The school are committee to implementing a travel Plan.
- Although not part of the application, the Council have committed to undertake work to the pedestrian network and relocating the school patrol to the northern end of Kepplehills Road.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because it is a Council development. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team - Request drawings of ramp access; cycle parking should be provided; the site is well served by public transport. The proposals to limit staff use of the on site parking with staff parking being provided at Bucksburn Academy is welcomed. This is acceptable as a temporary measure, providing the agreement is reviewed to ensure that the academy car park is operating within capacity.

It is noted that provision is being made to reduce the number of vehicles parking at or near the site entrance, in order to allow larger vehicles to enter and exit for construction.

Transport Scotland – Does not object. Request the attachment of a condition relating to ensuring the access road remains clear of parked vehicles during the construction phase.

Aberdeen Airport – Does not object. Request that the applicant is provided with advice on the use of cranes and noise insulation.

Environmental Health – Responded - no observations

Enterprise, Planning & Infrastructure (Flooding) – Responded – no observations

Community Council – No comments received.

REPRESENTATIONS

Two letters of objection have been received. The objections come from occupiers of the residential properties immediately to the north of the application site and issues raised relate to the following matters:

- privacy, in relation to views from the two storey building into the property to the north;
- blocking of natural light into garden and house

- water drainage – in the past there has been a problem of flood water flowing down the slope and resulting in the garden boundary wall being knocked down. The wall has now been rebuilt, but the garden remains damp.
- It is requested that the two storey block is placed further from the houses for the above reasons
- That the road from the dual carriageway into the school grounds is unadopted and the Council do not repair the road. Further damage would be caused by construction vehicles using the road.
- Difficulty of accessing the site for larger vehicles – in the past this has resulted in damage to residents property which had to be repaired at their cost;
- When the schools merge there will be increased pressure from parents dropping off / collecting and the problems of illegally parked vehicles blocking access to residents parking areas, will be likely to be exacerbated.
- With many vehicles parked illegally in the access road, safety for children is compromised.
- That the Transportation Assessment does not include mention of the parking space that exists adjacent to the school entrance. Access to this space is often very difficult due to parked vehicles and the space is used for turning, which adds to wear and tear.

PLANNING POLICY

Aberdeen Local Development Plan

Policy H1 – Residential Areas

Within existing residential areas, proposals for non-residential uses will be refused unless: they are considered complementary to residential use; or would cause no conflict with, or nuisance to enjoyment of residential amenity.

Supplementary Guidance

Temporary Buildings Design Guide

States that for portable buildings planning permission will normally be granted for this type of temporary unit on a year to year basis for a maximum duration of two and a half years.

Other Relevant Material Considerations

The implications for transportation, access and parking; the Transportation Assessment, which includes 'Preliminary Travel Plan' is a material consideration.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

The issues for consideration are whether the proposal is appropriate in this

location in terms of its use; impact on residential amenity and in terms of transportation and road safety, including access and parking, as well as the other matter raised by objectors – drainage.

Residential Policy

The proposal would be for use as part of the school, it would represent an intensification of that use, however, schools are generally considered complementary, in principle, to residential use. The proposal therefore complies with Policy H1.

Residential Amenity

The potential for the proposal to impact detrimentally on privacy, daylighting and sunlighting are the issues to be considered. The issue of parking and access is dealt with in the 'Roads' section below.

The proposed single storey building would be at sufficient distance from residential property to have essentially no impact.

The double storey building would be quite close to the northern site boundary. The rear elevation of the proposed building would lie at an angle, rather than parallel to the site boundary; it would be a maximum of 7m and a minimum of just under 3m from the rear garden walls. The double storey building would stand on ground that is significantly higher than the residential properties. The proposed building would be directly to the south of the house at no. 71 and flatted one and a half storey property at no. 67/69.

The ground floor level would be roughly level with the dormer windows of the property at 67/69 Inverurie Road. In terms of privacy, there is currently a view directly into these windows from the school playground. The property at 67/69 is flatted and the window to window distance would be approximately 18m. The house at no. 71 has only a roof light at the upper level, with relatively limited expanse of windows and door at ground floor level. There are also trees providing partial screening, and this property is approximately 20m from the proposed school accommodation.

Other properties are at least partially screened by trees and not directly opposite the proposed building, it is considered that there would be an insignificant impact on other properties.

In terms of sunlighting and daylighting, there would be some impact on sunlight reaching parts of the garden, around the middle of the day. This would be mitigated to some extent by the fact that the sun is at its highest at this time of day.

There would also be an impact on the properties at 67/69 and 71 by the presence of a two storey building on higher ground close to the ends of the gardens, however, the gardens are relatively large.

It is considered that as the temporary buildings are proposed for a period of two years only, and would be unoccupied at weekends and outside school hours, the overall impact on residential amenity is acceptable.

Roads

The difficulties in terms of access and parking emanate from the fact that the school is accessed directly off the trunk road, via a short access road, which also provides access to two garages and two separate parking spaces. There is also inadequate parking on the site for the additional staff. Robust proposals have been formulated for managing this issue. The measures include staff parking off site, parents being directed to an alternative parking area off site, and proposals for the supervision of groups of children walking to school from an off site gathering point. In addition, measures are already starting to be implemented for the management of existing parking problems on the access road.

It is considered that many of the issues raised by the objector exist at present, and whilst there is the potential for these to be exacerbated by the application proposal, the travel plans submitted and finalised plans required by condition, together with enforcement of any illegal parking on the access road, would help ensure that parking and travel to school are satisfactorily managed in future.

In terms of construction access and possible damage, including wear and tear to the access road caused by construction vehicles, these are not strictly planning matters. It is unclear whether the road is adopted, if the road is private, this is a private legal matter between the applicant and the owners. However, the Council as applicant, could ensure that a survey is undertaken of the access road prior to commencement of the work, to ensure that any additional damage to the access road is identified and made good.

Temporary Buildings Design Guide

It is clear that there are plans in place to provide for a permanent solution to replace the temporary accommodation. It has been indicated that the temporary buildings would be required for a period up to summer 2015. The buildings are acceptable in terms their appearance. The proposal is acceptable in terms of the Temporary Buildings Design Guide.

Matters raised by objectors

Most of these matters are dealt with above.

In order to prevent any exacerbation of surface water flooding adjacent gardens, a condition is recommended to be attached relating to surface water drainage.

RECOMMENDATION

Approvesubject to conditions

REASONS FOR RECOMMENDATION

That the proposed temporary accommodation would have some impact on residential amenity in terms of their location and presence, however, this is considered acceptable as the buildings are required for a temporary period only. The proposal in terms of its use is complementary to residential use and overall Policy H1 is not offended. In terms of the Supplementary Guidance on temporary buildings, the proposal is acceptable as it clear that a permanent replacement for the temporary accommodation is planned. With the proposed travel plan, included within the Transportation Assessment, the proposal is acceptable in terms of its impact on traffic, road safety, access and parking.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) That the development shall not be brought into unless details of arrangements to ensure that the access road is kept clear of parked vehicles during the construction phase are submitted to and approved in writing by the planning authority and subsequently in operation -To ensure that construction vehicles may enter and leave the site freely without stopping on the trunk road.

(2) That the development shall not be brought into unless there has been provided cycle parking in accordance with a scheme to be submitted to, and approved in writing by, the planning authority - in the interests of encouraging means of travel other than by private car.

(3) That the development shall not be brought into use unless there has been submitted to, and approved in writing by, the planning authority, a finalised travel plan. The proposals in the travel plan shall be fully implemented, monitored and amendments be made to address any issues arising - in order to help ensure that staff and pupils do not travel to the site by car.

(4) That development shall not take place unless there has been submitted to, and approved in writing by the planning authority, a scheme for surface water drainage for the proposed temporary buildings and associated hard surfaced areas. The development shall not be brought into use unless the plans as agreed have been fully implemented on site - in order to ensure that surface water does not flow into adjacent residential gardens.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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-----Original Message-----

From: <webmaster@aberdeencity.gov.uk> [<mailto:Webmaster@aberdeencity.gov.uk>]

Sent: 22 April 2013 14:07

To: PI

Subject: Planning Comment for 130449

Comment for Planning Application 130449

Name : Sara and Jamie Elliot

Address : 71 Inverurie Road

Bucksburn

Aberdeen

AB21 9LJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We object to this planning application for the following reasons:

1. Invasion of privacy - The two story construction proposed will tower over our property allowing anyone in the building to see into our garden and house. Further to this, the plan shows windows on the side of the construction facing our property meaning that we can be under observation at all times.
2. Blocking of natural light - The sheer size of the proposed construction will block natural light into our garden and house if it is placed where planned.
3. Water drainage and suitability of proposed plot - Our substantial granite perimeter wall was knocked down last summer with the force of flood water coming down the slope from the proposed site. This is the perimeter wall that is immediately beside the proposed site. The wall was rebuilt but the area of our garden nearest the wall is still very damp and mossy. Clearly there is a drainage problem in this area which could also be affecting the proposed site on the school side of the wall making the ground unstable. We are happy for you to inspect our garden and wall to confirm the drainage situation.

Taking the above objections into account, we request that the proposed construction be placed in another area of the school grounds, for example, in the tarred area at the back of the school adjacent to the horse grazing fields. If the construction has to be placed on this side of the building, we request that it is placed much further away from the perimeter of our property in the circular tarred area. This would allow us some privacy and also natural light into the garden.

Lucy Greene

From: Debbie Dougary <[REDACTED]>
Sent: 30 May 2013 21:33
To: Lucy Greene
Subject: Re: Planning application at Bucksburn 130449

Thank you for your email, below is a copy of the email I sent on 17th April, and I have also made comment on the traffic consultation.

From: Debbie Dougary <[REDACTED]>
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
Sent: Wednesday, 17 April 2013, 19:36
Subject: Planning Application - 130449

I write with reference to the above planning application. I do not have any objections to the additional classroom accommodation units at the school but wish to raise the following concerns:-

- The road from the dual carriage way on Inverurie Road to the school car park has not been adopted by Aberdeen City Council. The condition of the road is currently extremely poor and has a number of considerably large pot holes. As the road is not adopted the Roads Department in Aberdeen City Council refuse to repair the road. During the construction large vehicles will require to use this road and the condition shall only deteriorate further.
- I assume that large lorries will be used to transport the building materials from the dual carriageway to the school car park. Traffic the size of a small truck used for deliveries to the school currently often have difficulty getting up the road and will mount the pavement to enable them to get up the road. We have a gas flue on our gable wall (located higher than the average car mounting the pavement), and one of these trucks has struck the flue recently (we were unable to identify which vehicle) this resulted in us having it replaced at our cost (£170 plus vat) and it caused us a great inconvenience as we were not allowed to use our heating system until it was replaced as we were advised that it would be dangerous to do so. As this is the only access road to the school I have concerns during the construction of the accommodation that a similar incident could occur.
- Once Bucksburn Primary School and Newhills Primary School merge the traffic for dropping off and collecting children will increase as the school will double in size and some children will have a considerable distance to travel. I have concerns regarding illegally parked vehicles. I have a parking space and require to use the turning space before the entrance to the school. I arrive home at approximately 2.50pm daily and almost every day at least one vehicle if not more vehicles' are parked illegally in this turning space resulting in this being a difficult task. I am aware that Bucksburn Primary School has already identified this as a risk and very recently the local wardens have occasionally been visiting the area, however to date no action has been taken as they are unsure whether they can act on the faintly painted yellow lines on a non-adopted road. Also with so many vehicles parked illegally it is very busy and dangerous for the children coming from the school.

I look forward to hearing from you regarding this matter.

Mrs Debbie Dougary

Since we last spoke I have had an opportunity to review the Traffic Consultation. I feel that on page 24 the information is not fully accurate. It states 'At the top of the road, there are access to two private garages and a turning head adjacent to the wooded area which leads onto the playing

field.' No mention of my parking space is made. For your reference from the left hand photograph you can see my parking space, to the right of the Bucksburn Primary school sign, you can see the dropped kerb. I am a working mum and return to collect my daughter from school around 2.50pm each day, I feel it is much safer to reverse into the space so that when I leave I can see the traffic coming from the school and also up the road. Currently with the levels of traffic at the school the parking around this area starts to arrive from 2.30pm onwards and often you can have 3 cars parked within the turning space making access to my parking space very very difficult, and I am left with no option but to drive into my space and have to turn my car around later so it is safe to leave the next morning after the morning drop off. I am aware that before I arrive home if a car comes up the road and cannot find a space my parking space is used as a turning space. I have concerns regarding this, we were advised that at the time of installation that the product used was for domestic use and that the workmen had concerns that if people used my space as a turning space regularly as they observed the amount of traffic, we will have to have the parking space resurfaced sooner that we should need to.

I spoke to one of your colleagues today and he advised that you were recommending that this application be approved subject to recommendations, would it be possible for you to advise me what your recommendations are?

If I have any influence could you ensure that action is taken against the parking of cars illegally within the turning space and in front of both my neighbours driveways as they are blocked on a daily basis.

Look forward to hearing from you.

Regards

Debbie Dougary

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Agenda Item 2.7

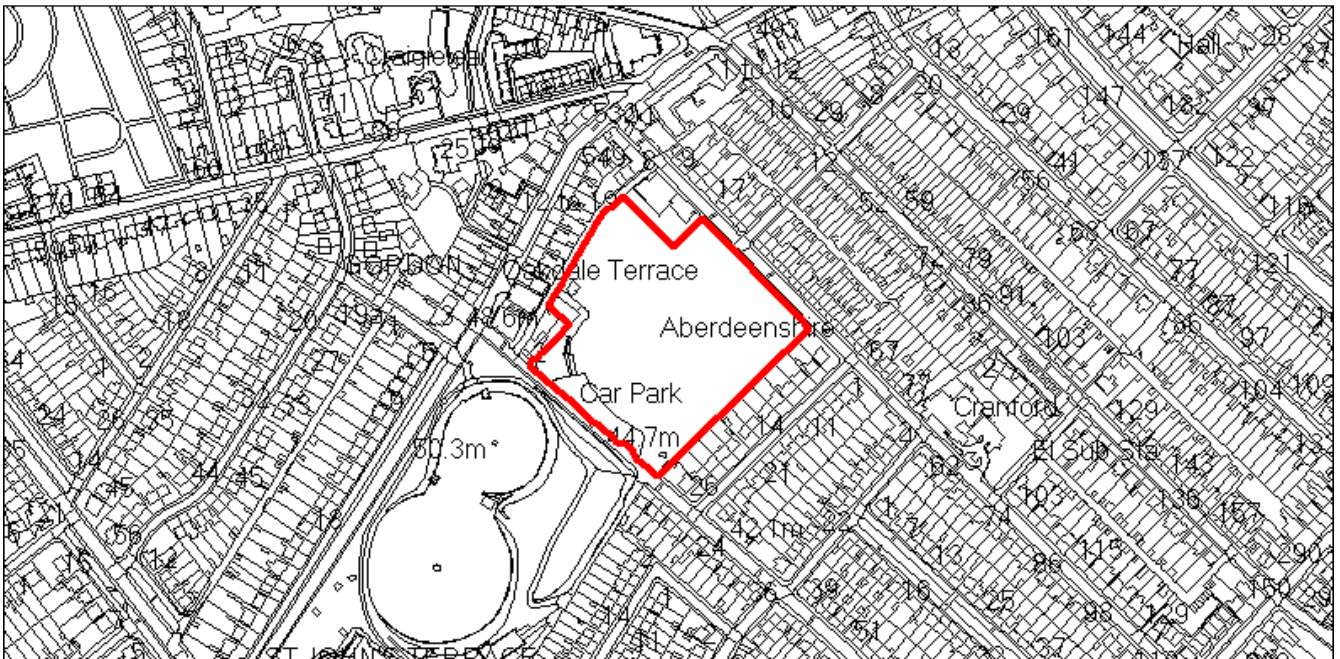
MORNINGSIDE ROAD, MANNOFIELD

ERECTION OF REPLACEMENT CRICKET
SCORE BOARD IN EXISTING CRICKET
GROUND

For: The Trustees of Aberdeenshire Cricket Club

Application Type : Detailed Planning Permission
Application Ref. : P130473
Application Date: 04/04/2013
Officer: Gavin Clark
Ward : Airyhall/Broomhill/Garthdee (I Yuill/A
Taylor/G Townson)

Advert :
Advertised on:
Committee Date: 13 June 2013
Community Council : No Community
Council



RECOMMENDATION: Approved Unconditionally

DESCRIPTION

The application relates to land in the ownership of Aberdeenshire Cricket Club, located on Morningside Road, within the Mannofield area of Aberdeen. The site presently incorporates an international cricket pitch with associated clubhouse, groundkeeper's dwelling/ store (which is presently under construction – close to completion) and various other outbuildings and equipment.

RELEVANT HISTORY

- Detailed Planning Permission (Ref: 111670) was approved by Planning Committee in April 2012 for the construction of a new cricket store within the cricket grounds with 2 No. self-contained apartments above, one designated as a groundsmans dwelling.
- Detailed Planning Permission (Ref: 091456) was approved under Delegated Powers in November 2009 for the erection of a replacement dwellinghouse.
- Outline Planning Permission (Ref: 071772) was approved by Planning Committee in Decemver 2007 for the existing office accommodation to be converted into 2 No. flats, ground floor offices converted into workshop and changing accommodation for cricket club use and a new building for 3 No. indoor nets, new link area and new 3 storey office block.

PROPOSAL

The application seeks retrospective detailed planning permission for the erection of a cricket score board within the grounds of Aberdeenshire Cricket Club.

The scoreboard will measure 6m x 3m, and will be located 3.5m above ground level. The score board is to be of a black finish with white lettering and automated score panels. The scoreboard is to be located on a concrete base, which is flush with the existing ground floor level. The concrete base has been designed in such a way as to prevent overturning during high winds.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130473>

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

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because as more than 6 letters of representation have been submitted. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – response received, no objection.

Environmental Health – response received, no objection.

Enterprise, Planning & Infrastructure (Flooding) – response received, no objection.

Community Council – there is presently no Community Council for the Braeside and Mannofield area.

REPRESENTATIONS

Fourteen letters of representation have been received. This includes a letter from an adjacent Community Council (Queen's Cross and Harlaw Community Council). A number of these objections were received from neighbours in the immediate vicinity, however some came from other areas of Aberdeen and others were received from outwith the council boundary. The objections raised relate to the following matters –

- Concern in relation to the proximity of the scoreboard to the mutual boundaries of the properties on Hutchison Terrace;
- Concern in relation to the size of the scoreboard;
- Concern that the proposal fails to accord with the Aberdeen Local Development Plan;
- Concern in relation to the over dominance, overbearance, loss of privacy, loss of view, visual amenity, daylighting and precedent for future development of a similar nature;
- Concern that the development would encourage the possibility of crime;
- Concern about the siting of an electronic scoreboard in close proximity to dwellinghouses (in terms of the Electronic Fields Emitted by Electronic Equipment: Council of Europe Document 12608 of 6th May 2011).
- Concern that the scoreboard has already been erected;
- Request that if planning permission was approved, planting should be provided along the boundary of Hutchison Terrace to partially shield the structure from neighbouring properties;
- Concerns in relation to the description of the application, in that the application title is erroneous and misleading;
- Concerns that the scoreboard has been erected in the wrong location;
- Concern that the scorebaord would only be used for a small period of time during the year;
- Concern in relation to an increase in noise nuisance;
- Concerns relating to the potential impact on the adjacent Conservation Area;
- Concern that the scoreboard may be illuminated;
- Concern that dampness would affect the metal structure of the score board, leading to corrosion and the possibility of undermining and subsequent collapse due to poor drainage.;
- Concerns about potential impact on road users and pedestrians;
- Concern that the rear of the hoarding would be used for advertisements;

In addition, a late letter of representation was received from Ashley Broomhill Community Council, an adjacent Community Council. This objection was not taken into consideration, but all of the issues raised have been previously been highlighted, and assessed, in the submitted letters of representation.

PLANNING POLICY

Scottish Planning Policy

Open Space & Physical Activity: Planning authorities should support, protect and enhance open space and opportunities for sport and recreation.

Aberdeen Local Development Plan

Policy NE1: Green Space Network: states that the City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that is likely to destroy or erode the character or function of the Green Space Network will not be permitted.

Policy NE3: Urban Green Space: states that permission will not be granted to use or develop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space for any use other than recreation or sport. In all cases, development will only be acceptable provided that:

1. There is no significant loss to the landscape character and amenity of the site and adjoining areas;
2. Public access is either maintained or enhanced;
3. The site is of no significant wildlife or heritage value;
4. There is no loss of established or mature trees;
5. Replacement green space of similar or better quality is located in or immediately adjacent to the same community, providing similar or improved benefits to the replaced area and is as accessible to that community, taking into account public transport, walking and cycling networks and barriers such as major roads;
6. They do not impact detrimentally on lochs, ponds, watercourses or wetlands in the vicinity of the development; and
7. Proposals to develop playing fields or sports pitches should be consistent with the terms of Scottish Planning Policy.

Policy D1: Architecture and Placemaking: states that to ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportion of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

EVALUATION

Analysis:

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

In this instance an assessment is required to determine if the principle of development is acceptable, and if so, whether the proposal is acceptable under policy in relation to its design, location, and impact on public amenity. Following a detailed assessment of the site and the submitted plans, the subsequent conclusions have been reached.

Local Development Plan Policies:

In terms of Policy NE1 “*Green Space Network*”, the proposal involves the erection of a score board on a small area of land associated with a cricket club. The proposal is minor in nature, and involves an acceptable development associated with the existing use. The application subsequently accords with this section of policy.

In terms of Policy NE3 “*Urban Green Space*”, the proposal involves the erection of score board on an area of land in the south-west corner of the cricket pitch. The site of the scoreboard lies between 3 and 5 metres (depending on angles) to neighbouring properties on Hutchison Terrace (specifically No. 24 and No. 26), however, any impact that the cricket score board would have on amenity of these neighbouring sites would be minimal, this impact will be discussed in greater detail later in this report. In addition, the proposal does not impinge on public access, impact on wildlife, result in the loss of mature trees, ponds, lochs, watercourses or wetlands and is consistent with the terms of Scottish Planning Policy, which states that Planning Authorities should support, protect and enhance open space and opportunities for sport and recreation. Subsequently, the proposal accords with the aforementioned local plan policy.

In terms of Policy D1 “*Architecture and Placemaking*”, the development relates to a development associated with the current cricket ground. The siting of the score board lies approximately 10m from the site of the previous score board, which was demolished to make way for the groundskeepers’ cottage/ flatted property and storage building. In addition, the proposal, in terms of colour, massing, materials, orientation, details and proportions is also considered to be acceptable.

Supporting Information:

The score board is located in close proximity to the previous, as it was in a good line of sight from the existing facilities and from areas commonly used by spectators. It was also decided to keep it in this location as it would be in close proximity to the groundsman’s flat, which would allow him to keep an eye on this expensive piece of equipment.

The groundsman and the committee did consider alternative locations however they were disregarded for the following reasons. They considered locating the score board at the opposite end of Hutchinson Terrace at the Junction with Cranford Road; however during the winter months children do tend to use this sporadically for kick about football, there was concern that the board may by default end up becoming an unofficial goal post and would have the potential for damage.

They also considered placing it centrally on the Cranford Road boundary, but this was disregarded due to its distance from the Groundsman flat and that the long term plan for the Cricket Club, which is to improve the Cricket Pavilion which will require it being re-sited within the Grounds, the new location is such that it allows the current pavilion and the proposed pavilion to have good line of sight.

No part of the mutual boundary has any apparatus or control boxes for the Cricket Score board. The board has a mains electric service from the new building adjacent and is radio linked to the control unit currently located in the store adjacent to the Adventure building.

Letters of Representation:

A number of concerns were raised during the neighbour notification process, these can be summarised and addressed as follows:

- *Concern in relation to the proximity of the score board to the mutual boundaries of the properties on Hutchison Terrace.*

The existing boundary wall is stone built, and is approximately 1m high on the cricket ground site. The proposed score board measures 6m x 3m, with a maximum overall height of 3.5m (including steel support). The score board is between 3m and 5m away from the mutual boundaries of the properties on Hutchison Terrace, in addition, the scoreboard is more than 20m from the rear elevations of the properties on Hutchison Terrace. It is considered that the score board is sited far enough away and would therefore have a negligible impact on neighbouring properties.

- *Concern in relation to over dominance, overbearance, loss of privacy, loss of view, visual amenity, daylighting and precedent for future development of a similar nature.*

The development has a maximum height of 3.5m and width of 6m, and be located approximately 20m from the rear elevations of the properties on Hutchison Terrace. Whilst there is a difference in ground levels of approximately 0.5m the proposal will not detrimentally overdominate, have an overbearing impact, or impact on visual amenity towards any of these properties. In addition there will be no loss of privacy associated with this non-habitable structure. The loss of view is not a material planning consideration. Due to the location of the structure and movement of the sun and loss of daylighting is minimal, and no greater than already occurs from the current boundary treatments. Any future

applications would be considered on their own merits, and it is not considered that an undesirable precedent would be set by granting planning permission in this instance.

- *Concern in relation to the size of the score board.*

The score board measures 6m x 3m, and is located 3.5m above ground level, the score board is of a typical size associated with cricket score boards. Whilst the structure may be of a similar size to the existing rear ground floor elevations of the properties on Hutchison Terrace, it is considered to be of an acceptable size for a score board.

- *Concern that the proposal fails to accord with the Aberdeen Local Development Plan;*

The proposal has been assessed in the “*Local Development Plan Policies*” section of this report as being in accordance with the Aberdeen Local Development Plan.

- *Concern that the score board would lead to an increase in crime.*

The score board is located in the southern corner of the site, close to the groundkeeper’s cottage. The exact location of the score board was chosen due its closeness to the groundkeeper’s cottage, and as a result it considered to be in acceptable location in terms of potential crime/ anti-social behaviour.

- *Concern about the siting of an electronic scoreboard in close proximity to dwellinghouses (in terms of the Electronic Fields Emitted by Electronic Equipment: Council of Europe Document 12608 of the 6th May 2011.*

This is not a material planning consideration, and is dealt with by other legislation.

- *Concern that the structure has already been erected.*

This is not material to the proper determination of the application. If planning permission is refused then the Council would be in a position to recommend that enforcement action be initiated, if considered expedient to do so.

- *Concerns in relation to the application description, in that the title is erroneous and misleading.*

The application is described as “Erection of Replacement Cricket Score Board in Existing Cricket Grounds”. The new location remains within the same red boundary, and the description is considered sufficient.

- *Request that if permission were to be approved, planting should be provided along the boundary of Hutchison Terrace to partially shield the structure*

The proposed structure is considered to have a minimal visual impact on the properties on Hutchison Terrace. A condition requiring the submission of a landscaping plan is therefore not required.

- *Concern that the cricket score board has been erected in the wrong location.*

The submitted plans did show an incorrect location (albeit marginal). Amended plans were submitted showing the correct location (the score board is 3m from the nearest mutual boundary). In this instance, it was considered that re-notification of neighbours was not required.

- *Concern in relation to possible noise pollution and illumination*

The applicant's agent has confirmed that there are no facilities for audible announcement from the score board. In addition, the applicant confirmed that the score board is non-illuminated.

- *Concern about the impact on the adjacent Conservation Area*

The planning application site bounds Conservation Area No. 7 to the north, west and south-west. The closest point would be located in the south-east corner of the site. The proposal is shielded from this boundary by the new build groundkeeper's cottage and would therefore have no impact on the setting of the Conservation Area.

- Concern that dampness would affect the metal structure of the score board, leading to corrosion and the possibility of undermining and subsequent collapse due to poor drainage;

The applicants have advised that the structure will be maintained. In addition, should there be any future issues with the score board, the Planning Service has no control should any damage be done to boundary walls etc, this would be a civil matter between two parties.

- Concerns about potential impact on road users and pedestrians;

The Council's Roads Project Team have not objected to the planning application. In addition, due to its location within the cricket ground, the score board will have no impact on either road users or pedestrians.

- Concern that the rear of the hoarding would be used for advertisements;

Due to its location, it is unlikely that any forms of advertisement would be placed on the rear elevation of the score board, in any event, advertisement consent would be required if the advertisements are visible from outwith the cricket ground.

Other Issues:

One letter of representation makes reference to policies D2, D5 and D6 of the Aberdeen Local Development Plan. These are not considered to be relevant to the determination of this application, as Policy D2 makes reference to new residential developments, Policy D5 to listed buildings and conservation areas and Policy D6 towards landscaping.

Conclusion:

In conclusion, the proposal is considered to accord with Scottish Planning Policy and the Aberdeen Local Development Plan, there are no material planning considerations, in this instance, which would warrant refusal of planning permission.

RECOMMENDATION

Approved Unconditionally

REASONS FOR RECOMMENDATION

The proposal, which involves the erection of a cricket score board within the grounds of Aberdeenshire Cricket Club is considered acceptable. The proposal is minor in nature and has no significant impact on the amenity afforded to properties in the surrounding area. The proposal is therefore considered to accord with Scottish Planning Policy (SPP) and Policies NE1 “Green Space Network”, NE3 “Urban Greenspace” and D1 “Architecture and Placemaking” of the Aberdeen Local Development Plan. There are no material planning considerations which would warrant refusal of planning permission in this instance.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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QUEEN'S CROSS HARLAW COMMUNITY COUNCIL

Founded April 1987

Andrew H.R. Goldie,
276 Union Grove,
Aberdeen AB10 6TQ
1st May 2013

Tel.: [REDACTED]

Mr Gavin Clark,
Planning and Sustainable Development,
Aberdeen City Council
Ground Floor North
Marischal College
Broad Street
Aberdeen, AB10 1AB

Application 130473: Objection to Erection of Cricket Club Scoreboard.

Dear Mr Clark,

I am writing on behalf of Queen's Cross & Harlaw Community Council in connection with the above planning application. Following approaches from local residents and subsequent discussion within the Community Council, we consider the proposed development to be unsatisfactory and wish to register objection accordingly.

We have sympathy (both collectively and individually) with the residents whose residential amenity would be blighted by the particular location of the proposed development. We are also concerned however, that the manner in which this development has been progressed exemplifies a common (and city-wide) abuse of the planning system; and we therefore have an objection in principle.

Our comments are as follows:-

1. We recognise the need for a scoreboard at the cricket grounds, and had no issue with the previous scoreboard (since demolished to allow the development of a new club-house). Rather, the major objection is with the particular location chosen for the proposed scoreboard as it would adversely affect neighbouring residential properties.
2. The electronic scoreboard is 3.5 metres (11 and one half feet) tall and 6 metres wide, and is to be situated (not unreasonably for a cricket ground) near to the site boundary. However, the particular location chosen by the applicant would mean the scoreboard would both overlook and overshadow residential

properties on neighbouring Hutchison Terrace, resulting in a severe, adverse impact on the visual amenity of these properties. Of the properties concerned, no.24 is particularly badly affected.

3. A site visit has confirmed that there are many alternative locations on the site where the scoreboard could be erected which would satisfy the needs of Aberdeenshire Cricket Club without adversely affecting any residential properties.
4. We note that the new scoreboard has already been erected, despite the fact that planning consent has not been granted (it was put up on Monday 29th of April, presumably in response to letters of objection). This would appear to reflect a cynical trend amongst some property developers, whereby developers seek to pre-empt the outcome of planning decisions by presenting a fait accompli; and on the assumption that rather than enforce planning regulations, planning officials will simply acquiesce to the development.
5. We would urge the planning committee to reject this planning application on the grounds that the chosen location is unsuitable for the reasons given above. We would further request that the committee issue an enforcement order to have the illegally erected scoreboard dismantled forthwith, until such time as a more acceptable planning application has been approved.

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 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.

Yours sincerely,

Andrew Goldie

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

30, BURNS ROAD
ABERDEEN
AB15 4NS

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

Dear Sir or Madam,

RE: **Application Number 130473** Proposed Development at Aberdeenshire Cricket Club
Morningside Road Aberdeen AB10 7FB

I have several objections to make to the proposed development as applied for.

The Site of the New Scoreboard

a) Discrepancy between site of previous Scoreboard and proposed new Scoreboard

In attempting to carry out the installation of the new scoreboard without planning permission it was claimed that this was because the new site was close to the previous score board.

This statement is misleading

The original scoreboard tower was situated some distance from the nearest mutual boundary point with 24 Hutchison Terrace and much nearer to the boundary with Morningside Road. The proposal for the new scoreboard puts the position a minimum of 2 metres from the garden wall of 24 Hutchison Terrace

Photograph S1 shows the position of the original Scoreboard tower which was demolished to allow construction of the previous development, completion, to take place.

Siting the scoreboard (particularly one of these extremely large proportions) in such close proximity to the dwellings of the only neighbours sharing a boundary with the cricket club is totally unacceptable. The other three sides of the boundary perimeter have no immediate neighbours but do have power supplies available nearby

Issues Related to Size of proposed New Scoreboard To put the size of this scoreboard in perspective it is almost 20feet (6metres) long by 9feet (3 metres)high plus it is mounted on steel stanchions18 inches (0.50 METRES) above ground level.

Ground level inside the cricket ground is 0.50 metres above the gardens most closely affected by this proposed installation.

Relate this enormous piece of apparatus to the size of the Rear Elevation of the small one and a half storey dwelling house at 24 Hutchison Terrace. The Rear Elevation of 24 Hutchison Terrace measures 25 feet (7.69 metres) wide by 9 feet (3 metres) high to the eaves.

THE PROPOSED SCOREBOARD IS ALMOST AS BIG AS THE REAR ELEVATION TO THE EAVES OF THE DWELLING HOUSE OUTSIDE WHICH THE APPLICANTS WISH TO SITE THE SCOREBOARD

These facts show a clear basis for objection for the following reasons:

The installation would be dominating and totally overbearing in relation to the Terrace and to 24 Hutchison Terrace in particular. It would be like being barricaded in your house and garden

The proposal if implemented, given the scale and layout of the proposed development would be detrimental to the daylight, of both house and garden.

It would be detrimental to the amenity of both the dwelling and the garden.

There would be a loss of privacy of adjoining residents since it would be the focus of all eyes.

The development would have a negative impact on the outlook of neighbouring properties, particularly 24 Hutchison Terrace.

Screening the open view to the rear of the gardens, particularly of 22, 24 and 26 Hutchison Terrace is planning in opportunities for crime since criminal activities would be hidden.

Approval would not be given to erect a fence between neighbours greater than 2 metres in height.

This development, if approved, would set a precedent for further large developments at the rear of Hutchison Terrace, following the large development of garages, stores and workshops with flats above.

Increase in noise nuisance from the Cricket Club due to position of Scoreboard

In previous years, when Cricket Tournaments were held, announcements and loud music were played from the scoreboard on the Cricket Pitch to celebrate scores. This loud music was previously played at some distance from the dwellings in Hutchison Terrace.

. Permission does not have to be granted without modification just because work has already begun

The fact that the concrete foundation has already been cast and the electricity supply installed **prior to applying for Planning Permission or Building Warrant** should not mean that Planning Permission is automatically granted retrospectively .

Modification of the plan in order to meet planning objections and improve safety should not be disregarded just because work has already begun.

Finally, I would ask that each member of the Planning Committee be provided with a copy of my letter, and the attached photographs, and would also ask that a site visit be made to verify the unsuitability of the proposed site for the development

Sincerely,

George Reid

25 Hutchison Terrace
Aberdeen
AB10 7NN

30 April 2013

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

Dear Sir/Madam

LETTER OF OBJECTION: PLANNING APPLICATION REF 130473 – ERECTION OF REPLACEMENT SCORE BOARD TO EXISTING CRICKET GROUNDS

As the owner of a property in Hutchison Terrace overlooking Mannofield Cricket Grounds and very close to the area of proposed development within the grounds, I am writing to object to the above planning application as submitted, for the following reasons:

1. Inappropriate Site for Size of Structure

The application is to erect an electronic scoreboard measuring 6m wide by 2m high (approx 20 feet by over 9 feet) at a distance of only 2m from the garden wall of small domestic houses. In addition the scoreboard is to be raised on a supporting structure on a site elevated above that of the houses and their gardens, adding a further metre to the height. This makes it approximately 3m (almost 13 feet) high when viewed from the houses which border the cricket pitch.

The size of the structure is almost as high and almost as wide as the cottage-style houses in Hutchison Terrace and, in height, measures half of the length of the back gardens of the adjoining homes. It is completely out of scale with the neighbouring properties and is completely dominant and overbearing on the neighbouring small houses, particularly numbers 24 and 22 Hutchison Terrace.

While I have been compiling this letter, work has been continuing on the project to the point where the scoreboard and its electronic components are now fully installed, prior to the consultation period even having ended. The overbearing impact of the new scoreboard can be clearly seen and felt from the neighbouring properties and is not merely conjecture on my part. It is clear that this is an entirely inappropriate location for this structure to be sited. The other three sides of the pitch are not bordered by residential properties, provide access to a power supply and the scoreboard could easily have been sited on any of them without having any adverse effect on the Cricket Club.

I therefore wish to object to the location of the scoreboard as applied for, as it is entirely inappropriate for a structure of this size.

2. Incorrect Basis for Application

The application is submitted on the basis that it for the 'Erection of replacement Scoreboard to existing Cricket Grounds'. This is actually not the case at all. This is not a replacement Scoreboard. There was no Scoreboard for this to replace. Previously there was a narrow tower building at the far

corner of the field, together with some small low-level stores. The tower building was used, among other things, to display scores from its front but there was no separate scoreboard. The tower building has, in fact, been replaced by an entirely different building housing Stores, Workshop, Garages and Apartments, which were the subject of a different application. The location which the Cricket Club has now chosen to site the scoreboard was previously open field. To suggest that this application is simply for the replacement of a Scoreboard is highly misleading and completely untrue.

I therefore wish to object as the applicants are inviting a decision to be made on incorrect and misleading information. According to Planning Law, the decision should be based on fact.

3. Contrary to Local Development Plan

Policy H 1-5 of the Aberdeen Local Development Plan, relating to Design and Amenity, states that

'Within existing residential areas, proposals for non-residential uses will be refused unless:

1. they are considered complimentary to residential use
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.'

This application is not complimentary to residential use and does cause conflict or nuisance to the enjoyment of the amenity of the residential area of Hutchison Terrace. The Cricket Pitch itself forms part of that residential area, having two residential apartments now situated at the Hutchison Terrace end of the field. The application has a significantly detrimental impact on the enjoyment of existing residential amenity of these dwellings as well.

I therefore wish to object as this proposal is contrary to Aberdeen City Council's own Local Development Plan.

4. Impact on Neighbouring Properties

Irrespective of the Local Development Plan, the erection of the Scoreboard in the proposed location will have a detrimental impact on the properties in Hutchison Terrace. The most severely affected are numbers 26, 24 and 22. Now that the Scoreboard is installed I can clearly state that its resultant impact is:

- Loss of visual amenity from the properties and the gardens of the properties.
- Loss of peaceful enjoyment of the garden areas.
- Loss of privacy in houses and gardens as the Scoreboard is the focal point for spectators and players as well as having to be attended by Cricket Club staff. There is not even mention of screening in the application.
- Loss of air circulation and dankness in the adjoining gardens.
- Even from the properties on the opposite side of Hutchison Terrace there is loss of visual amenity as the open outlook to the Cricket field is obscured.

I therefore wish to object as this application clearly does impact adversely on neighbouring properties.

5. Out of Character with the Residential Area

The outlook from the residences in Hutchison Terrace is on to the back of the Scoreboard. From the rear it has the appearance and size of a motorway sign, more suited to an industrial estate than the bottom of a small residential back garden. As noted above in relation to privacy, no mention of screening has been made in the application.

I therefore wish to object to the construction as applied for as it is so out of character with the otherwise green and open nature of all of its surroundings.

For all of the above reasons I would ask that planning application 130473 should be refused permission.

Construction of the Scoreboard has been completed before the consultation period has even ended. I would ask that Council Officials and the members of the Planning Committee ensure that this action does not preclude careful and proper consideration of all the concerns of those who have written to express their views on the development. The democratic consultation process is in place to protect the interests of all parties and even-handed treatment should apply to all those participating in the process. Just because the Scoreboard is now in place, there should not be an automatic assumption that Planning Permission must be granted.

I would ask that all of the above points be taken into account when considering the application.

I would also be grateful for this letter to be copied to all members of the Planning Committee on Aberdeen City Council in advance of any decision being taken.

Yours faithfully

Pamela Reid

24 HUTCHISON TERRACE
ABERDEEN
AB10 7NN

27 April 2013

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

Dear Sir or Madam,

RE: Application Number 130473: Proposed Development at Aberdeenshire Cricket Club, Morningside Road Aberdeen AB10 7FB

Being the nearest neighbour of the above development, I have received notification of the intention to construct a new Electronic Scoreboard in the grounds of the Cricket Club.

While I understand that the Cricket Club would wish to have a scoreboard, I have several objections to make to the proposed development as applied for.

1. Site of the New Scoreboard

a) Discrepancy between Location Plan and Visualisation

The Location Plan shows the Scoreboard as being substantially sited next to the boundary wall between the Cricket Club and 24 Hutchison Terrace, with a slight overlap with 22 Hutchison Terrace.

The Visualisation, however, shows the Scoreboard to be positioned near to the newly constructed Cricket Store, Garage, Workshop and Groundsman's accommodation, and substantially outside 26 Hutchison Terrace.

In fact, the already poured concrete foundations, together with the already installed electric cables, are positioned outside 24 Hutchison Terrace approximately 2 metres from the boundary wall.

The discrepancies in the information provided with the application give a very misleading picture of the true impact on the dwellings in Hutchison Terrace, particularly when contrasted with the clear intent shown from the work that has already been carried out prior to the current application being made.

- **The planning application is misleading in its portrayal of the final impact of the development on the local residents. I object to the application for all of the inferred locations as all have a significant impact on the neighbouring community.**

b) Discrepancy between site of previous Scoreboard and proposed new Scoreboard

In attempting to justify the installation of the new scoreboard without Planning Permission it was claimed that this was because the new site was close to the previous score board.

This statement is entirely misleading.

The original scoreboard tower was situated some 38 metres distant from the nearest mutual boundary point with 24 Hutchison Terrace and 18 metres nearer the boundary with Morningside Road, than is the proposed new scoreboard. The proposal for the new scoreboard puts the position a minimum of 2 metres from the garden wall of 24 Hutchison Terrace.

Photograph S1 shows the position of the original Scoreboard tower, which was demolished to allow construction of the previous development, which is now nearing completion, to take place.

Photograph S2 shows the view of the houses in Hutchison Terrace prior to any development taking place.

Photograph S3 shows the present view of the same houses now that the Cricket Store, Garage, Workshop and apartments have been built, and also shows the already cast foundations and electrical supply for the proposed Scoreboard.

- **It can be seen clearly that there is no relationship between the old and new positions. I object to the proposed location as there is no justification for such unreasonable positioning.**

2. Size of the New Scoreboard

Siting the scoreboard, particularly one of these extremely large proportions, in such close proximity to the dwellings of the only neighbours sharing a boundary with the cricket club is totally unacceptable. The other three sides of the boundary perimeter have no immediate neighbours but do have power supplies available.

To put the size of this scoreboard in perspective, it is almost 20 feet (6 metres) long by over 9 feet (3 metres) high plus it is mounted on steel stanchions 18 inches (0.50 metres) above ground level. In addition, the ground on the cricket pitch side is a good 2 feet (0.67 metres) higher than that on the houses' side, due to the natural elevation of the site. Relate this enormous piece of apparatus to the size of the Rear Elevation of the small one and a half storey cottage-style dwelling house at 24 Hutchison Terrace. The Rear Elevation of 24 Hutchison Terrace measures 25 feet (7.69 metres) wide by 9 feet (3 metres) high to the eaves.

The proposed scoreboard is almost as big as the entire rear elevation, to the eaves, of the dwelling house outside which the applicants wish to site the scoreboard. Once the mounting and site have been taken into account the structure will be almost as tall and as wide as the whole house.

These facts show a clear basis for objection for the following reasons:

- The installation would be completely dominating and totally overbearing in relation to the Terrace of cottages, and to 24 Hutchison Terrace in particular.
- The proposal, if implemented, given the scale and layout of the proposed development would destroy the amenity of both the dwelling and the garden of 24 Hutchison Terrace with loss of privacy for no. 24 as well as for all other adjoining residents, as the scoreboard would be the focal point for players and spectators at the cricket pitch. It would also be detrimental to the daylight of both house and garden.
- The development would result in loss of visual amenity, having a negative impact on the outlook of neighbouring properties, particularly 24 Hutchison Terrace.
- This development, if approved, would set a precedent for further large developments at the rear of Hutchison Terrace following the large development of the Cricket Store, Garage and Workshop with the flats above which has recently been undertaken.
- This proposal contravenes Policy D2-6 Design and Amenity of the Aberdeen Local Development Plan.

3. Safety in High Winds

As highlighted above, the Scoreboard is to be 6 metres wide and 3 metres high, mounted 0.5 metres above a concrete plinth of only 0.5 metres thick to prevent the Scoreboard from overturning in high winds.

With Climate Change occurring, we are seeing an increased frequency in storms with high wind speeds in excess of 70 miles per hour. Given the proximity of the proposed heavy steel construction to my house and garden, I am extremely concerned that there is a strong possibility of high winds blowing this structure down, causing damage to my property. Photograph S3 shows that the distance between the proposed Scoreboard and the boundary wall of my property is approximately half the height of the proposed Scoreboard. If the structure merely toppled towards the wall, the wall would be demolished. The scenario is far more alarming should the structure 'take off' or be smashed apart.

- **The proposed development should not be carried out without an appropriate Risk Assessment having been carried out and approved by competent persons. I am not aware of any Risk Assessment and object to the development being carried out without appropriate safety issues having been fully understood and satisfactorily addressed.**

4. Increase in noise nuisance from the Cricket Club due to position of Scoreboard

In previous years, when Cricket Tournaments were held, announcements and loud music were played from the Cricket Pitch to celebrate scores. This loud music was previously played at some distance from the dwellings in Hutchison Terrace.

- **It is unclear from the application whether the new Scoreboard will also have the facility to broadcast announcements and celebratory music. This is an issue of major concern given the proposed location so close to houses. I object to permission being granted which will allow this to happen.**

5. 'Planning in' Crime and Hazard

At present there is an unobstructed line of sight at the rear of my property. Granting permission for this project will result in a large area hidden from open view making my property more susceptible to crime.

Presently, in time of fire or other hazard I have a planned escape route via the rear of my property, should there be a problem with exiting from the front, over the wall into the cricket pitch. If permission were granted this emergency escape route would be blocked.

- **I object to the project as planned as it increases my susceptibility to crime and danger.**

6. Electromagnetic Fields Emitted by the Electronic Scoreboard

On 6 May 2011 the Environment, Agriculture and Local Affairs Committee of the Council of Europe published Document 12608 on **'The Potential Dangers of Electromagnetic Fields and Their Effect on the Environment'** making a number of recommendations to member states, in particular:

8.4.1 Introduce town planning measures to keep high power lines and other electric installations at a safe distance from dwellings.

8.5.2 Improve risk assessment standards and quality by creating a standard risk scale making the indication of the risk level mandatory..... and considering compatibility with real life conditions

8.5.4 Formulate a human rights definition of the precautionary and ALARA (as low as reasonably achievable) principles.

The introductory summary of the Document states:

‘One must respect the precautionary principle and revise the current threshold values; waiting for high levels of scientific and clinical proof can lead to very high health and economic costs, as was the case in the past with asbestos, leaded petrol and tobacco.’

- **I would ask that these recommendations are heeded in making the decision on this application and that the proposal to site such a huge piece of electronic equipment in such close proximity to dwelling houses is rejected.**

7. Personal Considerations

a) Use of Mutual Boundary Wall to site Electrical Control Boxes and Other Paraphernalia

The boundary wall between the dwellings and the Cricket Club is a mutual wall owned by both parties. No change of use of mutually owned property can be made without the agreement of both parties. Already the cricket club has been drilling holes and inserting rawl bolts in the mutual wall in preparation for the electrical controls to be installed.

Agreement has neither been sought nor granted for such a change of use.

- **I object to the mutual boundary wall being used as part of this development.**

b) Why outside a house?

Why, when there is a large periphery around the Cricket Pitch, is the site chosen for the Electronic Scoreboard so close to my property - a private dwelling house - when there are numerous other electrical connections available on the periphery of the cricket field without being in the proximity of neighbours?

- **I object to the siting of the Scoreboard so close to residential properties.**

c) Waterlogging of my garden with resultant loss of amenity

I have already had the new Cricket Store, Workshops, Garage and Apartments sited outside my garden wall. This has not only been intrusive but has caused severe problems with run off of rain water from the Cricket Field flowing into my garden flooding the side of the garden next to the new building. At present the other side of my garden remains dry.

I am concerned that the installation of the new Scoreboard will cause further run off from the Cricket Field, extending the problem to the remainder of the garden.

At present the water logging caused by the building of the Cricket Store remains, six months after alerting the Planning and Sustainable Development Department to the problem. This problem is known and acknowledged by Aberdeen City Council officials, but has not been dealt with.

In addition to the water itself, I am concerned that the proposed location for the Scoreboard will lead to loss of air circulation and further loss of amenity to my property due to this dampness.

- **I object to the proposed development as it will add to the serious, ongoing loss of amenity which I have already suffered.**

c) Permission does not have to be granted just because work has already begun.

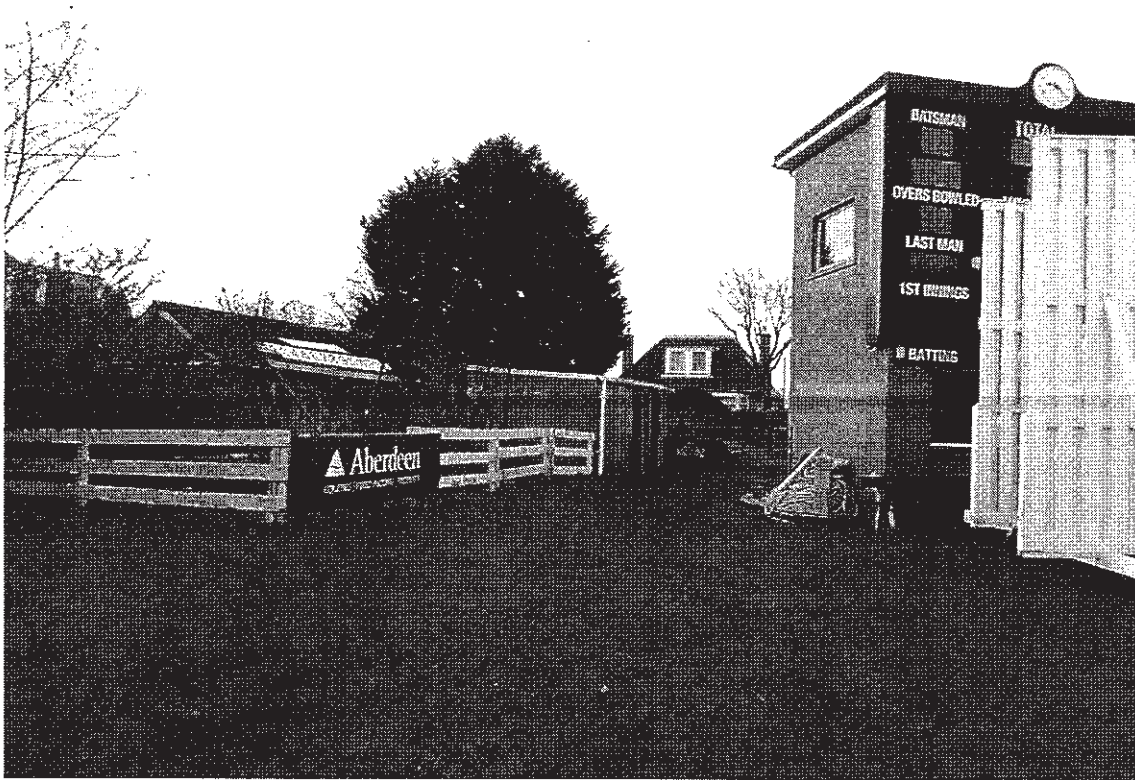
The fact that the concrete foundation has already been cast and the electricity supply installed **prior to applying** for Planning Permission or Building Warrant should not mean that Planning Permission is automatically granted retrospectively to the applicant to site the scoreboard in such close proximity to my house. The application should still be able to be rejected or modified in order to meet planning objections and safety issues.

- **I therefore object to the application as submitted as it blatantly ignores all the concerns raised above, yet construction commenced before any consultation process was carried out.**

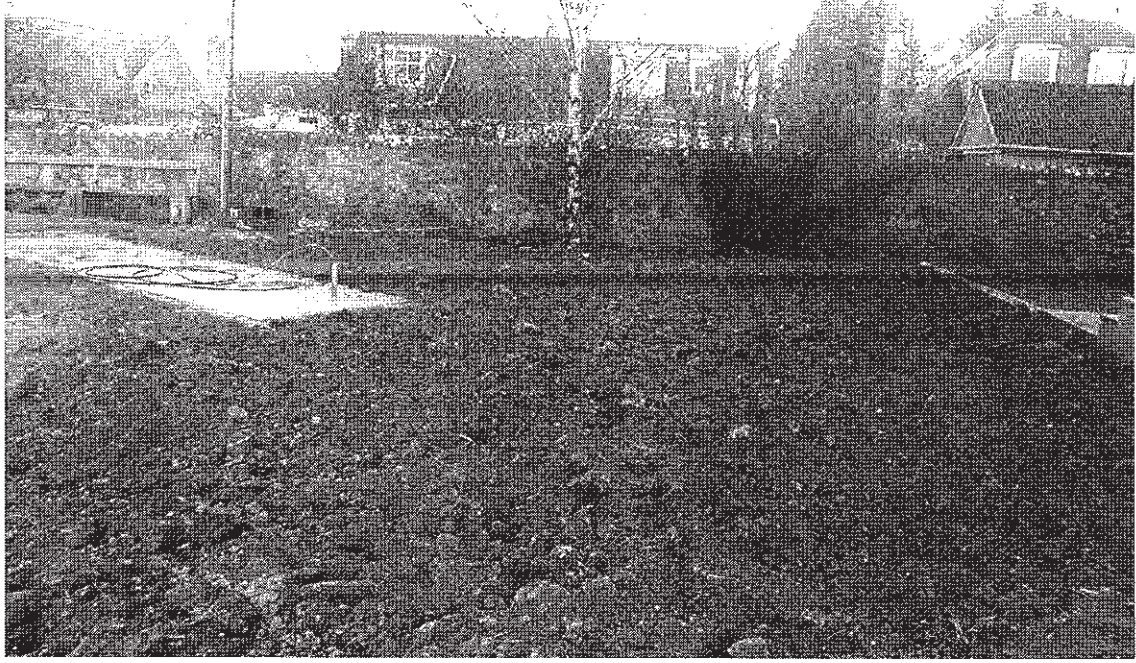
Finally, I would ask that each member of the Planning Committee be provided with a copy of my letter, and the attached photographs, and would also ask that a site visit be made to verify the unsuitability of the proposed site for the development.

Yours sincerely

Fiona G Reid



P&SD Letters of Representation		
Application Number		
RECEIVED 29 APR 2013		
Nor	Sou	MA:
Case Officer Initials:		
Date Acknowledged:		



P&SD Letters of Representation		
Application Number: 130473		
RECEIVED 29 APR 2013		
Nor	Sou	MAp
Case Officer Initials: GAC		
Date Acknowledged: 05/10/13		

Gavin Bruce Drummond Clark

From: Robert Vickers on behalf of PI
Sent: 01 May 2013 10:42
To: Gavin Bruce Drummond Clark
Subject: RE: Planning Development Aberdeenshire Cricket Club

-----Original Message-----

From: fiona reid [REDACTED]
Sent: 30 April 2013 19:28
To: PI
Subject: Planning Development Aberdeenshire Cricket Club

Dear Sir/Madam

Aberdeenshire Cricket Club Morningside Road Aberdeen Application Number 130473

Although I have already objected to the construction of this project, I wish to add to my objection as there have been further developments on the Cricket Pitch.

The window for objections does not close until 1st May, but on 29th April the construction of the new Scoreboard was completed despite opposition letters from residents.

I feel that this project has run roughshod over the residents, and totally disregarded the democratic process from start to finish, in the expectation of being given retrospective planning permission for a totally inappropriate construction site.

As you can see from the three attached photographs, the situation is just like living behind a motorway advertising hoarding.

When the Cricket Club was previously awarded planning permission in Cranford Road, permission was conditional on planting trees as screening along Cranford Road. The residents there would have been across the road from a construction which was not an eyesore such as this.

I would therefore insist that screening of the site from the residents be mandatory if this development is given leave to remain.

I would also insist that proper scrutiny is given to this application, as if no development had already taken place.

Yours sincerely

Fiona G Reid

24 Hutchison Terrace
Aberdeen
AB10 7NN

30 Burns Road
Aberdeen
AB15 4NS

27 April 2013

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

Dear Sir / Madam,

**RE: Application Number 130473
Proposed Development at Aberdeenshire Cricket Club, Morningside Road Aberdeen
AB10 7FB**

I have several objections to the proposed development.

1) The Proposed Site of the Scoreboard

I object to the proposal to site the scoreboard (particularly one of such extremely large proportions) in close proximity to the mutual boundary with the dwellings of the only neighbours sharing a boundary with the cricket club. The other three sides of the perimeter of the cricket field have no immediate neighbours but do have power supplies available nearby.

The original scoreboard tower was situated some 38 metres distant as the crow flies from the mutual boundary point with 24 Hutchison Terrace and 18 metres nearer the boundary with Morningside Road than the proposed Scoreboard. The proposal for the new scoreboard puts the position 2 metres from the garden wall of 24 Hutchison Terrace.

2) Size of Proposed New Scoreboard

I object to the proposal to install a large piece of electrical apparatus close to the boundary with a residential property.

The proposed new scoreboard is almost 20 feet (6 metres) long by 9 feet (3 metres) high plus it is mounted on steel stanchions 18 inches (0.50 metres) above ground level. The ground level on the cricket club side of the boundary wall is 0.56 metres higher than in the garden, which increases the height differential.

The Rear Elevation of 24 Hutchison Terrace measures 25 feet (7.69 metres) wide by 9 feet (3 metres) high to the eaves.

THE PROPOSED SCOREBOARD IS ALMOST AS WIDE AS THE REAR ELEVATION AND IS TALLER THAN THE EAVES OF THE DWELLING HOUSE OUTSIDE WHICH THE APPLICANTS WISH TO SITE THE SCOREBOARD.

3) Contravention of Local Development Plan

This proposal contravenes policy H 1-5 on Design and Amenity of the Aberdeen Local Development Plan which states:

'Within existing residential areas, proposals for non-residential uses will be refused unless:

1. they are considered complementary to residential use; or
2. it can be demonstrated that the use would cause no conflict with or any nuisance to, the enjoyment of existing residential amenity'

I therefore object to the proposals for the following reasons:

- The installation would be dominating and totally overbearing in relation to the residential area of Hutchison Terrace and to 24 Hutchison Terrace in particular.
- The proposal if implemented, given the scale and layout of the proposed development would be detrimental to the visual amenity and daylight of both house and garden.
- Approval and implementation of the application would be detrimental to the peaceful enjoyment of both the dwelling and the garden.
- There would be a loss of privacy to adjoining residents since the score board would be the focus of all eyes and of those maintaining and setting the apparatus.
- The development would have a negative impact on the outlook of neighbouring properties, particularly 22, 24 and 26 Hutchison Terrace.
- This development, if approved, would set a precedent for further large developments at the rear of Hutchison Terrace, following the recently built, large development of garages, stores and workshops with flats above which are, in themselves, not compatible with a residential area.

4) Planning-in Crime

The proposal would encourage the possibility of crime by providing a screened area contravening policy D2-6 of Aberdeen City Local Development Plan.

For this reason I object to the proposal.

5) Electromagnetic Fields Emitted by Electronic Equipment : Council of Europe Document 12608 of 6th May 2011

On 6th May 2011 the Environment, Agriculture and Local Affairs Committee of the Council of Europe published a document on '**The potential dangers of electromagnetic fields and their effect on the environment**' making a number of recommendations to member states viz :

8.4.1 Introduce town planning measures to keep high power lines and other electric installations at a safe distance from dwellings.

8.5.4 Formulate a human rights definition of the precautionary and ALARA principles (as low as reasonably achievable).

As stated in the introductory summary:

'One must respect the precautionary principle and revise the current threshold values, waiting for high levels of scientific proof can lead to very high health and economic costs, as was the case in the past with asbestos, leaded petrol and tobacco.'

I would ask that these recommendations are taken into account in reaching a decision and that the siting of the huge electronic scoreboard in close proximity to dwelling houses is rejected.

6) Commencement of Construction Prior to Application

Permission does not have to be granted nor safety concerns disregarded just because work has already begun. The fact that the concrete foundation has already been cast and the electricity supply installed prior to applying for Planning Permission or Building Warrant should not mean that Planning Permission is automatically granted retrospectively.

I object to the applicants having started work without providing opportunity to comment on the proposal first and would ask that the issues outlined above all be taken into consideration in reaching a decision on this application.

Finally, I would ask that each member of the Planning Committee be provided with a copy of my letter, and would also ask that a site visit be made to verify the unsuitability of the proposed site for the development.

Sincerely,

Esther M Reid

BULF3

MR J COOPER
6 HUTCHISON TER.
ABERDEEN
AB10 7NN
29 APRIL 2013

I would like to register my objections to the siting of the New Score board at Aberdeen Cricket Club.

I feel it should be situated a few more metres from the surrounding houses boundary walls. As it is now considering its size it is far too close.

Yours



16 Broomhill Avenue

ABERDEEN

AB10 6JY

24/4/13

DEAR SIR / MADAM

PLANNING APPLICATION NO 130473 - CRICKET SCOREBOARD.
I WISH TO OBJECT TO THE ABOVE PROPOSAL BECAUSE :

THIS DEVELOPMENT IS NOT SUITABLE TO BE SITED SO CLOSE TO PRIVATE DWELLINGS BECAUSE OF ITS SIZE AND INTRUSION INTO A RESIDENTIAL AREA.

THE CRICKET CLUB HAS A LARGE AREA OF LAND WHICH IS MUCH MORE SUITABLE FOR THE SITING OF A LARGE SCOREBOARD WHICH WOULD NOT INTERFERE THE AMENITY OF THE NEIGHBOURS.

I DO NOT THINK A LARGE ELECTRICAL SCOREBOARD IS A SAFE THING TO PUT CLOSE TO DWELLING HOUSES.

I ALSO THINK THAT PEOPLE WHO TRY TO AVOID PROPER PROCEDURES, FOR PLANNING SHOULD NOT GET RETROSPECTIVE APPROVAL.

PLEASE COULD A COPY OF MY LETTER, BE GIVEN, TO EACH MEMBER, OF THE PLANNING COMMITTEE BEFORE THE MEETING, WHERE THIS WILL BE DISCUSSED.

YOURS, SINCERELY

Dawn Ramsay

From: webmaster@aberdeencity.gov.uk
Sent: 29 April 2013 19:21
To: PI
Subject: Planning Comment for 130473

Comment for Planning Application 130473

Name : Isobel Morison
Address : 22, Hutchison Terrace
Aberdeen

Telephone :

Email [REDACTED]

type :

Comment : I would initially like to say that, although the planning process is not complete this score board has already been erected showing a disregard for the planning process. The previous plan for a flats and a store has also been built with an extra window and door in the gable end of the property which were not on the plans submitted to the council and do not appear on the plan for the scoreboard.

This disregard for the planning process does not give me any confidence that any objection will be taken seriously by the cricket club.

I would also like to point out that as this scoreboard is in place before the decision is made the effect of this large score board can be easily observed prior to a decision being made.

I would like to object to the position of the scoreboard as this is close to the wall and the height of the scoreboard means that it towers over the wall blocking light from the houses and gardens behind. It is also unsightly with metal beams visible over the wall in what was previously an open outlook.

I note from the plans that there is already a worry about the wind catching this scoreboard. In its current position if it blows over it will cause damage to the party wall. Given the previously mentioned disregard of planning regulations I have no faith that the scoreboard has been erected sufficiently securely.

If this had been placed a few feet further forward and closer to the building this would have mitigated the effect on the properties in Hutchison Terrace.

114 Broomhill Ave

Aberdeen

AB10 6 JY.

26/04/13

Planning and Sustainable Development.

Aberdeen City Council

Marshall College

Broad Street

Aberdeen

AB10 1AB.

Application Number 130473 Proposed Development Aberdeenshire.
Cricket Club. Morningside Road. Aberdeen AB10 4FB.

Dear Sir

I wish to object to this development.

because.

It is inappropriate to install a large electric
scoreboard so close to a residential area.

It would be detrimental to the amenity of a
residential area and is over large and dominating

The cricket club has a huge area (6meters x 3meters)
available without it having to impose such a
development on neighbours

yours sincerely

P.S Please could these letters be copied to all members of
the planning committee.

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

Dear Sir or Madam:

APPLICATION NUMBER 130473

Aberdeenshire Cricket Club Morningside Road Aberdeen AB10 7FB

I wish to object to the above planning application on the following grounds:

- 1) Size of proposed scoreboard in relation to the 1 ½ storey houses in Hutchison Terrace
- 2) Loss of amenity, particularly to 24 Hutchison Terrace due to the overbearing size of the scoreboard
- 3) Invasion of privacy due to the scoreboard, and thus the garden and house behind it, becoming the focus of attention.
- 4) Health and Safety issues, as the proposed structure is so close to the mutual wall, and is also so large as to be affected by high winds, leading to worries about being blown over, and the consequences to anyone who is in the garden at the time
- 5) In such a confined area there is risk of dampness, which would affect the metal structure of the scoreboard, thus leading to corrosion and the possibility of undermining and subsequent collapse due to previous drainage issues not being addressed.

Sincerely,



Mr Paul Bartlett
April 24, 2013

16 FINDON PLACE
FINDON
ABERDEEN
AB12 3RS

94 Ivanhoe Road
Garthdee
Aberdeen
AB10 7EU

24 April 2013

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

Dear Sir/Madam

Ref: Planning Application 130473, Proposed Development at Aberdeenshire Cricket Club, Morningside Road, Aberdeen, AB10 7FB

I am writing to object to the planned building of the new scoreboard in the Aberdeenshire Cricket Club on the following grounds

- The scoreboard is too large (6m x 3m and taller as it is on supports) to be in the position so close to the existing cottage style houses – 2m from the boundary wall, as this could be unsafe in high winds and could potentially cause substantial damage if blown over.
- The size of the scoreboard is such that the only outlook from the back of the houses and back gardens situated on Hutchison Terrace would be the surface of the scoreboard cutting residents off from surrounding areas.
- The proximity of the development to the existing homes when there is a large periphery of the field on which there are no houses, could set a precedent for future dense developments along this boundary.

I would ask that a copy of my letter be given to each of the planning committee prior to the meeting at which this project is to be discussed.

Yours sincerely



Lynn M Black

Your Ref:
Our Ref: REI/168/2/EFB/TGGH/PMR/VB

Union Plaza
1 Union Wynd
Aberdeen
AB10 1DQ

LP-100 Aberdeen 1
DX AB35 Aberdeen

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

**Burness Paull
& Williamson**

01 May 2013

Dear Sirs

**ERECTION OF REPLACEMENT SCORE BOARD AT ABERDEENSHIRE CRICKET
GROUND
OBJECTION TO PLANNING APPLICATION REFERENCE: 130473
MR GEORGE REID**

We have been instructed by our client, George Reid, to object to the above application. Our client's daughter lives at 24 Hutchison Terrace. Our client's daughter was neighbour notified of the application.

The application is for the erection of a replacement cricket score board at the existing Aberdeenshire Cricket Ground, Morningside Road, Mannofield, Aberdeen. The application is accompanied by a location plan, site plan and visualisation, which is noted as not being to scale.

Elevations are also provided showing the score board to be 3m x 6m mounted 500mm above ground level on a concrete base. The score board is to be set in a steel frame, finished in black with white lettering. The proposed material for the score board is not annotated on the plans. There is a note advising that 'automated score panels' will be on the score board. The plan also states that the score board is set out in line with ECB (England and Wales Cricket Board) Standards, but these are not provided as part of the application.

Despite the application only just having been submitted, and the period for representations not having expired, the Applicant has commenced work to erect the new score board. We would ask

Aberdeen Edinburgh Glasgow

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Registered office: 50 Lothian Road, Festival Square, Edinburgh EH3 9WJ
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VAT registration number GB 115 0905 48

Lawyers with offices in Aberdeen, Edinburgh and Glasgow.
A list of members is available for inspection at the firm's registered office.

that the Council take enforcement action to prevent the unauthorised development from continuing until the current application has been determined.

Development Plan

The planning application requires to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan comprises the Aberdeen City and Shire Structure Plan 2009 and the Aberdeen Local Development Plan 2012.

Aberdeen City and Shire Structure Plan 2009 (Structure Plan)

The vision of the Structure Plan includes specific reference to the high quality of life enjoyed by the region's residents. Quality of life may be measured in many ways, but should be taken to include the enjoyment of amenity in and around one's home. As will be demonstrated below, it is submitted that the development will have a negative impact on residential amenity and therefore falls foul of the Structure Plan.

Aberdeen Local Development Plan (LDP)

The cricket ground is identified in the LDP proposals map as Urban Green Space within a residential area. The Great Western Road Conservation Area No. 7 borders the cricket ground to the north and west/south-west.

Policy D1 – Architecture and Placemaking confirms the Council's intention to ensure high standards of design with all development required to make a positive contribution to its setting. Factors such as siting, massing, orientation and proportions are to be considered in assessing the contribution to the setting.

Whilst Policy D2 – Design and Amenity details specific design and amenity criteria for new residential developments, the key principles of privacy, amenity and appropriateness equally apply to this application.

Policy D5 – Built Heritage makes it clear that proposals affecting conservation areas are only to be permitted if they comply with Scottish Planning Policy. The aim of Policy D5 is to ensure avoidance of adverse effects and to ensure appropriate mitigation measures are identified to enhance the essential characteristics and setting of a site. Paragraph 3.26 states that Conservation Area Appraisals are to be produced for all Conservation Areas. The draft Aberdeen City Conservation Area Character Appraisal and Management Plan for the Great Western Road Conservation Area, and relevant national policy, are both considered under material considerations below.

Policy D6 – Landscape seeks to maintain and manage Aberdeen’s unique landscape across all areas and states that:

“Development should avoid significant adverse impacts upon existing landscape elements including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.”

The proposed score board will be 2m from our client’s daughter’s boundary wall and back onto our client’s daughter’s private back garden and property. It should be noted that whilst the previous score board was located in the south west corner of the grounds, it was previously located some 30-38m from the boundary of our client’s daughter’s property, smaller and less obtrusive than the one proposed in this application. The previous score board was approximately 2.5m by 2.5m and did not back directly onto any garden areas. It was positioned approximately 18m nearer Morningside Road, and therefore did not impinge on the privacy and amenity of the surrounding residential properties.

There is no justification for the siting of the score board in the location shown on the application drawing. No alternative locations for siting the score board appear to have been considered to ensure that the score board makes a positive contribution to the setting, contrary to Policy D1. The score board would be better placed along the western boundary of the cricket ground, as it would simply back onto Morningside Road or on the eastern boundary, where Cranford Road would separate it from the residential properties beyond. Either location would ensure that no garden grounds would look at the back of the score board. Equally a location beside the existing pavilion and stores appears not to have been considered, which would again be further away from impacting on residential properties surrounding the cricket ground.

The dimensions of the score board are significantly larger (approximately 3 times the size) than the previous score board as such the score board will be considerably higher than the wall surrounding the cricket ground. The score board will be 3.5m high, some 2.5m higher than the wall. The true impact of the proposed score board is not accurately reflected in the applicant’s visualisation, given that it is not to scale. Nor does the application take into account the fact that the ground level on which the score board is to be placed is some 0.5m higher than the surrounding back gardens in Hutchison Terrace. The principles of Policy D2 have not been met.

The score board will effectively block sunlight from the south into client’s daughter’s private garden ground to the detriment of her enjoyment of her property. Given its size the score board will also be far more visible over the boundary wall from Morningside Road, impacting on both pedestrians and vehicle users. As such the proposal does not meet the requirements of Policy D5 and D6.

The technical drawings lodged with the application state that the score board is in line with ECB Standards, but it does not specify these standards nor how the standards are met. Such standards

would not, in any event, supersede the Development Plan policies on design with which the proposal requires to comply.

No information is provided as to whether the score board will be illuminated. Reference is made to 'automated scores' panels, but it is unclear what this means in design terms. No assessment of noise from any mechanical measures has been put forward or the likely hours of operation of the board, whether manual or mechanical.

No information is provided as to the final finish of the back of the score board, which faces our client's daughter's property. It is unclear whether the score board will be used to display adverts or other promotional material for the cricket ground. Such uses would be incompatible with the residential nature of the surrounding area and will impact on the amenity of surrounding properties.

For these reasons, the proposal is not supported by the vision of the Structure Plan or the LDP Policies D1, D2 and D6 on landscape, design and amenity.

Material Considerations

The relevant material consideration for this application is the proximity of the Great Western Road Conservation Area and the policy guidance produced at a national and local level to protect such conservation areas.

Paragraph 110 of Scottish Planning Policy (SPP) confirms that the Scottish Government's policy on the historic environment and guidance is now set out in the Scottish Historic Environment Policy (SHEP) and the related Managing Change in the Historic Environment guidance note series. The SPP, SHEP and the Managing Change in the Historic Environment guidance note series are to be taken into account by planning authorities when forming and considering development proposals.

Paragraph 112 of SPP makes it clear that in considering the setting of the historic environment (which includes conservation areas) you have to consider more than just the immediate surroundings of a site or building, and consider, in particular, the views from it or how it is seen from the surrounding area.

Paragraph 115 goes on to make it clear that the impact of design, materials, scale and siting of development outwith a conservation area should be appropriate to the character and setting of the conservation area.

The SHEP guidance, paragraph, 2.44 states that

"Once an area has been designated [as a Conservation Area] it becomes the duty of the planning authority and any other authority concerned... to pay special attention to the desirability of preserving or enhancing the character or appearance of the area when exercising their powers under the planning legislation..."

In determining this application due consideration requires to be given to the impact of the proposed score board on the Great Western Road Conservation Area. Given the score board will be some 2.5m above the wall which surrounds the cricket club, it will be seen and become an imposing addition in views to the Conservation Area and in the setting of the Conservation Area.

Planning Advice Note PAN 71: Conservation Area Management gives detailed advice on how development in Conservation Areas should be approached and states that:

"Whilst NPPG 18 states that development which would have a neutral effect upon the conservation area should be treated as one which preserves the area's character or appearance, this should be considered as the minimum standard"

The reference in PAN 71 to NPPG18 should now be read as a reference to Scottish Planning Policy (SPP) which superseded NPPG18.

It is submitted that, although not actually in a Conservation Area, the proposed score board will be visible from the neighbouring Conservation Area, and therefore special attention is required to ensure preservation or enhancement of the Conservation Area's character and appearance, when determining this application.

A Draft Conservation Area Character Appraisals and Management Plan for the Great Western Road Conservation Area has been prepared by Aberdeen City Council. The draft Appraisal identifies three distinct character areas within the Conservation Area. The land to the north and west of the cricket ground falls within Character Area C: Anderson Drive to Mannofield Water Treatment Works. Various character features and weaknesses are identified for this Character Area in the draft Appraisal. Paragraph C3.3.5 identifies as an issue excessive ill-placed street signage including road signs, shop signs and others, which have caused clutter. Paragraph C3.3.6 also notes that ill-placed street furniture currently detracts from the quality of Character Area C.

It is submitted that, in order to preserve the character of the area, development should follow the guidance in the Appraisal and avoid the visible use of inappropriately sized and out of keeping materials in poor locations. The Applicant provides no justification for the materials proposed nor any assessment of the appropriateness of the location. No assessment has been undertaken as to how the proposed score board will fit within the identified character of the Conservation Area which the site abuts.

The proposal has not been assessed or supported with adequate appraisals such as your Council can come to the conclusion that the proposal will contribute to preserving and enhancing the character of the Conservation Area, contrary to national policy contained in SPP, SHEP and PAN 71 and, consequently LDP Policy D5 – Built Heritage.

Conclusions

It is submitted that, based on the information submitted with the planning application, the Council should refuse planning permission on the basis that the size and location of the proposed score board would have a negative impact on our client's daughter's residential amenity and on the character and amenity of the wider area, contrary to the policies of the Development Plan discussed above. The application also contravenes the material considerations set out in this letter.

We trust that the points raised in this letter will be taken into account when determining the application in due course.

Yours faithfully



for and on behalf of Burness Paull & Williamsons LLP

Gavin Bruce Drummond Clark

From: Gavin Bruce Drummond Clark
Sent: 01 May 2013 11:58
To: PI
Subject: FW: Application 130473 Aberdeenshire Cricket cLUB

Importance: High

Hi

Can we please have this objection acknowledged.

Thanks,

Gavin

Gavin Clark

Planning Trainee (Development Management South)
Planning and Sustainable Development
Enterprise Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB
Tel. (01224) 522278

From: FINLAY STEVE [REDACTED]
Sent: 30 April 2013 16:32
To: Gavin Bruce Drummond Clark
Subject: Application 130473 Aberdeenshire Cricket cLUB
Importance: High

18 FERN PLACE

Portlethen

ABERDEEN

AB12 4TD

Planning Application 130473 –Erection of replacement Scoreboard

Dear sir,

I have previously submitted my objections to this proposal by the Planning Department template which appears to have been lost on the system.

I do not, therefore, wish this letter to be regarded as a multiple submission.

Knowing the area round the Cricket Club well since I visit the area on a daily basis, I wish to object to the proposal on the following grounds:

1 The application title is erroneous and misleading. There has never been a scoreboard in the position indicated on the site plan: it is an entirely new proposal. The previous scoreboard was housed in a tower accommodating a number of functions situated at some distance from the residential area in a corner of the cricket grounds. This was demolished to make way for the replacement groundsman's accommodation along with garages and workshops. There has been no structure on the chosen site to replace. The new scoreboard three times the size of the previous score board and thus cannot be claimed as a replacement.

The score board has been installed since my previous submission therefore I now wish to object to the choice of site and the installation as an imposition of non residential use in a residential area. The action of the cricket club has put a strain on the community which has previously well tolerated and supported the activities of the club.

2 The new Scoreboard, as installed, by its dimensions is totally out of scale with the houses in Hutchison Terrace and dominates the scene especially the houses and gardens closest to the installation. I therefore object to the size scale and appearance of the scoreboard in close proximity to dwelling houses.

3 I also object to a marked loss of amenity and outlook to the properties, particularly to 22, 24 and 26 Hutchison Terrace resulting from the construction and installation of the structure.

4 The Aberdeen Local Plan suggests that the amenity of residential areas should be preserved with a presumption of rejection of proposals which do not conform to the policy. I object to this development on the grounds that it does not conform to this policy.

Yours sincerely

Steve Finlay



Steve Finlay
Welfare, Scheduling and Logistics Coordinator
ASET International Oil & Gas Training Academy
Altens Centre
Hareness Road
Altens
Aberdeen
U.K.
AB12 3LE

Direct Line : 44

Fax: 44

Email:

URL

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24 Morningside Road
Aberdeen
27/04/13

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

Application No 130473 Aberdeenshire Cricket Club.

Dear Sir,

I write to object to the proposal to erect a Scoreboard

by Aberdeenshire Cricket Club because

- 1) The proposal is for a very large electronic scoreboard and to site it close to the boundary wall of the gardens in Hutchison Terrace
- 2) The proposal is for an electronic scoreboard which will have a dominating effect particularly on 22 and 24 Hutchison Terrace
- 3) If permitted, this would lead to a loss of amenity and privacy.

4) The cricket club has a large number of alternative sites for a scoreboard which will not cause disturbance, loss of amenity and danger to residential properties

Yours sincerely



F&S Dept. of Representation		
Application Num: 130473		
RECEIVED 29 APR 2013		
Nor	Soj <input checked="" type="checkbox"/>	MAP
Case Officer: Initials: GAC		
Date Acknowledged: 01/5/13		

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Agenda Item 2.8

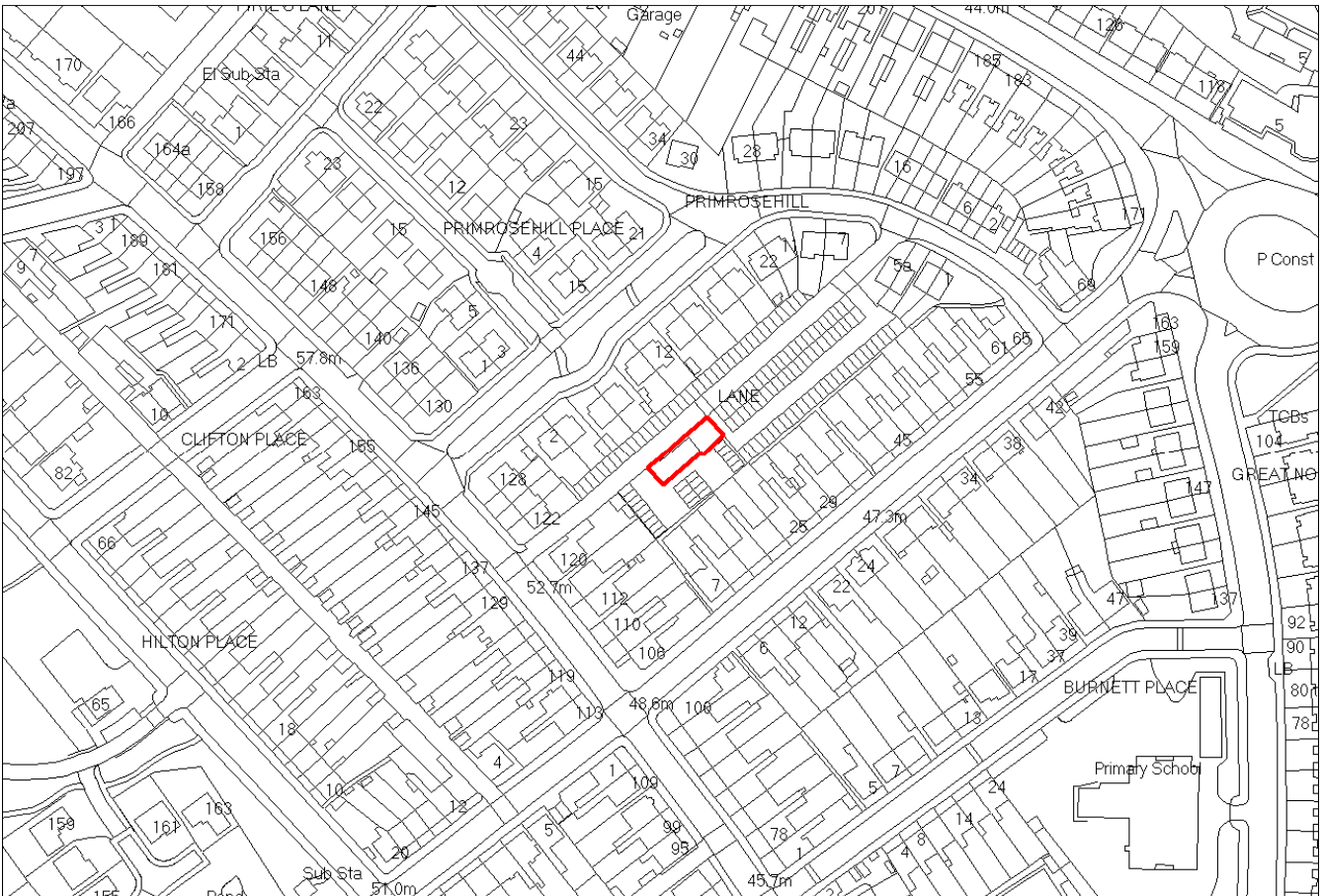
43 CLIFTON LANE, ABERDEEN

PROPOSED SPORTS GYM

For: Granite City Amateur Boxing Club

Application Type : Detailed Planning Permission
Application Ref. : P121644
Application Date: 22/11/2012
Officer: Donna Laing
Ward : Hilton/Stockethill (G Adam/K Blackman/L Dunbar)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on: 05/12/2012
Committee Date: 21 May 2013
Community Council : No Community Council



RECOMMENDATION:
Approve subject to conditions

DESCRIPTION

The premises is run as a charity, staffed by volunteers and is presently used as a gym occupied by an amateur boxing club, which was established in 1998. The site is located within a lane running east to west which connects Clifton Road and Primrosehill Drive. The lane comprises single storey mono-pitched corrugated iron roofed garages for the surrounding two storey houses. The site sits to the south of Clifton Lane and is a corrugated iron one and a half storey building. The premises has space for three vehicles accessed off the lane. The building has windows on three elevations, with the door facing Clifton Lane. The building measures approximately 18.6m by 8.5m by 5.6m at its highest.

RELEVANT PLANNING HISTORY

There are two previous applications relating to the retention of a storage hut on ground adjacent to the site (P84/0164 and P85/0232) both were approved under delegated powers. A further application in 1996 (P96/2431) for a vehicle repair workshop was refused at Planning Committee on 11 February 1997. The application was refused for the following reasons:

being contrary to policy by virtue of having a detrimental effect on the character and amenity of the neighbourhood and for introducing a new industrial use into a service lane;

being unduly detrimental to the amenity of the area by virtue of noise and odour;

being unduly detrimental to road safety in Clifton Lane by the absence of pedestrian footways; and

it would set an undesirable precedent for applications of a similar nature.

PROPOSAL

It is proposed to demolish the existing structure and replace this with a two storey premises that is also longer than the existing structure. The proposed structure would measure 30m by 8.9m by 8m at its highest, an increase in height of 2.5m from the existing structure. The ground floor would be 21.5m in length, and by granite chip dry dash. The first floor would run for 30m, be profile steel sheeting in gull grey. There would be space for three vehicles to park under the first floor. There would be white uPVC windows on the two longest elevations, that facing Clifton Lane and the rear elevation facing the single storey garages. Doors would be located facing Clifton Lane and on the north east elevation, accessed from the car port.

The proposed opening hours are from 8am to 8pm 3 to 4 days a week but this may increase to 7 days a week. The club would run 2 classes per day with 15-20 children being present at any one class, with the classes aimed at providing boxing and general physical training to children and juniors.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?121644>

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

A car parking survey was submitted with the application. This can be viewed online. Please see Section 4: Conclusions which highlights parking provision is sufficient.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because it is a project of public concern. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team - There is a shortfall of 10 parking spaces, the car parking survey shows there is sufficient parking on-street to accommodate the lack of parking on-site. The internal cycle provision is acceptable.

Environmental Health - Response received – no observations

Enterprise, Planning & Infrastructure (Flooding) - Response received – no observations

Community Council – Non-active

REPRESENTATIONS

One letter of objection has been received. This relates to loss of view and car parking.

PLANNING POLICY

Aberdeen Local Development Plan 2012

Policy H1: Residential

Within residential areas proposal for non-residential uses will be refused unless: they are considered complementary to the residential use; or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Policy D1: Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy T2: Managing the Transport Impact of Development

New development will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility.

Policy R7: Low and Zero Carbon Buildings

All new buildings, in meeting buildings standards energy requirements, must install low and zero carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 buildings standards. The requirement does not apply to buildings which will be heated or cooled, other than by heating provided solely for the purpose of frost protection, which this building is.

Supplementary Guidance

Transport and Accessibility

The Council's supplementary guidance 'Transport and Accessibility' is a relevant material consideration. This outlines parking standards for a number of modes of transport.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Principle of Development

The principle of development has been established through the existing use of the premises as a gym. The application would retain this use, although consideration has to be given to an intensification of use through the increase in floor space of the new development.

Impact on Residential Character and Amenity

The physical alterations proposed would extend the existing sport facility. The proposed facility would sit within a rear lane, as the existing does, and would be surrounded by single storey garages. The height increase of 2.5m from the existing would mean a second storey is proposed with windows being present within this storey. The site sits 21.9m from the rear elevation of the nearest property to its north, 29.1m from the rear elevation projection and 37m to the rear wall of the nearest property to its west and 22.1m from the rear elevation projection and 33.4m to the rear wall of the nearest property to its south. The distances to the rear elevations of the properties and the surrounding single storey domestic garages and the vegetation in the gardens surrounding the site would mean, although there would be an increase in overlooking from the existing arrangement due to the additional storey and the windows within this, there would be no detrimental impact on privacy to the residents.

The impact of sun lighting would also need to be considered on the surrounding properties. Due to the distance the site lies from the surrounding residential properties there would be overshadowing on the proposed garages surrounding the site, but this impact to the residential accommodation would be minimal.

Another aspect that would require to be considered would be the impact of noise from the site. As stated the site is already in use as a gym therefore it would be expected that there is already a degree of noise present. Due to the increase in height, there would be an additional gym hall on the first floor. Environmental health have assessed the application and have returned no observations on the application, therefore it can be deemed that the potential noise from this site would be acceptable.

The premise provides an existing service to the surrounding community and through the expansion of the site and the provision of more floor space it could be deemed that the facility would provide an additional service to the community.

It is considered that the proposed sport facility would cause minimal detrimental impact to the existing residential amenity and would provide the surrounding community with improved facilities, therefore could be considered to provide a complementary use. The proposed works would accord with Policy H1: Residential of the Aberdeen Local Development Plan.

Design

The immediate area surrounding the site consists of single storey corrugated iron garages. The proposed materials for the facility are modern, dry dash render and profile steel sheeting, and the design of the building uses these materials on the separate storeys, thereby breaking up the massing of the building. The existing structure is built of corrugated iron, therefore the materials of the proposed new building are comparable with that of the existing structure in terms of the non-domestic aesthetics they possess. The siting of the structure and its position within the lane means it is generally screened from either Clifton Road or Primrosehill Drive. The building has been designed with due consideration for its context. The materials and siting are acceptable, therefore the proposal is deemed to accord with Policy D1: Architecture and Placemaking of the Aberdeen Local Development Plan.

Traffic Impacts and Car Parking

Traffic impacts have been assessed by Roads Projects Team. The Transport and Accessibility supplementary guidance outlines maximum car parking spaces, the car parking on site falls short by 10 spaces from the maximum required. The results of the parking survey have been considered and it has been deemed that there is sufficient on street parking to cope with the lack of parking provided on site. Cycle facilities have been provided internally, being located in two stores. The cycle facilities have been deemed acceptable by Roads Projects officer. The site is also located in close proximity to a bus route as the number 23 line runs along Clifton Road. It is therefore considered that the application complies with Policy T2: Managing the Transport Impact of Development and with the supplementary guidance on Transport and Accessibility.

Relevant Planning Matters Raised in Written Representations

The letter of representation received raised the issue of increased pressure on car parking due to the proposed development. This issue has been discussed above within the section Traffic Impacts and Car Parking. The outcome of the traffic assessment and the assessment of this by the Council's Roads Projects officer is that there is sufficient parking on the surrounding streets to accommodate parked cars. The second point in the objection related to a loss of view, this is not a material planning consideration. The impact of the proposal on amenity, privacy and sun lighting has been assessed in the section above named Impact on Residential Character and Amenity.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The application for the proposed sports gym would cause no conflict with, or any nuisance to the enjoyment of existing residential amenity, the facility could be

deemed to provide an increased service to the community thereby could be considered complementary to the existing residential use. The proposal therefore complies with Policy H1: Residential of the Aberdeen Local Development Plan. The proposed sport gym also accord with Policy T2: Managing the Transport Impact of Development and the supplementary guidance: Transport and Accessibility of the Aberdeen Local Development Plan as sufficient cycle parking has been provided and it has been shown through the parking survey that there is sufficient on-street parking. The design, materials and siting of the proposed are acceptable therefore accord with Policy D1: Architecture and Placemaking of the Aberdeen Local Development Plan.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) that the development hereby approved shall not be occupied unless the car parking areas and cycle storage facilities hereby granted planning permission have been constructed, laid-out, demarcated and provided in accordance with drawing No. 821-01P 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 or storage of bicycles ancillary to the development and use thereby granted approval - in the interests of public safety, the free flow of traffic and encouraging more sustainable modes of travel.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 19/12/2012 11:03
Subject: Planning Comment for 121644

Comment for Planning Application 121644

Name : Peter Rankine
Address : Cliff House
120 Clifton Road
Aberdeen AB24 4RD

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

Comment : I live at the top of the lane and my back garden is next to the existing gym I am objecting to the height of the propose and I think this view would be blockedd building.The present gym is surrounde by lock up garages and they are all low. I do not the think the new building should be any higher than the original. From my upstairs bedroom window I can overlook the sea This view would be blocked Also there is only parking for 6 cars in the lane and they are normally full.It is bad enough now getting access to my car park off the lane without more cars coming there

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Agenda Item 2.9

UNIT 4A-4B, SITE 48 GREENWELL ROAD,
EAST TULLOS IND ESTATE

ERECTION OF WORKSHOP EXTENSION AND
RECLADDNG WORKS TO EXISTING
BUILDING.

For: Drilltech Services (North Sea) Ltd

Application Type : Detailed Planning Permission

Application Ref. : P121270

Application Date: 11/10/2012

Officer: Jennifer Chalmers

Ward : Kincorth/Loirston (N Cooney/C Mccaig/A
Finlayson)

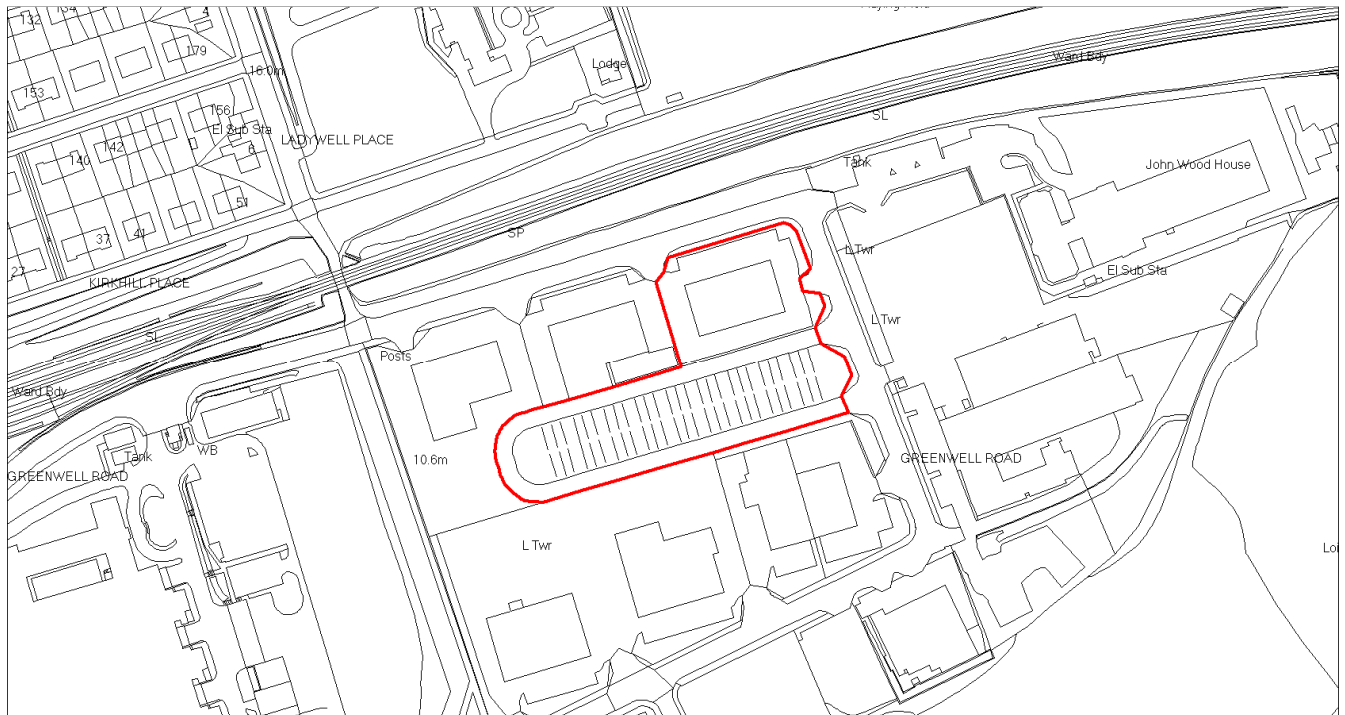
Advert :

Advertised on:

Committee Date: 13th June 2013

Community Council : No response

received



RECOMMENDATION:

Approved subject to conditions

DESCRIPTION

The site is located to the south and west of Greenwell Road and occupies a site area of 10850sqm. The existing building occupies the north part of the site whilst the yard area extends to the south of the site. There are 3 accesses into the site with one on the north side and 2 on the eastern side of the site.

The existing building has single storey offices on the north elevation which is then attached to the main workshop area to the rear.

PROPOSAL

Detailed planning permission is sought to erect a workshop extension and to reclad the existing building.

The proposed workshop extension would cover the full length of the south elevation and wrap around onto the western elevation, would extend to approximately 562sqm and the height being approximately 1500mm lower than the ridge of the existing building.

The proposed recladding of the existing building would involve the removal of the profiled metal clad outer skin which would be replaced with new HPS200 coated steel coloured in Hamlet (silver). The walls of the office block would be over coated with K-Rend Silicone WP render and coloured in grey and white, whilst the existing profiled metal clad fascia would be removed from the office block and replaced with Alucobond panels with metallic silver finish to match entrance porch detail.

The existing glazed screens to the existing entrance porch would be taken down and re-erected with the door opening being removed from the western elevation and re-instated in the eastern elevation.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the site is owned by Aberdeen City Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – No objection provided conditions attached relating to pedestrian demarcation and cycle storage.

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) – No observations

Community Council – No observations received

REPRESENTATIONS

One letter of representation has been received. The letter relates to the following matter –

- That Aberdeen City Council were landlords to the site and that building works should not proceed without prior consent from Asset Management.

PLANNING POLICY

Aberdeen Local Development Plan

Policy BI1 (Business and Industrial Land)

Aberdeen City Council will support the development of the business and industrial land allocations set out in this Plan. Industrial and business uses (Class 4 Business, Class 5 General Industrial and Class 6 Storage and Distribution) in these areas, including already developed land, shall be retained. The expansion of existing concerns and development of new business and industrial uses will be permitted in principle within areas zoned for this purpose.

Policy D1 (Architecture and Placemaking)

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

The level of detail required will be appropriate to the scale and sensitivity of the site. The full scope will be agreed prior to commencement.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

The principle of the extension is in accordance with Policy BI1 of the Aberdeen Local Development Plan as the proposal involves the expansion of an existing concern.

The proposed extension to the warehouse would be designed with due consideration for its context in that the siting of the structure would be to the rear and side of the existing building, the scale and massing would be subservient to the existing building, and the colour and materials would match the existing building. The proposed extension would be approximately 1500mm lower than the ridge of the existing building and would only extend 10m from the existing building line. It is therefore considered that the proposal accords with Policy D1 of the Aberdeen Local Plan.

In relation to the recladding of the existing building, the proposed materials and colours would be in keeping with an industrial building and therefore it is considered that the proposal accords with Policy D1.

Overall, it is considered that the proposal to erect a workshop extension and to re clad the existing building would accord with Policy BI1 (Business and Industrial Land) and Policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan as the proposal is for the expansion of an existing concern and that the scale, massing and siting of the extension would be subservient to the existing building and that the colour and materials would blend in with the existing building.

RECOMMENDATION

Approved subject to conditions

REASONS FOR RECOMMENDATION

That the proposed erection of a workshop extension and recladding works to existing building would accord with Policy BI1 (Business and Industrial Land) and Policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan as the proposal is for the expansion of an existing concern and that the scale, massing and siting of the extension would be subservient to the existing building and that the colour and materials would blend in with the existing building.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(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. 13 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(2) That no development shall take place unless the long stay cycle parking shown on drawing 01 rec C and motorcycle parking facilities as shown on drawing no. 13 or other such drawing as approved for the purpose in writing by the planning authority for this purpose have been provided - in the interests of encouraging more sustainable modes of travel.

(3) That no development shall take place unless details of the short stay cycle stands as shown in drawing no 13, or other such drawing as approved in writing by the planning authority for this purpose, has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with the said scheme - in the interests of encouraging more sustainable modes of travel.

(4) that the development hereby approved shall not be occupied unless a scheme showing pedestrian demarcation leading from the car parking spaces within the rear yard area to the rear access door within the proposed extension hereby granted planning permission has been submitted and approved in writing by the planning authority - in the interests of public safety.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 25/10/2012 12:33
Subject: Planning Comment for 121270

Comment for Planning Application 121270

Name : George Greig
Address : George Greig
Technical Officer
Asset Management & Operations
Enterprise, Planning & Infrastructure
Business Hub 10
Second Floor South
Marischal College
Broad Street
Aberdeen
AB10 1AB
Tel..... 01224

Telephone : 01224

Email :

type :

Comment : No building works on this site should proceed without prior consent from Asset Management & Operations as Landlords. Irrespective of any planning permission granted.
Address supplied

Regards

George Greig

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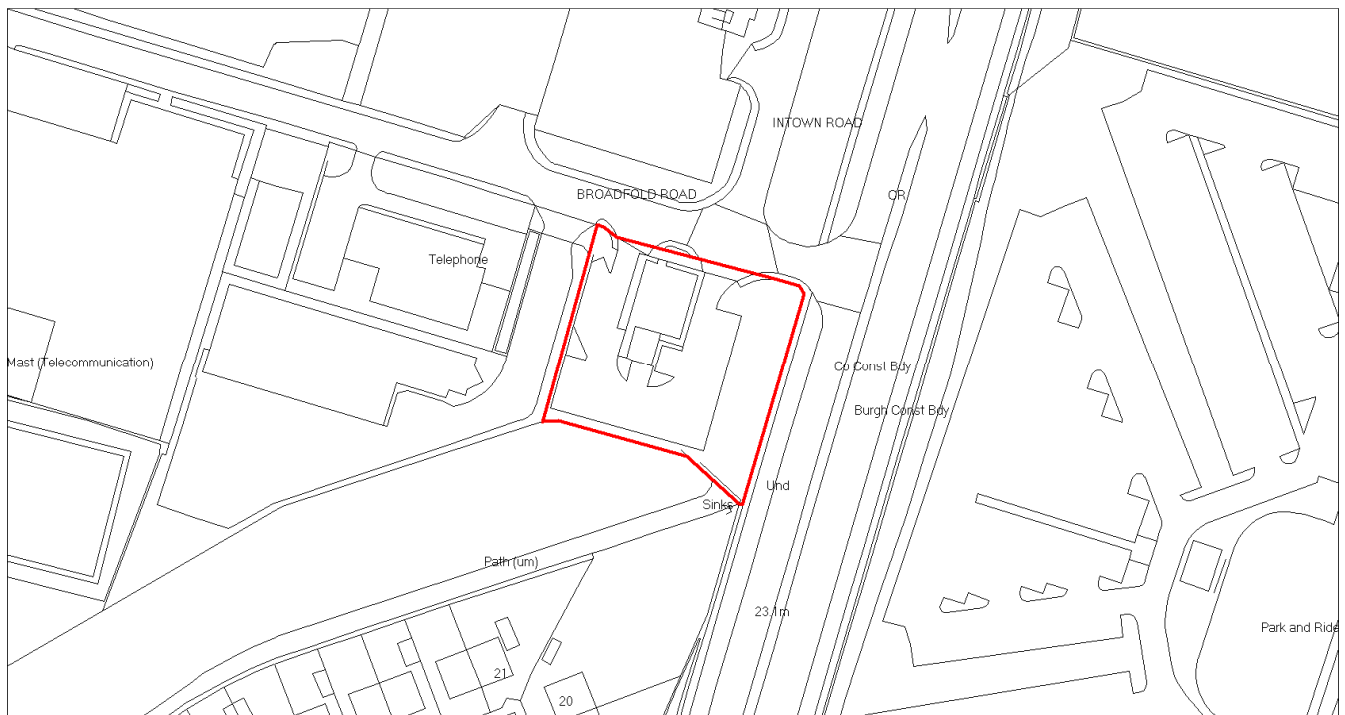
SITE 54 BROADFOLD ROAD, BRIDGE OF DON
IND ESTATE

ALTERATIONS TO CAR PARK AND DRIVE
THRU LANE, INSTALLATION OF CUSTOMER
ORDER DISPLAYS, 9SQ METRE EXTENSION
TO RESTAURANT AND CREATION OF
CORRAL AREA

For: McDonald's Restaurants Ltd

Application Type : Detailed Planning Permission
Application Ref. : P130521
Application Date: 16/04/2013
Officer: Jennifer Chalmers
Ward : Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on: 08/05/2013
Committee Date: 13th June 2013
Community Council : No response
received



RECOMMENDATION:

Approved subject to conditions

DESCRIPTION

The site of approximately 1330-sqm is located at the corner of Ellon Road and Broadfold Road, at the entrance to the Bridge of Don Industrial Estate. An existing single storey McDonalds Restaurant of 200-sqm is located centrally, and fronts Broadfold Road. The access is located to the east, with a loop road to the south to existing car parking, with the egress located to the west of the site. There is a mixture of uses in the surrounding area, with a car showroom to the north, and an industrial unit and adjacent BT telephone exchange to the west. A large tree belt, ranging from 10 to 30 metres in width, separates the site from residential housing further to the south.

RELEVANT HISTORY

The original McDonalds development (Ref: 95/0047) was approved on 13 November 1995, subject to a total of nine planning conditions. Condition No. 3 restricted the opening hours from 8.00 am to 12 midnight in order to ensure the free flow of traffic and in the interests of public safety.

A5/0098 – Conditional planning approval for a variation of condition 3 of permission 95/0047 to allow the restaurant to open from 6am to 12am (midnight) seven days a week.

A8/0549 - Conditional planning approval refused by Planning Committee for a variation of condition 3 of permission A5/0098 to allow the restaurant to open between the hours of 5am – 1.30am Sunday to Wednesday and 5am – 3am Thursday to Saturday.

P091750 – Conditional planning approval granted by Planning Committee for 'Extension and external alterations to building and car park'

P110642 – Conditional planning approval granted for a 'Variation of condition no. 3 of planning approval Ref: 95/0047 to allow restaurant to trade between the hours of 5am to midnight Sunday – Thursday and 5am to 3am (the following day) on Friday and Saturday'.

PROPOSAL

Detailed planning permission is sought to alter the existing car park and drive thru lane, to install customer order displays, create a 9sqm extension to the restaurant and to create a corral area.

A second drive thru lane would be introduced immediately to the south of the existing one which would leave a gap of approximately 2800mm between the proposed second drive thru land and the site boundary. This would require the loss of 6 car parking spaces along the southern boundary, 2 of which will be replaced at the entrance to the site and a further 2 along the western boundary adjacent to existing spaces. Overall, the alteration of the existing car park would involve the loss of 2 car parking spaces bringing the number of spaces down from 26 to 24.

The proposed 2 new spaces at the entrance would involve the loss of an area of mature landscaping.

The installation of the customer order display would measure 1440mm x 500mm x 100mm and would be positioned between the proposed and existing drive thru.

The proposed 9sqm extension to the restaurant would be built underneath the existing roof canopy and provide an extension to the existing porch entrance area.

Finally, it is proposed to create a further corral area to the rear of the building. This would be attached to the southern elevation of the site. This would measure approximately 4700mm x 2400mm and be constructed with 2.1m diagonal slatted timber close board fence panels, painted khaki green, with no roof. This would be used for bin storage.

REASON FOR REFERRAL TO SUB-COMMITTEE

No letters of representation/objection/support have been received.

CONSULTATIONS

Roads Project Team – No objection

Environmental Health – No observations received

Enterprise, Planning & Infrastructure (Flooding) – No observations

Community Council – No observations received

REPRESENTATIONS

No letters of representation/objection/support have been received.

PLANNING POLICY

Aberdeen Local Development Plan

Policy BI1 (Business and Industrial Land) – this policy states that the expansion of existing concerns and development of new business and industrial uses will be permitted in principle within areas zoned for this purpose.

Policy D1 (Architecture and Placemaking) – to ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, square, open space, landscaping and boundary treatments, will be considered in assessing the contribution.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Principle of Proposal

The site is also zoned as business and industrial which allows for the expansion of existing concerns and development of new business and industrial uses in principle. Given that the proposed alterations are within the original site boundary and are relatively minor in detail it is considered that the proposal accords with Policy B11 of the Aberdeen Local Development Plan.

Design, siting, scale etc

The proposed 9sqm extension would be confined within the roof canopy of the existing building and would not extend beyond the existing entrance porch on the front elevation. The design is also considered acceptable as it would replicate what is currently there and all proposed materials for the extension would match existing.

In terms of the corral area to the rear, this would match an existing corral area and would not extend beyond the eastern building line of the main building and would be set approximately 2500mm back from the boundary of the existing corral, whilst the materials would also match existing. It is therefore considered acceptable in terms of design, siting and scale in relation to Policy D1 of the Aberdeen Local Development Plan.

Traffic Impacts, Access Arrangements and Car Parking

The existing accesses would remain and all alterations would be carried out within the site.

The roads engineer is aware that at present customers park on Broadfold Road due to the existing congestion problem within the drive-thru site and that the proposal would provide an additional serving lane to relieve congestion within the site. Although, the proposal would result in the loss of 2 car parking spaces, the proposal appears to improve an existing queuing problem internally within the drive-thru site which should consequently ease the congestion problem on Broadfold Road.

Landscaping

It is acknowledged that the proposal would involve the loss of an area of mature landscaping in order to make way for 2 disabled parking spaces. There is a large grassed area immediately to the east of the proposed car parking spaces measuring at least 14m deep and it is considered that replacement landscaping could be planted within this area. A condition has been attached to ensure that replacement planting is carried out within this area.

Conclusion

Overall, the roads engineer considered that the proposals to alter the car park and drive thru lane would not impact on the existing congestion problem on Broadfold Road and that it should improve on the existing queuing problem within the site which in turn could consequently ease congestion on Broadfold Road.

In relation to the 9sqm extension to the restaurant, this would not extend beyond the existing entrance porch on the north elevation and would be set approximately 1300mm from the eastern boundary. As a result the scale of the proposal would be kept to a minimum, whilst the proposed design, scale and materials would match existing. The creation of a secondary corral area would

be identical to that of the existing and would not have a negative impact on the existing building or surrounding area in terms of its siting, scale or design.

The proposals accord with Policies BI1 and D1 of the Aberdeen Local Development Plan.

RECOMMENDATION

Approved subject to conditions

REASONS FOR RECOMMENDATION

Overall, the roads engineer considered that the proposals to alter the car park and drive thru lane would not impact on the existing congestion problem on Broadfold Road and that it should improve on the existing queuing problem within the site which in turn could consequently ease congestion on Broadfold Road.

In relation to the 9sqm extension to the restaurant, this would not extend beyond the existing entrance porch on the north elevation and would be set approximately 1300mm from the eastern boundary. As a result the scale of the proposal would be kept to a minimum, whilst the proposed design, scale and materials would match existing. The creation of a secondary corral area would be identical to that of the existing and would not have a negative impact on the existing building or surrounding area in terms of its siting, scale or design.

The proposals accord with Policies BI1 and D1 of the Aberdeen Local Development Plan.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

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

(2) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the 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.

PINEWOOD, COUNTESSWELLS ROAD,
HAZLEDENE

ERECTION OF TEMPORARY SALES POD FOR
ASSOCIATED PROPOSED RESIDENTIAL
DEVELOPMENT

For: Hazeldene Developments Limited

Application Type : Detailed Planning Permission
Application Ref. : P130573
Application Date: 26/04/2013
Officer: Gavin Clark
Ward : Hazlehead/Ashley/Queen's Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert : Can't notify neighbour(s)
Advertised on: 08/05/2013
Committee Date: 13 June 2013
Community Council : Comments



RECOMMENDATION: Approve - Time Limited Period

DESCRIPTION

The site is located at the northern most point of Countesswells Avenue, immediately to the north of a bus turning circle and comprises part of a field.

The rear garden ground of the properties at Burnieboozle Crescent (one and a half storey dwellinghouses) are located to the immediate east of the site. The immediate west and north of the site are open fields, which are associated with the Pinewood/ Hazeldene residential development. Post and wire fencing separates the site from properties at Burnieboozle Crescent, with a core path located on the eastern boundary of the site.

RELEVANT HISTORY

- Planning permission in principle (Ref: A7/2178) was approved in August 2010 for a proposed residential development and formation of access roundabout and access roads.
- An application is currently pending consideration (Ref: 120029) for the approval of Matters Specified in Conditions 1 (Archaeology); 2 (SUDS); 6 (Public Transport agreement); 7 (Road junction works); 8 (Roads improvements); 9 (Landscaping); 11 (Open Space); 12 (Dry-stone walling); 14 (design per 'Home zone' principles); 16 (Road junction works); 17 (Roads improvements); 19 (Road junction improvements); 20 (traffic calming); 21 (footpath links outwith site); 23 (i)(access) and 23(iv)(design) of planning permission in principle ref A8/0530, relating to the construction of 200 dwellinghouses across the Hazeldene site, and 23(ii) (siting) and 23(iii) (landscaping) solely in relation to Phase 1, comprising 50 dwellings.
- An application is currently pending consideration (Ref: 120952) for the approval of Matters Specified in Conditions 1 (SUDS); 2 (Open Space); 3 (Landscaping); 8 (Roads improvements - site access from Countesswells Road); 10 (Dry-stone walling); 11 (Roads improvements - junction of Countesswells Road and Springfield Road); 16 (Archaeology) of Planning Permission in Principle ref A7/2178, relating to the construction of 150 dwellinghouses.
- Advertisement Consent (Ref: 130421) was approved in May 2013 for the erection of a freestanding "V" sign measuring 7.2m x 3.7m. This sign is to be located on Countesswells Road, adjacent to the entrance to Robert Gordon's College playing fields and advertises the residential development.

PROPOSAL

The proposal seeks detailed planning permission for the erection of a temporary sales pod to be used in association with the approved housing development (Ref: A7/2178).

The sales pod would be single storey with a pitched roof and is square in shape, with a triangular projection to the south-west. It would be located approximately 6 metres from the rear elevation of the properties on Burnieboozle Crescent and would measure 12 metres x 9.65m, with the triangular projection extending the

building to 16 metres at its longest point. The proposal has an overall height of 5 metres.

The proposal includes provision for 5 parking spaces, with an associated access road. The rear and side elevations and the roof would be grey micro rib panels, with all flashings to match. The front elevation would be predominantly glazed with zinc cladding and double glazed aluminium framed windows.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130573>

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

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because Cragiebuckler and Seafield Community Council have objected to the application. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – response received. Issues raised include parking provision, visibility splays and access into and from the site. These comments will be discussed in greater detail later in this report.

Environmental Health – response received, no objection.

Enterprise, Planning & Infrastructure (Flooding) - response received, no objection.

Community Council – Cragiebuckler and Seafield Community Council have objected to the planning application for the following reasons:

- Adverse visual impact;
- Unspecified construction materials;
- Affect on the Core Path system; and
- Impact of site traffic and noise on neighbouring streets.

REPRESENTATIONS

Three letters of representation/objection/support have been received. The objections raised relate to the following matters –

- Concerns about potential impact on french drain to the rear of the properties on Burnieboozle Crescent;
- Concerns in relation to discharge to foul sewer;
- Concerns about the neighbour notification process; and
- Concerns about the internal layout of the sales pod

PLANNING POLICY

Aberdeen Local Development Plan

Policy H1 Residential Areas: states that within existing residential areas, proposals for non-residential uses will be refused unless they are considered complimentary to the residential use; or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity.

OP57 - Pinewood: Greenfield site identified in the Aberdeen Local Plan 2008 for 150 homes.

OP52 – Hazeldene: Greenfield site identified in the Aberdeen Local Plan 2008 for 150 homes.

Supplementary Guidance

Temporary Buildings: states that permission will not normally be given for the retention of portable buildings beyond the two and a half years maximum duration. To be granted planning permission, units:

- a) Must be sited to the rear of existing buildings;
- b) Must avoid loss of existing car parking spaces; and
- c) Must not be sited on landscaped amenity areas, especially those with established tree and shrub planting

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Analysis:

This application requires to be considered in terms of its design, its impact on amenity and public safety. The size, design and location of the sales cabin is acceptable on a temporary basis associated with a development site. Although the sales cabin would be quite close to the adjacent houses on Burnieboozle Crescent, there should be no significant impact on the amenity of the residents.

Sufficient car parking would be provided. The proposal raises no public safety concerns. There are parts of the Supplementary Guidance which are not relevant in this instance, however, the proposal would not result in the loss of car parking and would not be located on a landscaped amenity area. The proposal is only being approved for a period of two years. Given that the sales cabin is associated with a housing development on the site, there is no conflict with local development plan policy.

Roads Consultation Response:

In their initial comments the Roads Projects Team indicated that 11 parking spaces had been provided, 6 more than the maximum parking requirement. In response the agent removed the additional spaces, and 5 parking spaces are now associated with the development. The Roads Projects Team has confirmed that they are satisfied with this amendment.

In terms of visibility, this can adequately be provided. A condition is therefore not required in this instance.

There is a bus stop present near to the access junction at the end of the turning circle. Concerns were raised that any buses waiting at this stop would obstruct the movement of vehicles leaving the site; subsequently a swept path analysis was submitted. Roads have requested a condition which seeks a temporary extension into the turning circle, which will allow cars to pass parked buses, without having to bump up onto the kerb.

The Roads Projects Team had no further comment to make, subject to conditions.

Letters of Representation:

- Adverse visual impact;

The temporary sales pod would be positioned with due regard to the siting of the proposed new properties under the first phase of the proposed residential development. The siting in this location would also enable customers to view the development from within the unit as development works are being progressed. This is a temporary building and would be dismantled and removed from site in line with the timescale outlined within the application. The proposal would have a negligible impact on the surrounding area.

The Community Council had suggested relocating the building to an area to the south-east, but for the above reasons the applicant requested that the application be determined in its current location.

- Unspecified construction materials;

The access road would be formed in an open textured bitmac road base which is a free draining material, as the access road transfers towards the parking area this will change to a 20mm natural rounded aggregate material to the car parking area, again providing a free draining surface area. The materials associated with the sales pod have been detailed elsewhere in this report.

- Affect on the Core Path system

Access to the core path system would not be affected. The amended plan submitted on the 29th May shows its location in relation to the location of the sales pod. As a result, the core path forms no part of the curtilage of the pod and would not be obstructed by any material or object that forms part of the building

- Impact of site traffic and noise on neighbouring streets.

The proposal would see the introduction of a sales pod, and associated access road. The proposal is considered acceptable, with any impact to neighbouring properties considered minimal.

- Concerns about potential impact on french drain to the rear of the properties on Burnieboozle Crescent;

An amended plans was submitted showing an area highlighted in blue, which shows that no development would take place within the immediate vicinity of the french drain.

- Concerns in relation to discharge to foul sewer;

The applicants have indicated that the development would connect with the foul connection at Burnieboozle Crescent.

- Concerns about the neighbour notification process

Neighbour notification was carried out correctly, all notifiable neighbours within 20m of the site were notified, in addition, the application was advertised in the local press.

- Concerns about the internal layout of the sales pod

The size and internal layout of the sales pod is considered acceptable, and contains the usual amenities found in sales buildings. This issue, however, is not a material planning consideration.

Conclusion:

Overall the development is considered to be acceptable, and in accordance with planning policy. There are no material planning considerations which would warrant refusal of planning permission in this instance.

RECOMMENDATION

Approve - Time Limited Period

REASONS FOR RECOMMENDATION

The size, design and location of the sales cabin is acceptable on a temporary basis associated with a development site. Although the sales cabin would be located close to the properties on Burnieboozle Crescent there should be no significant impact on the amenity afforded to these residents. Following the submission of amended plans sufficient parking would be provided. The proposal raises no public safety concerns. The application subsequently accords with Policy H1 of the Aberdeen Local Development Plan and the Council's Supplementary Planning Guidance in relation to Temporary Buildings. There are no material planning considerations which would warrant refusal of planning permission.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) that the temporary building hereby granted planning permission shall not remain on the site after a period of two years expiring on 13th June 2015 - that the character and siting of the structure is not such as to warrant its retention for a period longer than that specified in this permission.

(2) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with Drawing No. APL - 100 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(3) that prior to the commencement of development a detailed scheme shall be submitted to, and approved in writing by the Planning Authority, which provides details of alterations to the central reservation of the turning area as necessary to allow vehicles to pass stationary buses in a safe manner, these works shall be agreed and implemented prior to the sales pod comes into use - in the interests of road safety and to allow the free movement of traffic

INFORMATIVES

The proposed turning down of kerbs and reinstatement of kerbs will be done by Aberdeen City Council and the applicant is responsible for all costs involved and should be advised to contact the Road Network Maintenance Unit (Tel 241560) at least 6 weeks prior to any work starting on site and arrange for a detailed estimate for the costs of the works. The applicant is required to make payment in advance of these works being carried out.

Roads construction Consent will be required for the construction of the access junction. All design and construction should be in accordance with the standards of Aberdeen City Council. The applicant is responsible for all costs involved and should be advised to contact Colin Burnet (Tel. No. 522409) of our Design Section with regard to this matter.

The applicant should contact First Group directly to discuss the required alterations to the bus turning circle, prior to purifying the planning condition.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

CRAIGIEGBUCKLER AND SEAFIELD COMMUNITY COUNCIL

Mr Gavin Clark
Planning Officer
Aberdeen City Council
Planning and Sustainable Development

10 Craigiebuckler Drive
Aberdeen AB15 8ND

11 May 2013

Dear Sir

Application Reference: 130573

Local Authority Reference: 000061387-003

Erection of temporary sales pod for associated proposed residential development.

We object to the above referenced planning application for the following reasons:-

Adverse Visual Impact

We submit that the proposed temporary building will have an adverse visual impact when viewed from a number of neighbouring houses on Burnieboozle Crescent and nearby public access paths. In mitigation, we suggest that the Pod should be located at a point to the West of its proposed site, which is marked 'X' on the copy of the plan reproduced on the final page of this representation.

Unspecified Construction Materials

On Aberdeen City Council's planning list, this is termed as a "detailed planning application". Yet the temporary access road shown to be between the bus turning circle and the proposed site of the Pod is of no specific dimensions. There are no details of the depth of its foundation or the materials to be used in its construction. Yet it can be presumed that it will be used as an access for heavy goods vehicles transporting excavated material from the site.

The plan also fails to specify the materials to be used in constructing the foundation of the Pod

Affect on Core Path System

Under the Land Reform (Scotland) Act 2003, all Local Authorities and National Park Authorities in Scotland have a statutory duty to prepare a Core Paths Plan that will

"provide the basic framework of routes sufficient for the purpose of giving the public reasonable access throughout their area. The basic framework of routes will link into, and support, wider networks of other paths."

There is a path on the East border of the curtilage of the proposed Pod which is accessed from the turning circle and runs in a northerly direction, bordering the garden grounds to the rear of a number of properties on Burnieboozle Crescent. This path is in regular and popular use by dog walkers. It is shown as a "core path" on Aberdeen City Council's map of core paths. A section of this core path borders the East limit of the curtilage of the proposed sales pod. We require the reassurance that the developer will demonstrate, by delineating the path on the plan, that it forms no part of the curtilage of the Pod and will not be obstructed by any material or object that forms part of the building, its grounds or boundary fence/wall. The impression is given that it is obliterated by the carpark, thus preventing access to the remainder of the core path system. However if the site were to be moved to the position previously indicated above, the problem would be mitigated.

Impacts of Site Traffic and Noise on Neighbouring Streets

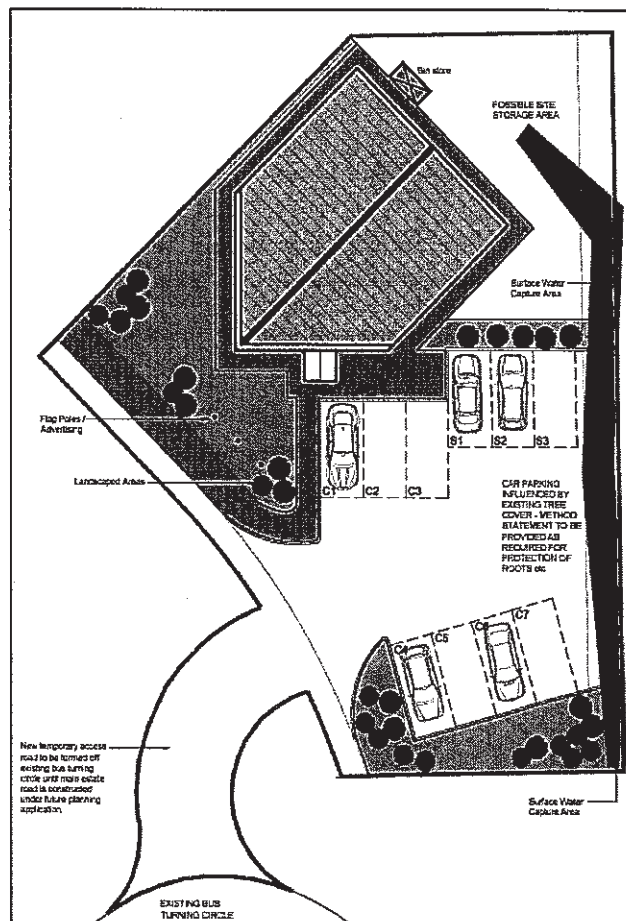
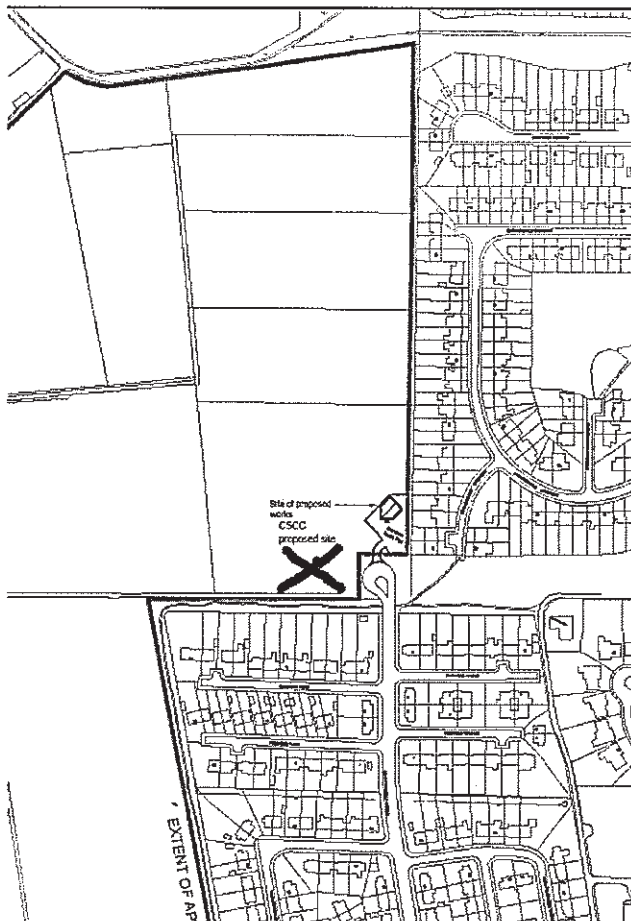
During the excavation and construction phases of the proposed sales pod there will be an increase in traffic movements, possibly in the form of heavy goods vehicles. Countesswells Avenue seems wholly unsuitable for this type of traffic. It is a residential street with housing on both sides. The Developer's proposal makes no mention the types and volume of traffic which will access the site from Countesswells Avenue. The neighbouring houses on Burnieboozle Crescent are also likely to be adversely affected by traffic and construction noise. There appears to be no prepared traffic and noise impact assessments accompanying this planning application.

We refer to the Environmental Noise (Scotland) Regulations 2006 and the Scottish Government's Planning Policy document which, in Planning Advice Note 1/2011, provides advice on preventing and limiting the adverse effects of noise. Construction and traffic are listed as sources of noise.

We remain to be convinced that the Developer has incorporated the adverse impacts of noise and traffic in this planning application.

Yours sincerely,

William Sell
Chairperson



PI

From: Gavin Bruce Drummond Clark
Sent: 15 May 2013 13:49
To: PI
Subject: FW: Planning Application Ref 130573

Hi

The representation below does not appear to have been logged against the application, could this please be done.

Thanks,

gavin

From: Garfield Prentice
Sent: 03 May 2013 09:19
To: Gavin Bruce Drummond Clark
Subject: FW: Planning Application Ref 130573

Hi Gavin

I have requested that AST record this email as a formal representation to the proposal. I would ask you to raise Points 1 and 2 with the applicant.

Garfield

From: [REDACTED]
Sent: 01 May 2013 19:11
To: Garfield Prentice
Subject: Planning Application Ref 130573

Dear Mr Prentice

Further to our telephone conversation today I would like to draw your attention to some concerns regarding the planning application for a temporary sales pod, [ref 130573] at the rear of the properties on Burnieboozle Crescent.

1. On the proposed plans submitted there is no mention of a french drain running along the tree line at the rear of the properties on Burnieboozle Crescent. The french drain is there to try and stop flooding in the field. During periods of heavy rain a very large volume of water runs off the fields and my property has been flooded several times in 2009. The council took action and installed the french drain in March 2010 and to date it has been very effective at coping with the run off from the surrounding fields. My concern is that if this drain is blocked or covered over then there is a serious risk of flooding to adjacent properties. I would therefore like to see this aspect fully considered as part of the planning application.

2. As the sales pod has a WC how will this be plumbed in and will the waste be discharged to a foul sewer?

3. Will there be neighbour notification? as it only by chance that my wife noticed this application on the council website.

Below is a letter I sent in March 2012 regarding a drainage risk assessment for the proposed development.

Best Regards

Robert Frost
55 Burnieboozle Crescent

Aberdeen
AB15 8NR

Tel. [REDACTED]

Dear Sir/Madam

Proposed application for Approval of matters specified in conditions relevant to applications
A8/0530 Hazledene and A7/2178 Pinewood
Application Reference: 120029

I would like to make some comments on the Drainage Impact Assessment by Cameron Ross Consulting Engineers.

Section 5.0 Assessment of Risk Assessment Known Flooding History states that "we are aware from historical records that a flooding event occurred in the rear gardens of 1-19 Pinewood Place and 43 to 46 Countesswells Crescent.

I would like to point out that there is no mention of flooding in Burnieboozle Crescent that dates o the 1960s where there has been on going flooding problems from the council owned fields. After flooding at 59 Burnieboozle Crescent in the 1960s a drain was installed by the council in the field behind no.59 and pwas routed through the garage at the property and connected into the surface drains on Burnieboozle Crescent.

A major flooding event happened on 3-4th September 2009 and again in November 2009.

Please can you contact John Shearer at the Roads Department as he has fuller details of the flooding at the rear of the houses in Burnieboozle Crescent. John also surveyed the drains in the area and installed a new French drain in the field behind 55-59 Burnieboozle Crescent. This drain was completed in March 2010.

I feel it is essential that the consulting engineers are aware of the flooding problems and make note of the problem in their report to ensure that their calculations of flooding risk are as accurate as possible.

Yours Faithfully

Robert Frost

P&SD Letters of Representation		
Application Number: 130573		
RECEIVED - 1 MAY 2013		
Ncr	Soy	MAp
Case Office Initials: GAVIN CLARK		
Date Acknowledged: 17-5-13		

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 09 May 2013 11:34
To: PI
Subject: Planning Comment for 130573

Comment for Planning Application 130573

Name : jgray
Address : 15
countesswells place
aberdeen

Telephone :

Email : 

type :

Comment : i object as this building appears to be more than a simply "sales pod", it has meeting room/areas etc, and a commercial building of this size is very much out of character in a residential area, i can see no weight of this building on the plans and as this commercial building will be on site for some time it should be smaller.

17
PI

From: Garfield Prentice
Sent: 15 May 2013 10:31
To: Gavin Bruce Drummond Clark; PI
Subject: FW: developments on the ground behind our properties

Hi Gavin

This email should be taken as a written representation to the application for the sales cabin application (P130573)

AST - This email should be recorded as a written representation to planning application P130573.

Garfield

We are always trying to improve the quality of customer service that we provide and would like to know your views on the service you have received to help us learn what we need to do better. We would very much appreciate you taking a few moments to fill in our short feedback form by clicking on <http://www.aberdeencity.gov.uk/customerfeedback> and selecting Development Management (Planning Applications Team). Many thanks in advance.

Garfield Prentice
Team Leader (Development Management South)
Planning and Sustainable Development
Enterprise Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

From: J CONNELL [REDACTED]
Sent: 03 May 2013 16:30
To: Garfield Prentice
Subject: developments on the ground behind our properties

Dear Mr Prentice,

I am writing to support the e-mail of 1 May to you from my neighbour Robert Frost of 55 Burnieboozle Crescent. I fully share the concern he expresses in his letter.

Yours, Jack Connell (61 Burnieboozle Crescent)

Agenda Item 3.1

BANNERMILL DEVELOPMENT, BANNERMILL PLACE, ABERDEEN

INSTALLATION OF PEDESTRIAN AND VEHICULAR ACCESS GATES

For: SPMS Aberdeen

Application Type : Detailed Planning Permission
Application Ref. : P130020
Application Date: 08/01/2013
Officer: Gavin Evans
Ward : George Street/Harbour (A Morrison/N Morrison)

Advert : Can't notify neighbour(s)
Advertised on: 30/01/2013
Committee Date: 13 June 2013
Community Council : No response received



RECOMMENDATION: Refuse

DESCRIPTION

The application site is the 'Bannermill' residential development, situated to the north of Beach Boulevard, mid-way between King Street and Beach Esplanade. The main body of the development forms a central quadrangle, with buildings ranging in height from 4 to 7 storeys arranged around the edges of a central space to create a substantially enclosed courtyard area, providing car parking and landscaped amenity space for residents. The development's four street frontages are onto Constitution Street to the north, Beach Boulevard to the south, Links Road to the east, and the newly formed Bannermill Place to the west. In addition to the four-sided block described here, there are further properties arranged along the western side of Bannermill Place.

Bannermill Place, which runs from Constitution Street to Beach Boulevard, does not provide vehicular access through onto Beach Boulevard, but serves as the sole vehicular access for the Bannermill development. Vehicles enter at its junction with Constitution Street, where there are controlled access barriers, and can then enter the main quadrangle via a break in its western frontage.

Pedestrian routes exist through the development from north to south, from Constitution Street to Beach Boulevard, while there is also a 'pend' in the Links Road frontage, giving pedestrian access through into the quadrangle. It is possible to enter the site via Links Road and progress right through the quadrangle, coming out via the break in the western frontage onto Bannermill Place, before progressing onto either Constitution Street or Beach Boulevard.

RELEVANT HISTORY

There is no recent planning history of relevance to this proposal.

PROPOSAL

This application proposes the installation of gates and associated fencing at three distinct access points around the Bannermill site in order to restrict pedestrian through traffic and address recent instances of anti-social behaviour within the development.

The works can be summarised as follows;

1. At the vehicular access at the junction of Bannermill Place and Constitution Street, access would be controlled via the installation of key-fob controlled access gates. 2no ornate iron gates, painted in black, would be situated at entrance and exit to the site at Constitution Street, with corresponding pedestrian gates immediately adjacent on the footway. The remainder of the enclosed frontage would consist of reclaimed granite walling (up to approximately 1m in height), with black painted iron railings on top. The top of the ornate vehicular gates would achieve a height of approximately 2.7m, however the railings and pedestrian gates would be roughly 2.1m above ground level. The proposed new gates and fencing would be aligned just back from the frontages of the buildings on Constitution Street.

2. The southern end of Bannermill Place currently affords no vehicular through traffic, however pedestrian access does exist. It is proposed to form new walling and gates of a style to match those described above. A single vehicular gate would be centrally positioned, with pedestrian gates on the respective footways at either side. The main central gate is understood to be for emergency services access only, with the pedestrian gates on either side being operated via key-fob. The central gate would achieve a height of approximately 2.7m, with the remainder of the railings achieving progressively greater height to their eastern end due to a change in ground levels, reaching approximately 2.6m above ground level.
3. The existing pend in the Links Road frontage of the building would be in-filled with a key-fob accessed security gate. This would fill the entire opening in the building in order to adequately secure access to the site.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130020>
On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the application has been the subject of formal objection by roads officers. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – Object to the proposal on the grounds that the installation of gates will obstruct established routes through the development. The creation of a gated community would be to the detriment of the connectivity and permeability of the local area via sustainable modes of travel. It is noted that the current access points and routes were a deliberate part of the original development, and that the alternative routes envisaged would be convoluted, adding time and distance to journeys. The loss of these routes would be more keenly felt due to their existence for a number of years. Furthermore, the combined effect of these factors would be to encourage people to drive instead of utilising sustainable modes of travel.

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) - No observations

Community Council – No response

REPRESENTATIONS

4 letters of representation have been received, however one of these was later withdrawn by the objector, leaving a total of 3 representations. The matters raised can be summarised as follows –

1. Concerns regarding the arrangements for residents gaining access to the development via fobs – e.g. number of fobs available to each resident.
2. Support expressed for the proposal on the basis of the improved appearance and security of the site.
3. Concern that the traditional materials to be used would be inconsistent with the contemporary styling of the Bannermill Development, and would therefore be contrary to the terms of policy D1 of the Aberdeen Local Development Plan.
4. The enclosure of the Bannermill development would serve to separate it from the surrounding community.
5. Objection on the basis that the gates proposed will make access to the development much more difficult for disabled residents, who may struggle to manoeuvre a wheelchair whilst operating the key fob and opening the gate.
6. Concern regarding access for servicing/deliveries/visitors.
7. Statement that the proposal would not comply with 'Approved document M'.
8. The rationale for the development is questioned, with a view that the crimes known to the objector would not have been prevented by the gates proposed.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Para 37 of SPP sets out the role of the planning system in achieving sustainable development through its influence on the location, layout and design of new development. It further states that decision making in the planning system should support healthier living by improving the quality of the built environment, by increasing access to amenities, services and active travel opportunities, and by addressing environmental problems affecting communities.

Para 38 states that decisions on the location of new development should reduce the need to travel and prioritise sustainable travel and transport opportunities.

Para 39 states that decisions on the layout and design of new development should encourage the use of and enable access to active travel networks and public transport.

Aberdeen City and Shire Structure Plan

A stated aim of the Aberdeen City and Shire Structure Plan is to make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are attractive choices.

Aberdeen Local Development Plan (ALDP)

Policy D1: Architecture and Placemaking

New development must be designed with due regard for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour,

materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D3: Sustainable and Active Travel

Policy D3 states that new development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order – walking, cycling, public transport, car and other motorised vehicles.

Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

Policy H1: Residential Areas

This policy expresses support in principle for residential development, provided a series of specified criteria can be satisfied. A presumption against non-residential uses is stated, however there will be scope for such non-residential uses where it can be demonstrated either that they would not give rise to conflict with, or nuisance to, existing residential amenity, or that the use proposed is complementary to residential use.

Policy NE9: Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Supplementary Guidance

The Council's published 'Transport and Accessibility' Supplementary Guidance highlights the contribution that access and permeability make to quality of life. Particular reference is made to the ability to freely access services and facilities without using a vehicle. New development will be required to protect and enhance existing access rights, including core paths, rights of way and paths within the wider network.

Other Relevant Material Considerations

The applicants have cited the security benefits of the proposed development, stating that there have been a number of instances of crime within the development, which might otherwise have been prevented through the presence of enclosures and the restriction of access to residents only.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning

acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

The application site is located within a predominantly residential area, and this is reflected in its zoning in the Aberdeen Local Plan as an H1: Residential Area. Within such areas residential development of an appropriate form is encouraged, with non-residential uses generally discouraged unless considered complementary to residential use or where it can otherwise be demonstrated that the use proposed would not result in any adverse impact on the existing residential amenity afforded to residents. The proposed works do not involve the introduction of any new use, however the physical works proposed would serve to sever existing access routes and it is therefore reasonable to consider that there may be scope for this to affect residential amenity in this area. The relationship between this development proposal and policy H1 will be considered further in this report, following detailed consideration of the nature of the existing routes and the implications of their removal.

It is currently possible to travel through the Bannermill development on east/west and north/south axes. The introduction of fob-accessed gates would serve to remove these routes for the general public, with residents-only access through the development. It is understood that the proposed enclosure is sought as a means of securing the development from instances of crime, of which there have reportedly been several recently.

Policy D3 of the ALDP states that development should maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. By removing the existing access routes through the Bannermill development, it is quite clear that permeability will be neither maintained nor enhanced. Pedestrian and cycle access within and through the development would be restricted, with the result that travel via motorised car will be encouraged. This does not accord with the provisions of policy D3, which seeks to promote non-motorised travel through the provision of permeable and well-connected places. The removal of the existing access routes would not accord with the aims of policy D3, which seeks to protect and enhance such routes. No suitable alternative routes have been proposed.

Policy NE9 states that, wherever appropriate, developments should include new or improved provision for public access, permeability and active travel. The proposed development would not serve to improve provision for public access, as access would be restricted to residents only. The development would be to the detriment of permeability, with pedestrians given a smaller number of available routes to choose from, and in making active travel less attractive, the development would serve to encourage motorised travel.

Section 3, 'Access and Permeability', of the Council's published 'Transport and Accessibility' Supplementary Guidance highlights the contribution that access and permeability make to quality of life. Particular reference is made to the ability to freely access services and facilities without using a vehicle. New development will be required to protect and enhance existing access rights, including core

paths, rights of way and paths within the wider network. It is understood that access rights are exercisable over the existing routes through the Bannermill development under the Land Reform (Scotland) Act 2003. The failure to maintain such links is a material planning consideration, and the blocking of these routes would constitute a failure to protect and enhance existing access rights, contrary to the guidance set out in the Council's published 'Transport and Accessibility' supplementary guidance document.

Taking these matters into account, it is considered that the principle of 'gating' the Bannermill development and thereby restricting permeability and through access, would be contrary to the provisions of policies D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) of the Aberdeen Local Development Plan. The diminished permeability for pedestrians and cyclists would serve to discourage active travel and encourage car use. Encouraging more active modes of travel is central to the creation of successful and sustainable places, and it is considered that removing existing through routes in the manner proposed would be to the detriment of the existing residential amenity, and that the proposal would therefore be contrary to policy H1 (Residential Areas) of the Aberdeen Local Development Plan.

Distinct from the principle of the development, discussed above, is the design and appearance of the gates themselves. The black-painted iron gates and railings are of an ornate styling, with scroll detailing to the top of the gates and spiked railings to act as a deterrent to would-be intruders. The walls and gateposts would be formed in reclaimed natural granite, with synthetic granite coping. The pedestrian gate to be formed in the pend, giving access via Links Road, is of a simpler style, based on a grid arrangement. The Bannermill development is of more contemporary styling, and it may be that a simpler style of gate could be more appropriate in order to adequately reflect that context, however it is not considered that this inconsistency would in itself be grounds to warrant refusal of the application. Nevertheless, taking this into consideration alongside the issues noted previously, it is concluded that the proposal is significantly contrary to the relevant provisions of the development plan.

The applicants have highlighted a number of instances of crime in the immediate area, and suggested that the proposed gates and fencing could go some way to preventing such incidents by restricting access to residents. Whilst measures to design out crime are welcomed in principle, this should really be achieved through careful consideration of layouts, overlooking of potentially vulnerable areas and other 'passive' means, rather than through the enclosure of distinct developments. Physical solutions such as walls, gates and security fencing may assist in restricting access, but benefits are often outweighed by a reduction in pedestrian/cyclist mobility and layouts which serve to favour travel by private car.

Relevant Planning Matters Raised in Representations

Turning to the matters raised in representations, these can be addressed as follows;

1. The availability of fobs for any remote-accessed gates is a matter between residents of the Bannermill development and the site factors. This is not

- relevant to the planning merits of this proposal, and will not be taken into account in the planning authority's assessment of the application.
2. The support expressed for the proposal on the basis of improved security and appearance for the Bannermill development are noted. It should be highlighted, however, that the planning authority's assessment is not limited to these factors alone, and that the proposal should be considered against all relevant provisions of the development plan.
 3. It is acknowledged that there is a degree of inconsistency between the contemporary design of the Bannermill development and the traditional styling of the proposed gates and railings. It is agreed that this incongruity stems from a failure to demonstrate due consideration for the site's context, and that the gates proposed would not make a positive contribution to their setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.
 4. It is agreed that the enclosure of the Bannermill development would to some extent segregate it from the surrounding community in a manner that is not conducive to creating mixed, sustainable communities.
 5. The difficulties faced by disabled residents and other users in accessing the development via the proposed gates whilst manoeuvring a wheelchair are acknowledged.
 6. Arrangements for servicing and visitors remain unclear, however it is expected that such issues could be readily overcome, given the use of restricted access gates in other locations.
 7. 'Approved document M' cited in representation is understood to be a Building Regulations publication used in England. Scottish Building Regulations would be applicable to ensure criteria regarding disabled access are satisfied, however this is a separate regulatory process to the planning system, and so adherence to building standards publications will not be considered in this assessment.
 8. As noted by the objector, there is evidence to demonstrate that the proposed means of enclosure would have prevented the occurrences of crime referred to in the supporting statement.

RECOMMENDATION Refuse

REASONS FOR RECOMMENDATION

1. The proposed development, by restricting public access to established routes, would be to the detriment of pedestrian permeability and would discourage sustainable modes of travel, contrary to policies D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) of the Aberdeen Local Development Plan (ALDP), the Council's published 'Transport and Accessibility' supplementary guidance and paragraphs 38 and 39 of Scottish Planning Policy (SPP). The loss of these convenient, established pedestrian routes is considered to be to the detriment of the existing residential amenity, contrary to policy H1 (Residential Areas) of the ALDP.

2. The proposed enclosures are of traditional, decorative design and styling that is inconsistent with the contemporary design of the Bannermill development, and fails to demonstrate due regard for its context and make a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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28 Parison Close,
Richmond-upon-Thames,
Surrey,
TW9 4NH.

28th January 2013

Planning and Sustainable Development,
Broad Street,
Aberdeen,
AB10 1AB

Dear Sir,

Application Reference: 130020
Installation of pedestrian and vehicular access gates, Bannermill Development

I write to you in connection with the above mentioned planning application. I have examined the proposal and wish to object to the application in the strongest possible terms.

As you are aware the development is one of a number in the area completed over the last decade covering Bannermill and the old hospital site. Although these are high density developments, they have been constructed with clay bricks, light grey cladding and other complimentary materials to give a contemporary look and feel. The open access nature of the sites allows them to feel a part of the community in which they sit. The proposal, as it stands, uses granite stone and black coated fencing extensively which contrast with the local environment and will also create a very physical, prison-like, separation between the Bannermill development and the surrounding community. It is worth noting that what little fencing is currently in use at the development, on Beach Boulevard and Constitution Street, is of a light grey 'mesh' type, contrasting significantly with that proposed in the application. In short, the proposal is not compliant with Policy D1 of the Local Plan 2012 in that it does not consider its local environment and does not make a positive contribution to it.

My second objection is on more practical amenity and access grounds. I am a homeowner in the development and a wheelchair user, one of a number within the complex. Whilst gates cause inconvenience to able bodied users they present, at best, a significant barrier to those disabled people like me who lack the strength, dexterity and speed to manage them whilst also manoeuvring a wheelchair. At worst this barrier becomes insurmountable, as it would be for me. The frequent poor weather close to the sea front would also make navigating these barriers even more difficult, unpleasant and time consuming. FOB controlled access presents a particular barrier due to the difficulties of getting the gate open before the timing mechanism automatically re-engages the lock.

As well as personal access issues for disabled people, there are also problems with access for service providers. As I'm sure you appreciate disabled people are heavy users of delivery services and essential services in the home, such as personal and medical care, which may be provided by upwards of ten separate individuals visiting the residence during the course of a week. This proposal would raise significant barriers to accessing these services in a number of the blocks, including the one in which my flat is, which do not have direct access onto the street, but only into the new restricted access area.

It should also be noted that the installation of gates at Site Entrance A will mean that there will be no lowered kerbs in the vicinity within the development. This will mean that there will be no entry or exit through this route for wheelchairs without negotiating a significant barrier in the form of a high kerbstone.

When I moved to Aberdeen I was delighted to have found this development because suitable housing is extremely difficult to find for disabled people¹. Although I am temporarily not living in Bannermill whilst I am away working in London, if this proposal was to proceed it would effectively make it impossible for me to return to live in the complex. The barriers to access raised would also make this the case for other disabled people.

In short, this application represents a material change in access to the buildings with a detrimental effect on accessibility, contrary to paragraph 0.3 of Approved Document M. Also, the application does not include an Access Statement as detailed in paragraph 0.20 of the same document recording how the application may comply with the guidance.

Finally it is questionable whether the stated motivation behind the project, to improve security and reduce crime, is supported by the evidence presented. I personally have knowledge of two incidents of theft or vandalism that this proposal sets out to address, both of which were at the AB24 5EH postcode. On neither occasion were they carried out by passers-by, but were in fact perpetrated by individuals invited into the development and were directed at specific residents. Neither incident would have been prevented by this proposal. The evidence supporting this application is drawn from a simple search performed for reported crimes, but these results are of little value without any analysis to assess how many of these incidents would have been prevented or mitigated by the measures outlined in the proposal.

If this application is to be considered by committee, and if my schedule allows, I would like to attend the meeting. I would therefore be grateful if you could inform me of the date of any such meeting.

Yours faithfully,


Alan Benson

1 [http://\[redacted\]](http://[redacted])

P&SD Letters of Representation		
Application Number:		130020
RECEIVED - 4 FEB 2013		
Nor	Sou	MAp
report		GEE - Nat
Date Acknowledged:		08/02/13

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 22/01/2013 19:59
Subject: Planning Comment for 130020

Comment for Planning Application 130020

Name : Emma Duguid
Address : 31 Bannermill Place

Telephone :

Email : [REDACTED]

type :

Comment : After looking at all the supporting documents, i cant not object to how much i think this will improve the look and to some extent the safety of the development.

However, I OBJECT, on the basis that we will only be issued with 1 car entry fob. My main concern is should something happen such as i fall in the shower and i manage to make a call to my family who have keys to our house to come and help me, they are now unable to get into the complex, as we have not been issued with enough "fobs".

The issue of the fob's and the entry to the complex with the new gates have not been addressed and i think this is a key factor in the discussion.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 22/01/2013 20:01
Subject: Planning Comment for 130020

Comment for Planning Application 130020
Name : Paul Goonan
Address : 31 Bannermill Place

Telephone :

Email : [REDACTED]

type :

Comment : After looking at all the supporting documents, i cant not object to how much i think this will improve the look and to some extent the safety of the development.

However, I OBJECT, on the basis the issue of the fob's and the entry to the complex with the new gates have not been addressed and i think this is a key factor in the discussion.

MEMO



ABERDEEN
CITY COUNCIL

To	Gavin Evans Planning & Infrastructure	Date	19/02/2013
		Your Ref.	P130020 (ZLF)
		Our Ref.	TR/IH/1/51/2
From	Roads Projects		
Email			
Dial			
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. P130020
Bannermill Development, Bannermill Place, Aberdeen
Installation of pedestrian and vehicular access gates

I have considered the above planning application and have the following observations:

1.0 Proposals

1.1 The applicants intend to erect security gates and fencing at all three access points to the development.

2.0 Access

2.1 The installation of the proposed security fences and gates will prevent the general public from legitimately using walking and cycling routes through the development. The development, in common with all modern sites, currently provides routes for pedestrians and cyclists to pass through the scheme which provide attractive, convenient routes following desire lines, encouraging travel by sustainable modes of transport.

2.2 The installation of gates will obstruct established routes through the development that are well used. The creation of a gated community will be to the detriment of the connectivity and permeability of the local area by sustainable modes of transport.

2.3 The current access points and routes were deliberately designed into the scheme and are seen as essential parts of the development. The alternative routes are convoluted, adding time and distance to journeys. These aspects will be amplified by the fact that the routes through the site have been available for a number of years. The combined effect of these factors will be to encourage people to drive.

Gordon McIntosh
Corporate Director

3.0 Conclusion

3.1 In light of my comments above, I would object to this planning application.

Iain Hamilton

Engineer (Developments and Traffic)

ABERDEEN CITY COUNCIL

COMMITTEE	Development Management Sub-Committee	
DATE	13 June 2013	
LEAD HEAD OF SERVICE Margaret Bochel		DIRECTOR Gordon McIntosh
TITLE OF REPORT	Planning Digest	
REPORT NUMBER	EPI/13/107	

1. PURPOSE OF REPORT

- 1.1 To advise Committee about recent appeal decisions, recent updates in Scottish Government Planning Advice and other aspects of the planning service.

2. RECOMMENDATION

- 2.1 To note the outcome of the appeal decisions.

3. FINANCIAL IMPLICATIONS

- 3.1 There will be financial implications arising from the appeal decisions - please see the section of the report entitled NOTICE OF AWARD OF EXPENSES AGAINST THE COUNCIL in respect of Broadford Works, Maberly Street.

4. OTHER IMPLICATIONS

- 4.1 The report is for information and does not have any implications for any legal, resource, personnel, property, equipment, sustainability and environmental, health and safety and/or policy implications and risks.

5. BACKGROUND/MAIN ISSUES

APPEALS DISMISSED

RESTAURANT 21 21-23 MARKET STREET, ABERDEEN

The following appeal decision is in relation to an advert enforcement notice served by the Council in relation to unauthorised projecting signs at Restaurant 21, located on a listed building at 21-23 Market Street in the city centre. The Reporter dismissed the appeal and

upheld the enforcement notice, which remains to be complied with and may require direct action by the Council to secure removal of the offending signs, in the event that the owner does not remove the signs. The Reporter's decision is founded on the basis that this was not an appeal against the refusal of advertisement consent. It was not therefore appropriate to argue the merits of the signs and the appellant had not exercised their right to challenge the previous refusal. The decision letter is available at the following weblink :-

<http://www.dpea.scotland.gov.uk/Documents/qA344951/A5956368.pdf>

APPEAL UPHELD

Broadford Works, Maberly Street

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); 4525 sq metres of non-residential uses (including a notional 1975 sq metres of ground floor retail; 1900 sq metres nursery and 200 sq metres restaurant; 579 surface and basement car parking spaces and associated engineering and infrastructure works.

The Scottish Ministers accepted the Reporter's conclusions after careful consideration of his report and have stated that they are minded to grant planning permission subject to conditions and a legally binding planning obligation. The following paraphrases the Reporter's conclusions.

The Reporter considered that the proposal involves a high density development on a brownfield city centre site which, in its entirety, is a Category A listed building identified as being "at risk". The proposed development would contribute significantly to strategic targets and house building as well as providing the opportunity to preserve and restore important listed buildings. The principle of the proposed development is not an issue.

He considered that, although car parking is provided at less than the council's standard, the roads section accepts that the site would be well served by sustainable transport modes. Despite some overlooking of existing properties close to the boundary of the site, the impact on residential amenity is not unacceptable. Overall, a satisfactory design solution has been proposed and the development would not constitute over-development of the site.

He also concluded that the extant planning permission does not require affordable housing. There does not appear to have been any suggestion by the council in pre-application discussions that there should be an element of affordable housing in the current proposal. LDP Policy H5 recognises that the provision of affordable should not jeopardise the delivery of housing. The appellant's argument that the cost of securing the important buildings would threaten the viability of the development should affordable housing also be required is persuasive. Accordingly, it is not necessary to provide affordable housing as part of the development.

The Reporter recognised that draft heads of terms have been prepared setting out the obligations of the developer in respect of providing finance for the preservation of the “very important” listed buildings. The “Grey Mill” is to be offered to an “independent legal entity” and would provide the prospect of community facilities. Additionally, the developer has agreed to provide funding requested by the roads section of the council. All-in-all, there is the potential for a significant level of developer contributions and the nature of any further provision the council envisages is not clear.

He averred that the council has previously made no specific reference to the community facilities required, although a further condition was subsequently recommended seeking a financial contribution for primary education provision. In view of the level of contributions towards preserving the listed buildings, providing roads and traffic infrastructure, and offering the Grey Mill as a gift, no further contributions towards community facilities are justified. In any event, the timing of the request for contribution for educational provision was brought forward at too late a stage in the proceedings.

A traffic impact assessment has been prepared and the implications have been considered by the council’s roads section. Subject to a number of improvements which the developer has agreed to fund, the level of traffic generation is regarded as acceptable. There is no reason to disagree with this assessment.

The Reporter concluded that overall, both the principle of the development and the detailed proposal are acceptable. The development accords with the provisions of the development plan and there are no material considerations pointing to the refusal of planning permission. The conditions initially suggested by the council – which are acceptable to the appellant – should be imposed. Additional conditions limiting construction operations and requiring notification of the completion of each phase should also be applied. Prior to the issue of planning permission, a planning obligation under section 75 of the Act should be concluded. The basis of the obligation should be the draft heads of terms that have been prepared.

The appeal intentions letter and full Reporter’s report can be viewed at:
<http://www.dpea.scotland.gov.uk/Documents/qA323852/A5943524.pdf>
and <http://www.dpea.scotland.gov.uk/Documents/qA323852/A5429951.pdf>

NOTICE OF AWARD OF EXPENSES AGAINST THE COUNCIL

**Broadford Works, Maberly Street
Application Ref 120048**

The Reporter reasoned that the claim was made at the appropriate stage of the proceedings. The council explained that the Development Management Sub-committee considered the proposal at length and, despite being recommended for approval, the decision was taken “at that point” to refuse planning permission. Thereafter, a certificate was issued indicating that “the council, in exercise of their powers.... hereby refuse planning permission.” Five reasons for refusing planning permission were listed in the decision notice.

The council further indicated that when the matter was considered “by the full council” it was decided that the application “was suitable for approval”. Although the council stated that it was reasonable for the application to be refused for the “valid planning reasons” contained in the refusal notice, on reconsideration, the balance of planning benefits was reassessed. This, claims the council, “is not to say the initial decision taken was unreasonable”.

Despite the involvement of council officers in the steering group, the Reporter accepted it was not necessary for the council to follow the recommendation that permission be granted. However, although the council pointed out that it was subsequently decided that the application was suitable for approval, by that time the refusal certificate had been issued. It seemed clear to the Reporter that, unless the applicant had decided not to pursue the matter further, it was necessary to lodge an appeal against the decision to refuse planning permission albeit that, in due course, the council no longer supported that decision.

In responding to the appeal, the council did not explain this background. It was simply stated that it had been decided “not to resist the appeal”. The Reporter considered that the lack of any support for the reasons for refusal was fundamental. He pointed out that Circular 6/1990 indicates that the inability to support reasons for refusal is an example of unreasonable behaviour by a planning authority. Despite the claim by the council that the reasons for refusal were valid, no evidence was provided to support this claim. Neither was it explained why the council subsequently took a different view on the potential planning merits of the proposal following the issue of the refusal certificate.

The Reporter believed that, whatever the reason the council decided not to resist the appeal, the process in total clearly represented an example of unreasonable behaviour. Whilst he could appreciate that the council effectively changed its mind having considered the matter further, there were significant practical and financial implications in this decision.

Although not an exact parallel to the example referred to in the circular, it is clear that the appellant had been required to incur unnecessary expense in mounting an appeal against the refusal of planning permission which was the subject of no defence or justification by the council.

The council argued that, in the event of an award being made in favour of the appellant, expenses should be restricted to the costs involved in the appeal itself. The Reporter believed this to be correct although, subject to relevance, it was for the appellant to determine the content of the appeal and the supporting documents to be provided. As previously explained, it is normally expected that parties should agree the level of expenses between themselves.

With reference to the additional condition relating to educational provision, the council had suggested that this was put forward “at the request of the Reporter”. The Reporter considered this was not the case as the contribution to educational provision was one of the two “further conditions” recommended by the council in addition to the 18 conditions contained in the report to the sub-committee.

Subsequently, a procedure notice was issued requiring the re-drafting of the condition to meet the tests set out in Circular 4/1998. In his report on the appeal, he concluded that to require a contribution to educational provision – by means of a condition or a planning obligation - at such a late stage in the proceedings was unreasonable. However, insofar as the claim for an award of expenses is concerned, this detailed matter is subsumed within his wider conclusion that the council's behaviour was unreasonable and led to unnecessary expense being incurred.

6. IMPACT

The Scottish Government has stated that an effective planning service is fundamental to achieving its central purpose of sustainable economic growth. As such the information in this report relates to a number of Single Outcome Agreement Outcomes:

- 1 - We live in a Scotland that is the most attractive place for doing business in Europe;
- 2 - We realise our full economic potential with more and better employment opportunities for our people;
- 10 - We live in well-designed, sustainable places where we are able to access the amenities and services we need;
- 12 - We value and enjoy our built and natural environment and protect it and enhance it for future generations;
- 13 - We take pride in a strong, fair and inclusive national identity; and
- 15 - Our public services are high quality, continually improving, efficient and responsive to local people's needs.

Public – The report may be of interest to the development community and certain matters referred to in the report may be of interest to the wider community.

7. BACKGROUND PAPERS

None.

8. REPORT AUTHOR DETAILS

Margaret Bochel
Head of Planning and Sustainable Development
Mbochel@aberdeencity.gov.uk
01224 523133

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ABERDEEN CITY COUNCIL

COMMITTEE Development Management Sub-Committee

DATE 13th June 2013

DIRECTOR: Gordon McIntosh

TITLE OF REPORT: Planning Enforcement Activity – October 2012 to March 2013

REPORT NUMBER EPI/13/096

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 October 2012 to 31st March 2013.

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 ownership 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 December 2012, advised of the enforcement work that had been pursued by the Development Management Section for the 6 months up to 30th September 2012.
- 5.2 This report identifies all cases which have been investigated in the period 1st October 2012 to 31st March 2013 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 October 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 71 new cases have been investigated since the last report. The majority (45) 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 (26 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. Five enforcement notices have been served during the current reporting period, one currently being the subject of an appeal which has yet to be determined.
- 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 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 October 2012 to 31st March 2013</i>	<i>Cases resolved</i>	<i>45</i>
<i>New Cases - 1st October 2012 to 31st March 2013</i>	<i>Under investigation or being negotiated</i>	<i>26</i>
<i>Update of cases from previous reports</i>	<i>Cases resolved and/or closed</i>	<i>17</i>
<i>Update of cases from previous reports</i>	<i>Being negotiated, awaiting planning application/appeal decisions, or referred for enforcement.</i>	<i>24</i>
<i>Enforcement Notices served</i>		<i>5</i>
<i>Enforcement Notices in process of being prepared</i>		<i>1</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. Enforcement activity, including reporting, reflects the recommendations made within the Charter. A particular emerging issue which may be addressed in a future review of the Charter is the need to prioritise cases given the limited resources available to the service in investigating / pursuing enforcement action.

- 5.8 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 Cameron Steve Delaney Len Ironside CBE
4	Northfield	Jackie Dunbar Gordon Graham Scott Carle
5	Hilton/Stockethill	George Adam Kirsty Blackman Lesley Dunbar
6	Tillydrone/Seaton/Old Aberdeen	Ross Grant Jim Noble Ramsay Milne
7	Midsocket/Rosemount	Jenny Laing Bill Cormie Fraser Forsyth
8	George Street/Harbour	Andrew May Jean Morrison MBE Nathan Morrison
9	Lower Deeside	Marie Boulton Aileen Malone M. Tauqeer Malik
10	Hazlehead/Ashley/Queens Cross	Jennifer Stewart Martin Greig Ross Thomson John Corall
11	Airyhall/Broomhill/Garthdee	Ian Yuill Angela Taylor Gordon Townson
12	Torry/Ferryhill	Yvonne Allan Graham Dickson Alan Donnelly James Kiddie
13	Kincorth/Loirston	Callum McCaig Neil Cooney Andrew Finlayson

Registered Enforcement Cases - October 2012 to March 2013

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Old Water Works Standing Stones Dyce	1	Use of land for the siting of mobile homes/caravans.	Letter sent to owner advising of requirement for planning permission. Planning application P130119 submitted January 2013, awaiting determination.
89 Kepplehills Road Bucksburn	1	Erection of new boundary walls in front garden.	Walls over 1.0 metres in height and require planning permission. Letter sent to householder advising of the requirement for planning permission. Planning application P121803 submitted December 2012 and approved March 2013.
Kirkton Villa Pitmedden Road Dyce	1	Siting of caravans within approved Gypsy/Travellers pitches (A5/1686)	After checking planning permission that was granted on appeal there are no conditions attached to the consent that restricts the type and number of caravans and where they can be located within the pitches. No breach of planning control has taken place.
Kingswells "West 1" Stewart Milne Homes	1	Developers signboard for development unrelated to site	Letter to developer advising of requirement for consent and requesting removal of advertising sign. Developer has removed signboard from site. No further action.
23 Auchmill Terrace Bucksburn	1	Erection of raised timber decking at rear of house.	Letter sent to householder advising of requirement for planning permission.
19 Collieston Road Bridge of Don	2	Erection of business sign.	Letter sent to householder advising of requirement for consent and asking for sign to be removed. Sign has been removed from fence.
Dubford Farm Steading Bridge of Don	2	Possible commencement of development without planning permission.	Site visited. No evidence of any activities/development having commenced on site. A number of warning/keep out signs have been erected around boarded up vacant farm buildings. No evidence that any works have taken place that requires planning permission. Monitoring situation.
Links Road Bridge of Don (Royal Aberdeen Golf Club)	2	Untidy landscaped area at entrance to golf club.	Area not unduly untidy and does not warrant formal action. Letter sent to club advising of Councillors concern. Golf club have now tidied up planted area. No further action.

Scotstown Moor Bridge of Don	2	Groundworks have occurred on the Scotstown Moor without consent of the Council as land owners.	Site visited to try and determine the extent of the works that have taken place to determine if a breach of planning control has occurred. Unknown who has done works and for what purpose. Observed that gorse has been disturbed and that timber posts have been set into the ground. No evidence of further ground works taking place. Monitor situation.
16 Newburgh Way Bridge of Don	2	Erection of timber fencing in rear garden.	Letter sent to householder advising of the requirement for planning permission. Householder has indicated that they intend to reduce the height of the fence.
Silverburn Crescent Bridge of Don (Global Lifting Services)	2	Erection of new industrial building.	Planning permission required for new building. Section 33A notice served requesting the submission of a planning application.
Rousay Drive Summerhill [Tesco Woodend Store]	3	Unauthorised banners erected on several locations along the Lang Stracht. (Ref.080701)	Formal request for unauthorised banners to be removed complied with. Resolved.
Rousay Drive Summerhill [Tesco Woodend Store]	3	Floodlighting units installed within basement car park area of new store not as approved.	Basement car park floodlighting installed in accordance with Building Standards required specification. No further action.
4 Cummings Park Crescent	4	Erection of lean to conservatory on front elevation of house	Planning application submitted November 2012 and refused consent January 2013. Enforcement action pending.
565 North Anderson Drive Esso Filling Station	4	Car valet service operating from filling station late at night causing a disturbance.	Letter sent to car valet advising of requirement to work within hours set out in planning conditions attached to original planning permission for car wash. Valet operator has now indicated that they will now work within the hours stipulated in the original planning permission for the car wash. Noise nuisance reported to Environmental Services.
Cornhill Drive/Beechwood Road	5	Storage Compound	Storage compound for Aberdeen City Council whilst kitchen and bathroom renovations are taking place. The compound itself will be decommissioned as soon as the works have been completed with the land being reinstated to its original condition by the end of May 2013.
1 Summer Street Woodside	5	Condition of partially constructed car parking area.	Letter sent to agent requiring compliance with condition relating to construction of car park. Car park has now been completed in accordance with approval. No further action.

2 Bedford Place	6	Erection of signs on shopfronts.	Signage appears to be permitted development not requiring consent from planning authority. No further action.
101 Don Street Old Aberdeen	6	Use of garage as separate planning unit, business use and signs	Letter sent to householder requesting meeting on site for information to determine if any planning breach is taking place. No evidence of separate planning unit being formed or a business use that would require a change of use of the property.
12 School Walk	6	Erection of shed	Permitted development not requiring the submission of a planning application. No further action.
588 King Street	6	Concern raised that house being constructed not in accordance with approval (P100275).	House being build in accordance with planning permission but suspensive conditions not complied with. Letter sent to agent requesting submission of details as required by planning conditions.
10 Beechgrove Avenue	7	Existing garage to rear of house being converted for accommodation purposes without planning permission.	Investigation established that garage is being converted for use as a home based office ancillary to the house and not as a separate dwelling. Not subject to formal planning permission. No further action.
14 Esslemont Avenue	7	Railings & stone plinth removed from front of flatted property without consent.	Investigation established that the railings & plinth were removed over 4 years ago and are therefore immune to formal enforcement action. However, Building Standards are negotiating reinstatement of railings/plinth with owner of basement flat.
150 Union Street (Society Bar & Aurum Night Club)	7	Unauthorised advertisement banner erected above front entrance doorway of Cat. 'B' Listed Building.	Formal request issued March 2013 asking for banner to be removed complied with. Resolved.
220 Union Street	7	Breach of Condition re. provision of bus passes to flat owners. (Ref.P081546)	Difficulties experienced with process & allocation of bus passes to rightful flat owners. Request for agent to submit a new application seeking to vary or delete condition not complied with. Bus pass condition considered not expedient to formally enforce. No further action.
43 Westburn Road	7	Large section of boundary wall mutual with a Cat. (C) Listed Building demolished without planning consent.	Wall re-built to acceptable condition (November 2012) following site meetings and negotiations with property owner & builder. Resolved.

55 Castle Street The Wig	8	Erection of canopy at the rear/side of public house.	Building is in conservation area and a Cat. (B) listed building. LBC and PP required. Letter sent to Scottish & Newcastle requesting action to remedy breach.
Frederick Street (Multi Storey Car Park)	8	Erection of lighting columns on top level of multi storey car park.	Developers have been advised of requirement for planning permission. Retrospective planning application submitted (P121617) November 2012 approved January 2013.
500 King Street	8	Erection timber hoarding / fence.	Owner of site advised of the requirement for planning permission for the erection of the hoarding. Retrospective application P130372 submitted March 2013 and awaiting determination.
Flat 26, 75 Maberly Street Bastille	8	Erection of two caps/cowls on end wall of Listed Building.	Listed Building consent required. Letter sent to householder advising of requirement for LBC and requesting application.
50 Market Street	8	Erection of new illuminated fascia sign.	Letter sent to occupier of shop advising of requirement for advertisement consent. Enforcement Notice served February 2013, compliance with notice by June 2013.
St Margaret's Chapel Spital	8	Works taking place to vacant chapel which is a Category A Listed Building.	Site inspected to determine the extent of works and to determine if a breach of planning has occurred. Conservation planner in communication with owner of property.
54 Castle Street	8	Non compliance with conditions attached to planning permission (P090709). Planning permission expired.	New planning application P130314 submitted March 2013 and awaiting determination.
Links Road Beach Boulevard Retail Park	8	Erection of two freestanding signboards not in accordance with approval P121322.	Letter to owners of retail park advising of requirement to obtain consent and requesting removal of signboards. Agent has indicated that signboards are to be reduced in height.
22 Netherkirkgate	8	Erection of advertising banner and lighting unit.	Letter sent to occupier requesting removal of banner and light. Banner has been removed from property.
1 New Pier Road Footdee	8	Alterations to flat, installation of velux windows.	Planning permission required for external alterations and installation of velux windows. Retrospective planning application P130446 submitted April 2013 and awaiting determination.

Pocra Quay Footdee	8	Noisy operators/operations within the harbour port area.	Noise complaint outwith the control of planning legislation. Complainants concerns have been forwarded to Environmental Services to investigate. No breach of planning control.
39 Deeview Road South Cults	9	Position /construction of foundations for new house not in accordance with approved plans. (Ref.111716)	Site inspection established that position & construction new foundations appear to be in accordance with the approved plans. No further action.
31 Kirk Terrace Cults	9	New front porch construction not as approved (Ref.120319)	Porch not fully completed at time of visit, however, construction works appears to be in accordance with approved plans. No further action.
66 Malcolm Road Peterculter	9	Breach of Condition relating to permitted site working times. (Ref.120172)	Formal request for permitted site working times to be adhered to complied with. Resolved.
66 Malcolm Road Peterculter	9	Roof construction of replacement house not built in accordance with approved plans. (Ref. 120172)	Site inspection confirmed roof construction discrepancy. Request for applicant to submit amended roof plans seeking non-material variation complied with (March 2013) Amendments approved April 2013. No further action.
124 North Deeside Road Peterculter (former Police Station building)	9	Hoardings, signage & sales cabin erected along North Deeside Road boundary of new development without formal planning consent.	Request for planning & advertisement consent applications to be submitted seeking retrospective permission complied with. (Ref.130349 & 130362) applications still to be determined.
279-281 North Deeside Road Peterculter [former Culter Car Centre]	9	Buildings on former Culter Car Centre site being demolished without planning consent.	Formal planning permission not required to carry out demolition work. Building Warrant required for works applied for & granted January 2013. Demolition work now completed. No further action.
3 Park Road Cults	9	Various site & demolition works in progress outwith specified permitted site working times.	Request for site contractor to adhere with permitted site working times complied with. No further action.
Beaconsfield Lane [former Grampian Court site]	10	Complaint received March 2013 re. breach of planning condition relating to permitted site working times (Ref.120034)	Formal request for permitted site working times to be adhered to now being complied with. No further action at this time.
99 Claremont Street [ground floor flat]	10	Existing driveway at front of flatted property extended almost full length of front elevation without planning consent.	Flat owner formally asked (March 2013) to submit formal planning application seeking retrospective consent for driveway alterations. Application lodged April 2013 (Ref.130455) yet to be determined.

80 Craigiebuckler Avenue	10	New rear extension built without planning consent. (Ref.B121110)	Roof construction amended to comply with permitted development guidelines. No further action.
Hazlehead Crescent (adjacent former Police Office)	10	Unauthorised advert signboard erected near to former Police Office building.	Letter issued to owner of adjacent building (December 2011) asking for the signboard to be removed complied with. Resolved.
81 Macaulay Drive	10	Unauthorised business use operating from residential property.	Unauthorised business use ceased following visit/discussions with lessee of property. Resolved.
53 Rosewell Park	10	Large new extension under construction to rear of house without formal planning consent.	Request for building contractor to make alterations to extension to comply with permitted development requirements complied with (November 2012) Resolved
2 Springfield Road	10	Construction of new house extension not in accordance with approved plans. (Ref.120213)	Request for alterations to be carried out to dormer window construction to comply with approved plans complied with. No further action.
163 Springfield Road [former Craigieburn House site]	10	Large unauthorised advert hoarding erected close to Springfield Road site boundary without planning consent.	Developer (McCarthy & Stone) contacted January 2013 & asked to submit a formal application seeking required Advertisement Consent. Application for hoarding received March 2013. Decision pending
229 Springfield Road	10	Building works to new house not in accordance with approved plans. (Ref.100832)	Site visit/inspection established that construction work on new house appears to be in accordance with approved plans. No further action.
16 Union Grove (land adjacent to)	10	4 large steel storage container/office units sited on vacant area of land without planning consent.	Containers sited by developer working on new office development at 31-33 Union Grove. Agent contacted March 2013 & asked to submit formal application seeking retrospective consent for container units.
36 Beechhill Gardens	11	New house extension not built in accordance with approved plans. (Ref.110762)	Site inspection confirmed that the finished dormer roof construction on new extension differs from the approved plans. Agents contacted (February 2013) and formally asked to submit a new planning application for consideration.
2 Braeside Avenue	11	Construction of new house extension not in accordance with approved plans. (Ref.120451)	Request for minor alterations to be carried out to extension roof complied with. Construction of new extension now in accordance with approved plans. Resolved.

135 Broomhill Road	11	Ground level along rear garden boundary of house raised without planning permission.	Letter issued February 2013 asking for ground level along rear boundary wall to be reduced in height. Site inspection March 2013 confirmed that soil/material along rear boundary wall has been removed. No further action to be taken.
Garthdee Road [Aberdeen Snowsports Centre]	11	Construction of new ski-run, ski-tow path & associated equipment not as approved. (Ref.120967)	Request made October 2012 for minor adjustments to be made to ski-run complied with. No further action to be taken.
Morningside Road [Aberdeenshire Cricket Club]	11	Preparatory works to facilitate the erection of a new cricket signboard being carried out without planning consent.	Request issued March 2013 asking Cricket Club to submit an application seeking formal planning permission for new signboard complied with. Application lodged April 2013, decision pending.
42 Thorngrove Crescent	11	Large extension under construction to rear of house without planning consent.	Extension altered to adhere to planning permitted development guidelines complied with. No further action.
148 South Anderson Drive	11	Alleged unauthorised business use operating from residential property.	Planning Contravention Notice to be served seeking detailed information re. use of property in connection with business operation/activities.
28 Brunswick Place	12	New sun lounge not built in accordance with approved plans. (Ref.121607)	Adjustments made to sun lounge construction to accord with approved plans. Resolved.
145-147 Crown Street [Jewel in the Crown Restaurant]	12	Planning permission required for use of property as an HMO (House of Multiple Occupation)	Formal request issued December 2012 asking owner to submit a planning application seeking the required 'change of use' consent complied with. Application approved conditionally March 2013 (Ref.130084)
145-147 Crown Street [Jewel in the Crown Restaurant]	12	Replacement metal railings erected along front elevation perimeter & metal/glazed canopy erected above main entrance door of Cat. (B) Listed Building without consent.	Letter issued to owner April 2013 asking for railings and canopy to be removed, or to submit applications seeking required retrospective consent to retain them.
23 Crown Terrace [Nirvana Indian Restaurant]	12	Unauthorised advert inserts fitted to first floor windows	Formal Enforcement Notice served February 2013 asking for advert inserts to be removed complied with. Resolved.
3 Devanha Terrace (Flat 3)	12	Replacement windows fitted to Cat. (B) Listed Building without planning consent.	Inspection established that the replacement timber sash & case windows are of a "like for like" design & construction to the original windows and therefore do not require formal planning consent or LBC. No further action.

Girdleness Road Torry [car park area adjacent Deeside Family Centre]	12	Temporary works compound erected on council owned car park without planning consent. Compound also blocking public access to dog litter bin & nearby playing fields.	Temporary compound erected by Scottish Water for short term water main cleaning & upgrade contract with permission from Council Housing Dept. Being a 'statutory contractor', Scottish Water do not require formal planning consent to facilitate & carry out works of this type. Request for contractor to provide limited access to dog litter bin & playing field during work schedule complied with. Resolved.
101 & 103 Glenbervie Road Torry	12	Porches constructed over entrance doors to flats without planning permission.	Porch construction deemed to be permitted development. No further action.
Burnbanks Village Cove [Fishing Station Lodge]	13	Possible unauthorised business use operating from large shed/store located within the curtilage of the property.	Property owner(s) requested (April 2013) to provide detailed information re. any business related activities associated with residential property.
Craigshaw Drive West Tullos (former car showroom)	13	Soil/materials within development site spilling over boundary into adjacent land.	Contractor formally requested (February 2013) to ensure that soil/materials within site will not encroach onto adjacent land. No further action at this time.
12 Lochinch Drive Cove	13	Erection of sun room extension without planning consent. (Ref.B122210)	Planning permission not required for construction of rear sun room extension. No further action.

Resolved Cases From Previous Report - December 2012

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
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". Minor breach of planning control. Not expedient to take enforcement action as shed complies with planning policies and has no adverse amenity impact.
Craibstone Golf Club Craibstone	1	New pro shop that has approval has not been built in accordance with planning permission.	New planning application P130144 submitted February 2013 for altered Pro Shop and approved March 2013. No further action.
9 Fairview Grange Danestone	1	Chauffer hire business operated from house. Business vehicles parked on street.	Following monitoring of situation, visiting site and information received there is no evidence to indicate that a material change of use taking place at the house.
6 Hopetoun Terrace Bucksburn	1	Extension to rear of domestic garage, erection of decking and fence.	Planning application has been submitted (P120980) and approved October 2012.
1 Jesmond Gardens Bridge of Don	2	Incorporation of amenity land into garden.	Retrospective planning application (P120342) refused. Enforcement notice served October 2012. Appeal against refusal of planning permission sustained. No further action.
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) approved unconditionally March 2013. Resolved.
27 Cadenhead Road Ashgrove	7	Formation of driveway and erection of walls at flatted property.	Retrospective planning application (P120652) submitted May 2012 and approved December 2012.
254 Union Street The Filling Station	7	Erection of illuminated fascia and projecting signs.	Retrospective application for advertisement consent (P121538) submitted October 2012 and approved December 2012. No further action.
476 Union Street Cinnamon	7	Erection of illuminated fascia and projecting signs.	Retrospective application for advertisement consent P121638 submitted November 2013 and approved January 2013. No further action.

4 Belmont Street	8	Alterations to frontage of pub.	Letter sent to owner advising of requirement for planning permission. Retrospective planning application (P121342) submitted September 2012 and approved November 2012. No further action.
Beach Boulevard Retail Park Links Road	8	ANPR Cameras and columns and warning signs on existing lighting standards.	Retrospective application (P121472) for warning signs submitted October 2012 and approved November 2012. Retrospective application (P121454) for ANPR cameras and columns submitted and approved December 2012. No further action.
19 Market Street	8	Illuminated projecting signs.	Retrospective application for signs (P121409) submitted October 2012 and refused. Revised applications (P130216 & 130217) submitted February 2013 for one projecting sign and approved March 2013. Unauthorised projecting sign removed to comply with approval
50 Summerfield Terrace	8	Erection of new/replacement signs	No application for new signs submitted. Alteration to signage a minor breach similar to previously erected signs. Not expedient to take formal action. No further action.
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. No further action.
133 Union Street	8	Untidy shop fascia on Category C listed building.	Fascia tidied by the erection of new non illuminated fascia sign. No further action.
1 Earlsparke Road Bieldside	9	Site boundary works not in accordance with approved plans (Ref. 080426) and additional works carried out to front garden area of house 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) approved unconditionally January 2013. 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) approved conditionally by EPI Committee December 2012.

Outstanding Cases From Previous Report - December 2012

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Craibstone Golf Club Craibstone	1	Use of land and erection of new building adjacent to golf club buildings.	Owner/agent have been requested to submit a planning application for the new building. Agent has been reminded of planning breach and indicated that a planning application will be submitted.
Unit 3, Crombie House Grandholm Village	1	Erection of 2 no condenser units at rear of salon.	Occupier of unit has indicated their intention to submit planning application for consideration.
Wynford Farm 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. Additional planning application (P130142) submitted February 2013 for change of use of land submitted including car park alteration awaiting determination.
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 required to be complied with by 31st December 2012. Breach
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.
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 refused consent. Land owned by Aberdeen City Council and land due to be incorporated into improved/alterd road junction for new developments in the vicinity.
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 to form hard surface. Boundary wall removed from front garden area of property in conservation area without consent.	Request for owner/agent to submit a formal planning application seeking retrospective consent for works carried out complied with. Application seeking retrospective consent registered March 2012. (Ref.120412) Amendments to the application proposals still being negotiated, however, formal enforcement action may have to be initiated if amendments to the application proposals cannot be agreed and implemented.
156 Union Street (Hydro - Electric)	7	Replacement windows on upper floors of Category C listed building.	Letter to owner requesting action be taken to rectify breach. Retrospective applications submitted (P121149 & P121150) August 2012 and refused consent. Discussions currently ongoing with planner and applicant to try and resolve situation.
470 Union Street (Sabai)	7	Fascia sign.	Reminder letter sent to occupier of premises February 2013 about lack of consent for new fascia sign.
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 (P120204) submitted February 2012 for alterations to rear garden awaiting determination. Planning application (P120205) for alterations to entrance approved April 2013. Revised planning application (P120520) for altered boundary wall awaiting determination.
13 Hadden Street (Market Arms)	8	Unauthorised hoarding fixed to windows of listed building.	Correspondence issued asking owners to remove boarding from windows. Renovation work to improve property has commenced on site. Monitoring situation

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. Appeal against enforcement notice has been submitted and is pending.
25A Union Street	8	Untidy shop fascia on Category C listed building.	No progress from owner of property, formal action to be considered to tidy up frontage.
47-53 Market Street	8	Unauthorised advertising projecting banners.	Enforcement Notice served October 2012 to be complied with by the end of December 2013. Notice not fully complied with. In process of obtaining quote for taking direct action for removal of two remaining unauthorised banners.
46 Union Street CEX	8	Erection of internal security shutter (Union Street frontage on Listed Building	Retrospective applications P130247 & 130248 submitted March 2013 and awaiting determination.
North Deeside Road / Milltimber Brae [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. Meeting to discuss submission of detailed planning application held with agent for landowner January 2013. Work on site appears to have ceased. 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 & floodlighting units around the main arena have been altered to meet recommended lighting specifications. Site monitoring to be continued for an another three months.

48 Devonshire Road	10	Unauthorised boundary fence erected to front garden area of property in a conservation area without planning consent.	No direct response received to letters issued September 2012 & January 2013 asking property owner(s) to reduce height of boundary fence to 1 metre & to submit a formal planning application seeking required retrospective consent. Letter issued April 2013 advising of possible formal enforcement action if non-compliance with action requested continues.
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.
7 South Crown Street	12	Various minor unauthorised works carried out to rear of property situated within designated Conservation Area without planning consent.	Following site meeting with owner & discussions with appointed architect, planning application for minor works already carried out & some additional proposed works expected to be lodged early May 2013.
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. Quotation for carrying out remedial works obtained & a copy forwarded to parties concerned April 2013 asking for compliance with Enforcement Notice within 2 month period to avoid possible direct action by Council.

491 Union Street	12	Replacement upper floor windows .	Letter sent August 2012 to agent requesting action to remedy breach of planning .following refusal of retrospective planning application (P111024). Formal action to rectify breach of planning control pending.
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ABERDEEN CITY COUNCIL

COMMITTEE	Development Management Sub Committee
DATE	13 th June 2013
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Travel Plans
REPORT NUMBER:	EPI/13/103

1. PURPOSE OF REPORT

The purpose of this report is to respond to 17th January Development Management Sub-Committee request that officers review Green Transport Plans requirements, to include how effective the Plans are and how to implement them and report back to a future meeting.

2. RECOMMENDATION(S)

It is recommended that Members:

- a) Note the current policy context for Travel Plans;
- b) Note existing City Council processes and expectations for Travel Plans;
- c) Note how effective Travel Plans are when implemented correctly;
- d) Note the current aspects of monitoring and enforcing Travel Plans; and
- e) Note that officers are currently preparing further guidance on Travel Plans as part of the Local Development Plan process.

3. FINANCIAL IMPLICATIONS

There are no implications for approved PBB options.

4. OTHER IMPLICATIONS

The development of Travel Plans via the Planning process is currently undertaken by Applicants. The review of submitted Travel Plans and any further monitoring and enforcement is undertaken by officers within Planning and Sustainable Development.

5. BACKGROUND/MAIN ISSUES

5.1 Travel Plans

A Travel Plan is a package of measures, both physical and behavioural, tailored to the needs of an individual site and its occupants, which aim to promote more sustainable travel to and from that site, with a particular emphasis on reducing reliance on the private car, thereby lessening the impact of the site and wider environment in terms of congestion, carbon emissions and air quality.

5.2 Current Policy Context

Travel plans have been constituted in their current form for at least 25 years and have been a feature of planning conditions in Scotland since the Town and Country Planning Act 1997. The Scottish Government's Scottish Planning Policy (2010) states that:

A Travel Plan is a package of measures aimed at promoting more sustainable travel choices and reducing reliance on the car, and should be encouraged for all significant travel generating developments. Development plans or supplementary guidance should explain when a Travel Plan will be required in support of an application for planning permission.

The Aberdeen Local Transport Strategy 2008-2012 and Aberdeen Local Development Plan (ADLP) reflect and reinforce this position:

Policy T2 – Managing the Transport Impact of Development

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

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review.

5.3 Current Aberdeen City Council Requirements

Aberdeen City Council currently applies *Policy T2 – Managing the Transport Impact of Development* to the thresholds as set out by the Scottish Government for the requirement of Transport Assessments (TA). TA's are required for 'all significant travel generating developments'. Current Council guidance has Travel Plan reflecting TA requirements, see Table 1. However, even developments falling below these thresholds are encouraged to prepare a Travel Plan in support of a planning proposal and there may be instances where developments below these thresholds are required to submit a Travel Plan, for example:

- For smaller developments comprising jobs, shopping, leisure facilities and services which would generate significant amounts of travel in or near to Air Quality Management Areas (AQMAs); or
- Where a Travel Plan would help address a particular local traffic problem associated with a planning application, which might otherwise have to be refused on local traffic grounds

As with any planning condition/ legal obligation, their use requires to meet the relevant tests set out by the Scottish Government, which includes consideration of reasonableness, and requires to be considered on a case by case basis

Table 1: Travel Plan Threshold Requirements

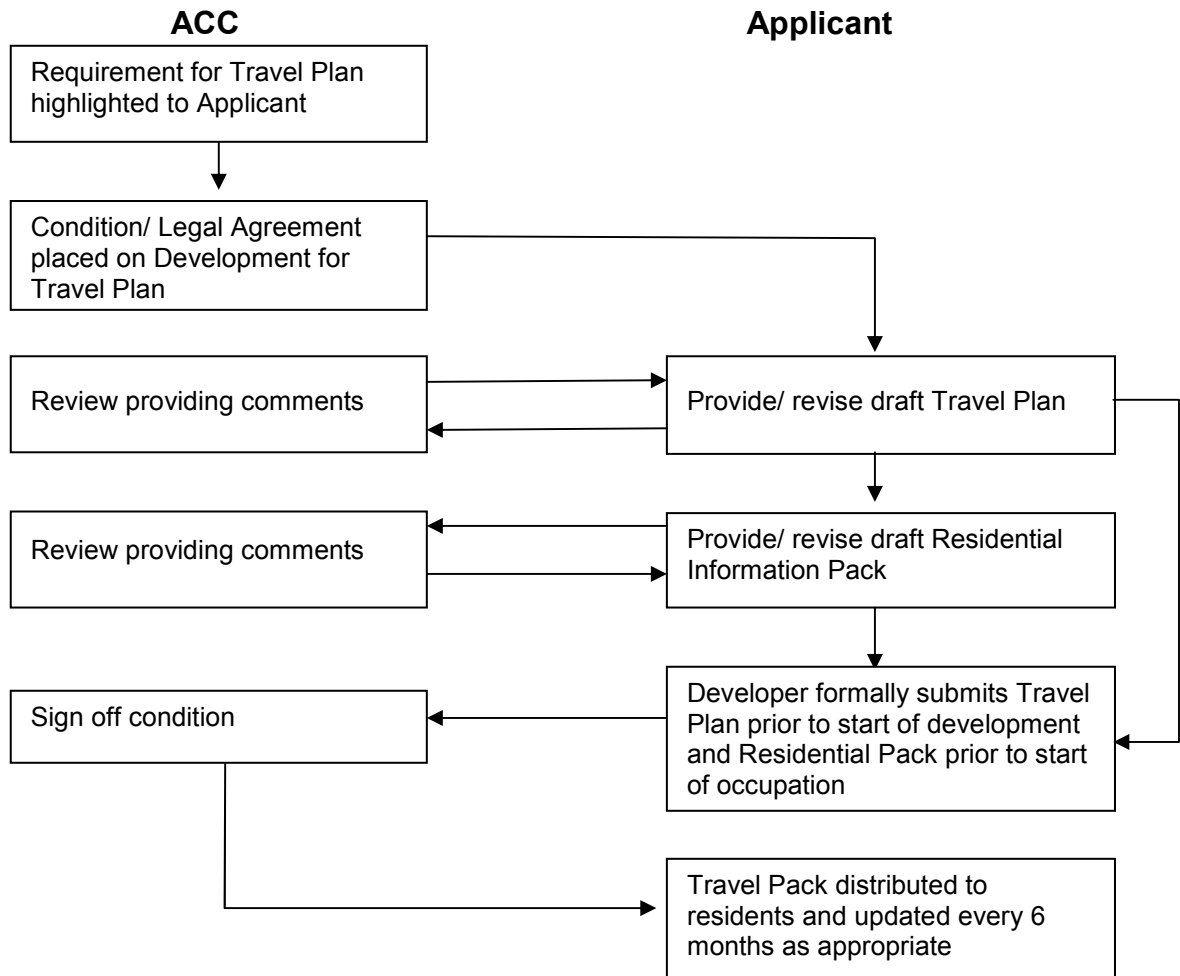
Land Use	Description	Threshold (Gross Floor Area)
Food Retail	Retail sale of food goods to the public such as food superstores, Supermarkets and convenience food stores.	> 1000m ²
Non Food Retail	Retail sale of non-food goods to the public; but includes sandwich bars – sandwiches or other cold food purchased and consumed off the premises, internet cafés.	> 1000m ²
Cinemas and Conference Facilities	Cinemas and conference facilities.	> 1000m ²
Leisure Facilities	Dance and concert halls, sports halls, swimming baths, skating rinks, gymnasiums, bingo halls and casinos. Other indoor and outdoor sports and leisure uses not involving motorized vehicles or firearms, museums, public libraries, art galleries, exhibition halls, training centers, places of worship, religious instruction and church halls.	> 1000m ²
Business	Offices, financial services – banks, building societies and bureaux de change, professional services (other than health or medical services) – estate agents and employment agencies.	> 2500m ²
Industry	General industry (other than those classified under 'Business') and specialised industrial uses.	> 5000m ²
Distribution and Warehousing	Storage or distribution centres - wholesale warehouses, distribution centres and repositories.	> 10,000m ²
Hospitals	Medical and health services – clinics, hospitals and health centers, day centers and consulting rooms (not attached to the consultant's or doctor's house),.	> 2500m ²
Higher and Further Education	Educational establishments for young people and adults.	> 2500m ²
Stadia	Stadia	> 1500m ²
Housing	Dwellings for individuals, families or not more than six people living together as a single household. Not more than six people living together includes – students or young people sharing a dwelling and small group homes for disabled or handicapped people living together in the community.	> 100 dwellings
Schools	Educational establishments for infants and children.	All Schools

5.4 Current Process

When a Planning Application for development in Aberdeen is proposed and exceeds the thresholds, as outlined in Table 1 above, the requirement for a

Travel Plan is highlighted to the Applicant by either Development Management or Roads Development Control officers. Depending on the proposed landuse the applied process is slightly different. Given the Members questions regarding the application of Travel Plan policies in relation to the 550 housing units at land to the south of Shielhill Road, Dubford, Bridge of Don officers have focused the current process on residential developments. The current steps are as follows:

Figure 1: Flowchart of Current Responsibilities and Process



Below are the excerpts from the residential section of the Travel Plan Guidance currently being drafted:

Production of a Residential Travel Plan (RTP)

As with other travel plans, the actual content of a Residential Travel Plan will be tailored to the site in question. However all submissions will have a similar content combing both hard measures – such as new bus stops and cycle ways, and soft measures – such as discounts on season tickets and residential travel information packs.

A RTP should be developed before site occupation, and will set out how specific measures to encourage sustainable travel to and from the site will be

applied, accompanied with how persuasion, publicity, advice and promotion techniques will be deployed by the developer to ensure new residents understand and take advantage of these measures. The outcome will be to achieve specific targets agreed in advance by Aberdeen City Council.

A Travel Plan Coordinator for the development should be nominated by the developer with responsibility for developing, implementing and monitoring the RTP and liaising with Aberdeen City Council. The TPC must be in place early in order to start developing quality travel information (mainly in the form of a Travel Information Pack) to all potential residents as they consider purchasing property off plan.

Content of a Residential Travel Plan

- Background/ Context/ Site Assessment
- “SMART” Objectives
- Measures/ Actions Plan
- Targets, Timeframes, Remedial Measures
- Responsibility/ Ownership
- Monitoring and Review
- Communication Strategy

Developing a Residential Travel Information Pack (RTIP)

The Residential Travel Plan differs from the Residential Travel Information Pack as one contains the measures the development will implement to ensure car use within and from the site is reduced, while the Travel Pack offers information and incentives for residents on travelling sustainably.

A Residential Travel Information Pack (RTIP) will be delivered to each dwelling on a new development as part of the house purchaser’s welcome pack. The RTIP should include localised information about walking, cycling, public transport and car options with information on how to travel to and from the site by a range of modes. The layout of the pack should be user friendly and professionally produced. The Pack is intended to be a community guide to the local area with particular emphasis on how to travel sustainably.

Measures to promote sustainable travel should be in place from day one of occupation of the site. All information should either be integrated ‘leaflet style’ or be made available as a ‘pull out’. The format of the Pack is flexible, but developers may find following a mode based presentation simpler.

5.5 Effectiveness of Travel Plans

Residential Travel Plans are relatively new in their application and limited results have been published on their effectiveness. They are however acknowledged as best practice as when people move house they are more likely to rethink/ change their lifestyle, particularly when new opportunities present themselves. However, a number of projects have involved ‘Smarter Choices’, or ‘Stepchange’ interventions where areas have been targeted for individualised journey planning (which can be directly compared to Residential

Travel Information Packs). These have been extremely successful at making people aware of alternatives to solo car use. The Stepchange pilot project in Aberdeen was funded the Scottish Executive's Integrated Transport Fund in 2004. It aimed to encourage a more efficient use of cars and an increase in alternative modes of travel at a local level by providing material such as information leaflets to individuals. The results of the Stepchange project demonstrated that 35% of households contacted after the project had made at least a small change in their travel patterns linked with information they had been provided with (full report linked below in Background Papers).

There is also a great deal of evidence on mixed use or commercial developments, where car journeys and commuter trips are demonstrated to have a positive impact on behavioural change. Table 2 provides some examples.

Table 2: Sample of Literary Evidence

Case Study	Conclusion
Cairns et al (2002)	A selection of good practice travel plans reduced commuter car driving by an average of at least* 18%. Plans which included parking management measures achieved an average reduction of car driving of >24%, compared with >10% for those that did not.
Dft (2002)	Making Travel Plans Work: Lessons from UK Case Studies. These demonstrated a median of 15% reduction in commuter trips across 21 case studies
Surrey CC (2011)	A mixed use development in Queen Elizabeth Park, Guildford, Surrey saw a 12% reduction in commuter trips between 1999 and 2011

Notwithstanding the above, it should be noted that the existence of a travel plan does not obviate the need for proper assessment of the appropriateness of the location of development in land use planning terms at the planning application stage.

5.6 Enforcement Issues

Where developments which raise issues regarding likely generation of vehicle traffic are simple and of a relatively small scale Travel Plan obligations are generally imposed through a Planning Condition. If a Travel Plan is not produced or implemented enforcement action can be taken through the standard breach of condition process.

As Travel Plans are live documents which require routine monitoring and review of their ongoing implementation Legal Agreements are viewed as the most appropriate mechanism for securing obligations for large or complex developments. Legal agreements enable the placing of binding targets set out in the Travel Plan and set arrangements for monitoring, enforcement and review. They also allow the opportunity for the imposition of financial bonds

which would provide additional incentive for the occupants / developer to ensure that the objectives of the plan are met. Agreements regarding possible sanctions for breaches of the Travel Plan conditions can be imposed at this stage. Sanctions could include, but are not limited to, requirements to undertake additional off site works or make further monetary contributions. If a Travel Plan is not produced or implemented enforcement action is taken through the standard breach of legal agreement process. No enforcement has been taken so far in relation to this issue, as there have been no breaches of conditions which warrant taking action.

5.7 Potential Improvements

Officers are developing new travel plan guidance as part of Supplementary Guidance associated with the emerging Local Plan and this will be reported to E,P&I Committee as a draft as and when workload priorities allow. This will give clearer guidance to Applicants on process, contents and delivery of travel plans. Aberdeen City Council is on the SCOTS TA (Society of Chief Officers of Transportation in Scotland) group which has set up a working group to review travel plan process and policy across Scotland and is reporting to the Scottish Government on findings.

6. IMPACT

The contents of this report link to the Community Plan vision of creating a 'sustainable City with an integrated transport system that is accessible to all'.

Travel Plans contribute to delivery of the Smarter Mobility aims of *Aberdeen – The Smarter City*: “We will develop, maintain and promote road, rail, ferry and air links from the city to the UK and the rest of the world. We will encourage cycling and walking”, and “We will provide and promote a sustainable transport system, including cycling, which reduces our carbon emissions.”

The Local Transport Strategy (LTS) and Aberdeen Local Development Plan (ADLP) which contain policies related to travel plans have been subject to Equalities & Human Rights Impact Assessments.

7. BACKGROUND PAPERS

Stepchange Results: Policy & Strategy Committee 14th June 2005

http://committees.aberdeencity.gov.uk/acc_data/committee%20reports/cs_pol_r6b_050614.pdf

Cairns S, Sloman L, Newson C, Anable J, Kirkbride A & Goodwin P (2004) Workplace 'Smarter Choices – Changing the Way We Travel'

<http://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/pgr/sustainable/smarterchoices/ctwwt/chapter3workplacetravelplans.pdf>

8. REPORT AUTHOR DETAILS

Louise Napier
Senior Planner (Transport Strategy and Programmes)
lnapier@aberdeencity.gov.uk
Tel: (52)3327

Alan McKay
Senior Engineer (DM Roads)
amckay@aberdeencity.gov.uk
Tel: (52)3482