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

Town House,
ABERDEEN, 14 August 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, 22 AUGUST 2013 at 10.00am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

MINUTES OF PREVIOUS MEETINGS AND GENERAL BUSINESS

- 1.1 Minute of Meeting of the Development Management Sub Committee of 18 July 2013 - for approval (Pages 1 - 12)
- 1.2 Minute of Meeting of the Development Management Sub Committee (Visits) of 25 July 2013 - for approval (Pages 13 - 14)
- 1.3 Development Management Sub Committee - Operation of Site Visits - 12 Month Review (Pages 15 - 18)

Members, please note that the additional letters of objection which are not included in the meeting papers are available for inspection in the members' library

**PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN
REPORTS**

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Former Aberdeen Seafood Park, Palmerston Road, Aberdeen - Demolition of existing buildings and erection of office development (Class 4) and associated car parking (Pages 19 - 36)
Reference Number - 130710
- 2.2 Hopetoun Grange, Land to North of Bucksburn - Proposed development of 65 residential houses including infrastructure and landscaping (Pages 37 - 100)
Reference Number - 130029
- 2.3 Land adjacent to North Deeside Road, Pittengullies Brae, Peterculter - Erection of 32No. unit residential development with ancillary site works and landscaping (Pages 101 - 132)
Reference Number - 130230
- 2.4 Land adjacent to North Deeside Road, Pittengullies Brae, Peterculter - Erection of 8No. unit residential development with ancillary site works and landscaping (Pages 133 - 158)
Reference Number - 130229
- 2.5 Oldmill Road, Bon Accord Crescent - Proposal for a mixed use building consisting of serviced residential apartments and a business unit (Pages 159 - 242)
Reference Number - 130743
- 2.6 Cliff House, Craigton Road, Aberdeen - Renewal of planning application A8/2045 - Erection of 2No. sustainable five bedroom houses with detached garages (Pages 243 - 266)
Reference Number - 121749
- 2.7 Edgehill House, North Deeside Road, Milltimber - Replacement of existing house and construction of 5No. additional dwellings with associated infrastructure, improved accesses and tree protection works (Pages 267 - 294)
Reference Number - 130211

- 2.8 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 4No. detached dwelling houses with associated access, garages and landscaping improvements (Pages 295 - 320)

Reference Number – 120791

- 2.9 53 Woodcroft Avenue, Bridge of Don - Sub-division of curtilage and erection of single dwelling house adjacent to existing house, and erection of replacement garage (renewal of planning permission ref: P100813 (Pages 321 - 340)

Reference Number - 130824

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 3.1 Land to North of Site 13, Denmore Road, Murcar Industrial Estate - Change of use from area of amenity ground to private car park with associated landscaping and new access footpath accessible to public (Pages 341 - 348)

Reference Number - 130776

- 3.2 Garthdee Road, Land between River Dee / Bridge of Dee - Erection of new restaurant units with associated car parking, servicing, hard & soft landscaping, relocation of sprinkler tank and pumphouse (Pages 349 - 358)

Reference Number - 111641

Website Address: www.aberdeencity.gov.uk

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

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DEVELOPMENT MANAGEMENT SUB COMMITTEE

ABERDEEN, 18 July 2013. Minute of Meeting of the DEVELOPMENT MANAGEMENT SUB COMMITTEE. Present:- Councillor Milne, Convener; and Councillors Boulton, Cormie, Finlayson, Grant, Jaffrey, Lawrence, MacGregor, McCaig, Jean Morrison MBE and Thomson.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2873&Ver=4>

MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT SUB COMMITTEE OF 13 JUNE 2013

1. The Sub Committee had before it the minute of its previous meeting of 13 June, 2013.

The Sub Committee resolved:-
to approve the minute.

PLOT A/B ABZ BUSINESS PARK, DYCE DRIVE - P121796

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 matters specified in conditions 4 (Travel Plan), 6 (Sustainable Urban Drainage System), 7 (Lighting), 9 (Bird Hazard Management) and 13 (Layout and Design) of A6/0566 in relation to the erection of one 140 room hotel and 110 room hotel, associated car parking and landscaping at Plot A/B, ABZ Business Park, Dyce Drive, Aberdeen, subject to the following conditions:-

- (1) That the development hereby approved shall not be occupied unless the approved bird hazard management plan (or such other plan as may subsequently be approved in writing by the planning authority for the purpose) has been implemented. Thereafter the measures within the plan shall remain in force for the lifetime of the building unless otherwise agreed by the planning authority.
- (2) That neither of the buildings hereby approved shall be occupied unless the drainage scheme (Fairhurst drawing 97523/2200A or such other drawing as may subsequently be approved in writing by the planning authority for the purpose) has been installed in complete accordance with the said scheme insofar as it relates to that particular building and external areas.
- (3) That neither of the buildings hereby approved shall be occupied unless the lighting scheme (Wallace Whittle drawing EBE2031(61)44 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 insofar as it relates to that particular building and external areas.
- (4) That neither of the buildings hereby approved shall be occupied unless the cycle and motorcycle parking scheme (Aedas drawing LL(90)01H or such other plan as

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may subsequently be approved in writing by the planning authority for the purpose) has been installed in complete accordance with the said scheme insofar as it relates to that particular building. Prior to the scheme's 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. (5) That neither of the buildings hereby approved shall be occupied unless all hard landscaping comprised in the approved scheme of landscaping (Aedas drawing LL(90)01H or such other plan as may subsequently be approved in writing by the planning authority for the purpose) has been implemented. (6) That all planting, seeding and turfing comprised in the approved scheme of landscaping (Aedas drawing LL(90)01H 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.

The Sub Committee resolved:-

to approve the recommendations contained in the report along with a revised condition that the bin storage areas at the hotels be covered.

AREAS N3, N46 AND N5, STONEYWOOD ESTATE, ABERDEEN - P121652

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 in respect of the approval of approval of conditions 1, 10 and 14 of the previously approved application (P110790) in relation to the erection of 51 detached and 6 semi-detached houses and the erection of shared access at areas N3, N46 and N5, Stoneywood Estate, Aberdeen, subject to the following conditions:-

(1) That no dwelling house within Areas N3, N4b and N5 shall be occupied unless the Sustainable Urban Drainage Scheme relative to that house has been implemented and is fully operational. Drainage arrangements shall comply with the document "Drainage Assessment for Area N5, Stoneywood" dated 19 June 2013. (2) That no dwelling house within Areas N3, N4b and N5 shall be occupied unless a revised scheme for the National Cycle Path and footpath network to be provided through Area L1, as annotated on approved drawing number MP_101, has been submitted to, and approved in writing for the purpose by, the planning authority. (3) That the approved scheme as landscaping, as detailed in the document entitled "Stoneywood Estate Landscaping Strategy – Site N5, N3 and N4b", shall be implemented no later than the first planting season following completion of the last house in the development approved as part of the this approval of matters specified in conditions.

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The Convener moved, seconded by Councillor McCaig:-

(1) that the recommendations contained in the report be approved, (2) that officers write to the developer (Dandara) expressing concern that there had been a breach of planning control in area N5 (partial construction of a road to the north of Polo Park), whilst noting that the work had now ceased and (3) agree to ask the developers to ensure that the replacement football pitch meets the requirements of the North East Junior Football Association.

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

(1) that the width of the alternative road in the proposal be 6m rather than 5m, (2) agree that officers write to the developer (Dandara) expressing concern that there had been a breach of planning control in area N5 (partial construction of a road to the north of Polo Park), whilst noting that the work had now ceased and (3) agree to ask the developers to ensure that the replacement football pitch meets the requirements of the North East Junior Football Association.

On a division, there voted:-

For the motion (5) – the Convener; and Councillors Grant, Lawrence, McCaig and Thomson.

For the amendment (6) – Councillors, Boulton, Cormie, Finlayson, Jaffrey, MacGregor and Jean Morrison, MBE.

The Sub Committee resolved:-

- (i) to adopt the amendment; and
- (ii) to agree an extra condition as follows:- “that none of the dwellings in areas N3, N4b and N5 shall be occupied unless the proposed road serving the houses in area N3 has been constructed in accordance with details to be submitted to and approved by the planning authority, widened to 6 metres to accommodate an on road cycle facility – in the interests of sustainability, amenity, road safety and to ensure an acceptable level of cycle access on the local and wider road network).

FORMER HILTON NURSERY SCHOOL, HILTON AVENUE - P130224

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

(a) a willingness to approve, subject to conditions (as detailed below) but to withhold the issue of the consent document until either the applicant has entered into a Section 75 legal agreement with the Council to secure the identified developer contribution, or payment of the identified developer contributions has been made and (b) to instruct officers to utilise powers under Section 160(1) of the Town and Country Planning (Scotland) Act 1997 to make a tree preservation order to cover (i) the trees to be retained within the application site, and (ii) those trees which also form part of the same group which are located along the boundary of 6 to 24 Hilton Avenue and 1 to 31 Hilton Terrace; in relation to the proposed demolition of the former Hilton Nursery

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School to be replaced with new residential accommodation comprising 18 units offering a mix of semi-detached houses and cottage apartments with associated parking at the former Hilton Nursery School, Hilton Avenue, Aberdeen, subject to the following conditions:-

(1) That no buildings on the development site shall be occupied unless the remedial measures identified in the approved Phase II Site Investigation Report have been carried out. These measures comprise (a) provision of 600mm inert cap within soft landscaped areas in the west of the site and (b) provision of gas protection measures to include a radon barrier membrane and sub-floor venting. Thereafter a report shall be submitted to and approved in writing by the planning authority that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation. (2) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme. (3) That no development shall take place unless further details of the proposed refuse stores have been submitted to and approved in writing by the planning authority. Granite from the demolition of the existing building or boundary wall shall be utilised for creation of the refuse stores. Thereafter none of the flats shall be occupied unless the refuse stores have been provided. (4) That no development shall take place unless further details of the proposed cycle stores have been submitted to and approved in writing by the planning authority. Thereafter none of the flats shall be occupied unless the cycle stores have been provided. (5) That no development shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the planning authority a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. Granite from the demolition of the existing building or boundary wall shall be utilised for the front boundary of the site with Hilton Avenue. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety. (6) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, laid-out and demarcated in accordance with drawing No. PL-00B 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. (7) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and

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stage of maturity at planting. (8) That all planting, seeding and turfing comprised in the approved schemes 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. (9) That no development pursuant to this planning permission shall take place unless the tree protection fencing detailed in the Tree Report by Astell Associates dated 11th June 2013 and shown on drawing HNH-1206-TP has been erected. Thereafter the tree protection fencing shall remain in place until the completion of development. (10) That any tree work which appears to become necessary during the implementation of the development which has not been identified on the Tree Report by Astell Associates dated 11th June 2013 and shown on drawing HNH-1206-TP 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. (11) 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. (12) That no development shall take place unless the planning authority has approved in writing a scheme for the supervision of the arboricultural protection measures and works that have been approved by the planning authority for the construction phase of the development. Such a scheme shall include the timing and method of site supervision and record keeping. Supervision shall be carried out by a qualified arboriculturalist approved in writing by the planning authority but instructed by the applicant. (13) That no development shall take place 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. Thereafter no building shall be occupied unless the recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.

The Convener moved, seconded by Councillor Jean Morrison:-
that the recommendations contained in the report be approved.

Councillor Finlayson moved as an amendment, seconded by Councillor Boulton:-
that the application be refused due to the overdevelopment of the site, specifically the loss of trees on site; the lack of parking spaces; and the residential amenity that would be provided for the flats.

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On a division, there voted:-

For the motion (5) – the Convener; and Councillors Cormie, Lawrence, McCaig and Jean Morrison, MBE.

For the amendment (6) – Councillors Boulton, Finlayson, Grant, Jaffrey, MacGregor and Thomson.

The Sub Committee resolved:-
to adopt the amendment.

249-251 GEORGE STREET, ABERDEEN - P130497

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

that the Sub Committee approve the application in respect of the proposed internal alterations and change of use from retail to Turkish baths at 249-251 George Street, Aberdeen, subject to the following conditions:-

(1) That prior to the commencement of development full details of all ventilation systems shall be submitted to and approved in writing by the planning authority, including any mitigation measures and noise data. The approved use shall not take place unless the ventilation scheme has been submitted, approved and fully installed in full accordance with the approved details. (2) That the use hereby permitted shall not be open to customers other than between the hours of 09:00 and 22:00. (3) That notwithstanding the provisions of Class 11 of the schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, or any Order revoking and re-enacting that Order, with or without modification, the approval hereby granted relates only to the use of the premises as a Turkish Baths and for no other use or purpose including any other activity within Class 11 of the said Order.

The Sub Committee were also circulated with a memo from the Roads Projects team which recommended refusal of the proposal due to their concerns with respect to the shortfall of parking relating to this proposal and their consideration that the proposal was likely to result in indiscriminate on-street parking and whether the adopted road network could accommodate the additional parking demand and concerns relating to the potential for indiscriminate parking which could impact on road safety.

The Sub Committee resolved:-
to approve the recommendation contained in the report.

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FORMER DONSIDE PAPER MILL, GORDON MILLS ROAD, TILLYDRONE - P130218

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

that the Sub Committee approve the application in respect of planning permission to amend the previously approved cafe, 2 flats and retail unit to form a landlord staff office and public access point at the former Donside Paper Mill, Gordon Mills Road, Tillydrone, Aberdeen, subject to the following condition:-

That the uses shall not take place unless there has been submitted to and approved in writing by, the planning authority, details of the provision of cycle and motorcycle parking and such measures as so agreed have been implemented and are available for use on site.

The Sub Committee resolved:-

to approve the recommendations contained in the report.

124 NORTH DEESIDE ROAD, PETERCULTER - P130362

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

That the Sub Committee approve the application in respect of planning permission for the erection of a temporary sales unit at 124 North Deeside Road, Peterculter, Aberdeen, subject to the following condition:-

That the temporary building hereby granted planning permission shall not remain on site after a period of two years expiring on 18 July 2015, or following occupation of the 1st residential unit, whichever is the sooner.

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

That the recommendations contained in the report be approved.

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

That the Sub Committee (a) refuse the application on road safety grounds; and (b) authorise officers to take enforcement action in relation to the erection of the sales unit cabin.

On a division, there voted:-

For the motion (6) – the Convener; and Councillors Cormie, Grant, Lawrence, McCaig and Jean Morrison, MBE.

For the amendment (5) – Councillors Boulton, Finlayson, Jaffrey, MacGregor and Thomson.

The Sub Committee resolved:-

to adopt the motion.

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DECLARATION OF INTEREST

Prior to consideration of the following article the Convener declared an interest in the subject matter due to being one of the applicants. The Convener deemed it necessary to withdraw from the meeting and took no part in the determination of the application in question.

In the absence of the Convener, the Sub Committee appointed Councillor Jean Morrison, MBE to the Chair for the following article.

107 SPRINGFIELD ROAD, ABERDEEN - P130689

8. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-** that the Sub Committee approve the application in respect of planning permission for the erection of a shed and fencing at 107 Springfield Road, Aberdeen.

The Sub Committee resolved:-
to approve recommendation.

The Convener returned to the Chair for the remainder of the meeting.

LAND AT WOODEND FARM, CULTER HOUSE ROAD, PETERCULTER - P121581

9. The Sub Committee had before it report by the Head of Planning and Sustainable Development **which recommended:-** that the Sub Committee refuse the planning application for permission in principle for a proposed residential development at Woodend Farm, Culter House Road, Peterculter, Aberdeen on the following grounds:-

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

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The Sub Committee then discussed the application in detail.

The Sub Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site. The reasons for visiting the site were to clarify the condition of the footpath in the area and to look at the potential links to the road network at the site.

LAND AT DEESIDE GOLF CLUB, GOLF ROAD, BIELDSIDE - P120606

10. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-** that the Sub Committee refuse the application in respect of planning permission for the erection of a residential development (3 houses) and associated works on previously used land at the Deeside Golf Club, Golf Club, Bielside, Aberdeen, on the following grounds:-

(1) That the site lies within the green belt where there is a general presumption against development, it does not fall within any of the categories of exceptions in either the Aberdeen Local Development Plan 2012 (LDP), or those mentioned in the Scottish Planning Policy (SPP). The proposal is contrary to Policy NE2 Green Belt and its approval would seriously erode the function of the green belt in this localised area. (2) The presence of development in this location would have an adverse landscape impact within the locality, impacting upon views from the well used Old Deeside Railway walkway. The tensions with both Policy NE1 – Green Space Network and Policy D6 – Landscape add to the reasons for the proposal being considered unacceptable. (3) The proposal would not contribute towards the aim of all new development encouraging walking, cycling, and use of public transport rather than the private car, due to the difficulties of access along a narrow road with no footways. The proposal is therefore considered contrary to Policy D3 – Sustainable and Active Travel, the Aberdeen and Aberdeenshire Structure Plan objective in terms of Accessibility, the Scottish Planning Policy on Transport; and the Supplementary Guidance: Transport and Accessibility.

The Sub Committee resolved:-

to approve the recommendation.

**LAND TO NORTH OF SITE 13, DENMORE ROAD, MURCAR INDUSTRIAL ESTATE
- P130776**

11. The Sub Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-** that the Sub Committee refuse the application in respect of planning permission for the change of use from an area of amenity ground to private car park with associated landscaping and new access footpath accessible to the public at land to the north of site 13, Denmore Road, Murcar Industrial Estate, Aberdeen, on the following grounds:-

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That the proposed development fails to accord with Scottish Planning Policy (SPP), Policies NE1 "Green Space Network", B11 "Business and Industrial Land" and NE5 "Trees and Woodland" of the Aberdeen Local Development Plan and the Council's Supplementary Planning Guidance relating to Open Space as the proposal would result in the loss of an area of open space to the detriment of the surrounding area. The open space was designed into the overall industrial development, and its loss would also cause unacceptable detriment to the amenity of the surrounding area. The development would also set an undesirable precedent for applications of a similar nature throughout industrial estates in Aberdeen.

The Sub Committee were addressed by Councillor Young as one of the local members for the Ward who expressed his support for the requested planning permission and recommended to members of the Sub Committee that they approve the application or visit the site to get a better understanding of the locality.

Councillor Jaffrey as one of the local members for the Ward (as well as being a substantive member of the Sub Committee) provided some background to the area and agreed that a site visit would be a good idea.

The Sub Committee then discussed the application and the lack of justification from the developers for the reasons why they require the car parking.

The Sub Committee resolved:-

to defer determination of the application to its next meeting on 22 August, 2013 and to request that officers approach the developer to ask for the justification for the additional car parking requirements.

PLANNING DIGEST - EPI/13/113

12. The Sub Committee had before it a report by the Head of Planning and Sustainable Development which advised members of recent appeal decisions and provided details on the imposition of conditions on planning approvals.

The report recommended:-

that the Sub Committee note the details in the report.

The Sub Committee resolved:-

to approve the recommendation.

SCOTTISH GOVERNMENT CONSULTATION ON THE HISTORIC ENVIRONMENT STRATEGY

13. The Sub Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which outlined the consultation by the Scottish Government on the

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first Historic Environment Strategy for Scotland and the proposed merger of Historic Scotland and the Royal Commission for Historic and Ancient Monuments for Scotland. Attached as the appendix to the report was the proposed response to the consultation process.

The report recommended:-

that the Sub Committee –

approve the consultation response on the draft Historic Environment Strategy for Scotland and on the proposed merger of Historic Scotland and the Royal Commission for Historic and Ancient Monuments for Scotland for submission to the Scottish Government as detailed in the appendix to the report.

The Sub Committee resolved:-

to approve the recommendation contained in the report.

CONSERVATION AREA CHARACTER APPRAISALS AND MANAGEMENT PLAN INTERIM PLANNING ADVICE

14. With reference to article 21 of the minute of meeting of the Sub Committee of 15 February, 2013, the Sub Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which (a) outlined the results of a public consultation exercise undertaken for the Conservation Area Character Appraisals and Management Plan (a summary of the representations received, officers' responses and details of any resulting action was provided in appendix 1 to the report with full un-summarised copies of representations detailed in appendix 2 to the report) and (b) outlined the amended version of the Conservation Area Character Appraisals and Management Plan as informed by consultation responses.

The report provided information in relation to the Cove Bay conservation area and outlined that the overwhelming number of responses received to the consultation period related to the proposed de-designation of the Cove Bay conservation area with most members of the public being opposed to this de-designation. The report explained that the majority view was the opinion that the Council had allowed the conservation area to deteriorate since designation and that the Council should be responsible for rectifying the situation. The report explained that Cove and Altens Community Council had commented that Cove Bay should remain a designated conservation area for a further twelve months minimum to allow for development of a community action group if there was an appetite locally to do this. The report explained that the management plan had therefore been revised to reflect this and proposed that conservation areas stated for Cove Bay be retained and that its character be reviewed and monitored after a minimum period of twelve months to enable the local community to formulate plans to improve and enhance the character of Cove Bay conservation area.

The report also provided information in relation to the Ferryhill and Marine Terrace conservation areas.

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The report recommended:-

that the Sub Committee –

- (a) note the representations received on the draft Conservation Area Character Appraisals and Management Plan document;
- (b) approve appendix 1 to the report, which included officers' responses to representations received and any necessary actions; and
- (c) approve the Conservation Area Character Appraisals and Management Plan as interim planning advice and instruct officers to comply with the statutory notifications required in respect of amending the boundaries of Ferryhill and Marine Terrace conservation areas (as detailed in the report).

The Sub Committee resolved:-

- (i) to note that Community Capacity Building Officers (and other officers as required from the Council) could assist, subject to resource availability, in the establishment of a residents' group in Cove Bay and the exploration of potential sources of funding;
- (ii) to instruct officers to clarify the situation in the Old Aberdeen conservation area where procedures relating to the management of trees had not been followed; and
- (iii) to otherwise approve the recommendations contained in the report.

- RAMSAY MILNE, Convener.

DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS)

ABERDEEN, 25 July 2013. Minute of Meeting of the DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS). Present:- Councillor Milne, Convener; and Councillors Boulton, Cormie, Finlayson, Grant, Jaffrey, Lawrence, MacGregor, McCaig, Jean Morrison MBE and Thomson.

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

<http://committees.aberdeencity.gov.uk/mgConvert2PDF.aspx?ID=2971&T=10>

LAND AT WOODEND FARM, CULTER HOUSE ROAD, PETERCULTER - P121581

1. With reference to article 9 of the minute of meeting of the Development Management Sub Committee of 18 July, 2103, wherein the Sub Committee agreed to visit the site, the Sub Committed had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

that the Sub Committee refuse the planning application in respect of planning permission in principle for the proposed residential development at Woodend Farm, Culter House Road, Peterculter, Aberdeen for the following reasons:-

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

Prior to determining the application in question the Convener made reference to a letter from Mr Rothnie of Neil Rothnie Architects which had been sent to all members of the Sub Committee. The letter outlined perceived inaccuracies in the planning officer's report before the Sub Committee on the 18th of July, 2013 and made some observations as to the planning officer's conduct during the Sub Committee.

The Convener explained that he believed the planning officer had behaved appropriately at the Sub Committee meeting and that a response to the letter from Neil Rothnie Architects had been circulated to all members of the Sub Committee. Members confirmed that they had had the opportunity to consider the content of that response. The Head of Planning and Sustainable Development also provided feedback in relation to the points raised by Mr Rothnie stressing the importance of planning

DEVELOPMENT MANAGEMENT SUB COMMITTEE (VISITS)

25 July 2013

officers ensuring that members are given the best possible professional advice to help them determine planning applications.

The Sub Committee then heard from planning and roads officials in relation to the application, following which members asked various questions of the officers in attendance.

The Convener moved, seconded by Councillor Cormie:-

that the application be refused in accordance with the details contained in the report.

Councillor Boulton moved, seconded by Councillor Finlayson:-

that the application be approved as the road network was suitable and could cope with the level of traffic generated by the development and that the local schools could also cope with any increase in pupil numbers and that similar applications had been approved in the area meaning that therefore there was not a precedence to be set if the application were to be approved.

On a division, there voted:-

For the motion (9) – the Convener; and Councillors Cormie, Grant, Jaffrey, Lawrence, MacGregor, McCaig, Jean Morrison MBE and Thomson.

For the amendment (2) – Councillors Boulton and Finlayson.

The Sub Committee resolved:-

to adopt the motion.

- RAMSAY MILNE, Convener.

ABERDEEN CITY COUNCIL

COMMITTEE	Development Management Sub Committee
DATE	22 August 2013
ACTING DIRECTOR	Ewan Sutherland
TITLE OF REPORT	Development Management Sub Committee – Operation of Site Visits – 12 Month Review
REPORT NUMBER:	CG/13/081

1. PURPOSE OF REPORT

This report provides information for the Sub Committee to consider the procedures for the operation of its site visits as determined at the August 2012 meeting of the Sub Committee wherein it was agreed that the approved procedures be reviewed in 12 months' time.

2. RECOMMENDATION(S)

That the Sub Committee agree -

- (a) that applications which have been the subject of a site visit should be determined at the Town House immediately following the site visit (or other suitable venue as agreed by the Sub Committee); and
- (b) to consider extending the requirements for continuity in terms of decision making to instances where applications have been referred to Council for final determination and therefore agree that all members need to have a level of detail regarding the application prior to determining it at a Council meeting. An option to cover this could be the provision of sufficiently detailed maps/ plans/ photographs or video footage of the site which could be shown/ displayed at the Council meeting to assist Members.

3. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/ MAIN ISSUES

5.1 The Development Management Sub Committee at its meeting on 23rd August 2012 agreed the following procedure in relation to site visits:

- that Members require to attend the substantive Sub Committee meeting (where the original application is considered) in order to determine any application subsequently deferred for a site visit.
- to agree that the determination of applications which have been the subject of a site visit should be on the day of the visit and on site.
- that any member (substantive Member of the Sub Committee or local Member) who wants this Sub Committee to visit a site be required to specify the planning grounds for doing so prior to a decision being made on the proposal to visit.
- to note that advice from planning officials will be available to assist Members to identify planning grounds in the advance of meetings of the Sub Committee.
- to note the general guidance for site visits (which has been altered to reflect the above decision) as follows:-
 - a) site visits enable Committee Members to reach an informed decision; to ensure fairness, this guidance should be observed during these visits. Furthermore, the Code of Conduct applies; interests should be declared and Members should not attend if they have a prejudicial interest;
 - b) site visits are not intended as an opportunity for objectors, applicants or others to lobby Members or argue their case. Members need to remain impartial; they must not appear to favour one or other party and must avoid reaching a final decision until all views have been presented;
 - c) procedure on site - the planning officer will show Members around the area, showing relevant scheme drawings and pointing out significant features, any other Council officers who require to address the Sub Committee will do so. Members may ask the planning officer (and any other Council officer in attendance) factual questions at this point. All points should be objective, relevant and material. Planning officers will summarise the evaluation of the application and the reasons behind the recommendations contained in the application report. The Sub Committee will then determine the application in question (by division if required) in terms of the Standing Orders of the Council. Members should not address anybody other than each other, the planning officer and the Committee Clerk;
 - d) Members are not permitted to hear from anyone other than Council officers unless to point out physical features; and
 - e) if the visit gives rise to excessive lobbying or demonstrations, Members may cancel the visit and arrange another in private”;
- that the decisions above be reviewed in a year’s time.

5.2 There have been a few logistical issues relating to determining applications on site, i.e. public accessibility to the site in question; road traffic noise; the elements etc and one of the options for the Development Management Sub Committee to consider when reviewing its procedure is whether the determination of the applications should be done at the Town House following a site visit (or other venue as agreed by the Sub Committee). This would make it easier for Members to have an open and transparent debate on the matters raised at the site visit and for interested parties to properly hear that debate.

The decision could be made on the same day, immediately following the site visits, although it may be difficult to determine the time of the meeting depending on the number and nature of visits. The site visit would essentially be a fact finding exercise and the planning officer would reserve the summary of the evaluation until the meeting back in the Committee Room with debate and decision by Members thereafter. The absence of debate on site should enable the Sub Committee to give a reasonably accurate estimate of when the determination would be and depending on the nature of the visits and their location this could be imparted to all interested parties

Alternatively, the applications could be referred back to the next Sub Committee meeting. This provides a greater degree of certainty but does further delay the determination of the applications. Given the relatively small number of applications subject to site visits it is not anticipated that this would adversely affect Statutory Performance Indicators. It is, however, suggested that if this option is approved, the situation be monitored to ensure that is the case and reviewed if necessary. This is particularly important given the Government's current proposals for planning fees whereby Councils will revert to a reduced fee if there is no significant sustained improvement in performance.

Therefore, based on the detail above, and bearing in mind the advantages and disadvantages of both options it is recommended that the Sub Committee agree that applications which have been the subject of a site visit should be determined at the Town House immediately following the site visit (or other suitable venue as agreed by the Sub Committee).

5.3 The Sub Committee in deciding that Members require to attend the substantive Sub Committee meeting (where the original application is considered) in order to determine any application subsequently deferred for a site visit have ensured (as much as possible) continuity in terms of the decision making process, taking into account the relevant parts of the Councillors' Code of Conduct (Section 7.11) and the fact that applications referred to site visits are often more complex and controversial and therefore require scrutiny by the full complement of Members. Therefore Members have to be present at the substantive Committee, the Visit and any reconvened meeting (if this option is approved) to determine the application(s) thereafter, and that substitutes will not be allowed.

It is further recommended that the Sub Committee consider extending the continuity mentioned above in terms of decision making to instances where applications have been referred to Council for final determination and therefore agree that all members need to have a level of detail regarding the application prior to determining it at a Council meeting. Options to cover this could include all 43 members attending a site visit and whilst this would be desirable, what would be more achievable would be the provision of sufficiently detailed maps/ plans/ photographs or video footage of the site which could be shown/ displayed at the Council meeting to assist Members.

6. IMPACT

Public – the accessibility of some sites can be problematic due to the topography and terrain involved; however as they are of interest to people in the locality they are quicker to access (but not always easier to access) than the Town House. The facilities in the Town House fully comply with the Disability Discrimination Act 1995 and the Disability and the Equality Act 2010.

7. BACKGROUND PAPERS

Report to the Development Management Sub Committee on 23 August, 2012 entitled “Development Management Sub Committee – Operation of Site Visits”.

8. REPORT AUTHOR DETAILS

Martin Allan
Committee Manager
mallan@aberdeencity.gov.uk
(01224) 523057

Agenda Item 2.1

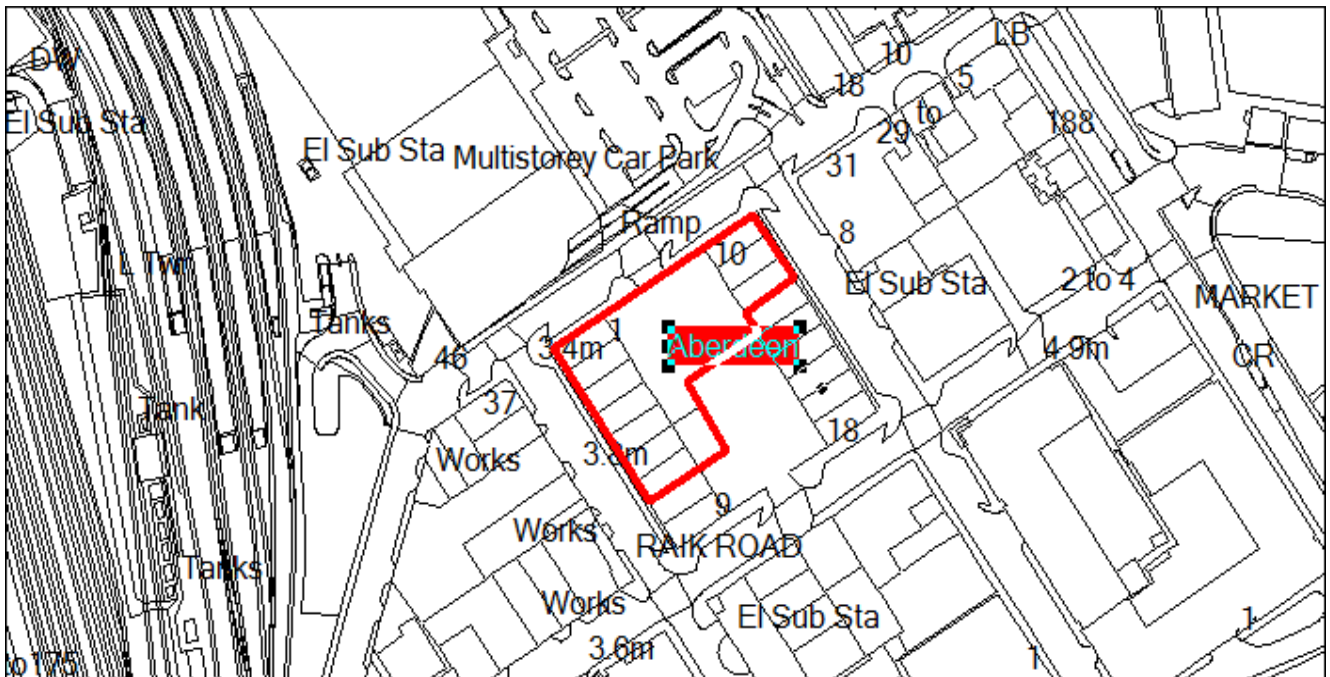
FORMER ABERDEEN SEAFOOD PARK,
PALMERSTON ROAD, ABERDEEN

DEMOLITION OF EXISTING BUILDINGS AND
ERECTION OF AN OFFICE DEVELOPMENT,
FALLING WITHIN CLASS 4 OF THE TOWN &
COUNTRY PLANNING (USE CLASSES)
(SCOTLAND) ORDER 1997, AND ASSOCIATED
CAR PARKING

For: Drum (The Grande) Ltd & EQ Property Ltd

Application Type : Detailed Planning Permission
Application Ref. : P130710
Application Date: 17/05/2013
Officer: Daniel Lewis
Ward : Torry/Ferryhill (Y Allan/A Donnelly/J
Kiddie/G Dickson)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on: 29/05/2013
Committee Date: 22 August 2013
Community Council : No response
received



RECOMMENDATION:

Willingness to approve, subject to conditions but to withhold the issue of the consent document until either

- the applicant has entered into a legal agreement with the Council to secure, or
- the applicant has made a payment to the Council of,

the agreed developer contributions towards:

- the Strategic Transport Fund
- the widening of Palmerston Place on its westbound approach to the junction with South College Street
- recreational and access improvements in the vicinity, specifically enhancements to the Core path along the riverside
- the implementation of a Controlled Parking Zone in the immediate area

DESCRIPTION

The application site extends to approximately 0.415 hectares and comprises the northern half of the site of the former Aberdeen Seafood Park. The buildings currently on the site are two single storey industrial units running along the Raik Road and Stell Road boundaries and separated in the centre of the site by access and car parking areas with access from Palmerston Road and Poynerook Road. The buildings and all industrial units within them are currently vacant.

The site lies within a traditional industrial area of Aberdeen that predominantly accommodated industries associated with the Harbour, namely fish processing and distribution premises. The buildings surrounding the site still accommodate these types of operations, particularly on Raik Road and Poynerook Road. There is a modern, multi-storey office development to the south east, known as Consort House and other modern Class 4 office buildings such as the new GDF Suez HQ currently under construction have started to populate and change the character of the area. To the north, directly opposite to the application site, lie the multi-storey and surface level car parks of the Union Square Shopping Centre which accommodates a range of retail and leisure operators. The closest residential property is a granite tenement block on Palmerston Road approximately 70 metres from the north east corner of the site.

RELEVANT HISTORY

The site is owned by City Council and it is the intention that the applicant will become the tenant of the Council when the application is approved.

PROPOSAL

This is a planning application for an office development on the northern half of the Seafood Park block, fronting Palmerston Road and facing north towards the car park of the Union Square Shopping Centre. The proposal (by Drum Property Group) is to create around 13,600 sq.m (gross floor area) of high quality Grade A office space (accommodating approximately 920 staff) for the oil production firm EnQuest together with a multi storey car park for 271 staff cars with access from Raik Road.

The office element of the building would be 8 storeys in height (37 metres including roof plant) and of a contemporary geometric design. All elevations of the office building would be predominantly glazed and set within a rectilinear frame of natural granite cladding with a vertical emphasis. The main entrance to the building would be on the corner of Palmerston Road and Stell Road facing Union Square. This corner and the Stell Road/Palmerston Road corner would be marked by corner towers consisting of glazed curtain walling in a slim projecting aluminium frame. The main entrance would be recessed at ground floor level creating a covered colonnaded entrance area surfaced with natural granite flag stones. This flagged area would wrap around the rear of the building to create the northern part of a future courtyard within that could be completed by future development of the Seafood Park block. Rooftop plant would be hidden by a 2.5 metre high polycarbonate plant screen.

The 13 level, 19 metre high multi storey car park would face Raik Road. Façade finishing materials would be composite metal cladding to the bottom 3 levels, feature mesh infill panels to levels 4 to 6 and polyester powder coated aluminium cladding panels in slim vertical columns to the remainder of the elevation.

As well as 271 car parking spaces, 46 cycle spaces are proposed including 6 visitor spaces at the entrance. Motorcycle parking (16 spaces) is provided in accordance with adopted Transportation Supplementary Guidance.

As part of the application all the angled parking spaces would be removed on all four sides of the Seafood Park block and replaced by parallel parking spaces with associated widening of the pavement to between 5 and 8 metres width. Significant improvements are also proposed to the public realm on all street frontages to the application site. Pavements would be surfaced with textured concrete with bands of granite paving slabs, granite kerbing and semi-mature trees (upright hornbeam) with, in addition, granite benches along the Palmerston Road frontage. A new pedestrian crossing on Palmerston Road is proposed that would link the development directly to the main arterial pedestrian route through the Union Square shopping Centre.

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?130710>

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

These documents include a Pre-Application Consultation Report, Design and Access Statement, Flood Risk Assessment, Drainage Assessment, Ecology Report, Construction Methodology Statement, Transport Statement, Green Travel Plan, Economic Impact Statement, Low Carbon Development Statement and Geo-Environmental Interpretive Report

PRE-APPLICATION CONSULTATION

The proposed development was the subject to 12 week period of pre-application consultation between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. The consultation involved a presentation to Ferryhill and Ruthrieston Community Council on 27 March 2013 and a subsequent public event at Jury's Inn Hotel on 16 April 2013. The latter event was attended by 14 people including one of the elected members and a representative from both Ferryhill and Torry Community Councils. No written comments were received but verbal comments indicated that the proposal would help regenerate a run down and neglected area of the City Centre. However concerns were expressed about the potential to exacerbate traffic congestion and parking difficulties in the area. The report states that a Transport Assessment and Green Travel Plan have been prepared to address these issues.

During this pre-application phase there were intensive pre-application discussions between the applicant, developer, agent and Council officers resulting in significant design changes, including a reduction in car parking provision and improvements to the design of the building.

The application was also considered by the expert Aberdeen City and Shire Design Review Panel (13 May 2013) which indicated:

- that the scale, massing and orientation of the building and car park were satisfactory but redesign options should be considered to make the building more distinctive/special given its prominent position, relationship to Union Square and the fact that it will set the benchmark for the redevelopment of the rest of the area. This could be achieved with more solid vertical emphasis to design elements, the use of coloured materials or lighting and the introduction of an entrance oriented to the pedestrian route into Union Square.
- the proposed building was designed in a way to allow for the entire urban block occupied by the Seafood Park to be completed in a way that would be satisfactory in terms of urban design on the understanding that little or no additional car parking would be possible in the remaining phase(s)
- elements of the design, materials and public realm enhancements were welcomed including the dominant corner feature emphasising the entrance to the building, the use of a natural granite rainscreen cladding, removal of on street parking, widening of footways, high quality hard and soft landscaping in the public realm and the start of the creation of an internal square to the block
- there was concern over the car park frontage which was bland, dated in design and lacked interest or interaction with the street.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-Committee because it has been advertised as a project of public concern (over 20 metres in height) and because it is a Major Development in which the Council has an interest as landowner. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation (Local Government Act 1973).

CONSULTATIONS

Roads Project Team – no objections to the proposal. This follows significant discussion and revisions to the submitted transportation assessment resulting in agreement on roads mitigation to accommodate the traffic generated by the development.

Agreement has been reached with the applicant which will result in

- the signalisation of the North Esplanade/Raik Road junction (to be undertaken by the applicant) and the change of Raik Road from one way to two way traffic: to be subject to a suspensive condition of planning consent and
- the widening to Palmerston Place on its westbound approach to the junction with South College Street (to be subject to a developer contribution in lieu of works prior to issue of planning consent)

The 271 parking spaces proposed (the maximum provision allowed in this area by the Council's adopted standards) is accepted. A developer contribution towards the introduction of a controlled parking zone has been agreed with the applicant which will help to mitigate the transportation and on-street parking impact of the development.

45 covered cycle parking spaces and 17 motorcycle spaces along with shower/changing facilities are provided which complies with adopted Supplementary Guidance on Transportation.

Streetscape improvements proposed including the removal of angled on-street parking and the substitution of parallel parking around the entire block is acceptable.

The submitted framework Travel Plan is acceptable but a full Travel Plan should be required to be agreed by condition prior to occupation

Agreement has been reached with the applicant on a contribution to the Strategic Transport Fund

It is accepted that the Drainage Impact Assessment shows that the development can be adequately drained and it is noted that Scottish Water and SEPA are also satisfied with the drainage proposals

Environmental Health – No objections. Observes that, in order to ensure that occupants of neighbouring commercial and residential property demolition are not disturbed, demolition and building work should not occur out with the hours of 7 am to 7 pm Monday to Friday or 9 am to 4 pm on Sunday.

Contaminated Land Unit - Agreement has been reached on a remediation strategy for contamination on the site. A condition should be imposed to ensure the long term monitoring and reporting of the remediation works and submission and approval of a report verifying that remedial works have been carried out in accordance with the strategy.

Developer Contributions Team – request a developer contribution towards environmental and access improvements in the area which has been agreed by the applicant.

Enterprise, Planning & Infrastructure (Flooding) - no objections on the basis of the revised Flood Risk Assessment and the submitted Drainage Impact Assessment

Education, Culture & Sport (Archaeology) – no observations

Scottish Environment Protection Agency – No objection. Initially objected on the grounds of deficiencies in the initial Flood Risk Assessment (FRA). Following considerable dialogue, and revision of the FRA to take into account potential collapse of the culverted section of the Denburn beneath Union Square, that objection was withdrawn. Concludes that the impact

of the development on the storage capacity of the floodplain is unlikely to be substantial and that flooding is largely a commercial risk.

SEPA is satisfied that the Drainage Impact Assessment shows that the site can be adequately drained.

Community Council – no comments received

REPRESENTATIONS

Four letters of representation have been received from existing businesses operating in the area. All are generally supportive in principle to office redevelopment of the North Dee area but they raise the following issues regarding the specifics of the development:

- (i) the application is premature in advance of the forthcoming Master plan for the North Dee area
- (ii) that the removal of on street parking will intensify parking pressure in the area
- (iii) that the transport assessment is flawed because
 - it does not use the existing industrial use to determine existing car parking/traffic generation
 - trip generation is based on parking numbers and not floor area/staff numbers and junction analysis is flawed
 - it assumes Raik Road junction has been upgraded
- (iv) there should be a direct continuation of the pedestrian route south from Union Square

The applicant's agent has submitted a letter of support that addresses all the points made in the representations which is also included in the agenda papers.

PLANNING POLICY

National Policy and Guidance

National Planning Framework 2 highlights the importance of Aberdeen City as Scotland's Northern Gateway and, consequently, the importance of improving the quality of the environment in the city centre, expanding its economic base and service sector: particularly financial and professional services.

Scottish Planning Policy promotes sustainable economic development and encourages local authorities to take a proactive approach to the reuse of vacant and derelict land and obsolete commercial property. It acknowledges that vacant buildings can act as a constraint on the economic growth of cities and local authorities should develop policies that address this directly.

Aberdeen City and Shire Structure Plan

Provides a framework to promote the growth and diversification the regional economy by, amongst other things, making more effective and efficient use of resources. Encourages the reuse of brownfield land and vacant buildings.

The city centre is identified as a strategic growth area where the majority of the region's commercial, retail, civic and cultural activities are located. A key objective is to provide opportunities which encourage economic development and create new employment in high quality business space.

Aberdeen Local Development Plan

The Local Development Plan reinforces the focus on brownfield redevelopment encouraged by national planning policy. It also highlights that the regeneration of city centre sites for appropriate uses.

Fundamental to the delivery of the Plan's aims is good design that contributes positively to the architectural quality of the city, enhances the existing built form and makes new connections with other parts of the city.

The site is part of an area to which **Policy BI2: Specialist Employment Areas** is applicable. This designation looks to protect key employment areas from any competing uses and promotes Class 4 (Office) uses to ensure that there are specific locations within the city that are able to accommodate activities such as research and development, training, administration and professional services

Consideration too must be given to **Policy BI4: Aberdeen Airport and Harbour** given the site's proximity to the port facilities of the city. This policy looks to protect these vital facilities by ensuring new uses in the vicinity of these transport nodes pays due regard to the safety, amenity and the efficiency of uses surrounding them.

Policy C1: City Centre Development – Regional Centre New development must contribute towards the vision for the city centre expressed in the City Centre Development Framework as the prime location for new retail, commercial and leisure developments in the area. Highlights the economic, social and environmental benefits of the re-use of brownfield land.

Policy I1: Infrastructure Delivery and Developer Contributions addresses the infrastructure requirements that are needed to support new development.

Policy D3: Sustainable and Active Travel encourages development that reduces reliance on the private car and utilises existing public transport. New development should enhance permeability and access to, and movement within and between, new and existing developments prioritising walking, cycling and public transport.

T2: Managing the Transport Impact of Development. New developments will be required to demonstrate that sufficient measures have been taken to minimise their transportation impact.

Policy D1: Architecture and Place-making promotes quality design to ensure the city retains and enhances its unique identity for future generations. All new developments must ensure that the existing amenity of the surrounding area is

unaffected. Sensitive design is required to ensure that the impact of tall buildings on the city's skyline is negated and that attractive views are protected and enhanced. .

Policy D2: Design and Amenity

In considering the wider visual impacts of development account should be taken of important views of the city's townscape from important publicly accessible vantage points, particularly from main city approaches, as required by **Policy D6: Landscape**.

Policy NE6: Flooding and Drainage Development will not be permitted if it would increase the risk of flooding by reducing the ability of the functional flood plain to store and convey water or through the discharge of additional surface water

Policy R2: Degraded and Contaminated Land All Land that is degraded or contaminated will require restoration, reclamation or remediation to a level suitable for the proposed use.

Policy R6: Waste Management Requirements for New Developments all new development should provide adequate facilities for waste storage and collection in accordance with Waste Management Supplementary Guidance.

Policy R7: Low and Zero Carbon Buildings. New buildings should incorporate LZC generation equipment that reduces the predicted carbon dioxide emissions by at least 15% below 2007 building standards demonstrated by the submission of a low carbon development statement.

Supplementary Guidance

The City Centre Development Framework promotes a strategy to enhance the features of the City Centre that make Aberdeen unique by developing clearly defined character areas, reinforcing their identity and ensuring their accessibility and connectivity. The proposed development is located in the Riverside area of the framework which is identified as having potential for enhancement as a sustainable business district, close to public transport hubs and enhancing the public realm and links through the area from the City Centre to the riverside.

Aberdeen Harbour Development Framework recognises the need for regeneration of the area and considers that North Dee represents *"...one of the best opportunities to attract high quality office accommodation and other uses..."* and advises that *"...the economic opportunity and potential benefit for the redevelopment of North Dee to the city and harbour alike, are significant."*

A Scoping document is currently being produced for the development of a more detailed masterplan for the area (referred to as North Dee) which should be adopted next year. Two of the key issues for any such masterplan will be the establishment of an area wide framework for

- development and car parking linked to the capacity of the road network to accommodate additional traffic and
- consistent high quality treatment of the public realm and streetscape

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.

This report will consider the acceptability of the proposal in terms of the development plan (the approved Aberdeen and Aberdeenshire Structure Plan and the adopted Aberdeen Local Development Plan), relevant national planning guidance (SPP and PANs) before going on to indicate whether any other relevant material considerations outweigh the provisions of the plan.

National Planning Policy

The National Planning Framework highlights the national significance of the Aberdeen economy and the important priority, in this context, of enhancing the economic base and vibrancy of the city centre. The proposal contributes to this aim by revitalising a redundant site and by providing much needed business space to support the growth and diversification of the local economy. The proposals also strengthen the local area's function as Scotland's northern gateway, by providing a modern and attractive building that continues the regeneration of this key site next to the city's principle transport hub.

Scottish Planning Policy encourages local authorities to take a proactive approach to proposals that reuse of brownfield sites. The development represents an opportunity to provide new commercial accommodation on an existing brownfield site, without the loss of greenfield land or urban sprawl into the countryside in accordance with national planning and economic development policies which aim to encourage sustainable economic growth

Latest figures indicate that the office market in Aberdeen is in desperate need of new supply. This proposal can deliver that by providing high quality space to allow an indigenous business to expand and grow.

Development Plan

The main development plan issues relate to the compliance of the proposed development with the structure plan, the adopted local plan zoning of the site and objectives and policies related to economic development, transportation and access, design, and flooding and nature conservation.

Aberdeen City & Shire Structure Plan

The proposed development is considered to be fully compatible with many of the main objectives of the Structure Plan. More specifically:

- given the close proximity of the development to the City Centre and the bus and rail stations, it would promote development in a sustainable location, particularly in terms of accessibility.

- a high specification office development of the scale proposed would promote economic competitiveness and create new economic development opportunities, whilst the occupation of part of the building by a major oil services firm would develop a natural strength and growth sector of the local economy
- the development would involve the re-use of a site within the existing settlement and be of high density appropriate to its proximity to services and the transport network. It would be a source of employment and a catalyst to further development in the immediate area and help to regenerate and diversify a run down area of the City Centre
- the proposal is inherently sustainable as it is a reuse of a brownfield site which is encouraged by Scottish Planning Policy, Structure Plan, and adopted Local Plan Policy

Local Development Plan Zoning and Development Framework

The zoning of the site is as a Specialist Employment Area (B12) in the adopted Local Development Plan. The new zoning limits prospective uses in this area to those that fall within Class 4 of the Uses Classes (light industrial, office and research and development). It recognises the decline of the fish processing industry in the area and the potential future evolution of the land between the River Dee and the Union Square shopping centre into a new central business district for the City: a transformation that is already gathering pace with the approval and construction of a number of office developments in the area. The high quality, Class 4 office development proposed by the current application is in full accordance with this zoning and will act as a further catalyst to the transformation of the area.

In terms of the City Centre Policy (C1) this is in as far as it is aligned with the Structure Plan and focuses on the redevelopment of brownfield sites as well as national priorities of sustainable economic growth. The existing buildings are old and rundown and their demolition and redevelopment into high-quality offices will remove this local eyesore and bring the land back into effective use. The site's location offers the opportunity to utilise the nearby transport links that connect the area with the rest of Scotland and create a business location that encourages journeys to be made using active and sustainable modes of transport.

The proposal also makes a significant contribution towards the aims and objectives of the City Centre Development Framework which is supplementary guidance to the development plan. This framework is built upon themes that combine to create a 'sense of place' and promote a dynamic and successful city centre. These themes are: context; identity; connection and urban quarters.

The site's *context* is characterised by an area of transition where the outdated industries of the past are giving way to new business spaces that are able to accommodate the needs and requirements of the 21st Century. As the Aberdeen economy strengthens and diversifies away from traditional maritime activities, areas like the one in which the application site is located must respond to these contextual shifts and adapt to new economies. Recent developments like Consort House, Suez House and Union Square affirm the site's context as one that is in transition and the proposal fits well within this context.

The *identity* of the area surrounding the site is characterised as a gateway, which in urban design terms reflects the site's position next to Market Street and the River Dee bridges which are key entrances into the city from the south. In these gateway sites, the Development Framework encourages tall buildings that add to and positively enhance the identity of the city by acting as key focal points which announce an arrival into the city centre. The proposals in this application fit with this element of the Development Framework well by developing an 8 storey building of high quality design and materials that creates a positive first impression of the city from Union Square and from its southern gateway especially from the main railway line approach to the City which lies to the immediate west.

Connection is an important feature of the Development Framework which outlines the virtues of non-car and active travel options. The development would take advantage of the range of travel options created by the site's location close to the bus and rail stations, as well as providing bicycle storage and shower rooms within the building to promote active travel. Movement within the city centre is another key principle and the proposals here will help in the longer term to provide a more attractive and safe link between Union Square and the Riverside.

Overall, the proposal contributes to each of the policy themes of the City Centre Development Framework. The overarching aim of the City Centre Development Framework is to create a distinctive sense of place which is attractive to those who want to live, work and visit Aberdeen. By creating a distinctive, modern, sustainable commercial building, the proposals in this application help achieve these aims by providing high quality office space which helps retain high valued and skilled employees within the city centre. By drawing people into the centre to work, it follows that indirect benefits for local businesses will result through increased footfall and expenditure. The Economic Impact Assessment prepared by Rettie identifies a Net Additional Output by Year 5 of around £40m per annum. This is key to the vitality and vibrancy of any city centre and will help ensure the Development Framework achieves its goals.

Transportation and Access

The Roads Projects team have no objections the proposal subject to appropriate roads mitigation measures. This conclusion has been reached following considerable dialogue, negotiation and revision to the Transportation Assessment (TA) facilitated by regular processing meetings between the case officer, roads engineer and the applicant's consultancy team. These revisions to the TA have addressed the technical concerns raised by the letters of representation (see above) many of which were valid.

The proposal is considered to be compatible with Policy T2 Transportation of the adopted Local Plan and the Local Transport Strategy in as far as

- a travel plan has been agreed to ensure the number of trips taken by private car users is minimised and viable alternatives exist to reduce the reliance on private cars.
- cycling and shower facilities are provided in excess of those required by the Councils Transport and Accessibility Supplementary Guidance

- public transport networks such as bus and rail services which can be easily accessed on foot: it is just three minutes walk to the City's main bus and rail stations.

All these factors combine to create a development that is not solely reliant on access by private car, helping to achieve the transport objectives of the local authority.

The 271 parking spaces proposed (the maximum provision allowed in this area by the Council's adopted standards) is acceptable to the Roads Projects Team. Along with the measures proposed in the Travel Plan and bearing in mind the proximity to the main bus and rail stations the car parking provision is considered to be adequate for the development proposed and will not result in additional overspill onto the public road . A developer contribution towards the introduction of a controlled parking zone has been agreed with the applicant which will also help to mitigate the transportation and any on-street parking impact of the development.

The transportation assessment shows that the impact of traffic from the development can be adequately mitigated by:

- the signalisation of the North Eslanade/Raik Road junction (to be undertaken by the applicant) and the change of Raik Road from one way to two way traffic: to be subject to a suspensive condition of planning consent and
- the widening to Palmerston Place on its westbound approach to the junction with South College Street (to be subject to an agreed developer contribution in lieu of works)

Officers have recognised that the local road network leading into and out of the North Dee Area is now at or over capacity and presents a real barrier to future development in the area. With this in mind a master plan is being commissioned that will, amongst other issues, link scale of new development and associated car parking to the capacity of the road network and provide a mechanism for mitigating its impact.

Streetscape improvements proposed including the removal of angled on-street parking and the substitution of parallel parking around the entire block is acceptable to the Roads Projects Team and can be secured by a suspensive condition of any planning approval.

The submitted framework Travel Plan is acceptable but a full Travel Plan should be required to be agreed by condition prior to occupation

Agreement has been reached with the applicant on a contribution to the Strategic Transport Fund

Design and Public Realm Improvements

Whilst it is disappointing that a more distinctive and exceptional building was not put forward for this very prominent site, the proposal is, nonetheless, for a building of high quality contemporary design and materials which would be of a

scale and massing appropriate to its prominent location facing Union Square. Due to its proximity to Union Square and Jury's Inn Hotel the development would not result in any additional obstruction of existing views of the City Centre in approaches by road or rail from the south. It would result in an imposing building at the gateway to the evolving North Dee Office area and help set an architectural benchmark for future development in the area. Design enhancements have been made in response to comments from both Council officers and the Design Review Panel – most notably the incorporation of natural granite cladding, feature lighting of the elevation to enliven the night time aspect of the building and significant refinement to the design of the façade of the multi storey car park.

The proposal would also result in significant improvements to the public realm including the widening of pavements on all frontages of the block, the incorporation of natural granite slabs and benches to pavements and the planting of avenues of semi-mature hornbeam trees along the Palmerston, Raik and Stell Roads.

On balance, therefore, taking into account the foregoing the proposal is considered to comply with Policy D1: Architecture and Place-making, Policy D2: Design and Amenity and Policy D6: Landscape.

Sustainability

The building has been designed to achieve a BREEAM rating of Very Good by employing a series of design features which will reduce its carbon footprint. The building's energy source will be supplied by a Gas-fired Combined Heat and Power boiler supplemented by photovoltaic panels to capture renewable sources of energy and boost energy performance. The building will be cooled using heat recovery technologies in order to achieve an Energy Performance Certificate (EPC) rating of B. The supplementary report on "LZC Technologies Contribution" demonstrates that the inclusion of an Air Source Heat Pump would result in a 22 percent reduction in carbon emissions due to Low and Zero Carbon Technologies. These specifications result in the proposals in this application complying fully with Policy R7: Low Zero Carbon Technologies.

Flooding and Drainage

Following significant dialogue SEPA and the Council's Flooding Team have confirmed that the amended Flood Risk Assessment shows that the impact of the development on the storage capacity of the floodplain is unlikely to be substantial and that flooding is largely a commercial risk.

SEPA and the Council's Flooding Team It is accepted that the Drainage Impact Assessment shows that the development can be adequately drained.

With this in mind the proposal is considered to comply with Policy NE6: Flooding and Drainage.

Contamination

The Council's Contaminated Land Unit has approved a Remediation Plan for the site. All that is required is a condition requiring remediation and monitoring to be

carried out in accordance with the plan and the submission and approval of a validation report prior to occupation of the building. The proposal is considered to comply with Policy R2: Degraded and Contaminated Land.

Developer Contributions

The application site lies close to the north bank of the River Dee that is the proposed route of one of the main recreational routes in the Core Paths Plan that has been adopted by the Council. The Planning Obligations Officer has recommended that the developer make a contribution towards recreational and environmental improvements – specifically the implementation of the Core Path in the locality - and the applicant has agreed to this payment. This a logical target for this money especially as the formation of the new signalised junction at Raik Road/North Esplanade West with a pedestrianised phase will facilitate access to the riverside. This would be in full accordance with the aims of Urban Green Space and Green Space Network Policies that apply to the riverside and require the protection and enhancement of the wildlife, recreational, landscape and access value of the land. The other transportation related developer contributions are detailed in the Transportation and Access section of this report.

Points raised in letters of representation

The transportation and parking issues raised by the letters of representation been addressed in the Transportation and Access section above. The direct continuation of the pedestrian route from Union Square was considered but would have made the development unviable in its current form and, in any case, direct links are available via the existing pavements which will be considerably enhanced as a result of this development.

Other material considerations

The Ecology Report submitted with the application demonstrates that there are no protected species or any other wildlife or trees of ecological value on the application site which is completely covered with buildings and hard standing

There are no immediately adjoining residential properties and the nearest flat is over 70 metres from the application site and screened by intervening buildings. The Environmental Health Section are not recommending the attachment of an hours of construction condition and noise nuisance from construction activity can be controlled through provisions in the Environmental Protection Acts In this context, and with regard to the briefing note on the imposition of conditions agreed by Members at the Development Management Sub-Committee of 18 July 2013, it is not considered appropriate to impose an hours of construction condition in this particular instance.

CONCLUSION

The proposal is considered to comply with many of the objectives of the Structure Plan and National Planning Policy. Most notably, in terms of economic development, implementation of the proposal would build on recent commercial redevelopment in the immediate area and potentially act as a catalyst for the regeneration of an area historically dominated by the declining fish processing industry. It accords with government guidance in SPP that the planning system should proactively support development that will contribute to sustainable

economic growth and to high quality sustainable places. The proposal has the potential to act as a flagship development for the redevelopment of North Dee as a future Central Business District for the City and as a stimulus to the regeneration of Torry on the opposite bank of the Dee. The potential wider benefits of redeveloping the whole area are to be co-ordinated through the production of a detailed masterplan that is currently being actively pursued by the Council. The development is compliant with development plan policy in as far as it constitutes the redevelopment of a brownfield City Centre location, close to public transport interchanges, is designed for its context and, would not be at risk from flooding. The Roads Projects Team have accepted that the extra traffic generated by the development can be mitigated by traffic management and are compensated for, to some extent, by improvements in the road infrastructure at the junction of Palmerston Place and South College Street and by the creation of a new signalised junction at Raik Road/North Esplanade West which will help traffic management in the area.

RECOMMENDATION

Willingness to approve, subject to conditions but to withhold the issue of the consent document until either

- the applicant has entered into a legal agreement with the Council to secure, or
- the applicant has made a payment to the Council of, agreed developer contributions towards:
 - the Strategic Transport Fund
 - the widening of Palmerston Place on its westbound approach to the junction with South College Street
 - recreational and access improvements in the vicinity, specifically enhancements to the Core path along the riverside
 - the implementation of a Controlled Parking Zone in the immediate area

REASONS FOR RECOMMENDATION

The proposal is considered to comply with many of the objectives of the Structure Plan and National Planning Policy. Most notably, in terms of economic development, implementation of the proposal would build on recent commercial redevelopment in the immediate area and potentially act as a catalyst for the regeneration of an area historically dominated by the declining fish processing industry. It accords with government guidance in SPP that the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places. The proposal has the potential to act as a flagship development for the redevelopment of North Dee as a future Central Business District for the City and as a stimulus to the regeneration of Torry on the opposite bank of the Dee. The potential wider benefits of redeveloping the whole area are to be co-ordinated through the production of a detailed masterplan that is currently being actively pursued by the Council. The development is compliant with development plan policy in as far as it constitutes the redevelopment of a brownfield City Centre location, close to public transport interchanges, is designed for its context and, would not be at risk from flooding. The Roads Projects Team have accepted that the extra traffic generated by the development can be mitigated by traffic management and are

compensated for, to some extent, by improvements in the road infrastructure at the junction of Palmerston Place and South College Street and by the creation of a new signalised junction at Raik Road/North Esplanade West which will help traffic management in the area.

It is recommended that the application is given a willingness to approve subject to the following conditions:-

1. that, unless the planning authority has agreed in writing to a variation, the development hereby approved shall not be occupied unless:
 - there has been submitted to, and approved in writing by, the planning authority a detailed travel plan that complies with the framework Travel Plan: July 2013 (final revisions 26/7/13). The detailed travel plan shall specify (amongst other things) measures to deter the use of the private car, in particular single occupant trips and provide detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets and
 - Any such approved travel plan is being complied with in its entirety
 - In order to encourage more sustainable forms of travel to the development
2. that the development hereby approved shall not be occupied unless
 - a new signalised junction has been formed at the junction of Raik Road and North Esplanade West,
 - Raik Road has been reconfigured to allow two way flow of traffic,
 - A pedestrian crossing has been formed across Palmerston Road linking directly to the path beneath the ramp up into the Union Square multi-storey car park in the position shown on AL (90) 001 Rev D - Proposed Landscaping (Public Realm),unless the planning authority has given written consent for a variation
 - in the interests of road safety and the free flow of traffic
3. 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 numbers AL (0) 03 Rev C, AL (0) 04 Rev C, AL (0) 05 Rev C and AL (0) 06 Rev D 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
 - in the interests of road safety and the free flow of traffic
4. that the development hereby approved shall not be occupied unless the shower, changing room and locker facilities for cyclists and the cycle and motorcycle storage provision shown on the approved plans specified in this decision document have been implemented in full, unless the planning authority gives written approval for a variation - in the interests of encouraging more sustainable modes of travel

5. that the development hereby approved shall not be occupied unless the scheme of external façade lighting shown on drawing G1549 Revision C - External Facade Lighting of the approved plans has been implemented in its entirety, unless the planning authority has given written consent for a variation
6. that the development hereby approved shall not be occupied unless the scheme of hard landscaping the public realm shown on drawing AL (90) 001 Rev D - Proposed Landscaping (Public Realm) and the drawing marked Proposed External Finishes 12075G has been implemented in its entirety, unless the planning authority has given written consent for a variation

All planting, seeding, turfing and hard landscaping works comprised in the approved scheme of landscaping shown on drawing AL (90) 001 Rev D - Proposed Landscaping (Public Realm) and the drawing marked Proposed External Finishes 12075G shall be carried out in the first planting season following the completion of the development, unless the planning authority has given written consent for a variation. 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

7. that the development hereby approved shall not be occupied unless the angled on-street car parking spaces around the entire perimeter of the Seafood Park block (Palmerston, Raik, Poynerook and Stell Road frontages) has been removed and replaced by parallel parking as shown on shown on drawing AL (90) 001 Rev D of the plans hereby approved, unless the planning authority has given written consent for a variation - in the interests of traffic safety and the free flow of traffic and the amenity of the public realm
8. that the development hereby approved shall not be occupied unless
 - (i) any long term monitoring and reporting that is required by the approved scheme of contamination or remediation strategy dated July 2013 or that otherwise has been required in writing by the planning authority has been undertaken and
 - (ii) unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation strategy dated July 2013, unless the planning authority has given written consent for a variation.

- to ensure that the site is suitable for use and fit for human occupation

9. that the development hereby approved shall not be occupied unless the Low Zero Carbon Technology equipment specified in the report entitled “Low Carbon Statement May 2013” and dated 2/5/13 and those specified by the report entitled “LZC Technologies Contribution” July 2013 and dated 12/07/13 have been installed and are fully operational, unless the planning authority has given written consent for a variation – in the order to ensure compliance with Local Plan Policy R7: Low Zero Carbon Technologies and associated Supplementary Guidance
10. that the development hereby approved shall not be occupied unless a scheme of signage or other treatment to enliven the west facing elevation of the stairwell/lift extension (to the south elevation of the office building hereby approved has been submitted to and approved in writing by the planning authority and subsequently implemented on site – in the interests of the amenity of the main approach to the City by rail

Information and advice

The applicant is advised that SEPA have indicated that they are likely to object to any further development on the Seafood Park site until the full Den Burn Study is completed and a more robust understanding of the flood mechanisms in the area is established.

SEPA have also indicated that the applicant should be made fully aware of the flood risk to the site and plans should be in place to manage and mitigate the impact of a flood event. For example, SEPA would recommend the use of flood resistant/ resilient materials as outlined in PAN 69, and that electrical circuits are placed above the estimated 1 in 200 year flood level. Furthermore, a flood action plan may be required to ensure the safety of on-site staff in the event of a flood. SEPA recommend that the flood prevention authority is consulted regarding an appropriate freeboard allowance and recommend a minimum freeboard of 500-600mm.

The applicant is also advised that any future development within the remainder of the Seafood Park will require the completion of high landscape quality publicly accessible plaza in the centre of the site and improvements to the public realm on the road frontages to match those proposed through this application.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

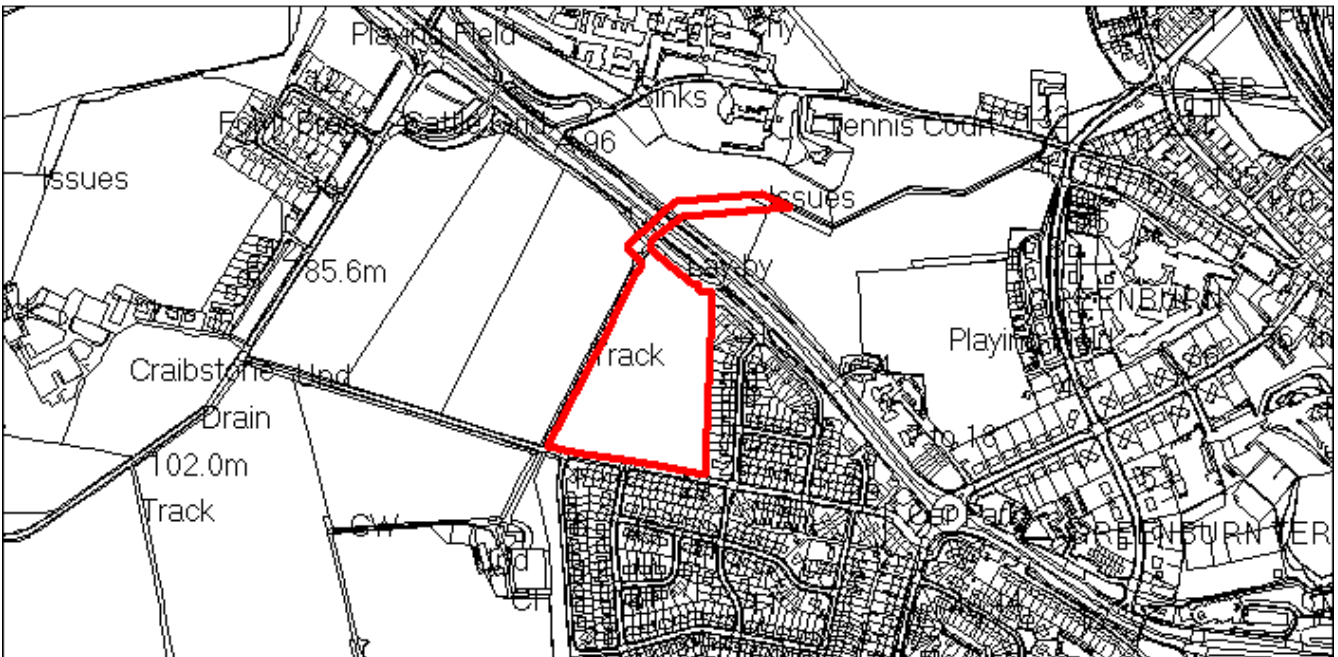
HOPETOUN GRANGE, "LAND TO NORTH OF"BUCKSBURN

PROPOSED DEVELOPMENT FOR 65 RESIDENTIAL HOUSES INCLUDING INFRASTRUCTURE AND LANDSCAPING

For: Persimmon Homes & Rowett Research Institute

Application Type : Detailed Planning Permission
Application Ref. : P130029
Application Date: 09/01/2013
Officer: Jane Forbes
Ward : Dyce/Bucksburn/Danestone(B Crockett/G Lawrence/N MacGregor/G Samarai)

Advert : Can't notify neighbour(s)
Advertised on: 23/01/2013
Committee Date: 22 August 2013
Community Council :



RECOMMENDATION:

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to secure the identified developer contributions towards primary education, community facilities, recreation, core path networks and the strategic transport fund.

DESCRIPTION

The application site lies immediately to the west of Hopecroft Avenue and to the north of Hopetoun Grange, with the main A96 (Aberdeen/Inverurie Trunk Road), lying some 90 metres north of the northern site boundary. The site, which slopes downwards from south to north, with a 15 metre change in gradient levels, extends to an area of 3.3 hectares and comprises land which has previously been in agricultural use but is currently lying fallow. There are mature deciduous trees (mainly beech), all subject to a Tree Preservation Order (TPO 19), along the southern and western boundaries, which, along with the eastern boundary, are delineated by traditional drystone dykes. An unsurfaced track which is currently overgrown in part, lies just beyond the western boundary of the site, and extends the length of the site from north to south, providing a pedestrian link between the A96 and Hopetoun Grange. The surrounding area is characterised by residential properties immediately to the south and east, along Hopetoun Grange and Hopecroft Avenue respectively. Immediately to the north of the site is a grass bank of between 8 to 10 metres in width, and beyond this and at a lower ground level is a lay-by of approximately 125 metres in length which is accessed directly from the northbound carriageway of the A96. To the west of the site, and beyond the aforementioned unsurfaced track lies an area of agricultural land extending to some 106 hectares, identified in the Aberdeen Local Development Plan as an Opportunity Site (OP30) for 1940 homes.

RELEVANT HISTORY

Ref A5/1536 – Proposal for detailed planning consent for the erection of 40 houses on part of the current application site (2.75 ha) at Hopecroft was submitted in August 2005. At this stage the application site was still zoned under GB1 (Green Belt), and on this basis the proposal was considered to be contrary to structure plan and local plan policy, resulting in a Development Plan Departure Hearing being held in December 2005. The planning application was subsequently considered by the Planning Committee on 19 January 2006, at which point the Committee resolved to express a willingness to approve the application, subject to conditions and an appropriate legal agreement, and for the application to be forwarded to the Scottish Ministers. The applicants withdrew the application in February 2008.

Ref 12/1283 – Proposal of application notice acknowledged on 18 September 2012 for the 'erection of residential units including roads, infrastructure and landscaping'.

Ref 12/1578 – An Environmental Impact Assessment (EIA) screening opinion request for proposed residential development at Hopecroft, on land to the north of Hopetoun Grange, was responded to on 5 December 2012, outlining that an EIA would not be required for the proposed development.

PROPOSAL

Detailed planning permission is sought for the construction of a residential development comprising 65 dwellings on a site which extends to some 3.3 hectares and includes 2 storey detached and 2 storey cottage flatted properties with associated infrastructure and landscaping. The proposal is categorised as a major development in terms of the 'Hierarchy of Development' Regulations.

There would be 5 detached 3 bedroom houses, 18 detached 4 bedroom houses, 18 detached 5 bedroom houses, 8 detached 6 bedroom houses and 16 flats (2 bedroom) which are accommodated within blocks of 4 properties. The 16 flats would provide a level of 25% affordable housing on site.

A variety of house types are proposed but all would be two storeys in height. External materials would be a variety of stone and dry dash render with colours to be agreed. Roof coverings would be of Redland slate grey roof tiles.

The main vehicular access to the site would be taken from Hopetoun Grange with houses largely located around the perimeter of the site, but with the exception of a small group of houses lying adjacent to a central area of open space which extends to an area of approximately 1180m². A shared surface loops around this central area, with some of the houses being served by shared driveways. 12 of the 13 houses located along Hopetoun Grange would front onto this road, with 3 shared driveways serving the 12 houses. A footpath/cycle corridor would provide an access link from Hopetoun Grange into the site, and would continue across the open space area and beyond to the northern end of the site, providing the opportunity to link with existing pedestrian routes to the east and west of the site.

The proposal includes arrangements for the treatment of surface water arising from the development, through the provision of a sustainable urban drainage system (SUDS) basin within the north-western corner of 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?ref=130029>

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

- Design and Access Statement
- Drainage Impact Assessment
- Pre-application Consultation Report
- Transport Assessment
- Tree Survey
- Tree Protection Plan and Proposed Landscaping
- Habitat Survey
- Road and Air Traffic Noise Report

A Planning Brief was also submitted in respect of the Hopecroft (OP20) site. The Planning Brief was initially presented to Development Management Subcommittee on 6 December 2012. The Committee approved the recommendations to (a) approve the Hopecroft Planning Brief as interim planning advice; and (b) for officers to implement the process to ratify the Planning Brief as Supplementary Guidance, with this process including a 4 week public consultation. A total of 12 representations were received during the consultation period and these were addressed in a summary of representations included as part of the subsequent report submitted to Development Management Sub-

Committee on 15 February 2013, at which point it was approved with the following additions (a) that the airport noise contours should be based on Guidance released in 2011 and (b) to note that detailed concern expressed by local residents will be taken into account once individual planning applications are received by the Planning Authority. The Hopcroft Planning Brief was finally ratified by the Scottish Government on 14 June 2013, and at this point was formally adopted by this planning authority as Supplementary Guidance.

The main issues raised within the representations received related to density, impact on green belt, vehicular access off Hopetoun Grange, creation of wildlife corridors, traffic generation, noise, impact on trees, boundary treatments, possible loss of access to existing lane, need to improve cycle/pedestrian access.

These issues have all been addressed through the evaluation of this detailed planning application.

PRE-APPLICATION CONSULTATION

A proposal of application notice for the proposed development was submitted in September 2012 (Ref 12/1283), resulting in pre-application consultation being undertaken between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development Regulations'. The consultation involved a meeting with Newhills & Bucksburn Community Council on 27 September 2012 and public meetings which took place in the Beacon Community Centre on 17 October 2012 and 20 November 2012.

The main issues raised by the Community Council related to:

- *Connectivity with existing adjoining development.* Vehicle and pedestrian/cycle links have been incorporated into the development.
- *Footpath fronting onto Hopetoun Grange.* A new footpath extending the length of the southern boundary of the development has been included in the proposal.
- *Impact of noise from the A96 on the northern boundary from the A96.* An acoustic fence and natural screening are proposed along the northern boundary which faces onto A96 and acoustically attenuated ventilators fitted to the properties fronting the northern boundary.
- *Retention of existing trees.* As outlined below, whilst trees will be lost as a result of the proposed development, a condition requiring an appropriate level of replanting has been attached to this application.

A total of 27 people attended the initial public event on 17th October, with none attending the follow-up meeting on 20th November. The main issues raised and how these issues have been addressed is detailed below:

- *Concerns regarding proposed link between Hopcroft Drive and the proposed development.* These concerns related primarily to vehicular access, and in this respect the potential for linking the proposed site is for pedestrians or cyclists.

- *Concerns about introducing access from individual dwellings onto Hopetoun Grange.* Whilst this access arrangement remains part of the proposal, the Roads Projects Team raised no concerns with this aspect of the development.
- *Important link along lane lies to the west of the site which should be retained, and potentially improved.* A condition has been attached to the granting of consent for this application which secures the upgrading of this existing path.
- *Possibility of existing bus route servicing the area.* The Transport Statement has demonstrated that public transport links are adequately provided for the proposal.
- *Concerns regarding loss of trees along Hopetoun Grange.* Whilst approval of the application will lead to the loss of trees on site, a tree survey has highlighted the poor condition of some of the trees on site, and it is felt that appropriate conditions have been attached which will secure a satisfactory level of replanting.
- *Introduction of “stand-off” area with trees and shrubs between Hopecroft Avenue and proposed development which may lead to access and safety issues.* This narrow strip of ground incorporates landscaping, which once mature, will very much reduce ease of access.
- *Concerns relating to the impact of noise from road and aircraft on proposed development, and insufficient assessment of these issues.* A road and aircraft traffic noise report has been submitted with the application, and accepted by Environmental Services. Conditions have been attached which ensure road noise issues are sufficiently addressed, and for additional survey measurements to be undertaken and appropriate noise attenuation incorporated into the fabric of the buildings, if the survey results deem this to be necessary.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the Council has received more than 5 letters of objection in relation to the development proposal. Accordingly, the application falls outwith the scope of the Council’s Scheme of Delegation.

CONSULTATIONS

Roads Project Team – No objection to the application. Request that appropriate conditions be applied including in relation to vehicular access, pedestrian and cycle access, upgrading of existing bus stops, drainage and appropriate strategic transport fund contribution. Their comments can be summarised as follows:

- The site is proposed to have one vehicular access from Hopecroft Grange. Under normal circumstances it would be a requirement for a site of this size to provide two accesses. However the layout of the site is such that there are two routes to the majority of dwellings. The main access road from Hopetoun Grange into the development will be constructed to a sufficient width to allow a fire tender to pass parked vehicles. The applicant has also agreed to construct the combined foot and cycleway with greater than normal strength in order to allow emergency service vehicles to make use of it should that be necessary.

- Driveways have been located on Hopetoun Grange in line with junction spacing requirements.
- A new footway will be constructed along the site boundary to Hopetoun Grange to an adoptable standard. At the same time, a uniform carriageway width will be provided on Hopetoun Grange matching that on the rest of the street to the east. Pedestrian access into the site from Hopetoun Grange will be delivered in two locations, both of which will be constructed to be combined foot and cycleways. The infrastructure along the access road will extend to the site boundary linking in the future to the development in the west.
- Pedestrian access to the A96 to the north is important and the applicant has agreed to upgrade the lane to the west of the site to an adoptable standard between the A96 and the point that it interacts with what will become the spine road to the future development to the west.
- Parking should be provided in accordance with the Councils parking standards. All previously highlighted concerns with regard to the positioning of car parking spaces have been resolved.
- Reference is made within the Transport Statement (TS) to the public transport services on Sclattie Park and the A96, although the TS shows the site to be better connected by public transport than it actually is. No consideration has been given to public transport journeys other than those on direct routes from the development.
- The provision of the pedestrian and cycle access to the A96 along the lane to the west of the site is essential in residents being able to gain access to the public transport services on the A96. Cycle accessibility has not been accurately assessed, and a cycle isochrone has not been provided which would show the area that would be considered to be within cycle accessibility. The residential streets within Hopetoun and Hopcroft would be considered to be acceptable for cycling. Access to the cycle route on the north side of the A96 would be achievable from the crossing point on the A96 close to the junction with Sclattie Park. While the services on Sclattie Park are outwith the 400m walk distance stipulated in national guidance they will still form an important connection.
- As the proposed development is within an area allocated for residential or mixed use within the Aberdeen City Local Development Plan a contribution will be required to the Strategic Transport Fund (STF).
- The current drainage proposals require access under the trunk road to connect the surface water and under third party land to connect the foul sewage. I would ask that conditions requiring these permissions to be in place prior to work commencing.

Environmental Health – No objection to the application. Request that conditions be applied to any consent to (a) protect the residents of certain properties from traffic noise; and (b) undertake a noise measurement assessment over no less than 3 days on site (Monday to Friday) in order to establish whether material adjustments need to be incorporated into the development build in order to address aircraft noise.

Enterprise, Planning & Infrastructure (Flooding) – Response received - no objections provided the following comments are addressed:

- The basin is constructed as per the proposed design and capable of retaining flows up to and including the 1 in 200 year storm event plus climate change
- The discharge rate does not exceed the greenfield flows as per the design calculations
- Aberdeen City Council Flooding is consulted during the construction of the connection into the watercourse to allow inspection work to be carried out if required

Education, Culture & Sport (Archaeology) – Response received. Request condition relating to implementation of archaeological works.

Developer Contributions Team – Appropriate level of affordable housing secured on site (25%), in addition to agreement having been reached on contributions for primary education, community facilities, recreation, core path networks and the strategic transport fund.

Community Council – No response received.

SEPA – Response received. No objections to the proposal provided the Drainage Assessment Issue 1 (dated 4 July 2013), which includes information on the construction phase SUDS, is approved as part of the planning consent.

Aberdeen International Airport – Response received. No objection to the proposal provided the following conditions were applied:

- Controlling the height of cranes operating on site;
- The submission of a detailed soft and water landscaping scheme with attention to species choice with the aim of discouraging birds to the proposed tree and shrub planting;
- Submission of details on the SUDS scheme including measures to avoid the attraction of birds;
- Ensuring any proposed lighting scheme, including for lighting to be utilised during construction, is of an appropriate design, with no light spill above the horizontal.

Aberdeen International Airport also commented that based on the 2011 noise contours, part of the area of the proposed development fell within the 57db LEQ contour and would be subjected to aircraft noise during the day and night, and on this basis the application should be considered against Policy H8 in the Local Development Plan. In addition to this, they drew attention to the Aberdeen International Airport Master Plan, published in January 2013, which details future indicative noise contours for 2020 and 2040.

Transport Scotland – Response received. No objections to the proposal provided the following conditions are applied:

- There shall be no means of direct vehicular access to the trunk road. Pedestrian access to the trunk road shall be restricted to the existing footpath immediately to the west of the site.

- The Applicant shall liaise with Transport Scotland and its Operating Company in regard to the timing, traffic management and standard of construction required for the pipeline crossing under the trunk road.

Scottish Water – Response received. No objections.

REPRESENTATIONS

A total of 24 letters of representation have been received. 18 letters were submitted within the original consultation response period, and 6 further letters submitted as a result of an extended period of consultation on the Transport Statement. An additional period of 14 days of consultation was afforded to all those who had commented on transport issues within their original letter of representation, allowing them to raise any issues specifically relating to the detail contained within the Transport Statement which had not been available to view on the planning website during the initial consultation period. The objections raised have been summarised below and relate to the following matters:-

- Overdevelopment of the site
- Adverse impact on existing road network which is already congested
- Unacceptable level of car parking provision
- Impact on existing busy junction at Hopetoun Terrace
- Inaccuracies in the Transport Statement including in relation to public transport accessibility
- Impact on road and pedestrian safety as a result of increased traffic generation and manoeuvring
- Adverse impact on future residents as a result of aircraft and road noise
- Location of proposed SUDS would adversely impact on existing dwellings as a result of its proximity and likely generation of unpleasant odours
- Proposed house design is not in-keeping with that of existing properties within the surrounding area
- Inaccuracy and uncertainty concerning the eastern boundary line of the site
- Overshadowing of existing properties located on Hopecroft Drive
- House types are too large and would lead to overlooking
- Impact on existing views
- Proposed development would have an adverse impact on local services
- Effect on school capacity
- Loss of protected trees and other natural habitat
- Adverse impact of proposed development on existing tree roots and canopies
- Adverse impact on wildlife
- Inadequate consultation process
- Proposal ignores results of Public Enquiry of 2006
- Proposed development would lead to destruction of the Green Belt

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) – This is the statement of Scottish 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 relating to sustainable development and subject policies relating to Open Space and Physical Activity, Landscape and Natural Heritage, Transport and Housing are all relevant material considerations.

Designing Places is the statement that sets out the Government’s expectations of the planning system to deliver high standards of design in development projects and is a relevant material consideration.

Designing Streets (A Policy Statement for Scotland) is a relevant material consideration which seeks to promote pedestrian friendly developments.

PAN 77 (Designing Safer Places) highlights the positive role that planning can play in helping to create attractive, well-managed environments which help to discourage anti-social behaviour. It aims to ensure that new development can be located and designed in a way that deters such behaviour as poorly designed surroundings can create feelings of hostility, anonymity and alienation and can have significant social, economic and environmental costs.

PAN 2/2010 (Affordable Housing and Housing Land Audits). This document outlines how the planning system can facilitate the development of affordable homes by way of supplying a mixture of tenures which are affordable and are of a high standard of design in order to contribute to the creation of sustainable, mixed communities.

PAN 65 (Planning and Open Space) provides advice on the role of the planning system in protecting and enhancing open spaces and providing high quality new spaces.

PAN 1/2011 (Planning and Noise). This Planning Advice Note (PAN) provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise.

Aberdeen City and Shire Structure Plan

The Structure Plan sets out the following key objectives for the growth of the City and Aberdeenshire:

Sustainable mixed communities - to make sure that new development meets the needs of the whole community, both now and in the future and makes the area a more attractive place for residents and businesses to move to.

Accessibility - to make sure that all new development contributes towards reducing the need to travel and encourages people to walk, cycle or use public transport by making these attractive choices.

Aberdeen Local Development Plan

Policy I1 (Infrastructure Delivery and Developer Contributions)

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

Policy T2 (Managing the Transport Impact of Development)

New 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.

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 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)

In order to ensure the provision of appropriate levels of amenity certain principles will be applied, including:

- Privacy shall be designed into higher density housing.
- Residential development shall have a public face to a street and a private face to an enclosed garden or court.
- All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council.
- Individual houses within a development shall be designed to make the most of opportunities offered by the site for view and sunlight.
- Development proposals shall include measures to design out crime and design in safety.
- External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

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 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:

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

Policy H1 (Residential Areas)

The site has been zoned under Policy H1 (Residential Area), where the Council seeks to retain the residential character and amenity of the area. Proposals for new residential development and householder development will be approved in principle, provided it

- does not constitute overdevelopment;
- does not have an unacceptable impact on the character or amenity of the surrounding area; and
- does not result in the loss of valuable and valued areas of open space.

Policy H4 (Housing Mix)

Housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan, reflecting the accommodation requirements of specific groups, in particular families and older people. This mix is in addition to affordable housing contributions.

Policy H8 – Housing and Aberdeen Airport

Applications for residential development under or in the vicinity of aircraft flight paths, where the noise levels are in excess of 57dB LAeq (using the summer 16-hour dB LAeq measurement) will be refused, due to the inability to create an appropriate level of residential amenity, and to safeguard the future operation of Aberdeen Airport.

Policy H3 (Density)

The City Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential developments of over one hectare must:

- meet a minimum density of 30 dwellings per hectare (net). Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space;
- have consideration of the site's characteristics and those of the surrounding area;
- create an attractive residential environment and safeguard living conditions within the development; and
- consider providing higher densities in the City Centre, around local centres, and public transport nodes.

Policy NE4 (Open Space Provision in New Development)

The City Council will require the provision of at least 2.8 hectares per 1000 people of meaningful and useful public open space in new residential development. Communal or public open space should be provided in all residential developments, including those on brownfield sites.

Policy NE5 (Trees and Woodlands)

There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Policy NE6 (Flooding and Drainage)

Where more than 10 homes or greater than 100m² floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must:

- be the most appropriate available in terms of SUDS; and
- avoid flooding and pollution both during and after construction.

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.

Policy R7 (Low and Zero Carbon Buildings)

States that all new buildings, in order to meet with building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

Supplementary Guidance

The Hopecroft Planning Brief was ratified by the Scottish Government on 14 June 2013 resulting in its formal adoption as Supplementary Guidance from this date.

The following supplementary guidance documents are also of relevance:

- Delivering Identified Projects through a Strategic Transport Fund (December 2011)
- Affordable Housing (March 2012)
- Low and Zero Carbon Buildings (March 2012)
- Transport and Accessibility (March 2012)
- Waste Management Requirements in New Developments (March 2012)
- Infrastructure and Developer Contributions Manual (March 2012)

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 Residential Use

The Aberdeen Local Development Plan (ALDP) identifies the application site as Policy H1 (Residential Areas) and as an opportunity site (OP20) for 30 homes. The proposal is for a development of 65 dwellings on the site, and as such is in accordance with the local development plan allocation of the site for residential use, albeit at a higher density. The Hopecroft Planning Brief, which was based on the principle of the site being developed for residential use with a capacity for around 65 units was approved by the Development Management Sub-Committee with the request that the following additions be made: (a) that the airport noise contours should be based on Guidance released in 2011; and (b) to note that detailed concern expressed by local residents will be taken into account once individual planning applications are received by the Planning Authority. The Planning Brief was subsequently ratified as Supplementary Guidance to the Aberdeen Local Development Plan by the Scottish Government on 14 June 2013.

Policy H1 (Residential Areas) states that a proposal for new development will be approved in principle if it does not constitute over development; does not have an unacceptable impact on the character and amenity of the surrounding area; and does not result in the loss of valuable and valued areas of open space. The application site was previously in agricultural use, and is now allocated for residential use, and as a result would not be categorised as open space for the purposes of this policy. On this basis alone, as the proposal would have no impact on existing open space, the principle of residential development is acceptable. In terms of assessing any likely impact which the proposed development may have on the character and amenity of the surrounding area and whether the proposal would constitute overdevelopment, these matters are examined below.

Density

Part of the criteria for establishing whether a development proposal complies with Policy H1 (Residential Areas) is based on whether such a proposal constitutes over-development. Taking into account existing policy expectations in terms of density of development outlined in both the Aberdeen City and Shire Structure Plan and Aberdeen Local Development Plan (Policy H3: Density), which state that all residential development of over one hectare should achieve a minimum density of 30 dwellings per hectare, whilst also taking into consideration the average density of the surrounding area, where a density of 20-35 units per hectare is typical, it is found that the 65 residential units proposed for this 3.3ha site, equating to 20 units per hectare, would not constitute over development.

Notwithstanding the above, it is worth noting that in establishing whether a proposed density of development is appropriate and may be considered acceptable for a specific site, the minimum levels sought through Policy H3 (ie 30 units per hectare) cannot be applied in isolation. There is a clear need for the level of proposed development on a site to be considered within the context of the surrounding area and its particular characteristics, and matters such as the relationship between buildings and the level of open space provision on site are also relevant considerations in establishing this. So whilst it is acknowledged that the 65 residential units proposed for the development is well above the current site allocation for 30 homes, this level of development is nevertheless considerably below policy expectations. However, on the basis that the suggested figure of 30 units for this site was allocated at a time when the impact of the airport noise contour line level meant there were more stringent restrictions on the development capacity of the site, and these restrictions have now been significantly reduced as a result of a change to this noise contour line, with it now just clipping the very extremity of the site, it is considered that the 65 units being proposed for the site, which was also the level of development supported by the Planning Brief for the site, is a level of development which is both appropriate in terms of the context of the site and sufficiently compliant with the relevant policy.

Layout, Design, Scale and Form of Development

'Designing Places' is a statement which sets out the Government's expectations of the planning system in delivering high standards of design, and outlines the criteria which it considers necessary to achieve a successful place, including being 'distinctive', 'safe and pleasant', 'easy to get to and move around' and 'welcoming'. The layout and design of the proposed development demonstrate that these criteria have been suitably addressed, with the result that a relatively high quality design and layout has been achieved.

The original layout proposed for the site, which largely met with the expectations of the indicative layout of the Planning Brief, has been amended since the initial submission of the planning application, as a direct result of consultation responses and officer discussion. This has largely resulted in a block of residential units being set further back from the northern boundary of the site; a change in location of the SUDS basin to the north-western corner of the site; and the reconfiguration of the open space area in order to increase the number of dwellings fronting onto this area.

The proposed development layout is such that along the southern boundary it fronts onto existing dwellings along Hopetoun Grange, thus creating an appropriate link between existing and new development, and a welcome and open frontage onto this main access road. Proposed access to the site will allow ease of movement, with openings for both pedestrian and vehicular access created along the southern boundary, and the upgrading of an existing pedestrian link to the north of the site and the A96. An area of open space extending to approximately 1180m² is proposed within a central location of the site, with dwellings fronting onto this open space and footpaths providing appropriate pedestrian access both from within the site and beyond, ensuring the delivery of a safe and pleasant area, in accordance with PAN 77 (Designing Safer Places). In addition to this, less formal areas of open space have been introduced throughout the site. These include an area lying to the north of the site within which the SUDS basin will be located, and where this wider area of open space extends across the full width of the northern boundary of the site to a depth of between 15 to 55 metres. In this respect the proposal is considered to be in accordance with PAN 65 (Planning and Open Space) and Policy NE4 (Open Space Provision in New Development), and also with Policy NE9 (Access and Informal Recreation) which seeks the inclusion of new or improved provision of public access in new developments, and also to improve existing permeability or links to green space for recreation and active travel.

The proposed development achieves an acceptable mix of house types and sizes, with a total of 11 house types being accommodated on site, ranging in size from the 2 bedroom cottage flatted properties which constitute the affordable housing contribution, to 6 bedroom detached family dwellings. The proposal is considered to be in accordance with Policy H4 (Housing Mix), which seeks to encourage a range of sizes and house types for development proposals exceeding 50 units.

Although the proposed development may not be particularly distinctive, the design and layout are nevertheless considered to be appropriate in terms of the surrounding residential area. Given that the existing dwellings in this neighbourhood are mainly dating from the 1960's and 1970's, the design detail of the proposed development will undoubtedly complement rather than match that of the existing properties, however the layout and form of development has generally taken account of existing development and is considered appropriate in this regard, with suitably spaced development, and well proportioned garden ground. Amendments to the original proposed finish of the dwellings which included a brick facing to many of the properties have been secured, thus ensuring more appropriate materials are incorporated into the build, including dry dash render and walls, gables or other small-scale features in stone. Conditions have been attached to deal with the detail of the boundary treatments and the landscaping of the site. Taking the above into account it is considered that the proposal is generally compliant with Policy D1 (Architecture and Placemaking).

The proposed development is deemed to be in accordance with Policy D2 (Design and Amenity). The layout and design of the proposed dwellings includes the provision of private garden ground to the rear of all properties within the site. The properties located along the northernmost section of the site front

northwards, thus achieving optimal sunlight within their private garden ground which lies to the south. The orientation of the remaining development on site is generally considered to be appropriate, allowing for properties to benefit from an acceptable level of sunlight. The layout of the site is such that all properties achieve a public frontage onto either a street or footpath/cycleway, along with a private face to a garden, and have incorporated boundary enclosures, the detail of which is to be submitted and agreed through conditions. A condition has also been attached which seeks suitable external lighting provision within the site, with the detail taking into account any restriction to such lighting as a result of the proximity of the site to Aberdeen International Airport.

Although specific information on the installation of low and zero-carbon generating technology which will adequately reduce the predicted carbon dioxide emissions has not been submitted by the developer, an appropriate condition has been attached requiring the installation of such technology, and this would need to be compliant with Policy R7 (Low and Zero Carbon Buildings).

Visual Impact of the Development

The application site which was previously in agricultural use, is currently lying fallow. Whilst the loss of views for existing residents within the surrounding area is not a material planning consideration, it is nevertheless apparent that the proposed development which comprises 2 storey dwellings across the site will have a significant visual impact, given its previous use and zoning within the green belt. However, the overall visual impact of the proposed development will be somewhat reduced as a result of the drop in ground levels between the southern and northern boundaries, with the 2 storey properties lying towards the northern section of the site lying at a significantly lower level than those towards the south, due to the 15 metre drop in ground levels between the southern and northern boundaries.

The site does currently benefit from screening, with a mix of mature trees, hedges and drystone dykes along all four boundaries. Whilst the proposed layout of development and access to the site will lead to the loss of some of the trees and a section of dyke to the south, this will nevertheless allow for the new development to better connect with existing dwellings along Hopetoun Grange, and appropriate landscaping will be introduced along this boundary. All existing trees will remain along the northern boundary, thus ensuring a suitable level of screening is retained between the development and the A96, with additional screening measures including an acoustic fence and additional planting being introduced along this same boundary. Whilst there will be some tree loss along the western boundary, it is considered that an acceptable level of mature trees will remain, and an appropriate level of replacement planting has been secured as part of the landscaping scheme, all of which will ensure that in time, the development will blend more successfully into its setting, ensuring that the general character of the area is retained.

Impact on Trees

As outlined above, the site is bound by mature trees, mainly along the northern, southern and western boundaries. All trees within the application site are currently protected under Tree Preservation Order No 19. A tree survey report

was submitted in support of the application and the Council's arboricultural planner accepted the conclusions of this report. It has been found that whilst the loss of 40 out of a total of 80 protected trees on site is unfortunate, it is clear that given the poor condition of many of the trees, as identified in the tree survey report, that a certain number would require removal regardless of the proposed development. Taking this into account, what has been considered to be important in evaluating the proposed development, given that the site has been identified as suitable for residential development, is the need to ensure that the treed nature of the locality is adequately maintained and where possible enhanced through the use of appropriate replacement and new tree planting, and that development is sited in such a manner as to limit the impact on existing trees. A 15 metre building line offset has been incorporated along the full length of the western boundary, which not only ensures an appropriate separation distance between the proposed dwellings and the retained and replacement trees along this site boundary, thus dealing in part with concerns relating to development impacting on tree root protection areas and canopies, but also allows the introduction of a wildlife corridor to the rear of these properties. So whilst acknowledging that the proposal may not be fully compliant with Policy NE5 (Trees and Woodland) of the ALDP, in terms of the loss of trees on site, it is considered that the conditions applied will ensure sufficient protection of the mature trees which can be retained on site, and that an appropriate level of replacement planting and landscaping is secured across the site, with a suitable focus on native species which is in accordance with Scottish Planning Policy on 'Landscape and Natural Heritage'.

Traffic Impacts, Access Arrangements and Car Parking

The proposed development will have one vehicular access off Hopetoun Grange, but will include a second loop road within the internal layout of the site. The main access road will terminate midway along the western boundary of the site, however the proposed layout is such that it will allow for this road to be continued beyond the application site to the west, should there be a requirement for such a connection as a result of future development proposals for the neighbouring opportunity site (OP 30). Whilst concerns have been raised with regards the likely traffic impact of linking this neighbouring site (OP30) with the application site, it should be noted that it is not possible at this stage, in the absence of any formal application for development within the aforementioned site, to consider what the future traffic implications of linking this road to the west may be.

The internal layout of the site allows for a suitable level of vehicular and pedestrian movement, with shared surfaces having been incorporated into the road layout thereby promoting a safe environment for pedestrian use; and a clear pattern of footpaths/cycle-ways linking throughout the site and beyond to the surrounding area, encouraging connections to the wider area. Attention has been given to ensuring permeability to the north and south of the site, thereby enabling access to a range of alternative transport modes other than the car, including walking, cycling and public transport.

Whilst concerns have been raised with regards creating the main access into the site off Hopetoun Grange, in addition to introducing driveway accesses to residential properties along this stretch of road, and the resulting traffic

generation and safety implications, it should be noted that the Roads Projects Team have raised no objection with regards traffic generation as a result of the proposed development, on the basis that the road network is deemed capable of accommodating the additional traffic, and are satisfied that the small number of direct driveway accesses onto Hopetoun Grange which are being proposed road can be utilised without introducing any safety issues, and that the car parking provision for the site is of an acceptable level which meets the appropriate car parking standards.

The Roads Projects Team have raised no objection to the proposed development, but have nevertheless requested that conditions be attached to any planning approval which would include the upgrading of an existing lane to the west of the site and the upgrading of bus stop facilities on the A96 and Sclattie Park.

Taking the above into account, it is considered that the proposal is in accordance with the general principles of 'Designing Streets', a government statement which seeks to promote pedestrian friendly developments, and also accords with Scottish Planning Policy (SPP), both in relation to 'Transport' policy for new development, and 'Landscape and Natural Heritage' policy through securing improved access opportunities, with new footpath/cycleway links and the upgrading of an existing path. The proposal is meeting the expectations of the Structure Plan in terms of ensuring an appropriate level of accessibility for the site; and is found to be compliant with Policy D3 (Sustainable and Active Travel) and Policy T2 (Managing the Transport Impact of Development).

Site Drainage and Flooding

An amended layout for the site has resulted in the SUDS basin moving from the north-east to the north-west corner of the site and to a minimum distance of 50 metres from existing dwellings on Hopcroft Drive, which should address concerns raised by neighbouring residents along this road in relation to its proximity. Scottish Water raised no objection to the proposal, and based on the detail of the amended Drainage Impact Assessment submitted, SEPA agreed to the proposal. The Roads Projects Team had no objection to the proposed drainage arrangements on site but requested that a condition be attached which ensured appropriate access arrangements were in place for the drainage proposals prior to the commencement of development on site. Similarly, the Flooding Team raised no objection provided the drainage arrangements on site were in accordance with the detail included in the amended Drainage Impact Assessment.

Noise

A report on road and air traffic noise was submitted in support of the planning application. Based on the findings of that report the Council's Environmental Services Team did not object to the proposal, accepting the basic principle of residential development as being appropriate for the site. They did however raise concerns about the potential impact on prospective residents of the development from road and aircraft noise sources, and have recommended that 2 conditions be applied to any planning approval which would (a) require the installation of acoustically attenuated ventilators to the lounge accommodation of

all cottage flatted properties, in order to mitigate road traffic noise ; and (b) require the submission of a 3 day noise measurement survey of aircraft noise on the site which would establish whether material adjustments should be incorporated into the construction of the dwellings (eg triple glazing, alternative insulation methods) which would mitigate noise issues arising from the results of this additional survey. The proposal incorporates the erection of an acoustic fence along the northern boundary of the site which will serve as additional mitigation for noise generated from the adjacent A96 trunk road.

The Planning Brief had identified the key constraints for the site and the proposed development to include the airport noise contour boundary. The original site layout submitted as part of this planning application identified the north-eastern corner of the site as falling within the flight path of Aberdeen International Airport, where noise levels would be in excess of 57dB LAeq, based on the Aberdeen Airport 2006 (actual) noise contours.

However, prior to the Planning Brief being submitted to Development Management Sub-committee on 15 February 2013 it had been established that the airport noise contours applied to the proposal were incorrect, as more up-to date guidance had been issued by the airport in 2011. The Planning Brief was subsequently approved by Members on the proviso that the airport noise contours be amended in accordance with those issued by Aberdeen International Airport in 2011, and has since been ratified by the Scottish Government on that basis. This change has resulted in the 57 dB LAeq contour line which had previously cut across the north-eastern edge of the site falling back to a level where it just clips the extremity of the site boundary, and subsequently no longer directly impacts on the residential development proposed for the site, with none of the residential units falling within the affected area.

Aberdeen International Airport raised no objections to the proposed development and whilst commenting that part of the application site fell within the 57dB LAeq contour and would be subjected to aircraft noise during the day and night, stated that the proposal should be considered against Policy H8 in the local development plan. They also drew attention to Aberdeen International Airport Masterplan, published in 2013, which details future indicative noise contours for 2020 and 2040. The indicative contours bring the north-eastern section of the site back within the 57dB contour line, however in terms of assessing this planning application, these levels are based on predicted aircraft movement and cannot in themselves form the basis of limiting current development proposals.

It is particularly relevant in terms of assessing this application that the abovementioned change to the area of the site directly affected by the noise contour line is taken into consideration and on this basis the proposal is considered to be compliant with Policy H8 (Housing and Aberdeen Airport) of the Aberdeen Local Development Plan. Furthermore, should the Council's Environmental Team deem that additional noise attenuation is necessary, following receipt of a 3 day noise measurement survey, then such noise attenuation measures will be implemented through appropriate construction specification.

Whilst acknowledging that the north-eastern extremity of the site lies within Aberdeen International Airport's flight path and the northern boundary fronts onto a busy trunk road, with evident noise implications for the residential development as a result, it is nevertheless considered that the proposal for residential development in this instance is in accordance with the proposed local development plan allocation for the site and compliant with Policy H8 (Housing and Aberdeen Airport), and suitable mitigation measures have been incorporated and may be further amended depending on the results of the above-mentioned survey.

Ecological Impact

An ecological survey was initially undertaken during October 2012 (Extended Phase 1 Habitat Survey), with additional survey work undertaken during December 2012 (Extended Phase 1 Habitat Survey Addendum). These surveys found no evidence of significant species on site (ie bats, otters, water vole, badgers and red squirrels), and whilst acknowledging the presence of other mammals within the vicinity of the site (eg foxes), in addition to nests in some of the more mature trees, it was established that there was no requirement for any protected species licence. The proposed landscaping, which includes replacement tree planting and the creation of a natural wetland habitat around the proposed SUDS basin will provide suitable habitats for wildlife, and will serve to mitigate any adverse impact on existing wildlife likely to arise as a result of the proposed development on site.

Impact on Residential Character and Amenity

The surrounding area is very much characterised by residential development, mainly comprising 1½ storey, semi-detached dwellings in a fairly typical 1960's/1970's design, with these properties accessed along relatively narrow street layouts. The proposed development comprises a majority of 2 storey, detached dwellings within what is perhaps a more open street layout, but which is more in keeping with the principles of 'Designing Streets', where shared surfaces are predominant and a more pedestrian friendly layout is sought. Whilst the character and design of the proposed development is similar in many respects to that of many contemporary residential developments, the surrounding area within which the development will lie is nevertheless typical of its time, and on this basis the proposed development will perhaps not appear to be particularly in-keeping with its surroundings. However, it is considered that the design, form and layout of the proposed development is appropriate for the site and that sufficient attention has been paid to linking the proposed development with existing dwellings, in particular along Hopetoun Grange.

The proposed development will introduce 12 dwellings along the eastern boundary of the site, 9 of which will have their rear elevations facing east across their private garden ground towards the rear gardens of existing residential properties on Hopcroft Avenue, however with a separation distance of some 27 to 30 metres between the properties it is considered that an acceptable degree of privacy can be maintained. For the 3 remaining properties which are proposed along the eastern boundary, these have their gable ends facing the gable end of the property at 26 Hopetoun Grange, the rear elevations of properties between 23-25 Hopcroft Drive and the rear and gable end of the property at No 27

Hopecroft Drive, and will lie at a distance of between 5 and 12 metres from their respective common boundaries. Whilst a single gable-end window will be incorporated into the design of these 3 properties at 1st floor level, these windows serve the upper landings of the properties and will therefore not introduce any significant impact on existing privacy in terms of overlooking of the above-mentioned properties and their gardens from habitable rooms such as bedrooms.

A distance of approximately 12 metres will separate the gable end of No 26 Hopetoun Grange and the gable end of the nearest neighbouring property proposed along Hopetoun Grange, whilst an average of closer to 25 metres will separate the remaining properties along the eastern boundary of the site with those on Hopecroft Avenue and Hopecroft Drive. These separation distances will ensure that any overshadowing introduced as a result of the proposed development would be minimal, and certainly within an acceptable level. Although daylighting to surrounding properties would not be affected by the development, given the separation distances highlighted above, there is the potential for a small number of residential units located along the eastern boundary of the application site to cast some shadow into rear gardens for limited periods, but once again, such impact is considered to be within an acceptable level.

Taking the above into account, it is considered that the proposed development would not have an unacceptable impact on the character or amenity of the surrounding area, and as such the proposal would not be contrary to Policy H1 (Residential Areas). Furthermore, the proposal would appear to be in accordance with Scottish Planning Policy (SPP) on housing, in terms of its location next to existing residential development, its density which compares favourably with that of the surrounding area, and its character and layout, which has taken full account of the setting. The 25% of affordable housing being proposed on site, as detailed below, matches the benchmark figures set by SPP.

Relevant Planning Matters Raised in Written Representations

A range of matters raised in the representations submitted have been addressed in the appropriate sections above, including issues relating to design, noise, impact upon residential amenity, trees, access, traffic, car parking and road safety. Although certain matters raised are not material considerations, such as the likely financial gains of the developer in submitting this planning application, any remaining matter which has not been previously dealt with is addressed below.

- It has been suggested that some of the supporting documents submitted were inadequate and/or insufficient in terms of their content, and whilst this was perhaps the case with regards some of the information received when the application was initially submitted, following the necessary assessment of the proposal additional information was requested and submitted, including as a result of consultee responses and comments. Comments were also made in relation to the likely independent nature of the supporting documents submitted, however in this respect the planning authority must assume, unless there is clear evidence to the contrary, that an appropriate level of professional competency and integrity is maintained by those providing the supporting documents.

- Concerns have been raised in relation to the likely adverse impact which the proposed development will have on existing local amenities, including shops and schools. In terms of the impact of the proposal on local shops, which include a general store, a butcher and chip shop, these local amenities are likely to benefit from increased trade as a result of the proposed development, thereby helping to maintain the vitality of the existing community, rather than having a negative impact. The impact of the proposed development on local education facilities has been assessed by the Council's education service, and an appropriate level of developer contribution secured through legal agreement which takes into account existing school capacities.
- Concerns have been raised regarding local residents not being adequately notified of the proposed development, either at pre-application consultation stage or once the formal planning application was lodged. Similar concerns were also raised in relation to notifying local residents of the planning brief process. However, it is considered that an appropriate level of public consultation took place with regards all 3 stages of the development proposal. Following submission of the Proposal of Application Notice, a meeting with the community council and 2 public events were arranged by the developers. The public events were advertised in the local press and in several local shops, as recommended by this planning authority. The statutory neighbour notification was then undertaken in terms of the formal planning application, in addition to the proposal being advertised in the press. With regards the planning brief process, a public exhibition was held in October 2012 and was attended by 30 people. In addition to this, following the planning brief being presented to Development Management Sub-committee on 6 December 2012, a 4 week period of public consultation took place in January 2013.

Affordable Housing/ Developer Contributions

The proposed development is deemed to comply with the principles outlined in PAN 2/2010 (Affordable Housing and Housing Land Audits) which seeks to facilitate the development of affordable housing in order to secure sustainable, mixed communities. The proposal is in accordance with Policy H5 (Affordable Housing) which seeks 25% of the total number of units to be provided as affordable housing, with the developer having included 16 no. 2 bedroom flatted properties on site. In terms of Policy I1 (Infrastructure Delivery and Developer Contributions) a legal agreement is required in order to secure planning gain contributions to be used for off-setting the impact of the development on education, community facilities, recreation, core path network and the Strategic Transport Fund.

RECOMMENDATION

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to secure the identified developer contributions towards primary education, community facilities, recreation, core path networks and the strategic transport fund.

REASONS FOR RECOMMENDATION

Planning legislation requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The site is identified as an Opportunity Site (OP20) for residential development in the Aberdeen Local Development Plan, and on this basis the principle of the proposed development is considered acceptable.

The proposal is deemed suitably compliant with relevant national and local plan policy and guidance, including Scottish Government policy statements on 'Designing Places' and 'Designing Streets'; Aberdeen City and Shire Structure Plan objectives for new development, which seek to create sustainable mixed communities with appropriate access; and a range of local plan policy, including Policy H1 (Residential Areas), Policy D1 (Architecture and Placemaking), Policy D2 (Design and Amenity), Policy H8 (Housing and Aberdeen Airport), and Policy H3 (Density). Whilst the proposal is perhaps not strictly compliant with Policy NE5 (Trees and Woodland), as a result of the loss of mature trees on a site which is covered by a tree preservation order, it has been established and accepted that the poor condition of some of these trees would lead to their loss regardless of the proposed development, and securing an appropriate level of replacement planting and landscaping throughout the site will mitigate such loss.

The proposal has also been deemed acceptable in terms of its compliance with a range of supplementary guidance, including securing affordable housing on site at a level of 25%, and ensuring an appropriate level of developer contributions is secured which will contribute to primary education, community facilities, recreation, core path networks and strategic transport fund, through the signing of a legal agreement. The Hopecroft Planning Brief which identified the site as being suitable for a residential development of around 65 units was ratified by the Scottish Government in June this year and subsequently formally adopted as supplementary guidance, and on this basis now forms a material consideration in the determination of this application.

Taking the above into account it is considered that the proposed development proposal should be supported as it largely conforms to all relevant national and local plan policies.

CONDITIONS

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

(1) that the Dollar flatted properties proposed as part of the residential units of the development hereby approved shall not be occupied unless acoustically attenuated ventilators have been installed within the lounge accommodation of these aforementioned properties - in the interests of residential amenity

(2) 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, report on three days of noise measurements, to be undertaken at a representative location in the vicinity of the development. These measurements should be weekday LAeq 1 hour or 15 minute readings and calculated to obtain 18 hour LAeq (23:00 - 07:00). Whilst these measurements may be unmanned, short term measurements when helicopters are in flight

overhead should also be taken. If the noise measurement assessment report demonstrates the need for noise attenuation to be incorporated into the fabric of the residential units of the development hereby approved, then such attenuation measures as may be recommended by the planning authority shall be implemented in full prior to occupation of any residential unit - in the interests of residential amenity.

(3) that the SUDS basin is constructed as per the detail included in the Drainage Assessment Issue 1 by Fairhurst dated 4 July 2013, and is capable of retaining flows up to and including the 1 in 200 year store event plus climate change - in order to ensure that the development can be adequately drained.

(4) that the discharge rate, as outlined in the Drainage Assessment Issue 1 by Fairhurst dated 4 July 2013, does not exceed the greenfield flows as per the design calculations - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(5) that no development shall take place unless there has been submitted to and agreed in writing by the planning authority detailed plans showing the visibility splays for all new road junctions, including for the 3 no. driveways accessing onto Hopetoun Grange, and thereafter the junctions shall be constructed in full accordance with the approved plans - in the interests of road safety and public safety

(6) that the development hereby granted planning permission shall not be occupied unless the lane to the west of the site between the A96 and the point that it interacts with what will become the spine road to the future development to the west is upgraded to an adoptable standard for pedestrians and cyclists. Notwithstanding that the phasing of construction on site may impact on when safe access and use of the path by pedestrians may be available, details of the proposed upgrading work to the path must nevertheless be submitted to and approved by the planning authority, and the upgrading work must be completed prior to any residential unit being occupied - in order to ensure that the proposed development offers access to more sustainable forms of travel to and from the development

(7) that the development hereby granted planning permission shall be completed in full accordance with Drawing No DL002 Rev H which demonstrates the provision of a service strip between the street and residential dwellings along the proposed shared surface road, and that no future development takes place within the aforementioned service strip - in the interests of public safety and the free flow of traffic

(8) that no part of the development hereby approved shall be occupied unless a schedule of work relating to upgrading of bus shelters, seating, lighting, timetable information and boarding kerbs for bus stops on the A96 and on Scattie Park identified in the Transport Statement (Issue 2 Rev 3 by Fairhurst) has been submitted to and approved by the planning authority, and subsequently the upgrading work has been implemented prior to the occupancy of any residential unit implemented - in order to encourage more sustainable forms of travel to and from development

(9) that no development pursuant to this planning permission shall take place unless formal approval has been secured for access under the trunk road (A96) and under a section of 3rd party land lying immediately to the east of the site to provide connection to the proposed surface water drainage and public sewer - in order to ensure that the proposed development can be adequately drained and that no significant alteration is necessary to the development layout should the proposed sewer connection not be achievable

(10) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission, which scheme shall include no boundary enclosure above a maximum height of 1 metre being permitted to the front of any residential unit within the development hereby approved. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood and in the interests of road and public safety

(11) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include both soft and water landscaping, 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 shall also clearly identify the locations where root barrier protection shall be implemented. The scheme shall include the proposed areas of trees/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting, with all replacement planting on site undertaken on the basis of 2 for 1 for every tree removed. Such landscaping scheme shall include a high percentage of native species both in terms of the proposed trees (eg Sessile oak, Scots pine, Field maple and aspen) and the hedgerows, whilst also taking into account that the choice of species should discourage bird activity (feeding/roosting) which may present a bird strike threat to aircraft operating at Aberdeen International Airport - in the interests of the amenity of the area and to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport through the attraction of birds.

(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 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.

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

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

(16) that no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(17) that no construction work pursuant to the planning permission hereby approved shall be undertaken by crane or scaffolding of a height greater than 8.2 metres above ground level without prior consultation and approval of Aberdeen International Airport - in order to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport

(18) that no development pursuant to the planning permission hereby approved shall take place until a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of the developer's commitment to managing the risk of attracting birds to the site during excavation activities, and the measures in place for the safe dispersal of birds and thereafter the agreed measures shall be implemented in full - to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport through the attraction of birds

(19) that no development shall take place unless details of all measures for deterring birds from the proposed Sustainable Urban Drainage System scheme have been submitted to and approved in writing by the planning authority. Such details shall outline the measures being put in place to avoid endangering the safe operation of aircraft through the attraction of birds and thereafter such measures should be implemented in complete accordance with the approved details - in order to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport through the attraction of birds.

(20) that there shall be no means of direct vehicular access from the application site to the trunk road (A96). Pedestrian access to the trunk road shall be restricted to the footpath immediately to the west of the site - to minimise interference with the safety and free flow of the traffic on the trunk road.

(21) that the applicant shall liaise with Transport Scotland and its Operating Company in regard to the timing, traffic management and standard of construction required for the pipeline crossing under the trunk road (A96) - to minimise interference with the safety and free flow of the traffic on the trunk road

(22) That no development pursuant to the planning permission hereby approved shall take place unless detailed plans showing lighting schemes required during construction and for the completed development are submitted and approved in writing by the planning authority. Such lighting schemes shall incorporate flat glass, full cut off design with horizontal mountings, and shall ensure that no light spill occurs above the horizontal - to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

(23) that no development shall take place 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. Thereafter no building shall be occupied unless the 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'.

(24) that no development pursuant to this development shall take place unless further detailed specification has been submitted to and approved in writing by the planning authority clearly demonstrating that the load-bearing capacity of the proposed combined cycleway/footpath is capable for use by emergency service vehicles - in the interests of road safety and public safety.

(25) that no development pursuant to the planning permission hereby approved shall be carried out unless a method statement for the use of no-dig road and path construction within the root protection areas of retained trees has been submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(26) that no development pursuant to the planning permission hereby approved shall be carried out unless drawings showing specific finished ground levels, finished road levels, and finished ground floor levels of dwellings across the site have been submitted 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.

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16 Hopetoun Road
Bucksburn
Aberdeen
AB21 9QZ
29 January 2013

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

Persimmon Application OP20

Ref: 13/0029

Dear Sir

The Reporters to the Public enquiries said that the field known to planners as OP20 should be subject to no more than thirty houses and the fields beyond the lane known as 'Lover's Lane' should remain part of the Green Belt and this was agreed by Aberdeen City Council. Nothing has changed around the fields or the objections.

1. The road system - in particular, Hopetoun Grange, is more than congested in peak times (over 250 journeys per hour at morning rush hour). This would only be exacerbated by the addition of (estimated) 100+ cars from this site
2. The 57dB contour was shown by the 2011 Airport Noise Report to have retreated to the northeast corner of the field and is projected to return to cut off the northeast quadrant of the field by 2020. This review was carried out without noise meters being placed on site
3. The trees facing on to Hopetoun Grange are protected.

The recent tree survey condemning all the mature trees facing the field on Hopetoun Grange is suspect after the previous survey taken a couple of years ago found no reason to condemn them. Persimmon's plan to uproot the trees and replace them with new ones is NOT in the spirit of 'protection'. The houses would still have to be more than twenty metres from the tree line (and the Lover's Lane tree line). The proposed road ending at this second tree line pre-supposes that the road will be extended into the Green Belt fields and further trees will be lost.

Persimmon do not seem to have allocated enough space on site for cars.

The examples shown of housing types for the site are of brick and do not conform to the Materials used in the existing houses in the Hopetoun and Hopecroft estates

Yours Sincerely



Alastair Williamson

30 JAN 2013

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 04/02/2013 16:12
Subject: Planning Comment for 130029

Comment for Planning Application 130029

Name : Mrs Lorna Burnett
Address : 27 Hopecroft Drive
Bucksburn
Aberdeen
AB21 9RJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wish to make you aware of the strong objections I have regards the proposed development to land North of Hopetoun Grange which is immediately adjacent to my property.

My specific objections are as follows -

I am particularly concerned about the close proximity of the SUDS which I believe could possible create unpleasant odours. If this is the case it would limit the enjoyment I get out of my back and side gardens, also as my property is nearest to this development you will appreciate my anxiety.

The boundary of the Hopecroft scheme and the land next to it is divided by a raised area bordered on each side by a dyke which at the time of purchase 48 years ago was half owned by the Rowett Institute and the residents but according to the plans the boundary line seems to be more in favour of the developer.

First plans issued showed no more than 30 houses to be built on this land and now the amount has more than doubled showing 65 houses which also threats for more congestion of traffic on Hopetoun Grange adding to the problems we already face trying to get out of Hopecroft Drive during the morning rush hour with cars exceeding the speed limit taking a short cut off Forrit Brae.

I would be very grateful if you would take my objections in to consideration.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 29/01/2013 17:45
Subject: Planning Comment for 130029

Comment for Planning Application 130029

Name : Jacqueline Bell
Address : 45 Hopetoun Grange
Bucksburn
Aberdeen
AB219RE
Scotland

Telephone : [REDACTED]

Email : [REDACTED]
type :

Comment : Déar Sir/Madam I am writing to object to the proposal for 65 houses on the land North of Hopetoun Grange, Bucksburn, Aberdeen (application number 130029) My main objection to this development is the impact it will have on traffic in the area. The road which leads off of Forrit Brae is used as a short cut by many people already and even as early as 7am there can be a considerable number of commuters using this through fare. 65 homes may not sound a lot but with the potential for a minimum of 2 cars at each, many of whom I predict will be leaving at peak commuting times this is an additional number of vehicles which this area could well be done without.

On a second point I find it interesting to find what a poor condition the beech tree population is in. It seems highly convenient that it is being pursued as a recommendation that now they should be removed. If they are that unsafe it makes one wonder why nothing has been suggested prior to this application. We were lead to believe that if trees were removed there was an agreement they would be replaced. I hope the existing boundary is left in place to give room for the growth of new trees. Also it appears the trees which have been replanted to replace the culled trees have not grown in fact most look dead. Will anyone be replacing these?

I will close my objection with a point of preference the site may be arable however it has it's own scenic beauty and personally I have witnessed a variety of animals, foxes, woodpeckers, owls, deer, bats, at the far side near the duel carriage way a pair of buzzards as well as more common birds-robins, blue tits, wood pigeons, blackbirds and sparrows. I hope that the adjoining hedge rows and trees are left as undisturbed as possible. I recently saw on a news item a council official commenting on the importance of maintaining hedgerows for the benefit of existing wildlife and protecting our local environment. Many people walk along the avenue up to Forrit Brae and enjoy this natural area. It would be extremely disappointing to lose this area all for the sake of commercial profit.

Your faithfully Jacqueline Bell

Mr Patrick Doris
21 Hopecroft Drive
Bucksburn
Aberdeen
AB21 9RJ

5th February, 2013

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

FAO Jane Forbes

Dear Madam,

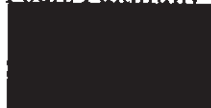
Proposed development for 65 residential houses including infrastructure and landscaping – Reference Number 130029

With regard the above Planning Application I would like the following observations taken into consideration;

1. 65 Units is more than double the number of units that was approved by the Scottish Office in 2007, why should this be allowed?
2. The design of the proposed houses is incompatible with the existing houses in the surrounding area.
3. The extra traffic that this development brings will mean more delays on the already busy roads. There are already hold-ups exiting from Hopetoun Grange to Sclattie Park and on to the A96. Hopetoun Grange is also a rat run at peak times.
4. The local amenities will be further stretched. There is 1 General Store .1 Butcher and a Chip Shop locally
5. This area is already blighted by noise from the Airport, more so now that they have 24 hour opening. Traffic on the A96 has also increased considerably in recent years, as has the pollution.

I realise that development is inevitable but urge you to keep it at a sustainable level and consider my observations when making your decisions

Yours Faithfully



Patrick Doris

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 29/01/2013 20:09
Subject: Planning Comment for 130029

Comment for Planning Application 130029

Name : Kenneth Ross

Address : 130E Great Western Road, AB10 6QE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : As the owner of a property at no. 25 Hopetoun Grange, AB21 9RD, I wish to submit comment on the planning application P130029. The proposed development of 65 residential units is on land, currently used for agricultural purposes, directly opposite my property. I strongly believe that Hopetoun Grange cannot sustain any extra traffic volume that such a development would create, as it is currently a cut-through used by commuters on the A96 via Forrit Brae. Further increases in traffic would undoubtedly have a detrimental impact on residents of the street and surrounding streets. Furthermore, the proposed access driveways from the development onto Hopetoun Grange would be likely to compound traffic issues and subsequently impact road safety. On a second point, removal of trees and other natural habitat from the site will have a negative impact on birds and wildlife. I believe that Aberdeen City Council should scrutinise thoroughly the suggestion made in tree reports - instructed by the applicant, regarding the life-span of the established beech trees which line Hopetoun Grange. In summary, I conclude that I am opposed to the application - my main objection being regarding traffic and natural environmental impact.

Regards, Kenneth Ross

3 Hopetoun Green, Bucksburn, Aberdeen, Scotland AB21 9QX

Planning Applications – representations.
Masterplanning, Design and Conservation Team,
Planning and Sustainable Development,
Enterprise, Planning and Infrastructure,
Aberdeen City Council,
Business Hub 4, Ground Floor North,
Marischal College,
Broad Street,
Aberdeen AB10 1AB

8th February 2013

Dear Sir/Madam,

**Incorrect copy of
Representation about Planning Application number 130029, OP20: Hopecroft
delivered previously**

Yesterday I delivered my Representation about the above Planning-Application by hand to Marischal College.

I have found an error in an important paragraph in it; under 'Issue 5' on page 9; I had written 'South' instead of 'North' about the position of a noise-contour in relation to the proposed new housing development.

Also, I found a page three after posting the Representation to you on 7th January; possibly the copy you already have lacks the original page three.

I should grateful therefore if you could please, if possible, discard all of the pages of text (pages 1 to 18) that I delivered to you on 7th January and use the enclosed complete and correct text (pages 1 to 18) that I now enclose. The Diagram and Photograph that you already have are correct. They should go with this enclosed replacement copy of the text.

I think that it would be simpler for you to replace the whole text (and covering letter) with the enclosed correct version and throw away all of the pages of the text that I delivered previously, rather than to look for individual pages.

Also on 7th January, I emailed my text, diagram and photo to PiPi@aberdeencity.gov.uk as three attachments. I have, today, emailed replacements for all three of those files, even though the error was in the text file only.

With many apologies for taking up your time further with these mistakes.

Yours faithfully,



Dr Richard Johnson

Enclosure: Replacement text (printed pages 1-18 plus a copy of the original covering letter).

replacement pages (all) RJ

From Dr Richard Johnson, 3 Hopetoun Green, Bucksburn, Aberdeen, Scotland AB21 9QX


Masterplanning, Design and Conservation Team,
Planning and Sustainable Development,
Enterprise, Planning and Infrastructure,
Aberdeen City Council,
Business Hub 4, Ground Floor North,
Marischal College,
Broad Street,
Aberdeen AB10 1AB

6th February 2013

Dear Sir/Madam,

**Representation about the Planning Application number 130029, OP20: Hopcroft,
to Aberdeen City Council (ACC) by Persimmon Homes.**

I should be grateful if you would consider my representation, enclosed, about this Planning Application.

A main concern has been, and is, that Site OP20 is too noisy to provide a satisfactory environment for new homes. I fear that the Council may sidestep that inconvenient truth, as previously, especially under current pressures to build new houses. The impact, assessment and control of aircraft and other noise-nuisance are obscured by technical details. This is a complicated issue. The details are important, including those that I have placed in Footnotes.

I am concerned that if the **Report on Road and Air Traffic Noise**, dated 30th October 2012, that is part of this Planning Application, is deemed inadequate, as I believe it is, then a replacement for it might be too late for public inspection and comment, as happened with the planning consent that Aberdeen City Council gave for this site in 2006. I provide an account of planning decisions for houses on this site in my Footnote (8).

I am concerned, also, that the **Transport Statement** by Fairhurst, dated January 2013, has not, so far as I could discover, been available with the other documents for this Planning Application on Aberdeen City Council's web site. I did not know that it was available until I found it attached to the other paper documents when I inspected them at Marischal College on 4th February.

Some of what I write here was included also in the 'View' that I submitted for the Planning Brief. I have summarised my Views on the Brief in my Footnote 9. Confusingly, there has been an almost simultaneous public consultation for the Planning Brief and the Planning Application (and its related Reports). The Brief was not Notified to Neighbours and was not associated with the Application on the Council's web site. I found the invitation to submit views on it by accident via Google, 22 items down in the Council's online News', a week after the consultation for the Brief had opened.

Yours faithfully,



Richard Johnson

Enclosures: Representation plus one aerial photograph and one diagram of noise measurements.

**PLANNING APPLICATION NUMBER 130029, OP20: HOPECROFT,
SUBMITTED TO ABERDEEN CITY COUNCIL (ACC) BY PERSIMMON HOMES, TO
BUILD 65 HOUSES THERE.**

Representation from
Dr Richard Johnson, 3 Hopetoun Green, Bucksburn, Aberdeen AB21 9QX
5th February 2013

Previous documents:

An EIA Screening opinion request, (P121578) 05/11/2012.

A **Design and Access Statement by Persimmon Homes**, dated December 2012, appears as part of the **Planning Application**. The first eight lines of **Section 5.1 of that Statement hold the key to the validity or otherwise of the Planning Application** (sections or section numbers of that Statement may be missing between 5.2 & 7.0 ?).

The **Planning Brief** was approved as an interim planning device by ACC's Development Management Sub-Committee on 06/12/2012; **Report number EPI/12/279**. That **Report** outlines the Brief. **Section 5.4 of the Policy Summary in that Report** states that '*The Reporters Report on the previous plan (i.e. ALDP 2008) highlighted two key site constraints which needed to be addressed, (1) existing trees and (2) the airport noise contour boundary.*' No discussion of the Brief was minuted.

I append in Footnote 9 a summary of the main Views, on the Brief, that I submitted to ACC.

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| 1. Outline summary of Issues, 1 to 14: | Pages 1 to 2. |
| 2. Issues 1 to 14 in detail: | Pages 3 to 13. |
| 3. Footnotes to Issues: | Pages 13 to 19. |
| 4. Attachments: (a) One Aerial Photograph to show Site OP20 in relation to Aberdeen Airport. | |
| (b) One Diagram to compare the results of a previous noise assessment for OP20. | |

I provide a history of planning applications for OP20 Hopcroft in Footnote 8, Page 16.

I provide details of my own background in Footnote 10, Page 17.

The evidence to be evaluated contains much essential detail. I seek to make at least some that detail available to those who wish to examine the fine print.

1. OUTLINE SUMMARY OF ISSUES

Issue 1. THIRTY HOUSES ONLY WERE ORDAINED PREVIOUSLY FOR THIS SITE ON THE BASIS OF GOOD EVIDENCE:

Inquiry Reporters agreed, prior to ADLPs 2008 and 2012, that the part of the Site near the A96 is too noisy. They concluded that only 30 new houses should be built, at the South end of the site only, and kept well clear of the beech trees. If their conclusions are to be overridden, it is essential to do so on the basis of comprehensive, adequate and clear impact Assessments or Reports, previously available and adequately advertised to the Public for comment.

Issue 2. ACC's POLICY H8 (2012) AND THE POSITION OF THE 57 dB LAeq,16 AIRCRAFT NOISE-CONTOUR FOR EXCLUDING NEW HOUSES.

Policy H8 (2012) states that Applications for residential development under or in the vicinity of aircraft flight paths, where noise levels exceed 57 dB LAeq,16 will be refused. The Government maintains that 57 dB LAeq,16 marks the approximate '*onset of community annoyance*' but that people outside it may also be affected. Other Agencies set that level lower. Aberdeen International Airport Ltd's map of noise contours for 2006 ('actual') is unclear. A recent map, for 2011 ('actual'), shows the 57 dB contour to have retreated slightly so that it now 'clips' the North East corner of OP20.

Issue 3. ARE FLIGHT TRACKS OF HELICOPTERS OVER HOPECROFT INCLUDED IN NOISE CONTOURS FOR ABERDEEN AIRPORT?

The 57 dB LAeq,16 contour for 2011 shows large extensions Eastward that relate to helicopter flight paths, but not over Hopecroft. Does the Civil Aviation Authority include the numerous helicopter flight-tracks over Hopecroft in their maps of noise contours for Aberdeen?

Issue 4. THE 'REPORT ON ROAD AND AIR TRAFFIC NOISE' ATTACHED TO THE PLANNING APPLICATION.

The Report is inadequate. The Report was made for the layout of Site OP20 shown in the Brief. The layout is different in the Planning Application. The Report extrapolates about three hours of measured road-noise to cover 18 hours and also night-time noise. It does not measure any other noise at the Site. It relies on the aircraft noise-contour map for 2006.

Issue 5. AIRCRAFT NOISE IS PREDICTED TO INCREASE OVER OP20 HOPECROFT.

Maps of aircraft-noise contours for 2020 and 2040 in Aberdeen Airport International Ltd's **Airport Draft Master Plan 2013 (final version)**, drawings 2 & 3, show that aircraft noise is predicted to increase over Site OP20 Hopecroft and will cover almost a third of its area by 2040.

Issue 6. HOW LOW DO HELICOPTERS FLY OVER OP20 HOPECROFT?:

The true number flight tracks and impact of these low over-flights has been underestimated previously by the Council, and possibly in the Airport's maps of noise contours. They were not shown on a map of helicopter flight paths referred to by planning officers.

Issue 7. NOISE FROM GROUND RUNNING AT THE AIRPORT.

Noise from ground running is often intrusive at Hopecroft. It is not included in Aberdeen International Airport's noise contours.

Issue 8. 'NOISE 'MITIGATION'.

The **Report on Road and Air Traffic Noise** misses the point that 57 dB LAeq,16 applies to the outside of houses. People expect reasonable tranquillity in streets and gardens. They like to open their windows. Double glazing does not necessarily reduce annoyance.

Issue 9. ABERDEEN CITY COUNCIL'S PLANS TO BUILD NEW HOUSES WHERE THEY WOULD BE OVER-FLOWN BY LOW-FLYING AIRCRAFT ARE OUT OF ALIGNMENT WITH THE CAA'S RULES OF THE AIR.

If aircraft are not supposed to fly within 1000 feet of 'congested areas' then new congested areas should not be built within 1000 feet of where many aircraft must fly.

Issue 10. ROAD TRAFFIC ON HOPETOUN GRANGE.

Hopetoun Grange is narrow. It carries 200 or more cars in the rush hour already. The **Transport Statement** attached to the paper version of the Application concludes that '*the development can be accommodated on the proposed site.*' It appears to ignore lack of parking space, 200 cars per hour in the early morning and congestion at the East end of Hopetoun Grange. The **Transport Statement** was not available on-line.

Issue 11. THE STYLE OF HOUSES.

Some of the proposed houses are to have brick facings. They are not in keeping with the style of nearby houses at Hopcroft. Houses like them can be seen from the railway all the way down to London.

Issue 12. AIR QUALITY. Have planning officers considered air quality at Site OP20 and nearby areas, including measurements of nitrogen compounds and particulates (Nox, NO₂, PM₁₀, PM_{2.5} etc)?

Issue 13. THE LINES OF BEECH TREES ROUND THE SITE.

Why does Persimmon Homes' tree survey condemn so many trees for immediate removal although a survey was done in March 2009 and tree surgeons inspected and treated the trees then? 15 metres is not far enough to separate the houses from the trees.

Issue 14. SPECIAL PLEADING?

Are the financial gains of the applicants and/or their co-applicants to be accepted as valid reasons for granting planning permission?

2. ISSUES IN DETAIL (Footnotes follow on page 13 to 18)

Issue 1. THIRTY HOUSES ONLY WERE ORDAINED FOR THIS SITE ON THE BASIS OF GOOD EVIDENCE:

Site OP20 consists of one field. It was previously part of OP1 that contained three other fields also, now designated as greenbelt. Development of new houses on OP20 was discussed during two recent Public Inquiries prior to Aberdeen Local Development Plans ALDP 2008 and ALDP 2012.

Persimmon Homes' Planning Application requires a departure from conclusions that Aberdeen City Council accepted following Public Inquiries ALDP 2008 and ALDP 2012. The main reasons for the Reporter's decisions are still valid:

The Reporters for the first Inquiry (held in 2006) decided, for well-researched reasons, that no more than 30 houses should be built on Site OP20. The 30 houses were to be restricted to the south end of the Site because that is less noisy than other parts of it. They were to be kept well away from the beech trees there, which are under a Preservation Order. The Reporter for the more recent inquiry, prior to ALDP 2012, continued that decision.

The 'Officer Response' in **Appendix 1: Officer Evaluation and Recommendation** regarding the Issues received to the Proposed Modifications to the Finalised Aberdeen Local Plan (published for Issue on 18 January 2008) PM No. 52.01 Issue Ref: 79.01, page 24 was:

'In order to avoid the part of the [Hopecroft] site close to the dB 60 contour where the noise environment is unsatisfactory, development should be restricted to the southern, less noisy part of the site following a Noise Impact Assessment to be considered in conjunction with any planning application on the site.'*

*[Note: The Council's limiting aircraft-noise contour prior to Policy H8 (2012) was the 60 dB contour; it was changed to 57dB in ALDP 2012 at the insistence of the Inquiry Reporter; see Footnote (2). Policy H8 is the only development plan policy relating to noise issues.]

Following the Officer's Response to the Reporters' analysis after the Public Inquiry prior to ALDP 2012, the Reporter's *Conclusions* about OP20 were:

'OP20: (6). This site is allocated for housing in the adopted local plan and on the evidence before me I do not consider that circumstances have changed since its previous allocation. I acknowledge the concerns expressed about traffic issues, aircraft noise, affordable housing, the design of any future housing and existing trees, wildlife and pedestrian links. However there are in my view adequate safeguards contained within the natural environment, design, housing, transport and other policies proposed in the local development plan, to ensure that these concerns can be adequately addressed at the planning application stage. I therefore do not propose any amendment to the existing allocation. (See also issue 112 – Housing and Aberdeen airport).'

The Reporter's '*adequate safeguards*' depend on reliable and adequate Environmental Reports and Impact Assessments. Planners have stated repeatedly that the issue of noise is '*best addressed*' by a Noise Assessment. It will not be satisfactory if the Reporter's decision is lost through uncritical acceptance of an inadequate noise assessment, or in a fog of references to ALDPs, or Structure Plans, or other Plans that are not based on detailed site-specific evidence. Noise, or other assessments should be available to the Public for comment before they lead to planning decisions.

In their Design and Access Statement (5.2. Site Context & Density) dated December 2012, Persimmon Homes say that

*'Initial discussions were held with Aberdeen City Council (ACC) during 2012 to discuss the potential of increasing the allocation from 30 homes by addressing the concerns previously raised relating to existing landscape elements and noise issues. These have now been addressed** through a Tree Report (Donald Roger Associates) & a report on Air Traffic and Road Noise (Charlie Fleming Associates).'*

**[Those concerns may have been 'addressed' but they have not been resolved; see Issues 4 & 13.]

The **Report on Road and Air Traffic Noise**, submitted with the Planning Application, is unsatisfactory. I provide reasons why that is so in Issue 4 below.

Issue 2. ACC's POLICY H8 (2012) AND THE POSITION OF THE 57 dB LAeq,16 AIRCRAFT NOISE-CONTOUR FOR EXCLUDING NEW HOUSES:

Policy H8 (2012) states that new houses should not be built within the Airport's 57 dB LAeq,16 aircraft-noise contour; see Footnote (2). The '16' denotes the hours between 07.00 and 23.00 hours over which the noise is averaged and thus does not include noise at night. Note that the Government defines the 57 dB LAeq,16 contour, controversially, to indicate a '*level of community annoyance*'. It has been criticised because it takes insufficient account of individual flights. LAeq,(hrs) is a physical measure but is used to match the annoyance responses of people round Heathrow and other places. LAeq,(hrs) is used to describe the '*noise climate*' round an airport.

Aberdeen Airport's noise contours recognise aircraft noise only. They do not include noise from ground running (see Issue 7) nor from roads. Also, as described above, the noise-nuisance 'metric' LAeq,16 does not include the noise of night flights (23.00 to 07.00).

Also, LAeq,16 'A-weights' noise to bring the measurements into line with the characteristics of human hearing; A-weighting discounts frequencies below about 200 Hz and thus neglects the low frequency vibrations and impulsive banging noises that make helicopters so annoying for many people. Also, dB LAeq,16 doesn't represent over-flights by individual aircraft or any other brief but annoying 'noise events' effectively because it averages noise over 16 hours.

Note that, in **Aircraft Noise Model Validation – How Accurate Do We Need To Be?**; Jopson, I., Rhodes, D. & Havelok, P., UK Civil Aviation Authority, comment that:

'As noise modeling outputs are often used as a tool to aid airport policy formation - - - it is vital that they accurately represent the local situation. Inaccuracies in the modeling process can lead to policy being set incorrectly and a mismatch between the expectations of local communities and actual experience.'

Page xvii in 'Aviation Policy for the UK' states that:

'When there is a reasonable possibility that public health will be endangered, even though scientific proof may be lacking, action should be taken to protect the public health, without awaiting the full scientific proof.' See Footnote (6).

I describe the derivation and use of aircraft-noise contours more fully in Footnote (3).

Maps of aircraft noise contours for OP20 Hopecroft are not all clear:

Persimmon Homes' Planning Brief states that *'Due to the coarse grained nature of the mapping available which identifies the Aberdeen Airport 57dB Leq Noise Contour, it has only been possible to plot an approximate line on the development principles diagram.'* The position of that contour is labelled as 'Approximate' in the Planning Brief, but the word 'Approximate' is omitted in their Planning Application.

Planning officers, Persimmon Homes and the author of the **Report on Noise from Road and Air Traffic** appear to have relied on the indistinct map of noise contours for 2006 ('actual') that appears in **Aberdeen Airport Noise Action Plan 2008-2013**. ACC planning officers have said, mistakenly for the 2006 map, that the 57 dB contour 'clips' the North East corner of Site OP20. In fact, it 'clips' the corner of the next field Westward. Perhaps they will consider other, more clear and more up-to-date maps, including the recently produced map of aircraft-noise contours for 2011 ('actual'); see below on this page and Footnote (3).

My interpretation of the unclear map for 2006 (by superimposing a clearer semi-transparent map over it) is that the 57 dB LAeq,16 contour (2006 'actual') cuts across Site OP20 further South and encloses part of the Site. I sent my reasons for that interpretation to ACC planning officers on 16/12/12. My conclusion was subsequently confirmed when Aberdeen International Airport Ltd emailed me a clearer map (.pdf) for 2006 ('actual'), on 22/01/2013.

Also on 22/01/2013, Aberdeen International Airport Ltd sent me a map of noise contours for 2011 ('actual'). The 57 dB contour has retreated slightly Eastwards to 'clip' the N. East corner of OP20, as interpreted mistakenly for 2006 ('actual').

The, recently issued, **Aberdeen International Airport Draft Master Plan 2013 (final version, Diagram 1)** still presents the indistinct contour-map for 2006 ('actual');

<http://www.aberdeenairport.com/about-us/master-plan>

However, Aircraft noise at Hopecroft is expected to increase again with the planned growth of Aberdeen Airport: Aberdeen International Airport Ltd's maps of noise contours predicted for 2020 and 2040 show that in future the 57 dB contour will move Westwards again at Site OP20; see **Issue 5** below.

Issue 3. ARE FLIGHT TRACKS OF HELICOPTERS OVER HOPECROFT INCLUDED IN NOISE CONTOURS FOR ABERDEEN AIRPORT?

Did the Civil Aviation Authority (CAA) and Aberdeen Airport Ltd include the many flight tracks of helicopters over OP20 Hopecroft when they computed the noise contours for Aberdeen Airport? Compare the 57 dB contour for Aberdeen Airport 2006 ('actual') with that for 2011 ('actual'): The 57 dB LAeq,16 noise-contour for 2011 ('actual') shows large extensions Eastwards that coincide with helicopter flight-paths there. Conversely, the 57 dB contour for 2011 over Site OP20 Hopecroft has moved slightly inwards from its position given for 2006; it shows little or no outwards bulge to indicate the frequent flights of helicopters low over Hopecroft.

I have asked the CAA and Aberdeen Airport Ltd about that apparent lack and discrepancy, but have had no answer yet (Footnotes 4 & 5); Perhaps the Council should look into it? In what way are these frequent flights over Hopecroft recognised in the maps of noise contours?

Issue 4. THE 'REPORT ON ROAD AND AIR TRAFFIC NOISE' ATTACHED TO THE PLANNING APPLICATION:

The Northern boundary of Site OP20 overlooks the main A96 Road to Inverness that also carries traffic to the Airport and nearby Industrial Estates. The Site is next to a much used lay-by and a stretch of road where traffic accelerates away from the 40 mph speed limit. Traffic noise provides a constant background at Site OP20 and beyond the Hopetoun Grange end of it.

Also, Site OP20 is only about 1000 metres away from the South end of Aberdeen Airport's main runway and 400 metres away from the line of the main flight path (see the attached photograph).

Site OP20 is frequently over-flown, at around 500 feet, by helicopters approaching or departing from the airport. Sometimes they circle round the airport repeatedly while training. **The Report on Road and Air Traffic Noise**, submitted with the Planning Application, considers noise from road and air traffic separately (except in its paragraph 7.5 where it attempts to combine them). It is well written and arranged. It contains welcome advice on soundproofing houses and has a good Appendix on the Basic Principles of Acoustics, but the issue of noise At OP20 Hopecroft is not 'best addressed' in it. The Report is inadequate for the following reasons; A(1) to A(7) & B(8) to B(10):

A. Measurement, in the Report, of Road Traffic Noise from the A96 main road

(1). **The Site layout in the Planning Brief differs from the Site layout in the Planning Application.** Figure 2 in the Report ('Location of Measurement Position') refers to a site-layout that was proposed in the Planning Brief. A different layout is proposed in the Planning Application (e.g., compare the *Foundation Zoning Plan* in the Application with *Plan 6. Development principles diagram* on page 17 in the Brief.).

(2). **The position of the (single) microphone** was chosen to be at the elevation of the house that would be nearest to the A96 as shown in the Planning Brief; i.e., the elevation of the house that was then expected to be exposed to the most noise. But, the microphone was not in the right place for the Planning Application because that shows some of the houses in a different position, closer to the A96 and lay-by.

The use of only one measurement position does not provide convincing information about the road-traffic (and other) noise that is prevalent in other places round the Site; compare with the attached Diagram. The Planning Brief refers to the slope of the site and 'extensive views' from it. Line of sight means line of hearing also.

For comparison, my Diagram is of actual noise measurements of road and aircraft noise combined, as recorded for a previous noise-assessment for OP20 in January 2006, at two positions on Site OP20, over one arbitrarily chosen day and night of about 24 hours (see microphone sites 3 & 4 in the Diagram). As you may see, the noise levels in on that day in 2006, measured at positions near both

ends of the Site, were between about 57 and 63 dB LAeq,16. Parts of the night-time period, between 05:00 and 07:00 were also over 57 dB LAeq,hrs (night-time noise is not included in LAeq,16).

A diagram of real measurements like those would have been informative, if done for the present **Report on Road and Air Traffic Noise**, even if only done for an arbitrarily chosen period of 24 hours.

(3) **Noise was calculated rather than measured:** The **Report on Road and Air Traffic Noise** states that *'The daytime levels can be calculated very accurately based on measurements of the noise made over three consecutive one-hour periods'*. It considers noise that was measured for a period of only three hours [or three and a half hours? – see paragraph B(4) below] on one day only, between about 10.00am and 13.30 am (11/10/2012): **Thus, the Report does not include real measurements of noise at Site OP20 at other times of day or night; e.g., in the rush hours.** The Report invokes a mathematical formula and a *'measurement technique'* to extrapolate those three hours of measurements so as to cover a period of 18 hours, as described in paragraphs 43 and 44 of the Department of Transport's document *'Calculation of Road Traffic Noise'*, HMSO 1988.

According to the Report (Paragraph 1.4), *'This technique has been used before in Aberdeen, the results accepted by its council's officers, and so it has been used in this case'*. That *'technique'* relies on mathematical short cuts and fudge-factors applied to noise levels extrapolated from other roads in other places where the circumstances may have been different, possibly 25 years ago. The results are not site-specific and are not adequate. Noise measurements are needed over reasonably convincing periods of time and for days known to be typical for noise.

(4) **The Report does not address individual noise events.**

(5) **Discrepancy in Table 1 of the Report.** If you examine Table 1 on page 8 of the Report, you may notice that the lengths of time between the *Start of Measurement* and *End of Measurement*, given in the first two columns for each of the three time periods, are longer than the *'Duration of measurement'* given in the third column. The first two columns in the Table say that the overall measurement time was almost three and a half hours, not three hours as stated in the third column. It is not clear what effect that discrepancy may have had on the noise levels if they were averaged over three and a half hours. If a noise is averaged for longer than it lasts it will appear less. Table 1 contains the only measurements of road noise shown in the Report.

(6) **The Report calculates a sound level for road-traffic noise at night, apparently without having measured it:** Paragraph 4.5 says that

'At night, the external noise level, $L_{Aeq}(23.00 \text{ hrs to } 07.00 \text{ hrs})$, will be around 52dB(A)⁵'.

Reference ⁵ is to **Highways Agency, Design Manual for Roads and Bridges: Volume 11 Environmental Assessment, Section 3, Part 7, paragraph 3.7.** Paragraph 3.7 in reference 5, appears on page 3/1. It is not about night-time noise: It says:

'3.7 Where sensitive receptors are identified during the Scoping Assessment at which exceeding the threshold values for noise or vibration are possible at such an early stage, it may be appropriate to move directly to a Detailed Assessment. However, caution should be applied to such an approach as at the Scoping Assessment sufficient data may not always be available to make this decision. Before such an approach is adopted, the Overseeing Organisation should be consulted.'

(7) **The Report does not mention the noise from ground running at the Airport (see Issue 7).**

B. Measurement, in the Report, of Noise from Air Traffic

(8) **The Report does not mention that Site OP20 is overflown frequently by helicopters,** sometimes at heights around 500 feet. Nor does it consider that helicopter noise contains low frequencies and impulses that are discounted by the 'A-weighting' and averaging that are applied in

the noise 'metrics' LAeq and Lden. The 'noise climate' round Hopecroft is unusual because Aberdeen Airport contains the largest Heliport in Europe.

(9) **The Report does not include any measurements of aircraft noise.** They were edited out of the periods of noise that were recorded, to leave road traffic noise only. Instead, the Report relies on the position of the 57 dB LAeq,16 aircraft noise-contour that is specified in ACC's Policy H8 (2012) as a limit for new housing. It determines the position of that contour over Site OP20 by referring to the indistinct version of a map of noise contours for 2006 ('actual') shown in **Aberdeen Airport Noise Action Plan 2008-2012**. The Report reproduces that map as its Figure 4.

Possibly, the Report misinterprets the position of the 2006 ('actual') 57 dB contour in its Figure 4 (see Issue 2).

However, paragraph 6.2 of the Report states that '

*What figure 2 shows is that most of the land [see ** below] on which it is proposed to build the houses is outside the 57 dB(A) contour. This can be taken as an indication that noise will not disturb the residents of the houses.*

That figure 2 is a map of the site layout as proposed in the Planning Brief, but not as proposed in the Application.

[**] 'Most of the land'? But how close would any proposed houses to the 57dB contour be? ACC's Policy H8 says that '*Applications for residential development under or in the vicinity of aircraft flight paths, where the noise levels are in excess of 57 dB LAeq - - - - will be refused, due to the inability to create an appropriate level of residential amenity - - -*'. '57 dB LAeq,16' is used currently to represent the '*onset of annoyance in the community*'. That is not necessarily the same as the disturbance of individual residents; see the Government's recent caveats quoted in Footnote (6).

Paragraph 6.2 of the Report continues '*The most exposed part of the development is subject to 58 dB(A). This is the daytime LAeq(07.00hrs to 23.00 hrs)*'. It is not clear to me how that 58 dB(A) was obtained.

Although the measurements were for three hours only (or three and a half?), the Report states confidently (paragraph 7.5) that '*- - - the road traffic noise level during the day was 62 dB(A), with that of the air traffic being 58 dB(A). The total of these noise levels is 64dB(A), 2dB(A) greater than the traffic noise on its own. This does not change the level of significance.*' However, that does put the calculated total noise level above 57 dB!

(10) **The Report discusses various methods for sound-proofing the proposed houses.**

Soundproofing is a good thing, especially at night, but the Report appears to miss the point that the 57 dB LAeq,16 contour applies to sound out of doors (See Issue 8 'Mitigation'). People should be able to enjoy reasonably tranquil conditions in their gardens and in areas round their houses – as pointed out by the World Health Organisation amongst others. See Issue 8, Noise Mitigation.

My conclusions about this Report on Road and Air Traffic Noise:

I think that, either this Planning Application should be denied, or a more comprehensive and reliable Noise Report should be obtained with more real measurements and more awareness that 'absence of evidence is not evidence of absence' (e.g., see Paragraph 5.13, paragraph 2 of the Report). The inadequacies and omissions that I have listed above should be 'addressed'. If a further Noise Report is obtained, it should be advertised to the public for inspection and comment before a decision is made about planning permission.

ACC should decide whether it is to consider aircraft noise contours and other noise separately, or added together. Should dB of road noise be added to the 57 dB noise contour of Policy H8? ACC should also consider whether it wants draw conclusions from real measurements or synthesised data.

Issue 5. AIRCRAFT NOISE IS PREDICTED TO INCREASE OVER OP20 HOPECROFT:

Recently, Aberdeen International Airport Ltd has obtained newly computed contours, for 2011 ('actual') from the CAA. They kindly emailed a map of them to me on 22/01/13. I called the attention of planning officers to it. That latest 57 dB contour does 'cut' the North East corner of Site OP20; (see Issue 2).

Maps in Aberdeen International Airport Draft Master Plan 2013 (final version), Diagrams 2 & 3, show that aircraft noise is predicted to increase over Site OP20 Hopecroft with an increase in passenger numbers of about 1 million between 2020 and 2040. The noise maps show (clearly) that the contours predicted for 2020 and 2040 will move out Westward over Site OP20 Hopecroft.

If you look at those maps, for 2020 and 2040, you will see that the 57 dB LAeq,16 noise contour of Policy H8 is set to move out again, Westwards, to cut across Site OP20 in 2020. It will enclose a substantial portion of the East side of the Site by 2040 and part of the Site at its North Western corner.

An expert at Aberdeen International Airport has told me recently that those two sets of noise contours, for 2020 and 2040, were computed at the same time as the new contour map for 2011 ('actual'). In other words, those maps are the latest predictions for aircraft noise at OP20: Aircraft noise at OP20 Hopecroft is predicted to increase as a result of the expansion planned for the Airport, not reduce.

Issue 6. HOW LOW DO HELICOPTERS FLY OVER OP20 HOPECROFT?:

The Site is only about 1000 metres from the south end of the Airport's main runway and about 400 metres from the main southern flight path.

How low do helicopters fly over Hopecroft?

The Airfield Manager wrote, in a letter to me of 2nd March 2005:

'I note your comments that you live approximately 1 mile from the end of the runway. Any aircraft flying an instrument or visual approach will be approximately 300 feet altitude at that point. This 300 feet altitude is in reference the ground level of the airfield therefore given that Bucksburn is on higher ground than the airfield the clearance height over Bucksburn is less'.

Similarly, in a letter to me dated 02/08/2006, the Airfield Manager wrote

'I have again consulted with Air Traffic Control and would advise that the 500-700 feet you estimate helicopters to be flying at is rather high in your locality. We expect helicopters to be circa 400 feet when correctly aligned to the 3° glide slope which they follow when making an approach to the southern runway. Any helicopters passing your house are operating as part of the scheduled services to the North Sea or those which have been on their training routine returning from the Loch of Skene area. As stated in previous correspondence Air Traffic control have the ability to monitor the altitude of each aircraft as they come and go from Aberdeen therefore we can confidently state that any helicopters passing over your residence are at the correct altitude for making an approach or departure. - - - it is common practice for helicopters to join from left or right of the centreline at a point one to two miles from touch down..'

More recently (14/11/2012), the Airside Delivery Manager at the Airport wrote

'Air Traffic Control have confirmed that the Bristow helicopter over your house was at the 500ft min. above ground level height.'

The true number and impact of these over-flights has been underestimated previously by the Council (and perhaps in Aberdeen Airport's maps of noise contours also (see Issues 2 & 3). They were not shown on a map of helicopter flight paths referred to previously by planning officers; Footnote (6).

No houses should be built on site OP20: It is not only subject to the noise of aircraft arriving and

departing at the south end of the main runway, but also to the noise of helicopters arriving and departing from Aberdeen Airport that fly over it frequently and often low; i.e., at 500 feet or less.

Issue 7. NOISE FROM GROUND RUNNING AT THE AIRPORT:

Site OP20 and other areas round the airport are subject to noise from the ground running of helicopters (mainly low frequency noise from their rotors) and fixed-wing aircraft (often turbo-props). It often lasts for periods of over an hour. Noise from ground-running is intrusive all round the Airport. Aberdeen Airport Ltd confirmed to me that it is not included in the maps of noise-contours, used by Aberdeen City Council in relation to Policy H8 2012; Footnote (7).

I have been assured, in a letter from a planning officer (11/12/12) that *'Environmental Health is aware of the intrusive nature of the noise generated by the ground running of aircraft engines and helicopters.'* A survey has been commissioned by 'BAA'[?]. *'Officers will be meeting with representatives from BAA later this month to discuss the survey report and actions that may be available'*.

Issue 8. NOISE 'MITIGATION'.

Report on Road and Air Traffic Noise appears to miss the point that the limit of 57 dB LAeq,16 set by Policy H8 applies to noise levels 'in gardens and patios' and, presumably, in streets.

Paragraph 5.12 of the **Report** suggests that *'- - - it is also borne in mind that there are not many days in the year when it is necessary to open windows to cool down properties in Scotland'*. There are probably many people in Scotland who like to open their windows, whether it is necessary or not. Paragraph 4.8 says *'- - the control of noise outside them (the proposed flats) is not important'*.

'Aircraft noise annoyance/exposure is measured in the summer time, when people tend to have their windows open'. (Peter Brooker, **The UK Aircraft Noise Index Study: 20 Years On**; Proceedings of the Institute of Acoustics, Vol 26. Pt.2. 2004).

Double Glazing: Social surveys suggested that double-glazing did not have a significant effect on the extent to which people were annoyed by aircraft noise (see CAA DORA Report 9023, The use of Leg as an aircraft noise index, 2.4.5, page 1):

'In none of the analyses did the incorporation of this variable (i.e. double glazing) lead to a significantly higher correlation with the disturbance data - the only confounding factor which did so was airport-related employment. The reasons why double glazing had such a little effect are not clear.'

Possibly because people like to sit in their gardens, talk in the streets and live in a tranquil area?

Issue 9. ABERDEEN CITY COUNCIL'S PLANS TO BUILD NEW HOUSES WHERE THEY WOULD BE OVER-FLOWN BY LOW-FLYING AIRCRAFT ARE OUT OF ALIGNMENT WITH THE CAA'S RULES OF THE AIR:

According to the Director of Airspace Policy Environmental Information Sheet No.2 (CAA); see http://www.caa.co.uk/docs/7/EIS_02.pdf

'Aircraft, including helicopters are not permitted to fly over a congested area of a city, town or settlement below a height of 1000 feet above the highest fixed obstacle within a horizontal radius of 600 metres of the aircraft or below such height as would enable it, in the event of a power unit failure, to make an emergency landing without causing danger to persons or property on the surface.'

Away from congested areas, aircraft, including helicopters, are not permitted to fly closer than 500 feet to any person, vessel, vehicle or structure (Note: this is a minimum distance, not a minimum height: the distance of 500 feet is measurable in any direction, not just the vertical).

Accordingly, I made the following suggestion (updated here) in my submissions to the Inquiries prior to Local Plans 2008 and 2012:

“The legal requirement for height does not apply close to airports, but if ‘ - - - Aircraft, including helicopters are not permitted to fly over a congested area of a city, town or settlement below a height of 1000 feet above the highest fixed obstacle within a horizontal radius of 600 metres [1968 feet] of the aircraft - - - ’, then Aberdeen City Council will irresponsible if it allows new residential developments to be built where the more general height requirement of 1000 feet cannot be maintained.”

Site OP20 is only about 1000 metres (about 3300 feet) from the south end of the Airport’s main runway and about 400 metres (about 1300 feet) from the line of the main Southern flight path (see the attached photograph).

If aircraft are not supposed to fly within 1000 feet (or 500 feet?) of ‘congested areas’ then new congested areas should not be built within 1000 feet of where many aircraft must fly.

I emphasised that proposal in an additional submission, about BAA’s **Aberdeen Airport Noise Action Plan 2008-2013**, that the Reporters asked for in relation to ALDP 2012. Neither the Reporters nor Aberdeen City Council’s Responding Officer mentioned or commented on my suggestion in their written responses. A planning officer has said (03/11/12) that I might promote that idea for a change of policy in a forthcoming review of the ALDP this year.

If that suggestion is unreasonable, I should like to know why.

Issue 10. ROAD TRAFFIC ON HOPETOUN GRANGE:

The Planning Brief mentions a ‘**Transport Impact Assessment (TIA)**’. I could not find that or anything else about road traffic in relation to the Site in the online documents for the Planning Assessment or Brief except a small paragraph ‘5.3.4 Existing Street Network’, on page 15 of the Brief. So far as I can discover, the **Transport Statement by Fairhurst**, dated January 2013, has not been placed with the other documents for this Planning Application on Aberdeen City Council’s web site. I did not know that it was available until I found it attached to the other paper documents when I inspected them at Marischal College on 4th February.

Hopetoun Grange is narrow and has ‘20 is Plenty’ traffic calming (widely ignored). It is the primary distribution road for Hopetoun and Hopcroft. It serves about 300 houses already. It is also a ‘rat run’ for cars from the direction of Foritt Brae. Recently a neighbour counted more than 200 vehicles per hour on Hopetoun Grange in the early morning (similar to the numbers he counted in 2005). Traffic backs up at the East end of the road. There it conflicts with other traffic trying to enter the 4-Mile roundabout and cars or pedestrians entering or leaving the small car park in front of the shops there. The 65 new houses would probably add about 100 more cars, one way or the other.

Vehicles from the four new shared house-entrances and the new road that are proposed to open onto Hopetoun Grange from the proposed development would meet traffic already on it.

Also, the ‘hammer-head’ parking arrangements shown in front of those new houses are clearly inadequate for the numbers of vehicles that might need to use them, some of which might not fit into the garages provided. Already, moving vehicles and parked cars are in conflict or block lines of sight on Hopetoun Grange and neighbouring streets.

The Transport Statement by Fairhurst concludes that '*Hopetoun Grange provides good access from both east and west.*' And that '*--- the development can be accommodated on the proposed site with no detrimental impact on the existing transportation network.*'

My Conclusion about the road traffic:

A more evidence-based Road Traffic report is needed before the Planning Application goes further. It should be advertised for the public to see and to comment on before this Planning Application proceeds further through the planning process.

Issue 11. THE STYLE OF HOUSES:

Some of the proposed houses are to have brick facings. They are not in keeping with the style of surrounding houses. Houses like them can be seen from the railway all the way down to London.

According to the Design and Access Statement: '*Decoration and appearance of the proposed properties have been designed to fit in with the local urban house types sympathetically.*' After looking at the plans and the drawings of the proposed houses, I do not think that they will.

Issue 12. AIR QUALITY:

From time-to-time, Site OP 20 and the rest of Hopecroft is subjected to the smell of partly burnt aviation fuel. It appears to depend on the air conditions. It is sometimes strong enough to sting one's nose, especially when there is light wind from the North. Also, Site OP20 is close to the A96 main road.

A SEA Environmental Report (25/01/12) for the ALDP by ACC mentions 'Air Quality' about 160 times, but mentions noise only six times. Has the Council considered air quality at Site OP20 and nearby areas, including measurements of nitrogen compounds and particulates (NO_x, NO₂, PM₁₀, PM_{2.5} etc)?

Issue 13. THE LINES OF BEECH TREES ROUND THE SITE:

These trees are subject to a preservation Order. They are an historic feature of the area and are a much-appreciated amenity for residents, as are the birds that perch or nest in them or flock beyond them. The trees are undoubtedly old. Prior to the present Tree Survey, they were surveyed and treated by a tree surgeon in March 2009. Some trees were removed, some were lopped and some replacement beech trees were planted.

Therefore, it is strange that the Tree Survey done last November on behalf of Persimmon Homes, for their Planning Application, now places a death sentence on most of these trees. Even more strange that all the trees that are in the way of Persimmon Homes' along the South side of the Site are to be cut down while no others are marked for immediate destruction in the Planning Brief or Application.

Previously, similar rows of beech trees once extended all the way down to the bottom of Hopetoun Grange. Some were removed when Binnie Bros. built the present houses in the 1960s. Some were replaced then with smaller species of trees. Since then, nearly all of those trees have been removed, including their replacements, mainly because houses were allowed to be built too close to them.

The proposed houses along 'Lover's Lane', those on the opposite side of the Site and especially those in the North West corner of the Site (e.g., see the Site Plan) are shown far too close to trees, replacement or not. Most of the trees that are proposed to replace the beech trees would be taken out within a few years, as previously, unless they are very small species.

My conclusion about the trees.

To destroy them and the open space between and beyond them would remove a significant amenity and rural freshness from the present residents of Hopecroft/Hopetoun. The trees, the wild life they

attract and the feeling of space behind them are needed all the more since the loss of the open area now occupied by Bucksburn Academy.

The specified 15 metres is not a sufficient distance from houses to safeguard large beech trees or even smaller species of tree. I think that a second opinion is needed about the trees that have been scheduled for immediate removal.

Issue 14. SPECIAL PLEADING?

Are the financial gains of planning applicants and/or their co-applicants acceptable as valid reasons for granting planning permission?

I raise this matter because I should like to know whether the following special pleading, or repetition of it, for a planning application to build houses on the present Site, has any influence in support of the present planning Brief and Application. If so, is that in order?

During the Conjoined Hearing** held before Aberdeen City Planning Committee on 12/12/2205 in connection with the planning applications (A5/1536) for 40 houses on the Site OP1 (now OP20: Hpoecroft) made by Bett Homes, the Bett Homes' Land Director spoke and advised that he saw Hopecroft as a flagship site which would enable the company to provide continuity of employment for their directly employed staff and local contractors.

Also, the Deputy Director of the Rowett Institute (owners of the land on which the houses were to built; i.e., the present Site OP20) explained that the Institute was a charity with very little money. Research buildings were now outdated and needed to be replaced. He went on to outline in some detail the nature and importance of the research work carried out by the Rowett and to emphasise the urgency of generating a capital receipt from the sale of the land in order to upgrade the existing buildings at Bucksburn and, together with the University of Aberdeen, to construct in the City the only UK centre of Excellence in Preventative Medicine for Non-Communicable Diseases in Humans. The building improvements were required to be carried out by 2008. Also that without the capital receipt from the sale of the land at Hopecroft the Institute would not be able to fund its immediate needs in respect of the unique Centre of Preventive Nutrition which would maintain the Rowett and the University at the cutting edge of nutrition research. He referred to the importance of the Centre not only for Aberdeen but for Scotland and as a means of securing the reputation of the Rowett and the University world-wide. He also stated that the opportunity to establish the Centre would be lost if there was any delay in the grant of planning permission for development of Hopecroft.

**See the Minute of that Conjoined Hearing.

One may sympathise with the Rowett and Aberdeen University's financial needs, but these should not influence the planning decision.

FOOTNOTES

FOOTNOTE (1): A PREVIOUS CALL-IN.

A special session of the first Inquiry was devoted to Site OP1, to hear the views of the Hopetoun/Hopecroft Action Group (a group of local residents) and ACC planning officers about development on OP1. I spoke at that session. It was convened because a Planning Application, by Bett Homes/Ryden, granted by ACC in January 2006, had been called in by Scottish Ministers; see Footnote (8).

FOOTNOTE (2): ACC's POLICY H8 (2012):

Policy H8 - Housing and Aberdeen Airport (Aberdeen Local Plan 2012) states that:

'Applications for residential development under or in the vicinity of aircraft flight paths, where the noise levels are in excess of 57dB LAeq (using the summer 16-hour dB LAeq measurement) will be refused, due to the inability to create an appropriate level of residential amenity, and to safeguard the future operation of Aberdeen Airport.'

However, the World Health Organisation uses 55 dB LAeq,16, not 57 dB, for similar levels of annoyance. Aberdeen International Airport Ltd's noise-contour maps do not even show the 55 dB contour, or the more logical 54 dB contour.

ANASE (Oct. 2007) '*Attitudes to Noise from Aviation Sources in England*' (Executive Summary) Section 1.4.1 concludes that '*However, for a given LAeq, there is a range of reported annoyance indicating that annoyance is not determined solely by aircraft sound as measured by LAeq*'.

The Government, in its Draft Aviation Policy Framework, Annex D: Noise Descriptors (July 2012) says:

'D.6 The Government acknowledges that the balance of probability is that people are now relatively more sensitive to aircraft noise than in the past. We recognise that people living outside the 57 dB LAeq,16h contour are also affected by aircraft noise and that, for some, the annoyance may be significant. Indeed, many complaints about aircraft noise come from outside the 57 dB LAeq,16h contour.'

D.7 As there is no conclusive evidence on which to base a new level, for the present time we are minded to retain the 57 dB LAeq,16h contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance. However, to facilitate monitoring to provide more information about noise impacts we would welcome views on whether it would be useful to ensure that the contour maps produced annually to show noise exposure around the designated airports are drawn in future to a lower level. We consider that there are two measurement options. One is to use Lden and produce contours down to 55 dB(A). This aligns with the level to which airports are required to map noise exposure under the END. The other alternative is to continue to use LAeq,16h but to map down to 54 dB(A), which is the next logical step down from the current 57 dB LAeq,16h contour along with the concurrent production of night noise contours (LAeq,8h).'

See: <https://www.gov.uk/government/consultations/draft-aviation-policy-framework>

ACC should recognise that flicker of doubt and '*- - that people living outside the 57 dB LAeq,16h contour are also affected by aircraft noise and that, for some, the annoyance may be significant.*' Note the Government's use of 'approximate'. Aberdeen International Airport Ltd should adopt those measurement options. A 54 dB contour is needed to place the 57 dB contour in relation to the range of noise and community annoyance beyond it.

FOOTNOTE (3): Aircraft-noise contours are produced in a computer model. They are not constructed from continuous measurements round the Airport.

I have placed the word 'actual' in inverted commas throughout this Representation, as in "Noise contours for 2006 ('actual')", because Aberdeen International Airport Ltd's noise contours are computed, via the Civil Aviation Authorities ANCOM computer model, from measurements of noise from standard types of aircraft, weather conditions, flying heights, flight paths, terrain and numbers of flights. They are not made up from real-time measurements.

I asked an expert at Aberdeen Airport whether the Airport '*- - have a real-noise monitoring position/apparatus to the South West of the main runway, beneath where helicopters turn in or out to the West*'. He replied (25/01/13) 'There are no permanent noise monitoring locations'.

The unsuitability of dB LAeq,16 for measuring noise from helicopters:

An ACC planning officer agreed (in 2005) that the 'noise metric' dB LAeq,16 used to measure aircraft noise is unsuitable for measuring noise from helicopters (see *Appendix 1, Response to Local Plan Issues (page 12) of the Report on The Finalised Local Plan: Green Spaces - New Places: Response to Issues*, placed before ACC's Development Plan Sub Committee on 03/03/05).

The Council continues to use dB LAeq,16. **The Council could, however, apply some compensatory latitude when applying its Policy H8, to accommodate the obvious inadequacies of LAeq,16 (see Issue 2, paragraphs 4 & 5 above).**

FOOTNOTE (4): Perhaps flight tracks of helicopters over Hopecroft are not included in Aberdeen Airport's noise contours?

In a letter to me of 2nd March 2005, the Airfield Manager wrote:

'Aberdeen Airport does not record the lateral scatter of flight paths, however as Mr Havelock from the CAA stated within his reply, the production of noise exposure contours of Aberdeen Airport is based upon realistic assumptions about flight paths and track dispersion'

FOOTNOTE (5): Sources of Environmental advice about aircraft.

Some time ago, I asked the Airfield Manager at Aberdeen Airport;

'What is Aberdeen Airport Management's attitude to proposals to build yet more houses under where aircraft currently fly below 1500 feet [now reduced to 1000 feet] on approach or landing or when doing circuits?'

In his letter of reply he said that:

'Aberdeen Airport is unable to comment on this and whether the proposed housing scheme proceeds is purely a council planning issue - - -'

It is not in Aberdeen International Airport Ltd's interest to call attention to the effects of its own environmental nuisance.

Aberdeen Airport Noise Action Plan 2008-2013 contains a table of proposed actions. Most of them are about community relations. The **Aberdeen Airport Noise Action Plan 2008-2013** is very much a public relations exercise. As described above, the map of noise contours in it is 'not fit for purpose'. The Lden contours (a genuflection towards EU regulations) in the Plan are even more difficult to relate to the landscape features beneath them than the contours of dB LAeq,16.

Aberdeen International Airport Ltd belongs to Heathrow Holdings Ltd, which belongs to Ferrovial, a Spanish transport company. BAA ceased to be an 'authority' when it became a plc. It is strange that a commercial enterprise is still allowed to be a main source of information about its own environmental nuisance. Even the CAA is funded by *'those that it provides services for'*.

A more independent body is needed.

FOOTNOTE (6): Do planning officers recognise that helicopters fly low and often over Site OP20: Hopecroft?

In a letter to me dated 24th January 2005, an ACC planning officer wrote to me: *'I have no knowledge of records kept by this Authority of helicopter flight paths over the proposed site [i.e., Hopecroft]'*.

On 23rd August 2006, at the Public Inquiry prior to ALDP 2008, two ACC Planning Officers told the Reporter (Mr Maslin) that they *'had no knowledge of'* the frequent helicopter flights that occur over the Hopecroft and other areas to the West of the airport. One of the Officers produced a map of flight paths that did not show flight paths of helicopters to the West of Aberdeen Airport.

Later, in an email to me of 05/10/2006, he wrote

'Hopecroft is not on the recognised Helicopter Flight paths, which are identified in Figure 7.5 of the BAA Aberdeen-Enviros Environmental Impact Assessment and also in a Committee Report of the former City of Aberdeen District Council about Flight Paths and dated 1984. - - - - I accepted later in evidence that helicopters do not always stick to their allotted flight paths and will consequently fly over Hopecroft and that is why helicopter noise was required to be taken into account in the noise impact assessment for Hopecroft'*

[*It was not taken into effective account in that assessment; see the attached Diagram. RJ]

However, in a letter to me of 11/12/12, another planning officer wrote *'We are aware of the general flight paths and that Helicopters fly routinely over the Hopecroft area'*.

FOOTNOTE (7). NOISE FROM GROUND RUNNING AT THE AIRPORT:

Site OP20 is about 60 feet higher at its South end than the airport runway and slopes down towards it; (see p. 14 in the Planning Brief). The slope (*'expansive views'*) increases its exposure to ground running.

Noise from ground running should also be added to road-traffic noise and to the noise from aircraft in the air and taxiing. They should be considered in addition to the 57 db LAeq,16 cut-off level for new houses specified in the Council's Policy H8 (2012).

Aberdeen Airport Noise Action Plan 2008-2013 refers to ground running of aircraft engines:

'To ensure that the environmental impact of aircraft engine running on the local community is kept to a minimum, aircraft operators with maintenance commitments at the airport are expected [sic!] to plan their schedule to avoid the need for ground running of engines at night. Night for these purposes is defined as the period between 22.30 – 06.15 hours local time.'

FOOTNOTE (8). RECENT HISTORY OF PROPOSALS TO BUILD HOUSES ON SITE OP20:

On 19th January 2006, Aberdeen City Council granted Planning permission in detail (subsequently withdrawn) for Bett Homes/and the Rowett Institute to build 40 houses on this site (Application numbers A4/2292 & A5/1536). No adequate noise-impact assessment for the site OP1 had been available at the Departure Hearing on 12th Dec. 2005 at which I and other local residents spoke. Two previous noise assessments had been rejected by environmental health officers as inadequate prior to that Departure Hearing. A member of the Committee expressed concern that *'consideration of the application was somewhat premature in the absence of all supporting information requested from the applicants'*.

Planning Permission for application A5/1536 was granted by the Planning Committee on 19th January 2006. A Noise Assessment was done, but only after the Departure Hearing. Planning permission was granted on 19th January 2006. The noise assessment was "stamped and attached" to the Planning Application. Thus no noise assessment was available to the public before they had made their representations.

That planning application/consent was called in by Scottish Ministers on 21st April 2006 after an appeal by the Hopecroft/ Hopetoun Action Group (a group of local residents). Subsequently, by general agreement, the call-in was sisted, i.e. put on-hold, pending discussion at the forthcoming Public Inquiry into the Local Plan 2008; Footnote (1). The call-in was not revived even though some Issues made to support the call-in were not addressed by the Inquiry

Three noise assessment reports had been submitted for that planning application. Planning officers rejected the first two as inadequate. The third attempt at a noise assessment 'done on behalf of the applicants' was not available to objectors until after the planning permission had been granted (RMP Acoustic Consultants' Noise Assessment Technical Report G/3624B/05 of 11th January 2006). A planning officer kindly copied that Noise Impact Assessment to me. Measurements were presented

in it obscurely, as tables of numbers, and covered an arbitrary period of 24 hours only, between 4th and 5th January 2006. I constructed a diagram to show the measurements of the January 2006 Report more clearly (Diagram attached to this Representation).

I did not receive the Noise Assessment in time to re-present it as diagram before the closing date for written submissions to the 2006 Public Inquiry into Aberdeen Local Development Plan (ALDP 2008). For that reason, the Hopcroft/Hopetoun Action Group was not able to include that diagram in its written submission to the Public Inquiry. Some of my neighbours and I spoke at the Inquiry. I asked the Reporter, Mr. Maslin, if he would look at the diagram then, but he said no, on the reasonable grounds that to do so would be unfair to other contributors-in-writing. I think that the Reporter, Mr Maslin, may not have been fully aware of the extent of the noise at this Site when he came to his decision to allow 30 houses on it.

Subsequently, the Inquiry recommended that only 30 houses could be built on the Site (now OP20), at the south end of it only and well away from the beech trees there. The remaining three fields were to be kept as greenbelt. Aberdeen City Council agreed to those constraints in ALDP 2008. They were considered again and continued for ALDP 2012.

A Proposal of Application Notice was submitted on 16 December 2011, again by Bett Homes, for the erection of 65 units on Site OP20 comprising semi-detached and detached housing with associated access, infrastructure and public open space provision. Following a marketing campaign by J & E Shepherd on behalf of the University of Aberdeen, Bett Homes Ltd were appointed preferred bidders. Their proposal appeared in the Aberdeen Local Development Plan Action Programme 18th May 2012, p. 34. It was abandoned.

FOOTNOTE (9): SUMMARY OF MY MAIN VIEWS ON THE PLANNING BRIEF SENT TO ACC PREVIOUSLY.

(1) The conclusion of the Reporters Report on the Public Inquiry prior to Aberdeen Local Development Plan (ALDP) 2008, that only 30 houses should be allowed on this site, was based on clear evidence. That conclusion was repeated in the Reporter's Report prior to ALDP 2012 and was again accepted by Aberdeen City Council. The Reporters reached that conclusion because the site is noisy; it is close to Aberdeen Airport and it adjoins the A96. Also, the Reporters sought to avoid placing houses too close to rows of beech trees that are under a Tree Preservation Order.

(2) An adequate new Noise Impact Assessment and a convincing Tree Survey are essential if the Reporter's conclusions are to be over-riden. It will not be satisfactory if the Reporter's conclusions are diverted into a fog of references to Structure or other Plans that are not based on the detailed, site-specific evidence that was before the Reporters. Neither will it be satisfactory if Aberdeen City Council (ACC) side-steps the Reporter's conclusions by accepting inadequate Reports.

(3) If further Reports or Surveys are produced, they should be advertised for public consultation for an adequate period of time to allow comment before the planning process proceeds.

(4) I commented on the position of the 57 dB LAeq,16 aircraft noise contour over Site OP20 Hopcroft in relation to ACC's Policy H8 (2012) and on the confusing representation of the map of noise contours for 2006 ('actual') in Aberdeen Airport Ltd's Noise Action Plan 2008 - 2013. I emphasised that Hopcroft is only about 400 metres from Aberdeen Airport's main flight path and that it is over-flown frequently by low-flying helicopters. Those frequent flights over Site OP20 Hopcroft do not appear to be acknowledged in the shape of the 57 dB LAeq,16 noise contour for 2011 ('actual').

(5) I concluded that a second opinion should be obtained for the Tree Survey.

(6) I commented on the pervasive noise from the A96, the congestion of traffic on Hopetoun Grange and that the Brief does not show enough parking spaces for the properties it proposes to open onto

Hopetoun Grange. I could not find a Traffic Survey amongst the online Reports submitted with the Planning Application.

FOOTNOTE (10): WHY DO I THINK THAT I CAN COMMENT USEFULLY ON THE PROBLEM OF AIRCRAFT NOISE?

My house is about 40 metres from the South side of Site OP20 and is frequently over-flown, sometimes at less than 500 feet, by helicopters that cause my house to vibrate. Conversation in my garden and in the streets near my house is interrupted and sometimes stopped by aircraft noise.

In 1975 I wrote to the Scottish Office to point out that the (then) Aberdeen Council, when attaching planning permission for night flights to planning permission for the new airport-terminal, had contravened a condition of the Town & Country Planning (Scotland) Act 1972. That letter resulted in the 1976 Public Inquiry and the subsequent planning condition that banned night flights from the airport for the following 30 years.

I was a member of Aberdeen Airport Consultative Committee for two years, 1975-6. I helped to negotiate BAA's grants for double windows and mechanical ventilators in bedrooms at Hopecroft.

I am a retired University Senior Lecturer. I have two higher degrees in scientific research (Ph.D, D.Sc) and more than 40 years experience in analysing the results and claims of scientific papers.

END

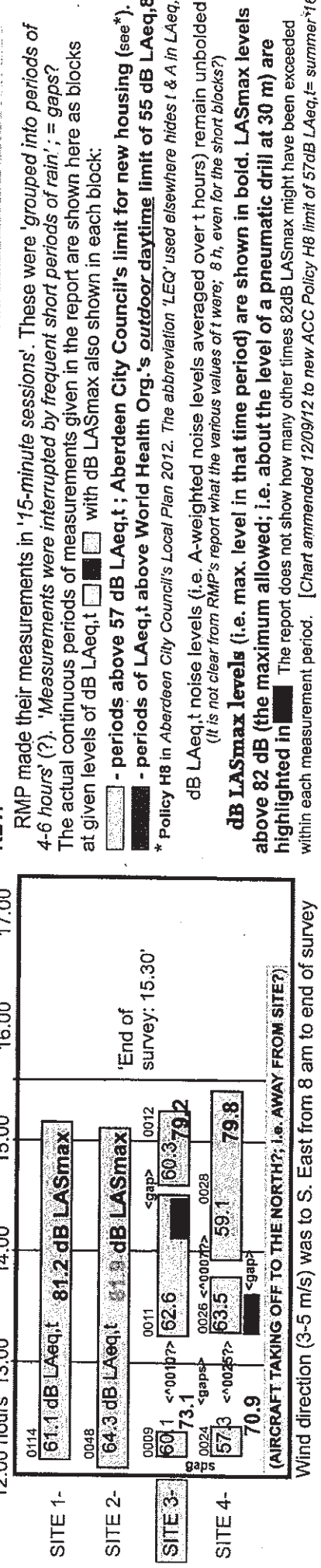
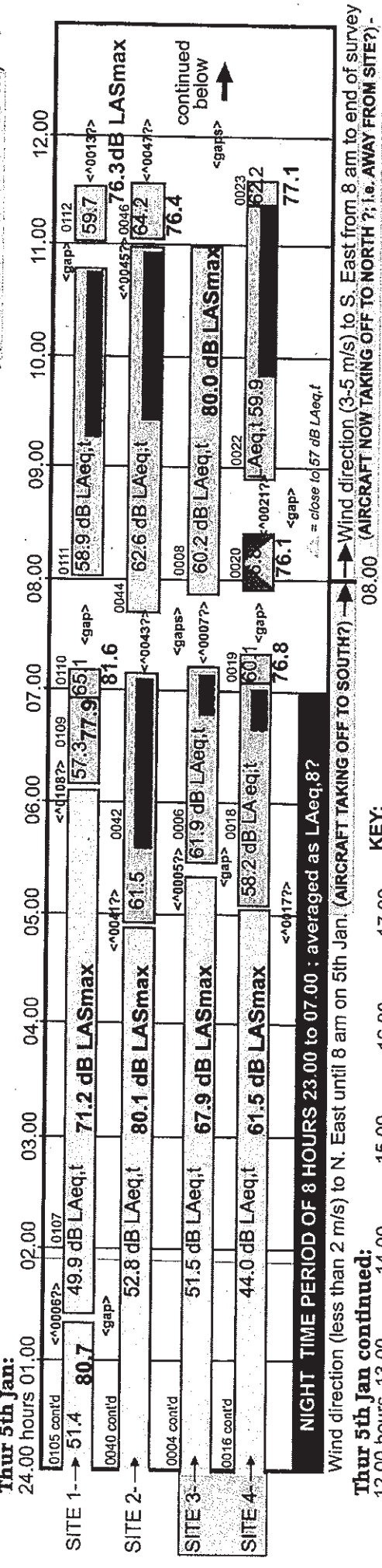
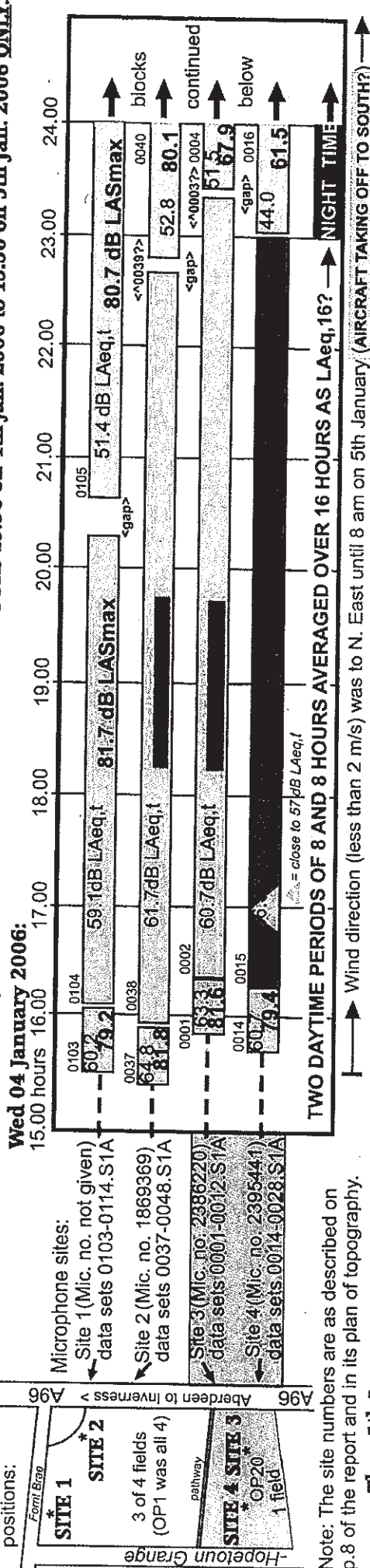
Richard Johnson 6th February 2013



To show Site OP20 Hopecroft in context

THIS DIAGRAMATIC ASSESSMENT FOR A, NOW WITHDRAWN, PLANNING APPLICATION FOR PREVIOUS SITE OP1, SHOWS WHERE NOISE LEVELS WERE HIGHER THAN THE LIMIT OF 57 dBAeq,t NOW SET FOR NEW HOUSING BY ACC'S POLICY H8 - Housing and Aberdeen Airport (Local Plan 2012).

NOISE DATA FOR THE HOPECROFT OP1 SITE: RMP ACOUSTIC CONSULTANTS' NOISE ASSESSMENT TECHNICAL REPORT G/3624B/05 OF 11TH JANUARY 2006
The Measurements were made by RMP Consultants DURING THE 24 HOURS 15.30 on 4th Jan. 2006 to 15.30 on 5th Jan. 2006 ONLY.



KEY:

RMP made their measurements in '15-minute sessions'. These were 'grouped into periods of 4-6 hours' (?). 'Measurements were interrupted by frequent short periods of rain'; = gaps?
 The actual continuous periods of measurements given in the report are shown here as blocks at given levels of dB LAeq,t [] with dB LASmax also shown in each block:

- periods above 57 dB LAeq,t
- periods of LAeq,t above World Health Org.'s outdoor daytime limit of 55 dB LAeq,8.

* Policy H8 in Aberdeen City Council's Local Plan 2012. The abbreviation 'LEQ' used elsewhere hides 't' & 'A' in LAeq,t).
 dB LAeq,t noise levels (i.e. A-weighted noise levels averaged over t hours) remain unbolded. (It is not clear from RMP's report what the various values of t were; 8 h, even for the short blocks?)

dB LASmax levels (i.e. max. level in that time period) are shown in bold. LASmax levels above 82 dB (the maximum allowed; i.e. about the level of a pneumatic drill at 30 m) are highlighted in [] The report does not show how many other times 82dB LASmax might have been exceeded within each measurement period. [Chart amended 12/09/12 to new ACC Policy H8 limit of 57dB LAeq,t = summer '16hr]

PI - Proposed Development at Hopetoun Grange. Bucksburn.

From: [REDACTED]
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
Date: 31/01/2013 20:36
Subject: Proposed Development at Hopetoun Grange. Bucksburn.

Dear Sirs,

In response to the Notice I received to the above Planning Application as a Notifiable Neighbour please find attached my formal response. I have also copied the councillors for my Ward and the Chairperson of the Local Community Council for their information.

Yours sincerely

Mhorag Simpson

9 Hopcroft Avenue, Aberdeen, AB21 9RN
 29th January 2012

Dear Sirs,

Planning Application 130029 Dated 17 January 2012

Proposed development at Land to North of Hopetoun Grange, Bucksburn, Aberdeen

I write with reference to the above Planning Application ("the Application").

I have been resident in Hopcroft Avenue for 29 years. The rear of my property - and those of all the properties on the eastern side of Hopcroft Avenue - currently faces directly over the proposed development and views that I have enjoyed during the time I have lived in my house will be destroyed by it. I have studied the Council's Guide to Commenting on Planning Applications and I am aware that loss of view is not deemed by the Council to be, in itself, a valid reason to object to a planning application, however I would very much ask the Council to consider this in addition to the more material considerations that I wish to point out in objecting to the Application.

My reasons to object to the Application are as follows:

Impact of access to the proposed development from Hopetoun Grange

I understand from the Hopetoun Grange Planning Brief of 26 November 2012 that primary access to the proposed development will be from Hopetoun Grange. Hopetoun Grange is an area of great amenity to the local community. It is particularly popular with dog walkers and other residents who use it as a pleasant walking area. Siting the primary access to the proposed development on Hopetoun Grange will not only lead to material loss of amenity to those people but, by increasing the amount of traffic in both directions on Hopetoun Grange (a very narrow road), would undoubtedly create safety issues for pedestrian road users.

Aircraft Noise

I read in the Planning Brief that due consideration has been given by the Applicants to the impact of noise on the proposed development from Aberdeen International Airport. As a resident of Hopcroft Avenue I have experienced at first hand the effect of increased noise from the Airport over the last few years. I find it extremely hard to believe that noise from the airport is within acceptable levels on a regular basis and I would encourage the Council to ensure that the developers demonstrate without doubt that noise levels are within the 57dB limit at all parts of the proposed development prior to any approval of planning permission.

Effect on Local Schools

Local schools in the Bucksburn area are already very stretched. I was therefore extremely surprised to read in the Planning Brief (Section 8.7.1) recognition from the Applicants that the proposed development would only increase this pressure. The Applicants' solution to this is that 'detailed discussions between the developer and the Council's Education Service will be required as part of the planning application process'. This hardly provides assurance that the issue will be adequately resolved prior to any development commencing.

Effect on Trees in the area

I understand that there is a protection order in place on many of the trees in the Hopetoun Grange/Inverurie Road/Forrit Brae area. I assume that the reason for this protection order is to protect the amenity that is provided by these beautiful trees. The Applicants claim in the Planning Brief that the majority of these trees are in 'very poor and declining condition' and 'with a very limited life expectancy'. The Applicants then state that the trees are 'likely' to need to be removed in the next 10-20 years. Another way of looking at this – should the Applicants' claims be accurate – is that many of the trees will survive for a further period of up to 20 years. This hardly generates a compelling need to fell these trees. I am therefore concerned that healthy trees in the area will be felled to make way for the proposed development leading to significant loss of amenity for the current residents. Any new trees planted by the Applicants would take many years to grow to the stature of the current trees which would only serve to add to the loss of amenity.

I trust that the Council will give due consideration to the above objections to the Application and I look forward to its response

Yours sincerely
[Sent by e-mail]
Mrs Mhorag Simpson

P&SD Letters of Representation		
Application Number: 130029		
RECEIVED 01 FEB 2013		
Nor	Sou	MAp
Case Officer Initials: JAF		
Date Acknowledged: 06/02/13		

→ North

Mr Alan Cromar
23 Hopcroft Drive
Bucksburn
Aberdeen
AB21 9RJ

5th February, 2013

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

FAO Jane Forbes

Dear Sirs,

Proposed development for 65 residential houses including infrastructure and landscaping - Reference Number 130029

With regard to the above Planning Application I would like to make the following comments and objections for your consideration;

1. Site OP20 (Hopcroft) as identified in the Aberdeen Local plan sets out an expected level of development of 30 units, this level of development has been established under a policy where all development, whether on brownfield or greenfield sites, must comply with policies which seek to achieve the objectives of creating a sustainable city. The developer has proposed a substantially and unacceptably higher level of development at 65 units. Many of the issues raised here and undoubtedly by other neighbours could be addressed by proposing a reduced and more acceptable level of units. The developer has used the density levels of surrounding areas, Hopetoun, Scattie and Wagley as justification, however these housing areas were developed in the 1950's and 60's and do not take cognisance of modern 'Designing For Streets' policies.
2. The house identified as Plot 41 on the Site Plan is particularly close to my property and that of my neighbours and there is a very real concern that our privacy will be compromised and that there may be a risk of over-looking and possibly over-shadowing. The area that contains houses from Plot 41 to 47 appear to over-designed and a lesser density would resolve this issue.

3. With the SUDS pond being located in close proximity to our existing properties there is a concern that we may be affected by unpleasant odours. What is to be put in place to ensure that the facility is properly maintained for effective operation.
4. The design of the houses are not in keeping with the surrounding area, being generally storey and a half. These new house types are shown as full 2 storey and none of these houses are stretching the boundaries of modern/ good design but more of a 'same old, same old' approach.
5. The proposal for 65 units will put extreme pressure on the local infrastructure, in and particular Hopetoun Grange. This flies in the face of '....creating a sustainable city..' and where the reality of the situation will mean the local residents having to endure longer periods of traffic congestion. This roads network is already badly abused by speeding traffic using the route as a 'rat run' and heavy congestion at the 4 mile roundabout means that traffic find it nearly impossible to access the A96 at periods of peak traffic. As a starting point, the yellow hatching of the roundabout at the 4 mile on the A96 is without doubt essential.
6. There is a great deal of dubiety over the accuracy of the boundary between the proposed site and the existing Hopecroft housing development in particular relating to the existing raised embankment between the sites. There is some history of correspondence on this matter with the Rowett Institute but the question over ownership still remains.
7. The Development Plan in Habitat Survey is different from the Site Layout drawing DL-001

I sincerely hope that the above is taken into consideration when determining this application and please do not hesitate to contact me should you require further information.

Yours Faithfully



Alan Cromar

P&SD Letters of Representation		
Application Number: 130079		
RECEIVED - 8 FEB 2013		
Nor	Sou	MAp
Case Officer Initials: JAF		
Date Acknowledged: 12/08/12		

Math

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 03/02/2013 19:16
Subject: Planning Comment for 130029

Comment for Planning Application 130029

Name : Steven & Elaine McLenan
Address : 25 Hopcroft Drive
Bucksburn
Aberdeen
AB21 9RJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We wish to make you aware of a number of strong objections that we have with regard to the proposed development for 65 residential houses on land to North of Hopetoun Grange, Bucksburn, Aberdeen. As an immediate neighbour to the site of the proposed development, we are of the view that the proposed development will have a serious impact on our standard of living.

Our specific objections are as follows:

The house on plot 41 of the site plan will directly overlook our rear garden. Since the property will be built on land higher than ours the close proximity combined with the height of the house will mean that our back garden will be substantially overshadowed. The closeness of the property would also cause an invasion of our privacy. I note from the plans for this type of house that a window on the gable end is optional but this would look straight in to our property. We feel we have the right to have enjoyment of a private, quiet & peaceful garden as it is at the moment.

As marked on the plans a raised area currently divides the houses in Hopcroft from the site of the new development. This raised earthwork is approximately 10 feet and 6 inches wide with a dry stone dyke at each side & no definite visual boundary. The area is currently maintained by us. In accordance with measurements in the feu disposition dated 15th November 1965 our property measures 140 feet & 8 inches in length. According to the boundary measurements we own 7 feet and 6 inches of the raised earthwork area & the Rowett owns the remaining 3 feet. We think the boundary line shown on the site plan is incorrect as it shows that most of this area of land will be in the new development. We have discussed this with Persimmon Homes who advised that they are unsure who owns this piece of land & at this point do not know if the raised area will be left in place or taken out. We are sure you will agree that this is something that should have been decided before the plans were lodged. We would like to see a definite border being put in place.

We are also concerned about the close proximity of the SUDs to our property in particular the possibility of unpleasant odours. This could mean a limitation of our enjoyment of our back garden due to the quality of air. We have enjoyed sitting in our back garden for the last 12 years. We are also concerned that the area may become unsightly & be a potential safety issue particularly for children. Also will adequate maintenance regimes be put in place to make sure the SUDs operate sufficiently.

We are also concerned about road safety & the extra traffic that the extra 65 houses will bring to the area. This is made much worse with the many people who are not residents of the area coming from Forrit Brae down Hopetoun Grange in the rush hour to avoid the tailbacks at the roundabouts. Most of the time they are travelling in excess of the speed limit. We feel that this is something that needs to be looked at closely when the planning application is considered.

The Aberdeen Local Development Plan showed that no more than 30 houses should be built on the site. The site plan shows that 65 houses will be built which we feel is an unacceptable high density & overdevelopment of the site. Persimmon Homes have used historical density values from Hopcroft, Hopetoun, Sclattie & the Wimpey houses at Newhills which we feel are no longer applicable at this point in time. We feel that reducing the densities would resolve many of the above issues. The design & appearance of the new houses are also not in keeping with the surrounding

area which are predominantly one and a half storey's high.

We would be grateful if you could take our objections in to consideration when determining the application. We would also be happy for a representative of the planning department to meet us at our property to allow them to see our objections first hand.

P&SD Letters of Representation		
Application Number: 130029		
RECEIVED - 4 FEB 2013		
Nor	Sou	MAp
Case Officer Initials: JAF - North		
Date Acknowledged: 08/02/13		

37 Hopetoun Grange,
Bucksburn,
Aberdeen.
AB21 9RD

1st February, 2013.

Planning and Sustainable Development,
Marischal College,
Broad Street
Aberdeen

Dear Sir,

REF: Application no. 130029 Proposed Development at Land to North of Hopetoun Grange by Persimmon Homes.

I have examined the documents published in support of the above named development and wish to make representations as follows.

As a member of the Hopetoun Action Group that took part in the Public Enquiry in 2006 I consider that the application has largely ignored the results of this enquiry in several aspects and would ask why conduct a Public Enquiry if the conclusions are to be ignored?

The Enquiry agreed that the field was suitable for 30 houses, not the 65 proposed. Access to the development would be off Hopetoun Grange and houses would have no private drives giving direct access to Hopetoun Grange.

There would be a 15metre gap between the trees on Hopetoun Grange and the rear of the new houses. Additional planting would take place in a zone behind the trees on Hopetoun Grange and behind the existing houses on Hopecroft Avenue to provide "wildlife corridors".

When we highlighted the lack of maintenance of the trees surrounding the site over the previous 40 years an undertaking was made to remove dead branches, cut down trees that were passed their best and to plant replacement saplings. This work was done in 2009 and although some of the saplings have subsequently died largely due to neglect, the fact remains that this work was carried out.

The Tree condition report carried out for Messrs Persimmon is I believe an exaggeration of the present position in order to tie in with the developer's plans.

Our concerns about the increase in traffic caused by the overdevelopment of the site have not been addressed, as there is no Traffic Assessment Report among the published documents. Our own assessment is that some 200 additional vehicles would need to be catered for, causing increased problems in the lower part of Hopetoun Grange an area where conflict between neighbours has already occurred as competition for road space increased.

The area in the upper part of Hopetoun Grange where, if the development is allowed, single private driveways serve some three four bedroom house, the competition for space will result in vehicles parking on the road as the private cars find that the private area in front of the houses inadequate. This situation will lead to congestion on the road at particular times of day.

The Design and Access Statement states that "Decoration and appearance of the proposed properties have been designed to fit in with the local urban types sympathetically". Where in the local area may I ask are houses constructed with facing brick? The documents do not say what colour these bricks are, so how can we judge if they are "sympathetically designed" or not. Could it be that this is the cheapest form of finish they could choose?

The Design and Access Statement also states "The design principles for the development site have primarily followed the requirement as set out in the Local Plan". I would disagree with this statement, since the number of houses has more than doubled, houses are allowed private drives to Hopetoun Grange, all mature trees are to be felled, the need for wildlife corridors ignored and the houses have not been sympathetically designed, but rather packed together to maximise the developer's profit.

I am disappointed that the developer has been allowed to produce what I believe is an unattractive and out of place proposal for this site and ask that my observations given above are considered carefully.

Yours faithfully

Mr. Ronald McIntosh

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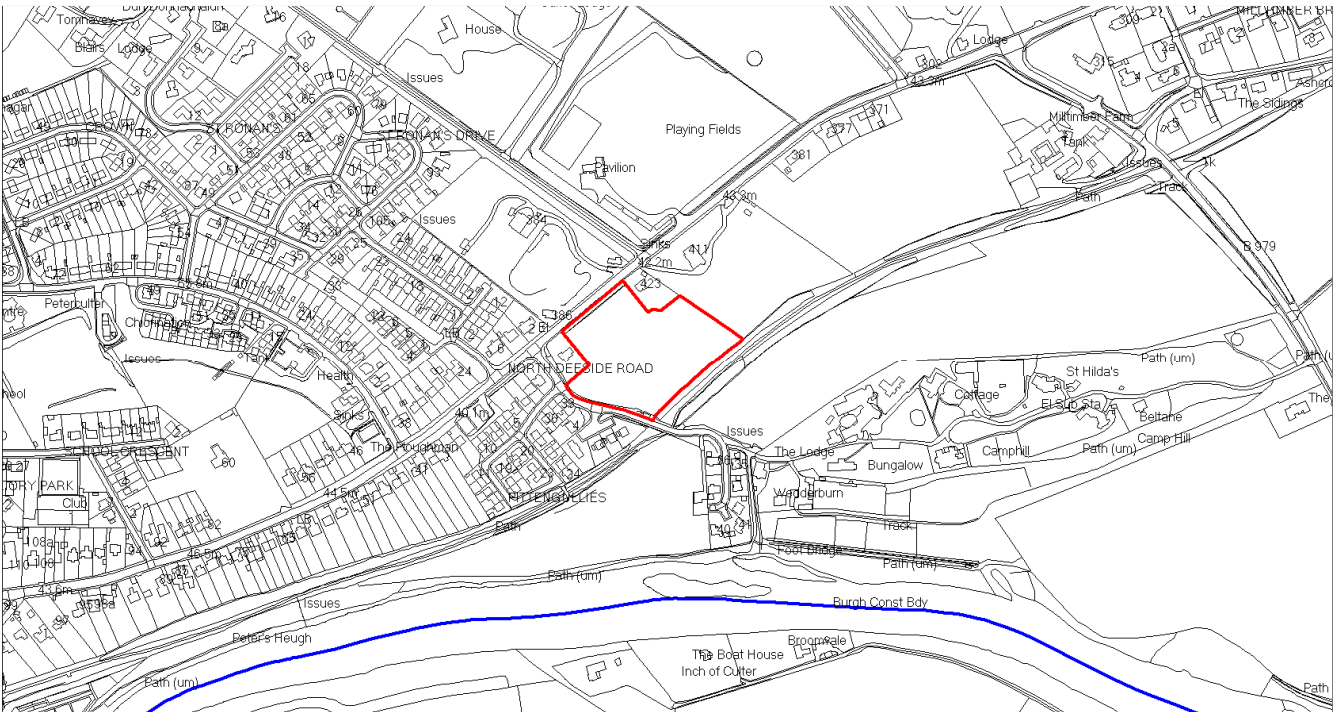
Agenda Item 2.3

LAND ADJ TO NTH DEESIDE ROAD,
PITTEGULLIES BRAE, PETERCULTER

ERECTION OF 32 NO.UNIT RESIDENTIAL
DEVELOPMENT WITH ANCILLARY SITE
WORKS AND LANDSCAPING

For: Bancon Developments Ltd

Application Type : Planning Permission in Advert : Can't notify neighbour(s)
Principle Advertised on: 13/03/2013
Application Ref. : P130230 Committee Date: 22 August 2013
Application Date: 21/02/2013 Community Council : Comments
Officer: Donna Laing
Ward : Lower Deeside (M Boulton/A Malone/M
Maik)



RECOMMENDATION:

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has made a payment to the Council to secure the identified developer contributions towards affordable housing units, provision of community facilities and recreation, library, core path improvements, healthcare and strategic transport fund.

DESCRIPTION

The application site, which extends to some 1.72 hectares is located to the south of North Deeside Road, and abuts Pittengullies Brae. The site sits immediately on the eastern outskirts of Peterculter. The site is zoned within the Aberdeen Local Development Plan 2012 as an opportunity site. The opportunity site, OP59: Peterculter East, is noted within the local development plan as being capable of providing a development of 25 homes.

At present the site is a field, used for the grazing of horses. At the North Deeside Road, north west of the site, there are two existing dwelling houses, these sit out with the site boundary but influence the shape of the development site. These two houses, due to the lie of the land, sit below North Deeside Road with the roof of each premises visible.

The site has an undulating nature and slopes down approximately 18m from North Deeside Road towards the South Deeside line, which form the south eastern boundary of the site. There are mature trees sitting out with the site on its north east and south east boundary, with the canopy of these trees spreading onto the site. The boundary enclosure along the tree line comprises a stone dyke, with a wire fence running beside this. The boundary enclosure to Pittengullies Brae is a wire fence, while on North Deeside Road there is a mixture of stone wall, shrubbery and timber fencing

RELEVANT HISTORY

The site was rezoned in the Aberdeen Local Development Plan 2012 from green belt to OP59: Peterculter east and rezoned as land release policy, for the development of 25 homes.

P130229 – erection of 8 no. unit residential development with ancillary site works and landscaping – pending. There is a current detailed planning permission for the development of 8 units within the boundary of the Planning Permission in Principle Site.

P130845 – Signage application – pending

PROPOSAL

This application seeks Planning Permission in Principle (PPiP) for the construction of dwelling houses. The site would take access from two points; firstly 8 no. units would be accessed from North Deeside Road while the remainder of the site would be accessed from Pittengullies Brae. A new road would be routed through the site, and a path would be created linking the 8 units closest to North Deeside Road with the remainder of the site. A play park would be created for the site, located in the northern corner. 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 this 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.

It should also be borne in mind that a detailed planning application (P130229) has been submitted for 8 units on 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?130230>

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

A tree report and a drainage impact assessment have been submitted for this site.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because a total of 9 letters of objection have been received, along with a letter of objection from the statutory community council, Cults, Bielside and Milltimber Community Council. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – response received – no objection yet requested a number of conditions were added relating to access, upgrading of sustainable transport methods and flood routing.

Environmental Health – no response received.

Developer Contributions Team – response received - contributions are also sought towards the provision of affordable housing units, provision of community facilities and recreation, library, core path improvements, healthcare and strategic transport fund.

Enterprise, Planning & Infrastructure (Flooding) – Response received – satisfied with the drainage impact assessment and the SUDS pond. A condition has been requested to provide a condition survey, preferable through CCTV, of the culverted watercourse adjacent to the development and in the immediate downstream, to clarify the suitability of the connection of the drainage layout to this watercourse.

Education, Culture & Sport (Archaeology) – response received - No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post-excavation and publication work.

Scottish Environment Protection Agency – response received – conditions should be attached on the submission of a construction management plan and refuse segregation, storage, collection and management of residential waste.

Community Council – response received

- There has been a lack of consultation with the community council on this application, the applicant has engaged with Culter Community Council but not Cults, Bielside and Milltimber Community Council.
- The OP59 Peterculter site is zoned for 25 units, we object to the proposal exceeding this threshold
- There is concern regarding traffic turning onto and from the site directly onto North Deeside Road, especially traffic turning out into North Deeside Road in an easterly direction. All traffic should be directed to Pittengullies Brae first

- SUDS planning for application 130229 and 130230 should be considered for the whole site as one. There are existing drainage and sewage overflow issues and jointly with Culter Community Council we ask that these be resolved via planning gain for this OP site.

REPRESENTATIONS

8 letters of objection have been received. The objections raised relate to the following matters.

1. Infrastructure

Traffic

The existing difficult access and egress from Pittengullies Brae would be increased,

Congestion and queuing would increase in the village

All traffic should be directed to Pittengullies Brae first.

The creation of cul-de-sacs is not acceptable. The site should be redesigned with the creation of a circular route off Pittengullie Brae. The upper section of the site will then be at a lower level than proposed.

The increase in traffic on Pittengullie Brae will be dangerous for the children of Camphill and would impact negatively upon the experience and safety of pedestrians (including children with special needs) using Camphill Estates western entrance. This entrance would become more important after the construction of the Aberdeen Western Peripheral Route

Services

The infrastructure cannot cope as it is – public transport, council services, schools, health services

Drainage

SUDS planning for application 130229 and 130230 should be considered for the whole site as one. There are existing drainage and sewage overflow issues; we ask that these be resolved via planning gain for this OP site.

2. Impact on Amenity

Impact on view and attractiveness of Peterculter

Building on this site will spoil the view of the valley as you come into Peterculter

Disappointed the SR4 zoning has been lost; ribbon development and loss of open space/parkland will reduce the attractiveness of Peterculter

A retaining wall and 6 ft fence should be erected on the south east boundary of 423 North Deeside Road to provide a degree of privacy, prevent overlooking and reduce visual/noise impact from the play park

Construction noise and visual effects

The increase in proposed numbers from 25 units to 33 units would add to the scale and possible duration of noise and visual effects during construction, and subsequently during winter months where the screening effects of the trees between the development site and Camphill Estate is reduced.

The proposal would raise serious concerns for the Camphill Communities due to the potential impact.

There will be a visual impact from the site on those using the South Deeside Line, and this would be compounded by the increase in numbers from 25 units to 33 units. The noise from the building works will cause huge trauma to the children attending Camphill School and limit their quality of life.

Ground levels

The ground levels will be raised significantly and the proposed dwellings would completely overpower the existing houses in close proximity to the site. The earth works to raise plots 5 and 8 are extensive and would not allow plots 1 and 4 to enjoy the view from the naturally sloping site

Trees

The large Ash tree would be required to be removed to accommodate the footpath in plot 9. The footpath should be re-routed. The Hawthorne tree at the north of plot 4 should be retained as it provides a level of privacy and reduces noise from the North Deeside Road

The type and placement of any trees should be considered as they would have the potential to obscure the outlook of 423 North Deeside Road should they grow too tall

Facilities

The play area should be bigger and should cover proposed plot 22. A retaining wall and 6 ft fence should be erected on the south east boundary of 423 North Deeside Road to provide a degree of privacy, prevent overlooking and reduce visual/noise impact from the play park.

3. Intensification of site

The number of units, 33, does not comply with the 25 allocated within Aberdeen Local Development Plan.

4. Other

The 30mph speed limit should be relocated past Avondow to the corner before Kippie Lodge.

PLANNING POLICY

Scottish Planning Policy

Paragraph 66 of the Scottish Planning Policy outlines there is a commitment from the Scottish Government to increase the supply of new homes and the planning system should contribute to raising the rate of new house building by identifying a generous supply of land for the provision of a range of housing in the right places.

Strategic Development Plan

Aberdeen City and Shire Structure Plan

Sets strategic growth and policy areas for the City and Shire and outlines by 2030 there are to be 36,000 new homes proposed for Aberdeen City. The land allocations are set out within the local development plan.

Sustainable Mixed Communities section – page 22 - For all housing development of over one hectare in strategic growth areas to be in line with approved supplementary guidance and generally have no less than 30 dwellings per hectare.

Aberdeen Local Development Plan

Policy LR1: Land Release Policy

Part A – Phase 1 Release Development: Housing 2007 -2016; and employment 2007 -2023

Housing and employment development on sites allocated in Phase 1 will be approved in principle within areas designated for housing or employment. Development on an allocated site or in close proximity to an allocated site that jeopardises the full provision of the allocation will be refused.

Policy I1: Infrastructure Delivery and Developer Contributions

Development must be accompanied by the infrastructure, services and facilities required to support new or expanding communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

New infrastructure will either be provided by the developer or through financial contributions.

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 parking standards for a number of modes of transport are set out in Supplementary Guidance on Transport and Accessibility and details the standards that different types of development should provide.

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 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.

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 H3: Density

The Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential development of over one hectare must:

1. meet a minimum density of 30 dwellings per hectare (net). Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space;
2. have consideration of the site's character and those of the surrounding area;
3. create an attractive residential environment and safeguard living conditions within the development; and

Policy H5: Affordable Housing

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

Policy NE4: Open Space Provision in New Development

The City Council will require the provision of at least 2.8 hectares per 1,000 people of meaningful and useful public open space in new residential development.

Communal or public open space should be provided in all residential developments.

Policy NE5: Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable. Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction.

Policy NE6: Flooding and Drainage

Development will not be permitted if:

- 1 it would increase the risk of flooding:-
 - a) By reducing the ability of the functional flood plain to store and convey water;
 - b) Through the discharge of additional surface water; or
 - c) By harming flood defences.
- 2 it would be at risk itself from flooding

Where more than then 10 homes or greater than 100m² floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must:

- 1 be the most appropriate available in terms of SUDS; and
- 2 avoid flooding and pollution both during and after construction.

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.

Policy R6: Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual, recyclable and compostable wastes. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Policy R7: Low and Zero Carbon Buildings

All new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

Supplementary Guidance

Infrastructure and Developer Contributions Manual

The purpose of this Infrastructure and Developer Contributions Manual is to provide clear guidance on the methodology used to identify infrastructure requirements and the criteria that should be used to calculate developer contributions to support new development.

Transport and Accessibility Supplementary Guidance

The guidance examines a number of transport and accessibility issues that may have to be considered as part of a planning application.

Affordable Housing

Outlines affordable housing provision and the delivery of this on site or by securing a contribution.

Open Space

Outlines the different types of open space and the ratios required for different sizes of development

Trees and Woodlands

Outlines policy and legislation on trees and protection measures required during construction periods and outlines the requirements within a tree survey.

Drainage Impact Assessment

The guidance provides information on the requirements on the submission of Drainage Impact Assessment and emphasises the requirements for SUDS.

Waste Management

Developments should provide enough space for the storage and collection of waste access to such facilities.

Low and Zero Carbon Buildings

The purpose of this supplementary guidance is to provide the methodology for developers to demonstrate compliance with Aberdeen Local Development Plan policy R7.

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

Scottish Planning Policy outlines a commitment to increase the supply of new housing and the Aberdeen City and Shire Structure Plan outlines by 2030 there are to be 36,000 new homes proposed for Aberdeen City. The land allocations are set out within the local development plan. 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, Policy LR1: Land Release Policy. The site is zoned Opportunity Site 59: Peterculter East for the development of 25 homes within the first phase of development from 2007 to 2016. Therefore, housing development on this site will be approved in principle, with the detail of the application being assessed through both this application and subsequent applications.

Scale and pattern of development, design and amenity

Scale and pattern of development

As this application seeks Planning Permission in Principle (PPiP), the application is to establish the acceptability of a proposal without having to develop the detailed proposal. The applicant is not required to submit full details of any new dwellings. Such details can be secured as part of a later application relating to Matters Specified in Conditions (MSC).

The original indicative layout submitted has been amended due to concerns regarding the possible of overshadowing on the site from the mature trees surrounding the site. There were concerns the overshadowing would have a detrimental impact on amenity of some of the indicative plots. The number of houses shown in the indicative plan is now 32 and is not likely to change.

As the proposed site sits to the eastern edge of Peterculter the pattern of development surrounding the site is, for the most part, one of large plots and a high degree of open space. The zoning surrounding the north east and south east edges of the site are Policy NE2: Green Belt and Policy NE1: Green Space Network. To the north west and south west of the site the zoning is Policy H1: Residential. The historic pattern of development to the eastern edge of Peterculter along the southern side of North Deeside Road, comprises plots with houses in close proximity to North Deeside Road and large gardens running down to the South Deeside Line. This pattern of development has been broken by the creation of Pittengullies Brae/Circle, to the west of the proposed site, in which the pattern of development is much smaller plots and one and two storey detached and semi-detached properties. The indicative layout would follow the pattern of development of Pittengullies Circle more than the historic pattern of development. Point 2 of Policy H3: Density of the Aberdeen Local Development Plan states development must have consideration of the site's character and those surrounding it. The indicative design would be comparable to the modern pattern of development at Pittengullies Circle.

The local development plan outlines the opportunity site could accommodate 25 homes. The increase in number from units from 25 is acceptable. Consideration should be given to Policy H3: Density of the Aberdeen Local Development Plan and the Aberdeen City and Shire Structure Plan which outline for housing developments over 1 hectare a minimum density of 30 dwelling per hectare (net)

must be met. The provision of 32 units for a 1.72 hectare site therefore would not comply with policy which would require 51 houses be developed. The proposed density in the surrounding area is approximately 28 units per hectare. The provision of 32 units, which would equate to approximately 19 units per hectare would not constitute over development.

The density of the proposed site as requested by policy Policy H3: Density of the Aberdeen Local Development Plan cannot be applied in isolation. There is a clear need for the level of proposed development to be considered within the context of the surrounding area and the particulars of the site itself, give a better measure of a sites capacity. From the detail supplied within the indicative plans it would be noted that the density of the site falls below this as the site occupies 1.72 ha, however, due to the nature of the site this is to be expected.

Design and amenity

The indicative layout of the houses would appear to follow the criteria as outlined in Policy D2: Design and Amenity of the Aberdeen Local Development Plan. The houses would have public face to the street and a private face to an enclosed garden, with residents having access to sitting out areas, either private or communal gardens. As there is no requirement within a PPIP application to submit full details of the proposed dwellings, proper consideration of Policy D2: Design and Amenity of the Aberdeen Local Development Plan and Policy D1: Architecture and Placemaking of the Aberdeen Local Development Plan cannot be undertaken until full design proposals are submitted at the Matters Specified in Condition stage.

Open space

Open space provision has been included within the proposal through the inclusion of a play park to the north of the application site. The open space audit has deemed that for every 1000 residents there should be approximately 2.8 ha of open space. The open space provision is to be calculated on a ratio of this requirement, therefore the approximate open space requirement would be 0.3ha. As the site layout is indicative the layout of the openspace would be dealt with at a later date through Matters Specified in Conditions applications and at this stage consideration with Policy NE4: Open space provision in new development and the supplementary guidance: open space can be undertaken.

Landscape and Trees and Woodlands

The landscape character of the site is noted for its undulating nature and the prominence of mature trees which are located out with the site boundary, and in particular those trees on the north east and south east sides of the development. The development would not lead to the disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them. The existing use of the site does not relate to these categories, however, the North Deeside Line does run to the south east of the site, and the proposed development would be in close proximity to this recreational area. There are other sections of the South Deeside Line where the gardens of premises and the premises themselves are in close proximity to the North Deeside Line. The impact on landscape character and sense of place would not be fully assessed until detail of the proposed houses is finalised through the Matters Specified in

Conditions applications, however, it should be noted that the application would lead to a substantial change in the character of the site, as at present the site is a field. The principle of development has identified on this site by its allocation as an opportunity site through the Aberdeen Local Development Plan 2012. The indicative drawings aim to maintain the sloping characteristic of the site and the tree belts beyond the boundary of the sites, therefore some of the landscape character and elements which create a sense of place are to be retained with the information known to date. The proposal would not sprawl into a green space buffer. The proposal therefore would accord with the principles of Policy D6: Landscape of the Aberdeen Local Development Plan.

The applicant has provided a tree survey in support of this application. This identifies a total of four trees for removal as a result of poor condition. The majority of the existing trees and woodland would be retained. The Council's Arboriculture 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 Aberdeen Local Development Plan and the Trees and Woodlands Supplementary Guidance.

Drainage/Flood Risk

A drainage impact assessment has been submitted for the site, which includes SUDS pond details. This has been assessed by the Council's Flooding Team and by the Council's Roads Project Team. The flooding team is satisfied with the drainage impact assessment and SUDS pond. A condition has been requested to provide a condition survey, preferable through CCTV, of the culverted watercourse adjacent to the development and in the immediate downstream, to clarify the suitability of the connection of the drainage layout to this watercourse. The Roads Project Team has also assessed the application and have requested a condition be attached relating to flood routing.

Scottish Environment Protection Agency (SEPA) was consulted on the application and have stated that they would not object to the application provided conditions are attached to any approval relating to the submission of an environmental management plan and details provided on the segregation storage, collection and management of residential waste. The drainage impact assessment and the SUDS pond elements of the proposal have also been assessed by SEPA. Policy NE6: Flooding and Drainage of the Aberdeen Local Development Plan and the supplementary guidance: Drainage Impact Assessments have been satisfied through the production of the drainage impact assessment and by conditions attached relating to the condition survey of the culvert and the production of a construction management plan.

Transport and Access

The indicative layout proposes access into the site from two points, one from the north west of the site onto North Deeside Road and the other to the south west of the site onto Pittengullies Brae. The proposal has been assessed by the

Council's Roads Project Team who have no objection to the proposed development, noting a number of conditions to be attached relating to upgrading of bus stops, provision of a link path to the South Deeside Line, refuse collection and visibility splays and will be determined through a Matters Specified in Conditions application.

The footpaths surrounding the site are proposed to be widened to 2m and a footpath is proposed to run along Pittengullies Brae close to the opening of the South Deeside Line. Access to public transport has also been addressed and upgrading of the bus stop. Taking these matters into account, it is considered that the proposal demonstrates accordance with Policy T2: Managing the Transport Impact of Development of the Aberdeen Local Development Plan with further consideration required of the Transport and Accessibility supplementary guidance through the Matters Specified in Conditions application.

There are 2 core paths in close proximity to the site, core path 66: Deeside Way (South Deeside Line) runs to the south of the site and core path 76: Culter House Road to River Dee runs to the west of the site. The upgrade of the footway on Pittengullies Brae will improve access to these core paths thereby improving provision for public access and links to green space for recreation and active travel, thereby complying with Policy NE9: Access and Informal Recreation of the Aberdeen Local Development Plan and with Policy D3: Sustainable and Active Travel of the Aberdeen Local Development Plan.

Developer Contributions

The site has been assessed by the Developer Obligations Team who has advised, in order to comply with Policy I1: Infrastructure Delivery and Developer Contributions of the Aberdeen Local Development Plan, Policy H5: Affordable Housing of the Aberdeen Local Development Plan, Infrastructure and Development Contributions supplementary guidance and the Affordable Housing supplementary guidance, there are a number of areas where financial contributions should be sought from the developer, in addition to the addressing the need for affordable housing. These obligations include the provision of 8 affordable housing units, provision of community facilities and recreation, library, core path improvements, healthcare and strategic transport fund. Agreement in principle has been reached with the applicant and a legal agreement is required in order to ensure that this is appropriately controlled. It is recommended that permission is withheld pending the conclusion of a legal agreement in relation to developer contributions/affordable housing provision.

Low and Zero Carbon Buildings

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. The proposal cannot be assessed against Policy R7: Low and Zero Carbon Buildings of the Aberdeen Local Development Plan and the Low and Zero Carbon Buildings Supplementary Guidance at this stage.

Waste

Policy R6: Waste Management Requirements for New Developments and the Waste Management supplementary guidance cannot be assessed at this stage, however, such details can be obtained as part of a future application through the use of an appropriate condition.

Material Planning Considerations raised by objectors

General Statement

The application is for Planning Permission in Principle and seeks to establish only the general principle of development at the scale proposed on the application site. The details of many of the issues raised by objectors are to be dealt with at a further application stage.

Infrastructure

Traffic impact

Is it likely that due to the development there may be an increase in traffic from and to the site. The developer has tried to mitigate this through the provision of two access and egress points. The application has been subject to consultation with the Council's Roads Projects Team who has deemed they have no objection to the proposal. The site is located within walking distance to amenities within the Peterculter District Centre and is located next to a bus stop, to which improvement are proposed, a cycle route and to Core Paths which will encourage more sustainable modes of transport. A footway is also proposed to run alongside the site, thereby providing a footway on both sides of Pittengullies Brae, rather than just on one side as it is at present. There are a number of core paths surrounding the site therefore it is expected that there is already a high percentage of movement along the boundary of the site. Access to the core paths and to the site itself may increase with the additional housing in this area, however, Pittengullies Brae does sit within a 30 mph speed limit zoning and due to the layout of the road with corners cars would be expected to be driving at the speed limit if not lower. The additional housing in the area may make car drivers more aware that they are in a built up area and that they are required to drive accordingly, and to the conditions presented to them.

Services

Has been discussed under the section titled Developer Contributions

Drainage

The drainage has been discussed under the section titled Drainage/Floodrisk

Impact on Amenity

Construction noise and visual effects

The site is well screened and buffered from the Camphill Estate by the trees, the bunding of the South Deeside Line and the distance of 84m from the edge of the site to the edge of Camphill Estate. The proposal aims to retain the boundary feature of the trees but also there would be a condition attached requiring landscaping, therefore there is the possibility of an increase in the screening due to the proposal. There are other sections of the South Deeside Line whereby there is housing in close proximity therefore this pattern of development is not alien to this setting. The construction noise from the development of the site

would be short term and buffered by the distances involved and screening from trees. The increase in housing numbers is discussed within the report already under the section entitled Scale and pattern of development

Impact on view and attractiveness of Peterculter

The views and impact on landscape character were discussed under the section of the report titled landscape and trees and woodlands. The zoning of the site has been discussed under the section Principle of Development.

Ground levels

The ground levels are shown by a cross section drawing of the site. These do show areas where land is to be built up and there is a substantial difference in height between some plots. As the details of the individual houses are not yet known, nor is the details of the landscaping, the boundary features et cetera the relationship between the proposed and existing dwellings and between the proposed dwellings would be addressed through a further application for Material Specified in Condition.

Trees

The tree report highlights the Ash tree (tree number 23) as being retained. The Hawthorne tree (number 19) is to be retained. The drawings of the site are indicative therefore the layout of the path may be changed from what is shown on the drawings at present if the trees is viewed as an important landscape and character feature

Facilities

The play area has been discussed under the section entitled open space. The boundary treatment will also be conditioned.

3. Intensification of site

The intensification of units has been discussed above in the section scale and pattern of development.

4. Other

The repositioning of the 30mph sign is not a material planning consideration.

Material Planning Considerations raised by Community Council

The applicant is not obliged to consult with the community council as this is not a major application.

The number of units has been discussed under the section scale and pattern of development.

The application has been assessed the Council's Roads Project Team and traffic concerns have been discussed under the heading transport and access.

The SUDS issues have been addressed under the section titled Drainage/Flood Risk

Summary

In summary, this application proposes an appropriate type of development in an area zoned under the land release policy for the erection of 25 homes. The use of the site on principle would be acceptable. There are a number of issues that

require to be addressed though condition and further applications are expected through Materials Specified in Conditions. The site is located in close proximity to public transport facilities, local amenities, core paths, and recreation space. The landscape character and impact on trees has been assessed, and further information has been submitted regarding these features, again these aspects are to be subject to condition. The drainage and SUDS arrangements have been assessed by the relevant Council and statutory bodies who have deemed these to be satisfactory. Further detail is required of the condition of the culvert and flood routing, which will be achieved through condition

RECOMMENDATION

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has made a payment to the Council to secure the identified developer contributions towards affordable housing units, provision of community facilities and recreation, library, core path improvements, healthcare and strategic transport fund.

REASONS FOR RECOMMENDATION

The development hereby approved is of an appropriate type for the land use zoning, LR1: Land Release Policy of the Aberdeen Local Development Plan. The proposal has been assessed by Developer Contributions who have outlined a number of financial and physical contributions required, the proposal would therefore accord with Policy I1: Infrastructure Delivery and Developer Contributions of the Aberdeen Local Development Plan, Policy H5: Affordable Housing of the Aberdeen Local Development Plan, Infrastructure and Development Contributions supplementary guidance and the Affordable Housing supplementary guidance. The proposal would accord with the principles of Policy D6: Landscape of the Aberdeen Local Development Plan and with the relevant provisions of Policy NE5: Trees and Woodlands of the Aberdeen Local Development Plan and the Trees and Woodlands Supplementary Guidance. The proposal is subject to a condition relating to the condition survey of the culvert and the production of a construction management plan, yet the indicative drainage layout and the SUDS proposal would accord with Policy NE6: Flooding and Drainage of the Aberdeen Local Development Plan and the supplementary guidance: Drainage Impact Assessments. Access arrangements are subject to assessment against Policy T2: Managing the Transport Impact of Development of the Aberdeen Local Development Plan with further consideration required of the Transport and Accessibility supplementary guidance, Policy NE9: Access and Informal Recreation of the Aberdeen Local Development Plan and Policy D3: Sustainable and Active Travel of the Aberdeen Local Development Plan. Further information would be required to comply with Policy R7: Low and Zero Carbon Buildings of the Aberdeen Local Development Plan and Low and Zero Carbon Building supplementary guidance and also with Policy R6: Waste Management Requirements for New Developments and Waste Management Supplementary Guidance. The proposal 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 pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; these matters being details of the

(i) means of access,

(iii) layout of development,

(iii) design and external appearance of the building(s) and

(iv) the landscaping of the site

- 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.

(4) that no development shall take place unless details of the siting, layout, and materials of the dwellings have been submitted to, and approved in writing by, the planning authority. Thereafter the dwellinghouses shall not be occupied unless built in full accordance with 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: Architecture and Placemaking

of the Aberdeen Local Development Plan - 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.

(5) notwithstanding the drainage plan submitted, that no development shall take place within the application site until the applicant has carried out and submitted to, and been approved in writing by, the planning authority (i) a condition survey, preferably through CCTV, of the culverted watercourse adjacent to the development and in the immediate downstream; and (ii) an assessment of flood routing; and, if required, an updated drainage impact assessment, Sustainable Urban Drainage System and outline any flood routing mitigation measures required. Thereafter the development shall not be occupied unless built in full accordance with the details approved - in order to clarify the suitability of connection to the watercourse, to safeguard water qualities in adjacent watercourses, to ensure that the proposed development can be adequately drained and to ensure that the 200 year rainfall event flooding can be accommodated.

(6) that at least two months prior to the commencement of the development, a full site specific Construction Environmental Management Plan (CEMD) shall be submitted to and approved in writing by the planning authority in consultation with SEPA and thereafter all works associated with the development shall be carried out in accordance with the approved CEMD - in the interests of pollution prevention.

(7) that no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(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 and to minimise the visual impact of the buildings.

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

(10) 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.

(11) 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.

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

(13) That no development shall be undertaken unless provision has been made within the application site for the segregation, storage, collection and disposal of residential refuse 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.

(14) 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'.

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

(16) that no dwellings hereby granted planning permission shall be occupied unless the area/areas of public open space including the play area as identified on Drawing No. OPL-01C of the plans hereby approved (or such other drawing as may be subsequently approved) have been laid out in accordance with a

scheme which shall be submitted to and approved in writing by the Planning Authority. No development pursuant to this planning permission shall take place unless such a scheme detailing the manner in which the open space is to be managed and maintained has been submitted to and approved in writing by the planning authority. Such scheme shall include provision for a play area comprising at least five items of play equipment and a safety surface. The said area shall not thereafter be used for any purpose other than as a Play Area - in order to preserve the amenity of the neighbourhood and to ensure the timely provision of play facilities

(17) That no development shall take place unless there has been submitted to and agreed in writing by the planning authority a scheme for the provision of public footpaths along the road frontages of the site and the provision of a footpath on the south side of the site to the east of Pittengullies Brae linking to the South Deeside Line. Thereafter the public footpaths shall be constructed in full with the scheme submitted and by the occupation of the first unit - in the interests of public road safety and the encouragement of sustainable transport.

(18) that no part of the development shall be occupied unless a schedule of work relating to the upgrading of bus shelters, which may include seating, lighting, shelter, raised kerbs and timetable provision for the bus stops on the westbound and eastbound bus stop has been submitted to, and approved in writing by the planning authority, and subsequently the upgrading work has been implemented prior to the occupancy of any residential unit implemented - in the interests of sustainability and to encourage a reduction in the level of private car trips generated by the development

(19) that no development shall take place unless there has been a submitted to and agreed in writing by the planning authority detailed plans showing visibility splays for all new road junctions, including driveways on to Pittengullies Brae, and thereafter the junctions shall be constructed in full accordance with the approved plans. Further to this the layout of internal roads and the front garden spaces of the properties be developed without obstruction - in the interest of road safety and public safety.

(20) that no development shall take place unless there has been a submitted to and agreed in writing by the planning authority detailed plans showing measure to reduce speeds in the internal road layout - in the interest of road safety and public safety.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

CULTER COMMUNITY COUNCIL



Peterculter
Aberdeen
AB14 0PX

25th March 2013

Ms Donna Laing
Enterprise Planning and Infrastructure
Marischal College
Broad Street
Aberdeen AB10 1BW

Dear Ms Laing,

P130229 for 8 houses on the North Deeside Road adjacent to Pittengullies Brae (Detailed)
P130230 for 33 residential units on Pittengullies Brae (Planning in Principle)

The Culter Community Council planning sub-group met to discuss this application. We are considering these two applications together, as they form the development OP 59 Peterculter East in the Local Development Plan. We comment as follows:

1. We note that the allowance for 25 homes on site OP59 in the LDP has been exceeded in these two applications. A total of 33 units is now proposed. 25 houses are being put forward *plus* an additional 8 affordable housing units. We see no reason to split this application except to increase the number of units proposed. We object to the number of houses being increased from the agreed allowance in the LDP.
2. Application P130229 is built entirely on built-up land, to raise the site up to access the North Deeside Road. This takes ground level adjacent to the existing house, Robin's Cot, at the corner of Pittengullies Brae, approximately 3.2 metres higher than currently. The ridgeline of the adjacent new house will be 12 metres above existing ground level and will completely overpower the existing 1½ storey house. Robin's Cot should be shown on the proposed sections and elevations, as it is surrounded on two sides by the development.
3. The area in which these two proposals are sited is an area of very considerable concern to Culter Community Council, with particular regard to significant **existing** drainage and sewage overflow problems. (* See details at the end of this letter). These have been raised with Scottish water, ACC, SEPA, Camphill Estates and our local Councillors. Building on this site adjacent to Pittengullies Brae cannot safely take place unless these drainage problems are addressed beforehand and included as part of the "planning gain" for the whole development.
4. Permission should not be granted in detail for 8 houses at the top of this sloping site, where the drainage needs to flow into a scheme below, which is not at detailed planning stage and may not even be constructed. The SUDS pond will be required for the whole site and is not part of the detailed application P130229. We would ask that these two applications must be considered together, and that the developer includes the significant drainage infrastructure improvements needed to solve existing overflow and sewage back-up and to prevent further serious problems. (* See details at the end of this letter)

Now is the time to provide drainage infrastructure that will serve any future development of this whole area, following the construction of the AWPR. Bancon Homes have previously submitted plans for more housing further down Pittengullies Brae, which would be seriously affected if a comprehensive drainage plan is not implemented with this development.

5. We would also comment that splitting the application into two parts means that both developments are now dead-end roads. Access from the cul-de-sac for eight large houses directly onto the North Deeside Road is not acceptable. It is immediately opposite a bus stop. This section of road is very busy, with traffic frequently queuing in both directions, with congestion from the nearby BP Garage and Marks and Spencers shop. The proposed traffic lights at the AWPR crossing will generate even more congestion.

We would suggest that access for both applications should be via a circular route off Pittengullies Brae, with access to the upper part of the site taken around the southern boundary of Robins Cot. The upper part of the site can then be at a lower level in relation to the North Deeside Road and the new houses will not overpower and ruin the amenity of Robin's Cot. This follows the pattern of other roads below the North Deeside Road, in Culter and other parts of Deeside such as Bielside and Cults. Traffic lights will then be required at the top of Pittengullies Brae.

6. We finally note that a significant large Ash tree on will have to be removed to accommodate the new footpath in Plot 9 of the lower Planning in Principle application. This tree should be retained and the footpath re-routed around it.

*** Notes on Existing Drainage Issues:**

The gap in the Deeside railway embankment at Pittengullies Brae is a funnel for water drainage from eastern Peterculter.

- An existing closed culvert takes water from north of the North Deeside Road, as well as another hidden drain from Coronation Road. The culvert currently runs down the eastern side of Pittengullies Brae to emerge as an open culvert below the railway, which repeatedly overflows in heavy rain.
- This then flows across the road and seriously erodes the Old Ferry Road down to the Dee. The existing culvert down Pittengullies Brae is damaged along the boundary of the proposed developments and will leak into the proposed SUDS pond.
- Across the Brae from the site, at the uphill side of the railway embankment, the water seeps permanently out of the ground and flows down the surface of the road. This then flows into an area above the existing sewage expansion tank for the main Deeside sewer.
- This expansion tank for the main Deeside sewer backs up in heavy rain and raw sewage overflows directly into the River Dee.

It is essential that these drainage issues are dealt with as part of this development, before adding any further run-off into the area.

[Redacted]

Chair, Culter Community Council

CC: Councillors Boulton, Malone, Malik

PCM: 25th March 2013

P&SU Letters of Representation		
Application Number	130229 & 130230	
RECEIVED	28 MAR 2013	
Nor	Sou	MAp
Case Office Initials:	DOL	
Date Acknowledged:	03/04/13	



290 North Deeside Road
Cults, Aberdeen
AB15 9SB

27th March 2013

Enterprise, Planning and Infrastructure
Marischal College
Broad Street
Aberdeen
AB10 1BW

Dear Ms Laing,

Re: Planning applications 13 0229 and 13 0230 relating to 'Land adj to Nth Deeside Road Pittengullies Brae, Peterculter, Aberdeen AB14 0QS:

- **Detailed Planning Permission - Erection of 8 No.unit residential development with ancillary site works and landscaping, and**
- **Planning Permission in Principle - Erection of 33 No.unit residential development with ancillary site works and landscaping**

I am writing on behalf of the Cults, Bielside and Milltimber Community Council (CBMCC) to comment on the above proposals for residential development. Despite the address of the proposals being in Peterculter the location is within the geographical area of focus of CBMCC according to the map published on the ACC website for CBMCC

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=45352&sID=20680>

So far the applicant has engaged with Culter Community Council and since CBMCC is a statutory consultee for this location we request that the above proposals are not determined by ACC until after such time as the applicant has consulted with CBMCC enabling CBMCC to conclude its comments to ACC.

As preliminary comments, CBMCC raises the following concerns:

- This location is described by ACC as OP59 Peterculter East in the Local Development Plan (LDP). We note that the LDP allows for 25 homes and therefore raise objection to the above proposals exceeding this threshold.
- We would not wish to see vehicle traffic from this site accessing the busy North Deeside Road directly, in particular we have concern about traffic turning out into North Deeside

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

Road in an easterly direction. CBMCC recommends instead that all traffic from these proposals is directed first into Pittengullies Brae.

- We request that SUDS planning for the two proposals is considered for the whole site as one and that further details of the plan are produced prior to determination by ACC. This is in line with the recommendation from SEPA contained in their letter to you PCS/125630 dated 22nd March 2013. CBMCC is aware that existing drainage and sewage overflow issues have been reported to the authorities and join with Culter Community Council in requesting that these be resolved via 'planning gain' for this OP site.

We look forward to receiving acknowledgement of this letter from yourself plus confirmation of a revised deadline for our comments as a result of the absence of consultation by the applicant with CBMCC to date.

Yours faithfully

Christine McKay, Planning Coordinator

CC: Councillors Boulton, Malone, Malik

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

From: Nick James [REDACTED]
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
CC: "Aileen Falconer" [REDACTED]
Date: 27/03/2013 14:46
Subject: Application reference 130230: land adjacent to North Deeside Road and Pittengullies Brae
Attachments: Application reference 130230 Camphill Communities.docx

Dear Sir or Madam,

Please find attached a submission with respect to planning application reference 130230 on behalf of the Camphill Communities.

Regards,

Nick James

Nick James BA(hons) MPhil MRTPI
Principal Environmental Planner

[cid:image002.jpg@01CE2AF8.7DD8A890]+44 [REDACTED]
37 Otago Street, Glasgow, G12 8JJ
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See our latest news here<[http://www.\[REDACTED\].uk/news](http://www.[REDACTED].uk/news)>

LUC (Land Use Consultants Limited) is registered in England (Registered Number 2549296)
Registered Office: 43 Chalton Street, London NW1 1JD
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Application reference 130230: Application for Planning Permission in Principle for the Erection of 33 No. unit residential development with ancillary site works and landscaping on land adjacent to North Deeside Road and Pittengullies Brae, Peterculter, Aberdeen, AB14 0QS

Representation prepared on behalf of the Camphill Communities

Introduction

This written submission has been prepared on behalf of the Camphill Communities (Aberdeen City & Shire). It provides an overview of the work of the Camphill Communities within the Dee Valley and specifically on the Camphill Estate a short distance to the south of the proposed development site. The submission details concerns that the Camphill Communities raised in relation to the inclusion of this site within the Aberdeen City Local Development Plan. It describes the Camphill Communities concerns with the current application and which lead to the Communities registering an objection to the scheme.

The Camphill Communities

The Camphill Communities (Aberdeen City & Shire) have an historical relationship within the Dee Valley spanning some 70 years, serving a wide range of users of all ages (estimated in excess of 1800). Currently more than 700 people live and work within the communities.

Camphill is particularly valued as a resource for people with special needs¹. The Camphill communities provide a range of services and facilities for vulnerable children, young people and adults with special needs across a number of sites including the Camphill Estate at Milltimber.

Camphill works to create communities in which vulnerable children and adults can live, learn and work with others in a healthy social environment based on mutual care and respect.

Camphill communities are valued for the quality and effectiveness of their distinctive provision². Key contributing factors, based on the movement's philosophy, are:

- its unique integrated programme of care, education/work and therapy;
- its community based operational structure;
- the quality of the environment, both built and natural, which supports these.

Extensive use is made of the natural outdoor environment throughout the year, both on and offsite (e.g. Deeside walkway), for educational, therapeutic and recreational activities.

The Camphill approach has always fostered inclusion and the non-institutionalisation of special needs individuals, with staff and their families living alongside those with special needs in a home-like setting and sharing all aspects of life. This approach is supported by the lack of perimeter fencing, freedom of movement, encouragement of appropriate independence and integration with the wider community.

Underpinning and supporting these key principles is respect and care for the environment as a sustainable resource and an essential foundation for the implementation of Camphill's integrated approach. This is demonstrated in practice through biodynamic and organic agriculture on the Camphill estates, an emphasis on self-sufficiency, architectural design which is sympathetic to its setting and the minimal use of barriers to create a sense of space and freedom.

The aim is to foster a safe, tranquil and nurturing setting in line with the environmental quality of the wider area in which the communities are situated. This provides the context for successful implementation of the therapeutic principles and practices which Camphill

¹ The term 'special needs' is used throughout to encompass individuals with learning disabilities, autistic spectrum disorder, mental health problems, social, emotional and behavioural needs, all of whom have additional support needs. Many are 'disabled' as defined by the Disability Discrimination Act 1995, amended 2005 where a disabled person is defined as someone who has 'a physical or mental impairment which has a substantial and long-term adverse effect on [their] ability to carry out day-to day activities'

² The value and effectiveness of Camphill's approach has been validated by external authorities, for example the Camphill School's HMIe/Care Commission Report 2007 and the National Autistic Society Autism Accreditation Report 2007, 2008.

has developed to enable each special needs individual to fulfil his/her potential.

Camphill School

The pupils attending Camphill School on the Camphill campus are a highly vulnerable sub-group within the special needs population. They are characterised by complex and multiple diagnoses and complex additional support needs. Many have Autism Spectrum Disorder (ASD), with its perceptual disturbances, notably sensory hypersensitivities. All have significant emotional and behavioural challenges and the majority have learning disabilities.

All present extreme and multiple challenges to a degree which has proven unmanageable by family, community and other educational settings. It is important to appreciate the vulnerability of these children, especially those with ASD, to changes in their environment, particularly sensory stimuli. The situation is extremely complex. Minor changes can have impacts which are unpredictable and disproportionate to the stimuli in question.

From this brief overview, it will be evident that the Camphill communities within the Dee Valley are particularly sensitive, both in terms of the characteristics of children and adults with special needs who live in or attend them and in terms of the environment within which the estates are located. The quality of this environment is critical to the work of Camphill, providing a context within which individuals with special needs can enjoy an improved quality of life. The following are the key features of the positive and nurturing environment of Camphill communities:

- Tranquil, calm and quiet
- Predictable and stable
- Low arousal: minimal disruptive sensory stimuli
- Sense of safety and security
- Extensive useable natural and beautiful outdoor environment
- Opportunities for integration, learning and experience

Changes which reduce the quality of the wider environment, or have a negative impact on any of the above key features, particularly where they introduce sources of noise, visual stimulation or general disturbance, are likely to undermine the Camphill approach and present potential problems for individual children or adults with special needs.

Aberdeen Western Peripheral Route

The Camphill Estate is already experiencing environmental change as a consequence of the decision to construct the Aberdeen Western Peripheral Route which runs close to the eastern entrance of the estate. While the Camphill Communities are working closely with the scheme promoters in order to minimise the visual and aural impacts of the new road, and the substantial temporary impacts during construction, this development is likely to increase the sensitivity of the site and its users to further environmental change. Furthermore, it is likely that, as a consequence of the new dual carriageway road, the Estate will encourage children and other visitors to make greater use of the Estate's western entrance which exits onto Pittengullies Brae.

Planning history

This development site was put forward by the applicants during the Local Development Plan process. In submissions on the Main Issues Report and proposed Local Development Plan, the Camphill Communities raised the following concerns about the development of this site for housing:

- Noise and disruption during construction;
- Increase in vehicular traffic along Pittengullies Brae which provides pedestrian access to the western end of the Camphill Estate;
- Potential visual and noise impacts on the Camphill Estate, particularly during the winter months when the screening effect of broadleaf trees (along the Deeside Way

and the development site's southern boundary) is reduced;

- The potential for the effects of development of this site to combine with those of the Aberdeen Western Peripheral Route immediately to the east of the Camphill Estate.

Notwithstanding these concerns, the development site was included within the finalised Local Development Plan as site OP59. The Local Development Plan indicates the site can accommodate 25 houses.

Planning application ref 130230

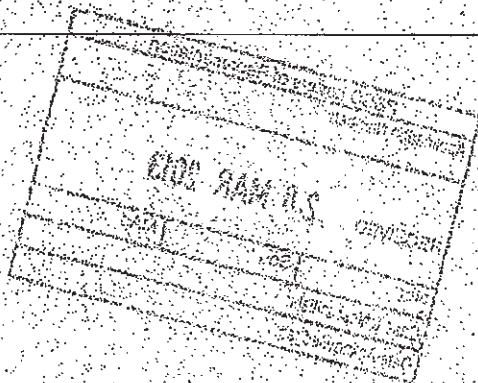
The current application for Planning Permission in Principle proposes a total of 33 houses for this site. Of these 25 would gain access from Pittengullies Brae, with the remained accessing the site from North Deeside Road.

The proposal raises serious concerns for the Camphill Communities due to potential impacts; In combination with those resulting from development of the Aberdeen Western Peripheral Route, on the Camphill School's Camphill Estate campus, and on its service provision for children and young people with special needs, including its therapeutic work. The Camphill Communities are particularly concerned about the intensification of development from 25 to 33 dwellings indicated by this proposal, and the suggestion that 25 households will access the site via Pittengullies Brae. This will add significantly to vehicle movements along this minor road, impacting negatively upon the experience and safety of pedestrians (including children with special needs) using the Camphill Estate's western entrance. As noted above, one of the effects of the Aberdeen Western Peripheral Route is that this western entrance will become more important for the estate, given proximity of the new dual carriageway road to its eastern entrance.

The intensification will also add to the scale and possible duration of noise and visual effects during construction, and subsequently during the winter months when the screening effect of trees between the development site and the Camphill Estate is reduced. It will also compound the visual impacts for people using the Deeside Walkway.

For these reasons, the Camphill Communities **object to the proposed development.**

Camphill Communities
March 2013



From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 15/03/2013 11:31
Subject: Planning Comment for 130230

Comment for Planning Application 130230

Name : Ms Lesley Murphy
Address : Ardbeck Cottage
386 North Deeside Road
Milltimber
Aberdeen
AB13 0AJ

Telephone : [REDACTED]

Email [REDACTED]

type :

Comment : This application consists of a large number of houses which will impact heavily on the road conditions. North deeside Road is already a severely congested, busy road and additional site access (opposite my property and the bus stop) will create far more problems. The possible numbers of extra cars - especially at key commuter times - will have a very detrimental impact on access - onto and from North Deeside Road - creating road safety issues. Furthermore there will be a further detrimental impact on Amenities - there is already an inadequate infra structure with regard to public transport, schools, health services etc. which are already under extreme pressure trying to cope with the increasing number of residents - new flats etc. already being built in Peterculter also with access to and from North Deeside Road.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 26/03/2013 20:21
Subject: Planning Comment for 130230

Comment for Planning Application 130230

Name : Janice Braithwaite
Address : 423, North Deeside Road
Milltimber
Aberdeen

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

Comment : In 2002, the 9/16 Peterculter East site adjacent to North Deeside Road and Pittengullies Brae was regarded as SR4, an area the City Council would protect and enhance. We are disappointed that it has now lost its Green Belt Status and that development permission has been granted. Continued ribbon development and loss of open space/parkland will reduce the attractiveness of Peterculter.

Nevertheless, we recognise the efforts made by the architect to preserve some of the outlook currently afforded at 423, North Deeside Road. We also acknowledge the effort to provide play areas for the residents of the new estate. Overall, we would like to make the following representations:

1. In view of the proximity of the play area adjacent to our south east boundary, the footpath to our south boundary, and the raised ground level on the south west boundary, we would request a retaining wall around our property and a 6 ft fence (similar to that existing on our north east boundary). This would be required to provide a degree of privacy, prevent overlooking, and reduce the visual/noise impact so we can continue to enjoy our garden.
2. The Hawthorne tree at the north corner of Plot 4 provides considerable privacy and reduces noise from the North Deeside Road and harbours considerable wildlife. We would request that this be retained.
3. We would appreciate involvement in the type and placement of any trees that may have the potential to obscure our outlook should they grow tall in the future.
4. We would expect the children in the new estate to enjoy the play area and suggest that it is made bigger by extending it to cover the proposed Plot 22.
5. The earth works required to raise the level of plots 5 to 8 are extensive and would not allow plots 1 to 4 to enjoy the view from a naturally sloping site.
6. To reduce difficulties of joining North Deeside road from the proposed access we would like to ask the council to consider making the 30 MPH speed limit extend from Peterculter North East past Avondow to the corner before Kippie Lodge.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 23/03/2013 13:08
Subject: Planning Comment for 130230

Comment for Planning Application 130230

Name : Colin Braithwaite
Address : 423, North Deeside Road
Milltimber
Aberdeen
AB13 0AD

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

Comment : In 2002, the 9/16 Peterculter East site adjacent to North Deeside Road and Pittengullies Brae was regarded as SR4, an area the City Council would protect and enhance. We are disappointed that it has now lost its Green Belt Status and that development permission has been granted. Continued ribbon development and loss of open space/parkland will reduce the attractiveness of Peterculter.

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6. To reduce difficulties of joining North Deeside road from the proposed access we would like to ask the council to consider making the 30 MPH speed limit extend from Peterculter North East past Avondow to the corner before Kippie Lodge.

PI - objection to planning application.

From: DOUGLAS MORRISON [REDACTED]
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
Date: 27/03/2013 20:06
Subject: objection to planning application.

With reference to planning applications 130229 and 130230 submitted by Bancon Developments Ltd for building 8 and then 33 houses at the Pittengullies Brae site, I wish to lodge an objection on the grounds that traffic coming from Pittengullies Brae onto North Deeside Road already has great difficulty. The garage at the top of Pittengullies Brae which is now also an M&S shop already causes major traffic congestion with cars parking on Pittengullies Brae and on North Deeside Road. Trying to turn right onto North Deeside Road is at times almost impossible. Turning right from North Deeside Road into Pittengullies Brae at peak times is also difficult as traffic from Aberdeen will not give way and traffic is backed up through the village. Additional traffic will cause major problems.

I also object on the grounds that Camphill School is situated at the foot of Pittengullies Brae, very close to the proposed site. The noise from any building works will cause huge trauma to the children attending the school and limit their quality of life. Additional traffic on the Brae will also be very dangerous for the children from Camphill. From a more personal point of view, we have looked out to a green field and trees for the past 34 years .

The view down the valley as you come into Peterculter from Aberdeen will be totally spoiled if building is allowed to take place.

Douglas and Cherry Morrison.

Agenda Item 2.4

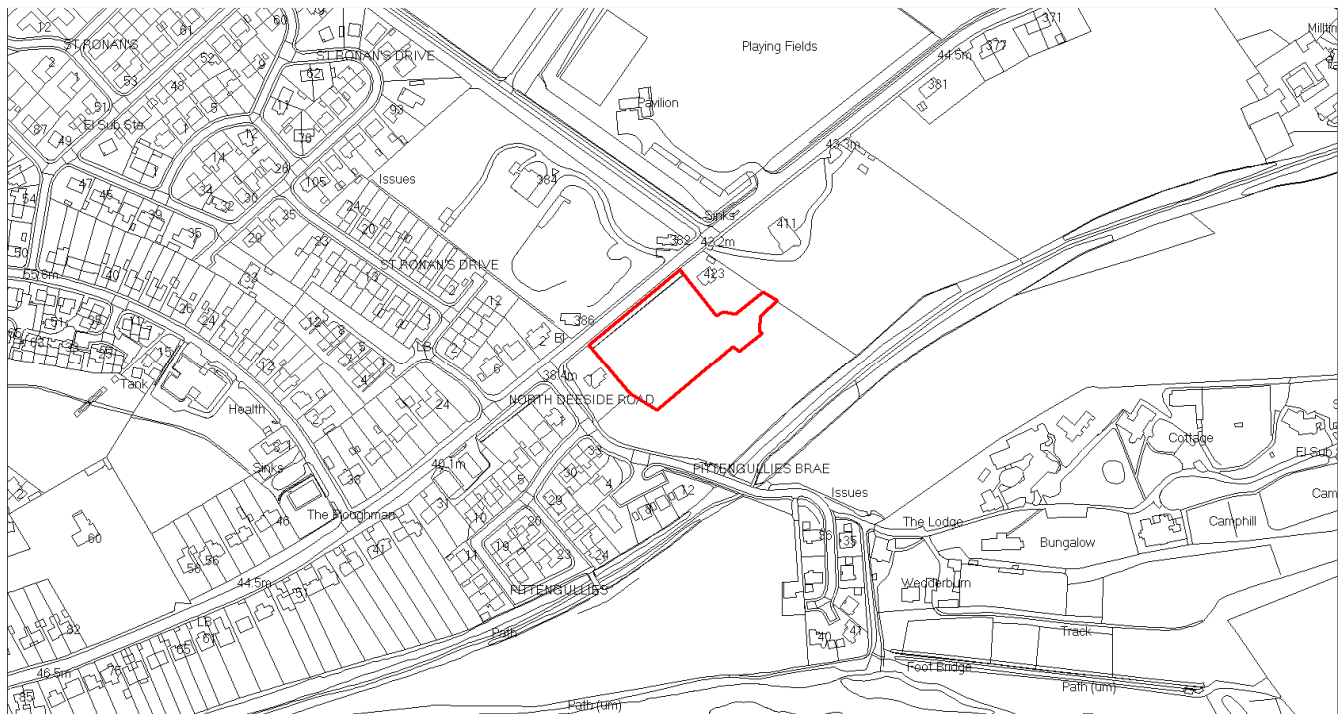
LAND ADJ TO NTH DEESIDE ROAD,
PITTEGULLIES BRAE, PETERCULTER

ERECTION OF 8 NO.UNIT RESIDENTIAL
DEVELOPMENT WITH ANCILLARY SITE
WORKS AND LANDSCAPING

For: Bancon Developments Ltd

Application Type : Detailed Planning Permission
Application Ref. : P130229
Application Date: 21/02/2013
Officer: Donna Laing
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Can't notify neighbour(s)
Advertised on: 13/03/2013
Committee Date: 22 August 2013
Community Council : Comments



RECOMMENDATION:

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has made a payment to the Council of developer contributions towards affordable housing units, provision of community facilities and recreation, library, core path improvements, healthcare and strategic transport fund.

DESCRIPTION

The application site, which extends to some 0.65 hectares is located to the south of North Deeside Road, close to Pittengullies Brae. The site sits immediately on the eastern outskirts of Peterculter and forms part of opportunity site OP59: Peterculter East within the Aberdeen Local Development Plan 2012. The opportunity site, OP59: Peterculter East, extends to some 1.72 ha and is noted within the local development plan as being capable of providing a development of 25 homes.

At present the site is a field, used for the grazing of horses. At the North Deeside Road, north west of the site, there are two existing dwelling houses, these sit out with the site boundary but influence the shape of the development site. These two houses, due to the lie of the land, sit below North Deeside Road with the roof of each premise visible.

The site has an undulating nature and slopes down from North Deeside Road and beyond to the South Deeside line. The site is bound by the stone wall, shrubbery and timber fencing facing North Deeside Road, and the existing houses which sit on either side of it. Beyond the site boundary within the remainder of the opportunity site there are mature trees sitting out with the site boundary to the north east and south east, with the canopy of these trees spreading onto the site.

RELEVANT HISTORY

The site was previously zoned as Green Belt and Green Space Network in the 2008 Aberdeen Local Plan. This as rezoned as an opportunity site with the 2012 Aberdeen Local Development Plan.

P130230 – Planning Permission in Principle – erection of 32 no. unit residential development with ancillary site works and landscaping – pending

P130845 – Signage application – pending

PROPOSAL

It is proposed to erect 8 no. detached dwelling houses with associated works and landscaping on the site. The site would be accessed from North Deeside Road and would be laid out with four houses along the boundary with North Deeside Road and four houses being placed behind these. The houses would sit approximately 2m below the level of the North Deeside Road but would still be visible. The site has four different house types present. The building line of the houses closest to North Deeside Road would follow the building line of house belong the north west boundary of the site. The houses would be designed with a variety of materials, including render, timber, stone and grey roof tiles. Some would have detached garages and others would have garages incorporated within their build form. There would be garden space associated with each plot, ranging from a minimum of 505m² up to 780m². There would be a play area to the north east of the site, which would service the 8 dwelling houses and the new houses associated with the larger OP59 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?130229>

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

A number of pieces of additional information have been received as part of this application including a tree report, Drainage Impact Assessment and a number of cross sections and photomontages.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the Community Council has objected to the proposal. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

Roads Project Team – response received – no objection to the application provided there are conditions relating to flood routing, bus stop upgrades and obstructions within visibility splays.

Environmental Health – no response received

Developer Contributions Team – response received - contributions are also sought towards affordable housing, provision of community facilities and recreation, library, core path improvements, healthcare and strategic transport fund.

Enterprise, Planning & Infrastructure (Flooding) – Response received – satisfied with the drainage impact assessment and the SUDS pond. A condition has been requested to provide a condition survey, preferable through CCTV, of the culverted watercourse adjacent to the development and in the immediate downstream, to clarify the suitability of the connection of the drainage layout to this watercourse.

Education, Culture & Sport (Archaeology) – response received - No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post-excavation and publication work.

Community Council – response received

- There has been a lack on consultation with the community council on this application, the applicant has engaged with Culter Community Council but not Cults, Bieldside and Milltimber Community Council.
- The OP59 Peterculter site is zoned for 25 units, we object to the proposal exceeding this threshold
- There is concern regarding traffic turning onto and from the site directly onto North Deeside Road, especially traffic turning out into North Deeside Road in an easterly direction. All traffic should be directed to Pittengullies Brae first.
- SUDS planning for application 130229 and 130230 should be considered for the whole site as one. There are existing drainage and sewage overflow issues and jointly with Culter Community Council we ask that these be resolved via planning gain for this OP site.

REPRESENTATIONS

5 letters of objection have been received. The objections raised relate to the following matters

Infrastructure

Traffic

The existing difficult access and egress from Pittengullies Brae would be increased,

Congestion and queuing would increase in the village

All traffic should be directed to Pittengullies Brae first.

The creation of cul-de-sacs is not acceptable. The site should be redesigned with the creation of a circular route off Pittengullie Brae. The upper section of the site will then be at a lower level than proposed.

The increase in traffic on Pittengullie Brae will be dangerous for the children of Camphill.

Services

The infrastructure cannot cope as it is – public transport, council services, schools, health services

Drainage

SUDS planning for application 130229 and 130230 should be considered for the whole site as one. There are existing drainage and sewage overflow issues; we ask that these be resolved via planning gain for this OP site.

Impact on Amenity

Impact on view and attractiveness of Peterculter

Building on this site will spoil the view of the valley as you come into Peterculter

Disappointed the SR4 zoning has been lost; ribbon development and loss of open space/parkland will reduce the attractiveness of Peterculter

A retaining wall and 6 ft fence should be erected on the south east boundary of 423 North Deeside Road to provide a degree of privacy, prevent overlooking and reduce visual/noise impact from the play park

Noise

The noise from the building works will cause huge trauma to the children attending Camphill School and limit their quality of life.

Ground levels

The ground levels will be raised significantly and the proposed dwellings would completely overpower the existing houses in close proximity to the site. The earth works to raise plots 5 and 8 are extensive and would not allow plots 1 and 4 to enjoy the view from the naturally sloping site

Trees

The large Ash tree would be required to be removed to accommodate the footpath in plot 9. The footpath should be re-routed. The Hawthorne tree at the north of plot 4 should be retained as it provides a level of privacy and reduces noise from the North Deeside Road

The type and placement of any trees should be considered as they would have the potential to obscure the outlook of 423 North Deeside Road should they grow too tall

Facilities

The play area should be bigger and should cover proposed plot 22. A retaining wall and 6 ft fence should be erected on the south east boundary of 423 North Deeside Road to provide a degree of privacy, prevent overlooking and reduce visual/noise impact from the play park.

Intensification of site

The number of units, 33, does not comply with the 25 allocated within Aberdeen local development plan.

Other

The 30mph speed limit should be relocated past Avondow to the corner before Kippie Lodge.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy

Paragraph 66 of the Scottish Planning Policy outlines there is a commitment from the Scottish Government to increase the supply of new homes and the planning system should contribute to raising the rate of new housebuilding by identifying a generous supply of land for the provision of a range of housing in the right places.

Strategic Development Plan

Aberdeen City and Shire Structure Plan

Sets strategic growth and policy areas for the City and Shire and outlines by 2030 there are to be 36,000 new homes proposed for Aberdeen City. The land allocations are set out within the local development plan.

Aberdeen Local Development Plan

Policy LR1: Land Release Policy

Part A – Phase 1 Release Development: Housing 2007 -2016; and employment 2007 -2023

Housing and employment development on sites allocated in Phase 1 will be approved in principle within areas designated for housing or employment. Development on an allocated site or in close proximity to an allocated site that jeopardises the full provision of the allocation will be refused.

Policy I1: Infrastructure Delivery and Developer Contributions

Development must be accompanied by the infrastructure, services and facilities required to support new or expanding communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

New infrastructure will either be provided by the developer or through financial contributions.

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 parking standards for a number of modes of transport are set out in Supplementary Guidance on Transport and Accessibility and details the standards that different types of development should provide.

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 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.

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 H5: Affordable Housing

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

Policy NE4: Open Space Provision in New Development

The City Council will require the provision of at least 2.8 hectares per 1,000 people of meaningful and useful public open space in new residential development.

Communal or public open space should be provided in all residential developments.

Policy NE5: Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable. Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction.

Policy NE6: Flooding and Drainage

Development will not be permitted if:

- 1 it would increase the risk of flooding:-
 - a) By reducing the ability of the functional flood plain to store and convey water;
 - b) Through the discharge of additional surface water; or
 - c) By harming flood defences.
- 2 it would be at risk itself from flooding

Where more than then 10 homes or greater than 100m² floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must:

- 1 be the most appropriate available in terms of SUDS; and
- 2 avoid flooding and pollution both during and after construction.

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.

Policy R6: Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual, recyclable and compostable wastes. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Policy R7: Low and Zero Carbon Buildings

All new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

Supplementary Guidance

Infrastructure and Developer Contributions Manual

The purpose of this Infrastructure and Developer Contributions Manual is to provide clear guidance on the methodology used to identify infrastructure requirements and the criteria that should be used to calculate developer contributions to support new development.

Transport and Accessibility Supplementary Guidance

The guidance examines a number of transport and accessibility issues that may have to be considered as part of a planning application.

Affordable Housing

Outlines affordable housing provision and the delivery of this on site or by securing a contribution.

Open Space

Outlines the different types of open space and the ratios required for different sizes of development

Trees and Woodlands

Outlines policy and legislation on trees and protection measures required during construction periods and outlines the requirements within a tree survey.

Drainage Impact Assessment

The guidance provides information on the requirements on the submission of Drainage Impact Assessment and emphasises the requirements for SUDS.

Waste Management

Developments should provide enough space for the storage and collection of waste access to such facilities.

Low and Zero Carbon Buildings

The purpose of this supplementary guidance is to provide the methodology for developers to demonstrate compliance with Aberdeen Local Development Plan policy R7.

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

Scottish Planning Policy outlines a commitment to increase the supply of new housing and the Aberdeen City and Shire Structure Plan outlines by 2030 there are to be 36,000 new homes proposed for Aberdeen City. The land allocations are set out within the local development plan. 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, Policy LR1: Land Release Policy. The site falls within Opportunity Site 59: Peterculter East for the development of 25 homes within the first phase of development from 2007 to 2016. Therefore, housing development on this site will be approved in principle.

Scale and pattern of development, design and amenity

Scale and pattern of development

As the proposed site sits to the eastern edge of Peterculter the pattern of development surrounding the site is, for the most part, one of large plots and a high degree of open space. The zoning surrounding the north east and south east edges of the site are Policy NE2: Green Belt and Policy NE1: Green Space Network. To the north west and south west of the site the zoning is Policy H1: Residential. The historic pattern of development to the eastern edge of Peterculter along the southern side of North Deeside Road, comprises plots with houses in close proximity to North Deeside Road and large gardens running southwards, many towards and down to the South Deeside Line. This pattern of development has been broken through the creation of Pittengullies Brae and Pittengullies Circle, to the west of the proposed site, in which the pattern of development is one of much smaller plots with one and two storey detached and semi-detached properties. The two properties in closest proximity to the site also do not follow the expected pattern of development as the garden area associated with these two sites is square rather than long and linear and stretching southwards. The layout of the 8 units in this proposal would follow the modern pattern of development of Pittengullies Brae and Pittengullies Circle more so than the historic pattern of development. The houses would also sit at a lower level than the road, following the pattern of the two neighbouring properties in closest proximity to the site.

The relationship between the proposed 8 units on the site and the wider OP59 site has also been addressed through the provision of cross sections and photomontages which show that although there may be a height difference between the 8 units on this site and those indicative dwellings located within the OP59 site, there would not be significant concern regarding the dominance of these 8 units on the surrounding area, due to the orientation and design of the houses, the landscaping and the boundary treatment.

Design and amenity

The layout of the houses would follow the criteria as outlined in Policy D2: Design and Amenity of the Aberdeen Local Development Plan. The houses would have public face to the street and a private face to an enclosed garden, with residents

having access to sitting out areas. The design of the houses would ensure there is an open frontage along the street. The materials used are acceptable. The area of garden ground proposed with each dwelling is sufficient in area, with those units occupying plots 5-8 capturing the greatest sunlight due to their orientation. The boundary treatment surrounding the site comprise, to the North Deeside Road a 900mm high stonework wall with cope and 900mm high timber fence. The elevations of the houses facing the street would be open with 1.8m timber fencing starting typically mid way along the side elevations to create a sense of a public front and a private rear. To boundary treatment to the play areas again would comprise 1.8m timber fencing with the exception of the access to the link path with would have a 0.9m high timber fence. This, along with the open nature of the street elevation of the houses, would allow for passive surveillance along the path and to the play area. The proposal therefore accords with Policy D2: Design and Amenity of the Aberdeen Local Development Plan and Policy D1: Architecture and Placemaking of the Aberdeen Local Development Plan

Open space

Open space provision has been included within the proposal through the inclusion of a play park to the north of the application site. The open space audit has deemed that for every 1000 residents there should be approximately 2.8 ha of open space. The open space provision is to be calculated on a ratio of this requirement. With the house type's proposed and average number of people per dwelling it would be expected that up to 32 people could be living on site once completed. The expected outdoor space would therefore be approximately 0.0896m². The playarea occupies 0.0832m². Although there is a slight shortfall in open space the site is in close proximity to an area of recreational space, the South Deeside Line, therefore it is not considered that this small deficit in open space would cause significant concern. The proposal would therefore accord with Policy NE4: Open space provision in new development and the supplementary guidance: open space can be undertaken.

Landscape and Trees and Woodlands

The landscape character of the site is noted for its undulating nature and the prominence of mature trees which are located out with the site boundary, and in particular those trees on the north east and south east sides of the larger opportunity site area. The development of these 8 no. units would not lead to the disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them. The existing use of the site does not relate to these categories, however, the South Deeside Line does run in close proximity to the site, approximately 65m, from the southern edge of the site. The enjoyment of the South Deeside Line would not be detrimentally impacted by the location of houses. The impact on landscape character and sense of place can be assessed through the cross sections and photomontages which have been submitted as part of the application. These show the relationship between the proposed houses, the gradient of the site and have provided indicative proposals for the remained of the OP59 site. These elements show the landscape character of the area would be altered due to the erection of the houses, yet not to the detriment of the sense of place as this would be maintained through the elevation levels of the site and the relationship between these differing levels. The

application would modify the view from the North Deeside Road and from the South Deeside Line however, the proposal would not obstruct important views of the City's townscape, landmarks and features. This is especially true during the growing season of the trees surrounding the site which would block views into the site. The proposal would not sprawl into a green space buffer, the principle of development has been outlined through the change in status of this area to an opportunity site through the Aberdeen Local Development Plan 2012. The proposal therefore would accord with Policy D6: Landscape of the Aberdeen Local Development Plan.

The applicant has provided a tree survey in support of this application, which also covers the whole OP59 site area. The majority of the existing trees and woodland would be retained. The Council's Arboriculture 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 Aberdeen Local Development Plan and the Trees and Woodlands Supplementary Guidance.

Drainage/Flood Risk

A drainage impact assessment has been submitted for the site, which includes SUDS pond details. The SUDS pond located with this development would be out with the application boundary of the site but would be located within land under control of the applicant and would also be placed within the OP59 site and within the boundary of the Planning Permission in Principle application which also covers the land these 8 units are located on. The drainage impact assessment and SUDS proposal has been assessed by the Council's Flooding Team and by the Council's Roads Project Team. The flooding team is satisfied with the drainage impact assessment and SUDS pond. A condition has been requested to provide a condition survey, preferable through CCTV, of the culverted watercourse adjacent to the development and in the immediate downstream, to clarify the suitability of the connection of the drainage layout to this watercourse. The Roads Project Team has also assessed the application and have no objections.

Policy NE6: Flooding and Drainage of the Aberdeen Local Development Plan and the supplementary guidance: Drainage Impact Assessments have been satisfied through the production of the drainage impact assessment and by conditions attached relating to the condition survey of the culvert and the production of a construction management plan.

Transport and Access

The layout proposes access into the site from North Deeside Road. The proposal has been assessed by the Council's Roads Project Team who has no objection to the proposed development. The car parking provided has been deemed to be satisfactory and accords with the Council's Supplementary Guidance: Transport and Accessibility.

The footpath within the site is proposed to join with the wider area of indicative development to the south of the site, which would once completed provide access to the South Deeside Line. Access to public transport has also been addressed and upgrading of the bus stop. Taking these matters into account, it is considered that the proposal demonstrates accordance with Policy T2: Managing the Transport Impact of Development of the Aberdeen Local Development Plan and with the Transport and Accessibility supplementary guidance.

There are 2 core paths in close proximity to the site, core path 66: Deeside Way runs approximately 80m from the south of the site and core path 76: Culter House Road to River Dee runs approximately 37m to the west of the site. The proximity of the site to the core path network would mean there is a noticeable choice of modes of movement to and from the site, and the ability of improving provision for public access and links to green space for recreation and active travel, thereby the proposal complying with Policy NE9: Access and Informal Recreation of the Aberdeen Local Development Plan and with Policy D3: Sustainable and Active Travel of the Aberdeen Local Development Plan.

Developer Contributions

The site has been assessed by the Developer Contribution Team who has advised, in order to comply with Policy I1: Infrastructure Delivery and Developer Contributions of the Aberdeen Local Development Plan, Policy H5: Affordable Housing of the Aberdeen Local Development Plan, Infrastructure and Development Contributions supplementary guidance and the Affordable Housing supplementary guidance developer contributions/affordable housing provision would be required. The development of the 8 units is tied to the legal agreement of the Planning Permission in Principle (P130230). Agreement in principle has been reached with the applicant and a legal agreement is required in order to ensure that this is appropriately controlled. It is recommended that permission is withheld pending the conclusion of a legal agreement in relation to developer contributions for affordable housing provision, community facilities and recreation, library, core path improvements, health care and strategic transport fund contributions.

Low and Zero Carbon Buildings

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 through the use of an appropriate condition. The proposal cannot be assessed against Policy R7: Low and Zero Carbon Buildings of the Aberdeen Local Development Plan and the Low and Zero Carbon Buildings Supplementary Guidance at this stage.

Waste

Policy R6: Waste Management Requirements for New Developments and the Waste Management supplementary guidance cannot be assessed at this stage, however, such details can be obtained through the use of an appropriate condition.

Material Planning Considerations raised by objectors

1 Infrastructure

Traffic

Is it likely that due to the development of 8 units there would be a small increase in traffic from and to the site. The access to the site would be from North Deeside Road. It is not expected there would be an increase in traffic on Pittengullies Brae from the 8 unit development. The application has been subject to consultation with the Council's Roads Projects Team who has deemed they have no objection to the proposal. The site is located within walking distance to amenities within the Peterculter District Centre and is located next to a bus stop, to which improvement are proposed, a cycle route and to Core Paths which will encourage more sustainable modes of transport.

Services

These have been assessed by Developer Contributions and are discussed in the section Developer Contributions

Drainage

The drainage has been discussed under the section titled Drainage/Floodrisk

2 Impact on Amenity

Impact on views and attractiveness of Peterculter

The views and impact on landscape character were discussed under the section of the report titled landscape and trees and woodlands. The zoning of the site has been discussed under the section Principle of Development

Noise

The site is buffered from the Camphill Estate by the trees surrounding the Camphill Estate, the bunding and trees surrounding the South Deeside Line and there is a distance of distance, 116m from the edge of the site to the edge of Camphill Estate. The impact of noise is not a relevant planning consideration in determining the application. The principle of development has been established on the site through the land allocation. It is noted there would disturbance in the immediate vicinity of the site, yet it is the remit of environmental health to deal with issues of excessive noise. There would be a condition attached requiring landscaping, therefore there is the possibility of an increase in the screening due to the proposal.

Ground Levels

The ground levels are discussed under the section titled scale and pattern of development and Landscape and Trees and Woodlands.

Trees

The Ash tree is out with the red line boundary of this site and thus not affected by this development. The Hawthorne tree (number 19) is to be retained. The landscaping of the site is to be conditioned.

Facilities

The play area has been discussed under the section entitled open space. The boundary treatment has been discussed under design and amenity.

3. Intensification of site

The application is for 8 units not 33, the 33 units relates to application P130230 for planning permission in principle.

4. Other

The repositioning of the 30mph sign is not a material planning consideration.

Material Planning Considerations raised by Community Council

The applicant is not obliged to consult with the community council as this is not a major application.

The number of units proposed is 8 not 33, the 33 units relates to application P130230 for planning permission in principle.

The application has been assessed the Council's Roads Project Team and traffic concerns have been discussed under the heading transport and access.

The SUDS issues have been addressed under the section titled Drainage/Flood Risk

RECOMMENDATION

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has made a payment to the Council of developer contributions towards affordable housing units, provision of community facilities and recreation, library, core path improvements, healthcare and strategic transport fund.

REASONS FOR RECOMMENDATION

The development hereby approved is of an appropriate type for the land use zoning, LR1: Land Release Policy of the Aberdeen Local Development Plan. The proposal has been assessed by Developer Contributions who have outlined a number of financial and physical contributions required, the proposal would therefore accord with Policy I1: Infrastructure Delivery and Developer Contributions of the Aberdeen Local Development Plan, Policy H5: Affordable Housing of the Aberdeen Local Development Plan, Infrastructure and Development Contributions supplementary guidance and the Affordable Housing supplementary guidance. The proposal accords with Policy D1: Architecture and Placemaking of the Aberdeen Local Development Plan and with Policy D2: Design and Amenity of the Aberdeen Local Development Plan, as the materials, siting, orientation, and amenity space provided along with the separation of public and private space are deemed to be acceptable. The proposal would accord with the principles of Policy D6: Landscape of the Aberdeen Local Development Plan and with the relevant provisions of Policy NE5: Trees and Woodlands of the Aberdeen Local Development Plan and the Trees and Woodlands Supplementary Guidance. The proposal is subject to a condition relating to the condition survey of the culvert, yet the indicative drainage layout and the SUDS proposal would accord with Policy NE6: Flooding and Drainage of the Aberdeen Local Development Plan and the supplementary guidance: Drainage Impact Assessments. Access arrangements are subject to assessment against Policy T2: Managing the Transport Impact of Development of the Aberdeen Local Development Plan with further consideration required of the Transport and Accessibility supplementary guidance, Policy NE9: Access and Informal

Recreation of the Aberdeen Local Development Plan and Policy D3: Sustainable and Active Travel of the Aberdeen Local Development Plan. Further information would be required to comply with Policy R7: Low and Zero Carbon Buildings of the Aberdeen Local Development Plan and Low and Zero Carbon Building supplementary guidance and also with Policy R6: Waste Management Requirements for New Developments and Waste Management Supplementary Guidance. The proposal 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) notwithstanding the drainage plan submitted, that no development shall take place within the application site until the applicant has carried out and submitted to, and been approved in writing by, the planning authority (i) a condition survey, preferably through CCTV, of the culverted watercourse adjacent to the development and in the immediate downstream; and (ii) an assessment of flood routing; and, if required, an updated drainage impact assessment, Sustainable Urban Drainage System and outline any flood routing mitigation measures required. Thereafter the development shall not be occupied unless built in full accordance with the details approved - in order to clarify the suitability of connection to the watercourse, to safeguard water qualities in adjacent watercourses, to ensure that the proposed development can be adequately drained and to ensure that the 200 year rainfall event flooding can be accommodated.

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

(3) that no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(4) 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. Further to this within plot 8 four heavy standard trees are to be planted in the southern corners of the site - in the interests of the amenity of the area and to minimise the visual impact to changes in the ground levels.

(5) 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.

(6) 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.

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

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

(9) that on each house plot there shall be planted two trees of species to be agreed in writing with the Planning Authority. These trees are to be planted at half-standard size or larger. Planting shall take place in the first planting season after completion of each house and any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation - in order to preserve the amenity of the neighbourhood.

(10) 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.

(11) that the building hereby approved shall not be occupied 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 no dwellings hereby granted planning permission shall be occupied unless the area/areas of public open space including the play area as identified on Drawing No. DPL-01B of the plans hereby approved (or such other drawing as may be subsequently approved) have been laid out in accordance with a scheme which shall be submitted to and approved in writing by the Planning Authority. No development pursuant to this planning permission shall take place unless such a scheme detailing the manner in which the open space is to be managed and maintained has been submitted to and approved in writing by the planning authority. Such scheme shall include provision for a play area comprising at least five items of play equipment and a safety surface. The said area shall not thereafter be used for any purpose other than as a Play Area - in order to preserve the amenity of the neighbourhood and to ensure the timely provision of play facilities unless the area/areas of public open space as identified.

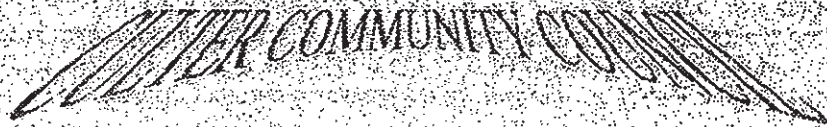
(13) that no part of the development shall be occupied unless a schedule of work relating to the upgrading of bus shelters, seating, lighting, shelter, raised kerbs and timetable provision for the bus stops on the westbound and eastbound bus stop has been submitted to, and approved in writing by the planning authority, and subsequently the upgrading work has been implemented prior to the occupancy of any residential unit implemented - in the interests of sustainability and to encourage a reduction in the level of private car trips generated by the development

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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CULTER COMMUNITY COUNCIL



3, Station Brae
Peterculter
Aberdeen
AB14 0PX

25th March 2013

Ms Donna Laing
Enterprise Planning and Infrastructure
Marischal College
Broad Street
Aberdeen AB10 1BW

Dear Ms Laing,

P130229 for 8 houses on the North Deeside Road adjacent to Pittengullies Brae (Detailed)
P130230 for 33 residential units on Pittengullies Brae (Planning in Principle)

The Culter Community Council planning sub-group met to discuss this application. We are considering these two applications together, as they form the development OP 59 Peterculter East in the Local Development Plan. We comment as follows:

1. We note that the allowance for 25 homes on site OP59 in the LDP has been exceeded in these two applications. A total of 33 units is now proposed: 25 houses are being put forward *plus* an additional 8 affordable housing units. We see no reason to split this application except to increase the number of units proposed. We object to the number of houses being increased from the agreed allowance in the LDP.
2. Application P130229 is built entirely on built-up land, to raise the site up to access the North Deeside Road. This takes ground level adjacent to the existing house, Robin's Cot, at the corner of Pittengullies Brae, approximately 3.2 metres higher than currently. The ridgeline of the adjacent new house will be 12 metres above existing ground level and will completely overpower the existing 1½ storey house. Robin's Cot should be shown on the proposed sections and elevations, as it is surrounded on two sides by the development.
3. The area in which these two proposals are sited is an area of very considerable concern to Culter Community Council, with particular regard to significant existing drainage and sewage overflow problems. (See details at the end of this letter). These have been raised with Scottish water, ACC, SEPA, Camphill Estates and our local Councillors. Building on this site adjacent to Pittengullies Brae cannot safely take place unless these drainage problems are addressed beforehand and included as part of the "planning gain" for the whole development.
4. Permission should not be granted in detail for 8 houses at the top of this sloping site, where the drainage needs to flow into a scheme below, which is not at detailed planning stage and may not even be constructed. The SUDS pond will be required for the whole site and is not part of the detailed application P130229. We would ask that these two applications must be considered together, and that the developer includes the significant drainage infrastructure improvements needed to solve existing overflow and sewage back-up and to prevent further serious problems. (See details at the end of this letter).

Now is the time to provide drainage infrastructure that will serve any future development of this whole area, following the construction of the AWPR. Bancon Homes have previously submitted plans for more housing further down Pittengullies Brae, which would be seriously affected if a comprehensive drainage plan is not implemented with this development.

5. We would also comment that splitting the application into two parts means that both developments are now dead-end roads. Access from the cul-de-sac for eight large houses directly onto the North Deeside Road is not acceptable. It is immediately opposite a bus stop. This section of road is very busy, with traffic frequently queuing in both directions, with congestion from the nearby BP Garage and Marks and Spencers shop. The proposed traffic lights at the AWPR crossing will generate even more congestion.

We would suggest that access for both applications should be via a circular route off Pittengullies Brae, with access to the upper part of the site taken around the southern boundary of Robins Cot. The upper part of the site can then be at a lower level in relation to the North Deeside Road and the new houses will not overpower and ruin the amenity of Robin's Cot. This follows the pattern of other roads below the North Deeside Road, in Culter and other parts of Deeside such as Bieldside and Cults. Traffic lights will then be required at the top of Pittengullies Brae.

6. We finally note that a significant large Ash tree on will have to be removed to accommodate the new footpath in Plot 9 of the lower Planning in Principle application. This tree should be retained and the footpath re-routed around it.

*** Notes on Existing Drainage Issues:**

The gap in the Deeside railway embankment at Pittengullies Brae is a funnel for water drainage from eastern Peterculter.

- An existing closed culvert takes water from north of the North Deeside Road, as well as another hidden drain from Coronation Road. The culvert currently runs down the eastern side of Pittengullies Brae to emerge as an open culvert below the railway, which repeatedly overflows in heavy rain.
- This then flows across the road and seriously erodes the Old Ferry Road down to the Dee. The existing culvert down Pittengullies Brae is damaged along the boundary of the proposed developments and will leak into the proposed SUDS pond.
- Across the Brae from the site, at the uphill side of the railway embankment, the water seeps permanently out of the ground and flows down the surface of the road. This then flows into an area above the existing sewage expansion tank for the main Deeside sewer.
- This expansion tank for the main Deeside sewer backs up in heavy rain and raw sewage overflows directly into the River Dee.

It is essential that these drainage issues are dealt with as part of this development, before adding any further run-off into the area.

██████████
Chair, Culter Community Council

CC: Councillors Boulton, Malone, Malik
PCM 25th March 2013

P&SD Letters of Representation		
Application Number	130229 & 130230	
RECEIVED 28 MAR 2013		
Not	Sou <input checked="" type="checkbox"/>	MAP
Case Officer Initials:	DOL	
Date Acknowledged:	03/04/13	



290 North Deeside Road
Cults, Aberdeen
AB15 9SB

27th March 2013

Enterprise, Planning and Infrastructure
Marischal College
Broad Street
Aberdeen
AB10 1BW

Dear Ms Laing,

Re: Planning applications 13 0229 and 13 0230 relating to 'Land adj to Nth Deeside Road Pittengullies Brae, Peterculter, Aberdeen AB14 0QS:

- **Detailed Planning Permission - Erection of 8 No.unit residential development with ancillary site works and landscaping, and**
- **Planning Permission in Principle - Erection of 33 No.unit residential development with ancillary site works and landscaping**

I am writing on behalf of the Cults, Bielside and Milltimber Community Council (CBMCC) to comment on the above proposals for residential development. Despite the address of the proposals being in Peterculter the location is within the geographical area of focus of CBMCC according to the map published on the ACC website for CBMCC

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=45352&SID=20680>

So far the applicant has engaged with Culter Community Council and since CBMCC is a statutory consultee for this location we request that the above proposals are not determined by ACC until after such time as the applicant has consulted with CBMCC enabling CBMCC to conclude its comments to ACC.

As preliminary comments, CBMCC raises the following concerns:

- This location is described by ACC as OP59 Peterculter East in the Local Development Plan (LDP). We note that the LDP allows for 25 homes and therefore raise objection to the above proposals exceeding this threshold.
- We would not wish to see vehicle traffic from this site accessing the busy North Deeside Road directly, in particular we have concern about traffic turning out into North Deeside

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



Road in an easterly direction. CBMCC recommends instead that all traffic from these proposals is directed first into Pittengullies Brae.

- We request that SUDS planning for the two proposals is considered for the whole site as one and that further details of the plan are produced prior to determination by ACC. This is in line with the recommendation from SEPA contained in their letter to you PCS/125630 dated 22nd March 2013. CBMCC is aware that existing drainage and sewage overflow issues have been reported to the authorities and join with Culter Community Council in requesting that these be resolved via 'planning gain' for this OP site.

We look forward to receiving acknowledgement of this letter from yourself plus confirmation of a revised deadline for our comments as a result of the absence of consultation by the applicant with CBMCC to date.

Yours faithfully

Christine McKay, Planning Coordinator

CC: Councillors Boulton, Malone, Malik

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

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 15/03/2013 11:53
Subject: Planning Comment for 130229

Comment for Planning Application 130229

Name: Lesley Murphy
Address : Ardbeck Cottage
386 North Deeside Road
Aberdeen
AB13 0AJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : North Deeside Road is already a very congested, busy road and the large number of houses proposed (both these 8 and the future development planned) will have a severely detrimental impact on access onto and off the main Road. The new planned access road - immediately opposite my property and the bus stop will also have a negative impact on road safety - for pedestrians and drivers alike. The infrastructure of Peterculter is already inadequate and under great pressure due to the increasing number of residential properties being built with direct access on to North Deside Road, following previous planning permissions granted replacing commercial properties with residential ones. The added impact on already struggling amenities, such as public transport, council services, schools, health services will be excessive and ultimately hazardness to the well being and safety of current Peterculter residents.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 23/03/2013 14:23
Subject: Planning Comment for 130229

Comment for Planning Application 130229

Name : Colin Braithwaite
Address : 423, North Deeside Road
Milltimber
Aberdeen

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

Comment : In 2002, the 9/16 Peterculter East site adjacent to North Deeside Road and Pittengullies Brae was regarded as SR4, an area the City Council would protect and enhance. We are disappointed that it has now lost its Green Belt Status and that development permission has been granted. Continued ribbon development and loss of open space/parkland will reduce the attractiveness of Peterculter.

Nevertheless, we recognise the efforts made by the architect to preserve some of the outlook currently afforded at 423, North Deeside Road. We also acknowledge the effort to provide play areas for the residents of the new estate. Overall, we would like to make the following representations:

1. In view of the proximity of the play area adjacent to our south east boundary, the footpath to our south boundary, and the raised ground level on the south west boundary, we would request a retaining wall around our property and a 6-ft fence (similar to that existing on our north east boundary). This would be required to provide a degree of privacy, prevent overlooking, and reduce the visual/noise impact so we can continue to enjoy our garden.
2. The Hawthorne tree at the north corner of Plot 4 provides considerable privacy and reduces noise from the North Deeside Road and harbours considerable wildlife. We would request that this be retained.
3. We would appreciate involvement in the type and placement of any trees that may have the potential to obscure our outlook should they grow tall in the future.
4. We would expect the children in the new estate to enjoy the play area and suggest that it is made bigger by extending it to cover the proposed Plot 22.
5. The earth works required to raise the level of plots 5 to 8 are extensive and would not allow plots 1 to 4 to enjoy the view from a naturally sloping site.
6. To reduce difficulties of joining North Deeside road from the proposed access we would like to ask the council to consider making the 30 MPH speed limit extend from Peterculter North East past Avondow to the corner before Kippie Lodge.

From: DOUGLAS MORRISON
To: pi@aberdeencity.gov.uk
Date: 27/03/2013 20:06
Subject: Objection to planning application

With reference to planning applications 130229 and 130230 submitted by Bancon Developments Ltd for building 8 and then 33 houses at the Pittengullies Brae side, I wish to lodge an objection on the grounds that traffic coming from Pittengullies Brae onto North Deeside Road already has great difficulty. The garage at the top of Pittengullies Brae which is now also an M&S shop already causes major traffic congestion with cars parking on Pittengullies Brae and on North Deeside Road. Trying to turn right onto North Deeside Road is at times almost impossible. Turning right from North Deeside Road into Pittengullies Brae at peak times is also difficult as traffic from Aberdeen will not give way and traffic is backed up through the village. Additional traffic will cause major problems.

I also object on the grounds that Camphill School is situated at the foot of Pittengullies Brae, very close to the proposed site. The noise from any building works will cause huge trauma to the children attending the school and limit their quality of life. Additional traffic on the Brae will also be very dangerous for the children from Camphill.

From a more personal point of view, we have looked out to a green field and trees for the past 34 years. The view down the valley as you come into Peterculter from Aberdeen will be totally spoiled if building is allowed to take place.

Douglas and Cherry Morrison

From: <webmaster@aberdeencity.gov.uk>
 To: <pi@aberdeencity.gov.uk>
 Date: 26/03/2013 20:24
 Subject: Planning Comment for 130229

Comment for Planning Application 130229

Name : Janice Braithwaite
 Address : 423, North Deeside Road
 Milltimber
 Aberdeen
 AB13 0AD

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

Comment : In 2002, the 9/16 Peterculter East site adjacent to North Deeside Road and Pittengullies Brae was regarded as SR4, an area the City Council would protect and enhance. We are disappointed that it has now lost its Green Belt Status and that development permission has been granted. Continued ribbon development and loss of open space/parkland will reduce the attractiveness of Peterculter.

Nevertheless, we recognise the efforts made by the architect to preserve some of the outlook currently afforded at 423, North Deeside Road. We also acknowledge the effort to provide play areas for the residents of the new estate. Overall, we would like to make the following representations:

1. In view of the proximity of the play area adjacent to our south east boundary, the footpath to our south boundary, and the raised ground level on the south west boundary, we would request a retaining wall around our property and a 6 ft fence (similar to that existing on our north east boundary). This would be required to provide a degree of privacy, prevent overlooking, and reduce the visual/noise impact so we can continue to enjoy our garden.
2. The Hawthorne tree at the north corner of Plot 4 provides considerable privacy and reduces noise from the North Deeside Road and harbours considerable wildlife. We would request that this be retained.
3. We would appreciate involvement in the type and placement of any trees that may have the potential to obscure our outlook should they grow tall in the future.
4. We would expect the children in the new estate to enjoy the play area and suggest that it is made bigger by extending it to cover the proposed Plot 22.
5. The earth works required to raise the level of plots 5 to 8 are extensive and would not allow plots 1 to 4 to enjoy the view from a naturally sloping site.
6. To reduce difficulties of joining North Deeside road from the proposed access we would like to ask the council to consider making the 30 MPH speed limit extend from Peterculter North East past Avondow to the corner before Kippie Lodge.

Agenda Item 2.5

OLDMILL ROAD, BON ACCORD CRESCENT

PROPOSAL FOR A MIXED USE BUILDING
CONSISTING OF SERVICED RESIDENTIAL
APARTMENTS AND A BUSINESS UNIT

For: Bon Accord Serviced Apartments

Application Type : Detailed Planning Permission
Application Ref. : P130743
Application Date: 27/05/2013
Officer: Daniel Lewis
Ward : Torry/Ferryhill (Y Allan/A Donnelly/J
Kiddie/G Dickson)

Advert : Section 60/65 - Dev aff LB/CA
Advertised on: 05/06/2013
Committee Date: 22/08/2013
Community Council : Comments



RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to retain the development in a single ownership.

DESCRIPTION

The application site is located to the southern end of Bon Accord Crescent, adjacent to Oldmill Road. Bon Accord Crescent is a mix of offices, residential and guesthouse/B&B establishments. To the west of the site is Bon Accord Terrace Gardens, which is a park approximately two hectares in size, whilst to the south of the site are dwellings along Springbank Terrace (single storey in height with basement and attic levels), which back on to the site.

The site lies within the Bon Accord Crescent/Crown Street Conservation Area. Bon Accord Crescent, to the north of the site, was designed by Archibald Simpson, and begun in 1823. The properties are two storeys in height, with additional basement and attic accommodation. The Terrace is of traditional granite construction with a natural slate roof. The row of buildings curves and fronts on to the road, beyond which is the park (originally the gardens to these properties. Today the properties are primarily in office use, and are Category B listed. The dwellings to the east, 70-82 Bon Accord Street, are Category C listed buildings, which have rear elevations orientated towards the application site.

It is understood that the application site was previously a slater's yard, though its use has long since been abandoned. There are no buildings on the site. The site is classed as brownfield land, and steeply slopes from the north-east corner towards the west and south. The site sits approximately 2 metres lower than Bon Accord Crescent, though the levels vary throughout the site. Walls are present along the boundaries, at a height between 1 and 2 metres in height (approximately), consisting largely of granite rubble. The site is also elevated above Springbank Terrace, with varying degrees of levels. The wall along the north/north-west boundary adjacent to Oldmill Road in part has been removed/collapsed.

Immediately to the north of the site is Oldmill Road which is a footpath, and forms a link between a number of core paths within the city. The Conservation Area Character Appraisal (July 2013) notes that Oldmill Road is a medieval route which was the ancient road to the 16th century Bridge of Dee and the south and still remains to this day to serve pedestrian movements.

RELEVANT HISTORY

93/2455 : Erection of residential development. Withdrawn by applicant, 06.10.1994.

94/2210 : Erection of a residential development in the form of a tower of five storeys. Refused by Committee, contrary to officer recommendation, 27.01.1995

The application was for the formation of eight flats, in a modern designed building, with grey render, natural granite and a lead roof. The building was five storeys in height, with each storey stepped in. No car parking was included as part of the proposal.

The application was refused on the grounds that it would pose a serious hazard to road safety by virtue of lack of car parking; be entirely out of character with the architectural design, integrity and uniformity of Bon Accord Crescent; be incompatible with the existing streetscene and highly deleterious to a particularly fine piece of the City's townscape by acting as an obtrusive and unattractive stop to the terrace; be detrimental to the amenity of neighbouring dwellings especially in Springbank Terrace; and represent an overdevelopment of the site.

A2/0173 : Proposed residential development. Refused by Committee, in accordance with Officer recommendation, 17.03.2003.

The application was for a four storey high building accommodating eight two-bedroom flats in outline only. Indicative plans showed that from the Springbank Terrace elevation, the building was five storeys in height due to underbuild.

The application was refused on the following grounds: the scale and layout of the development would adversely affect the daylight, amenity and privacy of adjoining residents and the character of the existing residential area; the scale, height and position of the proposed building would have a significant detrimental impact on the setting of adjoining listed buildings and the character of the wider conservation area; and if approved the proposal would set an undesirable precedent for future applications of a similar nature.

P121633 : Proposal for a mixed use building consisting of serviced residential apartments and a business unit. Refused by Committee (meeting 28.03.2013), in accordance with Officer recommendation – with an extra reason added for refusal by Committee, decision dated 11.04.2013.

The application was for a six storey high building, to provide thirteen serviced apartments and an office, with reception facilities.

The application was refused due to (a) impact on residential amenity on residents of Springbank Terrace, numbers 22-27, by way of loss of privacy, light, and outlook; (b) In terms of light pollution on the residents of Springbank Terrace due to the height and use of glass to the rear of the properties which currently have a dark aspect, and in terms of the visual impact within the Conservation Area; reason (c) (added by Committee) due to the design, scale and massing of the proposal which is not in-keeping within the locality, and would have an unacceptable impact on the Conservation Area.

This application is currently with the Directorate for Planning and Environmental Appeals as an appeal has been made by the applicant against the Council's decision to refuse. The appeal was lodged 26.06.2013, and it is noted that a decision should be made by 18.09.2013 (target decision date). The appeal is being determined by way of written representations. It is noted that an unaccompanied site visit will take place circa 22.08.2013 by the Reporter.

PROPOSAL

The current proposal is for a building over 6 floors which would include 13 serviced apartments on levels 1-6, a business unit 65 square metres which would

be for office use on level 1 (Class 2 –currently intended as an architects office), and associated services including cycle and luggage storage, other stores, and reception area. The Transport Statement (PL31_E) states that the apartments would be short stay, largely serving business commuters and employees on short term contracts, and possibly tourists. The apartments would provide ‘work from home’ space/facilities and the proposed office would also provide ‘business support facilities’ for guests (PL31_E).

The building would be located to the northern corner of the site, which is the highest part of the site. Along the north-west boundary (Oldmill Road) the existing granite rubble wall would be replaced in the main with the wall of the new building and a structural planter. To the south of the site (Springbank Terrace) between the building and the boundary of the site would be grass terraces and structural planters. The structural planters would be planted with a planting scheme, including trees (semi-mature root stock) at a height of 3.5-7.0 metres, and shrubs. Along the eastern boundary it is considered that there may be no change to the boundary (however it is unclear as plan PL_38F differs to plans PL36_G and PL39_F). On the western boundary it is noted that there would be no change to the boundary treatment, but there would be a bin store adjacent the boundary wall and a planting scheme in the south-western corner.

The building in its own right would be taller than any of the adjacent buildings within the locality. However, due to the differences in levels the height of the building would be no taller than the ridge level of Bon Accord Crescent. Drawings 59_A and 36_G show that the main part of the building would be in line with the parapet of Bon Accord Crescent (eaves level), but the overall height would be just above that.

The properties along Bon Accord Crescent have pitched roofs, and are approximately 11.5 metres in height to the ridge (approximately 9.3 metres to the eaves). The proposed building is flat roofed. The ridge height of the building varies because of the change in ground levels of the site. The east elevation (view from 70-82 Bon Accord Crescent) of the building varies in height above ground level between 11.6 -12.0 metres, west elevation (view from Bon Accord Crescent Gardens) varies in height above ground level between 14.4 -17.0 metres, north elevation (view from Oldmill Road) varies in height above ground level between 11.6 -15.5 metres, and the south elevation (Springbank Terrace) varies in height above ground level between 14.8 -17.5 metres. These heights do not include the lift shaft and other services which protrude above the roof. The protrusions above the roof are set slightly back and would project some 0.5 metres above the roof (maximum height). Due to the set back it is unlikely that the protrusions would be that discernible.

The proposed building is not a conventional shape, having six sides, and is best described as an irregular elongated hexagonal type shape footprint. The building would be granite and grey slurry mortar mix on the lower levels with the four levels above, and part of the second level, being of glass. The glass would be held together in aluminium frames. Within the building, located close to the glass, there would be upstands in cross laminated timber (clt), these upstands are referred to as cills, and would be discernible from the exterior of the building.

Some of the windows will open, by way of a typical casement window or a sliding window. The clt will act as a safety measure due to their height creating a cill thereby not requiring any Juliette balconies for the windows. Further behind this clt would be blinds which would be the same throughout the block with a light grey backing to provide consistency when viewed externally.

The building as aforementioned would occupy six levels. The top two levels of the building would be set in on the southern elevation by 1.1 metres (as measured from the submitted plans), with the creation of a balcony at the fifth level on the southern elevation, and on the sixth level a balcony on the western south/western side of the building.

The width of the building is varied, and no full elevation would be presented at a true 90 degrees, this is because the footprint is not a conventional shape. The following measurements have been taken at the fullest widths for each elevation. The measurements differ because of the shape of the proposed building, it should be borne in mind that as the building is not square, that some elements of the overall width would be projected back, but the width quoted would be seen square on.

The north elevation is shown at a total of 22.1 metres wide overall, the glass element above ground floor level is 16.5 metres wide (PL36_G). The south elevation is shown at a total width overall of 21.6 metres, with the glass element above 16.4 metres (PL37_F). The overall width of the north-east elevation (plan labelled east) as shown on the floor plans (PL_16) is 15.4 metres, with the glass element 6.1 metres at the narrowest extending to 9.8 metres overall width, whilst on the west it is 8.0 metres extending to 10.0 metres at lower levels, with the glass element shown as 5.6 metres at the narrowest extending to 15.7 metres overall in width.

Services would be included within the building, including an internal lift shaft and gutters, for example. The plans show that an aluminium flashing would be used where the lift shaft would be.

The building would have no car parking or vehicular access. Waste would be stored on site in a purpose built storage area, which would be covered. The waste would be taken to Springbank Terrace on waste collection days.

The applicant would make arrangements with the Car Club to enable membership for residents of the apartments during their stay. Residents would pay for the use of the car club, but would not have to pay a joining fee. It is noted that there are a number of car club spaces within a few minutes walk away from the development which could be used.

The building would include a laundry room, luggage room, and a dedicated cycle store for up to four bicycles on the lower floor.

Additional cycle spaces would be provided externally within the site, two stands (four bikes) at the entrance and four stands (eight bikes) at the western side of 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?130743>

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

Submitted Supporting Documents can be found within the application and include:

- Transport Statement (PL31_E)
- Transport Statement – Travel plan (PL31_E)
- Sustainability Statement (PL32_E)
- Design Statement (PL33_E)
- Servicing Statement (PL34_D)
- Access Statement (PL35_D)
- Environmental Impact Assessment – Daylight (PL36)
- Environmental Impact Assessment – Daylight – New Planting (PL37)
- Environmental Impact Assessment – Sunlight (PL38)
- Environmental Impact Assessment – Light Pollution – Conservation Area (PL39_A)
- Environmental Impact Assessment – Light Pollution – Residential Amenity (PL40_A)
- Supporting Statement – Reference to Previous Design (PL41_D)
- Rainwater Attenuation Calculations

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because there are more than five letters of representation received, and an objection from the Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team - Upgrading of Oldmill Lane - The introduction of steps on this lane would be unacceptable as it would prevent, or seriously hinder, access for the disabled, those with walking aids, and those with buggies. Acknowledge that the gradient of the slope makes access difficult, however the introduction of steps would further hinder this. At present this is the only non-stepped access to the park from Bon-Accord Crescent.

Revised comments accepting the use of granite setts (verbal update).

The design of a lighting scheme is proposed, and the improvement of street lighting is welcomed in this location. Will require full details of the lighting design to be secured by condition (verbal update).

Note that planting is proposed within the development. This must not undermine or encroach into the public lane.

The improvements to the lane would be an important part of this application as at present the perception that the lane is unsafe can pervade, and it can be dark and unwelcoming environment. The presence of a large building adjacent to the lane will have the effect of further enhancing the enclosed feeling.

Servicing – note no food will be sold within the premises. The servicing statement identifies the types of servicing which will occur. Satisfied with the servicing details.

Confirmation from Environmental Health should be sought that the collection of waste from Willowbank Road is acceptable; and from the Councils Parks section that they are willing to allow refuse to pass through the park, this should be secured prior to determination.

Parking – revised comments that the cycle storage level is satisfactory, should ensure that the spaces comply with Supplementary Guidance. Need details of the provision of bicycles that will be available for the residents to hire during their stay.

Seek provision of car club membership for each apartment within the serviced accommodation in order that it can be used by the occupants of the apartment for the duration of their stay as the development is car free, i.e. no car parking provision.

Travel Plan – a Travel Plan will be required for this development, which should be sought by condition (revised from original comments which sought by a legal agreement.).

Environmental Health – seek imposition of noise restrictions during construction, and for the bin store to be provided with a gulley and suitable wash down facilities in the interest of public hygiene.

Enterprise, Planning & Infrastructure (Flooding) - Rainwater attenuation calculations have been provided with the application. However, from the calculations provided this appears to be for the roof area only. Clarification of any additional surface water run-off for the development and any SUDS measures proposed for treatment of the run-off.

Furthermore, please clarify the system which will convey the surface water run-off from the site and if it is proposed to connect to a Scottish Water owned and maintained Surface Water/Combined sewer

Community Council - Ferryhill & Ruthrieston Community Council. Object – no significant change to the previous design which was refused planning permission.

The proposal, if implemented, given the scale and layout would adversely affect daylighting, amenity and privacy of adjoining residents and the character of the existing residential area.

The proposal, if implemented, given the scale, height and position of the building would have a significant detrimental impact on the setting of adjoining listed buildings and the character of the Conservation Area.

It would, if approved, set an undesirable precedent for future applications of a similar nature.

The Community Council are not against re-development of the site, as it considers that the site is an eyesore. The proposal needs to be sympathetic to its location, including lowering the height of the building which then reduces its impact.

REPRESENTATIONS

Letters of Objection

34 number of letters of representation objecting to the application have been received. The majority of representations received from neighbouring residents were objections to the proposal, which raised objections relating to the following matters –

Design

1. Dominate the area – it is a tower block (site is elevated so unsuitable for a tall building). The building is taller than any other building in the locality due to the change in levels. Trees which partially screen the building are only effective when the trees are in leaf;
2. Detrimental impact on listed buildings (Bon Accord Crescent)- not in-keeping with architecture of the Crescent;
3. The design is a series of squares, stacked boxes, with no pitched roof, which does not follow the rhythm or elegance of the listed buildings. A building with several pitched elements rising up the side of the embankment would be far more in-keeping. The proposal is contrary to Scottish Planning Policy. The proposal is a pre-fabricated building, and does not provide a superb architectural statement as to what Aberdeen is about;
4. Detrimental impact on the Conservation Area – fails to preserve or enhance;
5. Detrimental impact on the character of the area (out of character), modern in comparison to the Crescent and Springbank Terrace – contrary to Policies D1 and D6;
6. The proposal is contrary to Historic Scotland Guidance;
7. The proposal is contrary to the Conservation Area Character Appraisal;
8. Inappropriate materials within the Conservation Area;
9. Development for householders in Conservation Areas are strictly controlled, so cannot see how this proposal is acceptable;
10. Contrary to supplementary guidance as there should be no backland development which would not front a public road;
11. Contrary to the City Centre Development Framework as directly impacts on Archibald Simpson architecture as it is a contrasting building;

12. Impact on local views. City Centre Development Framework states fine views along whole length of Bon Accord Terrace, the development would obscure this. The proposal would obscure views of the Crescent from the south and west;
13. The view when driving south along Bon Accord Crescent would be dominated by the proposed building, which is detrimental to the character of the historic location;
14. The reduced height (in comparison with P121633) is still considered too tall. The site is elevated above Springbank Terrace, which increases the overall height of the building.
15. The parapet on Bon Accord Crescent may be a guide to the height, but the proposal fails to consider the properties on Springbank Terrace and Bon Accord Terrace, which it would dwarf;
16. The height of the proposal should not be taller than Springbank Terrace;
17. Over-development of the site;
18. The design statement only considers Bon Accord Crescent, and fails to consider Bon Accord Street or Springbank Terrace;
19. On a winters evening down Willowbank Road when trees are not in leaf, people will be confronted with five storeys of high glowing glass squares, which is not in-keeping with the surrounding building lighting character.

Green Space

20. Contrary to Policy NE1 Green Space Network and NE3 as no alternative space is being provided;
21. Green space is valued even if it is not open to the public- the proposal is contrary to Supplementary Guidance;

Condition of Site

22. To suggest the site is an eyesore and the development therefore would be beneficial is mis-leading as the site has only been cleared/maintained once in the last seven years;

Residential Amenity

23. Detrimental impact on residential properties and residents lives (Springbank Terrace and Bon Accord Street);
24. The proposal will shade gardens and houses (note some gardens are split on Springbank Terrace- with gardens at the rear being in different ownership- split width ways);
25. The proposal will block out sky;
26. The proposal will cause loss of sunlight and daylight;
27. The development is imposing on Springbank Terrace houses;
28. The development would affect the only private garden space of Springbank Terrace dwellings;
29. To state that Springbank Terrace is already affected by Bon Accord Crescent is untrue, this proposed building is closer and would obliterate daylight and sky views; and after office hours the area is private and peaceful. Bon Accord Crescent has very few windows facing towards Springbank Terrace;

30. The development would cause loss of privacy and adversely affect outlook;
31. Local Development Plan states as a principle new residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development- this development would have a significant effect;
32. The plan to stop people viewing downwards from the building appears untenable;
33. The admission by the developer to say they have put in blinds to protect privacy seems an admission that privacy will be affected, and is a measure which will not counter privacy concerns;
34. Unsatisfied with the comment within the application that people would gain privacy from having a building located within a few metres of their homes;
35. Object to balconies;
36. Light and noise emitting from the building at night- light shining into bedrooms;
37. There are no guarantees whether the measures for light pollution will work;
38. Reflection from the glass;
39. Any privacy shields used will increase the loss of light on neighbouring properties;
40. Noise- the lane will no longer be a quiet area;
41. The tree screening is unlikely to be successful given the change in levels;
42. The proposed tree screen would cause problems for Springbank Terrace;
43. The tree screen would have to grow very large very quickly to be effective as a screen, and due to the small gardens in Springbank Terrace, any natural light and ventilation not excluded by the building would be excluded by any such trees;
44. The building would be for a high number of transient people staying for short periods. This is a well settled neighbourhood and consider that people using the facility would not contribute to the community or benefit the area.

Submitted Plans

45. Would question the accuracy of the plans in relation to the trees in the park shown;
46. None of the drawings submitted show a perspective of the site or the proposed building from Springbank Terrace or Bon Accord Street. The building would be on a steeply sloping site relative to Springbank Terrace which is not clearly shown, and the omission fails to show the dominance of the proposed building.

Road Safety/Car Parking/Traffic

47. There would be an increase in the pressure for car parking/ lack of car parking (B&B's are in the area, which will be affected by increase on parking);
48. Additional traffic- area already struggles with traffic (taxi journeys);

- 49. Despite assurances in the developer's proposal, they are not in a position to ensure that their clients will not travel by car. People staying for weeks and months are likely to bring a car;
- 50. Hazard to road users – could affect access by emergency services;
- 51. Site insufficient for construction equipment/material;
- 52. Waste bins on Springbank Terrace will add to the parking problems, and make it difficult for people to cross the road (reduce visibility) ;
- 53. The site is difficult to access – construction vehicles could cause damage due to the narrowness of the lane;
- 54. The proposed steps on the path will remove what is a handy bike short cut;
- 55. The lane is the only route to avoid busy roads, concerned how the development will affect this;
- 56. Due to the poor road network, including narrow lane and lack of visibility, an increase risk in accidents could incur, including school children whilst walking to school.

Principle / Previous Application

- 57. Previous planning application was refused- this amended proposal does not overcome those concerns;
- 58. Area is residential and therefore it is wrong to build an industrial unit on the site;
- 59. The site should be developed, but not negatively with impacts on the area.

Drainage / Surface Water

- 60. Drainage system could fail, a pump would be required due to level changes;
- 61. Surface water and sub-surface water flooding/drainage concerns – Contrary to Policy NE6;
- 62. Sewers are at capacity (problems with capacity, development will exacerbate the situation).

Other

- 63. Impact on right of way/footpaths (closure of private right of way through the site during construction; lack of access could pose a fire risk; and possible closure of Oldmill Lane.);
- 64. Would deter people from using Oldmill Lane because the area would feel 'closed in';
- 65. If approved would set a precedent;
- 66. The proposal is to maximise the developer's profits. Profit should not be placed before other considerations;
- 67. The development (excavation, drainage, construction) could cause subsidence, and other damage to properties;
- 68. The site is currently open and residents could manage it if given the chance;
- 69. Do not need any more such accommodation within the area;
- 70. Detrimental impact on house prices

Letters of Support

20 number of letters of representation supporting the application have been received, the points raised relate to the following matters –

Design

1. Great and unique opportunity for contemporary design;
2. The proposal responds to the conditions of the site (sensitively), and will enhance;
3. The city lacks good contemporary architecture;
4. The Design Review Panel were supportive of the previous planning application (P121633);
5. The building will enhance the character of the Conservation Area;
6. Highly sensitive to its surroundings in terms of proportions, materiality, orientation, and scale
7. Not a poor imitation or pastiche
8. Rigorous protection of traditional buildings has at times stifled and caused decay.
9. The building in terms of scale and sense of identity achieves a positive and appropriate presents (*sic*) next to Bon Accord Terrace.
10. The height of the building is no higher than the parapet of Bon Accord Crescent.
11. The use of modern high quality materials and careful design will contrast with the historic environment in a positive way.
12. The proposed building would mirror and reflect the existing buildings
13. The building would be no taller than the nearest adjacent buildings
14. The use of glass and the overall height and massing are such that the new building would be subservient to those on Bon Accord Terrace.
15. The building will not emit a great deal of light as it is not floor to ceiling glass. Furthermore, curtains and blinds will prevent light pollution.

City Impact

16. The building would make a positive contribution to the city
17. Great modern architecture to contribute to City of Culture 2016
18. Need projects like this which transform Aberdeen from a cityscape with empty shops and poorly kept buildings, to one which evokes investment and pride

Residential Amenity

19. The proposed trees would provide a successful precedent in contrast to far less engaging options such as intimidating walls and railings.
20. The application has addressed light pollution from a residential building to a residential area.
21. The building would not cause overshadowing
22. Privacy should not be a concern given that the minimum distance is 20 metres between windows, and with the introduction of new terraces and the creation of a planted tree belt which would act as a screen.
23. The building would be seldom viewed from the gardens of Springbank Terrace and therefore would not adversely affect outlook.

Site

24. The site is currently an eyesore and is in need of development. Development of a brownfield site.
25. The site is identified as an infill opportunity for development in the new Conservation Character Appraisal (July 2013)
26. The proposal would not conflict with Green Network policies; the proposed use is complementary to a residential area

Previous application (121633)

27. This new application is 10% smaller than the previous planning application, which was refused, and a further 1.3 metres away from the properties along Springbank Terrace.

Other

28. The proposal meets the project brief
29. Too many developer led schemes which are not of quality design
30. Energy efficient
31. Any other proposals for the site would lack high quality
32. Bon Accord Crescent is one of the finest pieces of architecture in Aberdeen and any addition would be a challenge.
33. Will provide the needed accommodation
34. The proposal complies with Pan 67 [*this is on Housing Quality*]
35. The project would benchmark quality and architectural thinking
36. The proposal has not generated any objections from Roads Department.
37. Refusal of this application would leave Aberdeen in its current slump of new buildings mimicking old styles, ignoring the vibrancy the juxtaposition between historic and contemporary can create.
38. Celebrate the past architecture and having vision of the present and future.

PLANNING POLICY

National Policy and Guidance

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 require planning authorities, when determining applications, which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Scottish Planning Policy

Scottish Planning Policy (SPP) states that there is a presumption against works that will adversely affect a listed building or its setting (paragraph 113). It continues to explain that the layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be

appropriate to the character and appearance of the building and setting. There is a presumption against works that will adversely affect a listed building (paragraph 115).

The Policy recognises that design is an important consideration to ensure that high quality developments are achieved and high quality city centres.

SPP states that town centres should be the focus for a mix of uses, and that planning authorities should support a diverse range of community and commercial activities in town centres (paragraph 52). Furthermore, SPP states that to be identified as a town centre a diverse mix of uses and attributes should be provided (paragraph 54).

The policy outlines what it considers as key elements of successful town centres, noting that a mix of uses should be supported, rather than taking a retail-led approach which can create homogenous centres (paragraph 54).

Vitality is a measure of how lively and busy a town centre is, whilst viability is a measure of the capacity to attract ongoing investment for maintenance, improvement and adaptation to changing needs (paragraph 59). The SPP notes that viability and vitality are all material considerations in achieving healthy town centres.

Paragraph 45 promotes taking into account economic benefits of proposed development, whilst paragraph 48 seeks to ensure that new development safeguards and enhances environmental quality; and promotes the use of brownfield sites.

Scottish Historic Environment Policy

In paragraph 3.40, there is a presumption against work which adversely affects the special interest of a listed building or its setting.

Aberdeen City and Shire Structure Plan

Provides a spatial strategy for development, to ensure the right development in the right place to achieve sustainable economic growth which is of high quality and protects valued resources and assets, including built and natural environment, which is easily accessible. Creation of a strong service sector.

Aberdeen Local Development Plan

Policy C1 City Centre Development - Regional Centre – development within the centre must contribute to the vision of the Centre as a major regional centre. The Centre is therefore the preferred location for retail, commercial, and leisure developments, which should be located in accordance with the sequential approach.

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.

Policy T2 continues to state that Transport Assessments and Travel Plans will be required for developments that exceed the thresholds expressed in supplementary guidance, which will be secured by condition or legal agreement.

Policy D1 Architecture and Placemaking – ensures that high standards of design are achieved through a number of considerations, including context, to ensure that the setting of the proposed development and its design is acceptable.

Policy D2 Design and Amenity – outlines a number of considerations which shall be taken into account when assessing a planning application in the interests of amenity considerations, mainly relating to residential.

Policy D3 Sustainable Active Travel – new development shall be designed to minimise private car travel. Promote healthy modes of travel. Ensure permeability and connection to existing development and environment.

Policy D4 Aberdeen's Granite Heritage – the Council will seek to retain granite buildings and boundary walls throughout the City, even outwith Conservation Areas.

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 is not acceptable unless it avoids, (i) significant adverse impact on landscape character and elements that contribute to 'sense of place'; (ii) obstruction of important views of the City's townscape, landmarks and features when seen from important public vantage points; (iii) the disturbance loss or damage to important recreational resources; (iv) sprawling onto important or necessary green spaces.

Policy H1 Residential Areas – within existing residential areas proposals for new residential development will only be permitted if it does not constitute over development; does not have an unacceptable impact on the amenity or character of the surrounding area; does not result in the loss of open space as identified in the 2010 Audit; complies with Supplementary Guidance on Curtilage Splits and House Extensions. For proposed non-residential development it will be refused in a residential area unless it is considered complementary to residential use or it can be demonstrated that the use would not conflict with residential amenity.

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

Policy NE5 Trees and Woodlands – appropriate measures should be taken for the protection and long terms 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 or potential recreational opportunities including access rights, core paths, other paths and rights of way.

Policy R6 Waste management Requirement for New Developments – developments should make sufficient provision for the disposal of waste including storage for recyclables.

Policy R7 Low and Zero Carbon Buildings – all new buildings must install low and zero-carbon generating technology to reduce the predicated carbon dioxide emissions by at least 15% below 2007 building standards.

The Local Development Plan identifies the area as – being located within the city centre boundary; as a residential area and Green Space Network.

Supplementary Guidance

- Harmony of Uses – residential and other developments within the city (compatibility of residential and non-residential use mix)
- Landscape Guidelines
- Low and Zero Carbon Buildings
- Transport and Accessibility
- Waste Management

Other Relevant Material Considerations

Aberdeen City Centre Development Framework

The Framework notes that Bon Accord Crescent Gardens provides the setting for the Crescent, with a change in levels offering extensive views to the south-west. Recommends increasing accessibility within the gardens, including a lighting scheme to increase safety of the park at night.

Aims to celebrate architecture of Archibald Simpson; enhance green space in Bon Accord Square; promote public art for squares and gardens; appropriate lighting; and potential to create a connection to Union Street.

Notes that existing granite heritage should be conserved; the use of granite in new development should be encouraged; and where it is not possible to use granite in new build, materials that complement the granite should be used. Use of appropriate lighting to enhance areas and make them more friendlier and safe.

Conservation Area Character Appraisals and Management Plan (Strategic Overview, Management Plan and Bon-Accord and Crown Street), July 2013

Sets out the Council's management plan for all Conservation Areas and a generic overview of appropriate development, with detailed documents on each Conservation Area. In terms of Bon Accord and Crown Street it is noted that the application site is identified as previously being a slaters yard and is identified as an opportunity for infill development.

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

Principle of the development.

The Local Development Plan identifies the site as being within the confines of the City Centre; located within a residential area; and on land designated as Green Space Network.

The site is within a residential area as identified in the local plan. The proposal is for thirteen serviced apartments and an office, plus a reception area. The apartments are not residential in their traditional sense as they would be occupied on a short term let basis, with a regular turn over in patronage. Many hotels, B&B establishments and guesthouses are located within residential areas, and can co-exist amicably. There are other considerations to take into account such as the detailed design, but setting these considerations aside, in principle such a use can exist without having an adverse impact on residential amenity. It is noted that the applicant has referred to Class 3 (which is Food and Drink) within the application, for example under servicing statement, but it is assumed that this is an error, as it is clearly stated it is for an office use. It is also stated that it is intended to be an architect's office. On the basis of an architect's office it is judged that this falls within Class 2. Many offices exist within established residential areas. If there are residential amenity considerations in terms of disturbance arising from hours of operation, then consideration can be given to controlling the hours by condition. The Scottish Government and the Aberdeen Local Development Plan policies seek to mix uses which are compatible. Class 2 office uses tend not to cause disruption, and have limited public access. Many such offices already exist within Bon Accord Crescent. The proposed use is not industrial, as many of the letters of representation note, however, the proposed use is considered compatible within a residential area.

The site has been identified as Green Space Network (GSN), along with a private garden on Springbank Terrace, number 27, and Bon Accord Terrace Gardens. Clarification has been sought in terms of the inclusion of the private garden and this site within the local development plan as GSN. It is understood that this is an error due to a desk based assessment for inclusion. In the absence of a site visit it was considered that the site was open to and formed part of the wider Bon Accord Terrace Gardens. The characteristics of the site are such that it is brownfield land, in private ownership, contained within boundary walls and has no direct public access. On that basis it is considered that the development of

this site would not be contrary to the overarching aims of the Green Space Network Policy NE1 of the Local Development Plan. The development of this site would not adversely affect the Green Space Network.

Interestingly the Conservation Area Character Appraisal (July 2013) notes that many of the private gardens whilst not publicly accessible green space, these streets do contribute to the amenity of the Conservation Area. It therefore may be judged that the openness of the site contributes to the character of the Conservation Area. It is noted from letters of representation from those in objection that some do value the space; however, it is judged that the site is a potential infill site.

The site is brownfield land and it is judged that its loss would not undermine the character of the Conservation Area, taken into account its wider context, and that there is sufficient green space by way of Bon Accord Terrace Gardens.

In principle subject to considerations of design and amenity, and in accordance with Planning Policies C1 and NE1 of the Local Development Plan it is considered that the development of the site for serviced apartments and an office is acceptable. In accordance with Planning Policy H1 not all aspects of the policy have been considered, but it is judged that such a use has the potential to be complementary to the existing residential use and would not necessarily conflict with residential amenity subject to detailed design considerations.

Comparisons with previous planning application P121633

The applicant has put in a statement to support the submission of this current application, making comparisons with the last application, which was refused.

The applicant's statement notes the following

- Scale of building reduced by around 10% and upper floors by 18%
- Massing reduced on the two top floors, which eliminates privacy issues
- The building has moved approximately 1.3 metres further away from the properties on Springbank Terrace
- Internal cill levels and solidity have been increased thus increased privacy
- Solidity is increased thereby reducing impact of artificial light
- Improvements to lane include high quality surfacing, handrail, lighting, and levels.

In response to this, there is no discernible change in the scale of the building in terms of footprint. The differences related to the position of the building, which according to the scale of the plan submitted by the applicant is 1.1 metres further away from the properties in Springbank Terrace at the most southerly tip of the building than the previous submission, the difference between the previous location and this narrows to 0.3 metres to the rear of number 24 Springbank Terrace.

The stepping in of the two top floors does result in the internal floorspace being further away from Springbank Terrace. Levels five and six are set in some 1.1

metres in, effectively resulting in the top two floors being 2.2 metres further away from Springbank Terrace. However, there is now the creation of external space at level five which would occupy the area set in as a balcony for use by occupants. On the sixth floor a balcony would be created which would occupy the south/south-west corner.

Cill height has increased from 0.44 metres to 0.84 metres in height. The cills are not hard up to the glass, being set behind. With an increase in cill height the view from inside will be lessened, however it is considered that the level of light will not necessarily be less given that the cill is set behind the façade, and only breaking the façade for a distance of 0.32 metres, which was the same as in P121633. In terms of light therefore the building is no more solid. However, consideration will need to be given in terms of light due to the introduction of louvres at levels three and four, and the set back of the building at levels five and six.

The improvements to the lane are discussed in more detail under road safety. However, the change in levels has been omitted due to concerns of accessibility. Furthermore, despite the statement of handrails, none of the other supporting statements or plans show handrails, therefore for the avoidance of any doubt handrails do not form part of this application.

Design

A Design Statement and a Sustainability Statement have been submitted to accompany the planning application by the applicant.

This proposal was not subject to consideration by the Aberdeen City and Shire Design Review Panel prior to submission, it is noted that a number of letters of support state that the Review Panel supported it. However, for clarification it was the previous planning application (P121633) which was presented to the Aberdeen City and Shire Design Review Panel.

The Design Statement submitted by the Applicant considers that Bon Accord Crescent has influenced the current proposal, such principles as the parapet of the Crescent influencing the height of the proposal; the use of a single material; the horizontal banding of the Crescent incorporated as a principle within the design; the curve of the Crescent led to the proposed building being non reliant on right angles, whilst not trying to be a true copy. The original gardens to the Crescent were a series of terraces (Bon Accord Terrace Gardens), and thus the proposal incorporates terraces.

The Design Statement comments that the proposal in relation to the previous planning application 94/2210 is different because it is 13% lower in height at ground floor, and 16% smaller in floor area; and that in relation to planning application A2/0173 the proposal is 17% lower in height and 29% smaller in floor area (presumed to be footprint of the building).

The Design Statement submitted by the agent notes that there would be no overshadowing to the residential properties as the proposal is on the northern

side. It considers due to form, position, and materials that the proposal will not adversely affect daylight standards. In relation to flooding and drainage the proposal will manage surface water drainage and be an improvement on the existing. In relation to privacy, the statement comments that the properties are overlooked currently from neighbouring roads, the site, the park, and from each others gardens. The applicant considers that due to the position of the building, its form and use of materials, and the inclusion of a cill within the building, all ensure that privacy is maximised. Additionally the inclusion of a planting belt further enhances privacy, acts as a buffer for noise, and provides an attractive backdrop for residents along Springbank Terrace.

The Design Statement considers that a contemporary solution is the most appropriate as a reliance on right angles would result in an alien form of development. The use of glass and overall height of the building is such that the design statement considers that it is subservient.

The building has been designed as a tower with a plinth, and includes a pend which provides a sense of entry and natural supervision of the site and the lane. The building has been designed so that it has no definitive front or back elevation.

A number of letters of representation have objected to the proposal and its impact on the listed buildings and the Conservation Area. Many noted that the design was out of keeping, with an inappropriate scale and mass, and comprising of inappropriate materials. There has also been a number of letters of support which consider that the temporary design is appropriate for the Conservation Area, and in relation to the listed buildings.

There is a requirement to ensure that development within a Conservation Area either preserves or enhances the character of the area. The City Centre Development Framework notes that existing granite heritage should be conserved; that the use of granite in new development should be encouraged; and where it is not possible to use granite in new build, materials that complement the granite should be used.

Policy D1 of the Local Development Plan (Architecture and Placemaking) seeks to ensure high standards of design are achieved having regard to context, to ensure that the setting of the proposed development and its design is acceptable. Whilst Policy D4 (Aberdeen's Granite Heritage) seeks to retain granite buildings and boundary walls throughout the City.

There is one school of thought that the proposal should be entirely in granite so that it complements the vast number of granite buildings within the locality. Policies are supportive of alternative materials if there are reasonable grounds to do so. This site lies within the Bon Accord Crescent/Crown Street Conservation Area, the 1997 Planning (Listed Buildings and Conservation Areas) (Scotland) Act places a duty on Planning Authorities to ensure development enhances or preserves the character of Conservation Areas. Furthermore there are a number of listed buildings adjacent, and in considering applications there is a requirement to ensure that the setting of a listed building is preserved.

Scottish Planning Policy (SPP) states that there is a presumption against works that will adversely affect the setting of a listed building, and the Scottish Historic Environment Policy also states that there is a presumption against work that adversely affects the special interest of a listed building or its setting.

The previous planning application 94/2210 included the use of synthetic granite, light grey cement render and lead roof. Whilst planning application A2/0173 included granite and lead roof. In both applications the palette of materials did not form part of the reasons for refusal. The last planning application P121633 the use of glass and granite was supported by Planning Officers, though it is noted that Committee refused the application on design grounds as not being compatible with the Conservation Area. The current proposal of glass is not entirely consistent with the granite blocks of the buildings within the immediate environs. However, glass is considered an appropriate material. To attempt to make a building of this scale wholly of granite could be pastiche, and would never quite fit in, appearing alien, as it would compete with the adjacent grandeur of the Crescent. On that basis it is considered that the use of glass for a design of this scale is not inappropriate. Instances where granite would be appropriate on the site would be where a building was lower in height and width, such as a dwelling, where the incorporation of granite and a slate roof could be designed and be in-keeping.

The building would be sat on a plinth. The plinth would have a granite face on the north elevation and as amended also on the west elevation, whilst on the south and east the proposal is for grey brick and slurry mortar. It is considered that the plinth, at least on the public side, would tie the proposal to the adjacent area, from which the glass element would be placed upon. This is considered important given that the site is within a Conservation Area, and that the proposal removes the granite rubble wall. On balance it is considered that there are no objections in principle to the use of the materials now proposed. The grey brick slurry mortar is a novel approach, and would be resigned to the less public elevations (south and east). It would have been preferable if all the sides of the plinth were finished in granite. The joining of the two materials will be critical, and it is considered that this could be covered by a condition to ensure that there is an acceptable 'join' of the materials. A glass building would appear contemporary in its appearance and design, and there is a careful judgement to be made about the choice of materials, and it is judged that a successful building on the site could only be one of good quality materials. The use of granite in the lower walls, at least in the public elevations, complies with planning policy D4 of the Local Development Plan as the existing granite rubble boundary walls would be replaced with granite.

In terms of the height of the building, it should be noted that the building in application A2/0173 from the Oldmill Road elevation measured 13.3 metres high to the eaves (at most) with a maximum ridge height of 15.7 metres from ground level. The current proposal from Oldmill Road to the highest part of the building is between 11.6 and 15.5 metres, bearing in mind that the current proposal has a flat roof. The south-west elevation showed the building 16.9 metres in height to the ridge (A2/0173), whilst the current proposal is 14.4-17 metres above ground floor level. Whilst the building in A2/0173 was located in the most north-easterly

corner, it terminated in a similar position as to this current proposed building. The submitted levels details show that the existing ground level is in the region of 13.6-14.2 metres, after development it would be approximately 13.3 metres. The current proposal is therefore of a similar height to A2/0173, but it does have a much smaller footprint. Furthermore, the previous proposal was for flats which require amenity space, this current proposal does not require specific amenity space, in light of it being for serviced apartments and a business unit. In comparison to the last application which was refused (P121633), which is subject to the appeal, the height was similar to this application for both the north and south elevations.

On balance it is considered that due to the use of the materials that there are no over-riding objections to the proposal on design grounds. The use of glass can complement granite buildings. The site does lie within a Conservation Area and it is considered that the proposal does not detract from that in terms of its use of materials. The incorporation of a flat roof is a challenge for this site, but does enable the appearance of the building to sit lower than it would with a conventional pitched roof.

The impact of the proposal in the context of views of the Bon Accord Crescent is varied. The design statement considers it acts as a termination to the Crescent. The building would appear to have 3.5 floors elevated above the road along the Crescent. Given the backdrop from views afforded within the area this impact is considered acceptable on a fine balance.

It should be noted that the previous planning application was refused by the Planning Committee who also deemed the scheme unacceptable due to the design, scale and massing of the proposal which was judged not to be in-keeping within the locality, and would have an unacceptable impact on the Conservation Area. This did not form part of the Officer recommendation for refusal, but a judgement should be made on the acceptability of this application.

The previous planning application was also refused due to the impact of the proposal at night. As the building consists of glass the spill of light would be potentially high. The current application has been amended so that the cill is higher than the previous scheme, however, its interaction with the glass is over a similar distance of 0.3 metres. The cill sits in front of the glass. The design statement notes that blinds will be used, but there can be no enforcement of this. The building could appear as a lit beacon, causing spill of light into the Bon Accord Terrace Gardens and surrounding areas, which would be at odds with the neighbouring buildings which are mainly of granite. The agent considers that the building would be a positive impact as it would provide natural lighting to the lane. The addition of blinds could mitigate against the impact of light. The agent states that the buildings' solidity has increased given the increase in cill height. The agent also considers the setting in of the two top floors changes the impact of light, but it should be noted that this is by 1.1 metres. The impact of light will also alter in summer months and winter months, when in the latter position lights are used more frequently and trees are not in leaf. Consideration has to be given to the impact of the building, and it is considered that the agent has mitigated against light to the best of his ability.

Residential Amenity

Policy H1 (Residential Areas) of the Local Development Plan states that new development will only be permitted if it does not constitute over development; does not have an unacceptable impact on the amenity or character of the surrounding area; does not result in the loss of open space as identified in the 2010 Audit; complies with Supplementary Guidance on Curtilage Splits and House Extensions.

The Supplementary Guidance on Curtilage Splits and House Extensions are not directly relevant as the proposal is for a commercial development, but it is considered that the principles contained within the two guidance's are applicable as they consider the impact of residential amenity, and provide calculations and standards to assess the impact of development on amenity.

The main amenity impact of this proposal is on the properties along Springbank Terrace, and 76-82 Bon Accord Street. The nearest property along Bon Accord Crescent has a blank gable facing the site and it is therefore considered that there would be no adverse impact on amenity.

Supplementary Guidance considers privacy, daylight and sunlight. Other material planning considerations include outlook, from the houses and private gardens and the impact of light pollution.

In terms of noise, this has been assessed above under principle of development, in the sense that the proposed use is considered compatible within a residential area. In terms of nuisance during the construction period, it would be prudent to consider applying an advisory note to protect residents from the disruption of living adjacent a site whilst it is under construction by controlling the timing of the works.

Privacy

The applicant considers that privacy is not an issue because of the design of the building, its distance between the edge of the building and the nearest residential dwelling, the use of upstands within the building, which has increased from 0.43 metres to 8.4 metres, and the inclusion of a planted screen.

The applicant has submitted a section to show the impact of privacy. Furthermore, amended plans were submitted to include louvres on the third and fourth levels on the southern elevation. No details of the louvres have been submitted, however it is considered that this aspect can be conditioned. In addition it is judged that the inclusion of louvres to levels three and four will have an impact on the occupants of the affected apartments as their views may be compromised. However, as the proposal is not for occupation permanently it is considered that this impact is of no significance. However, what should be noted is that windows within these apartments where the louvres are proposed is shown to be opening, it is considered necessary to apply a condition so that the windows cannot open to control privacy. There are smaller windows either side of these apartments which could be opened if necessary, within the bedroom and in the far end of the open plan room.

Balconies are proposed at levels five and six of the building, it is judged with careful consideration of a screen at a height no lower than 1.2 metres, that views could be prevented down towards Springbank Terrace. Additional information was submitted by the agent (PL76_D) but it is not entirely clear whether the design would work without samples. Furthermore, for the avoidance of doubt it is considered prudent to condition to ensure that the balconies are of a sufficient height. In any case it is considered that a solution can be found.

The privacy section shows that from levels 1-3 views towards Springbank Terrace are obscured by the proposed tree belt, views from level 4 would only be obscured by the existing tree in the neighbouring garden, which does not obscure all views towards Springbank Terrace being located in the rear garden of number 25. Whilst views from floors 5 and 6 due to the elevated height above the dwellings would tend to be over the ridge line of Springbank Terrace. It is considered however with louvres at levels three and four, and the set back of the levels five and six that impact on privacy is acceptable. In addition the whole building has been set back a further 1.1 metres than that last previously (P121633).

The Supplementary Guidance- Sub-division and Redevelopment of Residential Curtilages, states that some elements of the guidance are applicable to other types of development than residential. The guidance is considered applicable to assess the impact that the proposal would have on the amenity of the neighbouring residential properties.

Under privacy, the Guidance states that as a general guide there should be a minimum of 18 metres separation distance between the windows of existing and proposed habitable rooms. Furthermore, that there will be some instances in which greater separation distances are appropriate, for instance where there are differences in ground levels or where higher buildings are proposed. The guidance states that in circumstances where effective screening is proposed which would not obstruct light then the distance can be reduced. 25 Springbank Terrace the separation distance would be 18.8 metres (approximately), and numbers 24 and 26 would be approximately 19.5.

A tree planting scheme is proposed which would provide a screen. It should be borne in mind that the long term retention of any planted trees is secured by the fact that the site lies within a Conservation Area, and that the removal of a tree or works to a tree would require formal consent from the Planning Authority. The trees to be planted are between 3.5 – 7.0 metres in height, and therefore of semi-mature stock. This means that the privacy section is not entirely accurate, as the trees shown on the plans are higher. It is considered therefore that views could be obtained from the third floor and above towards the houses on Springbank Terrace. Furthermore, a tree screen is only partially effective, and during winter months would have no foliage being deciduous. Evergreens are not considered appropriate, in terms of context or residential amenity because whilst it would have the ability to act as a privacy screen it would potentially block out light. However, during the winter months it should be noted that the screen would be less effective. Furthermore, the planting of such trees close to the boundary

could reduce light to the habitable rooms and gardens of the houses on Springbank Terrace, particularly during the summer months when the trees are in leaf. The supporting documentation notes that the trees will not totally obscure light. However, it is considered that the trees would reduce the level of light, which is important given the orientation of the rear elevation of the houses to the north. This light would impact not only on the habitable rooms of the dwellings, but also the garden areas, some of which are only 11-12 metres long. It is judged that trees could be planted in any case along the boundary as planting of trees do not require planning permission, though this does need to be balanced with the fact that it is unlikely such trees would be planted in such a manner if the site remained undeveloped. On balance it is considered that there are no objections to the tree planting.

It should be noted however that the applicants' assertion in the supporting statement that the houses along Springbank Terrace are currently overlooked by Oldmill Road, the Gardens, and other adjacent roads is contended. This is because the roads and gardens cited are further away from the properties on Springbank Terrace than the site, and it is very different to have occupants of a building causing loss of privacy than passers by walking along a street. The loss of privacy caused by passers by is momentary, which is different in nature to an occupied building.

Daylight

The Supplementary Guidance states that applications should be supported with calculations and illustrations based on the BRE information paper on site layout planning for daylight 1. Using the Supplementary Guidance the proposal clearly breaches this. When applying the calculation to the privacy section plan accompanying the application, the building's height at that particular location exceeds the level required by 7.5 metres. Due to this consideration the applicant was asked to provide more detailed calculations on impact on daylight. The Vertical Sky Component (VSC) has been used, which is also supported by BRE and the Councils Supplementary Guidance. VSC is expressed as a percentage of daylight falling from unobstructed sky onto a vertical window. The calculations, as presented by the applicant, concludes that there would be no adverse impact. It should be borne in mind that the calculations do not take into account the proposed tree screen which could potentially further block out day light, particularly during summer when the trees are in leaf.

The agent has submitted additional information (PL37) on impact of daylight with new tree planting, however, only limited weighting can be given to this as it is not drawn to scale (no scale identified drawing PL37), and the trees identified are sufficiently far enough away to not have an adverse impact on light.

Sunlight

The proposed development is on the north side of Springbank Terrace, the impact on sunlight is therefore considered minimal. Supplementary Guidance, Householder Development Guide, addressed the impact of sunlight and overshadowing on gardens and houses caused by proposed development. It has

an assessment on how to consider loss of sunlight, including taking into account orientation. Using this calculation the proposal would not have an adverse impact on loss of sunlight.

Outlook, from the houses and private gardens.

The proposed building will be in some instances 18.8-19.5 metres away from the rear elevation of the properties of Springbank Terrace, and between 6.5- 9.0 metres off the rear boundary wall. The building, due to change in levels will appear 17-20 metres in height when viewed from a number of the private gardens on Springbank Terrace. In addition the tree belt will, from when it is first planted, be some 8.0 metres higher than some of the garden levels, the impact of which will increase as the trees mature. The building would be a further 1.1 metres away than that refused under the previous planning application (P121633).

Impact of light pollution.

The impact of the proposal during the night is such that the properties on Springbank Terrace could be exposed to light emanating from the apartments when illuminated within the proposed building. Whilst to a degree occupants of the individual houses could utilise curtains and blinds this may not always be appropriate. The occupants of the apartments could not be forced to use blinds, and may wish not to, given the panoramic night time that would be afforded by the elevated location of the building. This light pollution could have a negative impact on the residential amenity of the occupants on Springbank Terrace. The applicant has provided additional information in support – ‘Light Pollution – Residential Amenity’. The current application has been amended so that the cill is higher than the previous scheme, however, its interaction with the glass is over a similar distance of 0.3 metres. The cill sits in front of the glass. The agent considers that the blinds could mitigate against the impact of light, and given the increase in height of the cill. Consideration has to be given to the impact of the building, and it is considered that the agent has mitigated against light to the best of his ability.

Road Safety

There have been a number of objections relating to roads issues such as road safety, lack of car parking and access to the site, increase of traffic, indiscriminate parking, and impact during construction.

The Roads Projects Team has commented that the proposal does not include any provision for the car, noting that the immediate locality is a controlled parking zone which should discourage indiscriminate car parking. None of the future occupants of the development would be eligible for parking permits.

Cycle storage space is shown on the plans, and is to the level required by the Roads Project Team which is satisfied with the level of cycle parking. In accordance with Supplementary Guidance there should be circulation spaces of a minimum 500m at each end of the stand and therefore it is considered

expedient to address this by condition to ensure that the cycle spaces are useable. It is considered that there is sufficient space to accommodate this. The internal cycle spaces could be relocated to ensure that there is 0.5 metres at either end of the stands, the submitted plan (PL15_F) show the distance as 0.45 metres, and there is room to ensure the minimum space. The Roads Projects Team has verbally advised that the lift is insufficient size to accommodate a bike, which would be needed to enable access from the ground floor level down two floors to the cycle space. The lift measures 1.05 x 1.15 metres. In comment it is considered that at a push a cycle could be accommodated within the lift, albeit on its end.

It should be noted that as the proposal is car free, it is a requirement to encourage other modes of transport, and that the developer provides and maintains two bicycles for use by occupants of the serviced apartments. The Roads Project Team has also advised that it would like the provision of car club membership for all occupants during their stay, and the applicant has submitted evidence to show that there is a feasible scheme being developed, all of which could be secured by condition.

Servicing details have been provided, and the roads projects team have no objection to this consideration.

The issue of Oldmill Road in terms of being a dark place has been raised. The agent is in agreement in principle to install lighting which can be adopted by the Street Lighting Team. Lighting would need to be appropriate, but it is considered that subject to condition, the proposal could enhance the feeling of safety and security along the lane, which is currently a dark place at night, which can deter pedestrians.

It is acknowledged that there may be issues with the gradient of the lane which could prevent all round accessibility. The application makes provision for a disabled unit, though it is unlikely one could be enforced because of the challenges of accessing the site. Roads have no objections to this element, but consider it is prudent to raise given the Disability Discrimination Act. The application is supported with an Access Statement, which states that although there is no requirement to provide disabled access or facilities, that one apartment has been designed to accommodate disabled facilities.

The Roads Projects Team commented that the introduction of steps onto Oldmill Lane would not be acceptable as it would prevent, or seriously hinder, access for the disabled, those with walking aids, and those with buggies. Whilst it is acknowledged that the gradient of the slope makes access difficult, it is considered that the introduction of steps would further hinder this. At present this is the only non-stepped access to the park from Bon-Accord Crescent. The submitted Servicing Statement (PL34_D) and Access Statement (PL35_D) states that the lane will be adjusted in terms of levels. However, all other submitted plans have now omitted the change of levels to the lane with the introduction of steps. It is not considered prudent to include this by note or condition for the

avoidance of any doubt because the Roads Team would have control as any works within Oldmill Lane would require permission from the Roads Authority, which they could refuse.

With regards to other proposed improvements to Oldmill Lane, the Roads Projects Team now accepts the use of granite setts. Setts as shown on drawing PL60_E would be located outside the front entrance, for a distance of approximately 19 metres overall.

The Roads Projects Team asked that confirmation be sought by the applicant from Environmental Health that the collection of waste from Willowbank Road is acceptable, it is noted that in its comments Environmental Health have not objected to this element of the proposal. The Roads Projects Team, also requested from the applicant confirmation from the Councils Parks section that it would be willing to allow refuse to pass through the park, which the Roads Projects Team requested be secured prior to determination. It should be noted that permission to access the park is not a material planning consideration, and is a private matter. The applicant would need to secure such permission directly with the landowner. If the landowner is not willing to allow access, then wheelie bins would have to be stored at the top of Bon Accord Crescent on collection day, and the owner of the building would have to ensure that the wheelie bins were taken up Oldmill Lane. The Roads Projects Team have no objection in principle to this should the Parks Section not be in agreement to allow bins to be taken through the park, though do not recommend this course of action.

The Roads Project Team request a Travel Plan, although originally requested to be secured by a legal agreement, they have revised comments verbally to agree by condition. A draft travel plan has been submitted, but further details would be required by condition.

It has to be acknowledged that neither the Planning Authority or the applicant can control how someone may choose to travel to the development. The Transport Statement (PL31_E) states that 'guests have no choice but to make sustainable journey's' and the Sustainable Statement (PL32_E) states that car use is enforceably (*sic*) avoided. People could use their car if they chose to; however, the applicant has provided a considered approach to travel. Providing car club membership for residents during their stay, bicycle spaces, possibility of the use of one of the bikes on site, and the central location close to the city centre, and the bus and train station, and that is as much as they can do.

The Transport Statement submitted with the application (PL31_E) states that visitors to the office would be infrequent and within the hours that the controlled parking zone operates.

On the basis that the Roads Project Team has no objection, it is considered that the concerns raised in the letters of representation have been addressed. Indiscriminate parking can be controlled, and it is considered that there are no road safety issues. It should be noted that in terms of sustainability the site is located within the city centre, and close to Union Street, where buses, taxis and

trains can be easily accessed. The proposal complies with Local Development Plan policy D3 and Supplementary Guidance Transport and Accessibility, subject to limiting the use as discussed further below under 'Other Considerations'.

Drainage

A drainage plan was received from the applicant. This shows that drainage will be a mixture of permeable surfaces and perforated pipes. An attenuation system will also be incorporated. The applicant has undertaken percolation tests for the site and has submitted drainage calculations with the planning application. The EP&I Flooding Team have advised that surface water drainage proposals will be required, and it has been confirmed that the drainage system will connect to Scottish Water infrastructure. Full details can be secured by condition, and it should be borne in mind that Building Standards will consider this aspect also. It is considered that there is sufficient information at this stage to overcome any drainage concerns.

Scottish Water assesses the capacity of its network to accommodate development at the time the applicant applies for new water and waste water connections. In line with other developments it does not generally object to planning applications, but considers such proposals at the time of application to its services for connection.

Other Considerations

One policy consideration is the use of Zero Carbon Technology. Planning Policy R7 of the Local Development Plan, states that all new buildings must install low and zero-carbon generating technology to reduce the predicated carbon dioxide emissions by at least 30% below 2007 building standards. The application is supported with a sustainability statement, and there are sustainable features incorporated to achieve the standard which is the installation of a mechanical ventilation system with heat recovery and a ground source heat pump. Details and evidence of the compliance of the standard can be secured by condition.

The proposed office as an architect's office is considered in terms of the Use Classes Order to fall within Class 2. Class 2 also includes uses such as a beauticians and betting office, amongst others. Whilst an office is unlikely to generate amenity considerations, it is considered that other uses could cause issues. On that basis it is considered prudent to limit the proposed use to an office only, and no other uses within Class 2. Furthermore, uses which fall in Class 2, can without permission become Class 1 Retail uses. Therefore it is prudent to prevent this in the interests of residential amenity considerations. This means that any change from an office would require planning permission, and would be judged on its own merits at that time should such an application be submitted. It should be noted that in the previous planning application the report stated that the proposed office use would fall within Class 4, however as the intentions for the use of the office is as an architect's office as clearly stated in this application, it is judged to fall in Class 2.

The application proposes to repair the cast iron railings along Bon Accord Crescent as an overall benefit (Sustainability Statement, PL32_E).

There are a number of considerations that were raised in the letters of representation which have not already been discussed above. Those aspects are dealt with in this section of the report.

- **Development Contrary to the Conservation Area Character Appraisal**

The representation does not specifically state why it is considered contrary. The Appraisal sets out particular design principles. This is a new building, of which in terms of use of materials is considered acceptable.

- **Development in Conservation Areas is strictly controlled in Conservation Areas for Householders so cannot see how this is acceptable.**

There are strict controls in terms of permitted developments, that is to say what does and does not need planning permission. This proposal is for a new building, which is different in terms of an extension or alteration to an existing building. This is considered a modern building, but the imposition of a Conservation Area does not prevent different design solutions which are modern, as long as they are appropriate.

- **The proposal is contrary to the City Centre Development Framework**

It is considered that the proposal is not contrary to the Framework. The building itself does not obscure views of the Terrace or the Crescent, as it sits to the side.

- **Introduce more people into the area/transient people**

The proposal will generate additional visitors to the immediate locality to what is otherwise an undeveloped site. However, whilst there are some concerns raised in connection with the proposed development and its impact, in terms of more people this can be an advantage in terms of providing a level of surveillance to the area. An area which provides more people can actually be a benefit as it becomes used. The thrust of national and local policy is to encourage development within urban centres, including cities.

- **Contrary to supplementary guidance as there should be no backland development which would not front a public road;**

The development is considered to have a front to Oldmill Road (albeit a pedestrian thoroughfare), and therefore is not considered contrary in this respect.

- **Title deed allows right of access over the site; lack of access would be a fire hazard**

- **Affect on private right of way during construction**

In relation to the two points above, the private access rights of an individual are not a material planning consideration, and it is a private civil matter. It should be noted that the granting of any planning permission would not override other legal considerations, but it is outwith the remit of planning control.

- **Closure of Oldmill Road during construction**

It is not clear whether Oldmill Road would need to be closed during construction, but this is not a material planning consideration. Permission would be required to

close the lane from Roads if desired by the developer. Any closure, if needed, would be of a temporary nature and be in the interests of public safety.

- Risk of safety to the nearby school

The proposal would not have a direct impact on the school.

- Affect B&B businesses (parking, business amenity)

The commercial impact of a proposed development on existing businesses is not a material consideration. Parking is considered above, under Roads section.

- No need for such additional businesses for accommodation

- Impact on house prices

The market conditions for whether a business is needed or not, and whether it would have an impact on the commercial viability of existing businesses are not relevant material planning considerations. Impact on existing house prices is not a material consideration

- Previous applications refused

- Set a precedent

This application is different from the previous planning applications. The planning history has been provided within this report for consideration. All planning applications should be considered on their own merits. P121633 is of a similar design approach to this application, and a judgement must be made on the merits of this application under consideration.

- Accuracy of plans

- Plans not show the steeply sloping ground from Springbank Terrace or Bon Accord Street.

Some of the plans do not appear entirely accurate mainly due to the drawing of the trees. Examples include the elevation plan from Bon Accord Crescent (PL70_D), elevation plans with context, and site sections (PL08_D). However, careful consideration supported with site visits enables an appropriate assessment of trees, changes in levels and other physical factors of surrounding buildings and features.

- Damage and undermining existing boundary walls

The damage caused to another person's property is not controlled by Planning, and is a separate legal matter. The planning application includes details of the structural planters which show there will be supporting stakes and posts, which will be set in some 25-30 centimetres from the boundary wall.

- Profits should not be placed before other considerations.

- Residents if given the chance could maintain the site

- Site could be developed, but not in this manner

The Planning Authority must make a decision on the development submitted and make a decision, taking into account planning policies and other material considerations in the process.

Letters of support.

The letters of support have been summarised above, but it worth summarising that the letters in the main consider that this revised proposal overcomes the

concerns of the previous application which was refused. The letters feel that this is a modern contemporary design which responds to its context and site constraints. They consider that approval of this application would pave the way for modern architecture. They acknowledge the design credentials, including approach to energy efficiency and approach to travel.

RECOMMENDATION

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to retain the development in a single ownership. Therefore, they cannot be sold off separately or disposed. Separate ownership of the apartments and business would lead to the loss of the overall management and use as serviced apartments. Furthermore, the development would be unsuitable for permanent residential accommodation.

REASONS FOR RECOMMENDATION

The site is within the City Centre, where such developments are encouraged (C1 City Centre Development). The application demonstrates management of traffic and measures to promote sustainable modes of travel (T2 Managing the Transport Impact of Development and D3 Sustainable Active Travel). It is considered that the proposal does not conflict with NE9 Access and Informal Recreation, D6 Landscape, or Policy NE1 Green Space Network. The design is considered acceptable within the Conservation Area and adjacent to listed buildings (Policy D5 Built Heritage), and incorporates granite within the walls which it replaces (Policy D4 Aberdeen's Granite Heritage). The application is therefore judged to also accord with Scottish Planning Policy and Scottish Historic Environment Policy. In light of the measures shown within the application, and subject to the imposition of the conditions, it is considered that the proposal would have an acceptable level of impact on amenity in planning terms (Policies D1 Architecture and Placemaking, D2 Design and Amenity and H1 Residential Areas). Furthermore, the application can meet Policy R7 Low and Zero Carbon Buildings and Policy R6 Waste management. The site is within the Conservation Area, which allows an opportunity to secure retention of the proposed landscaping (Policy NE5 Trees and Woodlands).

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

1. Notwithstanding the details submitted, prior to the laying of the foundations of the building hereby approved details of the granite, including sample board of materials to be provided, shall be submitted to and approved in writing by the Planning Authority. The details shall include the granite detailing, the brick detailing and the mortar. The development thereafter shall be constructed fully in accordance with the approved detailed. – For the purposes of clarification, in the interests of visual amenity and to ensure that the new walls are acceptable within the Conservation Area.

2. Notwithstanding the details submitted, no development shall commence on site until full details of all the boundary treatments have been submitted to and approved in writing by the Planning Authority. The boundary treatments shall be implemented in full prior to the first occupation of any part of this development. - For the purposes of clarification, in the interests of residential and visual amenity, and to ensure that the boundary treatments are acceptable within the Conservation Area.
3. Notwithstanding the details submitted, no development shall commence on site until full details of the surface water drainage have been submitted to and approved in writing by the Planning Authority. The approved drainage shall be implemented in full prior to the first occupation of any part of this development. - For the purposes of clarification, in the interests of residential amenity, and to ensure that the development does not contribute to local flooding.
4. That the building hereby approved shall not be occupied 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'.
5. The landscaping scheme hereby approved shall be implemented in full in accordance with the approved scheme prior to the first occupation of any part of this development hereby approved. – In the interests of residential amenity, in particular privacy.
6. The development hereby approved shall not be occupied until a scheme of maintenance of the landscaping has been submitted to and approved in writing by the Planning Authority. The landscaping shall be managed in accordance with the approved scheme for a minimum period of five years from the date of first occupation of the development hereby approved. – To ensure retention of the landscaping scheme within its formative years in the interests of residential and visual impact.
7. Notwithstanding the details submitted, the street lighting, repairs to railings, collapsable bollard and surfacing of Oldmill Lane hereby approved as part of this application shall be installed/completed in accordance with details that shall be first submitted to and approved in writing by the Planning Authority. The works listed shall be installed fully in accordance with the approved details prior to the first occupation of any part of the development hereby approved. – For the purposes of clarification and in the interests of visual amenity, to ensure that the works are appropriate in the residential area and Conservation Area. The lighting and street enhancements constitute contribution to the public realm.

8. 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 in accordance with the approved details. - To promote alternative modes of travel other than the private car, in the interests of sustainable travel. 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).
9. Notwithstanding the details submitted, the cycle parking provision shall be provided in full prior to the first occupation of the development in accordance with details that shall be first submitted to and approved in writing by the Planning Authority, and thereafter retained at all times for such purpose. – To promote alternative modes of travel other than the private car, in the interests of sustainable travel. Not all cycle spaces are obstruction free, and therefore a revised layout solution for cycle parking is required. No details of cycle stands are provided.
10. Upon the first occupation of any one of the serviced apartments hereby approved, no less than two bicycles shall be provided on site for the use of occupants of any one of the serviced apartments. - To promote alternative modes of travel other than the private car, in the interests of sustainable travel, and in accordance with statement P002-ST-PL31_E.
11. That no development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Travel Plan, which outlines sustainable measures to deter the use of the private car. The Plan shall clearly state what measures will be undertaken to enhance alternative modes of travel, and detailed monitoring, including measures that will be taken to increase uptake of alternative modes of travel than the private car. - In order to encourage more sustainable forms of travel to the development.
12. Not any one of the serviced apartments hereby approved shall be occupied for a period in excess of 90 days in any one calendar year by any one family, individual or group. – The development has insufficient amenity space for permanent occupancy as a residential unit and no parking provision, and has not been assessed as residential development. It is therefore considered expedient to control occupancy.
13. Notwithstanding the provisions of Class 2 of the schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, or any Order revoking and re-enacting that Order, with or without modification, the approval hereby granted relates only to the use of the premises as an office and for no other use or purpose including any other activity within Class 2 of the said Order and including any activity within Class 1 of the said Order. – In order to ensure that the premises are not occupied for other uses which fall within Class 2 that may be inappropriate or unacceptable in the area due to impact on residential amenity.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1997 as amended, or any Order revoking and re-enacting that Order, with or without modification, no changes to any of the windows or glazing hereby approved shall be changed or altered in any way, and now new windows or openings inserted, without the express prior approval of the Planning Authority. – To enable the Planning Authority effective control, in the interests of residential and visual amenity.
15. Notwithstanding the details submitted, the development hereby approved shall not be occupied or brought into first use until the balconies have been installed in full in accordance with details that shall be first submitted to and approved in writing by the Planning Authority. Details shall include materials, type and height, including samples where may be required. Thereafter the balconies shall be retained in full accordance with the approved details in perpetuity unless otherwise approved in writing by the Planning Authority. – In the interests of residential amenity and visual amenity, for the purposes of clarification.
16. Notwithstanding details submitted, no windows on the south elevation in the ground floor plan and first floor plan (levels three and four) which have louvres fitted shall be of opening or sliding windows. All windows shall be fixed. – In the interests of residential amenity, to protect privacy.
17. The building hereby approved shall not be occupied or brought into first use until louvres have been attached to the ground floor and first floor windows (levels three and four) as identified in the submitted plans, in accordance with details that shall first be submitted to and approved in writing by the Planning Authority. Thereafter the louvres shall be retained and not altered in any way without the prior express written approval of the Planning Authority. – In the interests of residential amenity, to protect privacy.
18. The bin storage area shown on the approved plans shall be provided on site in accordance with the approved plans, and with a wash down and gully facilities. Thereafter the bin storage area shall be retained at all times for use and shall not be altered in any way without the prior approval of the Planning Authority. – In the interests of residential amenity and visual amenity, in accordance with Supplementary Guidance: Waste Management.
19. Notwithstanding the details submitted, no development shall take place until full details of the external materials in the location where the lift shaft will appear have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details. – The plans show that aluminium flashing would be present, which would not obscure the inner workings of the lift; the plans are hatched in this area. As no details have been

submitted which clearly show the external treatment, it is considered prudent to apply a condition in the interests of visual amenity and for the purposes of clarification.

20. Notwithstanding the details submitted, no development shall commence on site until samples of all the listed materials have been submitted to and approved in writing by the Planning Authority; (i) glazing; (ii) louvre windows; (iii) anodised aluminium panel and flashing (iv) roof materials, and all protrusions above the roofline; (v) aluminium/stainless steel mesh blind; and (vi) the aluminium frame section at levels five and six (floors two and three). The development shall be completed in accordance with the approved details. – For clarification, to ensure that the materials used are appropriate.

Dr Margaret Bochel

Head of Planning and Sustainable Development.



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

163 Bon Accord Street
Aberdeen
AB11 6UA

27th June 2013

Planning Application Reference: 130743

Proposal for a Mixed Use Building consisting of Serviced Residential Apartments and a Business Unit – Old Mill Lane, Bon Accord Crescent, Aberdeen.

To the Planning Committee

As Planning Officer for Ferryhill & Ruthrieston Community Council I am writing to lodge an objection against the application for Detailed Planning Permission for the above proposal.

This letter reflects the collective views of the Community Council.

Please note that this is the second objection F & RCC have lodged for this planning application. The previous application Ref # 121633 for this site was refused.

F. & RCC have reviewed this latest application and observe that there is no significant change to the previous design which was refused.

The basis of the objection is similar to the previous application and is as follows:-

- The proposal, if implemented, given the scale and layout of the development would adversely affect the daylighting, amenity and privacy of adjoining residents and the character of the existing residential area.
- The proposal, if implemented, given the scale, height and position of the proposed building would have a significant detrimental impact on the setting of adjoining listed buildings and the character of the wider conservation area.
- The proposal, if implemented, would set an undesirable precedent for future applications of a similar nature





Can it please also be noted that F & RCC are not against re-development of this site as we agree that the site is a bit of an eyesore, but all we would request that the design is more sympathetic to its location.

We would suggest that the height of the new development is lowered, which would reduce the impact that this building would have on the surrounding area.

Yours faithfully



Barbour (Planning Officer: Ferryhill & Ruthrieston Community Council)



C
Mrs C Dunhill
44 Albury Road
Aberdeen AB11 6TL

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

30 June 2013

Dear Sir / Madam,

Objection to planning application reference 130743 Local Authority Reference: 000062791-001

I am writing to object to the planning application mentioned above. There are many reasons for objecting and I have outlined them below:

Roads / Traffic

The proposed structure would increase traffic in an area that is already congested with no parking spaces dedicated to the building. Hours of construction and means of getting equipment onto the site and storing equipment would impact on the popular walkway of Oldmill Lane and have a negative effect on the adjacent houses which are very close to the proposed development site. To build would mean that the popular walkway would become closed in so that fewer people would use it; especially as they would not be seen from the windows of houses on Springbank Terrace.

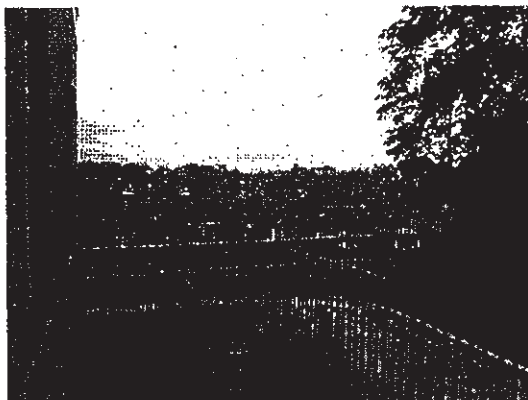
It would have a negative impact on the road safety and the amenities in the area. Already there are many large rubbish bins situated on Willowbank Road / Springbank Terrace and these restrict visibility for people crossing the road. To place more bins there would make it even more difficult to see and would also restrict available parking in an already congested area.

The Proposed Structure of the Building

The distance between the homes adjacent will be extremely small and people will go from having a light, bright room to being in darkness; they would also lose their privacy and use of their back gardens as they become unable to see out from their gardens due to the height of the building proposed. The plans to stop people from looking down seem untenable and I would like to see people living in the houses consulted about the comments made in the planning application which appears to suggest they'd gain privacy from having a building within a few metres of their homes.



This open area fits with the area and could enhance it. Local residents could manage the area given the chance. I feel that building a conspicuous, ill fitting, short term accommodation block in an area already well serviced by similar Apartments, Guest Houses, Hotels and Hostels would be a poor utilisation of this land and would not serve the area well.



The Conspicuous Design

Does not fit in at all with the buildings in the area and would have a negative impact on the end of the crescent. The building might be partially screened by trees for part of the year but these are deciduous trees and it would then be in plain sight for many months.

This importance of the characteristics of this Conservation Area are written about in the Aberdeen City Conservation Area Character Appraisals and Management Plan :

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?ID=49070&SID=2991>). A small part of this document, which details the wealth of architecture and historical interest is quoted below. The proposed structure would not add anything to this area and as the structure, nature, position and materials which are being proposed do not fit the surroundings or fit with detail in the Council's Conservation Area Management Plan.

" This Conservation Area is of a size which means few largely distinct character areas exist; however, the key streets have been grouped together which form areas with a distinctive sense of place – Bon Accord, Crown Street and Springbank." (page 9 of Aberdeen City Conservation Area Character Appraisals and Management Plan | February 2013)

Also the building proposed does not fit the character of the surrounding area at all - as described later in the same document:

"Bon Accord – features the highest majority of commercial business/office premises which create active uses and maintain pedestrian movement during the day-time. This area also features a high proportion of Category B Listed Buildings, covering almost the entirety of Bon-Accord Square, Bon-Accord Crescent and Bon-Accord Street".

I hope that you will consider this letter and look forward to hearing from you.

Yours faithfully,
Christine Dunhill

(submitted by email)

MR GORDON SAVILLE

- 26A, SPRINGBANK TERRACE

 - ABERDEEN
 - AB11 6JY
 - Phone [REDACTED]
-

ABERDEEN CITY COUNCIL
TOWN AND COUNTRY PLANNING
MARISCHAL COLLEGE
BROAD STREET
ABERDEEN.
AB10 1AB
30TH DECEMBER 2012

Dear Sir/Madam,

**OBJECTION TO THE PLANNING APPLICATION
NUMBER 100023401 BEHIND NUMMERS 23 to 26
SPRINGBANK TERRACE**

Our opposition to the above plan is as follows

- (1) Springbank Terrace area is a Residential Conservation Area and therefore it is wrong to build an industrial unit on this site.*
- (2) Environmental Concern: In this area there are about two or three times a year when there is some sewage smell which lasts for sometime. As such*

building more residential units can only make the situation worse.

(3) Drainage: The area suffers from water log. In periods of very heavy rain there is water log on the street at the ABERDEEN CITY COUNCIL'S BON ACCORD TERRACE GARDENS near the dustbin and this lasts for days. Also in the slope the water log makes it unpassable for some days. Building residential units will affect the drainage system and the water log can only get worse.

(4) Impact on amenity: The parking here in Springbank Terrace is already congested. Even local residents with parking permits arriving home after 7pm find it hard to get a place to park. Erecting more residential building can only worsen the already bad situation.

(5) Plan of the site: The site diagram does not take into account the right of way at the rear of number 26 Springbank Terrace on to Old Mill Road in case of fire. This therefore poses a safety risk to 26 Springbank Terrace.

Yours faithfully.

MR. GORDON SAVILLE



Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 29 June 2013 10:34
To: PI
Subject: Planning Comment for 130743

Comment for Planning Application 130743

Name : Evan Anthony Roberts
Address : 76 Bon Accord Street
Aberdeen
AB11 6EJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I have the following objections to planning application 130743:

1. Loss of sunlight

Property 76/78 Bon Accord Street has a divided garden and the rear section belongs to 76 Bon Accord Street. This is the section used for vegetables growing. By putting a 5 storey (3 storeys at highest end of slope) this reduces the available sunlight hours at the end of the garden significantly. Even on the 21st June the summer solstice and the longest day the sunlight is lost at 3pm as it heads west and drops toward the horizon. By August the sun is lost by 13:30 in the back section of the garden. Similarly looking at May the sun is lost at 13:30. Since the afternoon is the warmest period of the day and there is a lot of emphasis on sustainable living today which follows on from Archibald Simpson's thinking and design where he had terraces running down in front of his terrace for use as a growing area.

The house is set further back but will also lose the last 2hrs of light each afternoon. This is significant during winter when days are short. This amounts to a loss of a third of the day's sunlight.

2. Fitting in with surroundings

The architects claim that having a sharp vertiginous end to Archibald Simpson's terrace is in keeping with Aberdeen reference their statement 'Springbank Terrace; the cliff of granite; The embankment and areas towards Crown street were originally known as Clayhills so there certainly are no cliffs and the Strategic overview on Conservation Areas; document section 1.6.2 on topography describes Aberdeen as a gently undulating landscape. The slope from the end of Archibald Simpson's crescent drops in an embankment down to what was the Ferryhill burn; now covered over.

The Archibald Simpson Crescent made use of the slopes by terracing and putting in gardens. The proposal to build a high rise building here certainly does not fit with this philosophy.

As for pattern, the Bon Accord and Crown Street Conservation Area Character Appraisals and Management Plan talks about uniform housing lower down the embankment (Section 2.2 par 4). On page 23 of the above mentioned document it talks of buildings with pitched naturally slated roofs. It also mentions elegance and rhythm. The proposed building is all square with no pitched roof, simply boxes stacked up with flat top maximising space. It certainly does not follow the rhythm of the houses behind or to the side of it when viewed from SW, a direction commented on as being a key view and vista direction section 3.3 in the Conservation document. It also certainly does not fit in with the 'uniform' aspect. A building with several pitched elements rising up the side of the embankment would far better follow the rhythm of the back drop and would allow a larger overall floor area making up for loss of space due to fewer levels. But if profit is the sole objective then a small floor slab as currently proposed is cheaper.

3. Issues around parking:

The developer has attempted to get around this issue by claiming that short stay people would not have vehicles. However even assuming that the apartments will not be sold off at some later stage for long term occupancy, they suggest people could stay for several weeks to months. People staying this long are likely to have cars as it gives them the possibility to get out of town on weekends to explore. There is already a shortage of parking spaces. Of an evening I often end up parking several blocks away, especially when trying to park whilst a function is on at the Ferryhill Community Centre. As such I would suggest that the issue is still unresolved

4. Quality of life

The developers talk about Manhattan and tiny rooms, well this is Aberdeen. It is a smaller quieter city with a pleasant character which is why I stay here. I'm able to have a garden and enjoy sitting outside in the evening. This space and feeling of space is remarked upon as being important in Global Age-Friendly Cities: A Guide; where having space is seen as something improving quality of life.

5. Reflected light

Although the revised design has sought to change the angle of the glass windows so that light does not shine directly into any neighbouring windows, there will still be reflected light as this large area of glass will result in a lot of light being emitted. On a winter evening walking down Willowbank road with all the leaves of the trees you will be confronted with 5 storeys of glowing glass squares which is not in keeping with the surrounding building lighting character.

6. Further discussion

This plan has been presented in slightly modified format several times i.e. 1995/2002/2012 and now again with only minimal alteration. Nothing in the area has changed; it is a conservation area and as such a tower block is not in keeping with the area, see previous committee report statement:

be entirely out of character with the architectural design, integrity and uniformity of Bon Accord Crescent; be incompatible with the existing street scene and highly deleterious to a particularly fine piece of the City's townscape by acting as an obtrusive and unattractive stop to the terrace; be detrimental to the amenity of neighbouring dwellings especially in Springbank Terrace; and represent an overdevelopment of the site;

The design remains - a pre-fabricated box construction drafted up to be built quickly and cheaply without really making an effort to fit in with the conservation area it would form part of. Its vertical format and structure, blocks light and overlooks neighbours. Surely a revised design that spread out more over the available space and climbed the embankment in steps would be far more fitting. It would remove all these objections. Sloping roofs ending in a gabled end on Oldmill lane would give a superb architectural statement as to what Aberdeen is about and stands for permanence and the future not a prefab drab quicky future.

This is backed up by guidance from the Scottish Planning Policy (paragraph 115):

The Policy recognises that design is an important consideration to ensure that high quality developments are achieved and high quality city centres.

Previous objections and council decisions appear to still be valid; objections are always the same simply reworded see my submission from previous planning application:

I object based on the following:

Planning has already been refused as per:

Application A2/0173 for "PROPOSED RESIDENTIAL DEVELOPMENT" at OldMill Road, was Refused by Planning Committee on 17/3/2003 for the following reasons:

the proposal, if implemented, would be contrary to policy 3.3.1 of the

adopted Local Plan, policy H1 of the modified finalised Local Plan and guidance contained in NPPG 3 in that the scale and layout of the development would adversely affect the daylighting, amenity and privacy of adjoining residents and the character of the existing residential area.

the proposal, if implemented, would be contrary to policy 10.2.8 of the adopted Local Plan, policy BE2 of the modified finalised Local Plan and guidance contained in NPPG 18 and Historic Scotland's Memorandum of Guidance in that the scale, height and position of the proposed building would have a significant detrimental impact on the setting of adjoining listed buildings and the character of the wider conservation area.

the proposal, if implemented, would set an undesirable precedent for future applications of a similar nature

The current plans do not appear to be significantly different from the previous application and I don't believe the local conditions have changed and as such this planning request should be rejected again.

This square box structure is definitely not in keeping with the category B listed properties surrounding the site in this conservation area, which have pitch roofs and generally are no more than 3 storeys high. There are a number of clauses in the Aberdeen Local Development Plan supplementary guidance that this design does not reflect. Detailed below are two of the many clauses that have not been taken into account:

Section 3.1 talks about fundamental character and pattern. This proposed building will not fit into the current pattern. There is talk about the vista along Bon Accord Crescent looking south. You will now look straight at a square box structure of glass and aluminium.

In section 4.1

In general the design and external finishes of any new dwellings should complement those of the surrounding area.

This new design with materials such as anodised aluminium does not complement wood and granite.

Impact on amenity

I see no allowance for parking and with 4 homes plus a business in an already busy area where parking is generally full, will be put under further pressure.

Daylight

The top line of this new building means that at an approximate angle of 15 degrees the sun will not even get into the top dormer windows of the properties along Bon Accord street and the gardens behind these properties. On a day like the 5th of January when the sun never rises more than 15 degrees above the horizon the houses 53/54/56 will never get the sun and the gardens will be in deep shade.

Section 3.1 of the Aberdeen Local Development Plan states that

As a general principle new residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting.

This development will have significant effect on the daylighting, for the existing properties and their gardens.

Since this is a residential area and in the modern world there is a lot of attention being focused on sustainability and healthy living this loss of sunlight will mean I will no longer be able to grow vegetables in the back garden

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 19 June 2013 20:04
To: PI
Subject: Planning Comment for 130743

Comment for Planning Application 130743

Name : Mr Colin Simpson
Address : 74 Bon Accord Street
Aberdeen
AB11 6EJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to several aspects of this building for the reasons noted below:

1. The size and scale of this building is out of keeping with the adjacent listed buildings within this conservation area. The land to the south and west of Bon Accord Crescent can be seen to fall sharply in all directions, creating views of the listed buildings from the Crescent. The building will block public views of this vista.
2. Bon Accord Crescent has a very pleasant character - and is a recognised landmark in the city, to the extent that a large mural of crescent is on the wall within Aberdeen Airport. The size and style of the planned building dominate the view when driving south along Bon Accord Crescent and will be detrimental to the character of this important, historic location.
3. The scale of the building on this land is too large. The land to the South of Bon Accord Crescent falls sharply, and a building of the same height as those on the crescent will look out of keeping with the surrounding listed buildings.
4. The building, located at the Southern end of the Crescent, will significantly affect the daylight on the crescent. It will also significantly impact the privacy of adjacent buildings on both Bon Accord Street and Springbank Terrace.
5. The style of the building proposed, represented mainly with glass frontages, will be out of character with the surrounding listed buildings, and be detrimental to the overall aesthetics of this conservation area.
6. The proposed development has no additional parking. Parking problems are already acute in these streets, with residents already limited to one permit per household. This development will put further strain on parking within the area.
7. The development will increase congestion at the junction of Bon Accord Crescent and Bon Accord Street. This is already a difficult junction. It regularly backs up due to two way traffic trying to pass down what is a very narrow lane.
8. It is noted that the drains on Old Mill Lane regularly back up and have caused flooding within my garage. This development has the potential to further permanent damage the drainage within the area, particularly due to the movement of heavy vehicles during the construction of the building.

24 Springbank Terrace,

Aberdeen AB11 6JY

8th June, 2014

Planning and Sustainable Development,

Marischal College Reception

Dear Sir/Madam,

I am writing to register my objection to the new planning application for Oldmill Lane, Aberdeen (Ref 130743). With my partner, I own and occupy the property at 24 Springbank Terrace immediately adjacent to the site. From our perspective, the objections to the recently refused application for this site (Ref 121633) apply equally to this new proposal.

My objections to this new development are:-

Loss of Privacy

The proposed five storey development will be up hill from our house and in very close proximity overlooking our garden and North side. This will remove all privacy in the house, unless we have windows and curtains closed all day, and the garden will lose all privacy. Because the South aspect of this house faces onto the busy street we, like all neighbours, make limited use of the front of the building preferring the peace and privacy at the rear as a consequence such a development will remove the last vestiges of privacy that we have. This invasion of our privacy is exacerbated by the small area of the plot on which building is proposed, the height of the building and the fact that the building is located up hill from our house.

The Design Statement claims that we currently have poor privacy to the rear of the house as we are overlooked by Bon Accord Crescent, yet outside office hours the traffic on the crescent is very light and is far less than the loss that will result from being closely overlooked by a residential building. In addition the buildings on Bob Accord Crescent have a few small windows overlooking Springbank – in contrast to the proposed development.

Aberdeen City Council have supplementary guidance on the “The Sub-division and Redevelopment of Residential Curtilages”, March 2012, here it is considered that privacy would be impinged as the windows of the new property will be ~19m from our windows, the building is at a higher elevation and has five storeys in contrast to our two storeys.

This loss of privacy will be effectively permanent as the proposed building is residential. In addition as the occupants will be transient no understanding will develop between the occupants and residents as to acceptable living. Indeed there is nothing to prevent this accommodation being used to accommodate a series of late night revellers that will be impossible to control.

Light Pollution

The large window area and proximity of this proposed building means that light pollution could be considerable. Again with the transient nature of the occupants it is unlikely that any mutually tolerable code of light usage and shielding can be reached.

Loss of Daylight

The great height and proximity of this proposed new building will unacceptably reduce our natural daylight. Again, referring to the Supplementary Guidance mentioned above, when standing at the back wall of our house an angle of greater than 25° from the horizontal would be subtended by a line from the roof of the new building to an observer at 2m at the back of our house.

Because of the great relative height of this new building some form of shielding to retain some of our privacy is not feasible as this would need to be of sufficient height to very significantly reduce our daylight and these new trees would form a canopy over much of our garden which goes against the Supplementary Guidance mentioned above.

Impact on groundwater and induced subsidence

The houses along the north side of Springbank Terrace have suffered from subsidence in the past. Currently this appears to be stable. Constructing a large building immediately uphill of these buildings in an area with known groundwater sources (hence the name Springbank Terrace) will certainly change the groundwater levels and flows under these buildings and it is very likely that subsidence problems will start afresh and may require major structural repair work. This impact was not addressed in the last application, or Planning Department review and has not been covered in this application.

Overloading Sewage Facilities

The sewers serving Springbank Terrace and Bon Accord Street are poorly mapped or understood and the current capacity struggles to meet current demands. Several years ago we had sewage backing up into our house. Scottish Water were unable to define where our sewage lines ran and the matter was finally resolved when a private sewage expert was able to physically trace where the lines ran and that the problem was congested sewage lines external to our property. Every summer the sewers are worked on and cleaned from the junction in the park adjacent to 27 Springbank Terrace. The addition of flats to this system will overload a failing system.

Design conflicts with building in the locality

The design of the building is not in keeping with any other building in the locality, which are all grey granite and up to two storeys high. So the proposed five storey block predominantly faced in glass will starkly dominate the locality. The design seems to be based on the style of a 1970s tower block.

The design statement cites four means by which the proposed building will enhance the area, but all of these are based on a consideration of Bon Accord Crescent, which is now all business premises, and no consideration is given to Springbank Terrace and Bon Accord Street. Obviously

the architects, along with the residents, can see no benefit afforded to the existing residential properties. Indeed the architects claim the proposed building will be "subservient" to Bon Accord Crescent a very befitting description of the status of the Springbank Terrace to this proposed development.

Impact on Local Traffic

It is claimed that this development will encourage an environmentally conscious transport arrangements for occupants. Whilst such an ideal is laudable, the implementation simply means that no provision has been made for increased car parking in the area. Some visitors will use their own vehicles and these will take up parking spaces of local residents, who do not have the protection of "Resident Only" parking in the area.

The use of cycles is an appealing idea, but simply labelling a room as Cycle Store will do little to assist visitors in the use of cycles. To encourage cycling, bicycles would have to be provided and maintained, as people travelling on business would find it difficult to bring their own cycles.

In conclusion minor modifications to this design will not make it acceptable and planning permission should not be granted. This land should be put to good use, without negatively impacting the character of the area and consideration should be given to using the area for allotments.

Yours faithfully,

[Redacted Signature]

W Stephenson

Tel: [Redacted]

Email: [Redacted]

PI

From: Esther Reid [REDACTED]
Sent: 16 June 2013 14:39
To: PI
Subject: Planning Application Number 130743
Attachments: Figure 1.doc

Dear Sir/Madam

Please find attached my letter of representation re Planning Application 130743 for the proposed development at Oldmill Lane, Bon Accord Crescent, Aberdeen. Please can receipt be acknowledged by return?

Yours sincerely

Esther M Reid

21 Springbank Terrace
Aberdeen
AB11 6JY

June 14 2013

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

Dear Sir or Madam:

Planning Application No: 130743 Proposal for a Mixed Use Building Consisting of Serviced Residential Apartments and a Business Unit at Old Mill Lane, Bon Accord Crescent, Aberdeen

I wish to object to the granting of approval for the above Planning Application on the following grounds:

- ❖ The proposed building is planned to be sited behind and adjacent to the mid Victorian terrace - Springbank Terrace (North side) between the bottom of Willowbank Road and Bon Accord Street. This terrace forms part of Conservation Area Number 3 and as such requires special consideration.
- ❖ In the determination of any application for planning permission for development affecting a Conservation Area, the planning authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area. Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 Section 64
- ❖ The proposed building is not in keeping with a conservation area in terms of its height, position, and its close proximity to a historically important terrace in the centre of Aberdeen City.
- ❖ The height of the proposed building - 1.5 storeys above the immediately adjacent terrace is increased by the effect of the steep slope on which the proposed site is situated.
- ❖ Historic Scotland Guidance indicates that particular care should be exercised in terms of the scale, design and materials which are proposed for any addition to a Conservation Area.
- ❖ Springbank Terrace is also at risk from damage caused by extensive construction activities

- ❖ A particular concern is the very narrow access routes to the site, which are totally inadequate for vehicular traffic, and which will prevent access for emergency vehicles.
- ❖ Lack of vehicular access will also necessitate excavation and building equipment being delivered on site by heavy lifting equipment, which can cause extensive ground transmission of vibration-with potential damage to Springbank Terrace and its water and sewerage systems, which run to the rear of the houses, and of subsidence to the houses, a problem which already affects the area to some extent.

In conclusion I would ask that the application be considered by the full Planning Committee, and request that a site visit should be undertaken, so that the unsuitability of the site for such a project may be seen. I would also like to ask that a copy of my letter be made available to every member of the Planning Committee, prior to the meeting at which this application is to be discussed, so that they may be conversant with the issues.

Sincerely,

Esther M Reid

P&SD Letters of Representation		
Application Number: 130743		
RECEIVED 17 JUN 2013		
Nor.	Sou	MAp
Case Officer Initials: SN		
Date Acknowledged: 19/06/13		

George Milne

From: webmaster@aberdeencity.gov.uk
Sent: 10 June 2013 21:28
To: PI
Subject: Planning Comment for 130743

Comment for Planning Application 130743

Name : Malri MacLeod Gray
Address : 80a Bon Accord Street
Aberdeen
AB11 6EJ

Telephone :

Email : [REDACTED]

type :

Comment : I object to this application 130743 for the erection of a mixed use building at Oldmill Lane, Aberdeen for the following reasons:

- • The proposed development is situated on land which is identified as Green Space Network in the Aberdeen Local Development Plan 2012 (LDP). The proposal does not comply with Policy NE1 of the Aberdeen Local Development Plan 2012.
- • The proposed development is currently urban green space. It is not zoned for development in the LDP and no alternative urban green space is being proposed. The proposal does not comply with Policy NE3 of the Local Development Plan.
- • The proposed development increases the risk of surface water flooding to the rear of the properties on the north side of Springbank Road. The proposal does not comply with Policy NE6 of the Aberdeen Local Development Plan.
- • The proposed development will generate additional traffic in an already congested area, and will cause a hazard to road users through vehicles entering and exiting the development.
- • The proposed development does not appear to include sufficient car parking for the size of the building, and will therefore lead to additional pressure on car parking in the surrounding streets.
- • The size and design of the proposed development is entirely out of context with the local area, and will impact on important views. The proposal does not comply with Policies D1 and D6 of the Aberdeen Local Development Plan.
- • The proposed development fails to preserve or enhance the character of the conservation area.
- • The proposed development directly impacts on the architecture of Archibald Simpson, by providing such a contrasting building, in conflict with the City Centre Development Framework.
- • The impact on the privacy, residential amenity, daylight and sunlight of the neighbouring properties on Springbank Terrace is not acceptable, given the scale and location of the building, at such a height in comparison to Springbank Terrace.

2.5 A similar application has been refused by Aberdeen City Council previously. Approval would create an undesirable precedent.

Dealing with each of those in turn:

1 Green Space Network

1.1 The proposed development site falls within land which is zoned as part of the Green Space Network in the LDP. This is shown on the City Wide Proposals Map: City Centre Detail. According to Policy NE1 of the LDP, the Green Space Network provides an enhanced setting for development and other land uses and improved opportunities for outdoor recreation, nature conservation and landscape enhancement.

1.2 The proposed development is an intensive use of the site, which does nothing for outdoor recreation, nature conservation and landscape enhancement.

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

1.4 Clearly the proposed development will eradicate this part of the Green Space Network. The Council is not given any discretion in terms of Policy NE1. It is quite clear in that it states that such proposals will not be permitted.

1.5 Although Policy NE1 does provide that master-planning of new developments should determine the nature and location of Green Space Network within the development, that is clearly not applicable here, where the whole of the proposed development is situated within the Green Space Network.

1.6 The Green Space Network does not have to be open and accessible to the public to be of value. The supplementary guidance on Open Space issued in March 2012 makes reference to the importance of the Green Space Network, and Open Space. These include benefits to biodiversity, climate change, by creating urban green lungs, health and wellbeing, through the absorption of pollution, and pride in the Quality of Place as part of the built environment. These are all impacted upon.

1.7 The proposed development therefore does not comply with Policy NE1 of the LDP.

2 Urban Green Space

2.1 Policy NE3 of the LDP relates to Urban Green Space. The Proposals Map identifies the larger areas of Urban Green Space, however the policy also applies to smaller areas of urban green space which are not shown on the Proposals Map. The site of the proposed development is not allocated for development on the Proposals Map and therefore constitutes urban green space.

2.2 In terms of Policy NE3 of the LDP, permission will not be granted to use or redevelop any... areas of urban green space for any use other than recreation or sport, unless an equivalent and equally convenient and accessible area for public access is laid out and made available in the locality by the applicant for urban green space purposes.

2.3 No such alternative area is being proposed by the applicant for urban green space purposes.

2.4 The proposed development will lead to significant loss to the landscape, character and amenity of the site and adjoining areas.

2

2.5 The proposed development therefore does not comply with Policy NE3 of the LDP.

3 Flood Risk

3.1 The existing site is currently grassland, on a steep slope running from the north-east to the south-west. As the site is undeveloped, it has the ability to absorb any water run-off, either from the site itself, or any additional water from Bon Accord Crescent and Oldmill Lane.

3.2 Given the nature of the development, and the percentage of the proposed development site which is to be taken up by buildings, it is difficult to see how the site can accommodate a suitable Sustainable Urban Drainage Scheme (SUDS) to off-set the loss of water absorption currently available.

3.3 The proposed development does not therefore comply with Policy NE6 of the LDP in that it increases the risk of flooding through the potential for discharge of additional surface water.

3.4 We have not seen whether a Drainage Impact Assessment has been produced, but given the constraints to the south of the site (due to the houses on Springbank Terrace) drainage will undoubtedly have to connect into Oldmill Lane. The height differentials between the development site and the drains within Oldmill Lane would lead to the drainage having to be pumped uphill, which is unsatisfactory for a building of this size. If the drainage system were to fail, the result would likely be an overflow of unsanitary waste in a downward direction into the gardens of the Springbank Terrace properties.

Transport

4.1 Policy T2 of the LDP requires any development to demonstrate that sufficient measures have been taken to minimise the traffic generated.

4.2 The present application does not appear to include a Transport Statement from the Applicants, and given the size of the proposed development, it is unlikely one will be required.

4.3 As a result, neither we, nor the Council are able to review a statistical analysis of additional traffic movements as a result of the proposed development.

4.4 Bon Accord Crescent is already a very busy road, serving a predominantly commercial community, and terms of staff and clients of the various businesses in the area.

4.5 The fact that the road narrows into a small lane at the south end is already a hazard to traffic, and encourages cars to carry out three-point-turns on Bon Accord Crescent.

Furthermore, the vehicular access into the proposed development appears to be offset, so that it is not visible to vehicles travelling south along Bon Accord Crescent. This would create a significant hazard to vehicles when turning on to Oldmill Lane, to find vehicles manoeuvring into or out of the proposed development.

4.7 It is our client's view that there is insufficient capacity in the current road network to deal with the additional traffic arising as a result of this development. The additional traffic generated by the development, on an already hazardous corner of a busy, narrow road, means that any additional development relying on Bon Accord Crescent and Oldmill Lane for access should be strongly discouraged.

4.8 The proposed development should therefore be refused on the grounds that the existing road network cannot cope with the additional traffic created, and that the proposed entrance into the site is inherently unsafe.

5 Car Parking

5.1 Policy T2 also deals with Car Parking, stating that Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility.

5.2 Although some of the offices on Bon Accord Crescent have access to their own car parks, these are generally insufficient to cater for all the staff and customers. There is therefore a significant deficit in the number of available parking spaces in the area during the day.

5.3 The development of additional office and serviced apartment facilities on what is already a densely occupied area will only make the situation worse.

5.4 The plans submitted with the application give very little indication as to the number of available parking spaces intended to serve the development.

5.5 However, it would appear that there is very limited parking within the development, given the size of the development, and the number of people it is intended to serve.

5.6 The Council's Supplementary Guidance on Transport and Accessibility adopted in March 2012 provides maximum car parking requirements for city centre non-residential developments as follows

Offices 1 space per 80 square metres Hotels, etc 0.6 spaces per bedroom

Although these are given as maximum standards, these are designed to discourage car use. However, failure to provide car parking in line with these figures would lead to a significant overspill from the development into the neighbouring streets.

5.7 In the absence of sufficient car parking spaces within the development, the application should be refused on the grounds of the impact on car parking in the surrounding streets.

6 Architecture and design

6.1 Although in a different setting the proposed development may be considered architecturally appealing, when situated against the backdrop of Archibald Simpson's 1822 design for Bon Accord Crescent, which has remained unchanged over the intervening years, the proposed development is entirely out of context.

6.2 Policy D1 of the LDP requires that new development must be designed with due consideration for its context and make a positive contribution to its setting. That reflects Scottish Planning Policy, paragraph 77. The site is within the designated Conservation Area 3 as defined by Aberdeen City Council. The objective of the designation is to protect and where possible, enhance the architectural character of the area. The area has been designated specifically because of its special qualities and care is required to protect those.

6.3 The materials used, the density of the development, and the sheer size of the proposed building are all at odds with surrounding development. On that basis, the proposed development can in no way be said to contribute positively to its setting.

6.4 In addition, the policy goes on to state that 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.

6.5 There is a significant drop in height between the south end of Bon Accord Crescent and Springbank Terrace. As a result, there is a fine view to the south of the city from virtually the whole length of Bon Accord Terrace. The City

Centre Development Framework makes reference to the fact that the dramatic changes in level offer extensive views south-west.

6.6 Given the architectural importance of Bon Accord Crescent, and the location of the adjacent Bon Accord Gardens, this particular location leads to some of the finest views, and viewpoints in Aberdeen. The proposed development would completely obscure the view to the south from Bon Accord Crescent, when seen by a pedestrian walking south along the pavement.

6.7 Policy D6 also deals with Landscape and Setting, stating that development will not be acceptable unless it avoids 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;

6.8 Clearly Bon Accord Crescent provides a very distinct sense of place, in an Aberdonian context, which would be significantly affected by the construction of the proposed development, of such architectural contrast to the existing buildings.

6.9 The proposed development is therefore in breach of Policy D1 and D6 of the LDP.

7 Development in Conservation Area

7.1 The site forms part of Conservation Area 3 (Bon Accord / Crown Street). In determining the application, the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

7.2 Bon Accord Crescent is a fine example of Aberdeen's Victorian terraced housing, curving gracefully opposite open parkland. Designed by Archibald Simpson in 1822, it was one of the few developments of the period completed according to plan within the city centre.

7.3 The surrounding properties within the Conservation Area are generally substantial traditional properties, each set within relatively large garden grounds. The design of the proposed development is of a very modern appearance, and entirely out of keeping with the historic nature of Bon Accord Crescent, and the houses on Springbank Terrace.

7.4 As such, the proposed development fails to preserve or enhance the character of the conservation area.

8 City Centre Development Framework

8.1 The Aberdeen City Centre Development Framework was adopted in February 2012. One of the key aims of this was to develop clearly defined character areas, reinforcing their identity and ensuring their accessibility and connectivity, to ensure that the right projects will be developed in the right places;

8.2 Section 5.8 relates to the Bon Accord area, and while it recognises the conflict in land use in the area (mainly relating to the Justice Mill Lane area), one of the key objectives is to celebrate the architecture of Archibald Simpson.

8.3 The proposed development does nothing to complement the architecture of Archibald Simpson, and is at odds with the setting of Bon Accord Crescent.

9 Impact on Privacy, Residential Amenity, Daylight and Sunlight

9.1 The site of the proposed development forms what may historically have been the residential curtilage of the surrounding buildings. In any event, it is of such a similar nature that some elements of the Supplementary Guidance on the Subdivision and Redevelopment of Residential Curtilages may be relevant when considering the application.

9.2 Paragraph 3.4 establishes criteria for privacy, residential amenity, daylight and sunlight. The proposed development will face directly into the rear windows of the dwellings on Springbank Terrace. Our clients have significant concerns as to the impact on their privacy, residential amenity, daylight and sunlight.

9.3 Paragraph 3.4.3 deals with privacy and provides, as a general guideline, there should be a minimum separation of 18 metres between the windows of existing and proposed habitable rooms. From the plans submitted with the application, it is difficult to identify the location of any windows, or the distances between these, and the existing dwellings on Springbank Terrace. However, the Council must be satisfied that any windows are at least 18 metres from the existing dwellings.

9.4 Paragraphs 3.4.5 and 3.4.6 deal with daylight and sunlight. The proposed development is of a height that is exceptionally intrusive and will affect daylight and sunlight in the rear gardens at Springbank Terrace.

9.5 Paragraph 3.6.3 confirms that tandem or backland development 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 and residential amenity of such areas. There is therefore a general presumption against the construction of new buildings in ground behind existing or proposed dwellings in circumstances where the new dwellings do not front onto a public road. As the name suggests, Oldmill Lane is not intended to be a road, but simply a connecting lane. It is undesirable to set any sort of precedent for development of land behind houses in this area of Aberdeen, being a conservation area.

9.6 The Council's Supplementary Guidance: Householder Development Guide is also relevant here. Although the proposed development is of a commercial nature, it clearly impacts on the residential properties adjacent.

9.7 The Householder Development Guide states that it is appropriate to expect that new development will not adversely affect the daylighting of existing development. Residents should reasonably be able to expect good levels of daylighting within existing and proposed residential property;

9.8 The Householder Development Guide makes reference to the BRE Information Paper on Site Layout Planning for Daylighting which consider the techniques which can be applied as a means of assessing the impact of new development upon daylighting.

9.9 This consider the 25 degree method to be appropriate when assessing windows which directly face the proposed new building. A line should be drawn from the mid-point of the lowest window on the existing houses on Springbank Terrace, 25° to the horizontal, towards the proposed development. Given the proposed building is significantly taller than this line, it is likely to have a substantial effect on the diffuse daylighting of the existing dwellings on Springbank Terrace.

9.10 In addition to daylight, there are also concerns as to sunlight. Overshadowing from the proposed development will be excessive, and substantial areas of garden and windows of the dwellings on Springbank Terrace will be in shade for large parts of the day, resulting in a significant impact on the level of amenity enjoyed by residents.

9.11 Impact is assessed by drawing a line at 45 degrees to the horizontal from a height of 4 metres (given the northern aspect). Although the Council has some discretion in this, the entirety of the gardens of the properties in Springbank Terrace would be affected by this, and therefore discretion is inappropriate. On the Council's own assessment, the whole of the gardens would be overshadowed.

9.12 The proposed development would need to be two to three storeys lower in order to meet this requirement from the north end of the gardens on Springbank Terrace.

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9.13 In terms of Privacy, the Householder Development Guide states that New development should not result in significant adverse impact upon the privacy afforded to neighbouring residents, both within dwellings and in any private garden ground/amenity space;

9.14 Common practice is for developments to ensure a separation distance of 18m between windows where

dwellings would be directly opposite one another.

9.15 Screening through trees will do very little to provide any privacy, given the height differentials between the buildings. It is also unlikely any tree-screening will be possible given the steep slope between the proposed development and the properties on Springbank Road.

9.16 The Guide also states that "Windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings". Clearly the windows in the proposed development are going to face directly into the rear gardens of Springbank Terrace.

9.17 The fact that the "habitable rooms" in the proposed development may be for serviced apartments rather than domestic dwellings makes no difference to the impact on the privacy of the residents of Springbank Terrace.

9.18 Finally, it is unclear from the plans whether the proposed development is to incorporate south-facing balconies. However the Guide states that "any proposed balcony which would result in direct overlooking of the private garden/amenity space of a neighbouring dwelling, to the detriment of neighbours' privacy, will not be supported by the planning authority".

9.19 Although the Householder Development Guide is generally aimed at residential developments, the purpose is the protection of existing residential dwellings, and therefore the same principles should apply, whether the proposed development is of a residential or commercial nature. Given the proposed use is as serviced apartments, the same issues arise.

10 Undesirable Precedent

10.1 The proposed development would create an undesirable precedent for future applications of a similar nature to develop pockets of ground to the rear of residential properties with high density commercial buildings. If replicated, the residential amenity of the area and character of the conservation area would be eroded.

10.2 Aberdeen City Council has considered a previous application in respect of this site, relating to a "Proposed Residential Development" (A2/0173). This was refused by the Planning Committee on 17th March 2003 for the following reasons:-

"the proposal, if implemented, would be contrary to policy 3.3.1 of the adopted Local Plan, policy H1 of the modified finalised Local Plan and guidance contained in NPPG 3 in that the scale and layout of the development would adversely affect the daylighting, amenity and privacy of adjoining residents and the character of the existing residential area.

"the proposal, if implemented, would be contrary to policy 10.2.8 of the adopted Local Plan, policy BE2 of the modified finalised Local Plan and guidance contained in NPPG 18 and Historic Scotland's Memorandum of Guidance in that the scale, height and position of the proposed building would have a significant detrimental impact on the setting of adjoining listed buildings and the character of the wider conservation area.

"the proposal, if implemented, would set an undesirable precedent for future applications of a similar nature

7

10.3 The scale of that proposed development was similar to that of the scale of the current proposed development. Although this application is for mixed use, rather than for housing, the same issues, and the impact on the surrounding properties, still apply.

10.4 It remains the case that the scale and layout of the proposed development would adversely affect the daylighting, amenity and privacy of adjoining residents and the character of the existing residential area.

10.5 It also remains the case that the scale, height and position of the proposed building would have a significant detrimental impact on the setting of adjoining listed buildings and the character of the wider conservation area.

11 Conclusion

11.1 Against the above background we would therefore respectfully request that the current application is refused.

Yours
Mairi MacLeod Gray

George Milne

From: webmaster@aberdeencity.gov.uk
Sent: 10 June 2013 21:28

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 08 June 2013 18:46
To: PI
Subject: Planning Comment for 130743

Comment for Planning Application 130743

Name : Ian Hay
Address : 27 Springbank Terrace
Aberdeen

Telephone : [REDACTED]
Email : [REDACTED]
type :
Comment : Ian F. Hay

Landlord
27 Springbank Terrace

Aberdeen

Mob [REDACTED]

Dear Sir/Madam
Mill Lane Application Ref 130743 for the following reasons:

I wish to object to the proposed development at Old

This proposed over development of this small site is of a design that will be totally out of character of the existing buildings that surround the area, it will also have a detrimental impact on this conservation area with all its existing listed buildings.

This proposed building will tower over existing buildings on Springbank Terrace and will adversely affect residents daylight and privacy.

Some of the existing buildings around this area have in the past been affected by subsidence that now seems to have stabilised, however the substantial excavations that would be required for the foundations of a development of this nature and the effect of subsurface water flow may have adverse effects on the foundations of the existing properties.

Existing sewage/drainage facilities are currently overloaded, with blockages and overflows been known in the past.

Yours sincerely

63 Springbank Terrace
Aberdeen, Scotland

17 June 2013

Town and Country Planning

I am writing to formally object to the planning proposal 130743 for Oldmill Lane/ Bon Accord Crescent Aberdeen.

I am a property owner in Springbank Terrace and am aware that this area is a conservation area. As residents in such an area we are all too aware how stringent the planning application procedures can be for any of our properties. Anything from double glazing to roof repairs are monitored strictly. With this control over all the other properties in the area I find it difficult to see how such a high and unsuitable building can then be placed in the region directly in front of listed buildings.

The architects insist that their clients will not be traveling to Aberdeen by car and would instead be arriving to the city by public transport, train, etc. They have even suggested that they will be using bicycles! Our objection is to the further burden on the parking in the area as we are well aware that most of the visitors to Springbank Terrace accommodation arrive in their own cars.

The plot itself is on an elevated site which is not suitable for such a tall and large building.

The services in the area are already challenged by the buildings in the area (sewage).

The intention to bring all the waste bins down onto Springbank Terrace will also add to the parking problems.

Sincerely yours

A large black rectangular redaction box covering the signature of the sender.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 08 June 2013 12:33
To: PI
Subject: Planning Comment for 130743

Comment for Planning Application 130743

Name : Mike Paterson
Address : 22 Springbank Terrace
Aberdeen
AB11 6JY

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object very strongly to this proposed development.

My main reason for objecting is the loss of privacy for my family if this building were to be constructed.

The 5 storey size of the proposal is completely out of character with the surrounding buildings and the local area.

The building would be of a size completely disproportionate to the size of the plot of land it would be located in.

I feel that it would completely dominate the buildings around it, which are situated within an Aberdeen City Conservation Area.

The building plans are clearly designed to maximise the size of the structure in the relatively small plot area, completely out of proportion to the nearby buildings it will overlook and dominate.

The Ferryhill Area should not be ruined with this inappropriate, oversized development. The site itself will be difficult to access, and I am worried on the impact the building process may have on listed buildings in the area.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 01 June 2013 20:48
To: PI
Subject: Planning Comment for 130743

Comment for Planning Application 130743

Name : Mrs Patricia Carrol
Address : 80 Bon Accord Street
Ferryhill
Aberdeen
AB116EJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I strenuously object to this application for the following reasons:

the proposal, if implemented, would be contrary to policy 3.3.1 of the adopted Local Plan, policy H1 of the modified finalised Local Plan and guidance contained in NPPG 3 in that the scale and layout of the development would adversely affect the daylighting, amenity and privacy of adjoining residents and the character of the existing residential area.

the proposal, if implemented, would be contrary to policy 10.2.8 of the adopted Local Plan, policy BE2 of the modified finalised Local Plan and guidance contained in NPPG 18 and Historic Scotland's Memorandum of Guidance in that the scale, height and position of the proposed building would have a significant detrimental impact on the setting of adjoining listed buildings and the character of the wider conservation area.

the proposal, if implemented, would set an undesirable precedent for future applications of a similar nature

Braeside Guest House,

68 Bon Accord st.,

12 June 2013

Dear Sir,

I am writing to object to the proposed development of the 5 storey apartment block off Oldmill Lane (Ref 130743). I am concerned that parking arrangements in this area are already overloaded and this will further increase the load. This will increase the parking problems of my customers to the detriment of my Bed and Breakfast business.

Yours faithfully

Elizabeth McMenamin



70 Springbank Terrace
Aberdeen, Scotland

17 June 2013

Town and Country Planning

I am writing to formally object to the planning proposal 130743 for Oldmill Lane/ Bon Accord Crescent Aberdeen.

I am a property owner in Springbank Terrace. I feel that the proposal for the plot is totally out of keeping with the conservation area.

As a resident I am concerned about the scale of the building in such a small plot. The height of the building itself would be too tall even for a flat piece of ground but this plot has a steep incline which almost doubles it's final height from the properties of Springbank Terrace.

As this build proposed to go in front of listed buildings it will obscure them from many angles as it does not, as the architects suggest, follow the principles of terracing.

I use the lane most days and would see this build as completely contrary to the ideals of conservation within the city.

Sincerely yours,

A large black rectangular redaction box covering the signature area.

PI

From: webmaster@aberdeencity.gov.uk
 Sent: 05 June 2013 11:23
 To: PI
 Subject: Planning Comment for 130743

Comment for Planning Application 130743

Name : Ian Innes
 Address : 82A Bon Accord Street
 Aberdeen
 AB11 6EJ

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

Comment : The modified design of this building is still a tower block and it will have a significant detrimental impact on the adjoining listed buildings on Bon Accord Crescent and the residential buildings on Springbank Terrace and Bon Accord Street.

The architect says he has reduced the height of the building by 17% but it is still far too tall a building. He tries to justify this tower by saying it will act as an "architectural stop" to Bon Accord Crescent. Let's not be taken in by this. The building of a tower here is simply to maximise profit for the property developer.

He takes the parapet of Bon Accord Crescent as a guide to the height of the tower when it will completely dwarf the houses on Springbank Terrace and Bon Accord Street. Any building on this site needs to take its height from the roof line of the houses on Springbank Terrace to "nestle" into this area.

The architect says there will be no overshadowing of residential property and extremely limited shade in terms of garden ground. This is a nonsense. I live in a ground floor flat on Bon Accord Street and the sky to the west of my property will be completely blocked out by this monstrous tower. Similarly the residents in Springbank Terrace will be completely overlooked and their light blocked by the tower from the North.

There will be no parking provided for the occupants of this tower with the architect saying this will encourage them to use car hire ,etc. This goes against the evidence of those using the large number of B&B in this area. Most of these guest houses have no parking for their guests and they already cause extensive parking problems for residents in this area.

The design and especially the height of this building goes completely against Historic Scotland's memorandum of guidance and from a resident of 23 years, I strongly object to this tower for the reasons stated above.

I hope the councillors will see how this tower will have an extremely detrimental affect on the lives of the surrounding residents and the character of this area and not be swayed by a development based on a developer's profit.

66 Bon Accord Street,
Aberdeen
14th June 2013

Dear Sir,

I am writing to object to the planning application 130743 to build a 5 storey serviced accommodation on unused land off Old Mill rd.

I run a bed and breakfast business at 66 Bon Accord Street and believe that the increased demand on parking will exacerbate an existing problem that my customers currently experience due to the limited pay and display parking available in the area. It is stated that guests in the new development will use public transport, but from my experience of running a bed and breakfast, I know that this is often not the case and many use their own cars.

I think that the new building will be out of keeping and scale with the existing granite housing in the area, some of which are listed buildings, and the height of the new building will dwarf most of these houses. This quiet alley way will no longer be a quiet route to the park and this large building will encroach on Aberdeen's limited green spaces.

Yours faithfully,

A solid black rectangular redaction box covering the signature area.

PI

From: REID GEORGE [REDACTED]
Sent: 18 June 2013 11:41
To: PI
Subject: 21 Springbank Terrace planning letter of objection
Attachments: 21 Springbank Terrace planning letter updated (2).docx

I attach letter of Objection for planning proposal 130743

George Reid

Aberdeen College, College Administration, Gallowgate, Aberdeen, AB25 1BN. The Board of Management of Aberdeen College is incorporated under the provisions of the Further and Higher Education (Scotland) Acts 1992 and 2005 is recognised as a Scottish Charity No 21174. Telephone 01224 612000. E-mail [REDACTED] Web [REDACTED]

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21 Springbank Terrace
Aberdeen
AB11 6JY

15th June 2013

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

Dear Sir or Madam,

Planning Application No: 130743 Proposal for a Mixed Use Building Consisting of Serviced Residential Apartments and a Business Unit

Proposed Business Address : 'Bon Accord Serviced Apartments'

Proposed Location : Old Mill Lane Ferryhill Aberdeen

As of a person with a notifiable interest, I have been notified by Aberdeen City Council of the above proposed development, and would wish to submit several observations which are relevant both to my personal situation, and also to that of the wider community.

Springbank Terrace is a long established community, in one of the oldest Victorian Terraces in Aberdeen situated within Aberdeen City Conservation Area 3.

There is no doubt that the site proposed for development could be utilised, but it necessitates a plan more sympathetic to the area situated between Bon Accord Crescent and Springbank Terrace: both of which are important to the heritage of Aberdeen.

The proposed development promotes a building which is dominant in design which is made more so by its position halfway up the steep slope from Springbank Terrace. The proposed building as modified still towers one- and-a half storeys above the ridge of the terrace lower down the slope.

The Reference material supplied by the developers concentrates on references to Bon Accord Crescent but with scant regard to the neighbourhood most closely affected namely the North side of Springbank Terrace (see photograph A). Previous applications for a building of similar height on this site have been refused following Historic Scotland's Memorandum of Guidance that a building of the scale, height and position would have a significant detrimental impact on the adjoining listed buildings and the wider conservation area.

If this plan is passed as submitted, it will give a precedent to construct more, dominating, inappropriate buildings in inappropriate sites within conservation areas.

- 1) Accuracy of submitted plans
 - a) The proposed development shares a boundary with the terraced houses on the North side of Springbank Terrace, yet none of the submitted drawings includes a perspective of the site or the proposed building from Springbank Terrace or Bon Accord Street. Attached photo 1 shows the steep nature of the site.
 - b) The fact that the proposed building plot is on an elevated, steeply sloping site relative to Springbank Terrace is not shown on any of the plans. It seems to me that this omission does not show the dominance of the proposed building over the early 19th century terrace, which is part of Conservation Area Number 3 and recognised as part of Aberdeen's Heritage.
 - c) Photo 2 shows a view of Springbank Terrace in which the steeply sloping nature of the proposed construction site is visible behind the terraced houses (brightly lit).
- 2) Possibility of causation of structural damage to existing properties
 - a) Springbank Terrace is built at the bottom of a hill, with the proposed construction site on the sloping side of the hill. The back gardens of Springbank Terrace therefore have high retaining walls, which give support and retention to a vast amount of soil from the gardens in Bon Accord Street, which are further up the hill. These retaining walls are also regarded as an important part of Aberdeen's granite heritage.
 - b) Although these very old walls are at present safe, the vibrations due to the excavation and construction, and the stresses from supporting a large structure need special consideration.
 - c) The existing Victorian sewage and rainwater systems in Springbank Terrace, which are situated to the rear of the existing houses on the North side, is struggling to cope with the present demand. Where is the drainage from the new development to go? There is no plan showing proposed drainage. This old drainage system is also at risk from ground transmitted vibrations during construction.
 - d) The developers would require to clearly indemnify the householders on the North side of Springbank Terrace between Bon Accord Street and Willowbank Road, against reinstatement costs of any damage caused to not only the gardens and retaining walls and to the sewerage system, but also to the houses, as there is already a history of subsidence in the houses in Springbank Terrace.
- 3) Dominance of the site
 - a) The height of the development in the application is, in the developers' submission compared with that of Bon Accord Crescent, which is now mainly commercial enterprises, and which, at the top of the hill is three storeys higher than the rooftops of adjoining Springbank Terrace, which is only one and a half storeys above street level, and is situated in a valley. The developers should be required to submit detailed reference to the buildings

on the North side of Springbank Terrace including detailed section and perspectives.

- b) Although the plan states that trees will be planted to screen the development from the houses in Springbank Terrace, the site is so small that there will barely be room for trees, let alone ones which will grow large enough to screen the building from the houses. These trees would require to grow very large very quickly, and due to the small size of the gardens in Springbank Terrace, any natural light and ventilation not excluded by the building would be excluded by any such trees.
- c) Anyone who would be looking out at a window of the new development would of necessity be looking straight in at the windows of the existing houses in Springbank Terrace, due to the close proximity of the windows and also due to the line of sight, since the building would be extremely high compared to the houses in Springbank Terrace. This would lead to the residents having no privacy in their bedrooms or bathrooms, or in their small rear gardens, at any time. This can easily be seen from photo 3.

4) Parking, Access and Rights of Way Issues

- a) There is already insufficient parking for the residents of the area. In Springbank Terrace, which is terraced with only parking allowed on the North side of the street, and not the South, there is no back lane or garaging available on the North side. There is also no parking in Bon Accord Street, which has double yellow lines on the area approaching the traffic lights, with residents already having to travel some distance to park their cars

Despite assurances in the developer's proposal they are not in a position to ensure that their clients will not travel by motor vehicle.

- b) Because of the extremely narrow nature of Oldmill Lane, there is no access for construction vehicles without damage to the entrance to the narrow lane. Neither would there be any access once the development is completed for service or emergency vehicles such as Fire Engines, Ambulances or for Refuse Collection vehicles, or space for emptying the Communal Bins (see photograph 4)

The dimensions of the lane can be seen from the enclosed photos, which show the access to the site from Springbank Terrace in photo 4, and photos 5 and 6 which show the access at the Bon Accord end of Oldmill Lane. Photo 7 shows a delivery vehicle exiting Bon Accord Crescent, and the narrow lane which would be required as access for construction can be seen to be half that width, and also on a steep slope.

- c) Vehicles egressing from both Oldmill Lane onto Bon Accord Crescent, and from Bon Accord Crescent onto Bon Accord Street at the traffic lights are exiting onto a hill, where visibility is already poor, both for the traffic on Bon Accord Crescent, and for the traffic on Bon Accord Street which is accelerating uphill in an area of poor visibility. This situation can only lead to a potential increase in the accident rate in an already busy residential city centre area, especially at rush hour when children are walking to the nearby primary school.

- d) The previous right of way leading from Oldmill Lane along the backs of the existing houses in Springbank Terrace has been incorporated into the proposed plans. From photograph 8 it can be seen that at least one dwelling (and probably 2) retains the right of way using a gated access onto the proposed site. The occupants will have to cross the development every time they wish to use their back gate, both during and after construction. If construction does take place, will Oldmill Lane itself be closed to allow for construction access? What would be the legal position if that were to occur?

Finally I would ask that a copy of my letter, along with the attached photographs, be made available to each member of the Planning Committee, and would also ask that a site visit be made to verify the unsuitability of the site for the construction of such a dominating, high density building, with no suitable access, either for construction, or for access to the completed structure.

Yours Sincerely,

George G F Reid

cc: Ms Sally Wood
Planning and Sustainable Development Department
Aberdeen City Council
Broad Street
Aberdeen
AB10 1AB



Photo A



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8

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

27 June 2013

Ref: gp744/329252

Dear Ms Wood

Planning & Sustainable Development	
Mail ID	
RECEIVED 28 JUN 2013	
REPLY / /	
Section	Officer

Oldmill Road, Bon Accord Crescent, Aberdeen (application reference 130743)

I write in support of the above application for the erection of a mixed use building consisting of a serviced residential apartments and a business unit. The reasons for supporting this application are as follows:

Background and Pre-Application Discussions

The application site is currently a derelict, overgrown, unkempt brownfield site (a former slater's yard) in the heart of the city centre. The site has also been identified as an Opportunity Site within the new Conservation Area Appraisal guidance. This guidance was reviewed in early 2013 which indicates that the principle of a development on the site is to be encouraged. The Conservation Area Appraisal states that there are opportunities for, "Infill development for vacant and disused sites, [including] the former slater's yard at the south east corner of Bon Accord Gardens."

The applicant undertook a lengthy process of pre-application discussions with the Planning Service in 2012 which was positive. At this stage, the proposed design of the mixed use building was well received and encouraged by Planning Officers. This led the applicant to take forward the original proposal on the basis of the advice given i.e. that the design approach being taken was one which would ultimately be supported by the Planning Service.

As part of a previous planning application for the site which was refused permission in 1995, Charles Prosser of the Royal Fine Arts Commission for Scotland (now Architecture Design for Scotland) stated, "I personally am disappointed that it has not proved possible this time round to design a satisfactory building for such an interesting site. Perhaps someone will be inspired in the future to try again with a design which answers the objections". We believe that the design solution put forward as part of this new planning application answers these questions, in particular the objections and reasons for the refusal of the previous application (reference 121633) in December 2012, and should be supported by the planning service.

[Redacted]
 4 Albert Street Aberdeen AB25 1XQ

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Principle of the Development

The adopted Local Development Plan (LDP) 2012 identifies the site as being within the confines of the city centre; on the cusp of a residential and mixed use or commercial area and on land designated as Green Space Network. The proposed development comprises serviced apartments and a business unit. The apartments are not strictly residential in a traditional sense (i.e. they are occupied on a short-term let basis). However, it is important to remember that hotels and guesthouses are located in residential areas, including this area, and do not cause any conflict with their surroundings. Many offices also exist in residential areas including those situated along Bon Accord Crescent and the wider area. It is clear, therefore, that the principle of this development for serviced apartments and a business unit is acceptable in terms of the LDP on the basis that the proposed use would not conflict with the amenity of the neighbouring residential and mixed use area. The Green Space Network designation is considered to be anomalous on the basis that this is a brownfield site which is in private ownership with no direct public access, and the proposed development would not adversely affect the aims of the Green Space Network policy.

Layout, Siting and Design

The proposal is for a building, which will include 13no. serviced residential apartments, a business unit measuring 65sqm which would be used for an office (Use Class 3), and associated services including cycle and luggage storage plus a reception area. This new application is for a building which is 10% smaller than the previous building which was refused in March 2013.

The building will be located on the northern corner of the site. The position of the building on site has been adjusted so that it is between 19 and 29 metres from Springbank Terrace, this application is a further 1.3m from the rear of these properties. The building has six sides; it would be similar to an, elongated hexagonal-type footprint. The building would be granite on the lower level with floors above being aluminium, glass, with a solid timber panel structure behind.

The design of the proposed development has been influenced by Bon Accord Terrace. Namely, the parapet of the Crescent has controlled the height of the proposed new building; the horizontal banding of the Crescent has influenced a use of proportion and the curve of the Crescent and site geometry has led to the proposed building being non-reliant on right angles. A contemporary appearance as proposed is considered to be the most appropriate design solution in terms of conservation policy. The use of glass and the overall height and massing is such that the new building would be subservient to those on Bon Accord Terrace.

The building will be no taller than any of the nearest adjacent buildings. Given the changes in levels, it will be no taller than the parapet level of the properties on Bon Accord Crescent. As part of the pre-application discussions on the previous application (reference 121633), the Aberdeen City and Shire Design Review Panel were very supportive of the design. The Panel, which is made up of esteemed architects and planning-related practitioners, stated that the form of the building was acceptable, and the scale and mass were also appropriate. The Panel suggested using balconies to act as a screen to reduce the impact of the development on existing residents' privacy, and this feature has been incorporated into the design by the applicant.

As the application site sits within the Bon Accord Crescent/Crown Street Conservation Area, the architect has taken the utmost care to ensure that the new building will not only preserve but also enhance the character of the surrounding area. A building of this scale comprising wholly granite would appear as a poor imitation adjacent to the grandeur of Bon Accord Terrace. An innovatively shaped building using glass to create a contemporary design is appropriate in terms of the appearance and the use of materials and will complement the surrounding granite buildings in the Conservation Area. In addition, the granite plinth on which the new building would be placed upon will complement the surrounding area.

Privacy

The Supplementary Guidance on the Sub-Division and Redevelopment of Residential Curtilages states that as a general guide there should be a minimum of 18 metres distance between the windows of existing and proposed habitable rooms. The separation distance between such windows of the proposed building and the rear of the properties on Springbank Terrace is between 20 and 31m which is obviously in excess of the required distance. In addition to this a tree planting scheme is proposed which would provide a screen between the existing properties and the new building. In addition, the long-term retention of newly planted trees would be secured by the fact that the site lies within a Conservation Area and cannot be removed without formal consent from the Planning Authority.

In response to concerns raised about a potential loss of privacy raised as part of the previous application in 2012, the applicant has introduced upper terraces, the detail of which means that residents can only look out of the windows horizontally not down, and as a consequence there will be no loss of privacy. When you consider the new terraces, as well as the tree belt to provide additional screening and the compliant separation distances, it is clear that there will be no significant loss of privacy for existing residents in accordance with Policy H1 of the adopted LDP.

Outlook

The proposed building will be 19-29 metres from the rear of the properties along Springbank Terrace due to the change in levels. It will be seldom possible to view the building from the private gardens on Springbank Terrace. A Landscaping Strategy for the development has been designed by highly qualified, creative landscape architects. The tree belt will be significantly higher than the existing garden levels and the screening this provides will increase beneficially as the trees mature. The reduction in the mass of the building compared with the previous application in 2012 substantially minimises the impact of the development in terms of the outlook from the properties on Springbank Terrace and, in any case, the loss of a view is not a material planning consideration.

Overshadowing

The applicant has provided detailed calculations which show that there would be no adverse impact arising from the new building in relation to the amount of daylight afforded to neighbouring residents. Also, as the proposed building is to be situated on the north side of Springbank Terrace, the impact on the amount of sunlight afforded to neighbouring residents is considered to be non-existent. Taking into account the siting and orientation of the building, the proposed development would not have an adverse impact on the potential loss of sunlight.

Light Pollution

The issue which was raised as part of the previous planning application in 2012, whereby it was felt that there could be too much light emanating from the new building, has been further addressed through the increase in solidity of the buildings timber structure.

The properties do not have ceiling to floor glass, and this misconception perhaps led to the notion that the building will emit a great deal of light (which it will not). Each property will also be fitted with curtains and blinds to prevent light coming from the building, and the overall reduction in mass of the development will further ensure that there will be no significant levels of light pollution which could potentially impact adversely on residential amenity.

It should be pointed out that in reality internal light will be controlled by a system of blinds and curtains similar to any residential building and that has been detailed as part of the application.

Access and Road Safety

A car free development of this kind is a really significant, sustainable precedent which should be encouraged. The Council's Roads Department have no objection to the application. The development comprises serviced apartments, and the occupiers of these do not require parking spaces on site given the nature of the residents' stay. The surrounding area is a controlled parking zone which will prevent indiscriminate parking.

The site is ideal in terms of encouraging sustainable modes of transport. Cycle storage is shown on the plans at a level required by the Roads Department. The applicant is agreeable to a planning condition which requires all residents of the apartments to be eligible to join a Car Club during their stay. The site is also extremely convenient for walking to places of employment, the amenities in the city centre, and frequent public transport services nearby.

Servicing details have been provided which are acceptable to the Roads Department. The applicant has agreed to install lighting, a handrail and to resurface parts of Oldmill Lane in granite to enhance safety and security and amenity. The applicant has also agreed to repair the cast iron railings along Bon Accord Terrace which will benefit existing and new residents alike.

Other Material Considerations

The application site is currently a derelict, overgrown, unkempt brownfield site (a former slater's yard) in the heart of the city centre. The parcel of land is considered an eyesore and receives recurring Amenity Notices concerning *"that the condition of the land adversely affected the amenity of the area."* The site is subjected to regular fly-tipping, and the opportunity to redevelop the site to complement and enhance the character of the Conservation Area must be grasped. The Environmental Strategy is innovative and a worthy precedent to encourage. Upgrading works are also now proposed to Oldmill Lane including resurfacing with granite in order to upgrade the public realm.

Planning policy requires all new buildings to install low and zero-carbon generating technology to reduce the predicated CO² emissions. The applicant has provided a Sustainability Statement, and there are sustainable features incorporated within the proposed development such as the installation of a mechanical ventilation system with heat recovery and a ground source heat pump. The building has been designed to meet sustainability level Gold – the highest defined standard of sustainability recognised by the Scottish Government. The proposed building is an important environmental precedent. The use of a cross laminated timber structure as a modern method of construction makes a particularly innovation contribution in carbon savings due to the 'carbon sequestration' potential.

It is also worth noting that, as part of the Development Management Sub-Committee meeting at which the original application reference 121633 was determined, the Head of Planning described this application as being of *"high quality architecture"* and that the planning officer's recommendation was a *"finely balanced decision"* which was *"on a knife edge"*. The Convenor of the Sub-Committee remarked that he felt the original application was *"as good as it gets for this site"*. When you consider how narrowly the original application was refused permission, coupled with the fact that amendments have now been made to the proposed development which addresses the reasons which were cited for previous application's refusal, we do not see how this new application cannot be fully supported by the Planning Service.

Conclusion

There have been many previous applications in relation to this site, and it is fair to say that if this current application is not approved then there will be further attempts to develop this site in the future given that it is effectively a brownfield gap site in the heart of the city centre. The danger is, however, that if this new application is not supported then the site could fall into the hands of a developer who does not share the

current architect's vision for an exemplar design. The result could be that what gets built on site is of far less quality than what is proposed for the site and this would be a great loss to the city centre in terms of its contribution to the public realm fit for the 21st century. We believe that the planning service and local politicians should share the architect's aspiration and vision for this site and approve the application which will ultimately complement and enhance the built environment of the Conservation Area and Aberdeen city centre in general.

The principle of development on the site in the form of serviced apartments with an office use has been accepted. The layout, siting and design have also been accepted and the contemporary nature of the proposed development will preserve and enhance the character of the Conservation Area. The outstanding issues relating to the previous application have been addressed through this new application through the amendments which have been made to the overall size, position and mass of the building.

The new proposal is now considered to be fully compatible with the relevant provisions of the development plan and there are no material considerations which outweigh this. We therefore respectfully request that this application be fully supported by the planning service.

I trust that the points contained herein will be considered as part of your consideration of the application. Should you require clarification on any of the issues raised then please do not hesitate to contact me.

Yours sincerely



Gary Purves
Senior Planner



T
M

Cc Bon Accord Serviced Apartments
David Vardy Architecture

PI

From: webmaster@aberdeencity.gov.uk
Sent: 13 June 2013 14:52
To: PI
Subject: Planning Comment for 130743

Comment for Planning Application 130743

Name : Andrew Gove
Address : 52 Margaret Place
Aberdeen
AB10 7GB

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I write in connection with the above planning application. I am familiar with both the site and the plans and I wish to offer my support to the proposal, for the reasons outlined below.

This is an excellent opportunity for the city to embrace a scheme which demonstrates high quality architecture on a site which is currently an eyesore sorely in need of development. This would demonstrate both a forward thinking & common sense approach to planning.

I am aware of some of the concerns that a piece of modern architecture at this site may damage the character of the area. However, such is the quality of the proposed scheme that I fully believe that the area will be enhanced by its acceptance and inclusion. The architect has clearly been sympathetic to the surroundings in terms of scale, height, orientation etc of the building, but has not attempted to provide a copy of any of the various surrounding styles, but has asked that the new building be judged on its own merits.

As an aside, this scheme will also provide the city with further much needed short stay accommodation.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 01 July 2013 14:15
To: PI
Subject: Planning Comment for 130743

Comment for Planning Application 130743

Name : David VILA DOMINI

Address : 6 Ashfield Road

Aberdeen AB15 9QB

Telephone : [REDACTED]

Email : [REDACTED]

Comment : This is a distinctive and high quality design which is bound to make a very positive contribution to the built environment of Aberdeen and serve a group of contributors to the local economy, transient workers. As a clearly contemporary design it is set to make a forward-looking mark, and in some small measure lift the solid but old-fashioned image of the city. And this it will do both boldly and sensitively. It must be approved, or a unique opportunity to develop this remarkable site in a fitting manner will be missed.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 01 July 2013 12:39
To: PI
Subject: Planning Comment for 130743

Comment for Planning Application 130743

Name : Graham Edgar
Address : Marrick Villa,
Skene, Westhill
Aberdeenshire
AB32 6TD

Telephone :

Email [REDACTED]

type :

Comment : Dear Sir/Madam,

I write to give support to this application. Infill sites are exactly the kind of sites that ought to be developed in Aberdeen, and this site is a good opportunity for a well considered architectural intervention. The depth and quality of the proposed design is self-evident and exemplary, and I have every confidence that the building will be an asset to the area. In any other historical city I have visited, whether Dublin, Edinburgh, Amsterdam or Stockholm, the established historical architecture is complemented by contemporary works. This gives each place its vibrancy and quirk, celebrating its past as well as having a vision and acceptance of the present and future. It makes places what they are, and such juxtaposition is overwhelmingly positive.

In Aberdeen we seem to have a rigorous protectionism towards traditional buildings that has, I feel, at times resulted in parts of the city becoming stifled and stuck in a slow steady state of decay. New buildings are often so restricted by an imposed contextualism that they lack a genuine design flair that drives the atmosphere and sense of joy in other cities. I am sure that the presence of high quality design on the project site will not be a negative influence but will complement its surroundings and inject a sense of confidence in property and design spheres in Aberdeen city centre. I recommend that this opportunity is taken and that Architects with vision and talent are encouraged and afforded the trust and respect that is needed to lift Aberdeen into a brighter future.

Regards,

Graham Edgar
Architect

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 01 July 2013 13:30
To: PI
Subject: Planning Comment for 130743

Comment for Planning Application 130743

Name : Martin Bruce
Address : Cairnhill
Esslemont
Ellon
AB41 8PL

Telephone :

Email : 

type :

Comment : Dear Sirs,

Oldmill Road/Bon Accord Crescent Aberdeen (application reference 130743)

I refer to the application for mixed use building of serviced residential apartments and a business unit and write in support of the application.

Both the quality of design and the urgent requirement for buildings of this use to support the continued economic development of the area which are of particular merit.

It is apparent that the Design Team has made considerable effort to generate a proposal which is both respectful of its surroundings yet demonstrates innovation vision which will enhance the environment in which it will sit.

From an economic perspective, there is pressing need for quality serviced residential accommodation to support the transient population working within the area's predominant energy sector and this proposed development will provide a welcome alternative to hotels and in doing so demonstrates that Aberdeen continues to be forward thinking and is open for business.

I encourage you to approve this application.

Yours faithfully
Martin Bruce
Cairnhill Esslemont
Ellon
AB41 8PL

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Agenda Item 2.6

CLIFF HOUSE, CRAIGTON ROAD, ABERDEEN

RENEWAL OF PLANNING APPLICATION
A8/2045, ERECTION OF 2 NO.SUSTAINABLE
FIVE BEDROOM HOUSES WITH DETACHED
GARAGES

For: Mr Andreas Nagel & Alan Nicol

Application Type : Detailed PP
Renewal/Retention

Application Ref. : P121749

Application Date: 13/12/2012

Officer: Gavin Evans

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

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

Advertised on: 30/01/2013

Committee Date: 18 July 2013

Community Council : No response
received



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The site is a deciduous woodland of 1.29 hectares in area, protected by Tree Preservation Order 204. The steeply sloping site enjoys an elevated, south/south-west facing location in Pitfodels Conservation Area. The woodland comprises approx. half of the grounds of Cliff House, a former nursing home converted to 7 flats in 2000. The site is accessed from Craigton Road via a single-width driveway that serves Cliff House and Cliff Heights, a modern house in the grounds. The site slopes steeply to the south and south-west of Cliff House and its gardens, with ground levels falling by approx. 22 metres and 13 metres respectively. The site is enclosed by fencing and drystone dykes and extends south to share a boundary with the rear garden of a cottage on Rocklands Road and south-west to the rear gardens of 11-18 Cliff Park, a cul-de-sac of large detached houses. The east boundary adjoins the extensive grounds of one secluded house.

RELEVANT HISTORY

96/2154 –Planning permission was granted in March 1997 to convert Cliff House, a former nursing home to 6 flats and to demolish the caretaker's house and erect a replacement house, all subject to a management plan and report for trees and a scheme for public pedestrian access through the site from Rocklands Road to Craigton Road.

97/1352 – Planning permission was granted in October 1997 for alterations to form an additional flat in Cliff House.

A6/2242 –Planning permission was refused in March 2007 for the formation of an access road in the woodland for management purposes.

A8/2045 – Planning permission was granted for the construction of two detached dwellinghouses on the current application site, each with a detached garage. Preliminary works have commenced in relation to the implementation of this consent, including tree works and works relating to the improvement of the existing access onto Craigton Road.

PROPOSAL

This application, while termed a renewal, is slightly different from that which was previously granted consent through the approval of application A8/2045. The applicants have commenced works on site in relation to that approval, however some changes to the design and arrangement of the dwellings are sought. The proposal remains predominantly unchanged, but the changes can be summarised as follows:

1. the revised dwellings would incorporate integral garages instead of the freestanding ones previously approved;
2. a new 'implement shed' outbuilding would be located towards the southern end of the site, to provide space for the storage of landscaping equipment;
3. Minor changes are made to the fenestration arrangement on the easternmost of the houses.

The application therefore seeks detailed planning permission for the erection of two detached dwellinghouses with integral garages, set within generous wooded plots. Access is to be taken from Craighton Road via the existing driveway which is to be extended southwards. A Design Statement, Tree Report and Woodland Management Plan were submitted in relation to the original approval, and the Tree Report has been updated to reflect the revised footprint of the development.

The architect-designed, timber-framed houses are of contemporary design and 3 storeys in height, with the upper 2 storeys clad in larch linings and the lower ground floor rendered white. The over-hanging chalet-style roofs are to be clad in interlocking grey tiles. The principal south and south-west elevations are to be substantially glazed and continuous decked balconies would wrap around the middle floor/main living area of each house to maximise the occupants' experience of "living in the woods". The Design Statement explains that the state-of-the-art, ecologically-friendly, highly sustainable houses are designed to sit lightly on their unique plots, to harmonise with their secluded woodland setting and to maintain the woodland character of the site by retaining as many trees as possible and planting additional screening. The west-most house is to face SW, with a double garage and upper floor private office sited to its NE corner. The east-most house is oriented to face south and would feature a triple garage sited to its NW corner.

The Design Statement submitted in support of the original application emphasises the ecologically friendly, energy efficient, sustainable features of the houses which are to incorporate chemical-free construction methods, natural materials, solar heating panels, bio-mass boilers and wood-burning stoves. The German manufacturer, Baufriz, has won numerous awards for its eco-friendly, carbon-positive, timber house construction.

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?121749>

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 it has been the subject of 6 representations. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – No objection to the proposal, provided adequate visibility is achieved at the western side of the access onto Craighton Road.

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) – Surface water drainage proposals should be provided. Agree that this can be obtained via condition.

Education, Culture & Sport (Archaeology) – No response received.

Community Council – No response received.

REPRESENTATIONS

6 number of letters of representation have been received. The objections raised relate to the following matters –

1. Note that the site lies within a Conservation Area and is covered by a Tree Preservation Order (TPO). Highlights potential damage to the Conservation Area as a result of the proposal and expresses concern at damage caused thus far during construction works.
2. Queries ongoing works and perceived lack of enforcement by ACC.
3. Concerns raised over the existing drainage system, which is stated to be incapable of dealing with all waste during overload conditions.
4. Concerns raised over damage to be caused to the site and existing trees during construction.
5. There would be a perceived loss of privacy to houses at Cliff Park as a result of the height and elevation of the proposed houses, allied to the removal of existing trees.
6. Deer on the site would be scared away by the development of the site.
7. Concern expressed that the approval of the development would lead to further housing development within the Conservation Area.
8. An existing passage next to Cliff Cottage, used to cut through to Craigton Road, would be severed by the development. This is understood to be a public right of way.
9. Construction vehicles parked next to Cliff House have previously caused some disturbance and concern over safety.
10. Concerns expressed that anticipated excavation would put the foundations of Cliff House at risk.
11. Suggest that local demand for housing of this size is being adequately met by alternative sites currently under construction/being marketed.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Paragraph 115 of SPP highlights the importance of Conservation Areas, stating that these are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. It further states that a proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. Planning permission should

normally be refused for development within a Conservation Area that fails to preserve or enhance the character or appearance of the 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. In relation to development affecting archaeological resources further details are set out in Supplementary Guidance on Archaeology and Planning.

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.

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 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 NE1: Green Space Network

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

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 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

'Low and Zero Carbon Buildings'; 'Trees and Woodlands'; and 'Transport and Accessibility' documents are of relevance.

Other Relevant Material Considerations

That planning permission has been granted for the construction of 2 dwellings on the site, and that works have taken place so as to commence implementation of that consent, is of significant weight in considering this proposal. It should be noted that the existing consent may be fully implemented as things stand, and that this current application merely presents a series of minor alterations to the approved scheme, albeit ones which warrant due consideration due to the sensitivities of the site, which is located within a heavily wooded area, covered by a Tree Preservation Order.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require planning applications to be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

Zoning in Aberdeen Local Development Plan

The application site is located within an area zoned as a 'Residential Area' in the Aberdeen Local Development Plan. Within such areas, the principle of residential development is accepted, provided that a series of specified criteria can be satisfied.

This development comprises two detached dwellings set within a generous woodland site. The low-density nature of the development is such that it would not appear out of place when considered alongside other residential properties in the surrounding area. It is therefore concluded that the development proposed would not represent overdevelopment for the purposes of assessment against policy H1.

Whilst the removal of existing trees will be necessary to enable the development, it is noted that substantial areas of woodland will be retained, providing screening of the site from its immediate neighbours. That screening, along with the respective distances between the new dwellings and their immediate neighbours, is considered to be sufficient to adequately maintain appropriate levels of privacy for neighbouring residents. Sitting on a slope, within an area of woodland, it is considered that the new dwellings would be consistent with the surrounding area, which is in part characterised by large detached houses set in generous wooded plots. In this regard, it is considered that the proposal would not result in any unacceptable impact on the character and amenity of the area.

Compliance with Supplementary Guidance relating to curtilage splits

The Council's published supplementary guidance, entitled 'The Sub-division and Redevelopment of Residential Curtilages' is of direct relevance to this proposal, and compliance with this document is one of the criteria specified in policy H1 of the Aberdeen Local Development Plan. This document specifies a range of principles for the assessment of proposals for the construction of houses and flats within the grounds of existing residential properties.

This proposal is not considered to result in any adverse impact on privacy to adjacent sites due to the screening provided by tree cover and the distances involved. The distance separating the new dwellings from their immediate neighbours is also such that they would not result in any unacceptable loss of daylight or sunlight to those properties. These houses would benefit from generous grounds which, although not landscaped 'gardens' in the traditional sense, provide outdoor amenity space for the enjoyment of residents in accordance with the supplementary guidance document. The site would not be dominated by access roads or parking areas, while the high-quality contemporary design is considered to be acceptable in this location, where it would not be read alongside any regular and consistent built form. The dwellings would benefit from generous plots, consistent with the character of the surrounding area. Taking account of these principles, as expressed in the Council's 'Sub-division and

Redevelopment of Residential Curtilages' supplementary guidance, it is concluded that the proposal demonstrates accordance with the Council's aims for development of this nature.

Quality of Environment

The new dwellings proposed would afford both residents and neighbours with appropriate levels of privacy. A combination of the distance separating the new houses from their neighbours and the substantial tree cover within the site are sufficient to ensure that, while different from the existing situation, appropriate levels of privacy can be ensured. Any residents of the proposed dwellings would have access to amenity space through both the generous grounds surrounding the site and the balconies to be incorporated into south-facing elevations.

Impact on Existing Trees and Replacement Planting

The proposal involves substantial tree works, reflecting the heavily wooded nature of the site. An updated tree report for the site identifies 338 existing trees on the site, of which 43 trees would be removed, within the footprint of the construction area. Additional trees are identified for removal for health, safety or woodland management reasons, however those removals are not required specifically to enable the development. The schedule of replacement planting indicates that a total of 360 specimens, including trees, hedging and shrubs, would be planted across the site, ranging from 0.6m to 4.1m at time of planting and incorporating a mix of species. It is noted that the changes made from the original approval to this current application do not significantly alter the extent of any tree loss, with 5 trees to be removed which were not previously identified for removal in the approved scheme.

Policy NE5 (Trees and Woodlands) expresses a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity. In this regard the proposal raises conflict with policy NE5 as it involves substantial tree removals. It is noted that the application proposes significant replacement planting, and the design scheme is based around the idea of a 'living in the woods' experience. The new dwellings would be partially visible above the trees as the site is on a slope and not all surrounding trees are of sufficient maturity to provide total screening. The proposed plots are generous in area, however, and would remain well-wooded to maintain the woodland living concept. The new dwellings would sit on the slope against a background of trees and would respect the local landscape of Cults and Bieldside, which are characterised in part by large houses set in wooded grounds. This is an attractive feature of these communities when viewed across the Dee Valley. It is considered that the development accords with policy D6 (Landscape) in terms of respecting the local landscape character.

Green Space Network

The application site forms part of the Council's designated Green Space Network, which represents a strategic network of woodland and other habitats, active travel and recreation routes, greenspace links, watercourses and waterways etc. This proposal, whilst involving substantial tree removals, does not clear the site for the purposes of a traditional landscaped residential curtilage,

and the applicants have made clear their desire to retain woodland so far as possible to allow the construction of the houses and allow for the woodland living concept expressed in the design statement submitted along with the original application. In this regard, the majority of the site will remain in its current woodland form, with those trees to be retained benefitting from protection via the existing Tree Preservation Order. Taking these matters into account, it is considered that the proposal would not destroy or erode the character or function of the Green Space Network, and therefore demonstrates appropriate compliance with policy NE1 of the Aberdeen Local Development Plan.

Design and Relationship with Character of Conservation Area

The proposed dwellings are of contemporary design, which can be successfully incorporated into this site due to the absence of any immediately adjoining buildings against which these new houses would be viewed. The differences made from the approved scheme are relatively minor, the most significant being the incorporation of the previously detached garages into the main body of the dwellings. This is not considered to compromise the integrity of the design proposal, and the changes would not be readily perceived outwith the application site. The location of the site within a Conservation Area is relevant as it necessitates assessment against policy D5 (Built Heritage) of the Aberdeen Local Development Plan, which states that proposals affecting Conservation Areas should only be permitted if they comply with Scottish Planning Policy. Taking account of the sheltered woodland character of the site, the current proposal is considered to be appropriate in terms of its design, materials, scale and siting, preserving the character and appearance of the Conservation Area. In this regard the proposal is considered to accord with policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan.

Access, Roads and Parking

The proposal provides an appropriate level of car parking. Vehicular access is taken via the existing access point onto Craigton Road, with improvement works relating to the previous grant of planning permission having been implemented. This arrangement has been accepted by the Council's Roads Projects Team, however it is suggested that efforts be made to remove and maintain vegetation to the west of the access to further aid visibility. It is understood that the vegetation in question is not under the control of the applicant, and so it is not possible to attach a condition to this effect, as it would be based on the actions of a third party. The proposal is considered to accord with the provisions of policy T2 (Managing the Transport Impact of Development) and the Council's published supplementary guidance entitled 'Transport and Accessibility'.

LZC (R7 & LZC SG)

No details of Low and Zero Carbon generating technologies to be incorporated within the development have been provided. An appropriate condition can be attached to any grant of permission to require that the developer provide a scheme demonstrating compliance with policy R7 of the Aberdeen Local Development Plan and the Council's associated supplementary guidance on Low and Zero Carbon buildings.

Matters raised in objections

It is noted that the site lies within a Conservation Area, and is covered by a Tree Preservation Area, however these designations do not necessarily preclude development entirely, and it remains necessary to consider any development proposal on its own merits. The woodland nature of the site would be maintained, and tree removals would be mitigated through an extensive programme of replacement planting. As noted earlier in this report, the development proposes large dwellings set within a generous wooded plot, which is consistent with the character of the surrounding Conservation Area.

Ongoing works are understood to have been carried out in accordance with the consent previously obtained. The removal of existing trees may have caused some alarm, however it should be noted that extensive replacement planting is required by that consent, as is proposed in this application. Irrespective, compliance with the existing consent is not a material factor in the assessment of this proposal.

Concerns over the existing drainage system are noted, however the planning authority's duty is to consider the impact of the development itself, and not to make good any existing deficiencies. No concerns have been raised in relation to drainage at this stage by the Roads Projects Team, however it is noted that a surface water drainage scheme in accordance with sustainable urban drainage principles will be required via condition. New drainage arrangements will be required to satisfy current Building Regulations, and the specifications are not a matter for consideration in this assessment.

Potential damage to existing trees during the construction phase can be controlled by requiring implementation of a scheme of tree protection via condition. Details of tree protection measures have been provided as part of this application.

As noted earlier in this report, the proposal is considered to maintain appropriate privacy for residents and neighbours. It is not considered that there would be any unacceptable loss of privacy as a result of the development, and changes made to the approved scheme are not considered to result in any material change to the relationship between the houses and their respective neighbours.

It is noted that local wildlife may currently utilise the site, and it is likely that tree felling and construction activity will discourage their presence on the site in the short-term. Nevertheless, it is noted that the surrounding area is semi-rural in character, particularly to the north, and there are fields and woods to support wildlife habitat. Considerable tree planting is proposed to compensate for the loss of existing trees, therefore in the long term it is considered that the managed woodland would continue to be attractive to wildlife.

Fears that the approval of this development would directly lead to further housing development within the Conservation Area are unfounded. Each planning application must be determined on its own merits, based on its relationship with the Development Plan and any other material planning considerations.

Reference is made to an existing route through the site from the south, adjacent to Cliff Cottage, leading through to Craigton Road. This was previously raised at the time of the original planning application, and it was ascertained that the route in question, which runs through land in the applicants' private ownership, was not well-defined and did not appear to be well-used. Now, as then, the route does not form part of the Council's Core Path Network. At the time of the previous application, it was determined that the path did not meet the relevant criteria to constitute a right of way, as there is no evidence that it has been used by the public openly and peaceably for the last twenty years. This remains the case.

Regrettably it is common that construction vehicles cause a degree of disturbance during the construction phase, however this is not readily avoidable. Any disruption will be temporary during the construction of the dwellings, and is likely no different from that experienced on any land adjacent to a development site. Such temporary disturbance would not be reasonable grounds to resist an otherwise acceptable development proposal.

Similarly, the excavations required to construct the two dwellinghouses proposed may result in some short-term disturbance, however any damage caused to adjacent properties, from whatever source, would be a private matter between the parties concerned, and not a matter to be considered by the planning authority in the assessment of a planning application. It is noteworthy that any dwelling constructed must also satisfy current Building Regulations.

It is stated that the local demand for housing of this size is being met by nearby residential developments, however the presence of those sites does not preclude consideration of this proposal based on its own merits. Appropriate development within the grounds of existing residential premises can make a valuable contribution to housing provision within existing settlements.

Conclusion

In summary, the proposal involves the loss of a significant number of trees, however this loss must be viewed in context, as the application site is densely wooded and the predominantly woodland character of the site would be maintained. The proposals contained within this application are not significantly different from those previously approved by members of the Planning Committee (as was), and it is of significant weight that works have been commenced in connection with the implementation of the consent granted at that time. Appropriate proposals for replacement planting have been proposed, ensuring that the woodland character of the site would be maintained and the tree loss required can be adequately mitigated. The zoning of the site presumes in favour of residential development, and the criteria set out in policy H1 are satisfied by this proposal. An appropriate residential environment would be created for those residing in the new dwellings, while the amenity of those living adjacent to the site would be maintained. The access and parking arrangements have previously been accepted and the applicant may legitimately implement the existing consent with those arrangements. The Council's Roads Projects Team have accepted the proposed arrangement. Taking these matters into account, it is concluded that the proposed development demonstrates appropriate compliance with the

Development Plan, and no matters raised in representations, nor any other material considerations, are of sufficient weight to warrant determination other than in accordance with that Plan. It is therefore recommended that this application be approved subject to appropriate conditions, as detailed below.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed development is consistent with the zoning of the site within an area zoned for residential purposes in the Aberdeen Local Development Plan (ALDP). The proposal would create an acceptable living environment while avoiding any significant adverse impact on the amenity of neighbouring residents, in accordance with policies H1 (Residential Areas) and D2 (Design and Amenity) of the ALDP. Access and parking arrangements are considered to be acceptable, in accordance with policy T2 (Managing the Transport Impact of Development). Whilst significant tree works are required to implement the consent, it is noted that these are to be undertaken in the context of a wider scheme for the safeguarding and long-term maintenance of the remaining woodland. The proposal would not harm the character or function of the existing Green Space Network designation which applies to this site, as required by policy NE1 (Green Space Network), nor would it result in any adverse impact on existing landscape character, in accordance with policy D6 (Landscape). The proposed new dwellings are considered to demonstrate due regard for their context and to make a positive contribution to their setting, as required by policy D1 (Architecture and Placemaking) of the ALDP. On balance, it is considered that the proposal demonstrates its accordance with the relevant policies of the development plan, and that the character of the surrounding conservation area would be preserved, as required by Scottish Planning Policy (SPP) and Policy D5 (Built Heritage) of the ALDP.

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.

(3) that no development shall take place unless a scheme for the protection of all trees to be retained during on the site during construction works plan showing those trees, as shown on drawing CHC-1306-TP and described in the approved tree report (dated 6th June 2013) or as contained in any other such scheme submitted to and approved in writing by the planning authority for this purpose, has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

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

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

(6) that the building hereby approved shall not be occupied 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'.

(7) that no part of the development shall take place unless a plan and site specific method statement for the construction of the driveway close to trees has been submitted to and approved in writing by the Planning Authority. The construction of the driveway shall follow the principles as described in "The Tree Advice Trust's Arboricultural Practice Note Number 12: Through the Trees to Development" and shall utilise a no dig method of construction - to ensure the protection of existing trees.

(8) No development shall take place unless there has been submitted to, and approved in writing by, the planning authority

(i) a scheme for the supervision of the arboricultural protection measures and works to include the time and method of site supervision, record keeping including updates and that this supervision is administered by a qualified arboriculturalist approved by the planning authority but instructed by the applicant.

(ii) a plan and report illustrating appropriate management proposals for the care and maintenance of all of the trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority.

The proposals and scheme of supervision shall subsequently be carried out in complete accordance any information thereby approved in writing by the planning authority - in order to ensure adequate protection for the trees on site during the construction of the development and in order to preserve the character and visual amenity of the area.

(9) that the dwellinghouse hereby granted planning permission shall not be occupied unless a scheme for the provision of foul sewerage and wholesome water facilities has been submitted to and approved in writing by the Planning Authority and that the said scheme has been implemented - in the interests of public health.

(10) 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.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

7 Cliff House
Craigton Road
Cults
Aberdeen
AB15 9PS

24th January 2013 – sent by e-mail to pi@aberdeencity.gov.uk

Dear Sirs,

Objection to Renewal of Planning Application A8/2045

We, as the residents of 7 Cliff House, Craigton Road, wish to lodge our strong objections to the renewal of the above numbered planning application. We understand that the previous application was approved, in spite of the objections lodged at the time, and will therefore seek to point out the fresh reasons that a renewal of this application should be rejected by the Council.

Following the grant of the previous application, some work was carried out at the ground next the Cliff House. This included the arrival in the car park at Cliff House (and often remaining there, rather than proceeding down into the ground separately owned by the applicants) of large plant vehicles, which caused disruption and inconvenience to all at Cliff House, as well as increasing the danger to the small children who live in the building and are accustomed to living in a semi-rural setting. No notice was ever given to Cliff House residents of the arrival of plant vehicles or of continuing extremely noisy works. The vehicles even operated on Saturdays and Sundays at various times.

Although there was often activity on site, with the exception of a gravel access road and a clearing of part of the land, no progress appeared to be made. It ought to be evident to the applicants from the name of the buildings surrounding, that the ground is more than just soil, but literally consists of enormous lumps of rock. It is clear from looking at the land now that considerable excavation works would be required in order to lay foundations for two further houses on this land, and our concern would be that this may put at risk the foundations for Cliff House.

The site has now been neglected for a number of months, during which time the gravel road has begun to wash away (frequently into the communal gardens at Cliff House) and the partially cleared land has begun to grow over again. The wildlife had abandoned the area during works, but have now begun to return and there are at least six deer living in the trees remaining on the land, as well as many other animals. We feel that, with no obvious results beyond creating a mess, the works carried out at the land beside the house impacted very negatively on the residents and the wildlife in the house and surrounding woodland.

The loss of wildlife and trees on the land, as well as the restrictive height of the proposed new houses, would be extremely detrimental to those living at Cliff House, and seems wholly disproportionate to the number of resulting homes. Since the first application was approved, two new developments in Cults of five bedroom houses have begun, one of which is on Friarsfield Road (a Cala development), not more than a few hundred metres away. In addition, further construction is due to begin in one week's time at "Rocklands" on Craigton

Road, just a few metres further along Craigton Road. Further, the development by Stewart Milne Homes (also not far along Craigton Road, in the opposite direction from the Cala development) is still advertising executive five-bedroom houses. We would suggest that the local demand for such large new build properties is being adequately met by these developments, and that further developments will only serve to diminish the beauty and rural surroundings of this area of Cults.

In summary, we would urge the Council to seriously consider the changes in circumstances since the first application was made, and to give appropriate weight to the points outlined above. In particular, we would remind the Council that the nature of Cults is being changed by the new developments already approved and underway, and that further development approvals can only be to the area's detriment.

Yours sincerely,

Mr and Mrs C. Kellie.

City Development Services Eastern of Representation	
Application Number:	121769
RECEIVED	25 JAN 2013
Pl. n. (North)	Dev. (South)
Case Officer initials:	GEE
Date Acknowledged:	30/01/13

South

PI - Application 121749

From: Nichola Watson [REDACTED]
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
Date: 10/01/2013 11:45
Subject: Application 121749

Dear sir/madam,

I am the current long term tenant at Cliff Cottage, Rocklands Rd, Cults, AB15 9JS and am writing about the proposed development own application number 121749. I have two concerns regarding this - one is that we currently use the passage down the side of our house, when out walking on a weekend, to cut through onto Craigton Road and thought this was a public right of way. And more importantly, there are a number of deer who live in the forest around our house/Cliff Cottage who travel through the proposed area daily and I am worried this will effect them greatly!

I have forwarded the proposal to the house owner through Homeguard Leasing so I'm sure he will be in touch also.

Yours Sincerely
Nichola Watson
[REDACTED]

PI - Comments on planning application number 121749, renewal of planning application AB/2045

From: anne wilcox [REDACTED]
To: <pi@aberdeencity.gov.uk>
Date: 18/01/2013 22:42
Subject: Comments on planning application number 121749, renewal of planning application AB/2045

Dear Aberdeen City Council

Application Number 121749
Proposed Development at
Cliff House
Craigton Road
Aberdeen
Aberdeen City
AB15 9PS

My comments on the renewal request of planning application AB/2045 which I would like taking into consideration are as follows:

1. The area has been designated a Conservation Area with a Tree Preservation Order in place.

However, significant tree felling and area clearance has already taken place with no obvious monitoring by the Council.

Ground works for the proposed 2 house sites has also taken place.

2. There is a significant problem with the present sewage drainage system from Cliff House.

The sewage pipework has regularly overflowed from the inspection trap sited behind 14 Cliff Park. With the additional houses proposed, a new sewage pipe system may well be required. This will probably have a significant effect on this Conservative Area and possibly requiring additional felling of trees.

3. I am also concerned that this planning application if approved will open the door for additional houses to be built on this Conservation Area.

I therefore am concerned about the above proposed development and as such Object to this Planning Application.

Dr Paul L. Wilcox
15 Cliff Park
Cults
Aberdeen
AB15 9JT

PI - Application 121749, Renewal request AB/2045

From: anne wilcox [REDACTED]
To: <pi@aberdeencity.gov.uk>
Date: 18/01/2013 22:41
Subject: Application 121749, Renewal request AB/2045

Dear Aberdeen City Council

Application Number 121749
Proposed Development at
Cliff House
Craigton Road
Aberdeen
Aberdeen City
AB15 9PS

I would like to raise the following points on the renewal request of planning application AB/2045 which I would like to be taken in to consideration when the application is being considered.

1. The area has been designated a Conservation area. The council arborist explained to me that in the case of a Conservation area, although trees were not individually protected, the whole wooded area was a conservation area and development within it would be carefully controlled so as not to lose any of the character of the wood.

Since then planning permission for 2 houses was granted by the Council, but I was very disappointed to note that the Council took little or no responsibility for the management and felling of trees, with the result that already a quarter of the wood has disappeared. For this reason I would oppose any further development of the site unless I could be assured that it would be closely monitored.

2. The first time planning application was sought we mentioned the sewerage system which is already inadequate and has overflowed several times. It was disconcerting that the Council was unaware of the sewage pipe. It flows from Cliff House, down through the wood through the proposed building site to Rocklands Road and there is an inspection manhole behind 14 Cliff Park. This manhole now has a lump of concrete sitting on top. Will the sewerage and waste system of the proposed houses have a separate system?

3. Although I did not object to the original planning application, because of the wanton disregard for the conservation of the woodland I do object this time.

4. I am also concerned that if this application is approved it will allow additional houses to be built on this precious conservation area, which is home to a wide variety of wild life including owls, woodpeckers and deer.

Mrs Anne Wilcox
15 Cliff Park
Cults,
Aberdeen
AB15 9JT

PI - Representation on Planning Application

From: "bruce.mcleod" [REDACTED]
To: <pi@aberdeencity.gov.uk>
Date: 18/01/2013 15:37
Subject: Representation on Planning Application

Dear Aberdeen City Council

Application Number 121749
Proposed Development at
Cliff House
Craigton Road
Aberdeen
Aberdeen City
AB15 9PS

Description of Proposal

Renewal of Planning Application A8/2045

I submit the following representations which I believe should be considered.

1/ The area has been agreed to be a Conservation Area with a Tree Preservation Order in place

Significant tree felling and area clearance has taken place without prior agreement and yet no action to stop has been implemented.

When was permission given for the tree clearance, already taken place, given and by whom and with what authority?

If a tree preservation and conservation order is in place how can this felling of trees and obvious intended entrance route excavation take place without prior permission being granted? This is clearly evident.

Preparation of the sites has taken place, I believe, without any permission.

2/ There is a significant problem with drainage.

It has been apparent that the drainage system in place is not capable to remove all waste during overload conditions.

The drainage system appears to follow a line through the tree area southwards.

Overflow with waste material has washed down to the neighbouring houses causing obvious distress especially when the

local sewage reps were unaware of the exit pipe routing. Placing concrete blocks on the inspection point does not alleviate in any way concern.

Therefore a new sewage pipe system may well be required with again significant effect on this Conservative Area.--Trees felled yet again.

This part of the project has yet to be addressed

3/ The construction of any new house of this size (3 storey?) will require a large additional area for laydown of materials and indeed

construction equipment especially the former. This will be true even with new preformed units.

This means that probably 3 times the area of each house will be required to utilise as a "laydown - work area"

Result a huge further area of the predetermined "Conservation Area" will be destroyed.

No restriction of the above - there will be little left of this Conservation Area

4/ The construction of a house 3 storeys high together with the tree loss will lead to loss of privacy to the neighbouring houses in Cliff Park.

This is not an EQUAL loss as the new houses will look down from a significant height into the rear of at present private houses.

5/ It has always been a plus to admire the tree area and wild life just on the edge of Aberdeen especially with the huge developments with Stewart Milne and Cala Homes close by.

However little by little the tree areas ,whether protected or not by conservation orders ,diminish.

The roe deer are about all the year round . With a development like this, purely for money, their presence will in all probability cease as well.

I therefore am concerned about the above proposed development and as such Object to ths Planning Application

Dr Bruce D McLeod

14 Cliff Park
Cults
Aberdeen
AB15 9JT

PI - Fw: Representation on Planning Application

From: jean mcleod [REDACTED]
To: "PI@aberdeencity.gov.uk" <PI@aberdeencity.gov.uk>
Date: 18/01/2013 18:19
Subject: Fw: Representation on Planning Application

- >
- > Dear Aberdeen City Council
- >
- > Application Number 121749
- > Proposed Development at
- > Cliff House
- > Craigton Road
- > Aberdeen
- > Aberdeen City
- > AB15 9PS
- >
- > Description of Proposal
- >
- > Renewal of Planning Application A8/2045
- >
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- > like this, purely for money, their prescence will in all probability
- > cease as well.
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- > such Object to ths Planning Application
- >

>Mrs Jane McLeod

>

> 14 Cliff Park

> Cults

> Aberdeen

> AB15 9JT

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DESCRIPTION

The application site, which extends to some 1.7ha/17,000sqm, is located on the edge of the Milltimber settlement, to the west of Aberdeen in the Deeside valley. The site lies between Culter House Road, to the north, and North Deeside Road, to the south, and currently comprises a single detached dwellinghouse and associated detached garage, set within extensive grounds. The site can presently be accessed via a winding driveway which links the house to both Culter House Road and North Deeside Road. The majority of the site does not benefit from any direct road frontage, being set back behind other residential plots. To the north of the site lie 45 Culterhouse Road (Edgehill Cottage) and 47 Culterhouse Road (Gardenside), both detached residential properties set within generous plots. To the south, there are four detached dwellinghouses set between the application site and North Deeside Road, three of which are on the western side of the access driveway (250, 250A & 252) and one on the eastern side (248). To the east of the site, beyond the winding driveway, lies a further area of undeveloped woodland, which does not form part of the application site but is in the applicants' ownership. Beyond that woodland lies Bellenden Walk, a roughly surfaced road/track which runs between Culter House Road and North Deeside Road. Bollards at a central point prevent through access, with the properties arranged along Bellenden walk being accessed by one or other of North Deeside Road and Culter House Road. To the west of the application site lies land allocated as Green Belt in the Aberdeen Local Development Plan, including 'Fairgarth', the former home of the Aberdeen International School, which was subject to compulsory purchase in connection with the construction of the Aberdeen Western Peripheral Route, the path of which takes in land adjacent to the western site boundary.

The building within the application site itself is a large 1 ½ storey detached dwellinghouse, constructed in granite and cement and featuring a hipped roof with projecting pitched roof gables the upper sections of which are clad in hanging tiles. The existing dwellinghouse is understood to have been constructed in the late 1960s, occupying part of the footprint of the Victorian granite mansion that had previously been present. An area of the grounds immediately adjacent to the existing dwelling forms its principal garden grounds, and is distinct from the remainder of the site, being free of trees and more traditionally landscaped and laid to grass. Beyond a retaining wall, the wider site is less formally landscaped and features a number of established trees, particularly along the western and northern boundaries. Of the four dwellings to the south, the three on the western side of the access driveway were developed in the 1970s, the land having previously been part of the Edgehill House plot. The house on the eastern side of that driveway is Edgehill Lodge, a traditional granite cottage which was formerly part of the original Edgehill House site.

RELEVANT HISTORY

Application P110038, submitted in January 2011, proposed the demolition of the existing lodge, which lies to the south of the application site, adjacent to North Deeside Road, and the erection of a replacement dwelling. Planning permission was granted under the Council's scheme of delegation in March 2011. The replacement dwelling approved at that time is similar in its design and styling to that currently proposed.

PROPOSAL

This application proposes the demolition of the existing Woodbank House and the construction of 6 houses within the wider site. The proposed dwellings would be arranged around an extended part of the existing driveway, each inclined to face the turning circle which forms the centre of the space.

The dwellings themselves would be substantial 2-storey houses, set within generous plots ranging from 0.403 acres/1630sqm to 0.796 acres/3221sqm. Each of the houses would be predominantly finished in traditional wet-dash render, with smooth cement render also used alongside synthetic granite margins and entablature. Coursed granite stonework would be used in the construction of a central projecting feature of each house, which would sit proud of the face of the dwelling and incorporate the main doorway and an upper floor bedroom window. Windows would feature stained timber frames with lead astragals forming a cross-hatched fenestration pattern. Each of the dwellings would be constructed with a hipped natural slate roof, with painted timber fascias and soffits. Adjoining each dwelling would be a double garage, each of which would feature a hipped, slated roof.

Access to the site would be taken primarily from the south via North Deeside Road, with a new vehicular access constructed. The existing vehicular access from North Deeside Road would become a pedestrian only access, while the existing access from Culter House Road, to the north, would have bollards installed to close off vehicular access, thereby preventing a through route. A footway would be incorporated adjacent to the access point from North Deeside Road, but discontinued thereafter, giving way to a shared surface area. The access road would be single track, with passing places provided.

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?130211>
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 a total of 6 letters of objection have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – Accept parking provision in accordance with Council standards. Note and accept the proposals for access to the development site, provided that delivery of the visibility splay demonstrated at the access onto North Deeside Road be secured via a condition to attached to any consent. Also require that the relocation of an existing bus stop on the northern side of North Deeside Road be required by condition, in order that the visibility splay may be free of any obstruction. Highlight necessary contributions to the Council's

Sustainable Transport Fund (STF), which may be obtained through use of an appropriate legal agreement. The submitted Drainage Impact Assessment is noted, and it is requested that a condition be attached to prohibit development until such time as the drainage approach proposed has been agreed with Scottish Water and SEPA.

Environmental Health – No response received.

Developer Contributions Team – The development is required to make developer contributions commensurate with the scale and impact of the development proposed, and as set out in the Council's Infrastructure and Developer Contributions Manual. Contributions are required in relation to Affordable Housing, community facilities, sports and recreation, libraries, and core paths network.

Enterprise, Planning & Infrastructure (Flooding) - Require full details of surface water drainage proposals. This can be obtained through use of an appropriate condition attached to any consent.

Education, Culture & Sport (Archaeology) – No response received.

Community Council – No response received.

REPRESENTATIONS

6 letters of representation have been received. The objections raised relate to the following matters –

1. The site is formerly green belt, and this green wedge between Milltimber and Peterculter would be compromised by development, increasing overall housing density.
2. The site makes an important contribution to the landscape setting of this part of the city by virtue of its woodland character.
3. The proposal to create a third access point, onto North Deeside Road, would create an increased public safety hazard. The existing access is hazardous due to inadequate sight lines at the junction with Bellenden Walk. Suggests that access be restricted to a single point, via Culter House Road. Bollards across the single-track access road could restrict through traffic.
4. The proposal represents overdevelopment of the site, as it exceeds the allocation specified in the ALDP.
5. Construction traffic should be restricted to the northern access, via Culterhouse Road, on safety and amenity grounds.
6. The site is partially covered by a Tree Protection Order. This should be extended across the entire site to allow statutory protection to the existing trees and woodland.
7. Members are urged to undertake a site visit.
8. Objection is stated in relation to the submitted tree report, as it fails to take into account the annoyance, loss of light and property damage caused by these trees. The removal of certain trees is requested, based on their impact on Bellenden walk.
9. The proposed development would contravene the City Council's presumption against feu splitting.
10. The trees to be retained should be protected by planning conditions and by clauses in the deeds for the properties or by Tree Protection Orders.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Paragraph 82 of SPP highlights the important contribution that infill sites within existing settlements can make to the supply of housing land. It further states that infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community.

Aberdeen Local Development Plan (ALDP)

Policy LR1: Land Release Policy

Housing and employment development on sites allocated in Phase 1 will be approved in principle within areas designated for housing or employment. Development on an allocated site or in close proximity to an allocation that jeopardises the full provision of that allocation will be refused.

Policy I1: Infrastructure Delivery and Developer Contributions

Sets out that development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or services.

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 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 H3: Density

States that the City Council will seek an appropriate density of development on all housing allocations. It is further stated that all residential developments of over one hectare shall meet a minimum density of 30 homes per hectare; have consideration of the site's characteristics and those of the surrounding area; and create and attractive residential environment and safeguard living conditions within the development.

Policy H5: Affordable Housing

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

Policy NE1: Green Space Network

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

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 NE8: Natural Heritage

Sets out the policy position as regards protected species and designated sites. Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy. This policy also sets out the requirement for surveys to be provided where development may have an adverse effect on a protected species.

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

'Low and Zero Carbon Buildings'; 'Trees and Woodlands'; 'Transport and Accessibility' and 'Sub-division and Redevelopment of Residential Curtilages' documents are of relevance.

Other Relevant Material Considerations

The matters raised in representations are material to the assessment of this application, only so far as they relate to legitimate planning considerations.

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.

Zoning / Land Release & Principle of Development

The application site is allocated for residential development in the Aberdeen Local Development Plan, having been identified through the plan preparation process as being capable of accommodating a notional allocation of 5no dwellings. It is noted that the allocation figures are notional, based a broad estimate of the development potential of a site based on its area, and the stated allocation should not be taken to preclude a development for a greater number of units where it can be demonstrated that such development is otherwise accords with the provisions of the development plan. Policy LR1 sets out that Phase 1 housing allocations such as this will be approved in principle within areas designated for housing, and that development on or near an allocated site that would prejudice the full delivery of that allocation will not be permitted. In this instance, the application proposes delivery of the full allocation, and so there is no conflict with policy land release policy as expressed in policy LR1 of the ALDP.

Housing and employment development on sites allocated in Phase 1 will be approved in principle within areas designated for housing or employment. Development on an allocated site or in close proximity to an allocation that jeopardises the full provision of that allocation will be refused. Having been allocated for residential development, the principle of development of this type is established, and this application should be considered on the basis of the form in which that residential development is proposed.

Existing Trees and Green Space Network Designation

It is noted that the application site features a significant number of established trees, and that the proposed development will require the removal of some of those trees. A total of 232 trees were surveyed and recorded within the supporting tree report, of which 29 trees are identified for removal. None of those 29 trees is identified for removal directly as a result of the development proposal, with all 29 being identified for removal due to their existing condition and for woodland management reasons. This has been accepted by the Council's Arboricultural Planner, who is confident that the removals proposed would not adversely affect the wooded character of this part of the site. On visiting the site, the Council's Arboricultural Planner noted that there appeared to have been a number of trees recently removed. On this basis, the replacement planting proposed is not considered to be sufficient, and should be enhanced to reflect those trees removed prior to submission of the planning application. An appropriate scheme of replacement planting, to the satisfaction of the planning authority, can be secured via an appropriate condition in the event of approval.

Parts of the woodland around the edges of the application site are included within the Council's designated Green Space Network. It is noted, however, that the

existing house and its formal garden, along with much of the space to the south, are not included in that designation. As noted above, there are no existing trees to be lost as a direct result of the proposed development. With the proposed development being centred on the footprint of the existing house and garden, any overlap with the Green Space Network would be minimal, and would be restricted to its subdivision for the formation of individual residential plots. On this basis, it is concluded that the proposed development would not represent any material threat to the character or function of the Green Space Network.

Protected Species

Given the woodland nature of the site, which provides good habitat for bats, a European Protected Species, it was necessary for the applicant to provide a bat survey in order to ascertain whether bats or their roosts were present on the site. The submitted survey demonstrated to the satisfaction of the Council's Environmental Planner that there was no evidence of bats using the building. In this regard, the proposal is not considered to result in any adverse impact on a protected species, and therefore accords with policy NE8 (Natural Heritage) of the Aberdeen Local Development Plan.

Roads & Access

The proposed access arrangements have been arrived at following liaison with the Council's Roads Projects Team, who have stated their satisfaction with the arrangements proposed, provided that appropriate visibility can be maintained at the access onto North Deeside Road. A design showing an acceptable access has been provided, and it will be necessary to ensure that the access is provided prior to any occupation of the dwellinghouses proposed, in order to ensure that a safe access is in place to serve the development. Appropriate levels of car parking have been provided to serve the development, in accordance with policy T2 (Managing the Transport Impact of Development) of the ALDP and the associated 'Transport and Accessibility' supplementary guidance.

Planning Gain & Affordable Housing

The proposed development has been subject to assessment by the Aberdeen City and Aberdeenshire Developer Contributions Team, with contributions payable as noted in the 'Consultations' section of this report, above. The applicants are aware of this requirement, and have intimated their agreement to enter into an appropriate agreement under section 75 of the planning act to regulate payment of those monies.

Design, Density & Quality of Environment

The proposed new dwellings are large, detached houses, set within generous plots in a semi-woodland setting. In this regard, the proposal reflects the character of the surrounding community, which is characterised by large detached dwellings of this nature. The application site is located towards the western periphery of the Milltimber settlement, with the land immediately to the west, between Milltimber and Peterculter, zoned as green belt. It is noted that there is considerable variety in the wider area in terms of architectural style, including both traditional granite properties such as those seen along North Deeside Road and at Edgehill Cottage, to the north, along with more modern house types such as those seen immediately to the south and west of the

application site. The use of vernacular material such as natural slate, timber windows and natural granite help to establish the relationship between the development and its surroundings. The proportions and styling are consistent across the six houses, and it is noted that the approach taken and materials used closely match those used in planning application P110038, which was granted planning permission for the construction of a new house in place of the existing Edgehill Lodge, to the south-east of the application site, adjacent to the access onto North Deeside Road. This consistent approach is welcomed, and helps to establish a distinct identity for this small pocket of Milltimber. The hipped-roof design of the dwellings is commonly seen in the surrounding area, while the principal elevations present a regular form and symmetry in detailing which is considered to make a positive contribution to the setting of these new buildings. In an area with no direct street frontage, and where dwellings are commonly set within large, well screened plots, there is no necessity to slavishly replicate the styling of an adjacent dwelling. As a standalone development site which will not be readily perceived from North Deeside Road, the proposed dwellings are considered to demonstrate due regard for their context and make a positive contribution to their setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan. The proposal also demonstrates due accord with the general principles set out in the Council's published supplementary guidance entitled 'The Sub-division and redevelopment of Residential Curtilages'.

The density of the development is broadly consistent with the allocation of the OP61 site for a development of 5 homes, involving the replacement of one existing house and the construction of 5 additional dwellings. The low-density character of the development reflect the character of the area, which is characterised by large detached dwellings in large plots, and is in part driven by requirements to retain existing trees so far as is possible on the site, which is heavily wooded in parts, particularly along its boundaries. This density of development is considered to be appropriate to this site, in accordance with policy H3 of the ALDP. The minimum density target of 30 dwellings per hectare specified in policy H3 cannot readily be achieved on a site such as this, as it would risk threatening the woodland character of the site and fundamentally altering the character of the area by introducing a high density form of development in an area where it would appear incongruous. It is therefore concluded that the proposal demonstrates due regard for the terms of policy H3.

The generous plots, distance between the new dwellings and those present on adjacent site, and screening provided by existing tree cover are such that the proposed development would not raise any material concerns regarding direct impact on privacy and amenity afforded to residents of adjacent dwellings. The new dwellings would not have a direct street frontage onto North Deeside Road, however it is acknowledged that this is not possible on this particular site. In any case, the newly created shared access road, taken off the existing driveway at the centre of the site, would form the focal point of the development and each of the new dwellings would front onto this in the same manner as a street frontage. Each of the dwellings would benefit from extensive garden grounds, and would be afforded ample outdoor amenity space within a pleasant woodland setting.

Car parking associated with the development would not serve to dominate the site, and its woodland setting would be retained, creating a desirable residential environment for prospective residents.

Policy R7 (Low and Zero Carbon Buildings) and Associated Supplementary Guidance

The application does not include any details to demonstrate how Low and Zero Carbon Generating Technologies will be incorporated into the dwellings, or alternatively how the buildings could achieve deemed compliance with the Council's published 'Low and Zero Carbon Buildings' supplementary guidance. On this basis, it will be necessary to attach an appropriate condition to secure such information in the event that the application is to be approved.

Matters raised in representations

It should be highlighted that the site's former designation as green belt is of no relevance to determination of this application, which should focus on how the development proposal relates to the current development plan, in which the site is allocated for residential development. Any increase to overall housing density in the area would be minimal, with the generous plots of the new dwellings appropriately reflecting their surroundings and the densities commonly seen on comparable sites in the surrounding area. The site's contribution to the landscape setting of this part of Aberdeen is acknowledged in this report, and it is concluded that the woodland character of the site and its landscape setting value would not be compromised by the development, which is sited in such a way as to avoid any material tree removals.

It should be noted that, while a new access is to be created, this would act as the only vehicular access to the development, with other existing accesses being closed to vehicular traffic. This has been agreed with the Council's Road Projects Team, with acceptable visibility being demonstrated at the new junction. An existing bus stop on the north side of North Deeside Road would require to be re-sited in order to allow the necessary visibility, but this can be readily achieved through use of a condition attached to any grant of planning permission.

As noted earlier in this report, that the site is allocated for 5 dwellings in the ALDP should be seen as notional and indicative, and it is entirely appropriate to consider any proposal on its own merits based on what a given site can readily accommodate. In this instance, the proposal maintains the character of the surrounding area, with large detached houses set within generous plots in a semi-woodland environment. That the number of dwellings proposed exceeds that which the site is allocated for should not in isolation be seen as grounds for refusal of the application. Members may wish to consider also that making efficient use of the available land within and immediately adjacent to our existing settlements assists in maintaining a sustainable settlement pattern and avoiding urban sprawl. It is not considered necessary to restrict the means by which construction traffic may access the site, and it is questionable if this is a legitimate course of action, given that the site can presently be accessed by any vehicular traffic via North Deeside Road using the public road.

The statement made regarding the presence of a Tree Protection Order (sic) is not correct. There is no formal protection for the existing trees on this site, however the planning authority has a duty to ensure, whenever appropriate, that in granting planning for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees. Appropriate conditions can require tree protection measures to be implemented during the construction phase, require replacement planting in mitigation for any trees removed, and to ensure that the developer is obliged to inform the authority of any additional tree works which may appear to become necessary during the construction phase. The making of any new Tree Preservation Order (TPO) is not a matter to be considered in assessment of this planning application, and utilises separate powers afforded to the planning authority. It is for members to decide if they wish to undertake a site visit if they deem it necessary.

Objection is stated to a number of trees being retained, based on their existing impact on adjacent properties and the amenity of those residing there. This is not relevant to the planning authority's consideration of the impact of the current development proposal, and will not be addressed further in this report. Culter Community Council, whose area does not include the application site, make reference to the development contravening the City Council's presumption against feu splitting, however there is no such presumption. The City Council has published supplementary guidance on this topic, entitled 'The Sub-division and Redevelopment of Residential Curtilages', which sets out a series of principles to guide development of that nature. It is by no means accurate to say that there is a general presumption against such development, but rather than any such proposals must demonstrate accordance with the guidance contained in the aforementioned document.

Summary

In summary, the proposed development relates to a site allocated in the current Aberdeen Local Development Plan for a residential development of 5 houses within the first phase of the plan. The proposal is therefore consistent with the zoning of the site in the ALDP. The density of the development is consistent with the surrounding area, and is guided by the presence of existing trees within the site. Appropriate access has been agreed with the Council's Roads Projects Team, with conditions required to ensure that the new access to serve the development is implemented in advance of occupation of any new dwelling. The design and form of the development, and its relationship with its surroundings, are considered to accord with the general principles set out in the Council's supplementary guidance relating to the splitting of residential curtilages. The impact of the development on existing infrastructure and services can be appropriately mitigated through developer contributions in accordance with the Council's published supplementary guidance on the topic, the payment of which can be controlled via a section 75 planning agreement. Compliance with the Council's Affordable Housing policy can be secured via the same means, with a commuted sum having been agreed in consultation with the Council's Developer Contributions Team. A bat survey has established that there is no evidence of bat activity on the site, as required by policy NE8 of the ALDP. Similarly, a tree survey has established the level of tree removal involved, which has been accepted by the Council's Arboricultural Planner. The extent of replacement

planting is currently insufficient, however additional planting can be secured via the use of an appropriate condition attached to any consent granted. The proposal is not considered to have any adverse impact on the character or function of the Green Space Network. Taking these matters into account, it is concluded that the proposal demonstrates accordance with the relevant provisions of the development plan, and that no material considerations have been identified that are of sufficient weight to warrant determination other than in accordance with that plan. It is therefore recommended that members express a willingness to approve this application subject to the following conditions, and subject also to the satisfactory conclusion of a legal agreement controlling the payment of developer contributions and a commuted sum in relation to affordable housing provision, as determined following consultation with the Council's Developer Contributions team. The consent document shall not be issued until such time as an agreement to that effect has been concluded and appropriately registered against the land.

RECOMMENDATION

Willingness to approve subject to conditions, with consent being withheld pending satisfactory conclusion of a planning agreement relating to the payment of monies in connection with developer contributions and affordable housing provision

REASONS FOR RECOMMENDATION

The proposed development is consistent with its residential zoning and its opportunity site designation in the Aberdeen Local Development Plan (ALDP), and provides an appropriate design, scale and form of development, in accordance with policies H1 (Residential Areas) and D2 (Design and Amenity) of the ALDP and the associated supplementary guidance document in relation to the Sub-division and Redevelopment of Residential Curtilages. The Green Space Network designation which applies to the site would not be adversely affected by the proposed development, and the development has been proposed in such a way as to avoid any significant impact on the existing trees and woodlands, in compliance with policies NE1 (Green Space Network) and NE5 (Trees and Woodlands) of the ALDP. An appropriate form of development is proposed, and supporting surveys indicate that there would be no resultant adverse impact on bats, a European Protected Species, in accordance with policies H3 (Density) and NE8 (Natural Heritage). The individual and cumulative impacts of the development identified through consultation with the Council's developer contributions team can may be adequately mitigated through the payment of contributions calculated in accordance with the Council's published Infrastructure and Developer Contributions Manual.

CONDITIONS

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

(1) That no development shall be undertaken until such time as the existing bus stop on North Deeside Road has been relocated in accordance with drawing 96035/1001, or any other such drawing as submitted to and approved in writing

by the planning authority for this purpose - in the interests of safeguarding road safety by making provision for appropriate visibility at the main site access to/from North Deeside Road.

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

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

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

(5) 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.

(6) 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.

(7) 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.

(8) 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.

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

(10) that the dwellinghouse hereby approved shall not be occupied unless provision has been made within the site for the off-street parking of motor vehicles in complete accordance with Plan No. 1796-EHD-P03 or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety, the free flow of traffic and visual amenity.

(11) That the dwellings hereby granted planning permission shall be occupied 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.

(12) that the dwellings hereby approved shall not be occupied 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.

CULTER COMMUNITY COUNCIL



3, Station Brae
Peterculter
Aberdeen
AB14 0PX

4th March 2013

Mr Gavin Evans
Enterprise Planning and Infrastructure
Marischal College
Broad Street
Aberdeen AB10 1BW

Dear Mr Evans

Planning P130211 for 6 houses on the site of Edgehill House, North Deeside Road

The Culter Community Council planning sub-group met to discuss this application and comment as follows:

We note that the allowance for five houses on site OP61 in the Local Development Plan does not clearly state whether this includes the existing house being replaced. Thus there will actually be six houses on this site instead of five.

This development goes against the City Council policy of presumption against against feu splitting and granting this application would contravene this policy.

The remaining "green wedge" between Milltimber and Peterculter will be compromised by this development, by increasing the housing density.

The trees identified as being retained in the tree report should be protected by planning conditions and by clauses in the deeds for the properties or Tree Protection Orders.


Chair, Culter Community Council

Cc Councillors Boulton, Malone, Malik
PCM 4th March 2013

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 07/03/2013 19:52
Subject: Planning Comment for 130211

Comment for Planning Application 130211

Name : Keith Good
Address : 8 Bellenden Walk
Milltimber, Aberdeen

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

Comment : I object to the application because of the tree report and plan for management of the trees, which does not sufficiently take into account the annoyance, loss of light and property damage caused by these trees. The trees bordering most of the length of Bellenden Walk have grown wild without any management for many years. Because of their close proximity to each other, they are unsightly because they are mis-shapen and extremely tall with many leaning eastwards over Bellenden Walk. The result of this is:-

1. A loss of sunlight from my house and garden after 3pm even in summer.
2. A huge quantity of leaves falling into Bellenden Walk (a private road, not maintained by the Council), requiring a massive effort each year from the owners to remove
3. Property damage to my house. Lack of sunlight causes huge moss problems on the roof - requiring moss clearing every year.
4. A number of trees are a danger to my property, since both the prevailing wind and the eastward lean of most of these very tall trees will conspire to make them fall onto my property

I therefore request that the tree report be modified to include the removal of:-

1. All trees whose canopy overhangs Bellenden Walk
2. All trees - both large and small within a 4 metre corridor of the bounding wall to Bellenden Walk
3. Trees causing the greatest danger and much of the loss of light to my property - marked as 055, 062 and 065.

I further request that the remaining trees be properly managed in future and good insurance be maintained by the future owner for the inevitable property damage that will at some time occur.

Keith Good

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 07/03/2013 11:23
Subject: Planning Comment for 130211

Comment for Planning Application 130211

Name : Alan Harding
Address : 10 Bellenden Walk
Milltimber
AB13 0EY

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to the application because of the tree report and plan for management of the trees, which does not sufficiently take into account the annoyance, loss of light and property damage caused by these trees. The trees bordering the length of Bellenden Walk have grown wild without any management for many years, Because of their close proximity to each other, they are unsightly because they are mis-shapen and extremely tall with many leaning eastwards over Bellenden Walk. The result of this is:-

1. A loss of sunlight from my house and garden after 3pm even in summer
2. A huge quantity of leaves falling into Bellenden Walk (a private road, not maintained by the council), requiring a massive effort each year from the owners to remove.
3. Property damage to my house. Even cleaning out the gutters 6 times a year is insufficient to keep them clear. Plus the lack of sunlight cause huge moss problems on the roof - requiring moss clearing every year.
4. A number of the trees are a danger to my property, since both the prevailing wind and the eastward lean of most of these very tall trees will conspire to make them fall onto the property.

I therefore request that the tree report be modified to include the removal of :-

1. All trees whose canopy overhang Bellenden Walk
2. All trees - both large and small within a 4 metre corridor of the bounding wall to Bellenden Walk.
3. Trees causing the greatest danger and much of the loss of light to my property - marked as 075, 076, 077, 078, 091 and 092

I further request that the remaining trees be properly managed in future and insured by the future owner against the inevitable property damage that will at some time occur.

Alan Harding

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 18/03/2013 23:33
Subject: Planning Comment for 130211

Comment for Planning Application 130211

Name : Claire Miller
Address : Edgehill View
250 North Deeside Road
Milltimber
Aberdeen
AB13 0DJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : PLANNING APPLICATION REF: 130211 - PROPOSED ERECTION OF 6 HOUSES
AT EDGEHILL HOUSE, MILLTIMBER, ABERDEEN

Dear Dr Bochel

I have a notifiable interest in the above application which has only been brought to my attention by my neighbour Mrs Lesley Bell who only found out through a conversation with the current occupants of Edgehill House.

As the owner of Edgehill View I wish to lodge a formal objection to the above planning application Ref 130211.

Having taken legal advice notwithstanding the site's allocation in the Local Development Plan the proposals as submitted fail to take account of a number of important, relevant Planning issues, all of which, are material considerations.

1. The site which has historically always been within the City's Green Belt and remains an important Green wedge on the edge of Milltimber and its heavily treed policies contribute significantly to the landscape setting of this part of the City. They also are an important haven for wildlife including deer, red squirrel, owls etc and contribute positively to the amenity of the area and to the existing residents.

2. ACCESS AND PUBLIC SAFETY - The site is currently served by two access points. To the north from Culterhouse Road and from the South an access onto the A class North Deeside road at its junction with the privately owned Bellenden Walk. A single track access road through the site currently serves the four existing houses. The proposal to create a new third access point into the site from North Deeside road will create an increased public safety hazard. Access and egress from the site onto North Deeside Road is currently difficult and often hazardous. This is due to inadequate site lines and vehicle conflicts at the junction with Bellenden Walk.

The proposal, if implemented, will result in three vehicle access points onto North Deeside road within the space of 25 metres. There are also two bus stops one on each of the north and south sides of North Deeside road located within 30 metres of the proposed access. This will add to the already prevalent safety issues in accessing and egressing the site due to a heavy traffic flow during peak times.

I would suggest that if the development is to be approved access should be restricted to the north access from Culterhouse road. The construction of the WPR will result in Culterhouse road becoming a cul-de-sac with resultant low traffic flows.

The residents of the three properties to the south of the application site could then erect bollards across the single track access road thus preventing through traffic.

3. AMENITY ISSUES – I object to the erection of six houses (which was originally 3-4 houses). This is overdevelopment and in excess of the LDP allocation. The amenity of the existing

houses will be detrimentally affected by this scale of the development.

The families with children, currently enjoy a safe and peaceful environment. The single track access road has no pavements or lighting with numerous blind corners and its surface is shared by vehicles and pedestrians. The increased vehicular use if the six houses are approved will increase the danger to children and pedestrians.

Therefore all construction traffic must be restricted to the northern access from Culterhouse road on safety and amenity grounds.

4. LANDSCAPE AND TREES - The site contains many fine specimen trees including one planted by Sir Winston Churchill and marked by a plaque which is on my land and adjacent to the current road. There is a limited TPO and this should be extended over the whole site to provide statutory protection.

I would strongly urge the members of the planning committee to visit the site prior to determining the application. This would allow them to see firsthand the public safety issues arising from the three access points onto North Deeside road and the safety issues to children and pedestrians on the single track access road where visibility is compromised by trees and shrubs.

Yours respectfully

Mrs Claire Miller

P&SD Letters of Representation		
Application Number: 130211		
RECEIVED 19 MAR 2013		
Nor	Sou <input checked="" type="checkbox"/>	MAp
Case Officer Initials: GEE		
Date Acknowledged: 20/03/13		

Mrs Claire Miller
Edgehill View
250 North Deeside Road
Milltimber
Aberdeen
AB13 0DJ

Mob: [REDACTED]

Email: [REDACTED]

18th March 2013

Dr Maggie Bochel
Head of Planning & Environment
Aberdeen City Council
Marischal College
Broad Street Aberdeen

**PLANNING APPLICATION REF: 130211 - PROPOSED ERECTION OF 6 HOUSES
AT EDGEHILL HOUSE, MILLTIMBER, ABERDEEN**

Dear Dr Bochel

I have a notifiable interest in the above application which has only been brought to my attention by my neighbour Mrs Lesley Bell who only found out through a conversation with the current occupants of Edgehill House.

As the owner of Edgehill View I wish to lodge a formal objection to the above planning application Ref 130211.

Having taken legal advise notwithstanding the site's allocation in the Local Development Plan the proposals as submitted fail to take account of a number of important, relevant Planning issues, all of which, are material considerations.

1. The site which has historically always been within the City's Green Belt and remains an important Green wedge on the edge of Milltimber and its heavily treed policies contribute significantly to the landscape setting of this part of the City. They also are an important haven for wildlife including deer, red squirrel, owls etc and contribute positively to the amenity of the area and to the existing residents.

2. ACCESS AND PUBLIC SAFETY - The site is currently served by two access points. To the north from Culterhouse Road and from the South an access onto the A class North Deeside road at its junction with the privately owned Bellenden Walk. A single track access road through the site currently serves the four existing houses. The proposal to create a new third access point into the

site from North Deeside road will create an increased public safety hazard. Access and egress from the site onto North Deeside Road is currently difficult and often hazardous. This is due to inadequate site lines and vehicle conflicts at the junction with Bellenden Walk.

The proposal, if implemented, will result in three vehicle access points onto North Deeside road within the space of 25 metres. There are also two bus stops one on each of the north and south sides of North Deeside road located within 30 metres of the proposed access. This will add to the already prevalent safety issues in accessing and egressing the site due to a heavy traffic flow during peak times.

I would suggest that if the development is to be approved access should be restricted to the north access from Culterhouse road. The construction of the WPR will result in Culterhouse road becoming a cul-de-sac with resultant low traffic flows.

The residents of the three properties to the south of the application site could then erect bollards across the single track access road thus preventing through traffic.

3. AMENITY ISSUES – I object to the erection of six houses (which was originally 3-4 houses). This is overdevelopment and in excess of the LDP allocation. The amenity of the existing houses will be detrimentally affected by this scale of the development.

The families with children, currently enjoy a safe and peaceful environment. The single track access road has no pavements or lighting with numerous blind corners and its surface is shared by vehicles and pedestrians. The increased vehicular use if the six houses are approved will increase the danger to children and pedestrians.

Therefore all construction traffic must be restricted to the northern access from Culterhouse road on safety and amenity grounds.

4. LANDSCAPE AND TREES - The site contains many fine specimen trees including one planted by Sir Winston Churchill and marked by a plaque which is on my land and adjacent to the current road. There is a limited TPO and this should be extended over the whole site to provide statutory protection.

I would strongly urge the members of the planning committee to visit the site prior to determining the application. This would allow them to see firsthand the public safety issues arising from the three access points onto North Deeside road and the safety issues to children and pedestrians on the single track access road where visibility is compromised by trees and shrubs.

Yours respectfully

Mrs Claire Miller

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 19/03/2013 10:07
Subject: Planning Comment for 130211

Comment for Planning Application 130211

Name : Lesley Bell
Address : Edgehill Lodge
248 North Deeside Road
Milltimber
Aberdeen
AB13 0DJ

Telephone : [REDACTED]
Email : [REDACTED]

type :

Comment :

Dr Maggie Bochel
Head of Planning & Environment
Aberdeen City Council
Marischal College
Broad Street
Aberdeen
AB10 1AB

19th March 2013

PLANNING APPLICATION REF: 130211 - PROPOSED ERECTION OF 6 HOUSES
AT EDGEHILL HOUSE, MILLTIMBER, ABERDEEN

Dear Dr Bochel,

We have a notifiable interest in the above application as owner of Edgehill Lodge and as such we wish to lodge a formal objection to the above planning application Ref 130211.

Notwithstanding the site's allocation in the Local Development Plan the proposals as submitted fail to take account of a number of important, relevant Planning issues, all of which, are material considerations.

1. ACCESS AND PUBLIC SAFETY - Currently the site is served by two access points. To the north from Culterhouse Road and from the South an access onto the A class North Deeside road at its junction with the privately owned Bellenden Walk. A single track access road through the site currently serves the four existing houses. The proposal to create a new third access point into the site from North Deeside road will create an increased public and safety hazard. Access and egress from the site onto North Deeside Road is currently difficult and often hazardous. This is due to inadequate site lines and vehicle conflicts at the junction with Bellenden Walk.

If implemented, the proposal will result in three vehicle access points onto North Deeside road within the space of 25 metres. This adds to the safety issues in accessing and egressing the site. Additionally there are two bus stops one on each of the north and south sides of North Deeside road located within 30 metres of the proposed access.

We would suggest that if development is to be approved access should be restricted to the north access from Culterhouse road. The impending construction of the WPR will result in Culterhouse road becoming a cul-de-sac with resultant low traffic flows.

The residents of the three properties to the south of the application site could then erect bollards across the single track access road thus preventing through traffic.

2. AMENITY ISSUES - We object to the erection of six houses. This is overdevelopment and in

excess of the LDP allocation. The amenity of the existing houses will be detrimentally affected by this scale of development. As a family with a small child and dog, we currently enjoy a safe peaceful environment. The single track access road has no pavements and its surface is shared by vehicles and pedestrians. The increased vehicular use if the six houses are approved will increase the danger to not only our child but also our neighbours children and pedestrians.

We would request that construction traffic to the site must be restricted to the northern access from Culterhouse road on safety and amenity grounds.

3.LANDSCAPE AND TREES - The site contains many fine specimen trees including one planted by Sir Winston Churchill and marked by a plaque on our neighbours land. There is a limited TPO and this should be extended over the whole site to provide statutory protection. This landscape provides a fantastic environment for wildlife with deer, owls, red squirrels and badgers regularly seen close to my property and in the grounds of Edgehill House. This would be lost with the erection of these houses.

We would urge the members of the Planning Committee to visit the site at Edgehill prior to determining this application. This would allow them to see firsthand the public safety issues arising from the three access points onto North Deeside road and the safety issues to children and pedestrians on the single track access road where visibility is compromised by trees and shrubs.

Yours Sincerely

Lesley Bell

P&SD Letters of Representation		
Application Number: 130211		
RECEIVED 19 MAR 2013		
Nor	Sou <input checked="" type="checkbox"/>	MAp
Case Officer Initials: GEE		
Date Acknowledged: 20/3/13		

Mr & Mrs Bell
Edgehill Lodge
248 North Deeside Road
Milltimber
Aberdeen
AB13 0DJ

Mob: [REDACTED]

Dr Maggie Bochel
Head of Planning & Environment
Aberdeen City Council
Marischal College
Broad Street
Aberdeen
AB10 1AB

19th March 2013

**PLANNING APPLICATION REF: 130211 - PROPOSED ERECTION OF 6 HOUSES
AT EDGEHILL HOUSE, MILLTIMBER, ABERDEEN**

Dear Dr Bochel,

We have a notifiable interest in the above application as owner of Edgehill Lodge and as such we wish to lodge a formal objection to the above planning application Ref 130211.

Notwithstanding the site's allocation in the Local Development Plan the proposals as submitted fail to take account of a number of important, relevant Planning issues, all of which, are material considerations.

1. ACCESS AND PUBLIC SAFETY - Currently the site is served by two access points. To the north from Culterhouse Road and from the South an access onto the A class North Deeside road at its junction with the privately owned Bellenden Walk. A single track access road through the site currently serves the four existing houses. The proposal to create a new third access point into the site from North Deeside road will create an increased public and safety hazard. Access and egress from the site onto North Deeside Road is currently difficult and often hazardous. This is due to inadequate site lines and vehicle conflicts at the junction with Bellenden Walk.

If implemented, the proposal will result in three vehicle access points onto North Deeside road within the space of 25 metres. This adds to the safety issues in accessing and egressing the site. Additionally there are two bus stops one on each of the north and south sides of North Deeside road located within 30 metres of the proposed access.

We would suggest that if development is to be approved access should be restricted to the north access from Culterhouse road. The impending construction of the WPR will result in Culterhouse road becoming a cul-de-sac with resultant low traffic flows.

The residents of the three properties to the south of the application site could then erect bollards across the single track access road thus preventing through traffic.

2. AMENITY ISSUES - We object to the erection of six houses. This is overdevelopment and in excess of the LDP allocation. The amenity of the existing houses will be detrimentally affected by this scale of development. As a family with a small child and dog, we currently enjoy a safe peaceful environment. The single track access road has no pavements and its surface is shared by vehicles and pedestrians. The increased vehicular use if the six houses are approved will increase the danger to not only our child but also our neighbours children and pedestrians.

We would request that construction traffic to the site must be restricted to the northern access from Culterhouse road on safety and amenity grounds.

3.LANDSCAPE AND TREES - The site contains many fine specimen trees including one planted by Sir Winston Churchill and marked by a plaque on our neighbours land. There is a limited TPO and this should be extended over the whole site to provide statutory protection. This landscape provides a fantastic environment for wildlife with deer, owls, red squirrels and badgers regularly seen close to my property and in the grounds of Edgehill House. This would be lost with the erection of these houses.

We would urge the members of the Planning Committee to visit the site at Edgehill prior to determining this application. This would allow them to see firsthand the public safety issues arising from the three access points onto North Deeside road and the safety issues to children and pedestrians on the single track access road where visibility is compromised by trees and shrubs.

Yours Sincerely

A large black rectangular redaction box covering the signature of Lesley Bell.

Lesley Bell

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 19/03/2013 15:10
Subject: Planning Comment for 130211

Comment for Planning Application 130211
Name : william miller
Address : 461 great western road
aberdeen
ab10 6nl

Telephone :
Email : [REDACTED]
type :

Comment : I have a notifiable interest in the above application as co owner of 250 Northdeeside Rd AB13 0DJ

I can confirm that i received no notification of this planning application neither did the tennants at the above property (I let the property at present)

I wish to lodge a formal complaint to the planning application Ref 130211

Notwithstanding the sites allocation in the Local Development Plan as OP the proposals as submitted fail to take into account a number of very important and relevant Planning issues which are material considerations

A. The site which has historically always been within the Citys Green Belt and remains an important Green Wedge on the edge of Milltimber and its heavily treed policy contribute significantly to the landscape setting of this part of the city

They also are a very important haven for wildlife of various spices and contribute greatly to the amenity of the area and to the existing residents

B ACCESS AND PUBLIC SAFETY

The site is currently served by two access points . To the north from Culterhouse Road and from the south by the class A Northdeeside Road at its junction with the privately owned Bellenden Walk . A single track access road through the site currently serves the four existing houses . The proposal to create a new third access point into the site from Northdeeside Road will create an increased public safety hazard . Access and egress from the site onto Northdeeside Road is difficult enough at present and often hazardous. This is due to inadequate line of sight and vehicle conflicts at the jubction with Bellenden Walk

The proposal if implemented will result in three vehicle access points onto Northdeeside Road within the space of 25 meters .There are also two bus stops one on each of the north and south sides of Northdeeside Road located within 30 meters of the proposed access. This adds to the safety issues accessing and egressing the site

I would like to suggest that if the development is to be approved access should be restricted to the north access Culterhouse Road as with the construction of the AWPR Culterhouse road will become a cul-de-sac with a resultant low traffic flow and this must surly be the more logical choice

The residents of the three properties to the south of the application site could then erect bollards across the single track access road simmlar to the situation on Bellenden Walk

C AMENITY ISSUES I object to the erection of six houses. This in my opinion is overdevelopment and in excess of the LDP allocation. The amenity of the existing houses will be detrimentally affected by the scale of this development

The families with children currently enjoy a safe and peaceful environment . The increased vehicular use if six houses are approved will increase the danger to children and pedestrians

Construction traffic must be restricted to the north access at Cuklterhouse Road on safeti and amenity grounds

C LANDSCAPE AND TREES The site contains many fine specimen trees including one planted by Sir Winston Churchill and marked by a plaque There is a limited TPO and this should be extended over the whole site to provide statutory protection

I would urge the members of the planning committee to visit the site prior to determining the application. This would allow them to see first hand the public safety issues arising from the three access points onto Northdeeside Road and the safety issues to children and pedestrians on the single track access road where the visibility is compromised by trees and shrubs

With the AWPR having gained planning consent I would hope that the disruption to my property caused by this will be taken into consideration when coming to a conclusion on this application

Mr W Miller

461 Great Western Road

Aberdeen

AB10 6NL

19/3/13

Dr Maggie Bochel

Head of Planning and Environment

Aberdeen City Council

Marischal Collage

Broad Street

Aberdeen

PLANNING APPLICATION REF : 130211- PROPOSED ERECTION OF 6 HOUSES AT EDGEHILL HOUSE, MILLTIMBER, ABERDEEN

I have a notifiable interest in the above application as co-owner of 250 North Deeside Road Aberdeen AB13 0DJ {although I received no notification of this planning application}

I wish to lodge a formal objection to the above planning application Ref 130211

Notwithstanding the sites allocation in the local development plan as OP the proposals as submitted fail to take into account a number of important and relevant planning issues all of which are material considerations

A : The site which has historically always been within the Cities Green Belt and remains an important Green wedge on the edge of Milltimber and its heavily treed policies contribute significantly to the landscape setting of this part of the City . They also are an important haven for a wide variety of wildlife and contribute positively to the amenity of the area and to the existing residents

B : ACCESS AND PUBLIC SAFETY – The site is currently served by two access points. To the north from Culterhouse Road and from the South an access onto the A class North Deeside Road at its junction with the privately owned Bellenden Walk . A single track access road through the site currently serves the four existing houses. The proposal to create a new third access point into the site from North Deeside Road will create an increased public safety hazard. Access and egress from the site onto North Deeside Road is currently difficult enough and often hazardous. This is due to inadequate site lines and vehicle conflicts at the junction with Bellenden Walk

The proposal if implemented will result in three vehicle access points onto North Deeside Road within the space of 25 meters not a very sensible solution I would suggest. There are also two bus stops one on the north side and one on the south side of North Deeside Road located within 30 meters of the proposed new access. This adds to the safety issues in accessing and egressing the site

I would suggest that if the development is approved access should be restricted to the north access from Culterhouse Road. The construction of the AWPR will result in Culterhouse Road becoming a cul-de-sac with resultant low traffic usage

The residents of the three properties to the south of the application site could then erect bollards {similar to the situation in Bellenden Walk} across the single track access road thus preventing through traffic

C : AMINITY ISSUES I object to the erection of six houses. This is overdevelopment and in excess to the LDP allocation. The amenity of the existing houses will be detrimentally affected by the scale of the development

The families with children resident in the immediate area currently enjoy a safe and peaceful environment. The increased vehicular use if the six houses were approved will increase the danger to children and pedestrians

Construction traffic must be restricted to the northern access from Culterhouse Road on safety and amenity grounds

D : LANDSCAPE AND TREES The site contains many fine specimen trees including one planted by Sir Winston Churchill and marked by a plaque. There is a limited TPO and this should be extended over the whole site to provide statutory protection to the area

I would urge the members of the planning committee to visit the site prior to determining the application. This would allow them to see first-hand the public safety issues arising from the three access points onto North Deeside Road and the safety issues to children and pedestrians on the single track access road where visibility is compromised by trees and shrubs

I would ask the members to consider the loss of amenity to the existing residents now that the AWPR has finally been approved when considering this application and my objections

Yours sincerely


W Miller 

Agenda Item 2.8

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

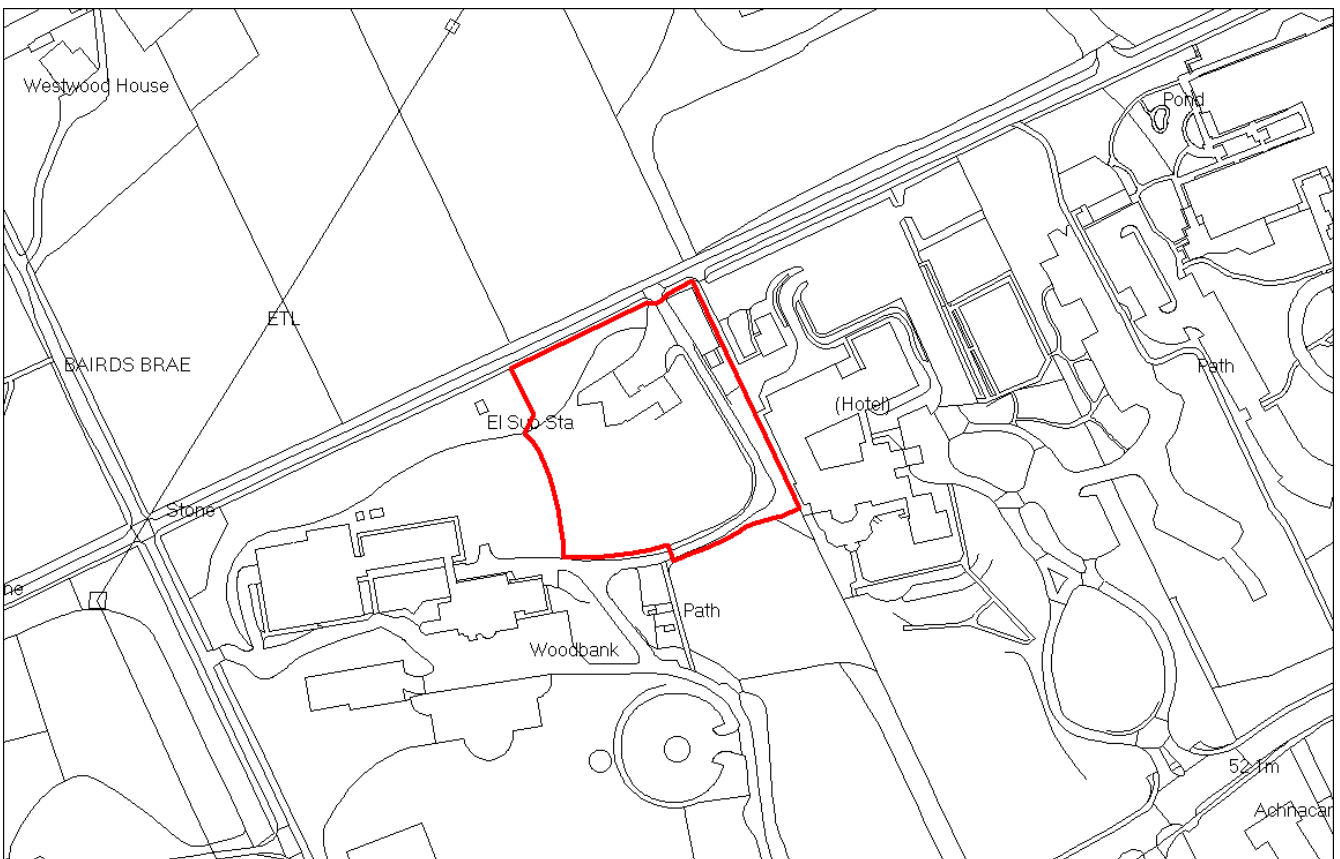
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

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

Advertised on: 27/06/2012

Committee Date: 22 August 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 NE8: Natural Heritage

Sets out the policy position as regards protected species and designated sites. Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy. This policy also sets out the requirement for surveys to be provided where development may have an adverse effect on a protected species.

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.

Protected Species

The location and the woodland character of the site are such that there is potential for the presence of bats and bat roosts in the area. As such, the applicant provided a bat survey in order to ascertain the presence of any bats, to ascertain the potential for impact on any existing bats or bat roosts, and to identify appropriate mitigation measures where possible. A non-maternity day roost was found within the existing building, which is proposed for demolition. The submitted survey established the presence of a small number of bats (two or three) using that roost in the wallhead of the south-facing gable of Woodbank Lodge. The survey concludes that appropriate mitigation and compensation would allow the development to proceed without a detrimental impact on local bat populations, and notes that an EPS (European Protected Species) Habitats Regulation Licence, obtained from Scottish Natural Heritage (SNH) will be required to carry out works. As it has been established that the removal of the roost can be adequately mitigated, it is not considered that there would be any adverse effect on the EPS, and therefore the criteria set out in section 143 of Scottish Planning Policy (SPP) are not applicable. Taking these matters into account, the proposal is considered to demonstrate appropriate accord with policy NE8 (Natural Heritage) of the Aberdeen Local Development Plan. Full details of mitigation measures will be required as part of a licence application made to SNH, and so it is not appropriate for such matters to be controlled by a condition attached to any consent.

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

Approve 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/Pitfodells 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 pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(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 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.

(11) that the building hereby approved shall not be occupied 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 materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

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

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

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

(c) at any time on Sundays,

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

(16) that no development shall be commenced until such time as full details of the mitigation measures proposed in relation to the presence of bats have been submitted to and approved by the planning authority, following consultation with Scottish Natural Heritage, and that thereafter such measures are implemented in full prior to the commencement of development - in order that the measures to mitigate the loss of an existing roost may be given due consideration following consultation with the appropriate licencing authority and in order to avoid any undue adverse impact on a European Protected Species.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

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**Braeside and Mannofield
Community Council**

Planning Officer

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 .

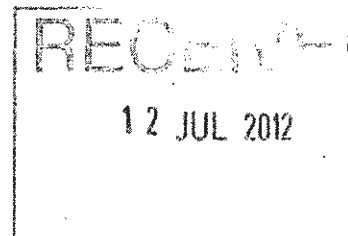
It may be the aim of some persons to tarmac the whole length of Airyhall Rd. This is based on the probability that the MARCLIFFE HOTEL and other adjacent developers may wish to change the use of this country path into a full blown road with street lighting ,double pavements and speed bumps .

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



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

Our Ref: JF/SC

Your Ref:

28 June 2012

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



Partner

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

Ryden

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 

Copy: 

Mr  - Braeside/ Mannofield Community Council.

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???

Agenda Item 2.9

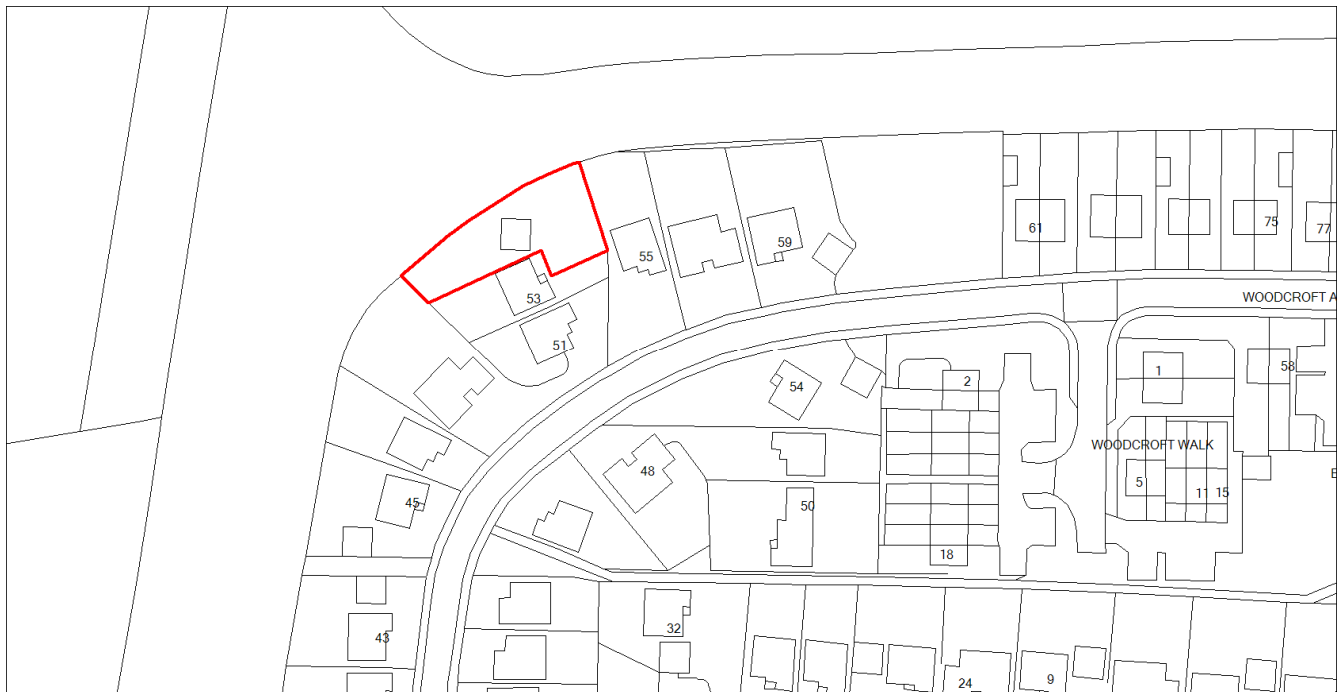
53 WOODCROFT AVENUE, BRIDGE OF DON

SUB-DIVISION OF CURTILAGE AND
ERECTION OF SINGLE DWELLING HOUSE
ADJACENT TO EXISTING HOUSE AND
ERECTION OF REPLACEMENT GARAGE
(RENEWAL OF PLANNING PERMISSION REF :
P100813)

For: Mr Ian Douglas

Application Type : Detailed PP
Renewal/Retention
Application Ref. : P130824
Application Date: 04/06/2013
Officer: Matthew Easton
Ward : Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)

Advert : Can't notify neighbour(s)
Advertised on: 19/06/2013
Committee Date: 22/08/13
Community Council : Comments



RECOMMENDATION: Approve Subject to Conditions

DESCRIPTION

The site is part of the garden of 53 Woodcroft Avenue, approximately 403sqm in size. The house itself is a modern two storey dwellinghouse in a plot of approximately 800sqm, including the non-adopted access road at the front of the property.

There is a single storey detached garage which was erected at the same time as the house and there is parking space for 3 cars at the property (1 in the garage and two in the space at the front of the property). The property forms the edge of the urban area and to the immediate north of the site is a stretch of large mature trees known as the 'North Belt' which includes informal public paths.

To the immediate south of the house is 51 Woodcroft Avenue. To the east of the site across the access road is the garden of 55 Woodcroft Avenue. To the south west of the property is the garden of 49 Woodcroft Avenue. All neighbouring properties are variations on the same style of 2 storey house and are enclosed by 1.8m high timber fencing.

RELEVANT HISTORY

Planning permission (100813) for an identical proposal for a curtilage split and new house was approved by delegated powers in August 2010. This permission expired on 6th August 2013.

PROPOSAL

It is proposed to split the curtilage of 53 Woodcroft Avenue in order to allow the construction of a new two storey dwellinghouse. The new dwelling would be situated to the immediate north of the existing house on the site of no.53's garage which would be demolished.

The house would have an internal garage and be similar in style to the surrounding properties in the area, being finished in brownish red brick, areas of white render and dark brown timber boarding. The roof would be finished in brown concrete roof tiles.

On the ground floor there would be garage, hall, dining room, shower room, kitchen and living room which would include a single storey projecting section within the rear garden. On the first floor there would be a bathroom, master bedroom with en-suite and 2 further bedrooms.

The useable garden ground at the rear of the property would vary in length between 12.5m and 14m. There would also be garden ground at the front of the property and a further parking space on front of the internal garage.

To compensate for the loss of garage at 53 Woodcroft Avenue, a new single storey garage would be built at the end of the access road which could accommodate one vehicle. Two further spaces would be created on front of existing house.

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?130824>. 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 Bridge of Don Community Council have raised concerns with the application. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – With the relocation of the garage, three parking spaces would be retained for the existing property. Two parking spaces would be provided for the proposed house, in line with the requirements of the residential parking guidance for a three bedroom house.

Access to the property would be from the existing access point, from which there appears to be adequate visibility. There appears to be adequate space for a vehicle to manoeuvre in order to emerge onto the public road in a forward gear.

In light of the comments above there is no objection to this planning application.

Environmental Health – No observations.

Enterprise, Planning & Infrastructure (Flooding) – No observations.

Community Council – The Community Council have been contacted by neighbours and residents with regards to this renewal. The last time there were four people contacted about the build and all four objected which misses the objection threshold. This time more people know about it and want to object.

- The property overlooks another property
- The land is for sale and planning permission was granted as it was to be a home for a member of the owners family.
- There are worries about parking and access.
- Concern is expressed at the length of time since the previous approval and the apparent lack of any effort to move matters forward.

REPRESENTATIONS

Five letters of objection have been received from neighbouring properties (47, 49, 51, 55, and 97 Woodcroft Avenue). The objections raised relate to the following matters –

- Privacy would be compromised in the gardens and homes of adjacent properties (47, 49 and 51 Woodcroft Avenue)
- There is insufficient parking provision and visitors may park on front of neighbouring properties.
- There is no pavement in the cul-de-sac – children play in the vicinity and extra cars would cause a hazard to pedestrians and children.
- Concern that a new house would be built here when one was not approved here as part of the original development.
- Suggestion that Council tax should be reduced for those in the area as a result of the new house.
- A precedent would be created for similar proposals through the local area.
- Three years have lapsed since the previous approval.
- Impact upon amenity in terms of noise from additional traffic.

PLANNING POLICY

Aberdeen Local Development Plan

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 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 – In order to ensure the provision of appropriate levels of amenity the following principles will be applied:

- Privacy shall be designed into higher density housing.
- Residential development shall have a public face to a street and a private face to an enclosed garden or court.
- All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces or communal gardens or other means acceptable to the Council.
- Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable.
- Development proposals shall include measures to design out crime and design in safety.

Policy H1 – Residential Areas – Within existing residential areas (H1 on the proposals maps) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

- does not constitute over development;
- does not have an unacceptable impact on the character or amenity of the surrounding area;
- does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010;
- complies with Supplementary Guidance on Curtilage Splits; and
- complies with Supplementary Guidance on House Extensions.

Policy NE5 - Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of, or damage to, established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

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.

Native trees and woodlands should be planted in new development.

Where trees are affected by a development proposal the City Council may make Tree Preservation Orders.

A tree protection plan for the long term retention of trees should be submitted and agreed with the Council before development commences on site.

See Supplementary Guidance on both protecting trees and woodlands and the trees and woodland strategy for Aberdeen for more information.

Policy NE6 - Flooding and Drainage – Surface water drainage associated with development must:

- be the most appropriate available in terms of SUDS; and
- avoid flooding and pollution both during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided.

Policy R7 - Low and Zero Carbon Buildings – All new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. This percentage requirement will be increased as specified in Supplementary Guidance.

- This requirement does not apply to:
- Alterations and extensions to buildings;
- Change of use or conversion of buildings;
- Ancillary buildings that are stand-alone having an area less than 50 square metres;
- Buildings which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or
- Buildings which have an intended life of less than 2 years.

Compliance with this requirement will be demonstrated by the submission of a low carbon development statement. Further guidance is contained in Supplementary Guidance on [Low and Zero Carbon Buildings](#).

Supplementary Guidance

The Sub-division and Redevelopment of Residential Curtilages – Explains the criteria for assessing such developments in terms of privacy, amenity, daylight, sunlight, density, pattern and scale of development.

Trees and Woodland – Provides guidance on how existing trees can be incorporated into new development and protected during construction.

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 lies within an area zoned as residential within the Aberdeen Local Development Plan. This policy supports the principle of constructing a new house within residential areas; however any proposals must be satisfy the criteria listed in the Policy H1 (Residential Areas) and any other relevant local plan policies as well as the supplementary guidance. Only in these circumstances should a new house be supported.

The proposal is identical to the previous planning permission granted for a house at the site in 2010. There has been no change in relevant planning policy or any

other relevant circumstances and therefore the previous approval is a strong material consideration.

Density / Pattern of Development

The surrounding area represents typical late 20th century suburbia with predominately detached dwellinghouses, in a variety of plot sizes and located relatively close together. It is considered that the position of the dwellinghouse and size of plot proposed would be in accordance with the predominant pattern of development with the area and would not result in overdevelopment of the site. The new house would be no closer to the existing house than is the case in many existing situations in the area.

The property has a public face to the access road and a private face to the rear garden, which varies between 12.5m and 14m in length, which is in excess of the 9m recommended for two storey properties and is considered sufficient. There would also be soft landscaping at the front of the property.

There appears to be no other sites in the local area where a curtilage split would likely be acceptable and satisfy criteria such as providing a frontage to a road and suitable garden size. Nonetheless, any application for another site would be assessed on its own merits and it is not considered that an approval for a new house at this site would necessarily result in an approval at another site.

It is noteworthy that since planning permission was granted in 2010, the planning authority have received no planning applications for new houses at other sites within the Woodcroft or Ashwood areas, it is therefore apparent that the granting of planning permission at this site has not encourage similar proposals.

Therefore the proposal is considered to comply with the supplementary guidance and Policy D1 (Architecture and Placemaking) and H1 (Residential Areas) in terms of how it would fit in with the existing pattern of development and the resultant size of both plots, which would remain typical of the area.

Design and Amenity

The design of the house and materials proposed are in keeping with the character of the area and are acceptable. The house would have a public face to the private cul-de-sac and a private face to a rear garden. The position of the property would not result in any overshadowing or reduction in daylight to any neighbouring properties.

The proposed garage would be adjacent to the boundary of 55 Woodcroft Avenue. The garage would have a pitched roof a maximum height of 4.6m with a 35° roof pitch. Concern is raised that it would have an impact upon daylight on the garden of no.55. However given that the garage would only be 1.9m in height at the boundary, it is highly unlikely to affect the garden in terms of available daylight or overshadowing.

There would be adequate outdoor space in the form of a private garden to the rear which is considered to be of a commensurate size when compared to the

house and the surrounding pattern of development. Although not shown on the plans it is understood that a standard timber fence would be provided around the rear garden to provide privacy and security. A condition has been attached requiring details to be submitted prior to development commencing.

In summary the proposal has been designed with due consideration for its context and would provide a suitable level of amenity for potential occupiers, in accordance with Policy D2 (Design and Amenity) and the supplementary guidance.

Privacy and Amenity

Concern has been raised by several neighbours with the potential for overlooking from the proposed new house. However, given the suburban nature of the area, many of the properties are already overlooked by neighbouring properties. Taking each of the potentially affected properties in turn –

- The back garden of 49 Woodcroft Avenue is located at the immediate rear of the site and would share the boundary fence with the garden of the new house. The garden and conservatory are already overlooked by the existing house (53 Woodcroft Avenue) and to a lesser degree by 51 Woodcroft Avenue. Two first floor windows (bedrooms) within the new house would look towards the rear portion of the garden from a distance of approximately 15m. Due to the orientation of the new house in relation to no.49, it would be highly unlikely that anyone could look directly into bedroom windows. Given the distance involved, the lack of direct overlooking and the existing situation, it is considered any impact upon privacy would be insignificant.
- 47 Woodcroft Avenue is located on the opposite side of 49 Woodcroft Avenue, to the south of the application site. Two first floor windows (bedrooms) within the new house would look towards the garden, albeit indirectly. The garden and conservatory would be some 30m away from the proposed house which is considered acceptable. Due to the curve of Woodcroft Avenue and the orientation of no.47 it is likely to be impossible to look into the first floor windows of the property from the new house.
- 51 Woodcroft Avenue is adjacent to 53 Woodcroft Avenue which would separate it from the proposed house. There would be no adverse impact upon privacy for this property as no windows would look towards it. The additional number of vehicle movements would be insignificant and therefore it is not considered that this aspect of the proposal would have any impact upon privacy.
- 55 Woodcroft Avenue is located across the access road from the proposed new house. The rear garden of the property would be opposite the front elevation of the new property. The master bedroom and bathroom window would look towards the garden, from a distance of 15m. The bathroom window is likely to be obscure glazing and it is considered that the bedroom window is sufficient distance away to be deemed acceptable.

- Any noise from additional traffic would be insignificant due to the very low number of additional vehicles in the area.

In summary, given the suburban context of the site it is considered that there would be no unacceptably adverse impact upon the privacy of any neighbouring property and that the proposal would comply with this aspect of the supplementary guidance and Policy H1 (Residential Areas).

Access / Parking

The access to the new property would be via the existing access road which serves 51 and 53 Woodcroft Avenue. The level of traffic generated from a single additional dwellinghouse would be minor and the concerns raised in terms of road safety by neighbours are considered to be unsubstantiated.

Parking standards require two parking spaces to be provided for the new property and three spaces for the existing house. The required number of spaces has been provided for the existing house in the form of two parking spaces in the front garden and a garage at the end of the access road. The new house would have an internal garage and parking space on front of garage. This arrangement is acceptable to roads officers and no objection has been raised. The proposal is considered to comply with Policy T2 (Managing the Transport Impact of Development).

Trees

There are large mature trees to the north of the property. A tree survey has been submitted which recommended that tree protection fencing is erected for the duration of the development around the root protection zones of trees which encroach into the garden ground for the new house. A condition has been attached to ensure this is carried out. Although several small trees would be removed within the garden of the property these trees are not protected and do not contribute to the streetscape of the area. The proposal is considered to comply with Policy NE5 (Trees and Woodland) and the relevant supplementary guidance.

Drainage

It is proposed to connect to the public sewer to dispose of foul drainage which is acceptable. No details of surface water drainage have been submitted however a condition has been attached which requires submission of details prior to development commencing in order to comply with Policy NE6 (Flooding and Drainage).

Relevant Planning matters raised by the Community Council

- Matters raised by the Community Council relating to privacy and parking & access have been addressed in the respective section of the report.
- The Community Council also express concern with the repeat nature of the application and appear to suggest that no further applications should be

entertained. However a previous grant of planning permission and lack of action to implement it does not create a barrier to a further planning permission being granted. The planning authority has a legal duty to determine applications before them and each application must be assessed on its own merits.

- The potential occupier, whether related to the applicant or not is not a material planning consideration and irrelevant to the determination of the application.

Relevant Planning Matter Raised in Written Representations

- Concern has been raised that a new house would be built at the site when one was not approved here as part of the original development. However the proposal must be assessed as it stands at this point in time.
- It has been suggested that council tax should be reduced for those in the area as a result of the new house. This is not a relevant planning consideration and the matters relating to which council tax band a properties fall within comes under the remit of the Scottish Assessors Association.
- All other matters relating to privacy, parking & access, pedestrian safety, precedent and amenity have been dealt with in the relevant part of the report.

RECOMMENDATION

Approve Subject to Conditions

REASONS FOR RECOMMENDATION

It is considered that the proposed new house would integrate satisfactorily with the surrounding pattern and type of development found in the area. Any impact or perceived impact upon neighbouring properties in terms of privacy or general amenity would be insignificant and is regarded as acceptable for a suburban area. The proposal is in accordance with Policy D1 (Design and Architecture), Policy D2 (Design and Amenity), Policy H1 (Residential Areas) and the supplementary guidance on the sub-division of residential curtilages.

The proposed means of access is acceptable and sufficient parking has been provided to the satisfaction of the Council's roads officers and in accordance with Policy T2 (Minimising the Transport Impact of Development).

Adequate tree protection measures have been proposed to protect trees during construction in accordance with Policy NE5 (Trees and Woodland) and a condition has been attached with regards to drainage in terms of Policy NE6 (Flooding and Drainage).

CONDITIONS

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

(1) that no development pursuant to this planning permission shall take place unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of permanent site boundary enclosures for the dwellinghouse hereby granted planning permission. The dwellinghouse shall not be occupied unless the said scheme has been implemented in its entirety - in order to ensure adequate privacy for the gardens of the existing and proposed dwellings.

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

(3) that no development pursuant to this planning permission shall take place unless tree protection fencing has been erected around the root protection zones of Rowans 3598, 3599 and 3600 in accordance with the recommendation in the Tree Survey Report dated March 2010 and submitted by Straun Dalgleish Arboriculture (a copy of which is attached to this permission). Thereafter the protection fencing shall remain in place for the duration of the construction work and no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees adjacent to the site during the construction of the development.

(4) that the dwellinghouse hereby approved shall not be occupied unless the parking spaces, turning area and detached garage which will serve the new dwellinghouse and 53 Woodcroft Avenue have been provided in complete accordance with drawing FBD.458/201 (Rev.A) or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety and the free flow of traffic.

(5) that the building hereby approved shall not be occupied 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.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 18 June 2013 22:02
To: PI
Subject: Planning Comment for 130824

Comment for Planning Application 130824

Name : Neil Greenhill
Address : 55 Woodcroft Avenue
Bridge of Don
Aberdeen
AB248WY

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We wish to lodge an objection to the renewal of the existing planning permission on the following grounds:

- 1) The existing planning permission granted permission for the development of house on the existing double garages footprint and the construction of a new single garage. For the existing four bedroom house this will reduce the available garage space to one vehicle from the existing double garage.
- 2) Current driveway space in front of the existing house is occupied by three motor vehicles. How will any additional vehicles relating to the new property be stored on the premises? Given that the access driveway to the existing house is narrow there is no potential for this to be used as additional parking without blocking access to 51 Woodcroft Avenue. This would then leave the only potential parking site on Woodcroft Avenue itself.
- 3) Woodcroft Avenue itself already has a significant number instances of onstreet parking and any further volume is likely obstruct the flow of traffic in the road and increase the risks to the motorists, pedestrians and in particular children within the community and to the free and easy access to the existing properties driveways.
- 4) We would also not like a precedent to be established which would encourage the potential development of existing green space within the estate for new housing.

In summary it is my belief that any development on the site will not be able to support the necessary vehicle standing and storage numbers that would be associated with the number of vehicles from the existing and proposed new property without impacting upon the general neighbourhood.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 19 June 2013 21:57
To: PI
Subject: Planning Comment for 130824

Comment for Planning Application 130824

Name : Mark Duffy

Address : Bridge of Don Community Council - Planning

53 Seaview Circle

Bridge of Don

Aberdeen

AB23 8RN

Telephone :

Email : [REDACTED]

type :

Comment : We have been contacted by neighbours and residents in regards to this renewal. The last time there were 4 people contacted about the build and all 4 objected which misses the objection threshold. This time more people around the area know of it and wish to object.

It overlooks another property. The land is currently for sale and planning permission was granted as it was to be a home for a member of the owners family.

We also worry about parking and access.

Its been 3 years of worry for the neighbours - at some point we must say enough is enough.

Le Grenier
97 Woodcroft Avenue
Bridge of Don
Aberdeen
AB22 8DW

19th June 2013

Aberdeen City Council
Town & Country Planning
(Development Management Procedure)
Marischal College
Aberdeen

Sirs

Application No. 130824

Date of Notice 11th June 20123

I understand that the above application has been submitted regarding planning permission for a house to be erected in the garden of No.53 Woodcroft Avenue Bridge of Don Aberdeen AB22 8WY.

We strongly object to this for the following reasons:

The Cul de Sac is narrow without footpaths.

An additional house will lead to extra cars and guest car parking would be problematic resulting in cars being left on the main part of the Avenue which is actually on a bend thus creating a hazard to road users.

Woodcroft is a very pleasant area to live in and if houses are permitted to be built in gardens this will create a precedent.

We believe that were a house to have been built in the Cul de Sac Wimpey would have been given permission to do so.


Yours sincerely

John and Sheila Reid

47 Woodcroft Avenue
Bridge of Don
Aberdeen
AB22 8WY
18 June 2013

The Head of Planning and Infrastructure,
Aberdeen City Council
Broad Street
Aberdeen AB10 1AB

Dear Sir Your Reference: Application Number: 130824
Date of Notice 11 June 201400813.

With reference to the proposed development at 53 Woodcroft Avenue , Bridge of Don,
Aberdeen, AB22 8WY.

I wish to object to the erection of a new single dwelling house on the site adjacent to 53
Woodcroft Avenue, Bridge of Don.

If this house is built it will probably lead to us losing the privacy of our rear garden,
conservatory and upstairs rear bedrooms.

The upstairs windows of the new house will be looking down towards our rear garden and
this means we lose the privacy of our garden.

We have a conservatory at the rear of our house and again their upstairs windows will be
looking down into this room again resulting in us losing our privacy especially if we have the
light on. If we want privacy with the light on then we have to have the blinds drawn all the
time. This is unsatisfactory to us.

Judging by the plans the windows on the upper floor at the rear of the new house will be
looking across to our rear upstairs bedroom windows. This means that every time we have the
lights on in these rear bedrooms we will have to keep the curtains closed otherwise the
occupants of the new house from their upstairs windows will be able to see into our upstairs
rear bedrooms. This is another reason why we object to the development.

My objections are the same as before. However, as there is only a small cul de sac to park
cars from three houses I think it will cause a parking problem and visiting cars will have to
park on the bend in the main road. This would hamper me when driving out of my driveway.
Are there legal requirements regarding the number of garages required for a three and a four
bedroomed house? Are there sufficient garages in the current planning application?

I would be obliged if you would consider my objection when assessing this planning
application.

Yours sincerely


(A. McInnes)
Owner-occupier

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 30 June 2013 17:04
To: PI
Subject: Planning Comment for 130824

Comment for Planning Application 130824

Name : Michael Noble
Address : 51 Woodcroft Avenue
Bridge of Don
Aberdeen
AB22 8WY

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object once again to the proposed development at 53 Woodcroft Avenue, Bridge of Don, Aberdeen for the following reasons:

1. Impact on amenity i.e. loss of privacy due to the additional traffic arising from the proposed development that will use the private access shared by 51 and 53 Woodcroft Avenue;
2. Impact on amenity i.e. noise from the additional traffic arising from the proposed development that will use the private access shared by 51 and 53 Woodcroft Avenue;
3. Impact on access i.e. the narrow private access shared by 51 and 53 Woodcroft Avenue is insufficient to accommodate the additional traffic arising from the proposed development;
4. Impact on access i.e. the proposed development does not include sufficient parking for the likely number of vehicles that will be used by the owners/users of the existing 4 bedroom house (3 vehicles at present) and the proposed 3 bedroom house, as well as the vehicles used by visitors to these houses (note that the title deeds do not permit parking on the shared private access);
5. Impact on access i.e. due to insufficient additional parking within the proposed development, vehicles will be forced to park on the main street which is already congested with overspill parking, causing access difficulties to the shared private access as well as safety problems for vehicular traffic and pedestrians.

49 Woodcroft Avenue
Bridge of Don
Aberdeen AB22 8WY

19 June 2013

Head of Planning Department
Aberdeen City Council
Marischal College
Broad Street
Aberdeen AB10 1AB

Dear Sir

Application Number: 130824

I am the owner occupier at the above address and wish to object to the proposed erection of a new dwelling house on a site adjacent to 53 Woodcroft Avenue, AB22 8WY.

Objections/Representations

Privacy

In the event of a house being built on this site we will lose 100% of the privacy of the garden at the rear of our house, our patio and conservatory. The occupants will also be able to clearly see into at least one of our bedrooms if we have the lights on.

We are a retired couple and spend most of our leisure time working or sitting in the rear garden or the conservatory. From the upstairs window the occupants of the proposed house will be looking directly down into our conservatory.

The proposed house will impose very much on our privacy.

Street Parking

There is only a small joint driveway leading from Woodcroft Avenue to Nos 51 and 53 Woodcroft Avenue. If another house is built obviously more cars will be using this drive. As a result if these houses have visitors presumably they will have to park their cars in Woodcroft Avenue possibly in front of our house.

Cul de Sac

There is no pavement in the cul de sac leading to No 53 Woodcroft Avenue. Children play in the vicinity and extra cars will be an added hazard to children and pedestrians.

Garages

If an extra house is built are there enough garages to ensure fewer cars are parked in the cul de sac? I may be wrong but does a four bedroomed house not require two garages? Could you check to see if there are enough garage places for two houses in order that cars do not have to park permanently in the cul de sac or street.

Builder

Wimpey built their houses at Woodcroft Avenue. As house-builders if they thought they would get planning permission they would have built two houses on the plot for No 53 Woodcroft Avenue. If Wimpey could not get planning permission for an extra house when the houses were being built, how is it that the owner of No 53 can build a house in his garden?

Area

Allowing houses to be built in back gardens will change the character of the area. If more houses are built in back gardens will Aberdeen City Council reduce the Council Tax we have to pay? Will added houses lead to a lesser valuation band?

Green space.

Wimpey laid out gardens for the amenity of its occupants. The proposed building will impact hugely on the pleasure we currently enjoy in my back garden.

Precedent

No other houses in Woodcroft Avenue have built a detached house in their back garden. Allowing No 53 to build a house in the back garden will lead to a precedent. Will all the occupiers in the Woodcroft Avenue area now be allowed to build houses in their back gardens?

Building

Three years have elapsed since the last planning application and the house has not been built. How many more years will planning permission be allowed without a house being built? Is there a time limit?

The above points are my reasons for objecting to the proposed development at 53 Woodcroft Avenue, Bridge of Don, AB22 8WY.

Yours sincerely



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Agenda Item 3.1

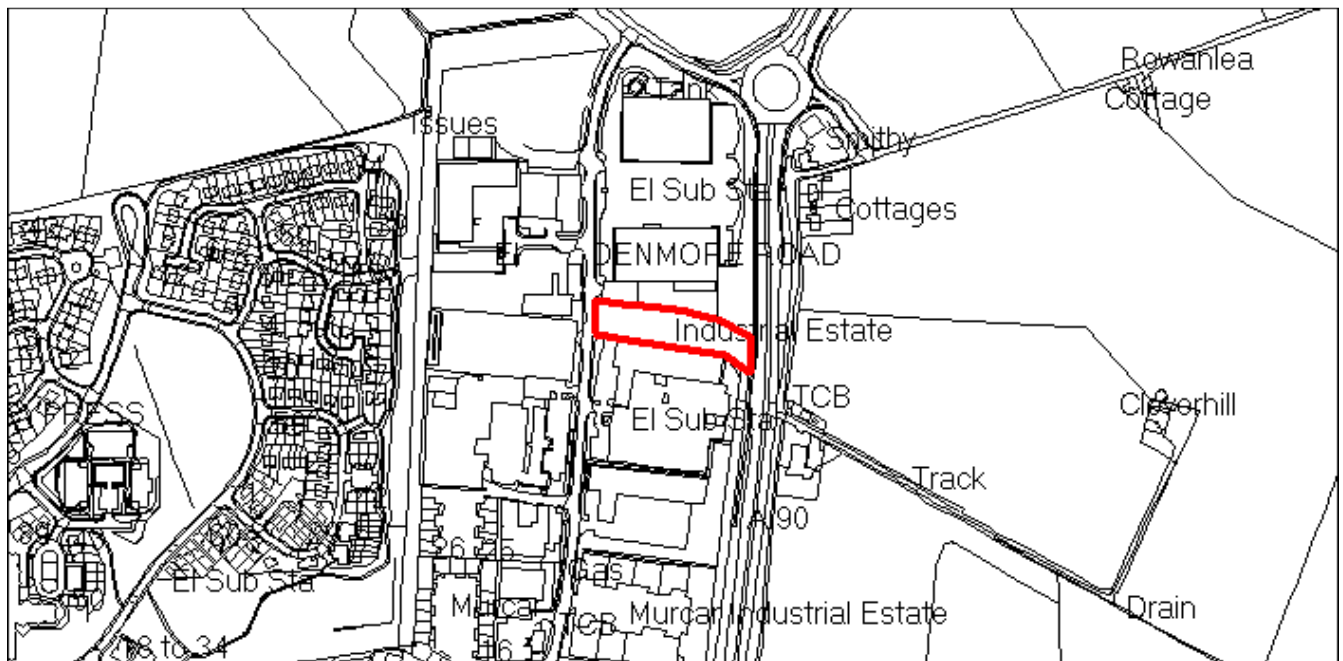
LAND TO NORTH OF, SITE 13 DENMORE ROAD, MURCAR INDUSTRIAL ESTATE

CHANGE OF USE FROM AREA OF AMENITY GROUND TO PRIVATE CAR PARK WITH ASSOCIATED LANDSCAPING AND NEW ACCESS FOOTPATH ACCESSIBLE TO PUBLIC

For: Sparrows Offshore Services

Application Type : Detailed Planning Permission
Application Ref. : P130776
Application Date: 29/05/2013
Officer: Gavin Clark
Ward : Bridge of Don (M Jaffrey/J Reynolds/S Stuart/W Young)

Advert : Can't notify neighbour(s)
Advertised on:
Committee Date: 22 August 2013
Community Council : No response received



RECOMMENDATION: Refuse

DESCRIPTION

The site is an area of open space located within an area identified as Green Space Network within the Bridge of Don Industrial Estate. It comprises an area of ground, which is roughly rectangular in shape, and extends to approximately 3725 square metres.

The site is defined by a number of trees and dense areas of planting, an informal footpath also runs through the site.

To the immediate south of the site is an office building/ workshop (which relates to the current application), to the east is Ellon Road, to the north a retail park (which presently houses B n' Q) and to the west office/ workshop buildings. The associated building has an office floor area of 1268 square metres, and an industrial floor area of 1930 square metres. The site is generally flat, with little undulation.

RELEVANT HISTORY

There is no site history relevant to this application.

PROPOSAL

The proposal involves a change of use from an area of amenity ground to a private car park with associated landscaping, and new access footpath, which would link the A90 to Denmore Road.

The proposal would include the introduction of 62 car parking spaces, which would be associated with the office building/ workshop located to the immediate south of the site. A 5 metre wide access road would link the car park with the site to the south.

Approximately 70% of the site would be lost to hardstanding, this would include a number of trees and shrubs. Whilst this is to be removed the applicants also propose a number of areas of planting, and a footpath which would link Demore Road to Ellon Road.

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?130776>

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 Aberdeen City Council has an interest in the land. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – initially raised concerns with the proposal as the access to the site was below required standards and 99 parking spaces were to be proposed in total, 9 above the maximum parking standards.

The applicants submitted amended plans which show a total of 90 parking spaces (28 of which are existing, and 62 proposed). The Roads Officers confirmed that they were content with this number, and raised no further objection to the application. In addition, they have confirmed that, should planning permission be approved, a condition requiring the submission of a drainage strategy in line with SUDS principles be attached.

Environmental Health – response received, no objection.

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

Community Council – no response received.

REPRESENTATIONS

No letters of representation have been received.

PLANNING POLICY

Scottish Planning Policy (SPP)

Paragraph 149 of SPP aims to protect and enhance open space. In settlements, networks of linked, good quality open space are important for their contribution to amenity and their role in nature conservation, biodiversity, recreation and physical activity.

Paragraph 169 of Scottish Planning Policy states that 169 opportunities for personal travel should be prioritised by mode in the following order - walking, cycling, public transport, car and other motorised vehicles, buildings and facilities should be accessible on foot and by cycle. Improvements to active transport networks, such as paths and cycle routes, in urban and rural areas will support more sustainable travel choices. The aim is for urban areas to be made more attractive and safer for pedestrians and cyclists, including people with mobility difficulties. Cycle routes and, where relevant, cycle parking and storage should be safeguarded and enhanced wherever possible. Statutory equal opportunities obligations relating to accessibility to different users of different means of transport should be taken into account in development plans and development proposals. Accessibility issues and street layout and design should be part of the design and planning processes from the outset.

Aberdeen Local Development Plan 2012

Policy BI1: Business and Industrial Land: states that ancillary facilities that support business and industrial uses may be permitted where they enhance the attraction and sustainability of the city's businesses and industrial land. Such

facilities should be aimed primarily at meeting the needs of businesses and employees within the business and industrial area.

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

Policy NE5: Trees and Woodland: states that there is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity.

Supplementary Guidance

Open Space: states that Green networks can provide an enhanced setting for development and other land uses and opportunities for outdoor recreation, nature conservation, landscape enhancement and providing a sense of place and local distinctiveness.

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 seeks permission for a change of use and a number of physical alterations to an area of amenity ground to a private car park with associated landscaping and new pedestrian footpath between Demore Road and Ellon Road. The area of open space in question lies immediately to the north of the associated office building and workshop, and is bounded by a retail unit to the north, Ellon Road (A90) to the east and Denmore Road to the west. An informal footpath, which is presently overgrown, runs through the site.

The site predominantly houses dense woodland/ bushes and shrubs, and contributes to the overall setting of the industrial estate. The resultant physical alterations and change of use to car parking, with associated landscaping would negatively impact on the character and appearance of the surrounding area, whilst the introduction of a large area of hardstanding should be discouraged. Whilst the proposal would allow public access between Denmore Road and Ellon Road through an access pathway, the proposal would negatively impact on the Green Space Network, and would introduce a large area of hardstanding in the place of dense planting/ woodland. The proposal would therefore erode the character and function of the Green Space Network, and therefore fails to accord with Scottish Planning Policy, Policy NE1 – Green Space Network – of the Aberdeen Local Development Plan and the Council's Supplementary Planning Guidance in relation to Open Space.

Policy BI1 states that ancillary facilities that support business and industrial uses may be permitted where they enhance the attraction and sustainability of the city's businesses and industrial land. The proposed introduction of an area of hardstanding in place of an area of open space would be detrimental to the setting of the surrounding industrial estate and should therefore be discouraged. The proposal also fails to accord with this policy of the Aberdeen Local Plan.

In terms of Policy NE5, while the area is not an established woodland contributing to nature conservation, the proposal is significant to the surrounding area, and does contribute to local amenity. The proposal is therefore contrary to this policy.

Approval of this application risks creating an undesirable precedent which would result in it becoming increasingly difficult to resist similar applications in the future.

Following the submission of amended plans, the Council's Roads Projects Team have raised no objections to the proposal, stating that adequate parking and access would be provided. In addition, they have requested that, should planning permission be approved, a condition be inserted requesting the submission of a drainage strategy in accordance with SUDS principles. Whilst they have raised no concerns, the proposal does conflict with the aims of Scottish Planning Policy, as no justification has been provided with regards to the requirements for the additional parking, and the works, if approved, would discourage more sustainable methods of travel to work.

Should members be minded to grant planning permission, it is recommended that conditions relating to the provision of landscaping, the provision of a footpath through the site from Denmore Road to Ellon Road (available for public use) and that the parking is to be used solely for in association with the adjacent premises occupied by the applicant. At present, there are no material planning considerations which would warrant approval of planning permission. The application is therefore recommended for refusal.

UPDATE

At the Development Management Sub-Committee Meeting on the 18th July members deferred consideration of the application pending the submission of a statement by the applicant providing justification for the additional car parking requirements. This information was submitted on the 5th August, and advised as follows:

The primary objective of the car park proposal is to facilitate the further development of the existing Sparrows site immediately to the south of the application site, this would be done by relocating the car parking spaces and consequently creating a clear site for the development of a new fabrication workshop. They have advised that it would not be possible to construct this new fabrication workshop unless the car park application is granted and the works can be progressed

They further contend that the application site is not maintained in any way and is not safe for public use. They intend to create, outwith the parking site, a new

surfaced and illuminated pathway from Denmore Road through the existing bus lay-by on the Ellon Road. The granting of planning consent for the new car parking area, is therefore seen by the applicant, as essential for the expansion of their business and at the same time bringing the space back into safe public use.

In response to these comments, a planning application has not been submitted to date for an expansion on site to include any further development. The agent has submitted an indicative layout which shows a proposed layout for future development, with the required parking provision. It would likely that this development would be at expense of the yard area, which could potentially impact on the operational requirements of the business, however, this issue could only be properly assessed and quantified if a detailed planning application were to be lodged. Accordingly, Little weight can be attached to these indicative plans at present.

Further, the number of spaces potentially affected would be 21, which is considerably less than the proposed number of spaces. Accordingly, there has been a net gain of 41 parking spaces which have not been justified by the applicant.

In addition, it has previously been assessed that the area of landscaping, which may be overgrown, provides a valuable area of open space, both for public use and by local wildlife. The area of landscaping is also beneficial to the visual amenity and appearance of the surrounding area. There have been no further material planning considerations raised in the further letter of support which would justify granting planning permission, and the application is still recommended for refusal.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

That the proposed development fails to accord with Scottish Planning Policy (SPP), Policies NE1 “Green Space Network”, BI1 “Business and Industrial Land” and NE5 “Trees and Woodland” of the Aberdeen Local Development Plan and the Council’s Supplementary Planning Guidance relating to Open Space as the proposal would result in the loss of an area of open space to the detriment of the surrounding area. The open space was designed into the overall industrial development, and its loss would also cause unacceptable detriment to the amenity of the surrounding area. The development would also set an undesirable precedent for applications of a similar nature throughout industrial estates in Aberdeen.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

DONALD COUTTS
ARCHITECTURAL & PROJECT MANAGEMENT CONSULTANCY LTD

Attention of Gavin Clark
Planning (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

05 August 2013

Dear Sir

Application Ref P130776
Land , North of Unit 5, Denmore Road, Murcar Industrial Estate
Bridge of Don, Aberdeen. AB23 8JW

I have now consulted with my Clients, Sparrows Ltd, and we would wish the following justification for the car park proposal to be brought before the Planning Committee at the August meeting.

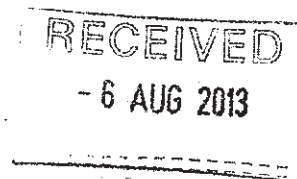
The primary objective of the car park proposal is to facilitate the further development of the existing Sparrow's site immediately to the south of the application site, by relocating the carparking spaces and consequently creating a clear site for the development of a new fabrication workshop. This fabrication facility is crucial to the enhancement of Sparrow's operations in Aberdeen and to their ability to create increased employment. It will not be possible to construct this new fabrication workshop unless the carpark application is granted and the works can be progressed.

We would further contend that the application site is not maintained in any way and is currently essentially redundant and not safe for public use. It would be our intention to create, outwith the carparking area, a new surfaced and illuminated pathway from Denmore Road through to the existing bus lay -by on the Ellon Road. The pathway would be designed to the satisfaction of the City Council and would be handed over to the Council, once completed. We would envisage that the new pathway would allow the area to be safely and conveniently used by members of the public.

The granting of planning consent for the new carparking area, is therefore seen by my Clients as essential for the expansion of their business and at the same time bringing the space back to safe public use.

Yours Faithfully


Donald Coutts RIBA ARIAS MAPM
Donald Coutts Architectural Consultancy Ltd.



COMPANY NO. 381725

REGISTERED ADDRESS: 12 CAIRNLEE CRESCENT NORTH, CULTS, ABERDEEN AB15 9TY

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Agenda Item 3.2

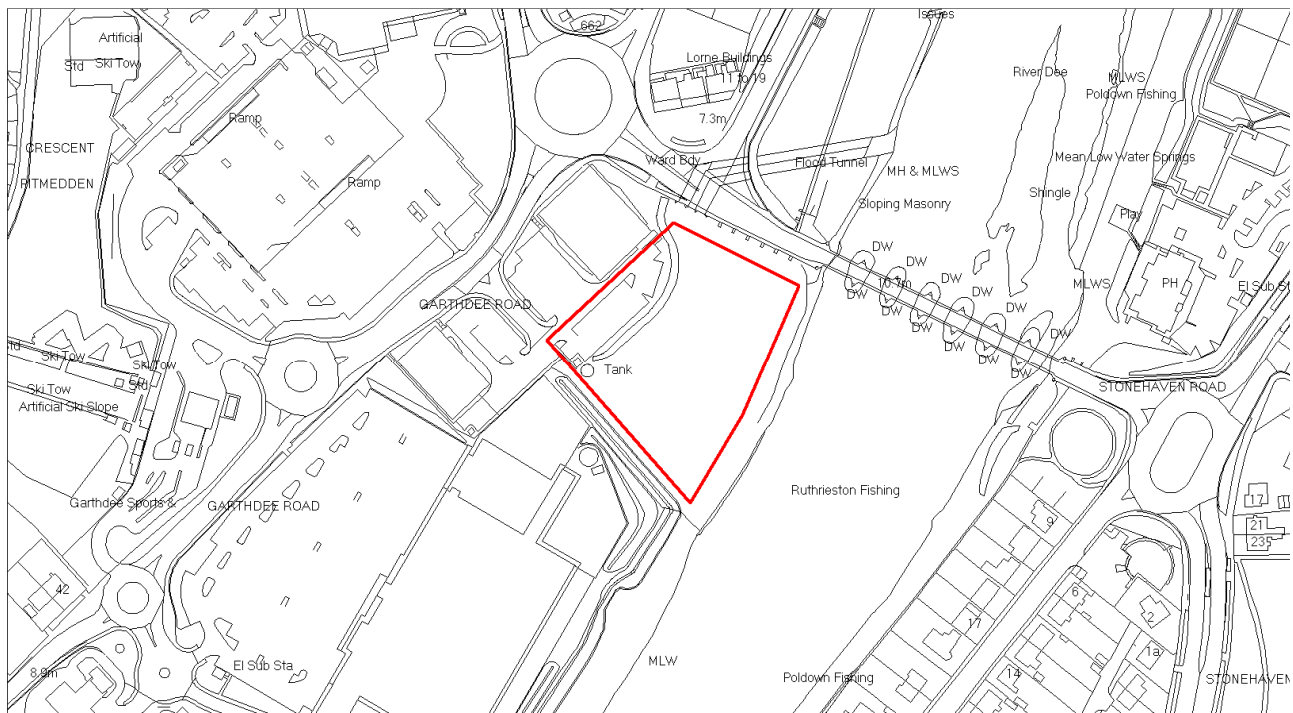
GARTHDEE ROAD, LAND BETWEEN, RIVER DEE/BRIDGE OF DEE

ERECTION OF NEW RESTAURANT UNITS WITH ASSOCIATED CAR PARKING, SERVICING, HARD AND SOFT LANDSCAPING, RE-LOCATION OF SPRINKLER TANK AND PUMPHOUSE

For: The Prudential Assurance Company Ltd

Application Type : Detailed Planning Permission
Application Ref. : P111641
Application Date: 02/11/2011
Officer: Tommy Hart
Ward : Airyhall/Broomhill/Garthdee (I Yuill/A Taylor/G Townson)

Advert : Section 60/65 - Dev aff LB/CA
Advertised on: 23/11/2011
Committee Date: 22 August 2013
Community Council : No response received



RECOMMENDATION: Refuse

DESCRIPTION

The application site is roughly square in shape and is situated on the northern bank of the River Dee, to the immediate south west of the Bridge of Dee which is Category 'A' Listed, and to the immediate south east of the Boots and PC World retail units and their associated car park. The site is bound on all sides by mature trees, whilst internally to the site there is a clump of mature trees near the centre. The site forms part of the flood plain and slopes down from the retail park towards the River Dee and is partially within the River Dee Special Area of Conservation (SAC). The River Dee Path (core path number 70) which is accessed from the bridge, runs through the trees at the river's edge and continues north and south of the application site. The topography of the majority of the site is fairly uneven with steep embankments along the north and west boundaries, and further embankments and mounds within the central area. The application site boundary is set back approximately 15m to the west of the River Dee. An area of the application site (around 20m x 70m) is currently used as formal car parking, yard area for Boots and a sprinkler system tank.

The site lies partly within an area zoned as Retail Park but mostly within land zoned as Green Space Network.

PROPOSAL

The planning application seeks detailed planning permission for the erection of 2 restaurant units, along with car parking, hard and soft landscaping and re-location of a sprinkler tanks and pumphouse.

The area of formal car parking and hardstanding would be re-orientated and extended to the east by around 15m to cover the existing embankment and around 45m adjacent to the western boundary to provide a total of 85 car parking spaces, some cycle stands and service area.

The proposed restaurant buildings would each have a footprint of around 15m x 25m, would have an easterly aspect facing towards the river. Access to the buildings would be taken from the west. A balcony area is proposed which would be accessed both from the restaurants and also from the car park area. The balcony would be between 3m and 7m wide, would be around 2m – 3m above ground level and be finished with a structural glass balustrade. There would be a galvanised steel fence underneath the balcony. The buildings would have a modern designed pitched roof, finished in metal standing seam cladding. The walls would be finished with facing blockwork with the doors and windows having a galvanised steel or aluminium face. The west and east elevations would be predominantly glazed with opaque panels at higher level. The units have been designed so that they can be sub-divided and an area within the roof is promoted for plant in that instance.

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?111641>

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

Design Statement;
Design Proposals;
Landscape Design Proposals and Tree Survey;
Transport Statement;
Drainage Assessment;
Flood Risk Assessment;
Protected Species & Phase 1 Habitat Survey

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH) have objected to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – one additional disabled parking space is required; no cycle parking has been provided; the Traffic Impact Assessment needs to be resubmitted and take account of busy period of 2-4pm; lack of service vehicle information/swept paths; the drainage assessment needs to include 1 in 200yrs rainfall data and a cross-section view of the site showing how the additional discharges would be drained away from the restaurant. Given that the requested information has not been submitted, the Roads Projects Team object to this application.

Environmental Health – request made for condition to be added to any grant of permission regarding construction hours

Developer Contributions Team - a contribution is required towards core path improvements

Enterprise, Planning & Infrastructure (Flooding) - formally objects to the planning application due to the lack of drainage information, specifically in relation to the flooding of the site.

Education, Culture & Sport (Archaeology) – no comments received

Scottish Environment Protection Agency – object in principle to the proposed development on the grounds that it may place buildings and persons at flood risk, contrary to Scottish Planning Policy and PAN 69

Scottish Natural Heritage – object to the proposal due to the lack of information in respect to;

1. a geomorphological assessment of the impacts of the proposed works on the River Dee which assesses potential changes to the morphology of the river.;if the geomorphological assessment indicates that the proposed works may result in changes to the morphology of the River Dee, a survey for fresh-water pearl mussel should be carried out;
2. full details of the measures that would be employed to prevent pollution, in particular sediments and fines, to the River Dee SAC, during the earthworks to the floodplain, construction and operation of the development, and an assessment of their likely effectiveness.

Historic Scotland – no comments to make

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 subject policies relating to flooding and drainage are material considerations.

Planning Advice Note PAN69 – Flooding, provides advice to local authorities and developers to ensure that future built development is not located in areas with a significant risk of flooding, including functional flood plains.

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 RT1 – Sequential Approach and Retail Impact

All retail, commercial, leisure and other development appropriate to town centres should be located in accordance with the hierarchy and sequential approach as set out; Tier 1: Regional Centre; Tier 2: Town Centres; Tier 3: District Centres; Tier 4: Neighbourhood Centres; Retail Parks. The potential catchment area of the proposal dictates where the proposed development should be located. In all cases, proposals should not detract significantly from the vitality or viability of any first, second, third or fourth tier retail location.

Policy RT2 – Out of Centre Proposals

Retail, commercial, leisure and other development appropriate to town centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy certain criteria; 1. no other suitable location is acceptable in terms of policy RT1 is available; 2. there will be no significant adverse effect on the vitality and viability of any retail location; 3. there is, in qualitative or quantitative terms, a proven deficiency in provision of the kind of development that is proposed; 4. the proposed development would be easily and safely accessible by a choice of means of transport; 5. the proposed development would have no significant adverse effect on travel patterns and air pollution.

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 NE1 – Green Space Network

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

Policy NE3 – Urban Green Space

Development on areas of land designated for Urban Green Space 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; there is no loss of established trees; replacement green space of similar or better quality is located in or immediately adjacent to the same community; they do not impact detrimentally on lochs, ponds, watercourses or wetlands in the vicinity of the development.

Policy NE5 – Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Policy NE6 – Flooding and Drainage

Development will not be permitted if; it would increase the risk of flooding or it would be at risk itself to flooding.

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 is not acceptable on this site for a number of reasons namely; flooding; impact on protected species; impact on green space network and urban green space; loss of trees; and design, scale and form of development, which shall be discussed in more detail below.

Flooding

The conclusion of the Flood Risk assessment submitted in support of the application acknowledges that *the predicted 1 in 200 year flood extents would inundate the application site with flood waters from the River Dee routing through the site and into the existing retail park to the west. The river would initially overtop its banks in the south of the site, at which point the bund which is currently located in the centre of the site would route these flood waters north to the flood relief tunnel beneath the A90. Larger flood events would overtop this earth bund and extend to the embankment in the west of the site, and route into the parking area of the Bridge of Dee Retail Park, with a maximum flood level*

estimated to be approximately 6.98m AOD. As such, it is considered that the site is at high risk of fluvial flooding from the River Dee, with an influence caused by the tide to marginally increase flooding.

To mitigate against the flooding it is proposed to raise the building above the 1 in 200 year flood level with a freeboard allowance of at least 500mm as recommended by SEPA. The buildings and car parking would be located on ground level at the western end of the site, with the eastern extent of the building being lifted on stilts. The development would result in the loss of flood storage

The comments received from SEPA in relation to flooding give little scope for any development on this site. They state “given the location of the proposed development within the undeveloped/sparsely developed functional floodplain, we do not consider that it meets with the requirements of Scottish Planning Policy and our position is unlikely to change. We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. There are exceptions to this, such as where a site has been previously developed and is in need of redevelopment, where the site is in a built-up area where flood defences to the appropriate standard already exist, or where the location within the floodplain is essential for operational reasons such as harbour or water-based recreation uses. We do not consider that the proposed development falls within the scope of these exceptions and so do not accept there is an overriding need to develop within the floodplain as proposed. Further, in order to develop as the application proposes, new measures to manage flood risk would be required as there are no existing flood prevention measures in place. Scottish Planning Policy is clear that any proposals that require new flood risk management measures should be brought forward through the development plan process. We are not aware that this is the case in this instance.”

SEPA have confirmed that, in their opinion, there is no technical solution to managing flood risk at this site which meets the requirements of Scottish Planning Policy (SPP). National advice relating to flooding contained with PAN 69 (paragraph 2 & 11) seeks to ensure that future built development is not located in areas with a significant risk of flooding, including functional flood plains. Further, paragraph 197 of SPP states that development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted.

Taking account of the information provided by the applicant and the response by SEPA and the objection from the Council's 'Flooding' Team, it is considered that the application cannot be supported as the development goes against the objectives of Scottish Planning Policy, PAN 69 and Aberdeen Local Development Plan policy NE6 by virtue of the increased risk of flooding due to the proposed development.

Impact on protected species

Information was sought in the form of a geomorphological assessment of the impacts of the proposed works on the River Dee which assesses potential changes to the morphology of the river. This information was not received and therefore the potential impacts the development may have on the morphology of the river cannot be fully assessed. Further, no fresh-water pearl survey has been submitted for consideration so again it is difficult to determine whether or not the development would have any detrimental impact on the protected species. Lastly, no information was submitted to show full details of the measures that would be employed to prevent pollution, in particular sediments and fines, to the River Dee SAC, during the earthworks to the floodplain, construction and operation of the development, and an assessment of their likely effectiveness. Due to the lack of information, it is difficult to see how any potential pollution would be mitigated against. This lack of information has resulted in an objection from Scottish Natural Heritage (SNH).

Impact on Green Space Network

The Council will protect, promote and enhance the wildlife, recreational, landscape and access value of 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. The application site forms part of a significant green corridor along the northern bank of the River Dee, which is important both visually in terms of the setting and in terms of the natural habitat value. The proposed development would change the character of the immediate area in that the trees along the western boundary would be removed and the landform would be altered. Further, two sizeable buildings would be constructed within the site. Whilst the boundary treatment along the other 3 boundaries would not be altered, it is considered that the proposed development would detrimentally impact on and indeed erode the character of this green corridor which forms part of the Green Space Network and the development is therefore contrary to Aberdeen Local Development Plan Policy NE1.

Impact on Urban Green Space

In relation to the policy on Urban Green Space, the development is considered to enhance public access by virtue of creating an additional link to the core path along the waterfront. The application site is considered to be of high value in terms of visual amenity and natural heritage as part of this green corridor on the northern bank of the River Dee. The proposed development is considered to have a negative impact on the Urban Green Space by virtue that it would have a significant impact on the wildlife value of the site; would result in the loss of the established trees within the central area and along the western boundary; there is no replacement green space proposed; and there is likely to be a detrimental impact on the River Dee by virtue of the increased risk of flooding and how this might impact on the river. With the above in mind, the application is considered to be contrary to Aberdeen Local Development Plan Policy NE3.

Impact on Trees

The development would mean the loss of 21 trees within the central area to accommodate the development, which are mainly Goat Willow. The trees proposed to be removed are, individually, of relatively poor quality, being graded

'C'. Nevertheless, the trees, collectively have an important habitat and visual value in terms of the setting of the River Dee. In addition to this, the wooded embankment along the boundary with the Boots retail unit to the north west of the site is also proposed to be removed. There is a mixture of Lawson Cypress, Cherry, Rowan, Beech, Laurel and Sycamore which are considered to be of poor quality and graded 'C'.

The landscape plans indicate that new trees would be planted to replace those being lost. A new hedge is also proposed around the restaurant units on the north, east and south elevations. Lastly, high and low maintenance grass would be introduced throughout the site. Part of the site would be mounded to provide enclosure and also to help improve drainage to the proposed grass areas and to enhance the setting. These areas would also help to act as a flood relief area.

Notwithstanding the compensatory planting proposed, it is considered that there is conflict with Aberdeen Local Development Plan Policy NE5 in that these established trees contribute significantly to the visual amenity of the site, as well as having an important role in terms of natural habitat, which would be lost if the trees were to be removed.

Design, Scale and form of Development

Aberdeen Local Development Plan policy D1 states that *new development must be designed with due consideration to its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, 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 application site constitutes an important area of green space which forms part of a green corridor along the River Dee. It has a relatively natural character by virtue of the large mature trees surrounding the site, the green space within it and the close proximity to the river. This green corridor is important in terms of landscape value and the application site is an important part of that. Although the proposed restaurants are of a massing, size and scale which is compatible with the adjacent Boots and Currys/PC World retail units, it is considered that the size and scale of development is not acceptable in this specific location as it is felt they would make a negative contribution to the natural setting of the application site and would erode the character of the immediate area. Further to this, the buildings would be set on stilts which would further increase the visual impact of the development. Also, the development would remove the established trees and other landscape features which are an important habitat and also have visual value. Accordingly, the proposal does not comply with Policy D1.

Impact on Retail Park

The application site lies partly within land zoned as a Retail Park, and takes up an area of around 1600sqm with that specific area of land being part of the car park adjacent to retail units. The area of land within the Retail Park land designation which lies within the application site is approximately 17%, meaning the other 83% is covered by the Green Space Network & Urban Green Space land designation and comprises natural grassed area and a mixture of self-

seeded and landscape planted trees and lies partially within the River Dee SAC. In terms of policy RT1 and RT2, the development is not for retail so in that respect a retail impact assessment is not required. It is unlikely that these two restaurants would detract significantly from the vitality or viability of any first, second, third or fourth tier retail location.

The catchment area of the restaurants is unknown but there is the potential that it would be city-wide and in that respect the preferred location would be the City Centre. The site is easily accessible in terms of public and private modes of transport. There is a restaurant on the southern bank of the River Dee adjacent to 'Goals'. Without any report, it cannot be established whether there would be any impact on that restaurant but given the lack of restaurants within around 1 mile, it is considered that the likelihood of a negative impact is limited. Although the food and drink uses are also 'town centre uses' it is considered that these uses would provide some form of facilities of benefit to the local community and it is not considered that these uses in themselves have the same draw as Class 1 retail floorspace, but act in a more ancillary capacity.

Only part of the proposed car park would be within the retail park land designation, it is considered that this in itself would not cause any significant conflict with Aberdeen Local Development Plan policy RT1 or RT2. Whilst on this particular issue the proposal would be satisfactory, for the reasons explained above, the principle of development of the site is unacceptable.

Traffic Impacts, Access Arrangements and Car Parking

The Roads Projects Team had requested further information and amendments to the planning application. Unfortunately, the requested information and amendments have not been forthcoming and therefore a full assessment of the traffic impact, access arrangements and the car parking could not be undertaken, hence the Roads Projects Team object to the application.

Impact on Listed Structure

The main principles of Historic Scotland's Scottish Historic Environmental Policy (SHEP), in terms of Development Management, is to ensure that any development involving or affecting a Listed Building enhances or preserves the building – in other words, the proposed development should not have a detrimental impact on the character or setting of the building. The proposed new restaurant buildings would be around 50m to the south of the Category 'A' Listed Bridge of Dee. This distance, and the existing trees just outwith the northern boundary of the application site which are being retained, help to ensure that the impact on the bridge would be limited and its character would be preserved. Further, it is worth noting that Historic Scotland did not submit any comments against the proposal.

Conclusion

The application as proposed is not acceptable in terms of its impact on flooding, potential impact on protected species, negative impact on green space network and urban green space, loss of trees and design scale & form of development and is therefore recommended for refusal for the reasons explained above.

However, If the Committee are minded to recommend approval of the application, the application is required to be referred to the Scottish Government because of the objection from SEPA in relation to flooding and SNH in relation to potential impact on the River Dee SAC.

It is recommended that suitable conditions would need to be attached to any grant of permission relating to car parking; confirmation and samples of external finishing materials; landscaping, tree protection and planting; and flood prevention. However, it should be noted that implementation of appropriate compensatory measures would be difficult to achieve because of the limitations of the site meaning there is no additional space for flood prevention measures.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. That the location of the proposed development within the undeveloped/sparsely developed functional floodplain, would not meet with the requirements of Scottish Planning Policy, Planning Advice Note PAN 69 and Aberdeen Local Development Plan Policy NE6 (Planning and Flooding) by virtue of the increased risk of flooding and could have a potentially detrimental impact on the River Dee Special Area of Conservation (SAC).
2. That the proposed development, by reason of its height, bulk, scale and massing would result in the creation of an obtrusive and incompatible form of development which would fail to respect the character and appearance of the application site and its immediate surroundings which forms part of a natural green corridor on the north bank of the River Dee. The development has not been designed with due consideration for its location and, as such, the development is contrary to Aberdeen Local Development Plan Policy D1 (Architecture and Placemaking).
3. That the proposed development would be contrary to Aberdeen Local Development Plan policies NE1 (Green Space Network), NE3 (Urban Green Space) and NE5 (Trees and Woodlands) by virtue of the loss and erosion of the Green Space Network, the loss of established trees on site and the loss of urban green space to the detriment of the visual amenity and natural habitat value of the application site.
4. That the full impacts of the proposed development cannot be assessed as the applicant has failed to submit the necessary specialist information which was requested in order to fully assess the potential impact on the River Dee Special Area of Conservation (SAC), and in order to fully assess the traffic impact, drainage and car parking provision of the application site.

Dr Margaret Bochel

Head of Planning and Sustainable Development.