

Public Document Pack



To: Councillor Milne, Convener; and Councillors Boulton, Corall, Cormie, Finlayson, Grant, Greig, Jaffrey, Lawrence, MacGregor, Jean Morrison MBE, Samarai, Jennifer Stewart, Thomson and Townson.

Town House,
ABERDEEN, 21 October 2013

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 29 OCTOBER 2013 at 9.00 am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

Members, please note that letters of objection not included in the report pack are available to view in the members' library

MINUTES OF PREVIOUS MEETINGS

- 1.1 Minute of Meeting of the Planning Development Management Committee of 26 September 2013 - for approval (Pages 1 - 12)

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Site at Maidencraig, North and South of the A944 - Mixed use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure (Pages 13 - 64)
Reference Number - 130265
- 2.2 Units 8 & 9, Queens Links Leisure Park, Links Road - Change of use from Class 11 assembly and leisure to Class 1 non-food goods, including coffee shop and linking of both units to form one single unit and associated works (Pages 65 - 108)
Reference Number - 130488

- 2.3 Ardene House, Skene Road, Kingswells - Erection of Class 4 three storey office development (17,129 SQ M), 425 car parking spaces, associated infrastructure, access, landscaping and ancillary works (Pages 109 - 170)
Reference Number - 130400
- 2.4 Edgehill House, North Deeside Road, Milltimber - Replacement of existing house and construction of five additional dwellings with associated infrastructure, improved access and tree protection works (Pages 171 - 206)
Reference Number – 130211
- 2.5 50-52 College Bounds, Old Aberdeen - Proposed entrance light (Pages 207 - 216)
Reference Number - 120374
- 2.6 Former Bucksburn Petrol Station, Chapel of Stoneywood to Fairley Road - Certificate of appropriate alternative development for petrol filling station with associated Class 1 retail shop; sale of agricultural vehicles and equipment; and garden centre and nursery (Pages 217 - 244)
Reference Number - 120374

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 3.1 122 Broomhill Road, Aberdeen - Change of use of vacant car showroom to Class 1 (Shop), shopfront alterations and other external alterations, erection of gate/fence to rear and other associated works, including footpath and parking improvements (Pages 245 - 292)
Reference Number - 130910

OTHER REPORTS

- 4.1 Planning Digest (Pages 293 - 296)
- 4.2 Confirmation of Tree Preservation Orders (Pages 297 - 300)

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

PLANNING DEVELOPMENT MANAGEMENT SUB COMMITTEE

ABERDEEN, 26 September 2013. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; and Councillors Boulton, Corall, Cormie, Delaney (substituting for Councillor Jennifer Stewart from Article 10), Finlayson, Grant, Greig, Jaffrey, Lawrence, Jean Morrison, Jennifer Stewart, Thomson and Townson.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2875&Ver=4>

ANNOUNCEMENTS

1. (A) The Convener welcomed members to the first proper meeting of the Planning Development Management Committee, and thanked those members who had served on the Development Management Sub Committee who were not continuing.

(B) With reference to Article 3 of the minute of meeting of the Development Management Sub Committee of 18 July 2013, the Committee was advised by the Head of Planning and Sustainable Development that the developer had agreed that the replacement football pitch at Stoneywood Estate (121652) would meet the requirements of the North East Junior Football Association, as had been requested by the Sub Committee.

The Committee resolved:-

to note the update.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 22 AUGUST 2013

2. The Committee had before it the minute of its previous meeting of 22 August 2013.

The Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 29 AUGUST 2013

3. The Committee had before it the minute of the meeting of the Committee (Visits) of 29 August 2013.

The Committee resolved:-

to approve the minute.

LAND TO EAST OF WELLINGTON ROAD - 130420

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

That the Committee express a willingness to approve the application in respect of planning permission for a mixed use development comprising 45 residential units, 3 commercial units and associated car parking, with consent being withheld until the existing legal agreement for the wider OP72 site had been amended to apply to this application, and the developer had made an appropriate financial contribution in lieu of onsite affordable housing provision via an appropriate mechanism agreed by the Council, subject to the following conditions:-

(1) That no residential unit within the development hereby approved shall be occupied unless a combined footway/cycleway link from the new community to the footway of Langdykes Road has been constructed via the existing route of the track that links Whitehills Road to Langdykes Road and in accordance with a further detailed scheme that has been submitted to, and approved in writing by, the planning authority; unless the planning authority has given written consent for a variation; (2) That none of the commercial units hereby approved shall be used other than for uses within Use Classes 1, 2 or 4 of the Use Classes (Scotland) Order 1997 unless planning permission has been granted for a change of use of the unit; (3) That no development pursuant to the planning permission hereby approved shall be carried out unless a full site waste management plan for the processing of construction and demolition waste has been submitted to and approved in writing by the planning authority. No work shall be carried out unless in accordance with the approved plan unless the planning authority has given written consent for a variation; (4) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems (SUDS) has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; (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; (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; (7) 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; and (8) That no

development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan, incorporating both the residential and non-residential elements of the proposal, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets.

The Convener moved, seconded by Councillor Corall:-

That the application be approved in accordance with the recommendation contained within the report, subject to condition (5) being amended as follows:-

(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, which shall demonstrate means of landscaping both within the application site and on adjacent land included in the wider development and shall incorporate appropriate means of screening car parking areas when viewed from Wellington Road. Said 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.

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

That the application be refused on the grounds of road safety as the proposal to position a bus stop on the main road, instead of the installation of a bus lay-by, would result in a road safety hazard which would not be in the interests of pedestrians and other road users, as well as the supermarket on the site being serviced from the main access road, as opposed to the rear of the building, which was also a road safety hazard.

On a division, there voted:- for the motion (9) - the Convener; and Councillors Corall, Cormie, Grant, Jaffrey, Lawrence, Jean Morrison, Thomson and Townson; for the amendment (4) - Councillors Boulton, Finlayson, Greig and Jennifer Stewart.

The Committee resolved:-

to adopt the motion.

431 UNION STREET - 130615

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

That the Committee express a willingness to approve the application in respect of planning permission for a change of use from bar/nightclub to office space and associated car parking, including the erection of a multi-storey development and partial demolition of the existing building, with consent being withheld until such time as a developer's contribution had been secured towards works to the local road network, core paths/public realm improvements in the area and the Strategic Transport Fund, subject to the following conditions:-

(1) That no development shall take place unless a scheme, including submission of materials samples, detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (2) That full details, including elevational and cross sectional drawings, shall be submitted to show all works, including repair and cleaning works, to the remaining fabric of the listed building. These shall include the installation of the Capitol's art deco style clocks within the building. That all works, as so agreed, to the frontage, canopy, and interior of the existing building - the 'Capitol' - must be fully implemented prior to any part of the development being brought into use. These shall be in accordance with the approved plans, or others subsequently approved and the building shall not be used unless the entrance is fully restored and available for use as the main entrance to the building, unless otherwise agreed in writing with the planning authority; (3) That the proscenium arch, decorative plaster work over the organ expression shutters and organ and all associated pipes, instruments and equipment required for the organ to be brought back into use, shall be carefully removed prior to any demolition works taking place. The organ and associated items shall be dismantled/removed and taken safely to storage facilities, in complete accordance with the method statement as submitted and approved as part of this permission, unless otherwise agreed in writing with the planning authority. The proscenium arch and decorative plaster work shall be removed and stored in accordance with a scheme to be submitted to and approved in writing by the planning authority; (4) That the development hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on the approved drawings, or others subsequently approved have been provided; (5) That the development hereby approved shall not be occupied unless there has been submitted to and approved in writing a detailed Travel Plan, which outlines sustainable measures to deter the use of the private car in accordance with the principles set out in the Transport Assessment (TA) by Fairhursts issue 4, or other TA as subsequently approved; (6) That no window replacement shall take place unless there has been submitted to, and approved in writing by, the planning authority a full survey of the windows showing that they are beyond repair. Any replacement frames shall match those existing and shall be implemented fully in accordance with details, including cross sections, submitted to and approved in writing by, the planning authority; (7) That the existing entrance to the 'Capitol' shall be used as the main entrance to the entire development hereby granted permission, including the new build element extending back to Justice Mill Lane and the front part of the development shall not be functionally separated nor access physically blocked, unless otherwise agreed in writing with the planning authority; (8) That no window replacement shall take place unless there has been submitted to, and approved in writing by, the planning authority a full survey of the windows showing that they are beyond repair. Any replacement frames shall match those existing and shall be implemented fully in accordance with details, including cross sections, submitted to, and approved in writing by, the planning authority; (9) That no development shall commence on site until a site specific Construction Method Statement (CMS) has been submitted and approved in writing by the planning authority in consultation with SEPA (and other agencies as appropriate). All works on site must be undertaken in accordance with the approved CMS unless otherwise agreed in writing with the planning authority; (10) That the building shall not be

brought into use unless the handrails to the stairs and escalators have been retained, restored and replaced in accordance with a scheme to be submitted to, and approved in writing by the planning authority; (11) That the shop frontage within the application site to the east of the Capitol entrance shall be refurbished generally to match the existing shop front immediately to the west of the Capitol in accordance with a scheme, including detailed drawings and cross sections, to be submitted to and approved in writing with the planning authority. Neither the shop itself, nor the main development shall be brought into use unless the shop front has been refurbished in accordance with such a scheme; and (12) 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.

The Convener moved, seconded by Councillor Grant:-

- (1) that the application be approved in accordance within the recommendation contained within the report, subject to the following additional condition:-
 - (13) That the development shall not be brought into use unless there has been erected on the frontage of the building at high level, individually lettered illuminated signage 'CAPITOL', similar to that originally on the building, in accordance with details to be submitted to, and approved in writing by, the planning authority, unless otherwise agreed in writing with the planning authority; and
- (2) to request the Education, Culture and Sport Committee to consider finding a suitable venue within the city for the organ to be brought back into use.

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

That the application be refused on the grounds (1) that the proposed development by reason of scale and design did not fit within the character of the conservation area and the historic environment; and (2) that there was insufficient car parking provision within the proposed development which would have an adverse impact on the surrounding area and would increase already existing car parking pressures.

On a division, there voted:- for the motion (10) - the Convener; and Councillors Boulton, Corall, Cormie, Grant, Jaffrey, Lawrence, Jean Morrison, Thomson and Townson; for the amendment (3) - Councillors Finlayson, Greig and Jennifer Stewart.

The Committee resolved:-
to adopt the motion.

LAND TO NORTH OF HOPETOUN GRANGE, BUCKSBURN - 130029

6. With reference to Article 1 of the minute of its meeting of 29 August 2013, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application in respect of planning permission for 65 residential houses, including infrastructure and landscaping, but to withhold the issue of the consent document until the applicant had 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, 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; (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, a 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; (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; (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; (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 the 3 driveways accessing onto Hopetoun Grange, and thereafter the junctions shall be constructed in full accordance with the approved plans; (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; (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; (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; (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 third party land lying immediately to the east of the site to provide connection to the proposed surface water drainage and public sewer; (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; (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 two for one 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; (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; (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; (14) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied; (15) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks; (16) That no development shall take place within the

application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority; (17) That no 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; (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; (19) That no development shall take place unless details of all measures for deterring birds from the proposed SUDS 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; (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; (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); (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; (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; (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; (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; (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; (27) That no felling of trees identified as category 1 or 1* in the Tree

Roost Assessment: Bats by EnviroCentre Ltd dated August 2013 takes place as a result of the development pursuant to this planning permission unless a pre-felling bat inspection of the aforementioned trees, as detailed under Section 4.1 Mitigation of the Assessment, is undertaken, in order to ensure bats are not present and that roosts will not be destroyed, and following inspection, should no bats be visible, that tree cavities are 'soft-felled' by an experienced contractor, and an equivalent number of bat boxes are installed in nearby retained trees to compensate for the loss of tree cavities; and (28) That no part of the development hereby approved shall be occupied unless the spine road and associated footways as shown on drawing DL002 Rev M have been constructed in full accordance with the approved plans to the legal boundary of the application site, even if this requires the demolition of a section of boundary wall, unless the planning authority has given written consent for a variation.

The Committee resolved:-

to approve the recommendation.

MALCOLM ROAD, BUCKSBURN - 130489

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

That the Committee approve unconditionally the application in respect of planning permission for a proposed single storey extension to the existing Britannia Hotel to form a new lounge and bedrooms with external alterations.

The Committee resolved:-

to approve the application subject to the following condition:-

(1) That no development pursuant to the planning permission hereby approved shall take place until a scheme detailing the widening of the car park access to accommodate coaches, has been submitted to, and approved in writing by, the planning authority and the works thereby approved have been carried out in accordance with the approved scheme.

THE ATHENAEUM, 15 UNION STREET - 130946

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

That the Committee approve the application in respect of planning permission for a change of use and conversion of the first to fourth floors of the existing building to form 40 serviced apartments, and the installation of replacement windows and associated dormer windows and roof lights, subject the following conditions:-

(1) That the serviced apartments hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on drawing no. L(20)202 have been provided; (2) That the serviced apartments hereby granted planning permission shall not be occupied unless a noise assessment is carried out to confirm the effectiveness of the works and that the predicted sound reduction levels detailed in the Bureau Veritas noise assessment dated 26 June

2013 have been achieved and the assessment has been submitted to, and agreed in writing by the planning authority, in consultation with the Environmental Health Service; (3) That the property, inclusive of the serviced apartments and building access, shall be constructed in accordance with the recommended design described in the Bureau Veritas noise assessment dated 26 June 2013, or in accordance with an equivalent scheme to meet specified noise reduction levels or 'inaudibility' criteria as may have been agreed in writing by the planning authority; (4) That the serviced apartments hereby granted planning permission shall not be occupied unless details of a mechanical ventilation system drawing air from the roof of the building shall be provided for the apartments fronting Union Street to minimise exposure to potential exceedances of the national Air Quality Objectives has been submitted to, and agreed in writing by the planning authority, in consultation with the Environmental Health Service; (5) That following the first six months of the approved development being brought into use, details shall be submitted to the planning authority highlighting how the issues identified in the submitted Travel Plan have been achieved; and (6) That none 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 Committee resolved:-

to approve the recommendation.

26 SPITAL, OLD ABERDEEN - 130849

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

That the Committee approve unconditionally the application in respect of planning permission for a change of use from residential property to house in multiple occupation.

The Committee resolved:-

to approve the recommendation.

LAND AT WESTER HUXTERSTONE, FAIRLEY ROAD, KINGSWELLS - 130404

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

That the Committee approve the application in respect of planning permission for the erection of a temporary building to house sales and marketing facilities to service the proposed residential development at the site, subject to the following conditions:-

- (1) That the temporary building shall not be constructed until such time as an associated residential development has been approved; once this application has been approved the sales cabin shall be in place for a maximum period of two years; and
- (2) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcted in accordance with drawing No.

APL_102 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

The Committee was addressed by Councillor Delaney, one of the local members for the area, who expressed concerns regarding the use of advertising hoardings at neighbouring sites.

The Committee resolved:-

- (i) to approve the recommendation; and
- (ii) in regard to advertising hoardings, to agree in principle to the use of the following condition for future applications:-
 - (1) That the hoarding/temporary building hereby approved shall not be constructed until such a time as an associated residential development has been approved; once this application has been approved the hoarding/sales cabin shall be in place for a maximum period of two years and shall remain on site no longer than four weeks after the last house of the associated residential development has been sold.

70 COUNTESWELLS ROAD - 130711

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

That the Committee approve the application in respect of planning permission for a number of alterations to the existing property, including a new entrance with associated shop front alterations and the installation of new roof mounted refrigeration equipment, subject to the following condition:-

- (1) That the refrigeration plan shall comprise the equipment detailed in the KP Associates (UK) Ltd noise report dated 19 July 2013, or if alternative plant is proposed, the plant sound power level shall not exceed the sound power level of the plant detailed in the report.

The Committee resolved:-

to approve the recommendation.

PLANNING DIGEST

12. The Committee had before it a report by the Head of Planning and Sustainable Development which advised members of a recent appeal decision.

The report recommended:-

that the Committee note the outcome of the appeal decision.

The Committee resolved:-

to approve the recommendation.

- RAMSAY MILNE, Convener.

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Planning Development Management Committee

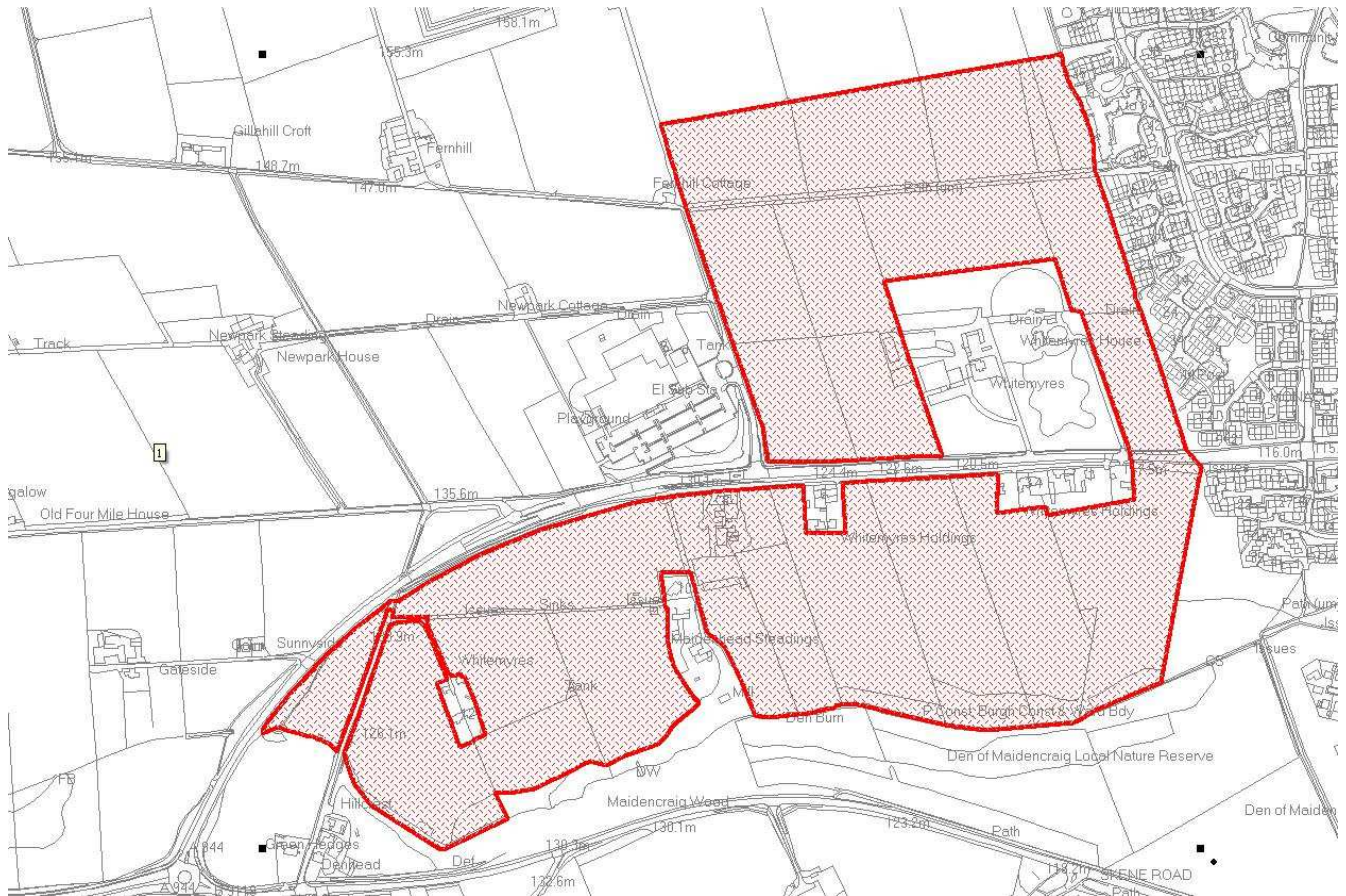
SITE AT MAIDENCRAIG, NORTH AND SOUTH OF THE A944

MIXED USE DEVELOPMENT INCORPORATING RESIDENTIAL, COMMERCIAL USES, COMMUNITY FACILITIES, OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE

For: Bancon Developments Ltd

Application Type : Planning Permission in Principle
Application Ref. : P130265
Application Date: 28/02/2013
Officer: Gareth Allison
Ward : Kingswells/Sheddocksley/Summerhill (L Ironside/S Delaney/D Cameron)

Advert : Section 34 -Proj. Pub. Concern
Advertised on: 01/05/2013
Committee Date:
Community Council : Comments



RECOMMENDATION:

Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a Legal Agreement to deliver:

- 1) Affordable Housing,**
- 2) Transfer of land ownership to allow potential improvements to the A944,**
- 3) Strategic Transport Fund contributions, and**
- 4) Developer contributions towards:**
 - **Primary Education;**
 - **Community Facilities;**
 - **Recreation Facilities;**
 - **Library Facilities;**
 - **Core Path Networks;**
 - **Healthcare Facilities;**
 - **Flood Prevention Scheme; and**
 - **Road improvements to mitigate the impact of development.**

DESCRIPTION

The application site refers to two specific areas of land located to the west of the city centre. Identified as Maidencraig North East (OP44) and Maidencraig South East (OP43) under the Aberdeen Local Development Plan, they lie to the north and south of the Lang Stracht (A944). Zoned under the Land Release Policy (LR1), the sites provide a combined opportunity for 750 no. homes. The whole of the site has a southern aspect, sloping from north to south, and in terms of landscaping is generally undefined, with a typically rural identity running through both areas.

Situated adjacent to Sheddocksley on the western edge of the City, OP44 has a gradual slope from the north of the site down to the A944. The area extends to 22.8 hectares, and comprises the fields which surround Whitemyres House (Grade B listed) and Old Whitemyres Farmhouse (Grade Cs listed), and Fernhill Farm. The northern section of the boundary with Sheddocksley is defined by a thick tree belt, and the southern section by areas of hedgerow and sporadic trees. Further tree planting forms the northern boundary of the site, which in combination with general topography, screens the site from the north.

OP43, located west of the Summerhill residential area, is much more undulating in nature, extending to 29.8 hectares and encompassing the land from the A944 in the north, dropping steeply to the southern boundary with Den of Maidencraig. Beyond the Den Burn Valley to the south of the site is the Den of Maidencraig Local Nature Reserve, with Queens Road beyond. There is a Tree Preservation Order to the south of the Maidencraig Steadings, which contains 1no. Grade Cs listed building, with a further Order covering part of Maidencraig Wood.

RELEVANT HISTORY

Maidencraig south east was originally identified within the Aberdeen Local Plan 2008 as Strategic Housing Land Reserve (SHLR30). The Local Plan (p28)

confirmed that this site would be planned through the Local Development Plan. Both sites were then identified in the Aberdeen Local Development Plan 2012 under Policy LR1: Land Release and are suitable for development within the 2006-2016 plan period.

PROPOSAL

This is an application for Planning Permission in Principle for mixed use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure.

Supporting Documents

The application has been supporting with the following documents:

- Maidencraig Masterplan;
- Maidencraig Masterplan Pre-Application Consultation Report;
- Maidencraig Masterplan Non-technical Summary;
- Transport Assessment;
- Drainage Impact Assessment;
- Masterplan Drainage Impact Assessment;
- Ecological Assessment; and
- Badger Protection Plan.

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130265>

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

PRE-APPLICATION CONSULTATION

The proposed development was the subject to pre-application consultation (PAC) 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. A Proposal of Application Notice was submitted to the Council on 29th February 2012, and all the statutory requirements of the PAC, including the advertisement of two public events, were met by the applicants.

The applicant's have confirmed that the design for the site has evolved with continued input from the local community, whose input has helped shape the proposals to ensure that they meet the aspirations for the site. Events that took place during the masterplanning process for the sites include:

- Presentation to Mastrick, Sheddocksley and Summerhill Community Council early 2009;
- LDP development bids exhibition 4 June 2009;
- End June 2009 Kingswells Community discussions;
- Meeting with Mastrick and Sheddocksley and Summerhill Community Councils – 8th February 2012; and
- Community exhibition – 29 March 2012 – 30 March 2012.

The public consultation events on the 29th and 30th March 2012 were held at Curl Aberdeen, Eday Road, Aberdeen. The format for both public consultation events was that of a drop-in exhibition with plans, aerial images, site analysis and indicative proposals all being available for inspection. Members of staff from the applicants and their Design Team were available to explain the proposals and record any public comments. It was estimated that more than 100 people attended the two events, with a total of 23 written responses being received in the period after the events. The main issues arising from this consultation included traffic concerns, education, impact on wildlife, and provision of community facilities, health-care and nurseries. Full details of the comments received for the engagement process and the responses made can be found in Appendix 6.1 of the Masterplan and the feedback received through the PAC.

The Maidencraig Masterplan was approved by Enterprise, Planning and Infrastructure Committee as Supplementary Guidance on 22 January 2013. It was ratified as Supplementary Guidance by the Scottish Government in April 2013 following the statutory four week consultation period. The following list highlights those that were consulted, the results of which were then reported to the Enterprise Planning and Infrastructure Committee:

- Mastrick, Sheddocksley and Summerhill Community Council;
- Kingswells Community Council;
- Aberdeen City and Shire Strategic Development Planning Authority;
- Aberdeenshire Council;
- Forestry Commission Scotland;
- Scottish Water;
- SEPA;
- Scottish Natural Heritage;
- Historic Scotland;
- Scottish Enterprise Grampian;
- Transport Scotland;
- NHS Grampian;
- NESTRANS; and
- Planning Gain.

Since the period of submitting the Proposal of Application Notice, the applicants have continued to engage with the Planning Authority and other relevant bodies, including NHS, education and bus providers, throughout the development process prior to the submission of this planning application.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because it has attracted more than five letters of representation. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

ACC Roads Project Team - Request various transport related infrastructure improvements, including off site works and contribution to the Council's Strategic

Transport Fund. The Roads Project Team Memorandum is included with the Committee agenda papers.

Transport Scotland Trunk Road Network Management - No objection subject to condition restricting the number of residential units to be occupied (182 units) prior to construction of the Aberdeen Western Peripheral Route (AWPR), to prevent any adverse affect on the safe and efficient operation of the trunk road network.

ACC Flooding Unit - No objection subject to conditions relating to proposed culverting measures and agreement of developer contribution;

Scottish Water - No objection subject to separate application directly to Scottish Water by applicant for connection to existing infrastructure;

SEPA - No objection subject to further consultation on individual detailed / Matters Specified in Conditions (MSC) application phases for the site;

ACC Environmental Health - Request conditions regarding suppression of dust during construction, control of construction hours, noise nuisance, sewage systems, and refuse disposal;

SNH - No objections subject to conditions relating to badger protection;

Developer Contributions Team - The development must provide an appropriate level of affordable housing on site and/or financial contribution for the same purpose, along with contributions towards enhancement of primary education; community facilities; recreation facilities; libraries; health-care facilities and improvement works and links to the Core Path network in the vicinity. These matters are to be delivered through legal agreement under the provision of S75 of the planning acts;

Education - Advise that the development can be accommodated within existing secondary school capacity but that enhancement of primary school capacity is required.

Police Scotland - No objection subject to further consultation on individual detailed / MSC application phases for the site; and

Community Council - Comments received, however these relate directly to the Planning System and are not related specifically to this application.

REPRESENTATIONS

A total of 11 No. letters of representations have been received to the application. 10 No. of these were received in respect of the original application submission. A further letter was received from Kingswells Community Council, however as noted above this contained comments relating to the planning system in general, and is not a formal objection to the proposal. Following submission of additional information and supporting documents, neighbours were re-notified and the application re-advertised. 5 No. representations were subsequently received. 1

No. of these was a new representation; the remaining were copies of representations submitted to the original proposal. The main issues contained within all representations can be summarised as follows:

Landscape Impact - The proposal is unnecessary within the city. It would result in a loss of green belt and rural lifestyle and would have an adverse impact on existing wildlife and natural habitats. Furthermore a Tree Preservation Order (TPO) is shown on the plans which is inaccurate and should be removed before any approval is considered.

Existing Amenity - The development would result in a loss of light and privacy of existing residences. Furthermore the proximity of houses to the existing boarding kennels in the south of the site may result in complaints from residents over noise nuisance, subsequently impacting on the amenity and service currently provided by the business.

Drainage - Existing drainage systems would not have the capacity to adequately cope with the new development, which could then have a detrimental impact on both existing and proposed houses, roads and fields. The land shown for the SUDS basin to the south-east of the development is not capable of supporting the infrastructure required to construct the basin and should be moved to the west of the development.

Traffic & Access - Existing road networks within the area are already congested. The proposed development will only lead to further congestion and safety concerns. Access to existing houses within the site should remain unaltered as per existing title deeds, and permission will not be given to developers to cut across this. Advanced Stop Lines should be provided for cyclists, whilst there is a lack of clarity regarding both cycle provision within the main bus route, and the potential conflict between pedestrians and road uses in the Safer Streets Design. The proposed access point at Uist Road is not welcomed by residents.

Local Impact - Existing public transport links are inadequate, which will only be exasperated by the development. Proposed bus links would cause disturbance to existing residents, whilst local schools will not be able to cope with additional numbers as a result of the development. The development would also affect the value of existing residences in the area, and may have a detrimental impact on local services such as phone signal, TV and internet services.

All of the above concerns are taken into full consideration in the evaluation section below.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) 66 'Housing' - The key objective of the Scottish Government is sustainable economic growth. 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. The

planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures.

SPP 165 'Transport' - Development should encourage greater use of sustainable transport modes. Transport assessments and green travel plans should be a key part assessing development proposals.

Designing Streets: A Policy Statement for Scotland - Provides guidance on street design and marks a change in the emphasis of guidance towards place-making and away from a system focused upon the dominance of motor vehicles.

Aberdeen City and Shire Structure Plan

Economic Growth – The Structure plan sets a target to increase the population of the city region to 480,000 by 2030. It identifies Aberdeen City as a key growth area and allocates a total of 16,500 housing units for the period 2007- 2016. Opportunities should be provided which encourage economic development, improving the essential strategic infrastructure necessary to allow the economy to grow over the long term.

Accessibility – All new development should contribute towards reducing the need to travel and encourage people to walk, cycle or use public transport by making these attractive choices.

Aberdeen Local Development Plan (ALDP)

Policy LR1 – Land Release – The site is zoned as Land Release within the ALDP and encompasses both Opportunity Sites OP43 Maidencraig South East and OP44 Maidencraig North East. Both are identified as opportunities for development, and are allocated under the phase 1 release for housing development in the period from 2007-2016 for 450 and 300 homes respectively, with Policy LR1 stating that housing development within these areas will be approved in principle. Both areas include sections zoned under Policy NE1 Green Space Network, whilst there is risk of flooding to the south east site. The site is identified within the Maidencraig Masterplan which was ratified as Supplementary Guidance by Scottish Government in April 2013.

Policy NE1 – Green Space Network (GSN) – The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Masterplanning of new developments should determine the location and extent of the Green Space Network within these areas. Development which has any impact on existing wildlife habitats, or connections between them, or other features of value to natural heritage, open space, landscape and recreation must be mitigated through enhancement of Green Space Network.

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).

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.

Policy H5 – Affordable Housing – Housing developments of 5 units or more are required to contribute no less than 25% of the total number of units as affordable housing, in line with Supplementary Guidance.

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.

Policy CF2 – New Community Facilities – In significant greenfield developments, where a likely need is identified through the masterplanning process, sites shall be reserved for new community facilities.

Policy NE4 – Open Space Provision in New Development – Communal or public open space should be provided in all residential developments, including those on brownfield sites.

Policy NE8 – Natural Heritage – Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria set out in Scottish Planning Policy.

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.

The following policies are also of relevance:

- Policy D1: Architecture and Placemaking;
- Policy D3: Sustainable & Active Travel;
- Policy D6: Landscape;
- Policy NE5: Trees & Woodlands;
- Policy NE6: Flooding & Drainage;
- Policy NE9: Access & Informal Recreation;
- Policy NE10: Air Quality;
- Policy R6: Waste Management Requirements for New Development; and
- Policy R7: Low & Zero Carbon Buildings.

Aberdeen City Council Supplementary Guidance (SG)

The following SG documents are relevant material considerations:

- Maidencraig Masterplan;
- Transport & Accessibility;
- Affordable Housing;
- Landscape Strategy Part 2 – Landscape Guidelines;
- Open Space;

- Protecting Trees & Woodlands;
- Trees & Woodland Strategy for Aberdeen;
- Drainage Impact Assessments;
- Infrastructure & Developer Contributions Manual;
- Air Quality Supplementary Guidance;
- Waste Management; and
- Low & Zero Carbon Buildings.

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.

For the purpose of this evaluation; the application is for planning permission in principle and accordingly, the consideration of each aspect of the proposal will deal primarily with the principle of the development rather than any specific details of design, materials etc.

Principle of Development

SPP sets out the Government's core principles that underpin the modernised planning system. It states the system 'should be genuinely plan-led' and there should be 'a clear focus on the quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment'. SPP also states that the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places, whilst protecting and enhancing the quality of the natural and built environment as an asset for that growth. It states that planning authorities should take a positive approach to development. It is in this context that the application requires to be assessed.

The proposed mixed use development fully accords with the aspirations of SPP 66 'Housing' and the Aberdeen City & Shire Structure Plan 2009, in particular its targets for housing provision. The allocation of the site was pursued through the ALDP preparation process with the site being identified for development by the Council, and subsequently ratified by the Reporter appointed by the Scottish Government and thereafter by the full Council. The submitted plans show a scheme that fulfils the phased release housing allocations identified within Policy LR1 of the ALDP and the relevant Opportunity Sites. The proposed development has been supported by a process of community and pre-application consultation by the applicant, incorporating the preparation of the Maidencraig Masterplan; now adopted as Supplementary Guidance, which has informed the overall development approach to the site.

The allocation of the site in the ALDP includes a 70m wide belt of GSN running along the eastern edge of the site. Areas of woodland to the north; and the Den of Maidencraig Local Nature Reserve to the south; offer valuable contributions to the GSN. The Masterplan process identified the need to connect both areas along the eastern boundary of the site, providing a visual buffer between the site

and Sheddocksley / Summerhill, and avoiding fragmentation of the GSN. Through the Masterplan process it was also agreed to provide a second strip along the western edge of the site. Whilst the eastern belt would be less than 70m deep as indicated in the ALDP, the benefits of the additional belt are considered sufficient to mitigate the lesser depth:

- Additional links between the woodlands to the north and the the Den of Maidencraig to the south;
- Connection of 2 no. additional green corridors to the south of the site;
- A combined depth in excess of the 70m depth that would be provided by 1 no. belt;
- Adequate width in both belts to provide shelter and wildlife habitats; and
- Better connection and permeability of the GSN within the site as a whole.

The Planning Authority is satisfied that, notwithstanding the lesser depth of the eastern belt as previously indicated in the ALDP, the combined areas of GSN within the whole site are sufficient to protect and enhance the existing wildlife, recreational, landscape and access value of the GSN. The final locations and extent of GSN within the site have been fully informed by the Masterplanning process for the development, complying with Policy NE1 of the ALDP.

Maidencraig Masterplan

The proposal accords with the general aspirations of this document, which is an important material consideration that weighs in favour of the development. The proposed scale of development and general urban form are considered to accord with the Masterplan's wider design objectives.

The indicative development layout, form and scale are considered to respect the nature of the existing site; connecting to the established residential areas to the east whilst providing a soft transition between the urban realm and countryside to the west, and so according with the contextual requirements of Policy D1 of the ALDP. The general scale and pattern of development proposed on the site and its urban form are considered to accord with the wider objectives of Designing Streets, and it has been demonstrated that adequate public open space would be provided within the site as per Policy NE4 of the ALDP. An acceptable mix and variety of dwelling types and sizes are proposed throughout the site, in line with the approved Masterplan and Policy H4 of the ADLP. Owing to the proposed nature and location of development, there would be no adverse impact on the privacy or amenity of existing residents resulting from the scale or proximity of housing proposed. It is noted that such elements will be assessed in full detail through the detailed / MSC application process. With regards the amenity of proposed residences, it is noted that there exists on the southern site a long established animal boarding establishment. This not only caters for dogs and cats but also includes the Dog Action Working Group Scotland (DAWGS) which finds homes for unwanted pets. There is therefore the potential for noise nuisance, such as dog barking, to any new housing nearby. With this in mind, and also having considered the general environmental impact of the development, the Council's Environmental Health Officer has requested the imposition of conditions in order to protect the amenity of nearby residents and

prevent risk of environmental pollution. Again, the finer details such as house location / proximities etc will be dealt with through the detailed / MSC applications process.

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 of the ALDP (ie 30 units per hectare) cannot be applied in isolation. One should take a balanced approach and recognise that no two sites within the city are the same.

It must be noted that the purpose of this policy is to fulfil the strategic targets of the Structure Plan. This states that developments such as this should 'generally have no less than 30 dwellings per hectare' and should be 'in line with approved supplementary guidance'. From this it can be derived that the figure is a guideline that should be considered in tandem with all other material considerations. In this instance 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 existing residential areas, surrounding rural space, and the level of open space provision on site are also relevant considerations in establishing this. So whilst it is acknowledged that the density of development proposed (approximately 18 units per hectare) is considerably below policy expectations, the proposed density would actually be considered appropriate in terms of the context of the site; given the suburban residential edge to the east, and the rural nature of the adjacent lands to the north, west and south. Furthermore, it accords with the ALDP allocation (identified as minimum 16 units per hectare) and the approved Masterplan SG. The Planning Authority is thereby satisfied that failure to meet the guidelines of Policy H3 would not justify refusal of the application, given that the density figures exceed those allocated for the site under Policy LR1 of the ALDP and the approved SG, and thereby comply with the strategic visions of the Structure Plan.

Compliance with all remaining detailed guidance contained in policies of the ALDP and related SG is dependent on assessment of the detailed layout and form of each individual phase of the development, and these are issues which are to be addressed by detailed / MSC application process.

Flood Risk

The proposed site is bounded to the south by the Denburn while the site to the north has a part open/part culverted watercourse which joins with the Denburn within the boundary of the south site. In support of the application, the applicant has provided full surface water drainage proposals for the development, outlining the proposed method of surface water discharge. A full Drainage Impact Assessment has been submitted, indicating the proposed SUDS facilities in addition to a full investigation and report of all watercourses within the vicinity of the site and the impact which the development shall have on the existing drainage network. Furthermore, a Flood Risk Assessment has also been submitted to indicate any potential risk of flooding which the development poses to the existing communities. Formal consultation with SEPA during the application process has confirmed that flood risk is not so significant that the

development potential of the site is compromised or that refusal is warranted. Subject to further consultation on all future detailed / MSC applications, there are no objections. The Council's Flooding Engineers have evaluated the proposals, including all information provided in the supporting documents, and have confirmed that subject to a financial contribution towards the provision of a proposed flood prevention scheme downstream of the development, they are satisfied that the drainage proposals are adequate for the development and would not pose a risk to existing communities, in line with Policy NE6 of the ALDP. The value of the contribution and schedule for payments shall be agreed through Legal Agreement. Scottish Water has confirmed no objections subject to a separate application being made to Scottish Water for connection to the existing infrastructure.

Landscape Setting and Wildlife

It is noted that a development of this size will have an inevitable degree of impact upon existing landscape and wildlife, in particular on a site such as this which has had such limited farming or active uses over the years. However, it must also be accepted that the site has been zoned and allocated, through the appropriate procedures, for housing development. Therefore, the specific impact on landscape and wildlife is unfortunately not sufficient reason to justify refusal of the application. Rather, such impact must be managed to the highest degree possible, to enable the housing development to be delivered with minimal impact, and where possible to protect and enhance remaining areas of habitat and landscape. In this regard, a detailed Ecological Assessment has been provided in support of the application, which formed the basis for formal consultation with the Council's Environmental Planner and S.N.H. Neither has raised objections, subject to conditions requiring the following:

- Submission of a Nature Conservation Management Plan that incorporates the Local Nature Reserve and the Green Space Network; and
- Submission of a finalised Badger Protection Plan prior to any works commencing on site.

Purification of the above conditions would thereby ensure compliance with Policy NE8 of the ALDP, and fulfil the Planning Authority's duty with regard to ensuring adequate protection is afforded to a protected species. Additional impacts on all other identified flora, habitat and species would be dealt with through the detailed / MSC application process for each individual phase of the development.

Pedestrian & Cycle Access

The development will provide various pedestrian and cycle connectivity both within and outwith the application site. The Council's Roads Engineer has confirmed no objections subject to conditions requiring:

- Precise details of identified pedestrian and cycle connections from the eastern side of the site, north of the A944, to the existing residential area to the east;
- Precise details of the proposed pedestrian and cycle access link to the B9119 to the south east of the development, including an investigation of the existing infrastructure that would form part of this route;
- Full implementation of a Prohibition of Driving Order on Core Path 29; and

- Details of additional pedestrian and cycle access to the Lang Stracht.

It is agreed that appropriate conditions be attached in respect of all of the above.

Public Transport

The Masterplan process identified that the site would be served by an extension to the existing bus service serving Skye Road and Lewis Road, however it proved difficult to both reach agreement with the public transport operators over this proposal, and provide a route that does not present detriment to existing public transport users. An alternative proposal has now been presented which shows that new bus stops can be installed on the A944. The Council's Roads Engineer is willing to accept this proposal, provided that acceptable pedestrian accessibility to the proposed new bus stops from the development site can be established through the detailed / MSC application process for each phase of the development.

Vehicular Access

An analysis of both the existing road network and the proposed infrastructure has identified various impacts/issues that require to be addressed by the developer to enable the development. Sufficient detail has been provided at this stage to show that solutions are available, however the specifics of each need to be identified and agreed. These issues can be identified as follows:

- Relevant orders required to prevent vehicular access from the existing insert road set back to the south of the A944;
- Relevant orders required to prevent vehicular access along the western part of the insert road (i.e. those to the west of the western access);
- Primary access by means of three new junctions (as per ALDP Infrastructure Requirements for Masterplan Zones);
- Various junction improvements along the A944 network;
- Provision of a segregated cycle facilities at various junctions along the A944;
- Safeguarding a corridor of land of sufficient size necessary to allow the future upgrade/dualling of the A944;
- Financial contribution to provide a solution to the collective impact, from this and other developments in the area, on the A944 Lang Stracht/ B9119 Skene Road (Switchback) junction;
- Restriction on maximum number of units to be occupied (182 units) prior to completion and opening of the Aberdeen Western Peripheral Route.

Each of the above specifics can be addressed by either use of planning conditions or Legal Agreement under the provision of S75 of the planning acts.

Travel Plan

In line with the Transport and Accessibility Supplementary Guidance a residential Travel Plan and Residential Travel Packs will be required for this development. Provision of these prior to occupation can be secured by condition.

Strategic Transport Fund

The development is eligible for a contribution to the Strategic Transport Fund, which can be addressed through Legal Agreement.

Transport Summary

For the above reasons, and subject to appropriate conditions and legal agreement, the proposed roads, transport and aspects of the development would be seen to accord with the relevant provisions of Policies D3, T2 and NE9 of the ALDP, SPP Transport and the strategic Accessibility targets of the Structure Plan.

Education & Medical Facilities

The ALDP indicates a requirement for contribution for enhancement of secondary school capacity at Northfield and Hazlehead Academies. However further consultation with the Council's Education Service and the Developer Contributions Team has shown that this is not in fact required to accommodate the development. A contribution is however required in relation to enhancement of primary education facilities off site. Likewise and in line with ALDP recommendations, a contribution is required for health-care facilities within the development site. Provision of such contributions will be delivered by Legal Agreement, in line with Policy I1 of the ALDP.

Developer Contributions

The applicants have agreed to a comprehensive developer contributions package for this site, to deliver an appropriate level of affordable housing on site along with contributions towards enhancement of primary education; community facilities; recreation facilities; libraries; health-care facilities; and improvement works and links to the Core Path network in the vicinity. These matters will ensure compliance with Policies H5 and I1 of the ALDP, and are to be included in the Legal Agreement under the provision of S75 of the planning acts, in addition to the transfer of land ownership, required infrastructure mitigation measures, and Strategic Transport Fund contribution as identified under the relevant sections above.

Matters Raised in Letters of Representation

Issues relating to landscape and wildlife impact; existing and proposed amenity; drainage; traffic/access; public transport; and impact on education facilities, have been addressed in the relevant topic sections identified above and have been the subject of lengthy discussion with the relevant statutory consultees. Further to these, the remaining points raised in representations can be addressed as follows:

- *The development would result in a loss of green belt:*
The site is zoned as Land Release for housing development. Notwithstanding the rural nature of the site, there would be no loss of green belt.
- *A TPO is shown on the plans which is inaccurate and should be removed before any approval is considered:*
The TPO shown on the plan matches those on the Planning Authority's records. In any case, the impact of the development on individual trees would be considered through the detailed / MSC application process, and would not prevent determination of this application.

- *The land shown for the SUDS basin to the south-east of the development is not capable of supporting the infrastructure required:*
 The drainage plans have been fully evaluated through the relevant consultations. Notwithstanding this, it is for the applicant to show through the detailed / MSC application process, by way of fully detailed plans, that the proposed basin can be constructed in this location.
- *Access to existing houses within the site should remain unaltered as per existing title deeds, and permission will not be given to developers to cut across this:*
 Existing access arrangements, including rights of way, are private legal matters between the individual parties involved. They are not material planning considerations and would not prevent determination of this application.
- *The proposed access point at Uist Road is not welcomed by residents:*
 The Masterplan identified a need for connections outwith the site to existing residential areas. The specific location and details for these connections will be dealt with and agreed through the detailed / MSC application process.
- *The development would decrease the value of existing residences:*
 The value of properties is not a material planning consideration and cannot be taken into account when determining this application.
- *The development would have a detrimental impact on local services such as phone signal, TV and internet services:* There is no evidence to suggest this is the case. Access to such services is not a material planning consideration.

On the basis of the above, it is considered that there are no grounds for refusal of the application. The low volume of objections received in relation to the size of the overall proposal is considered to be indicative of a successful community engagement process.

Conclusion

Subject to imposition of conditions and Legal Agreement to ensure infrastructure provision and appropriate development of the site, the principle of the proposed development would be considered to accord with all required policies and guidance, with the exception of proposed density across the site conflicting with Policy H3 of the Aberdeen Local Development Plan. However, balanced against this, such a density would be of appropriate scale for the nature of the site; complying with the relevant land release policies, the approved Masterplan supplementary guidance, and the strategic targets of the Structure Plan; and as such would be considered acceptable for this site. Full consideration has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application. All other relevant material considerations have been fully considered and in line with these the Planning Authority recommends a willingness to approve, subject to conditions and Legal Agreement.

RECOMMENDATION

Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a Legal Agreement to deliver:

- 5) Affordable Housing,**
- 6) Transfer of land ownership to allow potential improvements to the A944,**
- 7) Strategic Transport Fund contributions, and**
- 8) Developer contributions towards:**
 - **Primary Education;**
 - **Community Facilities;**
 - **Recreation Facilities;**
 - **Library Facilities;**
 - **Core Path Networks;**
 - **Healthcare Facilities;**
 - **Flood Prevention Scheme; and**
 - **Road improvements to mitigate the impact of development.**

REASONS FOR RECOMMENDATION

Subject to imposition of conditions and a Legal Agreement, the principle of the proposed development would be considered to accord with Scottish Planning Policy and Guidance; the Aberdeen City & Shire Structure Plan 2009; Policy LR1 'Land Release Policy' of the Aberdeen Local Development Plan; and Aberdeen City Council's Supplementary Guidance including the Maidencraig Masterplan. Whilst it is noted that proposed density across the site conflicts with Policy H3 of the Aberdeen Local Development Plan, it would be of appropriate scale for the nature of the site; complying with the relevant land release policies, the approved Masterplan supplementary guidance, and the strategic targets of the Structure Plan; and on balance would be considered acceptable. Full consideration has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application. All other relevant material considerations have been fully considered in reaching this recommendation.

CONDITIONS

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

(1) that no individual phase of the development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application for that individual phase has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; unless the planning authority has given written approval for a variation; these matters being details of the:

- (a) means of access and car parking, cycle parking and motorcycle parking;
- (b) siting, design and external appearance of the building(s);
- (c) hard and soft landscaping of the site;

- (d) tree survey to show details of all existing trees, and those to be removed, retained and planted, which a scheme for protection of those to be retained on site during construction works;
- (e) site and plot boundaries and enclosures;
- (f) arrangements for the segregation, storage, collection and management of residential, commercial and business waste arising from within that phase; and
- (g) low zero carbon equipment or carbon reduction measures to meet the requirements of the Council's SPG on reducing carbon emissions from new development.

- 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 an application for approval of the matters specified in all condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;

- (a) the expiration of 3 years from the date of this grant of planning permission in principle;
- (b) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
- (c) 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, and to allow a reasonable time period for construction work to begin on all phases of the development.

(3) 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, and to allow a reasonable period of time to enable the development to be completed.

(4) that, unless the planning authority has given written approval for a variation, the details and phasing of the development shall follow the general principles established in the Masterplan dated April 2013, stamped copies of which are attached to this planning permission. In particular the areas identified as Phases 3a and 4, as indicated on page 54, 'Section 5.1 Phasing' of this document, will show evidence that the location, design and construction of the new housing have taken account of the need to protect residents from potential noise nuisance arising from the proximity to Albion Kennels - to ensure that the agreed design principles and phasing are followed through to the detailed stages of the development, and to protect the amenity of residents.

(5) that all planting, seeding and turfing, comprised in any scheme of landscaping approved under Condition (1) attached to this grant of planning permission in principle, 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,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout, design and construction method of the most eastern primary access junction with the A944, including capacity, distribution, signalling, operational flow, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning Authority;

(b) no individual residential property hereby approved shall be occupied unless the relevant scheme is fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation.

- in the interests of road safety.

(7) that,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of both the central and most western primary access junctions with the A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include capacity; distribution; signalling; operational flow, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site;

(b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation.

- in the interests of road safety.

(8) that,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of A944 junction improvements, including the A944 / Stronsay Drive junction, together with provision of segregated cycle facilities at each, has been submitted to, by means of a formal

application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site;

(b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation.

- in the interests of road safety.

(9) that,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing all elements required to implement and enforce a Prohibition of Driving Order on Core Path 29, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include all physical infrastructure alterations, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site;

(b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the Prohibition of Driving Order has been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation.

- in the interests of road safety.

(10) that,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing a proposed management plan to deal with all access issues through the entire length of the insert road set back to the south of A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include provision for emergency access, prohibition orders, all physical infrastructure improvements, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site;

(b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the management plan has been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation.

- in the interests of road safety.

(11) that, unless the planning authority has given written approval for a variation, no more than Phase 1 comprising 182 residential units shall be occupied until the Aberdeen Western Peripheral Route (AWPR) has been constructed - in the interests of road safety and the free flow of traffic.

(12) that,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the design and construction of culverts linking the north and south developments beneath the A944 has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site;

(b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the culvert scheme has been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation.

- to mitigate the potential risk of flooding which the development poses to the existing communities.

(13) that,

(a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed plan identifying appropriate exclusion zone boundaries for the main and subsidiary badger setts, as identified in the Badger Protection Plan, dated June 2013, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority;

(b) unless the planning authority has given written approval for a variation through consultation with Scottish Natural Heritage, no construction works pursuant to the planning permission in principle hereby approved shall take place within any exclusion zone as identified in the above plan.

- to ensure protection of wildlife habitats within the site.

(14) That, notwithstanding the details contained within the Badger Protection Plan, dated June 2013, and unless the planning authority has given written approval for a variation through consultation with Scottish Natural Heritage, no development pursuant to the planning permission in principle hereby approved shall take place unless a Pre-construction Survey has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. The survey will be undertaken a minimum of 12 months prior to construction commencing; within a radius of 1km around the whole development site, and shall include an up to date assessment of badger activity on the development site. It shall also highlight whether any badgers setts exclusions are required, and if so, consider alternative sets and potential locations, having regard for restrictions arising from the breeding season - to ensure protection of wildlife habitats within the site.

(15) that no development pursuant to the planning permission in principle hereby approved shall take place unless a Nature Conservation Management Plan, that incorporates the Local Nature Reserve and the Green Space Network, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority - in the interests of retaining and increasing the wildlife of the remaining habitats.

(16) that,

(a) unless the planning authority has given written approval for a variation, no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a full site waste management plan for the processing of construction and demolition waste for that individual phase has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority;

(b) no work shall be carried out within that individual phase unless the management plan is fully implemented in accordance with the approved plans.

- to ensure that waste on the site is managed in a sustainable manner.

(17) that,

(a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout and construction method of adequate pedestrian and cycle connectivity from that individual phase to the A944 has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority;

(b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans.

- in the interests of promoting sustainable connections outwith the site.

(18) that,

(a) no development within the area identified as Phase 1b, as indicated on page 54, 'Section 5.1 Phasing' of the Masterplan dated April 2013, stamped copies of which are attached to this planning permission, pursuant to the planning permission in principle hereby approved, shall take place unless a detailed scheme showing the precise location, layout, design and construction method of pedestrian and cycle connectivity from the eastern side of the development, north of the A944, to the existing residential area to the east, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority;

(b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans.

- in the interests of promoting sustainable connections outwith the site.

(19) that,

(a) no development within the area identified as Phase 1a, as indicated on page 54, 'Section 5.1 Phasing' of the Masterplan dated April 2013, stamped copies of which are attached to this planning permission, pursuant to the planning permission in principle hereby approved, unless a detailed scheme showing the precise location, layout, design and construction method of pedestrian and cycle connectivity from the south-eastern side of the development to the B9119, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. This

scheme shall include an investigation of the existing infrastructure that would form part of this route, to establish the current status of the infrastructure and identify any infrastructure improvements that are required;

(b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented, including all identified infrastructure improvements, in accordance with the approved plans.

- in the interests of promoting sustainable connections outwith the site.

(20) that,

(a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout, design and construction method of acceptable pedestrian access to the proposed bus stops within that phase; and upgrading of each identified bus stop as necessary to provide a minimum provision of shelter, seating, lighting, timetable information and raised kerbs, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority;

(b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans.

- in the interests of pedestrian connectivity and sustainable public transport facilities.

(21) that,

(a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a fully detailed SUDS scheme, to comply with the Drainage Impact Assessment, reference B9204, dated 05/09/2013, for that individual phase has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority;

(b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans.

- in the interests of protection of the water environment.

(22) that,

(a) unless the planning authority has given written approval for a variation, no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless the implementation of a programme of archaeological work (to include all necessary post-excavation and publication work) has been secured for that individual phase in accordance with a written scheme of investigation that has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by, the planning authority;

(b) no work shall be carried out within that individual phase unless the programme of archaeological work has been fully implemented in accordance with the approved plans.

- in the interests of protecting the historic heritage of the City.

(23) that,

(a) unless the planning authority has given written approval for a variation, no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme in respect of that individual phase, showing suitable dust suppression measures to be incorporated within the procedures for demolition and construction, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include the provision of dust suppression equipment during periods of dry weather, and measures to prevent the potential for mud and/or other debris from vehicular traffic being deposited on the A944 public highway adjacent to the site;

(b) no work shall be carried out within that individual phase unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved.

- in order to prevent dust arising on site giving rise to nuisance and to prevent the risk of environmental pollution.

(24) that no individual employment based development pursuant to the planning permission in principle hereby approved shall be occupied unless a detailed Green Transport Plan for that individual development, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority - in order to encourage more sustainable forms of travel to the development.

(25) that no individual residential property on any individual phase of the development pursuant to the planning permission in principle hereby approved shall be occupied unless a comprehensive Residential Travel Pack for that individual phase has been:

(a) submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and

(b) subsequently provided to occupants of each residential property to be occupied. The Pack will set out proposals for reducing dependency on the private car, including information on external connectivity to key facilities, and will provide, in consultation with local schools and the planning authority, information on safer routes to schools – in the interests of promoting sustainable transportation.

INFORMATIVES

that, unless the planning authority has given written approval for a variation, no work on any phase of development pursuant to the planning permission in principle hereby approved shall take place:

- (a) Outwith the hours of 0700-1900 hours Monday to Friday;
- (b) Outwith the hours of 0900-1600 hours on Saturdays; and
- (c) At any time on Sunday except for works inaudible outwith the application site.

- in order to protect the residential amenity of domestic dwellings adjacent to the site from any potential noise nuisance arising from the proposed construction work and deliveries.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

Kingswells Community Council

28/03/13

From: "Buchans [redacted]"
To: <pi@aberdeencity.gov.uk>
Date: 3/28/2013 9:55 pm
Subject: Planning Application - 30265 Planning Permission In Principle, Site at Maidencraig

(not an *
*objection Pro)

Dear Sir or Madam

Please find below Kingswells Community Council's response to the following Planning Application " 30265 Planning Permission in Principle, Site at Maidencraig, North and South of the A944, LDP Sites OP43 & 44, Aberdeen. Mixed use development incorporating residential, commercial uses, community facilities, landscaping and associated infrastructure"

Kingswells Community Council, as statutory consultees, have studied this application and decided that making any comment on it is futile within a flawed planning system in Aberdeen City which makes a mockery of those who participate in the process. The failings of the system are described by, but not limited to, the following:

planners can disregard or distort their own good planning guidance at a whim, making the whole system inconsistent and unpredictable;

carefully-considered points from community councillors who have local knowledge of the area are consistently marginalized and disregarded;

Individual planning applications should be considered on planning merits - not unswervingly approved on the grounds of purely economic benefits;

site visits should always be actively encouraged for potentially contentious applications so that those who have local knowledge can share it with those who make the planning decisions;

Kind regards

Barrie

Mrs Barrie Buchan

Chair

Kingswells Community Council

From: PI
To: Garfield Prentice
Date: 4/1/2013 10:43 am
Subject: Re: Fwd: Planning Application - 30265 Planning Permission in Principle, Site at Maidencraig (Out of Office)

28996

Hello Garfield,

I'm forwarding you a copy of the email below marked for Gareth Allison.

I've treated it as a letter rather than a consultee response, as the text of the letter seems to be that they do not wish to provide a formal consultation response.

George

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

Email address: PI@aberdeencity.gov.uk
Tel: 01224 523470
DX 529452 Aberdeen 9
www.aberdeencity.gov.uk

We are committed to improving the quality of the service we provide and would like to know your views on the service you have received.

By clicking on <http://www.aberdeencity.gov.uk/customerfeedback> selecting **Building Standards and/or Development Management** and filling out the online feedback forms, you will be helping us learn what we need to do better

>>> pi 01/04/2013 10:39 >>>

Thank you for your recent communication to Planning & Sustainable Development. A response where required will be sent to you within 15 working days.

>>> Gareth Allison 04/01/13 10:39 >>>

Hi. Unfortunately I will be out of the office for an interim period; please note that this e-mail has not been forwarded.

In my absence, please contact:

- * Planning Reception on 01224 523470 (for general enquiries);
- * Garfield Prentice (Team Leader) on gprentice@aberdeencity.gov.uk or 01224 522198, or
- * Gavin Clark (Planner) on gaclark@aberdeencity.gov.uk or 01224 522278.

Kind Regards

Gareth Allison
Senior Planner

01224 522275
gallison@aberdeencity.gov.uk
www.aberdeencity.gov.uk

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

>>> PI 04/01/13 10:39 >>>

28996

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>>> "Buchans" [REDACTED] 28/03/2013 21:54 >>>

Dear Sir or Madam

Please find below Kingswells Community Council's response to the following Planning Application " 30265 Planning Permission in Principle, Site at Maidencraig, North and South of the A944, LDP Sites OP43 & 44, Aberdeen. Mixed use development incorporating residential, commercial uses, community facilities, landscaping and associated infrastructure"

Kingswells Community Council, as statutory consultees, have studied this application and decided that making any comment on it is futile within a flawed planning system in Aberdeen City which makes a mockery of those who participate in the process. The failings of the system are described by, but not limited to, the following:

- planners can disregard or distort their own good planning guidance at a whim, making the whole system inconsistent and unpredictable;
- carefully-considered points from community councillors who have local knowledge of the area are consistently marginalized and disregarded;
- individual planning applications should be considered on planning merits - not unswervingly approved on the grounds of purely economic benefits;
- site visits should always be actively encouraged for potentially contentious applications so that those who have local knowledge can share it with those who make the planning decisions.

Kind regards

Barrie

Mrs Barrie Buchan
Chair
Kingswells Community Council

MEMO



ABERDEEN
CITY COUNCIL

To	Gareth Allison Planning & Infrastructure	Date	01/10/2013
		Your Ref.	P130265 (ZLF)
		Our Ref.	TR/IH/1/51/2
From	Roads Projects		
Email	IHamilton@aberdeencity.gov.uk		
Dial	01224 522752		
Fax			

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

Planning application no. P130265
Site at Maidencraig, North and South of the A944
Mixed use development incorporating residential, commercial uses,
community facilities, open space, landscaping and associated infrastructure

I have considered the above planning application and have the following observations:

1.0 Introduction

1.1 I note that this application is the Planning Permission in Principle for the Den of Maidencraig masterplan. A Transport Assessment (TA) has been submitted in support of this planning application and reference is made within these comments to this report.

2.0 Pedestrian and Cycle Access

2.1 The applicant has confirmed plans to provide pedestrian and cycle connectivity from the eastern side of the development north of the Lang Stracht to the existing residential area to the east. A number of potential routes have been identified, and I agree that the precise location of the connections be agreed through detailed applications.

2.2 I understand that proposals for pedestrian and cycle access to the B9119 to the south east of the development are still under discussion. This link is essential as it will provide access to Hazlehead Academy and leisure facilities. Should this not be resolved prior to the application being determined, I would request that a condition be attached to any consent that a suitable combined use foot and cyclepath be provided. This route should be a minimum of 3m in width, adequately drained and fully lit, and be provided prior to occupation of the development. I would also request a condition be attached to any consent that an investigation be carried out of the existing infrastructure that would form part of this route. This investigation should establish the current status of the infrastructure, identify and subsequently implement any infrastructure improvements that are required.

Gordon McIntosh
Corporate Director

- 2.3 Core Path (CP) 29 will provide access to public transport facilities on Queens Road, as well as connecting the western parts of the development with the Kingswells to Westhill cycleway. This route currently provides vehicular access to a number of properties within the development site, and these properties will remain. The masterplan submitted shows that the road infrastructure within the development would connect with the carriageway of CP29. I would object to this happening as this could provide an alternative access point to the development at an inappropriate and undesirable location. The existing properties within the development site would be able to gain access from the infrastructure that the development will create. I understand that it would be possible to implement a Prohibition of Driving Order on CP29, from the north of the access to the houses fronting Skene Road. This would be enforced by suitable means, likely bollards, and the infrastructure would be retained as pedestrian/ cycle access, including providing such access to the development. The applicant will be liable for the full cost of the Prohibition of Driving Order, or other as determined necessary, and any infrastructure to support this. This will include the construction of a footway on the section of CP29 where driving will remain possible. I consider that due to the very light traffic volumes that will result there will be no requirement to provide additional cycle infrastructure, and that any narrowing in the carriageway will be able to be accommodated.
- 2.4 Pedestrian and cycle access to the Lang Stracht should be provided in as many locations as possible, and these will be sought through the detailed application process for each phase of the development.

3.0 Public Transport

- 3.1 The masterplan process identified that the site would be served by an extension to the existing bus service serving Skye Road and Lewis Road. This would loop through both the northern and southern parts of the site. I understand that it has been difficult to both reach agreement with the public transport operators over this proposal, and provide a route that does not present detriment to existing public transport users. An alternative proposal has been presented which shows that new bus stops can be installed on the Lang Stracht. The detail of acceptable pedestrian connectivity to these bus stops remains to be established. The positioning of these bus stops is such, that with use of existing bus stops surrounding the site, public transport accessibility is achieved. There are a small number of houses in the north west of the development site that fall outwith the 400m distance from a bus stop, however this is a small additional distance which I do not consider to be sufficient to dissuade residents from accessing public transport services. In principle I am willing to accept the public transport measures identified, provided that acceptable pedestrian accessibility to the proposed new bus stops from the development site can be established. Arrangements for this can be established through the detailed planning applications. All identified bus stops, including the proposed new infrastructure, should be upgraded as necessary to provide a minimum provision of, shelter, seating, lighting, timetable information and raised kerbs. I would request that appropriate conditions be attached to any consent that the new bus stops and any

upgrades provided as the development is built out, and as they are required by the different phases of the development.

4.0 Vehicular Access

- 4.1 The potential for vehicular access from CP 29 is discussed above, along with measures that I would request be conditioned to any consent to prevent this occurring. In a similar vein, I have concerns that access to the development from the existing insert road set back to the south of the Lang Stracht could be delivered as a result of the development. This would be undesirable, and I would object to this if it were to happen, as it could lead to vehicles accessing the network in inappropriate locations, including uncontrolled movements into signalised junctions, giving rise to road safety concerns. In addition, the eastern access to the insert road will be in extremely close proximity of the proposed eastern access junctions, and it would be possible for vehicles to gain access to the insert road from the developments western access junction.
- 4.2 It is proposed as part of the first phase of development that the emergency access be taken from the insert road. Through discussion with the developer, it has been identified that this emergency access could be constructed to full road standards. This would allow the current accesses to the insert road to be removed through use of the appropriate orders, while maintaining access to the existing houses. On occupation of the first house, or commissioning of the signals (whichever occurs first), the eastern insert road access will require to close. Residents on the insert road will be able to enter and exit from the western access point. On completion of the fiftieth house in phase 1A of the development, the emergency access will require to be taken to the insert road. This must not permit general access without the western entrance to the insert road also being closed. On completion of the central access junction to the development, the western access to the insert road must close, and the emergency access will convert to an all traffic road. At this point residents of the eastern part of the insert road will be able only to gain access through the development and via the converted emergency access. The developer would be responsible for the full cost of the necessary orders and infrastructure changes in order to achieve this. Appropriate conditions should be attached to any consent to achieve this.
- 4.3 Similar issues exist with the existing houses to the west of the western access to the insert road. These houses can be provided with alternative access from within the development infrastructure. The development spine road will cross the existing insert road where it gives access to the south-westernmost houses. Appropriate orders can be used to prevent vehicular access along the western part of the insert road (i.e. those to the west of the western access), preventing an uncontrolled arm at the central junction and allowing inappropriate access for development traffic. Again, the applicant would be liable for the full cost of the necessary orders and any infrastructure alterations that were deemed necessary. I would request conditions be attached to any consent that will require the timing of this to be agreed, necessary infrastructure designed, stopping up and prohibition of driving orders promoted.

- 4.4 Access to the development will ultimately be by means of three new junctions. The eastern access junction will operate as left in/ left out, although will be traffic signalised initially until the centre junction is installed. The eastern junction should be designed with its final layout in mind, and subsequently adapted for signals. Although the western junction will potentially have a bus gate facility, it will otherwise operate as a left in/ left out junction for general traffic.
- 4.5 Additional analysis has been carried out in respect of the central access junction, and this reflects a more realistic scenario. This shows that the central access junction will operate within capacity. I accept the new distribution and analysis. The detailed design of this junction, as with the other two access junctions, will require to be carried out. I am satisfied that this can be carried out in accordance with the detailed applications as they are brought forward. All new junctions will require to undergo the Roads Construction Consent (RCC) process and I would suggest that the applicant contact Colin Burnet to discuss this further.
- 4.6 The applicants transport consultant has conducted analysis of the Lang Stracht network, extending east from the development site. This analysis has identified that a number of junction improvements are necessary in order to accommodate and mitigate the impact of the development. The exact nature of these have yet to be finalised, however it is apparent from the analysis submitted that a resolution can be reached. I would request appropriate conditions be attached to any consent that the detailed designs of each of these junctions improvements be prepared and that the applicant implement the improvements. The implementation of the improvements should be phased in accordance with the development, and as agreed with the developer. The mechanism by which this is to be done has been suggested as proportional by the total cost of the improvements to the progression of the development, with an element of appropriateness taken into account. For example if a particular phase of the development progresses and is within 10% of the trigger point for a further junction improvement then the improvement should be implemented. In the interests of eliminating incremental improvement of junctions it has been agreed that one junction shall be taken at a time and the full improvement at that junction implemented. Effectively this will mean that as the development is built out there will be junctions that have had delivered a better than no net detriment solution, and others that will have had no improvement and are experiencing detriment. Both these situations will be temporary until the full development is completed. I would request a condition be attached to any consent that a scheme establishing the phased implementation of the junction improvements be established, based on the principals outlined above, and agreed with the Council, prior to work starting on site. As part of these junction improvements there should be a move towards providing a segregated cycle facility along the entire length of the Lang Stracht.
- 4.7 Included within the proposed infrastructure upgrades for the Lang Stracht is an improvement at the Lang Stracht/ Stronsay Drive junction. A similar improvement has been identified as part of the Morrison's development adjacent to this junction. In the event that this improvement has been implemented by the time that the phasing agreement discussed above

requires the Maidencraig development to implement the scheme then there will be no further requirement for improvement. However, if the Morrison's development has not progressed the improvement, then the Maidencraig development will require to carry out the upgrade.

- 4.7 In order to allow for future infrastructure upgrades of the Lang Stracht that may be necessary, the developer has agreed to safeguard a corridor of land of sufficient size necessary to allow the dualling of the Lang Stracht where their ownership/ control is adjacent to the existing corridor and/ or Council controlled land. This has been agreed as being of sufficient width to safeguard a total corridor, including the existing road infrastructure of 27.1m. This land should be transferred to the Councils ownership. I would request a condition to any consent of this application that the boundary of this land be identified, through discussion with the Council, and a plan subsequently prepared. It is likely that legal agreements will additionally be required.
- 4.9 The development has additionally identified that there will be an impact on the A944 Lang Stracht/ B9119 Skene Road (Switchback) junction. The developer is required to mitigate their impact at this junction, and has identified a solution that will achieve this. This junction will be impacted by a number of other developments in the area, and it is desirable to derive a 'final' solution for this junction taking the impact of all developments into consideration rather than have this junction continuously upgraded by the different developments. It would not be in the interests of the travelling public to subject the junction to repeated incremental improvements. Instead of asking the developer to carry out the identified improvements at this junction, this service would seek that a financial contribution be sought of the value of constructing the identified improvement and that this money be used along with contributions from other developments to provide a solution that will accommodate all development traffic. This will need to be the subject of a legal agreement, however I cannot at this time provide the amount that will need to be included in the legal agreement. I would request a condition be attached to any consent for this application that the developer provide a detailed design of the required improvements, and that this be agreed by the Council. This design must meet all relevant and current design standards. The cost of this improvement will then be taken in the form of a financial contribution through the legal agreement and used towards the final solution at the A944/ B9119 junction, in whatever form that solution will be.
- 4.10 All the new access junctions, internal road and pedestrian infrastructure and amendments to the existing infrastructure will require to undergo detailed design and the Roads Construction Consent (RCC) process at the appropriate stage. The applicant would be advised to contact Colin Burnet to discuss this process in further detail.
- 4.11 Analysis has been undertaken of the development, and this has included the impact of the Aberdeen Western Peripheral Route (AWPR). The analysis has identified that 182 units can be accommodated prior to the AWPR being fully opened and completed. I would therefore request a condition be attached to any consent that this number of units not be exceeded prior to the AWPR opening.

4.12 In order for utilities to be connected and ultimately for residents to be able to occupy, street names and house numbers will be required. This can be a lengthy process and I would advise the applicant to begin this at the earliest possible stage and to contact Stuart Allan for further information on this subject.

5.0 Strategic Transport Fund

5.1 The development will be eligible for a contribution to the Strategic Transport Fund. I am satisfied that this can be made through the detailed applications pertaining to the individual phases over time. This should be reflected in any final consent, and be conditioned appropriately.

6.0 Travel Plan

6.1 In line with the Transport and Accessibility Supplementary Guidance a residential Travel Plan and Residential Travel Packs will be required for this development. I would ask that the provision of these prior to occupation be secured by condition to any consent. As the development will be constructed in phases over a number of years, it will be necessary to update these documents on a regular basis and I would ask that provision for this is made within the conditions.

7.0 Conclusion

7.1 There remains an amount of work to be undertaken in order to determine exactly what requires to be implemented in order to mitigate the impact of the development, and the extent of contributions. However, sufficient evidence has been submitted to suggest that it is likely that solutions can be derived that would allow the development to progress, and it has satisfactorily been shown that this is the case. As a result, and subject to all of the conditions and legal agreement set out above, I have no objection to this development.

Iain Hamilton

Engineer (Developments and Traffic)

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 27/03/2013 12:48
Subject: Planning Comment for 130265

Comment for Planning Application 130265
Name : Euan Innes (Member of Aberdeen Cycle Forum)
Address : 20 North Anderson Drive
Aberdeen
AB15 5DA

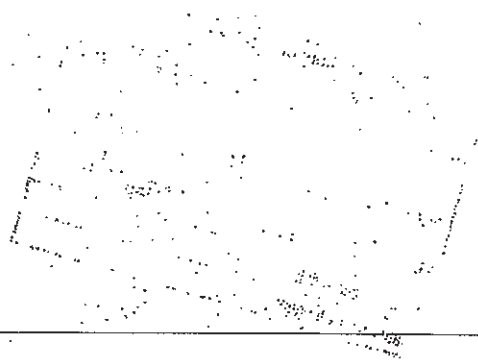
Telephone :

Email :

type :

Comment : We welcome the provision for cycling within the plan such as the links to other identified cycling routes and cycling opportunities within the development. However, in the detailed plan we would like to have seen more provision for Advanced Stop Lines (advanced bicycle stop boxes) to protect cyclists wishes to leave the development via the Lang Stracht. The left-turn only entrance and exit to the development is unsuitable for cyclists and may encourage dangerous maneuvering across the centre of the road. Could there be provision for cyclists to enter and exit the development from a right turn channel or perhaps toucan crossings to allow cyclists to enter across the Lang Stracht.

In the earlier planning document there was mention of segregated cycle paths however the developer now highlights that street design will include less segregation. There is a lack of clarity regarding the design of the main bus route and how cycle provision will be included here. Also there is a lack of clarity and detail regarding the potential conflict between pedestrians and road users in the 'Safer Streets' design.



From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 27/03/2013 08:46
Subject: Planning Comment for 130265

Comment for Planning Application 130265
Name : MR G Davidson
Address : 11 Stornoway Crescent
Aberdeen
AB16 6UW

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

My wife and i moved to stornoway crescent mainly because of the various walks we have on our doorstep which we can go with our dogs, and as my wife doesn't drive it is the closest to being in the countryside. We walk this green belt area two to three times daily and very much appreciate seeing the cows and sheep in the fields and there is also a lot of wildlife around here aswell. We were very disappointed when we heard about this new Maidencraig development, but we know how badly Aberdeen needs housing, which we suppose is a good thing! We were concerned about the green belt until we saw the plans but thankfully the houses will stop short of the fields that runs parallel with our house therefore we still have some green belt left until such time, but sad to see cows and sheep go. You may not realize but there are quite a lot of people who walk dogs here or even just walking to Dobbies. Ourselves and our neighbours major concern is the proposed bus link which will run right past our front garden, at the moment it is a grassed area with a walking path that leads to the fields or to Lewis Rd, with bungalows at the other side. Personally i dont think there is enough room for a bus through there without causing a major disturbance to ourselves and other tenants, there are already roads in the area which they could extend through, two being benbecula rd or more so Lang Stracht. We also have a four year old granddaughter who plays out front safely as there is no road to worry about because out the back we have a road with a roundabout. It is very peaceful and quiet around here and that would be gone with a bus going buy every ten minutes . Another major concern is it will de-value our house as we intend to sell in the future when we reach retiring age. These are a few issues that this development will be affecting our enjoyment of home.

Mr and Mrs Davidson
11 Stornoway Crescent
AB16 6UW

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 22/03/2013 11:55
Subject: Planning Comment for 130265

Comment for Planning Application 130265
Name : Philip McCallum
Address : 10 Small Holdings,
Whitemyres,
Maidencraig,
Aberdeen
AB15 8PS

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

Comment : On looking at the plans for work to be carried out it shows a road which passes right in front of my house and also it cuts through present residents access road which is a privately owned lane. At no point have builders Banchory contracts asked permission to cut through this lane. This is a privately owned road and I do not give Banchory contracts permission to go through it. This has been discussed with Banchory contracts and they have been informed that we do not wish them to go through this lane which is the only access to present property by car or on foot.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 19/03/2013 08:22
Subject: Planning Comment for 130265

Comment for Planning Application 130265
Name : Susan Young
Address : 16 Benbecula Road, Aberdeen

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

Comment : I object to this building works on account of the roads infrastructure. The Lang Stracht is already very heavily congested and not designed to cope with the amount of traffic already using the road let alone the amount of additiona traffic this will cause.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 18/03/2013 13:17
Subject: Planning Comment for 130265

Comment for Planning Application 130265
Name : Liz and Mike Mackay
Address : 12 Whitemyres Holdings
ABERDEEN
AB15 8PS

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

Comment : We have lived at 12 Whitemyres Holdings for 37 years. During this time we have used and single handedly maintained the access road from "The Switchback" to our house. We believe that we should be able to continue to use this route without the inconvenience of the proposed gate and consider it to be an unreasonable solution to the Developers problem of gaining access to the extreme west of the site.

We already face loss of light, loss of privacy and loss of a rural lifestyle, not to mention loss of the view.

We would like to keep our entrance / exit.

Bancon appear to be reluctant to discuss this issue with us and seemm to be treating it as being insignificant to their proposals.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 18/03/2013 09:49
Subject: Planning Comment for 130265

Comment for Planning Application 130265
Name : Mrs Brenda Mennie
Address : Denhead
Kingswells
Aberdeen
AB15 8PT

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

Comment : My concerns regarding the proposed development relates to access to and from the new housing estate and the volume of traffic. My property is accessed from the old switch back which has been closed for a number of years. Should this be re-opened for vehicular access to service the development this would have a huge impact on me from a safety aspect. My concerns also relate to having to turn right from the switchback road onto the A944 heading west. The volume of traffic has increased considerably over the years and with the new Kingswells Industrial Estate shortly to be completed and with the increased traffic coming from the maidenraig roundabout for drivers wishing to head towards the city centre from the new development it will be possible for myself and my neighbours to be able to get out onto the main road. I have children who attend to school and it is already virtually impossible and extremely dangerous to cross the road to and from the bus stop. Myself and my neighbours have already contacted the council enquiring about a pedestrian crossing or some other form of safety measure to be put in place. I do hope you will take onboard the impact this new development will have on existing home owners and the detriment this will have on us.

PI - Application no. 130265.

From: jim mckay [REDACTED]
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
Date: 15/03/2013 21:50
Subject: Application no. 130265.

Application no. 130265.

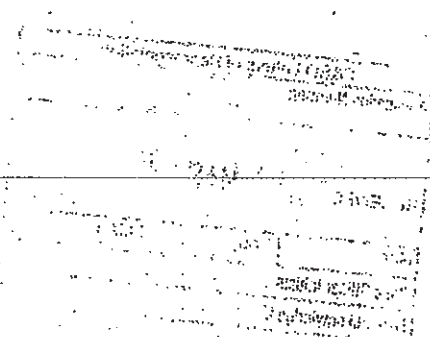
I would like to object to this application for three reasons:

Firstly, it seems to be that the principle of green belt can always be so readily ignored/overtaken under pressure from profit-driven property 'developers'.

Secondly, there are so many other developments in the pipeline that this one would seem to be unnecessary.

Thirdly, the Lang Stracht is not going to be able to take the traffic from the continued development on the B9119 and the De Vere development at Kingswells as it is, without the addition of more housing at Maidencraig. (The WPR is not going to help as it will take mainly south-north traffic whereas the Lang Stracht takes mainly east-west traffic.)

James McKay
Newpark Cottage
Kingswells
Aberdeen
AB158PQ.



From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 15/03/2013 13:23
Subject: Planning Comment for 130265

Comment for Planning Application 130265

Name : Lynn Hall
Address : 34 Uist Road
Aberdeen

Telephone :

Email :

type :

Comment : I object to this planning application as I have several concerns regarding this many houses being built.

My first concern is wild life. Currently there are bats, deer, foxes, birds of prey, rabbits and butterflies all habiting at the rear of our property. Should the houses go ahead; this will obviously impact their natural habitat.

Secondly is the drainage, we're concerned that with the introduction of roads/driveways/concreted gardens that any heavy rain water will simply roll down the hill too fast for any drains to be effective and flood our properties. There have already been instants this year where we had flood water in the garden, and the Lang Stracht was flooded too.

Another concern is the traffic. The surrounding roads simply cannot handle an additional 1000 cars. Adding any further traffic restrictions on an already congested Lang Stracht will just lead to longer tail backs. Since there is more industrial units being built at Kingswells, there will already been more traffic than the road is able to handle. As for the public transport, again the current bus service (23) is woefully inadequate for the current houses; with buses often-full at busy times, unable to run on schedule and not much viable competition. If these houses go ahead, the bus service will be unusable for wheelchair users and buggy users as there just won't be enough space for them.

Another concern is the school availability. Currently it already looks like I will have to send my son to Fernilea since Kingsford is full - what happens when the new houses are built? What about when it comes to secondary school age? Will we miss out on a place once the new houses are built - even though we've been here since the Uist Road houses were built? I know there are plans for Kingsford, but will those just mean disruptions for the current pupils, and where are the children supposed to go in the meantime? As I don't drive, walking to our local primary school is ideal, but currently will have to take an unreliable bus to take him to school!

My final concern is the proposal to have an access point at the back of Uist Road. I know this was included in the plan, then removed due to objections and added in again. This access point would leave myself and my elderly neighbours feeling very vulnerable. We feel it would make the area a target for youths hanging around, and will also turn into a dog toilet. There is no space, and no reason for an access point through this back area as it isn't a link to the shops, or bus stop. It's just pointless and would leave many people in the sheltered housing feeling vulnerable and at risk of vandalism and added littering.

We'd like to see a large forest area left at the back of the current houses in Sheddocksley - with the building starting the other side of Whitemyres Farm. A forest walk or children's adventure area would provide a habitat for wildlife and have less traffic on the roads if fewer houses built.

Mr E & Mrs E Reid
Albion Kennels
Lang Stracht
Aberdeen
AB15 8PS
Telephone: [REDACTED]

Friday 15th March 2013

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

Dear Sir/Madam,

Proposed Development at Maidencraig. Application Number - 130265.
Applicant - Bancon Homes

We wish to make the following representations:

The House we live in has been in our family since it was built in 1923 and provides uninterrupted views across to Hazlehead and beyond.

Our fully licensed Boarding Kennels have been successfully running since 1986. In that time there has been no legitimate complaint raised against us and we have proved over the years and continue to be a valuable service to the local community and charity groups. We feel that the close proximity of the proposed housing would lead to concerns from householders unaccustomed to dogs barking on a daily basis. Erecting residential homes so close to such an existing business is completely at odds, as the two are completely incompatible with each other.

There will most certainly be an adverse effect which will directly impact on our amenity and services provided, should these plans be progressed.

When we went to see the plans at Curl Aberdeen we raised our concerns on the above, but our questions were brushed aside by representatives from Bancon Homes.

I trust our representations will be noted and full consideration given.

Yours sincerely

M^{rs} ELIZABETH REID — [REDACTED]
[REDACTED]
Mr Eric Reid [REDACTED]

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 20/03/2013 14:08
Subject: Planning Comment for 130265

Comment for Planning Application: 130265
Name : Jamie MacPherson
Address : 2 Maidencraig Steadings,
Lang Stracht,
Aberdeen,
AB158PS

Telephone : [REDACTED]
Email : [REDACTED]
type :
Comment : Application reference: 130265

I have listed below several points that I regard as valid objections to the proposed Maidencraig Development planned by Bancon Developments Ltd.

Please ensure that these points of objection are taken into account during the application process.

1/ The development Masterplan for the proposed development shows the formation of a Link Road between the East and West sides of the Southern half of the development. This link road is shown to cut across and therefore alter/obstruct the access to the 4 existing houses at Maidencraig Steadings, farmhouse and mill.

The existing access from the houses to the slip road at the Lang Stracht is the only access to these 4 houses and is shown on the title deeds to the properties as clear and unobstructed access.

Any attempt to alter this access without the written permission of the title holders is not acceptable to the said holders.

As noted in the Maidencraig Masterplan application addendum; The removal of right of access is not in the hands of the applicant; As the applicant has recognised this and included it within the application; it must therefore be taken into consideration during the approval process and the link road not be allowed to proceed in its shown location and direction.

It must also therefore be considered that without this road being approved in the location shown that this will have a considerable effect on the planned Traffic management plan for the development. This would therefore make the entire application flawed in its design and should be unable to be considered for approval in its current state.

It is my own intention as the owner of one of the 4 properties (and associated title deeds) to not grant written permission to the applicant for the access to my home to be altered in any way. My title deeds show full and unrestricted vehicular and pedestrian access to my home down the lane from the Lang Stracht and I intend for it to remain this way.

Legal advice has been taken on this matter and the view of my solicitor supports this position.

It should be noted that the only other access from the Western side of the development to the Lang Stracht will be a left turn only junction which means all residents of these houses will not have any access to travel East from their homes.

2/ The geography and topography of the land to the South of the SUDS basin shown on the masterplan on the South East corner of the Western end of the development is not capable of supporting the infrastructure required in the construction of the basin. The land to the South of the basin is not in the ownership or control of the applicant.

This land already suffers from slippage during the wet winter months and combined with the steep bank down into the Den of Maidencraig it is not fit to support such a large structure.

It should also be noted that this SUDS basin must not act as a soakaway through ground not controlled by the applicant and any water drained away from the basin must again be done so through other routes which will not affect ground owned or controlled by the applicant.

The location of this SUDS basin should therefore be moved to the Western end of the development.

3/ The Mastreplan shows an area of ground (South of the Development) which is owned by myself (including Maidencraig Mill) as being classified with a TPO; Tree Preservation Order. This is

not the case and the Masterplan should be revised to remove this from maps for the area before any approval process is considered and any further documentation produced.

P&SD Letters of Representation		
Application Number:		130265
RECEIVED 21 MAR 2013		
Nor	Sou <input checked="" type="checkbox"/>	Map
Case Officer Initials:	GAL	
Date Acknowledged:	22/03/13	

PI

From: webmaster@aberdeencity.gov.uk
Sent: 14 May 2013 10:19
To: PI
Subject: Planning Comment for 130265

Comment for Planning Application 130265

Name : Lynn Hall
Address : 34 Uist Road
AB16 6FP

Telephone :

Email [REDACTED]

type :

Comment : I object to this planning application as I have several concerns regarding this many houses being built. My first concern is wildlife. Currently there are bats, deer, foxes, birds of prey, rabbits and butterflies all habiting at the rear of our property. Should the houses go ahead; this will obviously impact their natural habitat.

Secondly is the drainage, we're concerned that with the introduction of roads/driveways/concreted gardens that any heavy rain water will simply roll down the hill too fast for any drains to be effective and flood our properties. There have already been instants this year where we had flood water in the garden, and the Lang Stracht was flooded too.

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My final concern is the proposal to have an access point at the back of Uist Road. I know this was included in the plan, then removed due to objections and added in again. This access point would leave myself and my elderly neighbours feeling very vulnerable. We feel it would make the area a target for youths hanging around, and will also turn into a dog toilet. There is no space, and no reason for an access point through this back area as it isn't a link to the shops, or bus stop. It's just pointless and would leave many people in the sheltered housing feeling vulnerable and at risk of vandalism and added littering.

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Mr E & Mrs E Reid
Albion Kennels
Lang Stracht
Aberdeen
AB15 8PS

Telephone [REDACTED]

~~[REDACTED]~~
11-MAY-2013

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

Dear Sir/Madam,

Proposed Development at Maidencraig. Application Number - 130265.
Applicant - Bancon Homes

We wish to make the following representations:

The House we live in has been in our family since it was built in 1923 and provides uninterrupted views across to Hazlehead and beyond.

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There will most certainly be an adverse effect which will directly impact on our amenity and services provided, should these plans be progressed.

When we went to see the plans at Curl Aberdeen we raised our concerns on the above, but our questions were brushed aside by representatives from Bancon Homes.

I trust our representations will be noted and full consideration given.

Yours sincerely

[REDACTED]

Mr Eric Reid

Robert Vickers

From: jim mckay [REDACTED]
Sent: 02 May 2013 09:04
To: PI
Subject: FW: Application no. 130265.

My objections to this application remain the same. The submission of a transport assessment doesn't change my objections. I don't understand why my objections would not be transferred to the current application unless this is a device whereby previous objections can be lost/ignored. Please see my objections from my previous e-mail - and please transfer them to all future 'amendments'. My objections remain absolutely valid.

From: [REDACTED]
To: pi@aberdeencity.gov.uk
Subject: Application no. 130265.
Date: Fri, 15 Mar 2013 21:49:54 +0000

Application no. 130265.

I would like to object to this application for three reasons:

Firstly, it seems to be that the principle of green belt can always be so readily ignored/overtaken under pressure from profit-driven property 'developers'.

Secondly, there are so many other developments in the pipeline that this one would seem to be unnecessary.

Thirdly, the Lang Stracht is not going to be able to take the traffic from the continued development on the B9119 and the De Vere development at Kingswells as it is, without the addition of more housing at Maidencraig. (The WPR is not going to help as it will take mainly south-north traffic whereas the Lang Stracht takes mainly east-west traffic.)

James McKay
Newpark Cottage
Kingswells
Aberdeen
AB158PQ.

Robert Vickers

From: Phil McCallum [REDACTED]
Sent: 02 May 2013 15:42
To: PI
Subject: Objection to changes to 130265

Dear Sir or Madam

I am writing to you to confirm my objection to the latest changes made to proposed development 130265. Again the plans have been applied for giving no thought as to the current residents as this change will completely effect our current access lane with a possibility that it may no longer be used and also adding to an already congested road by adding yet another set of traffic lights. As I stated in one of my previous objections the Langstracht is already a major traffic congestion point and adding these traffic lights and houses will make it even worse. The addition of these traffic lights only goes to show that this has already been flagged as an issue to traffic movement.

Regards
Philip McCallum
10 Small Holdings
Maidencraig
Kingswells
Aberdeen

Dawn Ramsay

From: Dawn Jones [REDACTED]
Sent: 27 April 2013 21:42
To: PI
Subject: Application number: 130265

We are writing with regard to the above application number 130265 for Proposed Development, Site at Maidencraig, North and South of the A944, Lpd Sites Op43 & 44, Aberdeen, AB15 6AX. We have recently purchased Denside, Skene Road, Kingswells, Aberdeen. If we had known that this may happen then we certainly would not have purchased the property. We enjoy looking out the windows and seeing deer, birds of prey along with other wildlife in these fields. Now we will be losing our view to houses, and other buildings. What will happen to the wildlife, if they can no longer live in these fields does this mean that they will be forced to come over our way either causing accidents on the roads and damaging our gardens. If this was to happen would yourselves or the building company be liable to amend such problems? These animals may cause havoc in the crematorium to people's graves too.

I think that traffic congestion would be a lot worse and it is bad enough at the moment without another 100 plus. Where will all of this end? Aberdeen is now going to have less Greenbelt space, will soon be connected to Westhill due to all of these developments taking place. I am afraid I think it would be a very stupid to build more houses on top of the ones that they are already building. What about schools, this would mean that the secondary as well as the primary schools in area would be over populated and god knows the staff struggle now adays with the amount of pupils they have at the moment.

I am afraid that both myself and my husband strongly contest to this proposed development. I feel so sorry for all of the residents of the houses that these new ones surround as not only have they taken there views but also the lovely feeling of being so close to town but living in a part of the country side. My opinion is that building companies are getting greedy and want to put houses where ever they can and with no regard to families who have lived in the areas, as long as they are making money. Where will it all end! Our point of view is probably point less as this will more than likely go ahead regardless of how we the residents all feel about it.

We look forward to hearing from yourselves in due course.

Mr and Mrs Jones

Robert Vickers

From: Dawn Jones [REDACTED]
Sent: 01 May 2013 07:23
To: PI

also forgot to ask what will happen if this stops us getting phone signals along with Internet and sky? greed is a terrible thing and this is all I can see this as. At the present time it takes us 25 minutes to get along the langstracht without these new houses that are already getting built. what will it be like if the new plans go ahead? do you have a way to resolve the traffic problems?

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

From: MAILER-DAEMON
To: [REDACTED]
Sent: Sat, Apr 27, 2013 10:11 pm
Subject: Warning: could not send message for past 4 hours

** THIS IS A WARNING MESSAGE ONLY **
** YOU DO NOT NEED TO RESEND YOUR MESSAGE **

The original message was received at Sat, 27 Apr 2013 21:42:05 +0100 (BST)
from omr-d03.mx.aol.com [205.188.109.200]

----- Transcript of session follows -----
<pi@aberdeencity.gov.uk>... Deferred: Connection refused by mailhost.aberdeen.net.uk.
Warning: message still undelivered after 4 hours
Will keep trying until message is 3 days old

Attached Message

From: Dawn Jones [REDACTED]
To: pi@aberdeencity.gov.uk
Subject: Application number: 130265
Date: Sat, 27 Apr 2013 16:41:59 -0400 (EDT)

We are writing with regard to the above application number 130265 for Proposed Development, Site at Maidencraig, North and South of the A944, Lpd Sites Op43 & 44, Aberdeen, AB15 6AX. We have recently purchased Denside, Skene Road, Kingswells, Aberdeen. If we had known that this may happen then we certainly would not have purchased the property. We enjoy looking out the windows and seeing deer, birds of prey along with other wildlife in these fields. Now we will be losing our view to houses, and other buildings. What will happen to the wildlife, if they can no longer live in these fields does this mean that they will be forced to come over our way either causing accidents on the roads and damaging our gardens. If this was to happen would yourselves or the building company be liable to amend such problems? These animals may cause havoc in the crematorium to people's graves too.

I think that traffic congestion would be a lot worse and it is bad enough at the moment without another 100 plus. Where will all of this end? Aberdeen is now going to have less Greenbelt space, will soon be connected to Westhill due to all of these developments taking place. I am afraid I think it would be a very stupid to build more houses on top of the ones that they are already building. What about schools, this would mean that the secondary aswell as the primary schools in area would be over populated and god knows the staff struggle now adays with the amount of pupils they have at the moment.

I am afraid that both myself and my husband strongly contest to this proposed development. I feel so

sorry for all of the residents of the houses that these new ones surround as not only have they taken there views but also the lovely feeling of being so close to town but living in a part of the country side. My opinion is that building companies are getting greedy and want to put houses where ever they can and with no regard to families who have lived in the areas, as long as they are making money. Where will it all end! Our point of view is probably point less as this will more than likely go ahead regardless of how we the residents all feel about it.

We look forward to hearing from yourselves in due course.

Mr and Mrs Jones

P&SD Letters of Representation		
Application Number: 130265		
RECEIVED - 1 MAY 2013		
Nor	Sou	MAp
Case Officer Initials: GA		
Date Acknowledged: 2-5-13		

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Planning Development Management Committee

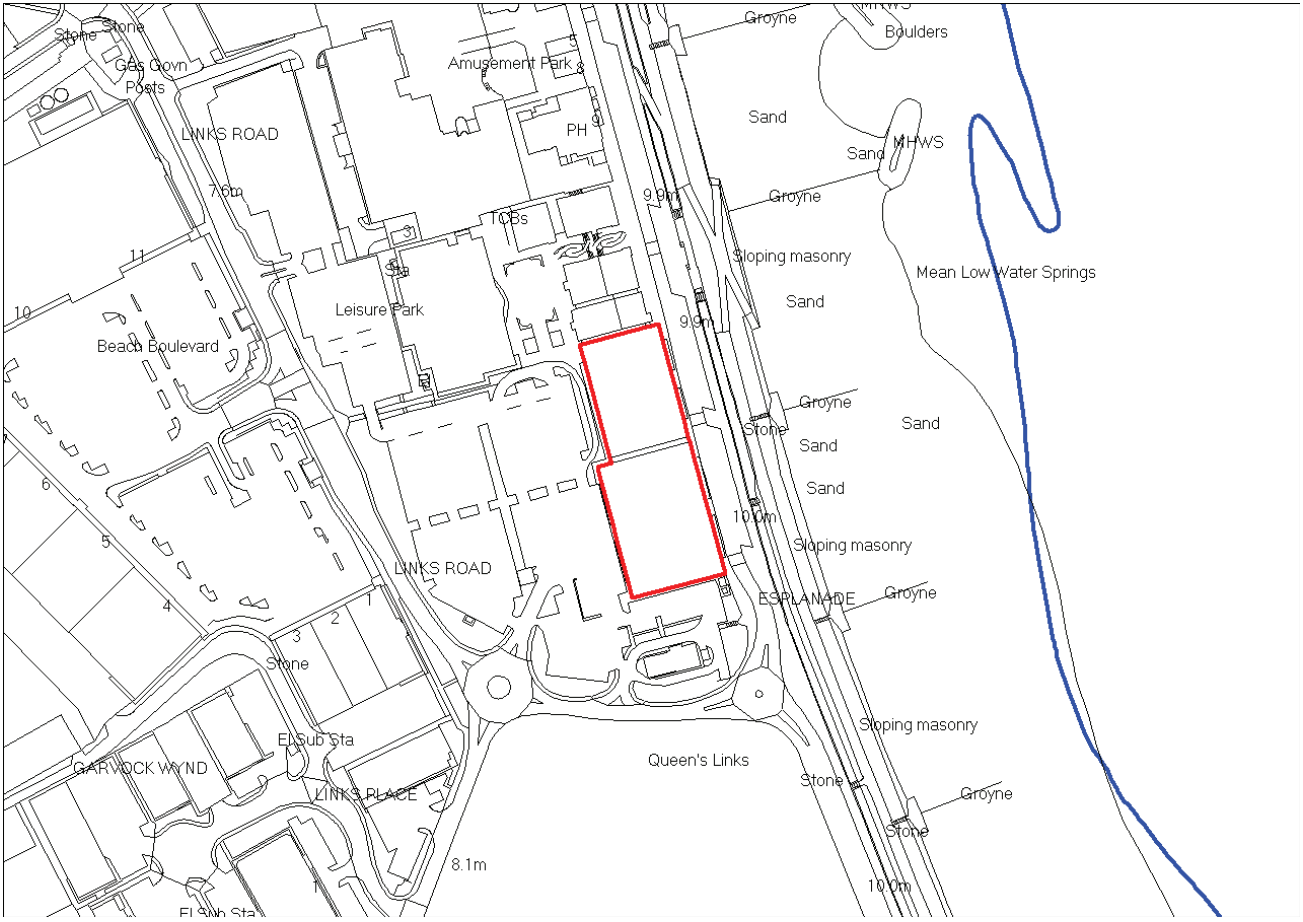
UNITS 8&9 QUEEN'S LINKS LEISURE PARK, LINKS ROAD

CHANGE OF USE FROM CLASS 11 ASSEMBLY & LEISURE TO CLASS 1 NON-FOOD GOODS MIXED BETWEEN BULKY AND GENERAL COMPARISON GOOD WITH 1 PERCENT OF CONVIENCE GOODS INCLUDING COFFEE SHOP AND THE LINKING OF BOTH UNITS TO FORM ONE SINGLE UNIT, EXTERNAL ALTERATIONS TO FACILITATE THE LINKING OF THE UNITS AND FORMATION OF NEW 'SHOPFRONT' OPENINGS AND REPLACEMENT OF SOLID CANOPIES WITH TRANSLUCENT TYPE GLAZING

For: X-Leisure Ltd

Application Type : Detailed Planning Permission
Application Ref. : P130488
Application Date: 05/04/2013
Officer : Gavin Clark
Ward : George Street/Harbour (A May/J Morrison/N Morrison)

Advert :
Advertised on:
Committee Date: 29th October 2013
Community Council : Comments



RECOMMENDATION: Approve Subject to Conditions

DESCRIPTION

This site comprises two vacant buildings (Units 8 and 9), which form part of Queens Links Leisure Park. The main anchor unit of this popular destination is a multi screen cinema. The two units were previously used as a nightclub and bingo hall and have been vacant for 10 and 4 years respectively. The main pedestrian / cycle access from the City Centre to the Leisure Park is located at its north west corner, whilst there are ramps and stairs providing connection with the Beach Esplanade. The Esplanade is located to the immediate east of the site. A fast food restaurant is located to the immediate south of the site. The nearest bus stops are to the immediate north-east on the Esplanade and Links Road approximately 150m from the site. There is an established landscape strip / bund running along the boundary of the site with Links Road.

To the south-west of the site lies a main vehicle access point to the leisure park car park. There are two other vehicle access points to the car park to the north-west. To the south of the site beyond the access road lies an area of undeveloped open space. To the south west of the site lies industrial / business premises and to the North West is Beach Boulevard Retail Park. The closest residential properties are flats on St Clement Street, in excess of 350m from the site.

RELEVANT HISTORY

Planning permission for development of the leisure park, on land which was formerly public open space, was granted by the Council in the 1990s and has been implemented.

An application (Ref: A3/2329) was submitted in December 2003 for a change of use to form a casino. This change of use was deemed as permitted development.

Planning permission (Ref: A7/2463) was approved in February 2008 for the formation of an existing 3000 square foot unit within the existing nightclub, new unit created as a restaurant and a number of external alterations. This permission was not implemented and has since expired.

Planning permission (Ref: A8/1958) was approved in January 2009 for the subdivision of the existing unit to create two separate units and change of use to Class 3 restaurant unit with bar (Unit 1) and Class 3 restaurant (Unit 3). This permission can still be implemented.

Planning permission (Ref: 120909) was refused by the Development Management Sub-Committee on the 1st February 2013 on a site within the car park, to the immediate west of the application site, for the erection of a drive-thru restaurant predominantly due to concerns in relation to the loss of parking.

There have also been a number of applications for signage, installation of ATM machines and various other proposals in the wider area.

PROPOSAL

The application seeks detailed planning permission for a change of use of Units 8 and 9 of the Queens Links Leisure Park from Class 11 (Assembly and Leisure) to Class 1 (Shops), with a link between the two buildings to form a single retail unit, which will result in an additional gross floor area of 135 sq m. At present the existing units are comprised as follows:

- Unit 8 – 2325 sq m total floor area;
- Unit 9 – 3575 sq m total floor area; and
- Total Floor Area – 6900 sq m.

The proposal includes the formation of a small café, on a mezzanine level, which will open up onto the Beach Esplanade. Administration offices and storage facilities will also be provided within the building.

The proposal includes a net floor area of 54% for bulky comparison goods, 45% for general comparison goods and a minimal area for the aforementioned café.

A number of external alterations will also form part of the application, which can be detailed as follows:

- The removal of the existing metal roofed canopies and columns to the east and west elevations and installation of cantilevered glass canopies
- The creation of a new glazed entrance from the Beach Esplanade on the east elevation. The purpose of this entrance would allow access to the new coffee shop on a mezzanine level with direct access to the retail floor area on the ground floor;
- New display windows created along the eastern elevation to the Esplanade;
- Creation of a single glazed entrance to the store from the car park on the western side of the development.

Further environmental improvements are also proposed as part of the development, which can be detailed as follows:

- The removal of the bitmac surface to the pavement along the Esplanade elevation of the building and resurfacing with a lock block surface to match the existing esplanade pavement to the north;
- The removal of the taxi drop off lane from the front of the former Amadeus Building and the creation of new landscaped areas;

The internal fit of the building will provide a front of house retail floor area, administrative offices and storage accessed from the storage yard located at the southern end of the building. A mezzanine coffee shop will be provided above the retail floor space and will be accessed from both within the store and from the Esplanade.

Supporting Documents

Retail Impact Assessment – submitted April 2013

Transport Assessment – submitted April 2013

Transport Assessment Addendum – submitted September 2013

Planning Statement – submitted April 2013

Marketing Experience – submitted April 2013

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?130488>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Committee because Castlehill and Pittodrie Community Council has objected to the application, accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – the response of the Council's Roads Projects Team will be discussed later in this report, however, in summary, they have provided comments in relation to parking, access, the Esplanade, a Travel Plan Framework, service yard and cycle parking and have confirmed no objection to the application subject to the insertion of appropriate conditions.

Environmental Health – no observations.

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

Community Council – response received. Castlehill and Pittodrie Community Council have objected to the application for the following reasons:

- Concerns that a prime area of leisure development will be transformed into retail use – advised of more appropriate locations;
- The proposal, if approved, will set an undesirable precedent for future development;
- Concern in relation to the access and the loading/ unloading of articulated vehicles and delivery vans in a car park – the submitted plans show a small yard area, which does not appear to be large enough of the lorries;

- Clarification on the volume of transport movements anticipated, both at quiet and busy periods and clarification on health and safety issues for large lorries navigating a leisure car park;
- Request for clarification on the types of jobs, whether they are permanent and whether jobs created during the alterations/ fit out had been included in the number previously quoted;
- Request for a statement from the applicant on what measures they currently adopt to engage with, and promote development of the communities where they already have stores.
- The acceptability of the Queens Links for retail development, is this an acceptable place for retail development, and will this negatively impact on the character and appearance of the surrounding area?

REPRESENTATIONS

No letters of representation, other than that from the Community Council have been received.

PLANNING POLICY

Scottish Planning Policy

Paragraph 38 of Scottish Planning Policy (Sustainable Development) promotes re-use of previously developed land, taking account of the capacity of existing infrastructure and reducing the need to travel.

Paragraph 45 states that authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential. The planning system should support economic development in all areas by:

- Promoting development in sustainable locations, particularly in terms of accessibility;
- Promoting regeneration and the full and appropriate use of land, buildings and infrastructure;
- Supporting development which will provide new development opportunities and enhance local competitiveness; and
- Promoting the integration of employment generation opportunities with supporting infrastructure and housing development.

Paragraph 48 states that “planning authorities should support proposals to bring vacant or derelict land back into productive use for development, or to create more attractive environments” and “Authorities should therefore adopt a proactive approach to encourage the re-use of buildings and previously developed land.

Paragraph 64 states that, when a proposed retail or commercial leisure development is contrary to the development plan, planning authorities should ensure that;

- The sequential approach to site selection has been used;
- There is no unacceptable individual or cumulative impact on the vitality and viability of the identified network of centres;
- The proposal will help meet the qualitative and quantitative deficiencies identified in the development plan; and
- The proposal does not conflict with other significant objectives of the development plan, or other relevant strategy.

Paragraph 65 states that, a Retail Impact Assessment should be undertaken where a retail and leisure development over 2,500 square metres gross floor space outwith a defined town centre is proposed which is not in accordance with the development plan. An impact analysis may also be necessary for smaller retail and leisure proposals which may have a significant impact on vitality and viability. The impact analysis should consider the relationship of the proposed development with the network of centres identified in the development plan. In carrying out an analysis, a broad-based approach should be adopted. It should not be necessary to attempt detailed calculations or forecasts of a sector's growth as small variations in assumptions can lead to a wide range of forecasts. Authorities and developers should, where possible, agree data and present information on areas of dispute in a succinct and comparable form.

Para 167 (Transport) states that development should be supported in locations that are accessible by walking, cycling and public transport. The amount of car parking permitted should be controlled to encourage more sustainable travel choices.

Paragraph 168 states that “planning permission should not be granted for significant travel generating issues in locations which would encourage reliance on the private car where:

- Direct links to walking and cycling networks are not available, or cannot be made available;
- Access to public transport networks would involve walking more than 400m; and
- It would have a detrimental impact on the capacity of the strategic road and/ or rail network.

Aberdeen City and Shire Structure Plan

The Aberdeen City and Shire Structure Plan states that it is very important that retail services throughout the region are promoted to guarantee the vitality and viability of our town centres, whilst creating opportunities for growth in the economy. The Structure Plan also has an aim for Aberdeen to be one of the top-25 retail areas in the UK by 2030.

Aberdeen Local Development Plan

Policy C1: City Centre Development – Regional Centre: states that proposals for new retail, commercial, leisure and other city centre uses shall be located in accordance with the sequential approach referred to in the retailing section of the plan and in the relevant Supplementary Guidance: Hierarchy of Retail Centres.

Policy C2: City Centre Business Zone and Union Street: states that the City Centre Business Zone is the preferred location for major retail developments detailed in Policy RT1. Where sites are not available in the City Centre Business Zone, then sites in the City Centre may be appropriate.

Policy NE3: Urban Green Space: development will only be acceptable provided that:

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

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 below and detailed in Supplementary Guidance: Hierarchy of Retail Centres:-

- Tier 1: Regional Centre
- Tier 2: Town Centres
- Tier 3: District Centres
- Tier 4: Neighbourhood Centres
- Retail Parks

Proposals for development on an edge-of-centre site will not be supported unless:

- The proposal is one that would have been appropriately located in the retail location to which it relates; and
- In the retail location to which it relates no suitable site for the proposal is available or is likely to become available in a reasonable time.

In all cases, proposals shall not detract significantly from the vitality or viability of any first, second, third or fourth tier retail location listed in the Supplementary Guidance: Hierarchy of Retail Centres, and shall accord with all other relevant

policies of the Local Development Plan, including those relating to design, access and amenity. A Retail Impact Assessment may be required.

A restriction may be imposed on the amount of comparison goods floor space allowed within convenience shopping developments outside the city centre or other town centres. Retail Parks are appropriate for large bulky comparison goods if the city centre/ town centres are not available and the site is easily accessible by public transport.

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 permission if it does not satisfy all of the following requirements:

1. No other suitable site in a location that is acceptable in terms of Policy RT1 is available, or likely to become available in a reasonable time;
2. There will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres;
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 choice of a means of transport using a network of walking, cycle and public transport routes which link it with its catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependant solely on access by private car; and
5. The proposed development would have no significant adverse effect on travel patterns and air pollution.

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 in targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review.

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.

Supplementary Guidance

Hierarchy of Centres

Shopfront and Advertisement Design Guide

Transport and Accessibility

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 main issues in relation to the determination of this planning application relate to its accordance with Scottish Planning Policy (SPP), the proposals acceptability in terms of planning policy within the Aberdeen Local Development Plan, the principle of Change of Use from Class 11 to Class 1 within a Leisure Park, the response from the Council's Roads Projects Team, and the comments received from Castlehill and Pittodrie Community Council.

Scottish Planning Policy

A number of areas of Scottish Planning Policy (SPP) are considered to be relevant in the assessment of this application. Paragraph 38 relates to the re-use of previously developed land. Whilst this would predominantly relate to Brownfield sites, it is considered relevant in this instance as it relates to two leisure units which have been vacant for ten and four years.

In terms of Paragraph 45, which advises that planning authorities should take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised, it is considered that it has been sufficiently demonstrated that leisure use is no longer a viable option for the site and that a bulky retail developer, a type of retailer which is not yet found in Aberdeen and would bring jobs and a business to the area should be encouraged. A number of other uses have been explored over the last few years, as detailed in the marketing statement, including bowling operators, pool bars, bar/ restaurants, nightclub operators, health and fitness operators, casino operators and hotel groups, no significant interest has been forthcoming from any of these operators. This issue will be discussed in greater detail later in this report. The development is also considered to be in a sustainable location, being accessible by public transport and on foot by local residents; an appropriate use of the land, which would provide a new development opportunity/ local competitiveness and would seek to promote the integration of employment generation opportunities.

Paragraph 48 states that planning authorities should support proposals to bring vacant and derelict land back into use and provide a more proactive approach to encourage the re-use of buildings. The proposal is considered to accord with this section of policy, as the Planning Authority is seeking to encourage a new use in

buildings that have been vacant for a significant period of time, as previously mentioned.

Paragraph 64 advises that when a proposed retail or commercial/ leisure development is contrary to the local development plan a number of steps require to be met to warrant approval. In this instance a sequential approach to site selection has been used, which has identified satisfactorily that there are no other acceptable sites or premises of sufficient size within Aberdeen. This is discussed in more detail later in this report.

Furthermore, it has been adequately demonstrated that there will be no significant unacceptable impact on the network of centres. The proposal will help meet qualitative and quantitative deficiencies, given that there are no comparable premises of this type within the city, and the proposal will bring a new use to the city in units which have been vacant for a significant period of time. In addition, the proposal would not conflict significantly with the objectives of the development plan.

Paragraph 65 requests the submission of a Retail Impact Assessment for development over 2500 square metres in size. This has been undertaken and submitted with the planning application.

The development site is in a location easily accessible by car, bus and foot. Therefore the proposal is in accordance with Paragraph 167. In addition, direct links are available to walking and cycling networks along with the number 15 First Bus serving the site every 30 minutes, with bus stops located 230m to the immediate north-west on Links Road and to the immediate north east on the Esplanade. The proposal will also result in minimal impact on the capacity of the strategic road network, an issue which will be discussed in greater detail later in this report. The proposal also accords with the principles of Paragraph 168.

The proposal is therefore considered to generally accord with the terms of Scottish Planning Policy.

Aberdeen City and Shire Structure Plan

The Structure Plan seeks to provide opportunities which encourage economic development and create new employment in a range of areas. The site itself is located within the Strategic Growth area, and will bring a new economic use and create new employment within the city, as a result, the proposal is considered to accord with the objectives of the Structure Plan.

Aberdeen Local Development Plan:

Although the site is zoned as Urban Green Space (Policy NE3) in the Aberdeen Local Development Plan it is not relevant to this application, as the site has previously been developed, with no landscape character associated with the site. There will be no loss to landscape character, no impact on public access, the site is of no wildlife or heritage value, there will be no loss of trees, no requirement for replacement green space, no impact on lochs, ponds etc and is also considered to be consistent with the terms of Scottish Planning Policy.

Policy C1 advises that proposals for new retail, commercial and other city centre uses shall be located in accordance with the sequential approach. A sequential test was undertaken, and for reasons detailed later in this report there are no other premises of sufficient size within Aberdeen. The proposal therefore does not conflict with the aims of Policy C1 “City Centre Development – Regional Centre”.

Policy C2 states that the City Centre Business Zone would be the preferred location for major retail developments as detailed in policy RT1. This issue will be discussed in greater detail through assessment of the aforementioned policy later in this report.

Policy RT1 advises that appropriate developments should be located in accordance with the hierarchy and sequential approach as set out in the supplementary guidance. The Queen’s Links Leisure Park does not fall into any of these categories, as it is not a regional centre, town centre, district centre, neighbourhood centre or retail park.

Proposals for development on an edge-of-centre site will not be supported unless the proposal is one that would have been appropriately located in the retail location to which it relates and in the retail location to which it relates no suitable site for the proposal is available or is likely to become available in a reasonable time.

Whilst the location is not entirely acceptable given the surrounding leisure use it has been demonstrated there are no other suitable sites or premises for the development within the city boundaries. The proposal is therefore partially considered to accord with this policy.

Whilst it is acknowledge that there will be some impact, the proposal will not have any significant impact on the vitality or viability of any of the retail locations within the city as detailed in the associated Supplementary Guidance. A Retail Impact Assessment was submitted which confirmed this stance.

The policy also states that a restriction may be imposed on the amount of comparison goods floor space allowed within convenience shopping developments outside the city centre or other town centres. A condition is to be added to the planning consent to ensure that at least 50% of the shop will be used for bulky goods. Retail Parks are appropriate for large bulky comparison goods if the city centre/ town centres are not available and the site is easily accessible by public transport.

In this instance it is recommended that a condition be inserted to the planning consent restricting the use of the site to the proposed use, which will ensure that the Planning Authority can control the use of any future developments. The site, overall, is considered to be an acceptable location for a bulky comparison goods store.

Policy D1 “Architecture and Placemaking” of the Aberdeen Local Development Plan seeks to ensure a high standard of design, and that all new development gives a due consideration to its context. At present the properties have lain empty for a number of years and the alterations proposed alterations and environmental improvements would make a positive contribution to the existing building and to

the wider streetscape. The proposal is therefore considered to accord with the aforementioned policy. The alterations are also considered to conform with the general principles of the Shopfront and Advertisement Design Guide, which advises of the basic principles that should be respected in design of shopfronts and advertisements.

In terms of Policy T2, proposals need to adequately demonstrate that sufficient measures have been taken to minimise the traffic generated. In addition Transport Assessments and Travel Plans may be required for developments which exceed the threshold set out in the Transport and Accessibility Supplementary Planning Guidance.

Taking the above into account it is clear that parking/ traffic generation is a key factor in the determination of this application. The applicants have submitted a Transport Assessment and Transport Assessment Addendum, which show the results of a parking survey, which was undertaken at peak times during the late summer (August 2013). The results of this have been assessed by colleagues in the Roads Projects Team and will be discussed later in this report. In addition, it is recommended that a condition is to be inserted to the planning consent requiring the submission of a Travel Plan (for staff) that prior to the occupation of the development which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements and modal split targets. Overall, the proposal is considered to be in general accordance with the above policy.

Supporting Statements/ Information:

The applicants have submitted a marketing statement in association with the application which has advised as follows:

In terms of Unit 8, the Amadeus Nightclub closed in 2003, with the property having remained vacant since that date. From 2006 until the present day the subjects have been openly and extensively marketed to the leisure/ hospitality/ restaurant sectors. Despite extensive marketing they have been unable to attract an occupier.

In terms of Unit 9, Gala Bingo Ltd had control of the property until January 2013, although the site has been empty for the last four years. The fact that the combination of both units will allow a total of 6900 square metres does not enhance the ability to secure occupiers as this creates a far larger area than would be required by any potential leisure operator.

Given the low levels of demand from the leisure market, and the extensive marketing which has been demonstrated by the applicant, it is considered that there is little demand for leisure/ restaurant use within either of these units. In addition, uses such as bowling operators, pool bars, golf, bar/ restaurant groups, nightclub operators, health and fitness operators, casino operators and hotel groups have been considered, and the sites marketed as such with little demand or interest from developers, as detailed in the marketing statement.

The benefits provided by the development, including opening up the beach elevation, are considered to be advantageous in this situation. In addition, the

mixture of retail and leisure is not new in Scotland, with developments at Glasgow Fort and Fort Kinnaird in Edinburgh being of a similar nature.

Sequential Approach to Development:

The application site is located approximately 950m from the eastern edge of Union Street. The site could therefore be described as an out-of-centre location. Out of centre locations should be easily accessible by a choice of transport modes. The proposed unit will be linked to the existing housing units, including the Bannermill Development, which is approximately 330m to the north, by existing footpaths. Cycle storage facilities are to be provided as part of the planning consent. There is also a bus service (Number 15 – First Bus) linking the site with the rest of the city.

It could therefore be concluded that the site is easily accessible by a choice of transport modes in addition to the car, which ensures that the site meets part of the requirements of a suitable out-of-centre site, in accordance with the terms of both Scottish Planning Policy and the Aberdeen Local Development Plan.

The catchment area for the proposed retail unit would be the whole of the city and therefore, in accordance with the adopted Local Development Plan the sequential approach identifies the City Centre as the preferred location for this type of development. Full details of the required approach are provided in Supplementary Guidance: Hierarchy of Centres. It identifies that, for a development of this character which serves a city wide market the hierarchy would be as follows:

1. City Centre;
2. Edge of City Centre;
3. Town and District Centres;
4. Edge of Town and District Centres;
5. Retail Parks; and
6. Out-of Centre Locations.

In order to satisfy the sequential approach for the current proposal it is necessary to consider whether there are reasonably suitable and available alternative sites or premises that are located within categories 1-5 of the above list.

Although it is acknowledged that the site is not ideal for retail use, at present there do not appear to be any sites or premises which could be potentially sequentially preferable to the application site. The submitted Retail Impact Assessment has reviewed all of the proposed and opportunity sites identified in the Local Development Plan within or on the edge of the City Centre, Town Centres, and District Centres and within Retail Parks to assess their potential to accommodate the proposed development. As set out below, no suitable alternative sites have been identified by the applicant at any of these locations.

The assessment stated that there are a large number of retail and retail service units which are either vacant or available on the market that could accommodate new retail operators. The Scottish Property Network identified a number of properties up to a size of 734 square metres, however, this is less than one quarter of the minimum floor area required to accommodate the proposed development.

Town Centres: There are no sites or premises located within, or on the edge of, the defined town centres within Aberdeen. A number of the vacant units on Union Street are not large enough for the use proposed.

District Centres: The retail impact assessment concluded that there are no reasonably suitable and available premises within, or on the edge of any of the defined District Centres in Aberdeen.

There are a small number of vacant retail units located within the retail parks identified in the Local Development Plan (which include Boulevard Retail Park, Berryden Retail Park and Kittybrewster Retail Park). The largest of these units measures 2094 square metres, which does not meet the minimum space requirements for the proposed development.

The Comet store, which was vacated in November 2012, and is located in the adjacent Beach Boulevard Retail Park, which measures approximately 2900 square metres in size, but was not taken into consideration by the applicants in their submitted Retail Impact Assessment, however, based on the minimum requirements identified by the applicants, the site would also be considered too small for the use proposed, with Units 8 and 9 providing 6900 sq m of floor space, more than double the size of any units mentioned above.

Therefore, in accordance with the application of the sequential approach no other retail locations within Aberdeen have been assessed as sequentially preferable to the proposed site on Queens Links.

Whilst it is acknowledged that the site at the Queen's Links is not an ideal setting for retail use, the report has highlighted that there are no sites or premises that can be considered to be reasonably available and suitable to accommodate the proposed development. Therefore the proposal is considered to accord with the sequential approach set out in the Aberdeen Local Development Plan and associated Supplementary Planning Guidance.

Roads Consultation Response:

In their consultation response the Roads Projects Team raised a number of issues, which can be split into the following subjects:

Parking: The car park associated with the development is a private car park, and is in the sole ownership of the sites owners. Parking has caused the greatest concern in respect of this planning application, with two aspects that must be taken into consideration. Firstly an assessment in terms of parking standards must be undertaken, and secondly an assessment in terms of the existing use of the car park within the Leisure Park.

The current consented uses for Units 8 (Nightclub) and 9 (Bingo Hall) is Class 11 (Assembly and Leisure), with the applicants confirming that Unit 8 contained 1122 seats in its most recent use, which was reduced to 425 seats following further investigation. The original figure was calculated on the same basis as the bingo hall, but following further investigation it was confirmed that the lesser number of seats were associated with the nightclub. This equates to 85 parking spaces. In addition, Unit 9 which included 1725 seats for use as a Bingo Hall, in

accordance with parking standards would require 345 parking spaces, resulting in a total requirement of 430 spaces. These figures were calculated in accordance with the Council's parking standards, as detailed in the Supplementary Planning Guidance (Transport and Accessibility).

The proposed use of retail within Units 8 and 9 would attract the need for 315 spaces in accordance with maximum parking standards, 115 spaces less than the existing consents uses.

Although acknowledging that much of the use of the car parking is by customers of uses not immediately associated with the leisure park, consideration has been given to existing demand in the car park and the number of spaces that are available. The current capacity of the car park is 884 spaces; however this will reduce to 876 spaces in order to accommodate the service yard proposed for the retail use. This is more than twice as many than would be required for the current consents, and much more than for the retail consents. The main issue with the car park appears to be its use by non-patrons.

In support of planning application P120909 for a fast food outlet within the car park of the Leisure Park a parking survey was conducted which revealed a peak demand of nearly 700 spaces occurring on two consecutive Sundays in late September and early October 2012 or the wider beach leisure area. As these periods did not represent the peak demand in the calendar year the applicant was requested to carry out new surveys, which were carried out over consecutive weekends to August 2013.

The August 2013 survey showed that the car park was essentially full on one Sunday (18th August). The absolute maximum number of cars parked in the car park has not been provided, and therefore estimates were taken from details submitted in the Transport Assessment Addendum. The estimate calculated that the number of vacant spaces would be in single figures or low tens. The car park was surveyed to contain an estimate of 850-860 vehicles on another two of the survey days at approximately the same point in the day (early afternoon). The fourth survey day reaches a maximum of approximately 750 occupied spaces. Including the parking demand for the retail unit (at maximum non-food standards) the total demand for the site would be in the region of 1175 on three of the survey days and 1065 on the remaining days. Similar patterns would be likely throughout the summer period. With a total supply of 876 spaces following the application, it is clear that there would be insufficient parking to accommodate the demand.

The extent to which the car park is predicted to be over capacity extends beyond the immediate peak period. The surveys show that fewer than 315 spaces (the number required for retail use of these units) remain free in the car park between approximately 1300 and 1730 on all survey days. It should, however, be noted that in the same period the number of spaces required for leisure use of the site would exceed the current capacity of the car park.

The October 2012 survey showed a similar scenario, with 700 spaces occupied at the peak period the additional demand for 315 spaces would increase the total demand to 1015 spaces, in excess of the 876 spaces within the car park.

The profiling of the demand for car parking over the day needs to be considered. The typical period for retail is the weekend early afternoon, coinciding with the

peak use of the car park at present. The peak period for leisure uses, particularly for most recent uses of the buildings would be anticipated to occur later in the day, when surveys show the demand for the car park is lower.

The final consideration in terms of parking is that it is likely that there are a number of users of the car park that are not associated with the Leisure Park, but who would be visiting the beach area. The applicants transport consultant carried out a survey of people in the Leisure Park car park to ascertain the reason for their visit. The survey was carried out with 282 people on two days during the August 2013 surveys. Given that the reasons for people visiting will change over the course of the day, i.e. there will be more people visiting the beach during afternoon, and restaurants during the evening, it is difficult to establish from the information submitted what the true impact of the development would be. Visitors to the Codona's Amusement Arcade also park in the car park legitimately, as there is an entrance from the Leisure Park.

There are existing constraints on the surrounding road network coupled with a high demand for this parking. Given the calculations that have been carried out above, it is likely that the granting of this planning permission would result in additional pressures being placed upon this street parking supply, particularly at peak weekend afternoon period, which may not occur to the same extent for the current use. Therefore the Roads Projects Team have not objected to the application as the total level of parking in accordance with the parking standards will be less for the proposed use than the existing use, however severe concerns have been raised in respect of the parking implications should this application be granted consent.

It is however important to recognise that the applicants have submitted a statement (dated 11th October) which has advised that the car park is a private car park for the benefit of patrons of the occupiers of Queen's Links Leisure Park only. If this use were restricted to such patrons then there would be sufficient car parking for the proposed retail development. Evidence from the surveys suggests that no specific action is currently required to restrict the parking, however, the applicants would be willing to accept the insertion of a condition requiring a review of the parking to be carried out within 12 months of the opening of The Range, and if considered necessary at the review, either a form of parking control is introduced, to the satisfaction of the Planning Authority or additional parking is formed on land earlier identified by the Council, to the south of the existing car park. Although the latter would not be a valid condition since the applicants do not have control over the area of land on which they propose to provide additional parking, the former could be incorporated as a condition to the planning approval.

The developers have reiterated that they are happy to keep the car park open to the general public and would be concerned that any parking regulation imposed would only increase pressure on the surrounding areas and be unpopular within the local community. If the only way that the applicants could address the availability of parking within their site was to impose controls then they would accept that there was no alternative, however, their preference would be to leave the car park restriction free and review if necessary post the Range opening.

Access: an assessment of pedestrian accessibility to the site has been carried out, and having considered the results of this it has been concluded that there will be no requirement to provide external upgrades to pedestrian infrastructure. Similarly, external cycle connectivity has now been fully assessed and no upgrades to the external cycle infrastructure will be required.

The applicant has agreed that the existing bus stop on Links Road will be upgraded to a minimum standard of shelter, seating, lighting, raised kerbs and timetable information. This will be controlled via condition, with implementation prior to the occupation of the units.

Junction analysis has been completed by the applicants transport consultants and these show that there are no capacity issues resulting from the proposed change of use.

The Esplanade: The applicant has agreed to resurface the footway on the Esplanade along the frontage of Units 8 and 9, and provide benches. Materials used in the resurfacing must match those to the north; therefore a condition will be inserted prior to this work being carried out requesting details of the materials to be used. The remaining details can be determined through the Roads Construction Consent.

Travel Plan Framework: a draft travel plan has been progressed, and there remain concerns with this. Nonetheless, the Roads Projects Team are content with the development to progress subject to a conditions requiring the submission of a Travel Plan.

Service Yard: the Roads Projects Team are willing to accept the amendments to the proposed service yard area, which is to be located to the south of the existing units. Due to service vehicles having to pass through the car park and across pedestrian routes they have asked for a condition to be applied to any consent for this application to ensure that servicing only takes place during the hours which Burger King, and the rest of the Leisure Park, is closed to the general public.

Cycle Parking: the applicant has agreed to provide four secure and sheltered cycle parking spaces for the benefit of staff, which should be located as close as possible to the main staff entrance. This will be enforced via planning condition. They Roads Projects Team have also requested a condition that showers, changing rooms and lockers are provided, again for the benefit of staff members either walking or cycling to work.

Conclusion: as a result of the above comments, the Roads Projects Team have raised no objection to the application, subject to a number of conditions as mentioned above, however, they would highlight their concerns in respect of car parking and ask that these be brought to the attention of Committee Members.

Community Council Representation:

The Community Council raised a number of issues, which can be addressed and answered as follows:

Concerns that a prime area of leisure development will be transformed into retail use – advised of more appropriate locations;

The applicants have submitted a Retail Impact Assessment, which has demonstrated that there are no other alternative sites, of an appropriate size within Aberdeen. This has been addressed elsewhere in the evaluation section of this report.

The proposal, if approved, will set an undesirable precedent for future development;

Each future application will be assessed on its own merits. Whilst it is acknowledged and noted that a Leisure Park is not the ideal location for retail use, the merits of this application are considered to outweigh other material planning considerations in this instance. Any future applications for other sites will be considered on their own individual merits.

Concern in relation to the access and the loading/ unloading of articulated vehicles and delivery vans in a car park – the submitted plans show a small yard area, which does not appear to be large enough of the lorries;

An amended plan has been submitted showing an acceptable location for access to the service vehicles. This was arrived at following extensive negotiations with the Council's Roads Projects Team, who have deemed the alterations as acceptable. Conditions will be inserted to the consent controlling the hours of delivery to ensure that the neighbouring fast food restaurant is closed and the car park would be at its quietest.

Clarification on the volume of transport movements anticipated, both at slack and busy periods and clarification on health and safety issues of large lorries navigating a leisure car park;

The applicants submitted an addendum to the original Transport Assessment, which provided details of parking over the busy periods. This has been addressed within this report, and also addressed in the previous point.

Request for clarification on the types of jobs, whether they are permanent and whether jobs created during the alterations/ fit out had been included in the number previously quoted;

The aforementioned concern is not a material planning consideration, whilst the applicant has indicated that approximately 150 jobs would be created no clarification of the types of job has been confirmed.

Request for a statement from the applicant on what measures they current adopt to engage with, and promote development of the communities where they already have stores.

No details of this have been provided, however, this is not a material planning consideration.

The acceptability of the Queens Links for retail development, is this an acceptable place for retail development, and will this negatively impact on the character and appearance of the surrounding area?

This issue has been addressed in great detail elsewhere in this report, which has concluded that whilst not ideal, Queen's Links is the only possible site that could accommodate a development of this size within Aberdeen.

Conclusion

To conclude the report, it is noted that a number of different factors have been taken into account in the determination of this application. The proposal is considered to accord with the general principles of Scottish Planning Policy, the Aberdeen Local Development Plan and its associated Supplementary Planning Guidance. The concerns of the council's Roads Projects Team have also been taken into account and it is considered that their concerns in relation to parking/ cycle provision/ service yard and bus provision can adequately be controlled via planning conditions.

The applicants have also shown, via sequential testing, that there are no suitable vacant sites within Aberdeen. It is therefore considered that the application should be recommended for conditional approval.

RECOMMENDATION

Approve Subject to Conditions

REASONS FOR RECOMMENDATION

The proposal seeks the introduction of a Class 1 Use within the Queen's Links Leisure Park. Whilst retail use is generally discouraged within leisure areas, this area is classed as Urban Green Space, a policy which is not particularly relevant in the consideration of this application.

The proposal is considered to accord with the general principles of Scottish Planning Policy, the economic objectives of the Aberdeen City and Shire Structure Plan, as well as Policies RT1 "Sequential Approach and Retail Impact", RT2 "Out of Centre Proposals", T2 "Managing the Transport Impact of Development" and Policy D1 "Architecture and Placemaking" of the Aberdeen Local Development Plan and its associated Supplementary Planning Guidance in relation to Hierarchy of Centres, Shopfront and Advertisement Design Guide and Transport and Accessibility in that the proposal has been sited in accordance with the sequential approach, the materials proposed in the proposed alterations are considered to be acceptable and subject to condition, the Council's Roads Projects Team have not objected to the application.

It should be noted that the circumstances surrounding this site are unique, with the sites having been vacant for 4 and 10 years respectively with little interest from developers. It has been sufficiently demonstrated through the sequential test that there are no other sites within Aberdeen which could accommodate the proposed use. The largest unit (former Comet store – approx 2900 sq m), which

is located within the Beach Boulevard is half the size of the current proposal. In this instance there are no other material planning considerations which would warrant refusal of planning permission.

CONDITIONS

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

(1) That the unit hereby granted planning permission shall be not occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(2) That no development shall take place unless there has been submitted to and approved in writing a detailed Travel Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, a revised mode share, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

(3) That prior to the commencement of development the applicant shall submit details to the Planning Authority for the approval of the upgrading of the bus stop on Links Road. The development shall not be occupied unless the proposed upgrading works have been implemented in accordance with said approved scheme – in order to promote more sustainable modes of transport.

(4) That, except as the Planning Authority may otherwise agree in writing, all deliveries to the approved use shall take place between the hours of 11pm and 6am – to ensure that the proposal does not conflict with the adjacent drive thru fast food restaurant.

(5) This consent relates solely to the use of the land and buildings for Class 1 retail use. The use hereby approved will have a minimum of 50% of the approved overall net floor area (totalling 6900 square metres), which shall be used for bulky comparison goods, in addition the remainder of the use, apart from the ancillary café, shall be for general comparison goods and should not include food sales – in order for the Planning Authority to control the future use of the site.

(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 prior to the commencement of development, details shall be submitted to, and approved in writing, by the Planning Authority in relation to the surface

materials to be used for the upgrading of the footpath on the Esplanade – to ensure that the materials proposed respect the character of the surrounding area.

(8) That prior to the commencement of development an updated floor plan shall be submitted to, and approved in writing, by the Planning Authority providing details of lockers and shower facilities for the use of staff within the proposed use – in order to promote more sustainable modes of transport.

Dr Margaret Bochel

Head of Planning and Sustainable Development

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Mr Harry Campbell
Planning and Sustainable Development
Aberdeen City Council
Marischal Building
Broad Street
Aberdeen AB10
1st May 2013

Dear Mr Campbell

REF Planning Application No 130488 -Units 8 and 9 Queens Links Leisure Park
Change of use from Assembly and Leisure to Non Food Mixed Goods.

The Castlehill and Pittodrie Community Council, while supportive of job creation and something being done with these long empty buildings, have reservations about the above application. The beach area is one of Aberdeen's prime visitor attractions and is currently being used increasingly both as a place to visit and a place to enjoy and exercise. As Aberdeen bids to become city of Culture what does it say about Aberdeen if the application is approved? Dundee is building the V and A on its waterfront, Aberdeen retail opportunities? We had hoped for a more creative and appropriate solution to the long empty buildings.

It will be very disappointing if one of the prime leisure areas creeps into retail, particularly as there are more appropriate large empty opportunities in both the centre behind the Queens Links Leisure Park area. The building that used to be occupied by Comet or the now empty building on the corner of the Union Square complex both of which are in our area spring to mind. They are both within the city and both were designed with appropriate and safe loading bays safely away from the public. **If this planning application is approved it will set a precedent in the leisure designated area so it must be considered very carefully in that context.**

One of our main concerns is to do with access and loading/unloading of articulated vehicles and delivery vans in a car park, which is used by those, particularly families, coming to enjoy the beach, cafes and leisure facilities. This is to be Range's first outlet in Scotland. Furniture and other large items will be trucked in, and this means large, probably articulated lorries will have to move about the confined and public space. The plans show a small yard at the Burger King drive through, which does not appear large enough for



lorries. It also absorbs parking spaces.

Purchased items may be large and need to be delivered which will mean more delivery vans in this already busy leisure area. We seek further clarification from the applicant of the volume of transport movements they anticipate, both at slack and busy periods (such as the run up to Christmas). We also seek clarification on health and safety issues of large lorries navigating a leisure car park.

Will lorries be limited to access after the leisure facilities (cinema/ restaurants /bars/bowling etc) are closed? Where is it proposed that they offload? In the car park area, or on the beachfront road, which we would definitely object to.

Although there is little time to respond to this application, (we did not receive the weekly planning notice as we should) we expect to see evidence that the Planning Committee have addressed followings issues:

- **Details of predicted vehicular use (of both customer and services)**
- **A survey of existing usage of available car parking space in the area, particularly at weekends.**
- **An analysis of the impact of the proposal on existing car parking capacity and spaces lost.**
- **An assessment of green space being lost to address car parking space issues either as part of this or any future planning application.**

We welcome bringing new jobs to the area. However we would like details of the type of jobs, whether they are permanent, and whether jobs created during the alterations/fit out have been included in the round number of 150 quoted.

We would want to see a statement from the applicant of what measures they currently adopt to engage with, and promote development of the communities where they already have stores. The statement should indicate what their proposals would be to promote development of community services within our Community Council area. We would be particularly keen that any commitments made by the applicant to support the local community by the applicant were made binding in the planning consent.

Finally in reference to the Local Development Plan and Strategic Development Plan, while the store might fulfill the City Council's guidelines in the city centre , being the primary location of consideration for retail and leisure facilities, is the beachfront really part of the city centre? The appearance of such a heavy goods store on the beach perhaps suggests a



shift in thinking (and perception) of the beachfront being a retail park rather than a place for rest and relaxation. The explicit purpose expounded in the application for shopping for such goods does not sit entirely well with spending time and leisure at the beach. We do not entirely believe the statement that the outlet will bring people in who will then use the leisure facilities; it is more likely that the outlet is expecting their drop in rate to benefit from those using the leisure facilities. We would like to see the evidence on which this statement is based.

We would be keen to discuss this further with you. However it appears you are on leave until after the deadline. Although one of your colleagues took my call and was helpful, he was not as well versed as you would have been with the application.

With reference to the supplementary planning application to put hoardings up, ref P130437 should the change of use application be approved, we would object to large hoardings on the seafront (east side of the building, large hoardings should be restricted to the west side facing the carpark. All fixings should be firmly fixed due to the winds. Any advertising boards on external pavements should be explicitly restricted to the car park side (west) and not be permitted on the seafront road side.

I am copying this letter to the Councillors for our ward so they are aware of the issues we have raised.

Yours truly

Dr Kate Bailey MBE on behalf of the
Castlehill and Pittodrie Community Council

6, Middle Row
Aberdeen AB11 5DU

Cllr Jean Morrison MBE
Cllr Nathan Morrison
Cllr A May
Frank Doran MP
Kevin Stewart MSP

MEMO



ABERDEEN
CITY COUNCIL

To	Harry Campbell Planning & Infrastructure	Date	30/05/2013
		Your Ref.	P130488 (ZLF)
		Our Ref.	TR/IH/1/51/2
From	Roads Projects		
Email	IHamilton@aberdeencity.gov.uk		
Dial	01224 522752		
Fax			

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

Planning application no. P130488

Units 8&9 Queens Links Leisure Park, Links Road

Change of use from Class 11 Assembly & Leisure to Class 1 Non-Food goods mixed between bulky and general comparison good with 1 percent of Convenience goods including Coffee Shop and the linking of both units to form one single unit, external alterations to facilitate the linking of the units and formation of new 'shopfront' openings and

I have considered the above planning application and have the following observations:

1.0 Proposal

1.1 The application is for the change of use of the former Amadeus nightclub and Gala Bingo Hall at the Queens Links Leisure Park to non-food retail.

2.0 Parking

2.1 I have significant concerns in relation to the parking provision, which I have intimated to the applicants transport consultant in response to the Transport Assessment. The car parking capacity calculations which have been carried out are based on surveys carried out in October 2012. This falls outwith the period that the Leisure Park would be expected to experience its busiest period, which I would anticipate to occur on weekends during the school summer holidays. I will therefore ask that the applicant carry out new surveys, in consultation with both this service and traffic management colleagues, at an appropriate time and to base the calculations relating to the remaining capacity on these surveys.

2.2 Cycle parking, both short and long stay, will be required, and I have requested that the applicant provide this through the TA process. In addition the complementary facilities of changing rooms, lockers and showers for staff should be provided.

Gordon McIntosh
Corporate Director

3.0 Transport Assessment

- 3.1 I have requested additional information in relation to the junction modelling that has been undertaken. I have additionally requested that a more detailed assessment of the pedestrian, bus and cycle accessibility of the site be undertaken. A separate, more detailed response has been issued to the applicants transport consultants.

4.0 Service Yard

- 4.1 An area has been identified for the provision of a service yard. In order to access this yard HGV's would require to undertake extensive reversing manoeuvres through the public car park, crossing a pedestrian crossing point, several parking spaces and a section of footway. I cannot accept a servicing arrangement that requires this extent of reversing in a public area. I will ask for revised proposals to be brought forward.

5.0 Travel Plan

- 5.1 A Travel Plan will be required for the site, and I have requested such through the TA process. This should be subject to a legal agreement associated with any consent.

5.0 Conclusion

- 5.1 There are outstanding issues in respect of this planning application. I will be in a position to make further comment on receipt of the requested information.

Iain Hamilton

Engineer (Developments and Traffic)

MEMO



ABERDEEN
CITY COUNCIL

To	Harry Campbell Planning & Infrastructure	Date	04/07/2013
		Your Ref.	P130488 (ZLF)
		Our Ref.	TR/IH/1/51/2
From	Roads Projects		
Email	IHamilton@aberdeencity.gov.uk		
Dial	01224 522752		
Fax			

Roads Projects
Enterprise, Planning & Infrastructure
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I have considered the above planning application and have the following observations:

1.0 Proposal

1.1 The application is for the change of use of the former Amadeus nightclub and Gala Bingo Hall at the Queens Links Leisure Park to non-food retail.

2.0 Parking

2.1 The applicant has latterly provided an assessment of the car parking provision at the development against the Councils current parking standards. Considering this, the existing use of the leisure park and the proposed retail use, there will be a shortfall in parking of 91 spaces against maximum parking standards, which is considerable. Considering that a small element of the proposed store will be convenience, the shortfall in spaces will be larger than this but by a very small margin. The number of seats within the cinema has been incorrectly assessed as 2250 whereas it is in fact 1994. The bar within the cinema has not been taken into account at all in the parking analysis. I am minded to consider that these two mistakes will broadly cancel each other out.

2.2 The calculations have provided for a reduction in the parking provision for the spaces that a vehicle accessing the service yard will overrun, however no allowance appears to have been made in the calculations submitted by the applicants transport consultant for the spaces that will be lost as a result of the service yard itself being introduced.

Gordon McIntosh
Corporate Director

2.3 Considering all of the above, including the shortage of in excess of 91 car parking spaces according to the analysis submitted by the applicants transport consultant I will retain my previous request that a new parking survey be carried out in the summer period, at dates and times and using a methodology to be agreed with this section, in order to accurately ascertain if there is sufficient capacity in the car park to accommodate the development.

2.4 I have requested cycle and motorcycle parking in accordance with the Councils parking standards. The applicants transport consultants have highlighted that there is cycle parking within the leisure park at present. This is not sufficient to meet current standards and I will again request that short stay and long stay secured cycle and motorcycle parking is provided in accordance with the Councils adopted parking standards. In association with this changing and locker facilities must be provided and I will ask for full details of this to be provided.

3.0 Access

3.1 I have requested on more than one occasion that a detailed assessment of the accessibility of the site by foot and cycle be provided. This has not been done, and therefore to expedite consideration of the application I have considered this in context of my own understanding of the site. There is limited scope to improve pedestrian accessibility of the site by the applicant, though improvements could be made particularly to the west that the development would benefit from.

3.2 Improvements could be made to the cycle infrastructure surrounding the site, as currently the nearest cycle provision are advisory cycle lanes on the Boulevard. I would ask for the applicant to bring forward proposals to connect the site to the existing provision. This request is in line with previous comments for greater consideration of access by this mode.

3.3 I will repeat my request that the developer upgrade the bus stop on Links Road in line with my previous comments, and again ask for confirmation of willingness to do this.

4.0 The Boulevard

4.1 I will repeat my request for the developer to carry out streetscape improvements to The Boulevard along the site frontage. These should be in line with those already carried out to the north of the site. I would again ask for details of this.

5.0 Travel Plan Framework

5.1 I have previously requested alterations to the Travel Plan framework, and remain waiting for these. A Travel Plan will be required for the site, and I have requested such through the TA process. This should be subject to a legal agreement associated with any consent.

6.0 Service Yard

- 6.1 An area has been identified for the provision of a service yard. Alterations have been identified from the previous submission, and a new swept path analysis has been carried out. Unfortunately this has been done inaccurately. On entering the service yard the front of the HGV is not aligned with the trailer, however the exiting swept path analysis shows the vehicle aligned. From the unaligned starting point the vehicle will require a larger swept path than shown. I will require that the swept path analysis be carried out again with this correction made.
- 6.2 At present the vehicle manoeuvre passes across an area of pedestrian footway. This has been previously noted. I cannot, in the interests of pedestrian safety agree to this. The footway will have to be removed where vehicles require the space. In this occasion however this would result in a pedestrian crossing of the aisle that is longer than I am prepared to accept. I believe that a swept path can be achieved that would reduce the requirement to take as much of the footway away, and I would ask that a swept path analysis showing this be provided.
- 6.3 I am uncomfortable with such a large intrusion into the exit and drive through lanes of the Burger King restaurant, and the implications that this could result in for the operation of this business. I would request that an alternative solution be found. If an intrusion of any scale into the Burger King lanes then I will ask that they be consulted on this as I consider that it will impinge on the operation of their business.
- 6.4 I will also require that the layout of the car park be amended to show the proposed layout of the service yard accommodating the vehicle manoeuvres. This should include the removal of all spaces identified as being necessary to accommodate the manoeuvre, and show the relocated car parking spaces in their new location, as previously requested, with the widened aisle.
- 6.5 The service yard for the new retail provision appears to remove the through access from the car parking aisle into Burger King. I have previously asked for confirmation that this will not have any impact on the operation of the restaurant in terms of servicing and customer movements. I would appreciate a copy of Burger Kings comments to this effect.

7.0 Travel Plan

- 7.1 A Travel Plan will be required for the site, and I have requested such through the TA process. This should be subject to a legal agreement associated with any consent.

8.0 Conclusion

- 8.1 In light of my comments above, and with the information submitted to date, I would continue to object to this application unless these issues are resolved satisfactorily.

Iain Hamilton

Engineer (Development and Traffic)

MEMO



ABERDEEN
CITY COUNCIL

To	Gavin Clark Planning & Infrastructure	Date	30/08/2013
		Your Ref.	P130488 (ZLF)
		Our Ref.	TR/IH/1/51/2
From	Roads Projects		
Email	IHamilton@aberdeencity.gov.uk		
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Planning application no. P130488

Units 8&9 Queens Links Leisure Park, Links Road

Change of use from Class 11 Assembly & Leisure to Class 1 Non-Food goods mixed between bulky and general comparison good with 1 percent of Convenience goods including Coffee Shop and the linking of both units to form one single unit, external alterations to facilitate the linking of the units and formation of new 'shopfront' openings and

I have considered the above planning application and have the following observations:

1.0 Proposal

1.1 The application is for the change of use of the former Amadeus nightclub and Gala Bingo Hall at the Queens Links Leisure Park to non-food retail.

2.0 Parking

2.1 New parking surveys were carried out at the beginning of August to inform the study. The results of these surveys have yet to be submitted to the Council. I will make further comment in this regard on receipt of this information.

2.2 I will accept the identified number of seats within the cinema, and that the bar can be considered as ancillary.

2.3 I note that the existing uses of Units 8 and 9 of the leisure park have a higher cycle parking requirement than the proposed use. The applicant has confirmed that they will provide four secure and sheltered cycle parking spaces adjacent to the main entrance of the building for the benefit of staff. These should meet the standards for long stay cycle parking set out in the Council's parking standards. I would request that the provision of these be conditioned to any consent. I note that shower, locker and changing facilities for staff will be provided, and I would again ask that the provision of these be conditioned to any consent.

Gordon McIntosh
Corporate Director

2.4 I note from the information most recently submitted that there will be a café within the development. I was not previously aware of this, despite detailed discussions with the applicants transport consultants regarding the content of the site. The parking requirements for a café differ from that of retail, and I will require that these be considered and calculations relating to parking spaces account for the café.

3.0 Access

3.1 An assessment of the pedestrian accessibility of the site has now been carried out, and having considered the results of this I will agree that there is no requirement to provide external upgrades to pedestrian infrastructure. Similarly, external cycle connectivity has now been fully assessed and I will not require any upgrades to the external cycle infrastructure.

3.2 I note that it is now agreed that the existing bus stop on Links Road will be upgraded to a minimum standard of shelter, seating, lighting, raised kerbs and timetable information. I would ask that the provision of this be a condition to any consent of this application.

4.0 The Boulevard

4.1 The applicant has agreed to resurface the footway on the Esplanade along the frontage of units 8 and 9, and provide benches. I will accept this, however the materials used in the resurfacing must match those used to the north. Beyond this I am satisfied that the remaining details can be determined through the Roads Construction Consent Process.

5.0 Travel Plan Framework

5.1 I note that an alternative mode share to that previously proposed has been suggested. This is based on Table CAS218 from the 2001 census and results for the entire city of Aberdeen. I cannot accept this table, as it relates to residents rather than employees within an area. Alternative tables are available from the 2001 census that relate to employees. The mode share should be based on the local area surrounding the development and not on the entire city as travel characteristics vary widely across the geographic area.

6.0 Service Yard

6.1 I am willing to accept the recently proposed access arrangements to the service yard. I maintain my advice that Burger King should be consulted in respect of the proposals.

6.2 The current layout of the service yard does not facilitate the proposed access for service vehicles. As a result alterations will be required. My planning colleagues inform me that the altered layout of the service yard will require to be submitted prior to the application being determined.

8.0 Conclusion

8.1 There remain outstanding issues in respect of this planning application. I will provide further comments on receipt of the requested information.

Iain Hamilton
Engineer (Developments and Traffic)

MEMO



ABERDEEN
CITY COUNCIL

To	Gavin Clark Planning & Infrastructure	Date	18/09/2013
		Your Ref.	P130488 (ZLF)
		Our Ref.	TR/IH/1/51/2
From	Roads Projects		
Email	IHamilton@aberdeencity.gov.uk		
Dial	01224 522752		
Fax			

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

Planning application no. P130488

Units 8&9 Queens Links Leisure Park, Links Road

Change of use from Class 11 Assembly & Leisure to Class 1 Non-Food goods mixed between bulky and general comparison good with 1 percent of Convenience goods including Coffee Shop and the linking of both units to form one single unit, external alterations to facilitate the linking of the units and formation of new 'shopfront' openings and

I have considered the above planning application and have the following observations:

1.0 Proposal

1.1 The application is for the change of use of the former Amadeus nightclub and Gala Bingo Hall at the Queens Links Leisure Park to non-food retail. This memo is provided discussing only the outstanding parking issues surrounding the development, updating my previous comments which should be read in conjunction with those below.

2.0 Parking

2.1 New parking surveys within the car park at the Queens Link Leisure Park have been carried out in August of this year, coinciding with the school holidays and what would be typical summer behaviour in the car park. The point has been made by the applicant that this scenario represents a worst case scenario, however as such behaviour and demand is likely to be observed over a period of months in the summer, it is likely that this is representative behaviour of the summer period.

2.2 It has previously been identified by the applicants transport consultants that there would be a shortfall of 91 car parking spaces within the car park when compared against current parking standards, if the development was to progress. Parking standards require that retail use of Units 8 and 9 would require 315 car parking spaces.

Gordon McIntosh
Corporate Director

- 2.3 The applicants transport consultant has submitted a trip rate based assessment of the likely number of parking spaces that The Range would require, and this peaks at 110. However, the application must be considered as a retail application, and not exclusively for The Range. The retailer could change to a more intensive occupier without planning permission.
- 2.4 The original parking surveys conducted in Autumn 2012 showed the car parks to be busiest on Sunday mid afternoon with just under 700 spaces occupied. This leaves less than 200 spaces available for use by any retail activity in Units 8 and 9. This would be insufficient in terms of the current parking standards, however would accommodate the predicted demand of The Range.
- 2.5 The new parking surveys, identifying behaviour over the busier summer period, shows that the car park is busier on all survey days peaking in the afternoon period. This would coincide with the anticipated peak demand at a retail outlet. Around 850 spaces are occupied at the peak on two of the survey days, with the car park surveyed as essentially full on a third day. The fourth survey day shows a lower peak demand of approximately 750 spaces, but still higher than any of the autumn survey dates.
- 2.6 The summer parking survey shows that there is insufficient residual capacity for retail use of Units 8 and 9 on any of the survey dates when considering the parking standards, and insufficient capacity on three of the four survey days for the demand predicted by TRICS for The Range.
- 2.7 The applicants transport consultants conducted a survey of those who had parked in the Leisure Park car park to ascertain the purpose of their visit, with options for either the leisure park, Codonas or the beachfront. Approximately half of those surveyed were there for the Leisure Park, 30% for Codonas and the remainder for the beach. I am minded to consider that visiting Codonas is a legitimate use of the Leisure Park car park given that there is an entrance to Codonas within the Leisure Park. It is also likely that the proportions will differ significantly throughout the day varying with typical meal times and the timings of films in the cinema.
- 2.8 Considering all of the above points, it is clear that there is insufficient capacity within the Leisure Park car park to accommodate additional parking that would occur as a result of retail use in Units 8 and 9. It is unlikely that the surrounding road network would be able to provide the residual capacity to meet the needs of retail use of these units given the high demand already placed on it by visitors to the beachfront and the surrounding area. I understand that there are no suitable options to provide additional car parking capacity. I also understand that the applicant would be unwilling to implement a patrons only parking regime in the car park.

3.0 Conclusion

3.1 In light of my comments above, I would object to this planning application on the grounds of there being insufficient car parking.

Iain Hamilton
Engineer (Developments and Traffic)

MEMO



ABERDEEN
CITY COUNCIL

To	Gavin Clark Planning & Infrastructure	Date	07/10/2013
		Your Ref.	P130488 (ZLF)
		Our Ref.	TR/IH/1/51/2
From	Roads Projects		
Email	IHamilton@aberdeencity.gov.uk		
Dial	01224 522752		
Fax			

Roads Projects
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
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Planning application no. P130488

Units 8&9 Queens Links Leisure Park, Links Road

Change of use from Class 11 Assembly & Leisure to Class 1 Non-Food goods mixed between bulky and general comparison good with 1 percent of Convenience goods including Coffee Shop and the linking of both units to form one single unit, external alterations to facilitate the linking of the units and formation of new 'shopfront' openings and

I have considered the above planning application and have the following observations:

1.0 Proposal

1.1 The application is for the change of use of the former Amadeus nightclub and Gala Bingo Hall at the Queens Links Leisure Park to non-food retail. This memo is provided discussing only the outstanding parking issues surrounding the development, updating my previous comments which should be read in conjunction with those below.

2.0 Parking

2.1 The applicants transport consultant has carried out a revised parking assessment. Contained within this are the requirements against current parking standards of all the current uses of the Leisure Park (cinema, restaurants etc). An assessment of the parking requirements of the proposed non-food retail use of the site is included in the assessment. I have to also take into account the results of the parking survey recently carried out.

2.2 As part of these considerations, account must be taken of the parking demand for the site that the current use could generate. The site could be put back into its existing use without any requirement for planning consent, and this would impact on the available car parking.

2.3 Parking assessment of Class 11 uses, and specifically nightclubs and bingo halls, is based on the number of seats contained within the site. Fairhurst

Gordon McIntosh
Corporate Director

have provided an assessment of the number of seats contained within the existing units 8 and 9 as 1122 within unit 8 (2325sq.m.) and 1725 within unit 9 (3575sq.m.). Each of these equates to approximately 1 seat per 2sq.m. GFA. I consider this density of seating for both a nightclub and a bingo hall, to be a significant overestimation. The GFA takes into account all areas within the facility, including corridors, kitchens, stores, toilets, staff areas etc. not just areas accessible by the public. In practice therefore the density of seating that would have to be provided in the customer areas would have to be significantly higher than 1 seat per 2sq.m. I would therefore ask the applicant to revise the seating estimations to accurately reflect that which was available in the public areas at the time these facilities were open.

3.0 Conclusion

- 3.1 There are outstanding issues in respect of this application. I will make further comment on receipt of the requested information.

Iain Hamilton
Engineer (Developments and Traffic)

MEMO



ABERDEEN
CITY COUNCIL

To	Gavin Clark Planning & Infrastructure	Date	14 October 2013
		Your Ref.	P130488 (ZLF)
		Our Ref.	TR/IH/1/51/2
From	Roads Projects		
Email	IHamilton@aberdeencity.gov.uk		
Dial	01224 522752		
Fax			

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

Planning application no. P130488
Units 8&9 Queens Links Leisure Park, Links Road
Change of use from Class 11 Assembly & Leisure to Class 1 Non-Food goods mixed between bulky and general comparison good with 1 percent of Convenience goods including Coffee Shop and the linking of both units to form one single unit, external alterations to facilitate the linking of the units and formation of new 'shopfront' openings and

I have considered the above planning application and have the following observations:

1.0 Proposal

1.1 The application is for the change of use of the former Amadeus nightclub and Gala Bingo Hall at the Queens Links Leisure Park to non-food retail.

2.0 Parking

2.1 Significant discussions have been undertaken in respect of parking at this site. This is the issue that causes the greatest concern in respect of this planning application. There are two aspects to parking at this site that must be taken into consideration. Firstly an assessment in terms of parking standards must be undertaken, and secondly an assessment in terms of the existing use of the car park within the Leisure Park.

2.2 The current consent for units 8 and 9 is for Class 11 Assembly and Leisure, and I am informed by the applicants transport consultants that Unit 8 (2325sq.m.) has most recently been used as a nightclub (Amadeus) and Unit 9 (3575sq.m.) has most recently been used as a Bingo Hall.

2.3 The applicants transport consultants originally estimated that Unit 8 contained 1122 seats in its most recent use. However I have queried this number, and this has been reviewed and it is confirmed by the applicant that the approved plans for Unit 8 showed 425 seats. This equates to a parking demand of 85 spaces.

Gordon McIntosh
Corporate Director

- 2.4 The applicants transport consultants have estimated that there are 1725 seats contained within Unit 9, the Bingo Hall, in its most recent use. This equates to 1 seat per 2.07sq.m. GFA. Given that the GFA contains such elements of the building including toilets, staff facilities, kitchens, bar areas, circulation space etc, this will equate to a density of seating in the public areas in excess of this, and likely more than 1 seat per 2 sq.m. This figure was queried with the applicants transport consultants and has subsequently been confirmed as correct. Nonetheless I remain of the opinion that this is a very dense level of seating compared to what would be anticipated within a Bingo Hall. My planning colleagues have concurred with this opinion in internal meetings. However, based on seating at this density the parking demand in accordance with the maximum standards would be 345 spaces. Combining units 8 and 9 this equates to a total of 430 spaces.
- 2.5 The proposed use of retail within units 8 and 9 would attract a maximum of 315 spaces in accordance with the maximum parking standards, 115 spaces less than the existing uses.
- 2.6 Consideration must also be given to the existing demand in the car park and the number of spaces that are available. The current capacity of the car park is 884 spaces, however this will reduce to 876 spaces in order to accommodate the service yard proposed for the retail use.
- 2.7 In support of planning application P120909 for a fast food outlet within the car park of the Leisure Park a parking survey was conducted. This revealed a peak demand of nearly 700 parking spaces occurring on two consecutive Sundays in late September and early October 2012. As these periods do not represent the peak demand in the calendar year, the applicant was requested to carry out new surveys. After initial reluctance, these surveys were carried out on two weekends in mid August. It is likely that the peak demand occurs in July, the middle of the summer period, and not in August. It would have been possible for the applicant to carry out surveys at this time following requests from this Service, which would have allowed Roads issues to be resolved at an earlier date.
- 2.8 The August 2013 surveys show that the car park was essentially full on one Sunday (18 August). The absolute maximum number of cars parked in the car park has not been provided, and I must therefore estimate numbers from graphs. My estimation is that the number of parking spaces remaining would be in the single figures or low tens. The car park was surveyed to contain an estimated (from graphs) of 850 – 860 vehicles on another two of the survey days at approximately the same point in the day (early afternoon). The fourth survey day reaches a maximum of approximately 750 occupied spaces. Including the parking demand for the retail unit (at maximum non-food standards) the total demand for the site will be in the region of 1175 on three of the August survey days and 1065 on the remaining days. Similar patterns are likely throughout the summer period. With a total supply of 876 spaces following the application, it is clear that there is insufficient parking to accommodate this demand.

- 2.9 The extent to which the car park is predicted to be over capacity extends beyond the immediate peak period. The surveys show that fewer than 315 spaces (the number required for retail use of these units) remain free in the car park between approximately 1300 and 1730 on all survey days. It should however be noted that in the same period the number of spaces required by leisure use of the site would exceed the current capacity of the car park.
- 2.10 The October 2012 surveys show a similar scenario. With 700 spaces occupied at the peak period the additional demand for 315 spaces would increase the total demand to 1015 spaces, in excess of the 876 spaces within the car park.
- 2.11 It is important to consider the profiling of the demand for car parking over the day. The typical peak period for retail is the weekend early afternoon, coinciding with the peak use of the car park at present. The peak period for leisure uses, particularly for the most recent uses of the buildings would be anticipated to occur later in the day, when surveys show that the demand for the car park is lower.
- 2.12 Final consideration in terms of parking is that it is likely that there are a number of users of the car park that are not associated with the Leisure Park, but that are rather visiting the beach area. The applicants transport consultant carried out a survey of people in the Leisure Park car park to ascertain the reason for their visit. This survey was carried out with 282 people on two days during the August 2013 surveys. Given that the reasons for people visiting will change over the course of the day, i.e. there will be more people visiting the beach during the afternoon and restaurants during the evening, it is difficult to establish from the information submitted what the true impact of this would be. I would also contend that visitors to Codonas amusement park park in the leisure park car park legitimately as there is an entrance to Codonas from the Leisure Park.
- 2.13 There are existing parking constraints on the surrounding road network coupled with a high demand for this parking. Given the calculations that have been carried out above, it is likely that the granting of this planning permission would result in additional pressures being placed upon this on street parking supply, particularly in the peak weekend afternoon period which may not occur to the same extent for the current use. I will not object to the application as the total level of parking in accordance with the parking standards will be less for the proposed use than for the existing use. However I have severe concerns in respect of the parking implications should this application be granted consent and would ask that these be brought to the attention of Committee Members.
- 2.14 I would request that a condition be applied to any consent that these units not be used for food retail in any form. This would attract a higher demand for parking than non food retail and lead to significant parking problems throughout the area.

3.0 Access

3.1 An assessment of the pedestrian accessibility of the site has now been carried out, and having considered the results of this I will agree that there is no requirement to provide external upgrades to pedestrian infrastructure. Similarly, external cycle connectivity has now been fully assessed and I will not require any upgrades to the external cycle infrastructure.

3.2 The applicant has agreed that the existing bus stop on Links Road will be upgraded to a minimum standard of shelter, seating, lighting, raised kerbs and timetable information. I would ask that the provision of this be a condition to any consent of this application.

3.3 Junction analysis has been completed by the applicants transport consultants and these show that there are no capacity issues resulting from the proposed change of use.

4.0 The Esplanade

4.1 The applicant has agreed to resurface the footway on the Esplanade along the frontage of units 8 and 9, and provide benches. I will accept this, however the materials used in the resurfacing must match those used to the north. I would request that a condition be attached to any consent that this work be carried out. Beyond this I am satisfied that the remaining details can be determined through the Roads Construction Consent Process, and I would suggest that the applicant contact Colin Burnet as soon as possible to discuss this further.

5.0 Travel Plan Framework

5.1 A draft Travel Plan has been progressed, and there remain concerns with this.

5.2 Nonetheless, I am prepared to allow the development to proceed subject to two conditions, which I would ask be attached to any consent. I would request a first condition that the developer provide a revised mode share, and reach agreement with the Council, prior to the occupation of the development. A second condition should be attached that following this a Travel Plan be submitted for agreement, and this agreement reached prior to occupation.

6.0 Service Yard

6.1 I am willing to accept the recently proposed access arrangements to the service yard. I understand that revised layouts of the service yard have been submitted. I maintain my advice that Burger King should be consulted in respect of the proposals as service vehicles to the proposed retail unit would require to access across Burger Kings Drive-Through lanes. Nonetheless, due to service vehicles having to pass through the car park and across pedestrian routes I would ask that a condition be applied to any consent for this application that servicing only take place during the hours which Burger King, and the rest of the Leisure Park, is closed to the general public.

7.0 Cycle Parking

7.1 The applicant has agreed to provide four secure and sheltered cycle parking spaces for the benefit of staff. These should be located as close as possible

to the main entrance that staff will use. I would ask that a condition be attached to any consent requiring that these be provided. In addition I would request a condition that showers, changing rooms and lockers be provided, again for the benefit of staff members either walking or cycling to work.

8.0 Conclusion

- 8.1 In light of my comments above, I have no objection to this planning application subject to the conditions requested above. However I would highlight my concerns in respect of car parking and ask that these be brought to the attention of Committee Members.

Iain Hamilton

Engineer (Roads and Traffic)

Planning Development Management Committee

ARDENE HOUSE, SKENE ROAD, KINGSWELLS

ERECTION OF CLASS 4 THREE-STOREY OFFICE DEVELOPMENT MEASURING 17,129 SQ M (EXCLUDING BASEMENT), 425 CAR PARKING SPACES, ASSOCIATED INFRASTRUCTURE, ACCESS, LANDSCAPING AND ANCILLARY WORKS.

For: Kingswells Development Company Ltd

Application Type : Detailed Planning Permission

Advert : Can't notify neighbour(s)

Application Ref. : P130400

Advertised on: 10/04/2013

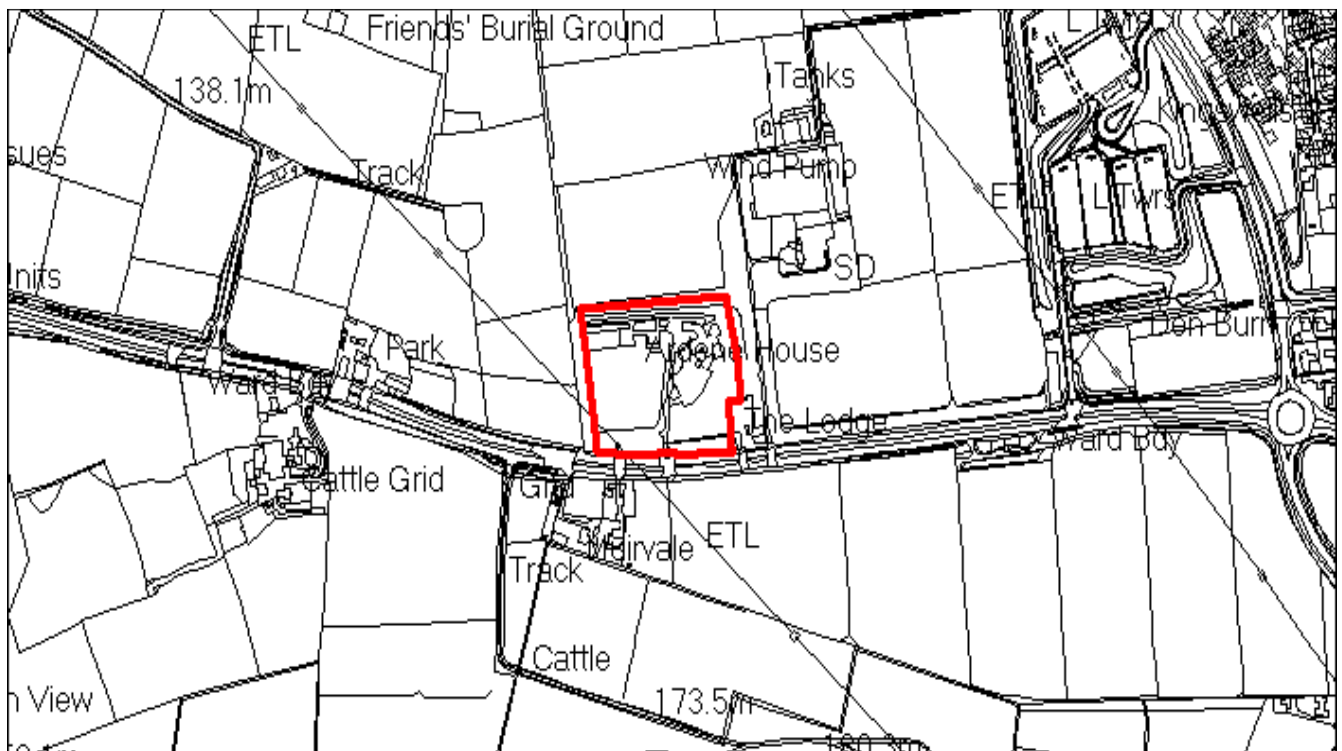
Application Date: 02/04/2013

Committee Date: 29 October 2013

Officer: Tommy Hart

Community Council : Comments

Ward : Kingswells/Sheddocksley/Summerhill (L Ironside/S Delaney/D Cameron)



RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold the issue of the consent documents until the applicant has entered into a Legal Agreement deliver:

- 1) Strategic Transport Fund contributions, and
- 2) Developer contributions towards:
 - Core Path Networks; and
 - Road improvements to mitigate the impact of development.

DESCRIPTION

The application site forms part of Opportunity Site OP40 which is designated in the Aberdeen Local Development Plan for business use. The site is approximately 2.4ha in size and lies on the north side of the A944 Aberdeen to Westhill Road, around 2 miles to the east of Westhill and 4 miles west of Aberdeen City Centre. The application site lies around 1m below the level of the A944 and is predominantly flat. Along the north and east boundaries, the site benefits from good screening by virtue of the large mature trees in situ, which are part of the Green Space Network. Part of this tree belt returns along the southern boundary almost to the existing access point. To the western side of the access there are low-lying shrubs along the road side and along the western boundary. An overhead electricity cable bisects the site at the sound western corner. The Den Burn currently runs through the site from west to east at the northern end through an open ditch. There is also a ditch present along the south-eastern section of the site.

The site is currently occupied by Ardene House Veterinary Practice. The site is fairly open towards the south and west whilst there is a 1-1 ½-storey building within the north eastern corner of the site. An area of car parking lies in the central part of the site.

Immediately adjacent to the site at the south eastern corner, there is a dwellinghouse known as “The Lodge” as well as an access for Kingswells House.

It is worth noting that an area of land along the southern and western boundaries of approximately 4500sqm is outwith the planning application boundary and is under the ownership of another party.

RELEVANT HISTORY – ADJACENT SITES

To the east of the application site, work is currently under way (and almost complete) for a number of office buildings within Phase One of the Prime Four business park development. The land to the immediate north of the application site forms part of Phase Three of the Prime Four development which benefits from planning permission in principle (ref 120649), whilst the land to the east forms Phase Four of the Prime Four development which does not yet benefit from any planning permission.

PROPOSAL

Full planning permission is sought for the erection of a 3-storey office to be situated within the northern third of the site. The building would be around 17,130 sqm in size (excluding the basement). It is intended that the building would be designed to meet the British Research Establishment Environmental Assessment Method (BREEAM) “very good” rating and Energy Performance Certificate (EPC) rating of B+/A.

Externally, the building would benefit from full-height glazing on the primary elevation with a granite rainscreen along the ridge level and edge to frame the building. A secondary horizontal masonry framing would be introduced at first and second floor levels. Horizontal granite elements are proposed at the end bays behind which sit the glazing. At roof level, the use of semi-transparent and PPC aluminium flat panels would screen the plant.

Access would be taken from the existing access into the site which would be upgraded and would be retained as a 'left in-left out'. Also, there would be a basement car park with space for 293 cars, 64no cycles and would provide locker, toilet and shower facilities. A further 229 car parking spaces would be provided at ground level, some of which would be beneath a landscaped deck.

Within the basement of the building, the waste and recycling store would be provided adjacent to the ramp access.

The existing open ditch would remain virtually unchanged at the northern end of the site. Sustainable Urban Drainage Systems (SUDS) are proposed for the disposal of surface water drainage.

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?130400>

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

- Design and Access Statement;
- Landscape Design Statement;
- Ecology Report;
- Drainage Impact Assessment;
- Planning Supporting Statement;
- Pre-Application Consultation Report;
- Tree Report; and
- Transport Assessment.

PRE-APPLICATION CONSULTATION

The proposed development was the subject to pre-application consultation on 27th November 2012 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 public exhibition/drop-in session between the hours of 3pm and 8pm and was advertised three weeks prior to the event taking place.

The comments received can be summarised as follows:

- The scale and visibility of the proposed building would be greater than the existing buildings;
- The height of the building should not diminish/spoil the historic setting of Kingswells House;
- Attention should be paid to the provision and quality of the landscape design, with the open space between the building and the A944 complementing the Green Space Network areas on either side of the site (to help provide biodiversity);
- Consideration should be given to re-routing the as a surface feature along the front of the site;

- The cumulative impact of this development and others ongoing/imminent around Kingswells is a real concern; and
- Current speeds of traffic on the A944 are also a real safety concern locally – too many accidents and fatalities.

Feedback was provided in response to the points raised at the consultation event.

Alterations made to the proposal as a result of consultation

The alterations that have been made to the proposals since the consultation event relate to reducing the level of surface parking and increasing basement provision (to reduce visual impact), repositioning of the access further to the east along the frontage (due to ownership restrictions) and consequential removal of a number of trees along the east end of the main frontage and increase in compensatory planting. These amendments were made as a consequence of required design changes and not consultation feedback.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Committee because nine objections have been received and there are adverse comments from Kingswells Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – object to the proposal for road safety concerns regarding road users seeking to enter/exit the site, which could potentially lead to road safety issues. These concerns are fully detailed in the relevant evaluation section, and the Roads Memorandum is attached to this report for reference. Additional comments received can be summarised as follows:

- Current pedestrian accessibility is not ideal but is within a 1600m walking distance from the nearest residential property in Kingswells but future pedestrian connectivity may be improved with the later phases of completion within the Prime Four development;
- Cycle access is acceptable having the Aberdeen to Westhill cycle path along the southern edge of the site and the inclusion of cycle parking, lockers and changing facilities is acceptable;
- Access to public transport is limited at present but may be improved as the later stages of the Prime Four development are completed;
- The updated access is acceptable;
- The provision of connections to the Prime Four development is acceptable and welcomed;
- The development would have a detrimental impact on the Kingswells roundabout and as such the applicant is required to submit a scheme of junction improvements to be agreed with Aberdeen City Council and a monetary contribution made to cover the costs of the work, which needs to be included in the s75 Legal Agreement;
- There is a requirement to make a financial contribution to the Strategic Transport Fund;

- A condition is requested that the development is not occupied unless a travel plan has been submitted to and agreed by Aberdeen City Council; and
- A condition is required to ensure that, prior to occupation, a regime be implemented to prevent indiscriminate parking within the Prime Four development and the Park & Ride site given the lack of access to public transport.

Environmental Health – no comments received.

Developer Contributions Team – a Developer Contributions package is applicable in this instance with contributions being taken to upgrade the core paths network.

Enterprise, Planning & Infrastructure (Flooding) – no objections as all comments raised have been dealt with by the updated Drainage Impact Assessment (DIA).

Education, Culture & Sport (Archaeology) – request a condition to be applied to any grant of permission requiring the application to agree a scheme of works to be undertaken prior to any development commencing on site.

Scottish Environment Protection Agency (SEPA) – no objection to the application so long as conditions are attached to any grant of permission requiring a construction environmental management plan (CEMP) to be submitted for approval;

Scottish Natural Heritage – comments received suggesting a pre-construction check for badgers would be appropriate.

Community Council – a number of issues have been raised, which can be summarised as:

1. The building architecture is uninspiring;
2. The access is too close to “The Lodge”
3. The removal of trees along the A944 is unacceptable;
4. The diversion of the watercourse to the rear of the building is unimaginative;
5. The development is isolated from Prime Four, giving a lack of continuity and poor access to the park and ride;
6. The access and no right turns will have major traffic impacts on the A944;
7. The Transport Assessment (TA) severely under-estimates the journeys by car and over-estimates journeys by other means;
8. The TA assumes spare capacity in the provision of local road improvements which is unlikely to be the case;
9. The access for the site should be through Prime Four.

Aberdeen International Airport – no objections.

North East Scotland Biological Records Centre (NESBREC) – provided feedback on species found in and around the application site.

Transport Scotland – no objections subject to condition requiring Travel Plan.

Aberdeen Western Peripheral Route (AWPR) Team – no objections to the application

REPRESENTATIONS

Nine letters of objection have been received, four of which are from the same person. One is from the Aberdeen Cycle forum, and the last four are in standard template form from a planning consultant on behalf of adjacent landowners/interested parties. The objections raised can be summarised as:

1. Concerns about the re-routing of the and the impact on adjacent property;
2. The proposed access would impact on the current access to “The Lodge”;
3. The development would not meet the requirements of the Local Development Plan or SPP in relation to encouraging sustainable modes of transport;
4. The cycle provision to the development is poor at present and will not encourage access by cycle;
5. The scale of development on the site is too large;
6. The amount of parking proposed is too low;
7. The traffic/junction/post-AWPR modelling is flawed;
8. The development does not relate to the wider OP40 site in respect to connectivity, public transport and travel options;
9. The drainage calculations do not predict downstream development appropriately;
10. The loss of trees is not acceptable; and
11. Access options have not been properly assessed.

PLANNING POLICY

National Policy and Guidance

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

Aberdeen City and Shire Structure Plan

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

Economic growth: to provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries, while at the same time improving the essential strategic infrastructure necessary to allow the economy to grow over the long term.

Sustainable development and climate change: to be a city region which takes the lead in reducing the amount of carbon dioxide released into the air, adapts to the effects of climate change and limits the amount of non-renewable resources it uses.

Accessibility: to make sure that all new developments contribute towards reducing the need to travel and encourage people to walk, cycle or use public transport by making these attractive choices.

Aberdeen Local Development Plan

Policy LR1: Land Release Policy – Part A – Phase 1 release development: Employment 2007 – 2023; development on sites allocated in Phase one will be approved in principle within areas designated for employment.

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 D1: Architecture and Placemaking – To ensure high standards of design, new development must be designed with due consideration to its context and make a positive contribution to its setting.

Policy D3: Sustainable and Active Travel – New developments will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Developments 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 development will prioritise transport modes in the following order; walking, cycling, public transport, car and other motorised vehicles.

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.

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.

Policy NE6: Flooding and Drainage – Applications will be required to provide an assessment of flood risk in order to show that there would be no risk from flooding.

Policy R7: Low and Zero carbon buildings – New buildings reduce the amount of predicted carbon dioxide emissions by at least 15% below the 2007 building standards in order to help meet the expectations of the Climate Change (Scotland) Act 2009.

Supplementary Guidance

The following Aberdeen City Council supplementary guidance are relevant material considerations:

- OP40 – Kingswells Development Framework;
- Transport and Accessibility;
- Buffer Strips; and
- Low and Zero Carbon Buildings

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 application site lies within land designated as an Opportunity Site (OP40), whilst the Development Framework suggests business purposes as the most appropriate use for the land. Additional office developments have recently been approved on adjacent land (Prime Four), and in that respect, the principle of office development on the site is considered to be acceptable. In terms of the land allocation, the site lies is part of the Land Release Policy and is allocated for release between 2007 and 2023 and so in that respect there is no conflict with Policy LR1.

Economic Development

The proposed office development would create new employment opportunities, located in an area allocated for business use under Opportunity Site OP40 of the Aberdeen Local Development Plan. As such, the application is considered to conform to Scottish Planning Policy in respect to the general policy on economic development, as well as the Aberdeen City and Shire Structure Plan objectives for economic growth.

Design, Scale and Form of Development

In terms of building height, the application site is within the 'central zone' as shown on page 42 of the Development Framework which indicates that three storeys (around 12m in height) of accommodation would be acceptable, and is comparable to the 'Nexen' building (located to the east of the application site) which is in a more prominent position at the southern end of the Prime Four development. The scale would therefore be seen to accord with the principles of the Development Framework.

Policy D1 (Architecture and Placemaking) seeks to ensure a high standard of design in new development. It states that new development must be designed with due consideration to its context and make a positive contribution to its setting. The building would be predominantly glazed on the south elevation with elements of granite gladding. The northern elevation is almost identical in design and finish whilst the east and west elevations would have a large granite cladding section at the central core area as well as the large glazed sections. The choice

of materials and general form of the building are considered appropriate for the setting when taking into account what is currently being built within the Prime Four development nearby. The 'Nexen' and 'Apache' buildings are of a similar design with significant glazing, along with granite feature panels and framing. A similar palette of materials has also been agreed for the buildings within Phase One and Two of the Prime Four development which benefit from planning permission. Although the proposed building is almost the full width of the application site, the large expanse of glazing on the southern elevation helps to visually lighten the elevation and reduce the bulk of the façade.

Visual Impact of the Development

For drivers approaching Aberdeen, the development would only become apparent on arrival to the application site due to the existing screening along the cycle/footpath on the northern side of the A944 between the application site and the 'Five Mile Garage'. A similar situation would occur driving westbound towards Westhill, with a large number of mature trees located along the road frontage between the application site and the Prime Four development. On viewing the building from directly in front of the site, it is fair to say that the building would be much larger than what currently exists on site. However balanced against this it is noted firstly that the proposed scale accords with the approved Development Framework. Furthermore, the landscape proposals submitted with the application indicate that three rows of semi-mature trees would be planted between the new building and the A944. When considered collectively with the context of the land surrounding the site, the Planning Authority is satisfied that the visual impact on the surrounding area would be minimal, with any impact being lessened over time as the proposed tree planting progresses through to maturity.

Traffic Impacts, Access Arrangements and Car Parking

Cycle Access

It is acknowledged that the application site is not ideal when it comes to prioritising walking, cycling or public transport usage, being located some four miles from Aberdeen City Centre. Notwithstanding this, a cycle path abuts the southern boundary of the site which, whilst ideally needing upgrading, would still provide sufficient accessibility for cyclists. The submitted plans also show short and long-term cycle storage within the basement of the building, along with locker and shower facilities, all of which are likely to encourage the use of cycles.

Pedestrian Access

A pedestrian isochrone has been submitted showing the extent to which the site is accessible by pedestrians, indicating that the houses in the southern part of Kingswells (south of the playing field and broad dyke at Kingswood Drive) are within a 1600m walking distance of the proposed development. Pedestrian accessibility to the site would be reliant on the footway on the north side of the A944, which is likely to dissuade pedestrians due to the high volume of traffic on the A944. It is however a complete route. Furthermore, the potential exists for more attractive routes to be delivered through the Prime Four site on completion of the latter phases, and the plans submitted for this application has shown that links will be constructed within their site to allow future potential connectivity into the Prime Four development.

Public Transport

There are 2no bus stops on the east side of the Kingswells roundabout (around 900m away). Similarly, the Park & Ride facility would be around 900m away from the entrance to the application site. These are outwith the 400m distance specified in national transport planning policy for access to bus stops. The only option that this developer would have to improve accessibility by bus would be to install bus stops on the A944 closer to the development. This would require the installation of a controlled pedestrian crossing facility on the A944 which Roads officers have confirmed could not be accommodated within such close proximity of the Prime Four access and the AWPR junction. It is therefore not possible for the developer to provide public transport that meets the requirement of the policy. The latter phases of Prime Four may include a bus service through the site that could result in public transport services operating closer to the development than those at present.

In terms of accessibility, by virtue of being on the main road between Aberdeen and Westhill, and having a cycle route along the same route, the site is considered to be accessible in terms of SPP subject policy and Structure Plan objective relating to Transport. However, it is clear that the development is unlikely minimise travel by car by virtue of its location. The location does not prioritise walking, cycling or public transport. There are reasonable connections to active travel (cycling) as well as public transport which can be improved, however at present there are failings and for these reasons it is considered that the development fails to meet the requirements of Aberdeen Local Development Plan Policy D3.

Car Parking

The original plan showed car parking for a total of 425 car parking spaces which was 116 (or 21%) below the maximum standards. Serious concerns were raised at that time, and through discussions with the Roads Projects Team, the number of car parking spaces has been sufficiently increased to reflect the upper limit of the Council's car parking standards. A condition is attached which seeks a scheme to be agreed with the Council which will limit/stop indiscriminate parking within the Prime Four development and the Park & Ride site. A similar condition was attached to the grant of permission for the Prime Four development which is considered to meet the 6 tests as set out in Circular 4/1998 – the use of conditions in planning permissions. It is considered that the application is acceptable in terms of the Council's Supplementary Guidance – Transport and Accessibility in terms of parking requirement.

Vehicular Access & Traffic Impact

Consideration has been given to the impact of the A944 junction on the existing external network, which has revealed a detriment to the operation of the Kingswells roundabout. Having regard for the extent of not only this but also neighbouring developments, it is agreed that a collective solution is required to mitigate such impacts through the provision of physical improvements to the junction. The precise details of such improvements will be dealt with through the s75 Legal Agreement and thereafter a monetary contribution will be made to the Council.

Vehicular access to the site would be provided through a substantial upgrade of the existing access point from the A944. However it is noted it is unlikely that a priority junction, allowing right turning vehicles in and out of the site, would operate within capacity. With current high traffic flows on the A944, entering the site from the east or exiting to the west would be virtually impossible at peak times. Furthermore, the introduction of a signalised junction in this location is not feasible due to the proximity of the Prime Four access and the Aberdeen Western Peripheral Route (AWPR) junction. In this instance, use of an upgraded priority access would only be acceptable with the access operating a left in/left out operation. The applicant's have recognised this and agreed to undertake the necessary works on the A944 to allow implementation.

However, and notwithstanding such an arrangement, it will remain extremely difficult for vehicles to exit the site during peak periods. A left in/left out only junction will increase the number of drivers having to carry out change of direction diversion manoeuvres in order to gain access to or leave the development. Queuing or rolling queuing traffic is anticipated to extend westwards from the Prime Four access junction in the peak periods, past the application site access. In peak periods it is likely that drivers exiting the development will be reliant on the goodwill of those queuing on the A944 to allow them to enter the carriageway. For exiting drivers intending to head westwards, a change in direction can be achieved using the Kingswells roundabout.

It is however noted that for drivers attempting to enter the site from an easterly direction; with the removal of the Arnhall roundabout near Westhill, the closest facility by which to change direction would be the roundabout on the A944 near Tesco in Westhill; a substantial diversion of approximately 3.2 miles. The Council's Roads Engineer has concerns that this would significantly increase the likelihood of drivers attempting to turn right into the C93C, also at capacity, to then turn back towards the site. Earlier discussions with the Planning Authority evaluated the possibility of attaching a condition to restrict occupancy of the building until the opening of the AWPR and subsequent completion of a grade separated roundabout in close proximity to the west of the development, however such a condition may not be legally competent and would not have been appropriate. In this regard, and in the absence of any such condition, the Council's Roads Engineer objects to the granting of planning permission on the basis of road safety concerns.

In light of such concerns, one must take a fully balanced approach in evaluating the proposal. It is noted that the above concerns are based on speculation, in that drivers may attempt to perform a dangerous and illegal manoeuvre to access/leave the development. However, when identifying and assessing the planning merits of a proposal, one must be careful not to allow speculation of a potential scenario to inform judgement of planning matters. Whilst the Roads Engineer is of mind that such circumstances may arise, countered against this there is no evidence to suggest that this may realistically be the case.

Furthermore, given the nature of this section of the A944, it could indeed be argued that the existing levels of traffic flow would discourage or even prevent such a scenario from taking place, in particular at peak times when the ratio of

drivers entering/exiting the site would be higher. Indeed, the Council's Roads Engineer has applied the same understanding to justify the agreed left in/left out priority junction; in that existing traffic flows are of sufficient level to prevent drivers entering from the east or exiting to the west. For reasons of consistency, the same approach should therefore be applied to this scenario, which would indicate that the potential for illegal entering / exiting of the site is significantly reduced in light of existing traffic flow. Whilst the diversions required may be inconvenient, there is no evidence to suggest that drivers would not follow them to gain access or to exit the site, and with no evidence to show that such manoeuvres would take place, one is thereby unable to realistically measure any impact on the capacity of the existing infrastructure.

In addition to the above, it is also acknowledged that the ongoing construction of neighbouring developments will in time provide opportunity for potential access to the application site being taken via Prime Four from the north, enabling the A944 junction to close. Such a situation would hold clear benefits for the eventual occupier of the site, removing the need for detours and u-turn manoeuvres to access the left in/left out junction. It is noted however that such a link would only be desirable on the basis that the A944 junction was closed.

Notwithstanding the nature of the concerns from the Roads Engineer, with a lack of evidence to support them, it is concluded that basing such concerns on speculation alone would not be sufficient to justify refusal of the application.

Trees & Woodland

A tree survey has been undertaken and ratified by the Council's Arboricultural Planner. The survey and accompanying plan show that of the 54no trees surveyed, 2no need to be felled for health and safety reasons, whilst 8no are required to be felled in order to permit development.

The trees to be felled are located at the access point (2no 'A' class beech trees and 1no sycamore) and at the north-western corner of the site (1no 'A' class holly tree, 2no 'C' class sycamore trees, 1no 'C' class horse chestnut tree and 2no 'C' class holly trees) to allow the internal road to be constructed. It is worth noting that the updated tree survey and plan are a significant improvement on the original situation, which sought to remove more trees along the A944 boundary to the south. On the basis that the amount of trees to be removed being minimal, and with the retention of the majority of boundary screening together with proposed compensatory planting, the proposal is considered to accord with Aberdeen Local Development Plan Policy NE5.

Green Space Network

The removal of ten trees is not considered to have a negative visual impact on the wider Green Space Network, given that the remaining trees along the north and east boundaries are to be retained. In terms of wildlife impact, an ecological survey has been submitted which highlights that there were no bat roosts, badger or red squirrel activity within the application site. Lastly, no birds were observed nesting in any of the trees proposed to be felled.

It is also worth noting that the applicant is seeking to retain the open ditch along the northern boundary of the application site, and has provided landscaping proposals in this regard, which also shows that no part of the building would be located within 20m of the watercourse, which is around 5m in width. Whilst it is acknowledged that a section of car-parking would abut the watercourse, with permeable paving it would still be in line with the Council's Supplementary Guidance on Buffer Strips.

For the above reasons the proposal would not have been seen to have any negative impact on local wildlife, landscape or the access value of the Green Space Network, and therefore does not conflict with Aberdeen Local Development Plan Policy NE1.

Drainage

The historical route of the Den Burn is via culvert, running west to east through the site. Due to the culvert collapsing in the mid 1990's a diversion was put in place whereby the Den Burn was piped south to north from around the mid-way point of the western side of the site up to the northernmost point of the site. As the Den Burn enters the site, it is within an open ditch to the eastern boundary where it moves south until it reaches the mid-point of the eastern boundary where it joins back into the piped section leading towards the Prime Four development. The intention is to have minimal impact on the existing drainage pattern. The only changes required would be a small section of 'local bridge structure' where the road abuts the north-western boundary, and within the north-eastern corner of the site. Another small change is the slight re-alignment of the northern section to ensure a 6m buffer strip.

In terms of SUDS provision, two levels of treatment are required, which will take the form of water draining into the porous paving forming the parking bays, and a filter drainage trench. The road surface water run-off will be collected by road-side gully and transported to a filter trench adjacent to the back of the footpath, which will then be passed through a secondary filter trench with an alternative filter medium to provide the second level of treatment.

Both the Council's 'Flooding' Officer and Roads Projects Team have confirmed no objections to the proposed drainage plans, as they fully satisfy the requirements of Aberdeen Local Development Plan Policy NE6.

Sustainable Buildings

The Council's Policy (R7) and Supplementary Guidance (Low and Zero Carbon Buildings) seek to ensure that new buildings reduce the amount of predicted carbon dioxide emissions by at least 15% below the 2007 building standards in order to help meet the expectations of the Climate Change (Scotland) Act 2009. The preferred option for the guidance and policy is for the installation of low and zero carbon emitting equipment (biomass, solar panels, air source heat pumps for example). However, the guidance suggests that there are instances where policy can be relaxed, namely; if it can be demonstrated that the building will achieve a CO2 saving greater than required by the current building standards, or, a financial contribution of £200 per 140sqm is made towards the improvement of

the energy performance of the existing housing stock. Although the applicant has intimated that their wish is to make a monetary contribution, in the absence of any detailed plans relating to carbon reductions, it is necessary to include a condition on the grant of permission. Once the necessary information is received, discussions can take place as to how this issue is progressed. It is also worth noting that the intention of the developer is to achieve a BREEAM 'Very Good' rating which further shows a commitment to providing a sustainable building.

Relevant planning matters raised by the Community Council

Issues relating to architecture; design; tree removal; traffic impact; access; parking; and connectivity have been addressed in the relevant topic sections identified above.

Further to these, the remaining points raised the Community Council can be addressed as follows:

- *The access is too close to "The Lodge"* – the access point into the site is almost identical to the existing situation. The access cannot move any further west due to land ownership issues.
- *The diversion of the Den Burn to the rear of the building is unimaginative* – the Den Burn is already diverted along the northern boundary through an open ditch and so the proposal does not change this to any material degree.
- *The access for the site should be through Prime Four* – whilst this would be desirable, the Prime Four development is not at such an advanced stage that an access point can yet realistically be achieved or delivered, and therefore it has been agreed with the Planning Authority that the only way forward is to agree the left-in left-out arrangement as shown.

Relevant planning matters raised in written representations

Issues relating to proximity of access to "The Lodge"; architecture; design; scale; tree removal; drainage; sustainable transportation; traffic impact; access; parking and connectivity have been fully addressed in the various relevant topic sections identified above. Further to these, the remaining points raised in representations can be addressed as follows:

- *Concerns about the re-routing of the Den Burn and the impact on adjacent property* – as mentioned above, the Den Burn would only be marginally re-routed to accommodate the development and it is not considered that this would have a detrimental impact on the adjacent property.
- *The traffic/junction/post-AWPR modelling is flawed* – the modelling has been updated in line with recommendations from the Roads Projects Team and is now acceptable

On the basis of the above, it is considered that there are no grounds for refusal of the application or further amendments to the plans.

Proposed Legal Agreement for Developer Contributions

The applicants have agreed to a developer contributions package for this site to deliver contributions towards enhancement of core path facilities and roads

infrastructure improvements, in addition to securing Strategic Transport Fund contribution as identified under the Roads Project Team consultation response above. These matters will ensure compliance with Policy I1 of the Aberdeen Local Development Plan, and are to be included in the Legal Agreement under the provision of S75 of the planning acts.

Conclusion

Subject to imposition of conditions and Legal Agreement, the proposed development would be considered to accord with Scottish Planning Policy and Guidance; the Aberdeen City & Shire Structure Plan 2009; Policy LR1 'Land Release Policy' of the Aberdeen Local Development Plan; and Aberdeen City Council's Supplementary Guidance, including the approved Development Framework for Opportunity Site (OP40). All issues relating to design; scale; form; visual impact; traffic impact; access arrangements; car-parking; sustainable travel; impact on trees, landscaping and the Green Space Network; drainage; and building sustainability, have been fully evaluated in accordance with relevant consultations, and found to accord with all provisions of both national and local policy and guidance. Notwithstanding the nature of the concerns from the Roads Engineer, basing such concerns on speculation alone, with a lack of supporting evidence, would not be sufficient to justify refusal of the application. Full consideration has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application. All other relevant material considerations have been fully considered and in line with these the Planning Authority recommends a willingness to approve, subject to conditions and Legal Agreement.

RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold the issue of the consent documents until the applicant has entered into a Legal Agreement deliver:

- 1) Strategic Transport Fund contributions, and**
- 2) Developer contributions towards:**

- **Core Path Networks; and**
- **Road improvements to mitigate the impact of development.**

REASONS FOR RECOMMENDATION

Subject to imposition of conditions and Legal Agreement, the proposed development would be considered to accord with Scottish Planning Policy and Guidance; the Aberdeen City & Shire Structure Plan 2009; Policy LR1 'Land Release Policy' of the Aberdeen Local Development Plan; and Aberdeen City Council's Supplementary Guidance, including the approved Development Framework for Opportunity Site (OP40). All issues relating to design; scale; form; visual impact; traffic impact; access arrangements; car-parking; sustainable travel; impact on trees, landscaping and the Green Space Network; drainage; and building sustainability, have been fully evaluated in accordance with relevant consultations, and found to accord with all provisions of both national and local

policy and guidance. Notwithstanding the concerns from the Roads Engineer, basing such concerns on speculation alone, with a lack of supporting evidence, would not be sufficient to justify refusal of the application. Full consideration has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application. All other relevant material considerations have been fully considered in reaching this recommendation.

CONDITIONS

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

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

(2) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved 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 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 Nos. 'AL(90)001 revision R' and 'AL(00)104 revision 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 and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(4) 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.

(5) that the development hereby approved shall be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(6) that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

(7) 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.

(8) that the development hereby approved shall not be occupied unless the landscaping scheme as shown on drawing no. 'AD-13001-100 Rev H', or such other drawing as may subsequently be submitted and approved in writing by the planning authority, has been implemented in full accordance with the approved plans - in the interests of the amenity of the area.

(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 the development hereby approved shall not be occupied unless there has been submitted to and approved in writing by the planning authority; through consultation with Transport Scotland and the Trunk Roads Authority where deemed necessary; a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

(11) that:

(a) a minimum of two months prior to the commencement of any works associated with the development hereby approved, a site specific construction environmental management plan (CEMP) shall be submitted to and approved in writing by the planning authority, in conjunction with SEPA and any other agencies as deemed appropriate by the planning authority;

(b) no development shall take place unless it is in full accordance with the relevant plan approved under part (a) of this condition.

(12) that no development shall take place unless the mitigation measures as identified in the Ecological report (dated 19.08.2013 version 5.0) by Direct Ecology have been implemented in their entirety - in the interests of safeguarding the fauna and habitats on-site.

(13) that:

(a) the development hereby approved shall not be occupied unless a detailed scheme for the monitoring of car parking, and potential rat-running in and through the Prime Four development and Park & Ride site, has been submitted to and approved in writing by the planning authority;

(b) thereafter, the scheme approved under part (a) of this condition shall be updated by the applicant, through consultation with the planning authority, to adequately reflect the ongoing progress of the Prime Four development.

- in the interests of road safety and the free flow of traffic, sustainability and to ensure that public transport has suitable access to the site.

(14) that the development hereby approved shall not be occupied unless the asphalt path has been fully implemented along the southern boundary, between the access point and the eastern boundary, using a 'no dig' construction methodology in accordance with drawing nos. 'D1858.I.405' and 'AD-13001-100 Rev H' hereby approved, or such other drawing as may subsequently be submitted and approved in writing by the planning authority - in the interests of protection of natural environment.

(15) that;

(a) no development shall take place unless a detailed scheme showing the precise location, layout, design and construction method of a connection link, through the application site to the site boundary with the Prime Four development, has been submitted to and approved in writing by the planning authority. Such a scheme shall show the physical extent of the link stopping 1 metre short of the boundary with Prime Four and include a 2 metre verge extending beyond the road boundary;

(b) the development hereby approved shall not be occupied unless the connection link has been fully implemented in accordance with the approved plan under part (a) of this condition, unless the planning authority has given written approval for a variation.

- in the interests of sustainable connections.

(16) that, as per the Key Mitigation Recommendations detailed within the 'Ecology Report' - Extended Phase 1 Habitat Survey and Protected Species Assessment, by Direct Ecology and dated 19.08.2013 (version 5.0), no development shall take place unless a Pre-construction Survey has been submitted to and approved in writing by the planning authority in consultation with Scottish Natural Heritage - to ensure protection of wildlife habitats within the site.

(17) 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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MEMO



ABERDEEN
CITY COUNCIL

To	Tommy Hart Planning & Infrastructure	Date	16/10/2013
		Your Ref.	P130400 (ZLF)
		Our Ref.	TR/IH/1/51/2
From	Roads Projects		
Email	IHamilton@aberdeencity.gov.uk		
Dial	01224 522752		
Fax			

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

Planning application no. P130400
Ardene House, Skene Road, Kingswells
Erection of Class 4 three-storey office development measuring 17,129 sq m (excluding basement), 425 car parking spaces, associated infrastructure, access, landscaping and ancillary works.

I have considered the above planning application and have the following observations:

1.0 Introduction

1.1 This application is for a 17,129sq.m. office development in place of the existing Ardene Vet Hospital at Kingswells.

2.0 Accessibility

2.1 For reasons that I have previously highlighted the proposed development can only be accessed from the A944 via a left in/ left out junction arrangement. This will necessitate that vehicles entering and leaving the site carry out turning manoeuvres in the carriageway in order to enter the site from the east and exit to the west. To the east of the development on the A944 the Kingswells roundabout will allow this manoeuvre for vehicles exiting to the west. To the west there is no similar facility. The A944/ B9119 roundabout at Arnhall is in the process of being removed, therefore drivers accessing the proposed development from the east would have to make use of the roundabout on the A944 in Westhill close to Tesco. This is a 3.2 mile diversion. According to the Transport Assessment (TA) 162 vehicles will approach the development from the east in the AM peak.

2.2 I have serious concerns that in practice, faced with this diversion on a daily basis, drivers accessing the proposed development would not travel into Westhill to turn but would turn on the A944 or its side roads. There is a 'U-turn' ban on the A944 between Kingswells and Westhill and therefore any driver performing such a manoeuvre would be acting outwith the law; actions which therefore should not be taken into account in planning terms. The

Gordon McIntosh
Corporate Director

matter is one of enforcement. However, when a planning application is likely to give rise to such behaviour and there are such significant road safety implications I feel that it has to be taken into consideration. Any driver on the A944 could choose to carry out a U-turn manoeuvre at one of the many openings in the central reservation, and the road safety considerations of this are significant.

- 2.3 What is more significant is the possibility that legal manoeuvres could be carried out by drivers to avoid the diversion to access the roundabout in Westhill which would bring about similar road safety concerns to those discussed above. Drivers would legally be able to turn right from the A944 into the C93C Borrowstone Road (road to Blackburn), or U095C Brodiach Road carry out a legal U-turn in this road and re-enter the eastbound carriageway of the A944. This entire manoeuvre brings cause for serious concern.
- 2.4 There is evidence of this behaviour occurring during the recent construction works at the Kingswells roundabout when the right turn from the A944 to the Kingswells bypass was closed drivers were diverted around the Arnhall roundabout. Extensive numbers either carried out u-turn manoeuvres in the A944 or turned into the C93C and carried out a u-turn there. It is therefore not unreasonable to assume that there will be a significant number of drivers associated with the proposed development that would carry out these manoeuvres.
- 2.5 Turning right from a road such as the A944, with such high levels of opposing traffic, is clearly inappropriate and has safety implications for all road users. As vehicles queue on the C93C to re-enter the A944 newly arriving vehicles will have to turn further into the C93C, away from the bellmouth, resulting in the necessity to carry out three point turns. I have concern that there will be junction capacity issues at the A944/ C93C. There is a high volume of traffic eastbound on the A944 during the peak periods. This means that it will be difficult for vehicles turning right from the A944 to the C93C to carry out this manoeuvre, resulting in vehicles queuing back in the right turn slip lane. There is the potential for this queue to extend into the westbound lane of the carriageway causing both road safety concerns and reducing the capacity of the A944 to one lane. The effect of this is in itself to cause queuing traffic on the A944 westbound carriageway, with the consequential road safety concerns. It would not be possible to extend the length of the right turn slip road due to the presence of the access to the 5 mile petrol station. There are serious road safety and capacity concerns arising from the potential impact of these legal manoeuvres. Similar behaviour is likely to occur at the A944/ U095C Brodiach Road.
- 2.6 I had understood that it would be possible to attach a condition, should this development be consented, that there be no occupation until after the Aberdeen Western Peripheral Route (AWPR) junction has been constructed. This would provide a facility to allow vehicles to turn and access the development in a safe manner. I understand now that it may not be possible to apply this condition.

2.7 In addition, as it was understood that the condition described above on the presence of the AWPR junction would be applied, no analysis on the impact of the development of the A944/ C93C, A944/ U095CA944/ B9119 Arnhall, or the A944/ Westhill Drive/ Endeavour Drive junctions has been carried out. The impact of the development and the large number of vehicles passing through these junctions has not been assessed.

3.0 Conclusion

3.1 In light of my comments above, and the potential road safety and capacity implications of a large number of vehicles carrying out the described manoeuvres on the A944, I would object to this planning application. I would ask that my concerns be fully highlighted to Committee members.

Iain Hamilton

Engineer (Developments and Traffic)

From:
Sent: 29 April 2013 09:02
To: PI
Cc: Steven Delaney; David Cameron; Kcc_members@kwells.org
Subject: <v9_SmartSaved/> Planning Application 130400 - Erection of Class 4 three-storey office development measuring 17,129 sq m (excluding basement), 425 car parking spaces, associated infrastructure, access, landscaping and ancillary works

Categories: SmartSaved

Dear Sir or Madam

Planning Application 130400 - Erection of Class 4 three-storey office development measuring 17,129 sq m (excluding basement), 425 car parking spaces, associated infrastructure, access, landscaping and ancillary works

Kingswells Community Council wish to make the following comments on this application.

- Externally, the building architecture is uninspiring - essentially an elongated glass shoe-box.
- The exit slip road comes far too close to the lodge house for Kingswells House causing serious amenity impact to a historic building.
- The removal of 13 mature/semi-mature trees along the A944 is completely unacceptable - far too many trees have been lost already due to developments at Prime 4 and roadworks at Kingswells roundabout.
- While some of the landscaping proposals look good, the diversion of the Den Burn to a ditch at the rear of the building is unimaginative. Here it will be lost to view and have poor visual continuity with the burn and water features at Prime 4. The Den Burn should be routed along the front of the building to add interest and enhance the landscaping.
- The development is isolated from Prime 4, giving a lack of continuity and poor access to the park-and-ride and bus stops on the A944 (see below)
- The entrance onto the A944 will have unacceptable traffic impacts, especially exiting left at evening peak time when the A944 is already jammed with traffic. We are not convinced that current road developments at the Kingswells roundabout will significantly alleviate this problem. (see below)
- Traffic exiting from the site wishing to go to Westhill will have to travel back to the Kingswells roundabout to access the opposite carriageway. Traffic from the city will have to travel to the Westhil roundabout then travel back to the entry of the site. This will cause unacceptable and an unnecessary increase in the volume of traffic on the A944 (see below)

KCC is not convinced by the Transport Assessment presented in this application. It severely underestimates the journeys by car, and overestimates journeys by other means.

The site is developed out of phase and suffers from being disconnected from the main Prime Four site and too distant from bus stops. Consequently, the expectations for bus travel will be over-estimated as public will not use the bus as expected if they are faced with excessive distances by foot between the office and the bus stop. The TA should explain how it is to address the deficiency rather than ignoring the issues. The provision of a footpath to nowhere is not a solution. If people are discouraged from using other modes of transport at the beginning of the development then it will be difficult to re-address the balance at a later date.

The TA assumes spare capacity in the provision of road improvements provided by Prime Four, but this capacity will be used by the main Prime Four development. This TA needs to assume that any 'spare' provision is fully used by

Prime Four. This development was not included in the area considered when assessing the remedial works required to accommodate additional road users for the initial phases of the Prime Four development.

Under provision of parking spaces is irresponsible design. The car journeys generated by this development should be accommodated in the development. The use of the Park and Ride as an extension to the car parking provision for this site is totally unacceptable. Experience from the consultation with Prime Four indicates that even when the maximum car parking provision is provided it is difficult to achieve target journeys by other means. The TA infers that providing less car parking capacity is better than providing more, but makes no provision to increase the uptake in other modes of transport. As indicated above the site is already at a disadvantage for encouraging other modes of transport. This does not represent a high class development which is a prerequisite of the Masterplan.

The concept of providing a dedicated access onto the A944 for one office block in the Prime Four Development is not acceptable. Overall there should be two access roads from this main Prime four development onto the A944. The conversion of a low capacity existing entrance at the Vet to a main entrance like that proposed is not desirable for the traffic flow. During the consultation the developer was asked to talk to Drum to negotiate a shared access that could be used by this development and the wider Prime Four development. This obviously has not been done. This development is part of the wider development and must use the access roads for that development. The development should be included in the masterplan and developed properly. Piecemeal development is not acceptable. Neither is it acceptable that this developer is trying to bring the development on too quickly and is not prepared to mitigate the impact of the development in any way – this is echoed throughout the TA.

During the roadworks for Prime Four evidence shows that drivers are not prepared to drive to Westhill Roundabout to do a U-turn. They endanger their lives and the lives of others by performing U-turn manoeuvres at other less safe locations. The proposed access to the site from the east is totally unacceptable. If this is the best that can be provided the development should be delayed until after the provision of the Kingswells South Junction road network. Ideally the access should be within the development, or as part of a main access to the Prime Four development.

Kind regards

Barrie Buchan (Mrs)
Chair
Kingswells Community Council

PI - Kingswells Development Co. Ltd proposal for Ardene House land

From: "Ian Lindsay" [REDACTED]
To: <pi@aberdeencity.gov.uk>
Date: 23/04/2013 16:19
Subject: Kingswells Development Co. Ltd proposal for Ardene House land
CC: [REDACTED]

Dear Sir,

I have previously commented on this application in respect to the level difference between our property (The Lodge, Kingswells House) and the proposed Kingswells Development Co. Ltd, development of a 3-story office block on the Ardene House land. In regards to the level difference, my specific concern relates to the flooding risk to our property if the existing field drain on the Ardene House land is in-filled and the Den Burn is re-routed. A further concern I wish to bring to your attention is the close proximity of the egress lane from the proposed development to our driveway access and its potential impact on our being able to enter our property from the central reservation waiting area. Effectively, I see this situation as increasing the risk both to traffic wishing to enter our property and to traffic exiting the Kingswells Development site. Yet a further potential problem will be for cyclists to get past the ingress and exit points of the development, which may cause cyclists to 'bunch' outside our driveway entrance. For the planned arrangements to be viable / safe, it would appear that traffic lights will be necessary. These points do not constitute an objection (if) I am provided with a satisfactory response, however, in the event that no response is forthcoming, please regard my points as an objection.

Regards,

Ian Lindsay

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 19/04/2013 08:51
Subject: Planning Comment for 130400

Comment for Planning Application 130400

Name : Mr Ian Lindsay

Address : The Lodge, Kingswells House,
Kingswells, AB15 8PJ, Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

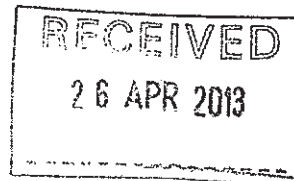
Comment : Dear Sir / Ms, I have previously written to voice concerns over the level differential between our property and the adjoining Ardene House land where the Kingswells Development Co. Ltd., development is planned. Even if the Den Burn is re-routed as proposed, I suspect water will still flow through the existing drainage ditch simply due to the lie of the land and the level differential. Accordingly, unless I receive an assurance that my property will be protected from flooding I wish to object / express concern. A further matter that concerns me is the impact that the access / egress lanes will have on the cycle track, which may result in cyclists having to wait / bunch up outside our driveway entrance. For that reason I suspect that traffic lights will be required to make the existing proposal viable from a road safety point of view. Ian Lindsay

HALLIDAY FRASER MUNRO
PLANNING

P1849/001/SC

25 April 2013

Tommy Hart (Senior Planner)
Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Aberdeen
AB10 1AB



Dear Mr Hart,

**OBJECTION – PLANNING APPLICATION REF: 130400
ERECTION OF CLASS 4 THREE-STOREY OFFICE DEVELOPMENT
MEASURING 17,129 SQM (EXCLUDING BASEMENT), 425 CAR PARKING
SPACES, ASSOCIATED INFRASTRUCTURE, ACCESS, LANDSCAPING AND
ANCILLARY WORKS**

We write on behalf of Drum Kingswells Business Park Ltd to object to the above application on a number of grounds.

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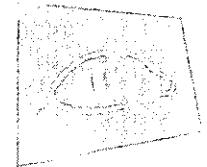
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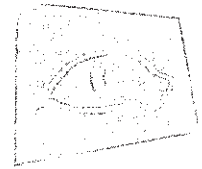
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OP40-wide connectivity – the landscape strategy for the whole Prime Four site has identified the strategic cycle, pedestrian and traffic connectivity across the site. In particular it has been required to deal with access to and from Kingswells, the Park & Ride site, and the Fourcourt public square. The proposed development at Ardene shows potential access to the north and east but has not fully considered the wider connectivity throughout the OP40 site;



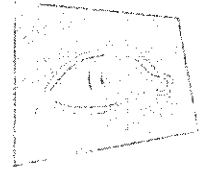
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The Park-Wide Travel Plan – A park-wide travel plan framework has been produced and is updated as the phases come forward at Prime Four. Each development is required to fit within that framework to ensure a coordinated approach to the site-wide access arrangements. The current proposal needs to coordinate with that plan to ensure easy and efficient access throughout the whole OP40 site. The TA indicates that access points have been taken to the edge of the site but suggests that is all that can be done at this stage. As indicated later in this letter Drum are willing to examine options with the applicant to ensure mutually beneficial linkages can be made.

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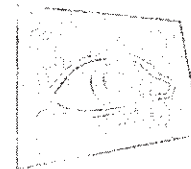


Trip rates used in the TA have been taken from the Prime Four TA, but are the lower rates adopted for the fully operational business park. The Prime Four TA recognises that the earlier phases of development are likely to have a higher trip rate before the full business park is established and economies of scale are realised. As a smaller individual business development, the proposed site would be expected to show trip rates for an office development with a much lower average GFA than for Prime Four, as the two developments are not comparable. As a result, and combined with the lesser accessibility as detailed above, we consider it likely that the trips for this individual development are likely to have been significantly underestimated.

Paragraph 6.15 of the TA states that the Transport Assessment for Prime Four tested a total floor area of 60,409 sqm, which is higher than is currently consented. It suggests that this was undertaken to "determine a maximum future level of business park development within the OP40 masterplan area". This is incorrect: the testing of the higher level of floor area was carried out to determine the total level of development **within Prime Four** that could be accommodated by the new road infrastructure being provided by the Prime Four developers. There should be no assumption that residual capacity has been provided on the network for further development generally within OP40. Further development up to 60,409sqm, the agreed capacity of the current Prime Four infrastructure works, is fully allocated to the Prime Four Business Park, as specified in Condition 5 of the Planning Permission in Principle for Phases 2 and 3.

The TA proposes an 'interim' access arrangement whereby a left in/out junction is provided on the A944. This would require westbound trips from the A944 (i.e. the majority of trips to the development in the AM peak) continuing west to the A944/B9119 (6 Mile Fork) roundabout junction to perform a U-turn to access the development from the west, a round trip of 2.4 miles. However, this arrangement fails to recognise the current proposals to signalise the 6-Mile Fork roundabout junction. Designs for this junction upgrade are currently being finalised and it is anticipated that it will be delivered in 2014.

With the existing roundabout signalised, the diversion route for the proposed development traffic from the east would be via the B9119, Prospect Road through the Arnhall Business Park returning to the A944 eastbound via the Arnhall roundabout. The round trip is approximately 3.5 miles and via a busy network through Arnhall, which is approved for further expansion. Whilst it is recognised that this arrangement is interim until the AWPR is complete and the new roundabout present on the A944 west of the site, we consider this access arrangement to be unworkable even for a 1-year period from 2017, and particularly whilst the AWPR works were being undertaken. However, if consent were to be granted, we consider it likely that development would commence on-site before 2017 as stated and the situation would be in place for a longer period than stated.



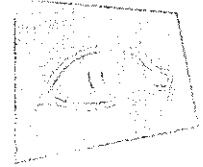
Junction Analysis - The modelling work carried out for Prime Four, involving both Paramics and Linsig modelling, shows that the Kingswells junction is sensitive to change with regard to the internal stop lines within the junction. In order for Prime Four's engineers to review this further we request a copy of the junction analysis files for auditing purposes. This is critical to the operation of the junction.

Post AWPR Scenario - The post-AWPR scenario does not appear to have been effectively modelled. Whilst there may be a reported 1% decrease in traffic on the A944 to the east of the Kingswells junction (i.e. passing the site), the TA does not identify whether this applies to the daily AADT or the peak hour flows, as are being assessed in the TA. It also appears to refer to two-way, rather than directional flows. Modelling work at Prime Four has shown that the peak hour changes on the A944 resulting from the AWPR are far more significant than what is being assessed in this TA. The percentage change in two-way trips is made up of decreases in one direction and increases in the other. The developer's consultants must ensure that they have the correct data on these peak hour changes, which are available, in order to provide any kind of meaningful post AWPR assessment. It is not suitable to state that this has not been carried out simply because no response was received from the AWPR's consultants.

Drainage - The Drainage Impact Assessment document and calculations suggest attenuation of surface water flows to rate agreed with ACC. Calculations for sizing of attenuation in the DIA is based on 50 year rainfall return events, with flows generated from larger rainfall events overflowing, and presumably directed to the nearest watercourse. ACC require that attenuation is provided to contain run-off from the 200 year plus climate change event in order to protect downstream properties, including Prime Four. The DIA requires to reviewed and appropriate 200 year event plus climate change attenuation included in the proposals.

Parking Provision

The Transport Assessment at 4.29 indicates that the parking requirement is 533 spaces but that the parking provision is only 425 spaces (80% parking provision). The obvious implication of this will be spill-over parking at the nearest available locations. The danger is that the spill-over parking could be within Kingswells or the Prime Four Business Park. None of these would be desirable. The Prime Four Business Park has been established as an eminent business park with an extremely high amenity value. Rogue parking is a key potential problem that the design and layout at Prime Four has attempted to control. Allowing sub-standard parking on an adjacent site will encourage rogue parking and completely undermine the joint developer/City Council efforts to date at Prime Four.



A key Council concern with the Prime Four applications has been the potential misuse of the Park & Ride site by those working or visiting the OP40 site. As a result the monitoring of the Park & Ride site in respect of this is central to Drum's existing planning consents. The sub-standard parking arrangements on the proposed site will encourage such misuse and will be beyond the control of the Council or Drum and without payment or recompense to the Council for the use of the P&R site for overspill parking.

The scale of the proposed building is therefore too large and should be reduced to reflect the parking constraint on site and avoid overspill parking affecting the operation and quality of the wider OP40 site as well as the operation of the Park & Ride site.

Trees

A similar point to that above relates to the proposed tree loss. More coordination across the whole OP40 site could mean that most of the trees could be retained. The main access to the OP40 site has already been established. The proposed development should examine the potential options for accessing the site via the remainder of the OP40 site before lodging an application that suggests direct access onto the A944.

Summary

In summary, our Client's central objection to this proposal is that it has been progressed in isolation from the wider OP40 site. As a result it does not deal with the implications of the proposed development across the OP40 site and the local area.

The current proposal is not acceptable:

- The scale of development is too large for the site and the parking provision too low;
- It is an obvious standalone development that does not consider properly how it relates to the wider OP40 site especially in respect of connectivity, public transport, travel options and site wide design coordination ;
- The traffic modelling, junction modelling and Post-AWPR modelling is flawed;
- The drainage calculations are not acceptable and do not protect downstream development appropriately;

- An assumed direct access onto the A944 is proposed resulting in the loss of trees. This need not be the case as the main access to the OP40 site has been established further east. Access options have not been examined in enough detail by the applicants;
- Until the site is planned in a coordinated fashion this application is premature.

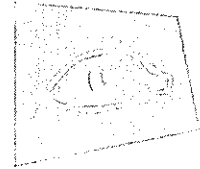
A key point in the Transport Assessment is that "... ACC has indicated a preference for the proposed development to be accessed through the Prime Four development site ..." (para. 4.34). We fully agree with this approach. It is in the interests of all parties developing the OP40 allocation to enter into a site-wide approach to ensure that the aspirations and standards set by Prime Four to date are maintained going forward. This relates as much to the quality and design of proposed development as to its connectivity, sustainability, linkages with the Prime Four Business Park and access to a range of sustainable transport modes.

Drum Kingwells Business Park Ltd is willing to enter into discussions with the applicant and the Council to examine how this proposal can meet the requirements of the Framework document. Drum is also willing to examine mutually beneficial ways to improve linkages across the whole OP40 site and mitigate against impact on the local roads network. Until then this application is out of sequence.

Yours sincerely



Steve Crawford
Planning Director
Halliday Fraser Munro

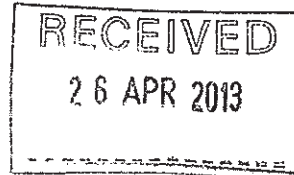


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PLANNING

P1849/002/SC

25 April 2013

Tommy Hart (Senior Planner)
Planning and Sustainable Development
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Aberdeen City Council
Business Hub 4
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MEASURING 17,129 SQM (EXCLUDING BASEMENT), 425 CAR PARKING
SPACES, ASSOCIATED INFRASTRUCTURE, ACCESS, LANDSCAPING AND
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Aberdeen to object to the above application on a number of grounds.

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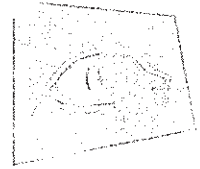
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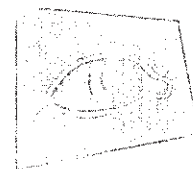
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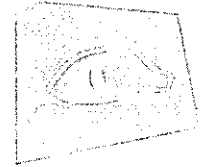
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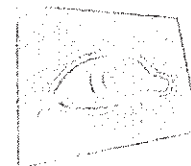


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With the existing roundabout signalised, the diversion route for the proposed development traffic from the east would be via the B9119, Prospect Road through the Arnhall Business Park returning to the A944 eastbound via the Arnhall roundabout. The round trip is approximately 3.5 miles and via a busy network through Arnhall, which is approved for further expansion. Whilst it is recognised that this arrangement is interim until the AWPR is complete and the new roundabout present on the A944 west of the site, we consider this access arrangement to be unworkable even for a 1-year period from 2017, and particularly whilst the AWPR works were being undertaken. However, if consent were to be granted, we consider it likely that development would commence on-site before 2017 as stated and the situation would be in place for a longer period than stated.



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The Transport Assessment at 4.29 indicates that the parking requirement is 533 spaces but that the parking provision is only 425 spaces (80% parking provision). The obvious implication of this will be spill-over parking at the nearest available locations. The danger is that the spill-over parking could be within Kingswells or the Prime Four Business Park. None of these would be desirable. The Prime Four Business Park has been established as an eminent business park with an extremely high amenity value. Rogue parking is a key potential problem that the design and layout at Prime Four has attempted to control. Allowing sub-standard parking on an adjacent site will encourage rogue parking and completely undermine the joint developer/City Council efforts to date at Prime Four.



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The scale of the proposed building is therefore too large and should be reduced to reflect the parking constraint on site and avoid overspill parking affecting the operation and quality of the wider OP40 site as well as the operation of the Park & Ride site.

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A similar point to that above relates to the proposed tree loss. More coordination across the whole OP40 site could mean that most of the trees could be retained. The main access to the OP40 site has already been established. The proposed development should examine the potential options for accessing the site via the remainder of the OP40 site before lodging an application that suggests direct access onto the A944.

Summary

In summary, our Client's central objection to this proposal is that it has been progressed in isolation from the wider OP40 site. As a result it does not deal with the implications of the proposed development across the OP40 site and the local area.

The current proposal is not acceptable:

- The scale of development is too large for the site and the parking provision too low;
- It is an obvious standalone development that does not consider properly how it relates to the wider OP40 site especially in respect of connectivity, public transport, travel options and site wide design coordination ;
- The traffic modelling, junction modelling and Post-AWPR modelling is flawed;
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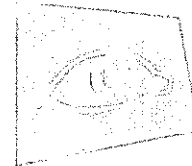
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We understand that Drum Kingswells Business Park Ltd is willing to enter into discussions with the applicant and the Council to examine how this proposal can meet the requirements of the Framework document. Drum is also willing to examine mutually beneficial ways to improve linkages across the whole OP40 site and mitigate against impact on the local roads network. Until then this application is out of sequence.

Yours sincerely



Steve Crawford
Planning Director
Halliday Fraser Munro



HALLIDAY FRASER MUNRO
PLANNING

P1849/004/SC

25 April 2013

Tommy Hart (Senior Planner)
Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Aberdeen
AB10 1AB

Dear Mr Hart,

**OBJECTION – PLANNING APPLICATION REF: 130400
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MEASURING 17,129 SQM (EXCLUDING BASEMENT), 425 CAR PARKING
SPACES, ASSOCIATED INFRASTRUCTURE, ACCESS, LANDSCAPING AND
ANCILLARY WORKS**

We write on behalf of Mrs Kay Gibb to object to the above application on a number of grounds. Mrs Kay Gibb is a joint owner of the adjacent land and resides at East Kingsford Farm, Kingswells.

General Infrastructure Requirements and the Development Framework

Although the site has been identified within the OP40 opportunity site in the Local Development Plan (LDP) it is not at a stage where a planning application should be lodged. OP40 is allocated over a timeframe covering 2007 to 2023. The coordination across the following elements is missing from the proposal.

Process

The Prime Four Business Park has, as required by the Planning Authority, been subject to extensive analysis, modelling and negotiation over the necessary infrastructure requirements. It has been the subject of an agreed Development Framework that considers the context of the whole business park (building design, materials, landscape treatment, access routes and core paths and the principles of the layout) and encompasses the findings in the final layout and design.

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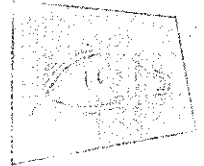
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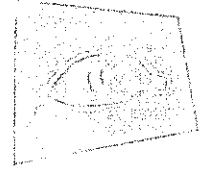
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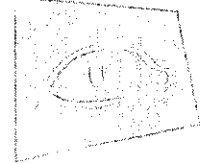
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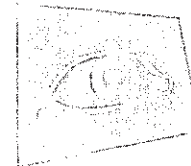


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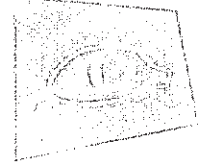
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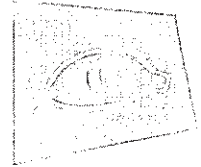
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25 April 2013

Tommy Hart (Senior Planner)
Planning and Sustainable Development
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MEASURING 17,129 SQM (EXCLUDING BASEMENT), 425 CAR PARKING
SPACES, ASSOCIATED INFRASTRUCTURE, ACCESS, LANDSCAPING AND
ANCILLARY WORKS**

We write on behalf of Ms Maggi Palmer to object to the above application on a number of grounds. Ms Maggi Palmer is a joint owner of the adjacent land and resides at Corner Cottage, East Kingsford, Kingswells.

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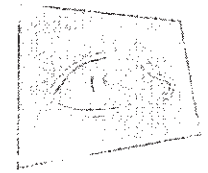
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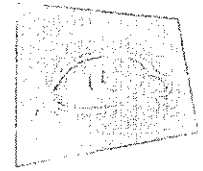
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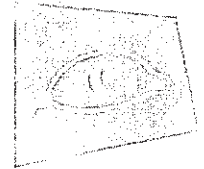
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Transport Assessment - the TA is misleading in terms of its accessibility by non-car modes in terms of distance to public transport (as stated above). The trip rates and mode share for the proposed development are also based on Prime Four, which has significantly better accessibility. The proportion of walking and public transport trips predicted (25.2%) is achievable at Prime Four, due to it having better accessibility to Kingswells and bus routes, however we consider it likely that much of these will be transferred to private car trips for the proposed development given its lack of accessibility.

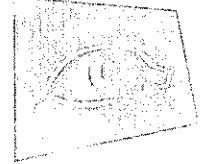


Trip rates used in the TA have been taken from the Prime Four TA, but are the lower rates adopted for the fully operational business park. The Prime Four TA recognises that the earlier phases of development are likely to have a higher trip rate before the full business park is established and economies of scale are realised. As a smaller individual business development, the proposed site would be expected to show trip rates for an office development with a much lower average GFA than for Prime Four, as the two developments are not comparable. As a result, and combined with the lesser accessibility as detailed above, we consider it likely that the trips for this individual development are likely to have been significantly underestimated.

Paragraph 6.15 of the TA states that the Transport Assessment for Prime Four tested a total floor area of 60,409 sqm, which is higher than is currently consented. It suggests that this was undertaken to "determine a maximum future level of business park development within the OP40 masterplan area". This is incorrect: the testing of the higher level of floor area was carried out to determine the total level of development **within Prime Four** that could be accommodated by the new road infrastructure being provided by the Prime Four developers. There should be no assumption that residual capacity has been provided on the network for further development generally within OP40. Further development up to 60,409sqm, the agreed capacity of the current Prime Four infrastructure works, is fully allocated to the Prime Four Business Park, as specified in Condition 5 of the Planning Permission in Principle for Phases 2 and 3.

The TA proposes an 'interim' access arrangement whereby a left in/out junction is provided on the A944. This would require westbound trips from the A944 (i.e. the majority of trips to the development in the AM peak) continuing west to the A944/B9119 (6 Mile Fork) roundabout junction to perform a U-turn to access the development from the west, a round trip of 2.4 miles. However, this arrangement fails to recognise the current proposals to signalise the 6-Mile Fork roundabout junction. Designs for this junction upgrade are currently being finalised and it is anticipated that it will be delivered in 2014.

With the existing roundabout signalised, the diversion route for the proposed development traffic from the east would be via the B9119, Prospect Road through the Arnhall Business Park returning to the A944 eastbound via the Arnhall roundabout. The round trip is approximately 3.5 miles and via a busy network through Arnhall, which is approved for further expansion. Whilst it is recognised that this arrangement is interim until the AWPR is complete and the new roundabout present on the A944 west of the site, we consider this access arrangement to be unworkable even for a 1-year period from 2017, and particularly whilst the AWPR works were being undertaken. However, if consent were to be granted, we consider it likely that development would commence on-site before 2017 as stated and the situation would be in place for a longer period than stated.



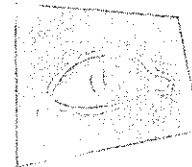
Junction Analysis - The modelling work carried out for Prime Four, involving both Paramics and Linsig modelling, shows that the Kingswells junction is sensitive to change with regard to the internal stop lines within the junction. In order for Prime Four's engineers to review this further we request a copy of the junction analysis files for auditing purposes. This is critical to the operation of the junction.

Post AWPR Scenario - The post-AWPR scenario does not appear to have been effectively modelled. Whilst there may be a reported 1% decrease in traffic on the A944 to the east of the Kingswells junction (i.e. passing the site), the TA does not identify whether this applies to the daily AADT or the peak hour flows, as are being assessed in the TA. It also appears to refer to two-way, rather than directional flows. Modelling work at Prime Four has shown that the peak hour changes on the A944 resulting from the AWPR are far more significant than what is being assessed in this TA. The percentage change in two-way trips is made up of decreases in one direction and increases in the other. The developer's consultants must ensure that they have the correct data on these peak hour changes, which are available, in order to provide any kind of meaningful post AWPR assessment. It is not suitable to state that this has not been carried out simply because no response was received from the AWPR's consultants.

Drainage - The Drainage Impact Assessment document and calculations suggest attenuation of surface water flows to rate agreed with ACC. Calculations for sizing of attenuation in the DIA is based on 50 year rainfall return events, with flows generated from larger rainfall events overflowing, and presumably directed to the nearest watercourse. ACC require that attenuation is provided to contain run-off from the 200 year plus climate change event in order to protect downstream properties, including Prime Four. The DIA requires to be reviewed and appropriate 200 year event plus climate change attenuation included in the proposals.

Parking Provision

The Transport Assessment at 4.29 indicates that the parking requirement is 533 spaces but that the parking provision is only 425 spaces (80% parking provision). The obvious implication of this will be spill-over parking at the nearest available locations. The danger is that the spill-over parking could be within Kingswells or the Prime Four Business Park. None of these would be desirable. The Prime Four Business Park has been established as an eminent business park with an extremely high amenity value. Rogue parking is a key potential problem that the design and layout at Prime Four has attempted to control. Allowing sub-standard parking on an adjacent site will encourage rogue parking and completely undermine the joint developer/City Council efforts to date at Prime Four.



A key Council concern with the Prime Four applications has been the potential misuse of the Park & Ride site by those working or visiting the OP40 site. As a result the monitoring of the Park & Ride site in respect of this is central to Drum's existing planning consents. The sub-standard parking arrangements on the proposed site will encourage such misuse and will be beyond the control of the Council or Drum and without payment or recompense to the Council for the use of the P&R site for overspill parking.

The scale of the proposed building is therefore too large and should be reduced to reflect the parking constraint on site and avoid overspill parking affecting the operation and quality of the wider OP40 site as well as the operation of the Park & Ride site.

Trees

A similar point to that above relates to the proposed tree loss. More coordination across the whole OP40 site could mean that most of the trees could be retained. The main access to the OP40 site has already been established. The proposed development should examine the potential options for accessing the site via the remainder of the OP40 site before lodging an application that suggests direct access onto the A944.

Summary

In summary, our Client's central objection to this proposal is that it has been progressed in isolation from the wider OP40 site. As a result it does not deal with the implications of the proposed development across the OP40 site and the local area.

The current proposal is not acceptable:

- The scale of development is too large for the site and the parking provision too low;
- It is an obvious standalone development that does not consider properly how it relates to the wider OP40 site especially in respect of connectivity, public transport, travel options and site wide design coordination ;
- The traffic modelling, junction modelling and Post-AWPR modelling is flawed;
- The drainage calculations are not acceptable and do not protect downstream development appropriately;

- An assumed direct access onto the A944 is proposed resulting in the loss of trees. This need not be the case as the main access to the OP40 site has been established further east. Access options have not been examined in enough detail by the applicants;
- Until the site is planned in a coordinated fashion this application is premature.

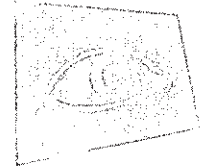
A key point in the Transport Assessment is that "... ACC has indicated a preference for the proposed development to be accessed through the Prime Four development site ..." (para. 4.34). We fully agree with this approach. It is in the interests of all parties developing the OP40 allocation to enter into a site-wide approach to ensure that the aspirations and standards set by Prime Four to date are maintained going forward. This relates as much to the quality and design of proposed development as to its connectivity, sustainability, linkages with the Prime Four Business Park and access to a range of sustainable transport modes.

We understand that Drum Kingswells Business Park Ltd is willing to enter into discussions with the applicant and the Council to examine how this proposal can meet the requirements of the Framework document. Drum is also willing to examine mutually beneficial ways to improve linkages across the whole OP40 site and mitigate against impact on the local roads network. Until then this application is out of sequence.

Yours sincerely



Steve Crawford
Planning Director
Halliday Fraser Munro



Planning & Sustainable Development	
Mail ID	29079
RECEIVED	15 APR 2013
REPLY	6/5/13
Section	DM
Officer	TH

"The Lodge",
 Kingswells House,
 Kingswells,
 AB15 8PJ,
 Aberdeen
 13th April 2013

[REDACTED]

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

Proposed office development – Veterinary Hospital AB15 8PJ – Application 130400

Dear Dr Margaret Bochel,

I am in receipt of your letter reference – TOH/P130400(ZIA), being a response to my earlier letter on the above subject dated 7th April 2013.

As I pointed out in my letter of the 7th April, my concern arises from the level difference between the Ardene House land and "The Lodge" and our potential vulnerability to flooding from the Den Burn, which runs external to our boundary fence (on Ardene House land). Effectively, I am not raising any objection to the Kingswells Development Company Ltd., proposal providing I receive assurance that suitable measures will be taken to ensure the Den Burn is contained on Ardene House land and that no flooding risk to "The Lodge" will exist.

The other issue that concerns me is the planned egress route for traffic from the proposed development appears to cut right across our existing entrance, which would make access for us potentially difficult. Likewise, providing I receive a reasonable response to this issue I will not raise any objection.

I await your response on these points.

Thanking you for your attention in this matter.

Yours faithfully,

Ian Lindsay



Your Ref.
Our Ref. TOH/P130400[ZIA]
Contact Tommy Hart
Email pi@aberdeencity.gov.uk
Direct Dial 01224 523126
Direct Fax 01224 523180



ABERDEEN CITY COUNCIL

09/04/2013

Ian Lindsay
The Lodge
Kingswells House
Kingswells
Aberdeen
AB15 8PJ

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

Minicom 01224 522381
DX 529452, Aberdeen 9
www.aberdeencity.gov.uk

Dear Sir/Madam

**The Town and Country Planning (Scotland) Act 1997
Veterinary Hospital, Skene Road, Aberdeen
Erection of Class 4 three-storey office development measuring 17,129 sq m
(excluding basement), 425 car parking spaces, associated infrastructure,
access, landscaping and ancillary works.
Application Ref: P130400**

I refer to your letter of representation with regard to this application. Provided your letter has been submitted within the statutory time period, the points that you have made will be taken into account in the assessment of the planning application. Your letter will, in due course be referred to in my report and recommendations, which may be referred to the Development Management Sub Committee.

Please be aware that your letter of representation will be open to public view, according to the usual practice of this Authority. This may include copies of your letter being circulated with the papers for the meeting of the Committee should it be necessary to present the application to the Committee. You may withdraw your representation in writing to me at anytime, should you so wish, but it will not be possible to reinstate any withdrawn objection after the period for receipt of written representation has expired.

I regret that we are unable to reply to letters of representation individually, but I will inform you in writing of the final decision made by the Council on the application.

Yours faithfully

Dr Margaret Bochel
Head of Planning and Sustainable Development



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scotland



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"The Lodge",
Kingswells House,
Kingswells,
AB15 8PJ,
Aberdeen
7th April 2013

[REDACTED]
[REDACTED]
[REDACTED]

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

Proposed office development – Veterinary Hospital AB15 8PJ – Application 130400

Dear Sir / Ms,

I am writing in response to the Planning Notification – Application number 130400 for a three story office block on the land presently occupied by the Ardene Veterinary Hospital at Kingswells. My property – "The Lodge" adjoins the proposed development. There are a number of issues that concern me as follows:

The Ardene Veterinary Hospital land is at a substantially higher elevation than "The Lodge". The significance of this observation relates to the present route of the Denburn stream, which runs parallel to the A944 until it meets our western boundary, at which point it makes a 90 degree turn and runs along our boundary until spilling into a pond at the bottom of our garden before flowing under the road leading to Kingswells House. The level differential between our property and the adjoining Ardene Veterinary Hospital land is about 6 feet, consequently the stream is only maintained in its bed by a level of (about) 18" in respect to our property.

The issue that concerns me is the proposed development shows considerable land in-fill taking place to acquire the necessary car parking into what is presently a pond, however no detail is provided as to how the Denburn stream is to be routed, and as our property is at significant risk of flooding due to the level differential, I require assurance that the stream will be properly contained and routed clear of our property. If I do not receive this assurance you can take this notification as an objection to the proposed development.

A further point that concerns me is the planned egress route for traffic from the proposed development appears to cut right across our existing entrance, which would make access for us potentially difficult.

Finally – I have enclosed photographs illustrating the present routing of the Denburn stream around our property and the level difference between Ardene Veterinary Hospital land and “The Lodge”, plus a plan of the proposed development with the Denburn route high-lighted in yellow.

I await your response on these points.

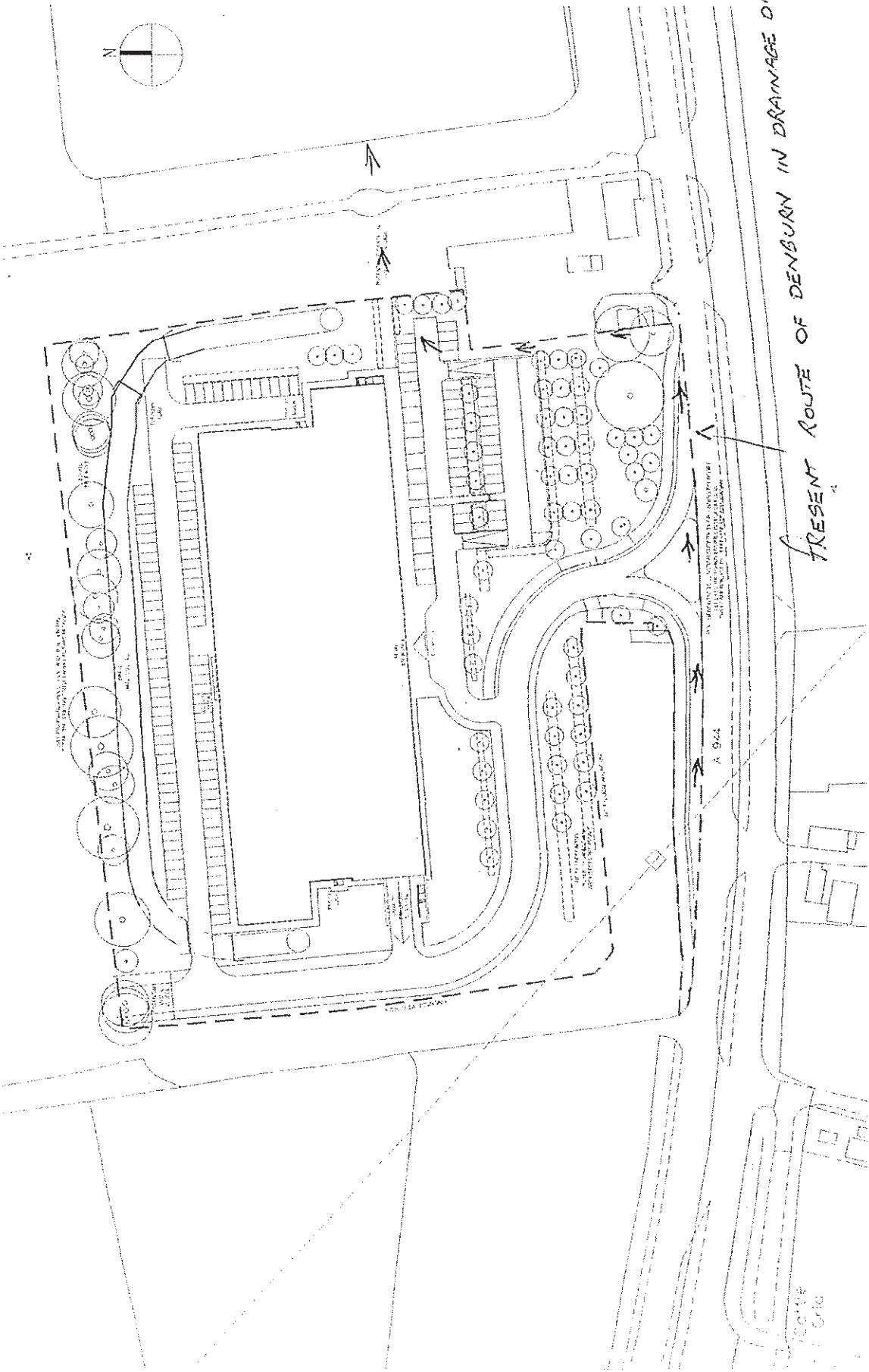
Thanking you for your attention in this matter.

Yours faithfully,

Ian Lindsay

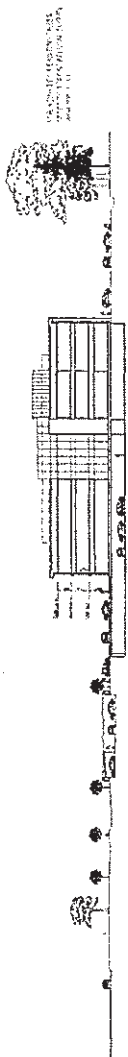


1. The proposed site layout is shown in the attached drawings. The site is located on the east side of the road, bounded by the road to the north and south, and by the drainage ditch to the east. The site is divided into several lots, each of which is shown with its own set of dimensions and area. The site is also shown with a proposed road layout, including a main road and several side roads. The site is also shown with a proposed drainage system, including a main drainage ditch and several smaller ditches. The site is also shown with a proposed landscaping plan, including a variety of trees and shrubs. The site is also shown with a proposed parking lot, including a main parking lot and several smaller parking areas. The site is also shown with a proposed building layout, including a main building and several smaller buildings. The site is also shown with a proposed utility layout, including a main utility line and several smaller utility lines. The site is also shown with a proposed site plan, including a main site plan and several smaller site plans. The site is also shown with a proposed site plan, including a main site plan and several smaller site plans.



PROPOSED SITE LAYOUT 1:500

PRESENT ROUTE OF DENBURN IN DRAINAGE DITCH

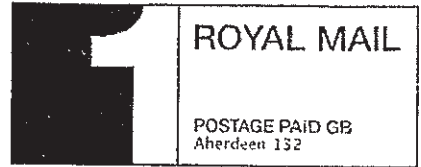


PROPOSED SITE SECTION A-A 1:500

PROJECT INFORMATION PROJECT NO. 100/2013 PROJECT NAME PROJECT LOCATION PROJECT DATE	
CLIENT INFORMATION CLIENT NAME CLIENT ADDRESS CLIENT CONTACT	
DESIGNER INFORMATION DESIGNER NAME DESIGNER ADDRESS DESIGNER CONTACT	
APPROVALS APPROVED BY APPROVED DATE	
PROJECT STATUS PROJECT PHASE PROJECT START DATE PROJECT END DATE	
PROJECT DESCRIPTION PROJECT SCOPE PROJECT OBJECTIVES	
PROJECT LOCATION PROJECT ADDRESS PROJECT COORDINATES	
PROJECT CONTACT PROJECT PHONE PROJECT EMAIL	
PROJECT NOTES PROJECT COMMENTS PROJECT REVISIONS	

THIS IS NOT A CIRCULAR

Neighbour Notification Notice
Town and Country Planning (Development Management
Procedure) (Scotland) Regulations 2008

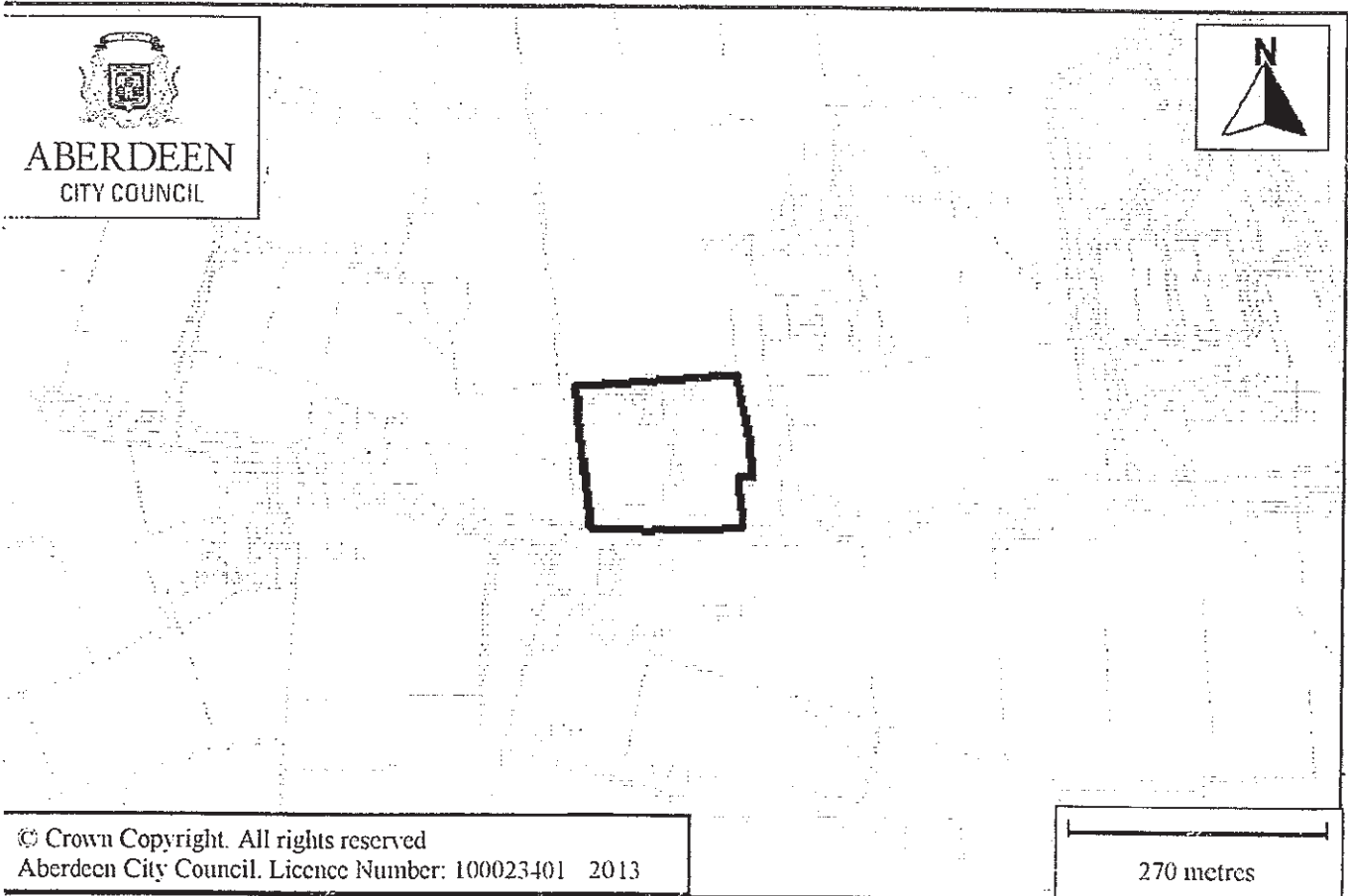


Owner/Occupier/Lessee
The Lodge
Skene Road
Aberdeen
AB15 8PJ

Handwritten note: 2/15/13
A

Handwritten note: 2

undelivered please return to: P & S D, E, P & I, ACC, Business Hub 4, Ground Floor North, Marischal College, Broad Street, Aberdeen AB10 1AB



**Notice to be served on all Notifiable Neighbours
Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2008**

NOTICE IS HEREBY GIVEN THAT AN APPLICATION HAS BEEN MADE TO ABERDEEN CITY COUNCIL FOR PLANNING PERMISSION FOR.

APPLICATION NUMBER:	130400	DATE OF NOTICE:	04 April 2013
PROPOSED DEVELOPMENT AT:	Veterinary Hospital, Skene Road, Aberdeen, AB15 8PJ		
DESCRIPTION OF PROPOSAL:	Erection of Class 4 three-storey office development measuring 17,129, sq m (excluding basement), 425 car parking spaces, associated, infrastructure, access, landscaping and ancillary works.		
APPLICANT DETAILS:	Kingswells Development Company Ltd		
AGENT DETAILS (where applicable):	Keppie Planning & Development, 160 West Regent Street, Glasgow, G2 4RL		

A plan showing the location of the proposed development is printed overleaf.

The plans and other related documents may be inspected at Aberdeen City Council, Planning Reception, Planning & Sustainable Development, Marischal College, Broad Street, Aberdeen AB10 1AB or online at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=130400>.

Objections/Representations

Representations on this planning application should be made within 21 days of the date of this Notice to the postal address or weblink above or to the e-mail address below.

Representations received within 21 days will be available for public inspection and be taken into account in determining the application if they are material planning considerations. For more information on what matters are material considerations go to http://www.aberdeencity.gov.uk/web/files/Planning/comment_planning.pdf.

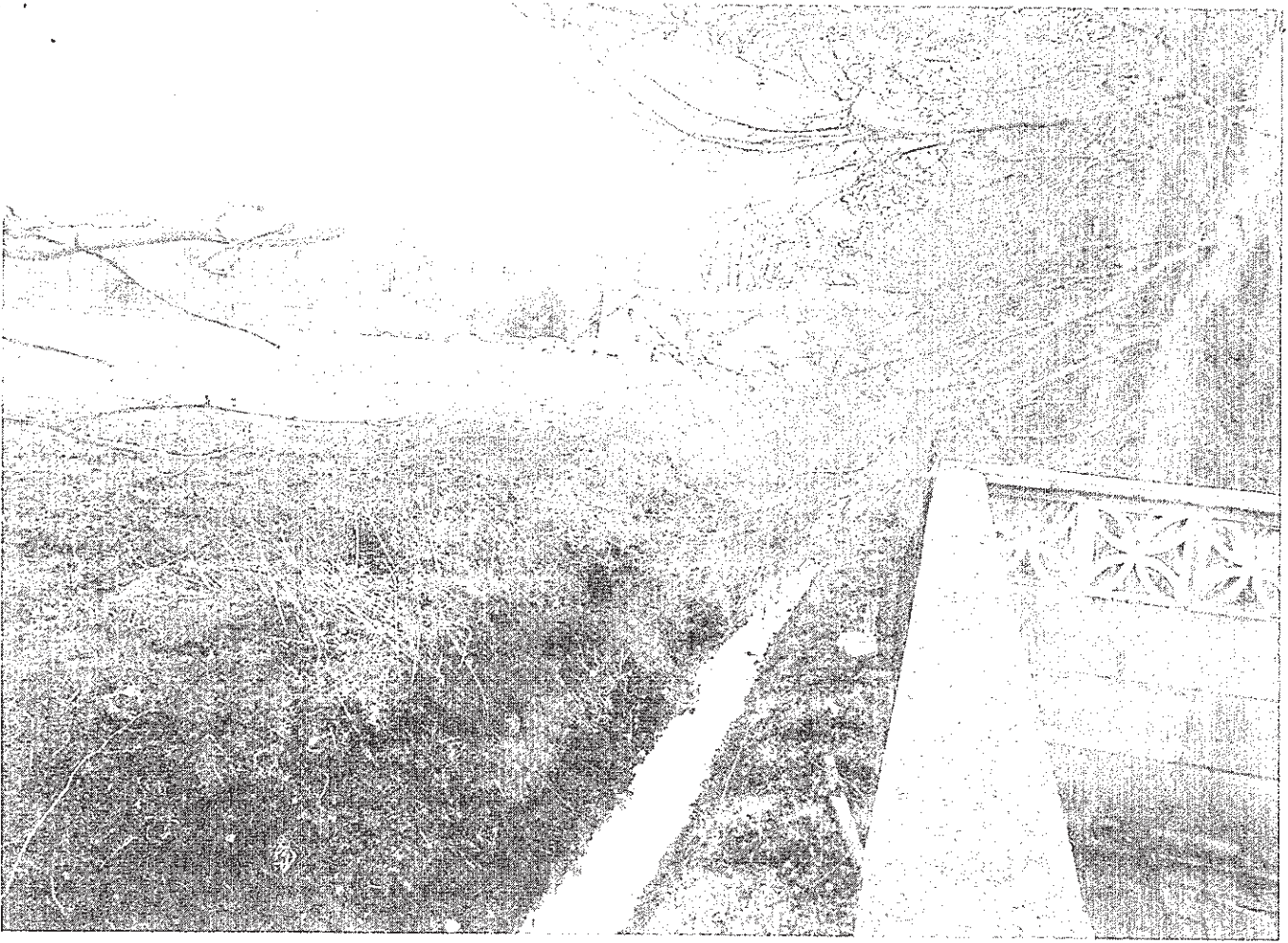
Please note that representations that you may have made to the agent/applicant at any Pre-Application Consultation stage will not be transferred to the current application and new representations will have to be submitted.

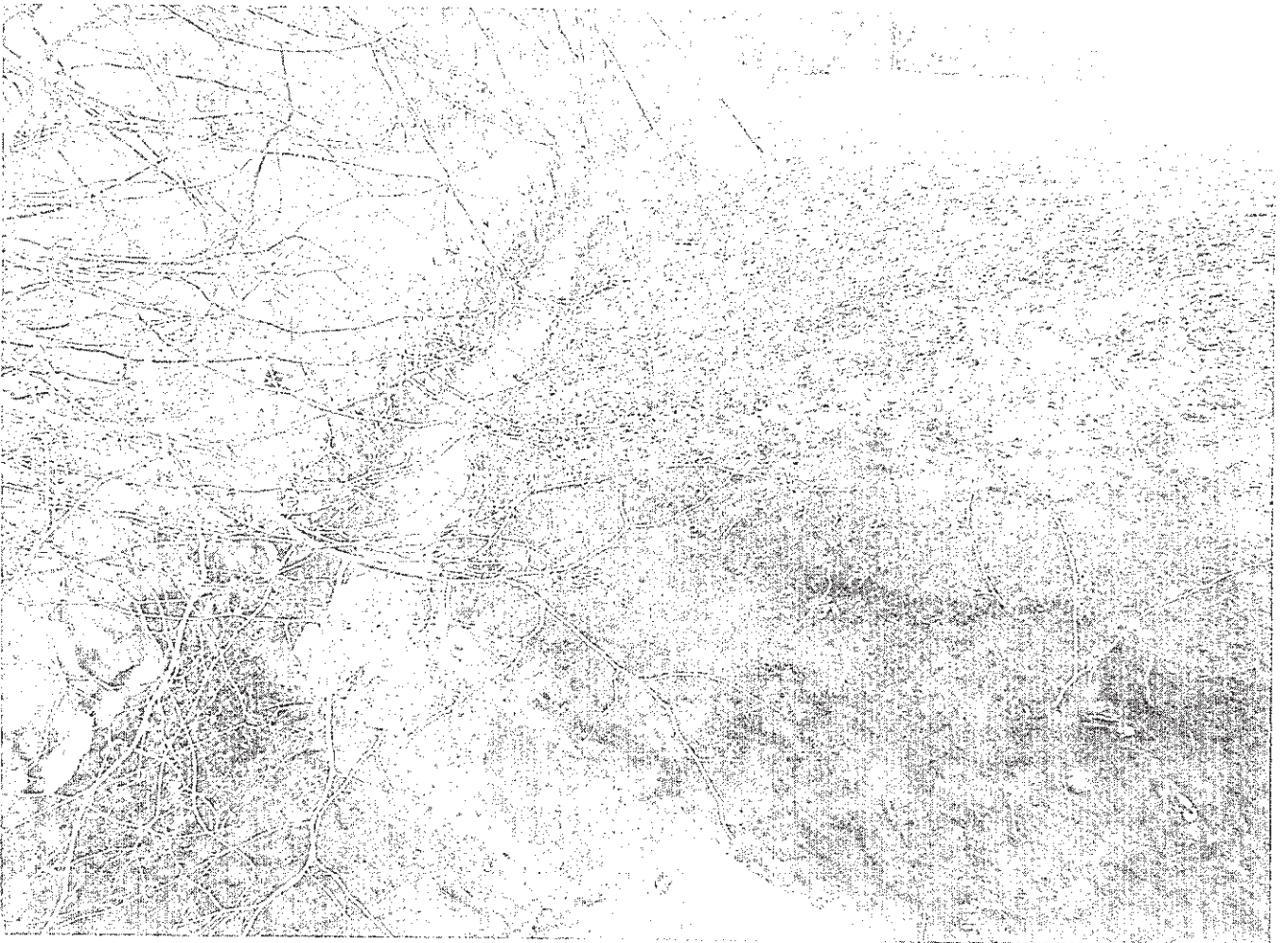
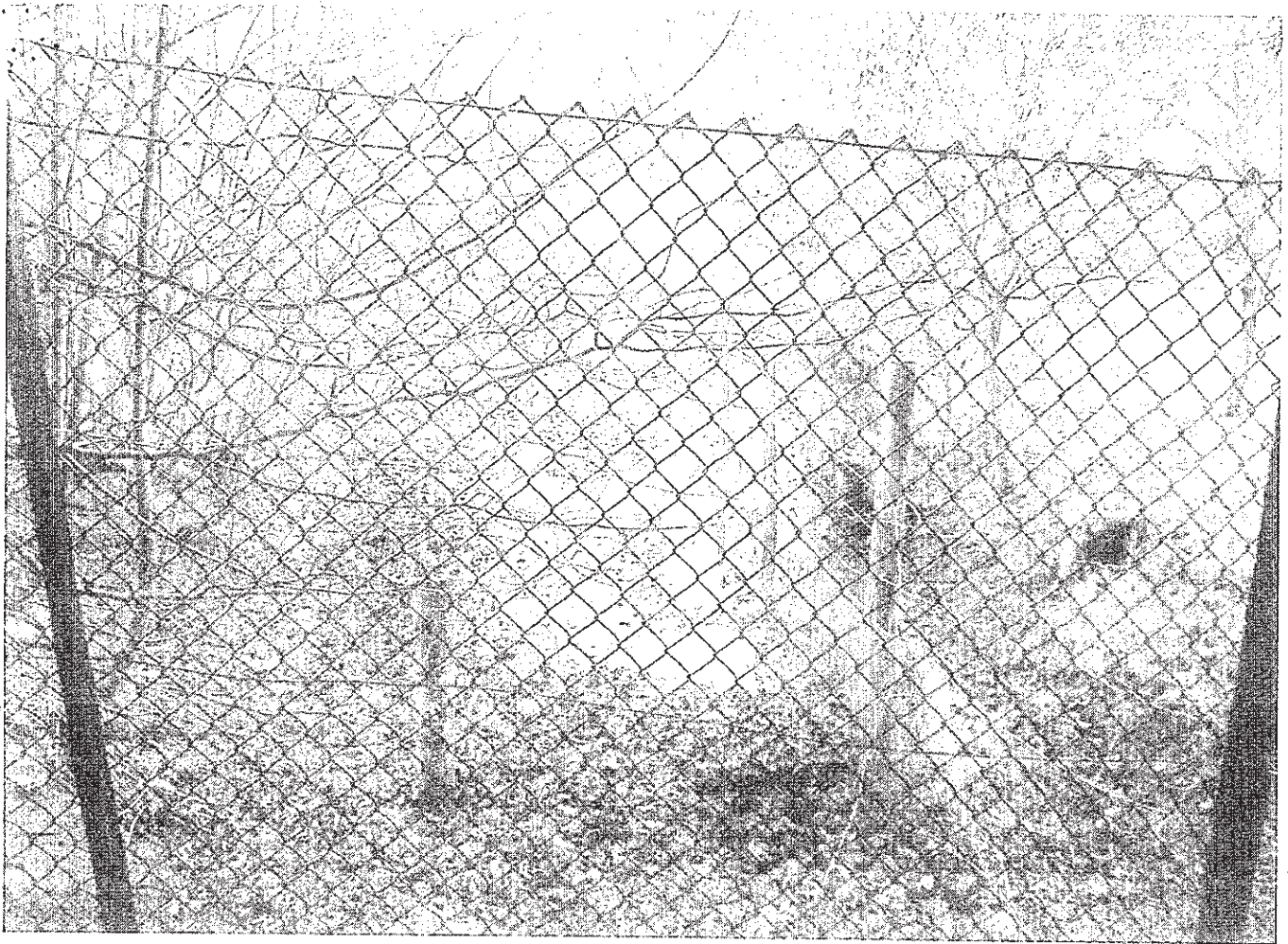
The Council's Scheme of Delegation allows some applications to be determined by officers without reference to Committee. Details are available at: www.aberdeencity.gov.uk/Planning/sf_pla/pla_modern_plan_update.asp.

For further information on the Council's planning application procedure visit our website www.aberdeencity.gov.uk/planningapplications. For information specifically relating to this application, please contact the Application Support Team (01224 523470) or by email to pi@aberdeencity.gov.uk.

If you are not the owner of the property to which this notice has been sent, please inform the owner of this proposal.

For help with language / interpreting and other formats of communication support, please contact: 01224 523 470





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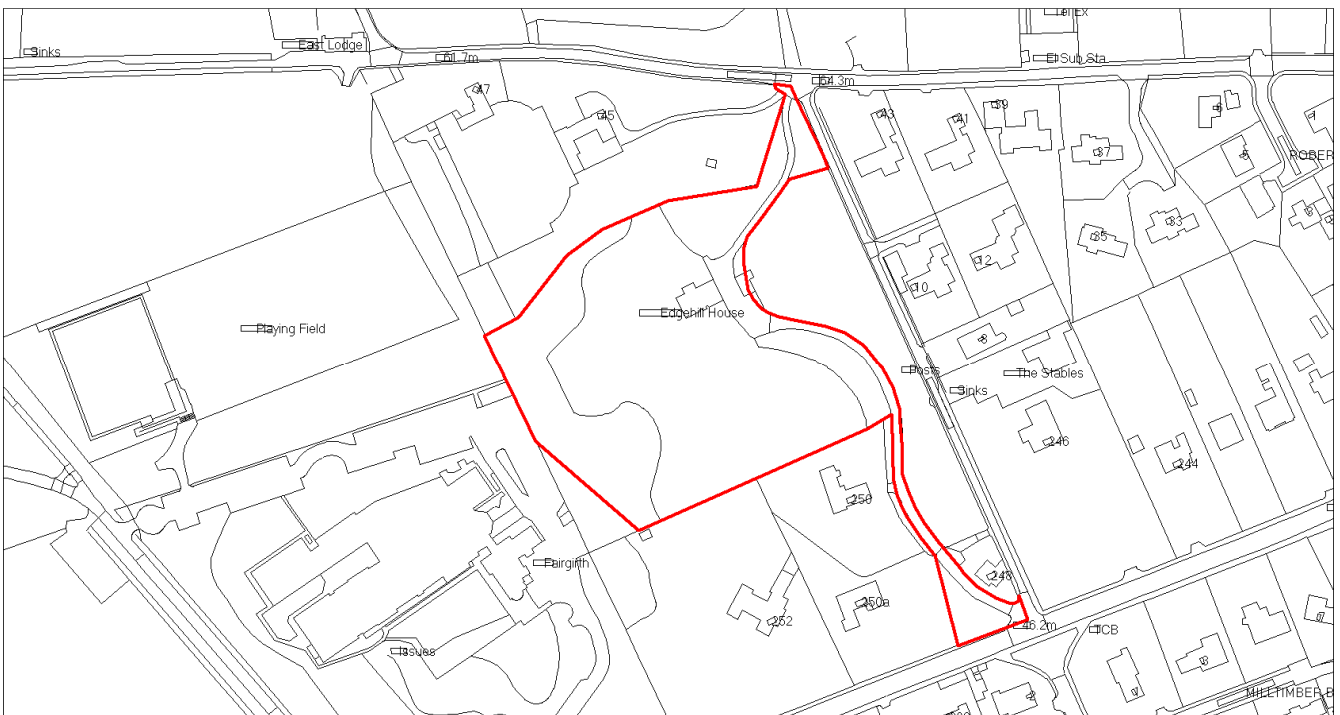
Planning Development Management Committee
EDGEHILL HOUSE, NORTH DEESIDE ROAD,
MILLTIMBER

REPLACE EXISTING HOUSE AND
CONSTRUCT FIVE ADDITIONAL DWELLINGS
WITH ASSOCIATED INFRASTRUCTURE,
IMPROVED ACCESSES AND TREE
PROTECTION WORKS

For: Truedeal Securities Ltd

Application Type : Detailed Planning Permission
Application Ref. : P130211
Application Date: 19/02/2013
Officer: Gavin Evans
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Can't notify neighbour(s)
Advertised on: 06/03/2013
Committee Date: 22 August 2013
Community Council : No response
received



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

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 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.

Date:

Our Ref:

ABERDEEN BUILDING DESIGN

14 October 2013 1796 ltr 007 acc

Development Management
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB
16th September 2013

FOA Gareth Evans.

Dear Sirs

Proposed Residential Development at Edgehill House, Milltimber
(Application Reference P130211)

I refer to our meeting last week with Iain Hamilton from your Council's roads department. I also refer to his reply which I found surprising, given the elected members' request and the considerable effort and expense my client has incurred, in seeking to meet with their wish that we investigate the feasibility of achieving a single point of vehicular access to the application site from Culter House Road.

I am attaching a plan which shows a revised and improved access which has been developed in conjunction with my client's engineers Fairhurst, who are one of the foremost firms of roads engineers in the UK. This illustrative plan should be read in conjunction with the engineers' technical drawings.

I believe Iain Hamilton should now have the technical data from the week-long traffic survey, which was referred to at our meeting and which showed

1. Very infrequent and low volume traffic movement on Culter House Road over each 24 hour period;
2. Average speeds exceeding the 30mph limit, with some road users travelling at up to 38.5mph.

That section of Culter House Road from its junction with Contlaw Road to the application site cannot be classified as a rural carriageway, as contended by your roads department. That 467M stretch of carriageway serves 42 houses, a telephone exchange and a residential care home. It has street lighting and by any reasonable interpretation, is residential in character.

Beyond the site, to the west, there are a limited number of homes and secondary access to Kippie Lodge, a private members club. Traffic levels, although modest at present, will be further reduced in the short term when construction of The Western Peripheral Route is commenced and Culter House Road becomes a cul-de-sac.

My client's Planning Application previously showed a new access from North Deeside Road and an improved access from Culter House Road. At the request of your roads department, the latter was subsequently shown to be closed to vehicles by erecting bollards. The attached proposal merely opens it again but adds some significant measures to aid road safety.

These include:-

- a. Removal of the boundary between Bellenden Walk and the application site to allow clear vision and the safe merging of traffic.
- b. Much improved sight lines at the intended point of access
- c. Traffic calming to reduce excessive speed in an area with many "blind" entrances to properties .
- d. Enhanced safety for users of Bellenden Walk, which is an identified pedestrian and cyclist route connecting the Deeside walkway with the planned Core Paths network but which has a blind junction at present with at Culter House Road.
- e. Safe havens for pedestrians, in a section of road with no footpath.



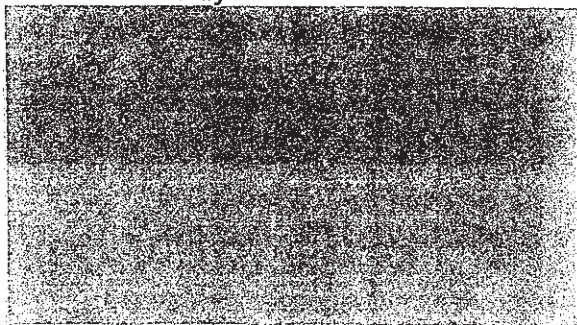
The possible introduction of a 20 mph zone along Culter House Road, when truncated by the Western Peripheral Route, is worthy of consideration.

My client contends that this proposal represents a credible solution, which satisfies the requirement for safe access and provides an improved environment for existing and future users of Culter House Road.

The impact of these proposed traffic calming measures upon the character and appearance of Culter House Road would compare favourably with that which exists at Westerton Road, Cults, where speed controls were introduced approximately 10 years ago.

My client requests that this letter together with the illustrative drawing is circulated along with your original report to Committee so that Elected Members have a clear appreciation of the efforts that have been made by the applicant to accommodate their wishes in relation to a single point of access from Culter House Road.

Yours faithfully



Graham Mogford
Aberdeen Building Design.

Encl.



Similar Traffic calming measures at Westerton Road, Cults

MEMO



ABERDEEN
CITY COUNCIL

To	Gavin Evans Planning & Infrastructure	Date	07/08/2013
		Your Ref.	P130211 (ZLF)
		Our Ref.	TR/IH/1/51/2
From	Roads Projects		
Email	IHamilton@aberdeencity.gov.uk		
Dial	01224 522752		
Fax			

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

Planning application no. P130211
Edgehill House, North Deeside Road, Milltimber
Replace existing house and construct five additional dwellings with associated infrastructure, improved accesses and tree protection works

I have considered the above planning application and have the following observations:

1.0 Introduction

1.1 The application is for the construction of 6 houses in the site of one current dwelling.

2.0 Parking

2.1 Parking will require to be provided in accordance with the Councils parking standards. Each dwelling contains four bedrooms, and in accordance with the Councils parking guidance, three parking spaces should be provided for each dwelling. I note that a minimum of four parking spaces are provided at each property and I accept the car parking proposed.

3.0 Access

3.1 Revised drawings showing the access arrangements have been provided. These show that the vehicular access to the north has been removed and replaced with a footpath only. Bollards are proposed to close off the access point. A new vehicular access will be constructed from North Deeside Road, and again the existing vehicular access from North Deeside Road will become a pedestrian only access.

3.2 A footway is proposed adjacent to the access point from North Deeside Road, and beyond the access a shared surface area is proposed. Measures will require to be implemented to identify this as such to all road users, however in principle I am prepared to accept this arrangement. The nature of the proposed access road should be such as to restrict vehicle speeds to an

Gordon McIntosh
Corporate Director

acceptable level. The detail can be determined through the Roads Construction Consent (RCC) process.

- 3.3 The internal road network will provide access to nine houses, and will therefore require to be constructed to an adoptable standard. I will defer to my RCC colleagues to decide whether the access road will be adopted.
- 3.4 I note that it is proposed that the access road from North Deeside Road be single track with passing places. I accept the proposed passing places and widened section of the access road.
- 3.5 I note that it is proposed to take vehicular access from both the north and south of the development. I would ask that the access from the north be removed. At the southern access, a visibility splay of 2.4m x 45m should be provided in the horizontal plane. Within the vertical plane the visibility splay extends from a point 1.05m above the carriageway at the driveway access, to a point 0.26m above the carriageway at either end of the horizontal plane. Within this space there should be no obstruction. Within the visibility splay, the boundary wall must not exceed 1m in height. A drawing has been provided showing this, and I would ask that provision of the visibility splay be a condition of any consent.
- 3.8 I note the proposals to relocate the bus stop on the north side of North Deeside Road in order to achieve the visibility splay. I note that the Councils Public Transport Unit (PTU), First Aberdeen and Stagecoach Bluebird have all accepted the proposed relocation of the bus stop. The details of this should be determined with my PTU colleagues should consent be granted. I would ask that the relocation of the bus stop to an acceptable standard be a condition of any consent.
- 3.9 A swept path analysis of a refuse vehicle accessing the development has been provided.
- 3.10 Any work to the public road, or to anything that will ultimately become public road, must be completed by a contractor approved by Aberdeen City Council. This includes rectifying any damage to the existing network caused by the development works.
- 3.11 All driveways to individual properties must be of a gradient no greater than 1:20, not be surfaced in loose material and must not drain water into the public road. I would ask that these be conditions to any consent.
- 3.12 The construction of the access road and the amendments to the existing road and footway will require to be subject to the RCC process. The applicant should be advised to contact Colin Burnett to discuss this further.

4.0 Strategic Transport Fund

- 4.1 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). An estimate of the required contribution is given below, based on the information provided to

date. As the site has an existing use for one residential property, a discounted STF contribution is applicable. The granting of planning approval should be conditional on an appropriate legal agreement with the applicant being in place, in regards to payment of the STF contribution. It should be noted that if the proportions of proposed units change at any stage, pre or post planning approval, the contribution must be re-evaluated.

Residential STF Contribution Estimate			
<i>Unit size</i>	<i>Contribution per unit</i>	<i>Development units</i>	<i>Sub Total</i>
1 bedroom	£1,239	0	
2 bedrooms	£1,652	0	
3 bedrooms	£2,064	0	
4 bedrooms	£2,477	0	
5 bedrooms or more	£2,890	6	£17,340
Total			£17,340
% of Traffic Associated with New Development			83.33%
Adjusted STF Total			£14,450

5.0 Drainage

5.1 A Drainage Impact Assessment (DAI) has been completed for the development following my original comments in May.

5.2 Greenfield run-off calculations have been included, and show that the Greenfield run-off is 7.32l/s, and 10.62l/s in a 10 year rainfall event. It has been assumed that this will be accepted by Scottish Water as the post development run-off value in a 200 year event, however this should be confirmed as it will affect the attenuation calculations. I would request that a condition be attached to any consent that development not commence until such a time that Scottish Water have indicated their acceptance of the proposals.

5.3 I note that no treatment is proposed for the surface water, as this will drain into a combined sewer. I understand that both Scottish Water and SEPA have been consulted by the applicant in respect of the Drainage Impact Assessment. It is unfortunate that the preparation of the DIA has been left so late in the application process and that subsequently these organisations have not had sufficient time to respond. On this occasion, and on the understanding that this does not set a precedent for future applications, I will ask that a condition be attached to any consent that no work begin on site until such a time that Scottish Water and SEPA have indicated their acceptance to the proposals, including discharge.

5.4 Attenuation calculations have been provided for each of the plots and for the access road, and I note the results of these.

6.0 Conclusion

6.1 In light of my comments above, and provided that these are taken fully into account, I have no objection to this planning application.

Iain Hamilton

Engineer (Developments and Traffic)

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 Desside 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 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

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**

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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.

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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.

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Therefore all construction traffic must be restricted to the northern access from Culterhouse road on safety and amenity grounds.

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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**

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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.

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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 

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Agenda Item 2.5

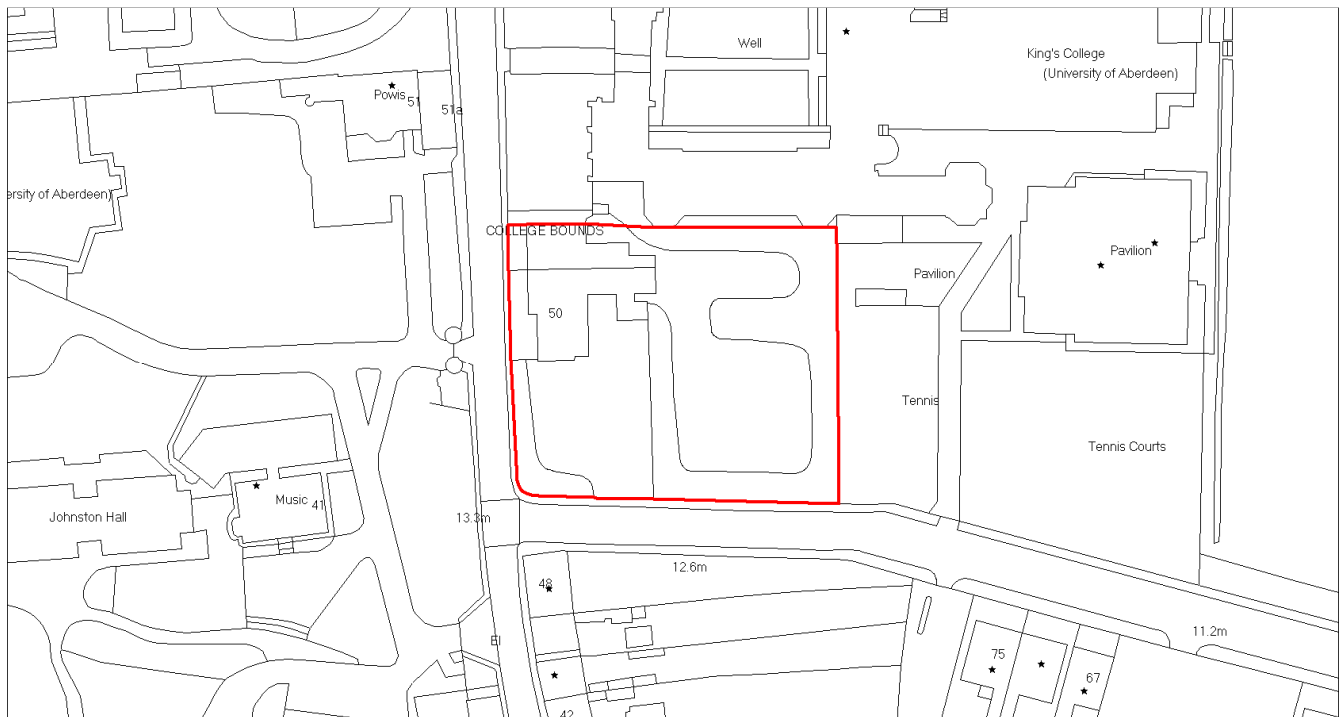
50-52 COLLEGE BOUNDS, OLD ABERDEEN

PROPOSED ENTRANCE LIGHT

For: The University of Aberdeen

Application Type : Detailed Planning Permission
Application Ref. : P130908
Application Date: 20/06/2013
Officer: Jennifer Chalmers
Ward : Tillydrone/Seaton/Old Aberdeen (J
Noble/R Milne/R Grant)

Advert :
Advertised on:
Committee Date: 29th October 2013
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The site extends to 0.0305 hectare and is located at the junction of College Bounds and University Road in Old Aberdeen Conservation Area and on Aberdeen University campus. Two semi-detached granite buildings occupy the north-west corner of the site, set back 3.5 metres from the heel of the pavement and the low granite boundary wall. The north gable of No.52 overlooks the front lawn of Kings' College. The buildings are predominantly 3½ storeys in height with a rear wing reducing in height from 2½ to 2 storeys. There is a single storey granite wing on the south gable of No. 50 College Bounds. The buildings are listed Category B and are University administrative offices, currently vacant pending their refurbishment for the same use. The remainder of the site is enclosed by a high granite wall and timber gates that screen a turning area and a lawn planted with semi-mature trees. There are University tennis courts to the east of the site and Crombie Halls of Residence to the west.

RELEVANT HISTORY

P102014 – Conditional listed building consent granted on 20th May 2011 for 'Alterations and Refurbishment'

P102021 – Conditional approval granted on 20th May 2011 for 'Proposed entrance ramp and replacement of certain windows'

P120830 – Unconditional listed building consent granted on 27th February 2013 to 'Restore glazing to sash and case window, formerly glazed with plywood, open up to interior and form linings'

P130907 – Listed building consent application submitted, yet to be decided.

PROPOSAL

Detailed planning permission is sought to install an entrance light above the main entrance doors on the western elevation.

This would be positioned midway between the 2 inner most first floor windows at a height of approximately 4m above ground level.

The light would be an antique style pendant lantern with an aluminium base unit and cap. The height of the lamp would be 750mm with an overall diameter of 600mm. The light would be 50W Son with a circular louvre that surrounds the lamp.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there is an objection from the Old Aberdeen Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No observations

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) – No observations

Community Council –

Object on the basis that the specification of the proposed light unit is inappropriate for the location. The planning application does not adequately define the proposed unit by specifying the proposed bulb or wattage, but the light will do little to illuminate the doorway, but at just 4m above pavement level will serve to dazzle pedestrians waling along the road. There is adequate street lighting within a few metres. Would suggest a light unit that will focus lighting more appropriately / sensitively for a conservation area.

Street Lighting Team –

Originally advised that a 70W SON/E lamp would be excessive and that there could be a risk of glare both of a discomforting and more importantly a disabling nature, if the light output is not adequately controlled. As a result of a revised lamp being proposed, the Street Lighting Team are now satisfied with the revised proposal.

REPRESENTATIONS

No letters of representation/objection/support have been received.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy – this states 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 its setting.

Scottish Historic Environment Policy (SHEP) July 2009 - states that the planning authority must pay special attention to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

Aberdeen Local Development Plan

Policy D5 (Built Heritage) – the relevance of the local development plan policy is limited in this instance as the application is for listed building consent, however this policy states that proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

EVALUATION

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

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

The proposal to install an entrance light above the main entrance doors on the western elevation is considered acceptable. The proposed light is of an acceptable size, position on the building, design and material for a listed building within a conservation area.

In relation to the luminaire data, the Old Aberdeen Community Council objected to the original submission which was for a 70W SON/E light and that the light unit should focus lighting more appropriately and sensitively for a conservation area. As a result of these comments the applicant has agreed to reduce the proposed light to 50W SON/E which would reduce the light output and glare from the fitting. Furtherstill there is a circular louvre that surrounds the lamp which is intended to reduce sideways glare thereby further reducing any impact on the listed building or on the surrounding conservation area. The Street Lighting Team are now satisfied with the revised proposal.

It is considered that the proposal complies with Policy D5 of the Aberdeen Local Development Plan and also Scottish Planning Policy and SHEP as the proposal would not have a detrimental impact on any special architectural or historic interests.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

That the proposal would not have a detrimental impact on the character or amenity of the listed building or surrounding Conservation Area. The reduced wattage of the light fitting would result in a light output that would not be detrimental to the listed building or surrounding conservation area. Furtherstill there is a circular louvre that surrounds the lamp which is intended to reduce sideways glare thereby further reducing any impact on the listed building or on the surrounding conservation area.

It is considered that the proposal complies with Policy D5 of the Aberdeen Local Development Plan and also Scottish Planning Policy and Scottish Historic Environment Policy.

CONDITIONS

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

(1) That the fitting and means of fixing should be non-ferrous to prevent damage and staining and should use existing fixing holes or joints.

Reason: To preserve the historic fabric of the building.

(2) That the light fitting shall be restricted to no greater than a 50W SON/E wattage.

Reason: To reduce glare to the surrounding area.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

Jennifer Chalmers

From: PI
Sent: 15 July 2013 11:39
To: Jennifer Chalmers
Subject: FW: Application Nos. P.130907 and P.130908, 50-52 College Bounds, Aberdeen AB24 3DS
Attachments: Photometric data TMW70S.pdf

Indexed and logged in flare, no hardcopy produced

Robert Vickers

Planning and Sustainable Development
Aberdeen City Council
Marishal College
Business Hub 4
Broad Street
Aberdeen
AB10 1AB

Tel: 01224 522418

Email: rvickers@aberdeencity.gov.uk

From: George Wood |
Sent: 15 July 2013 09:08
To: PI
Subject: <v9_SmartSaved/> Application Nos. P.130907 and P.130908, 50-52 College Bounds, Aberdeen AB24 3DS

Application No. P.130907, 50-52 College Bounds, Aberdeen AB24 3DS. Listed Building Consent.
Application No. P.130908, 50-52 College Bounds, Aberdeen AB24 3DS. Full Planning Permission.

The Old Aberdeen Community Council wishes to object to planning applications 130907 and 130908, 'Proposed Entrance Light' on the basis that the specification of the proposed light unit is inappropriate for the location.

The function of the light is understood to be to illuminate the ramp and stairs immediately in front of the entry door.

The planning application does not adequately define the proposed unit by specifying the proposed bulb or wattage, but the OACC has obtained a copy of the manufacturer's photometric data for the proposed unit and we attach this to this email. This shows (on page 2) that the predominant light output projects outwards between an angle of 40 degrees and 90 degrees, with very little light output downwards.

The unit will do little to illuminate the doorway, but at just 4m above pavement level will serve to dazzle pedestrians walking along the road.

It is noted that the nearby pavements are well lit as there is a street lamp within a few meters both to the north-west and to the south of the property.

The OACC has no objection to an appropriate lamp in this location, but we request that the Applicant should be asked to propose a light unit that will focus lighting more appropriately and thus more sensitively for a conservation area.

On behalf of the Old Aberdeen Community Council

Object :
Installation :
Project number :
Date : 04.07.2013

1 Luminaire data

1.1 ROSA, WARWICK (!TMW70S)

1.1.1 Data sheet

Manufacturer: ROSA

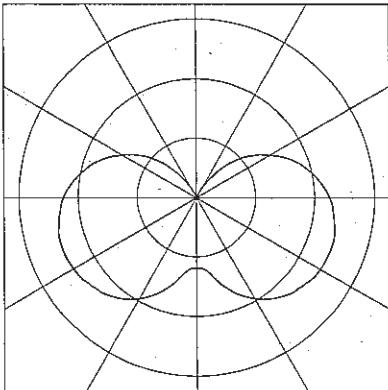
!TMW70S WARWICK

Luminaire data

Luminaire efficiency : 49%
Luminaire efficacy : 41.3 lm/W
Classification : ↓65.3% ↑34.7%
CIE Flux Codes : 20 46 74 65 49
UGR 4H 8H (20%, 50%, 70%)
C0 / C90 : 22.0 / 22.0
Control gear :
System power : 70 W
Length : 365 mm
Width : 365 mm
Height : 695 mm

Equipped with

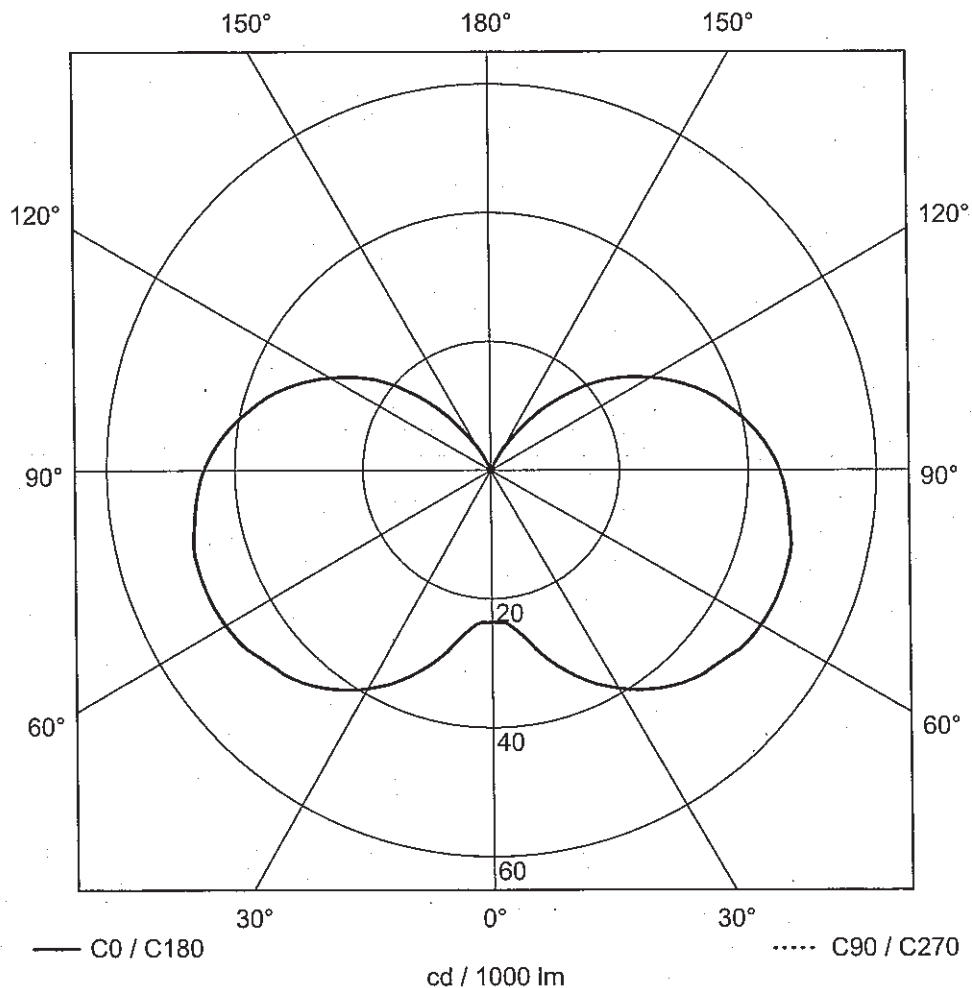
Quantity : 1
Designation : SONEPLUS70
Colour : 1950
Luminous flux : 5900 lm
Colour reproduction : 23



Object :
 Installation :
 Project number :
 Date : 04.07.2013

1.1 ROSA, WARWICK (ITMW70S)

1.1.2 LDC



	C90	C180	C270
0°	24	24	24
10°	26	26	26
20°	33	33	33
30°	39	39	39
40°	44	44	44
50°	46	46	46
60°	48	48	48
70°	48	48	48
80°	47	47	47
90°	45	45	45
100°	41	41	41
110°	36	36	36
120°	29	29	29
130°	21	21	21
140°	12	12	12
150°	4	4	4
160°	0	0	0
170°	0	0	0
180°	0	0	0
	cd / 1000 lm		

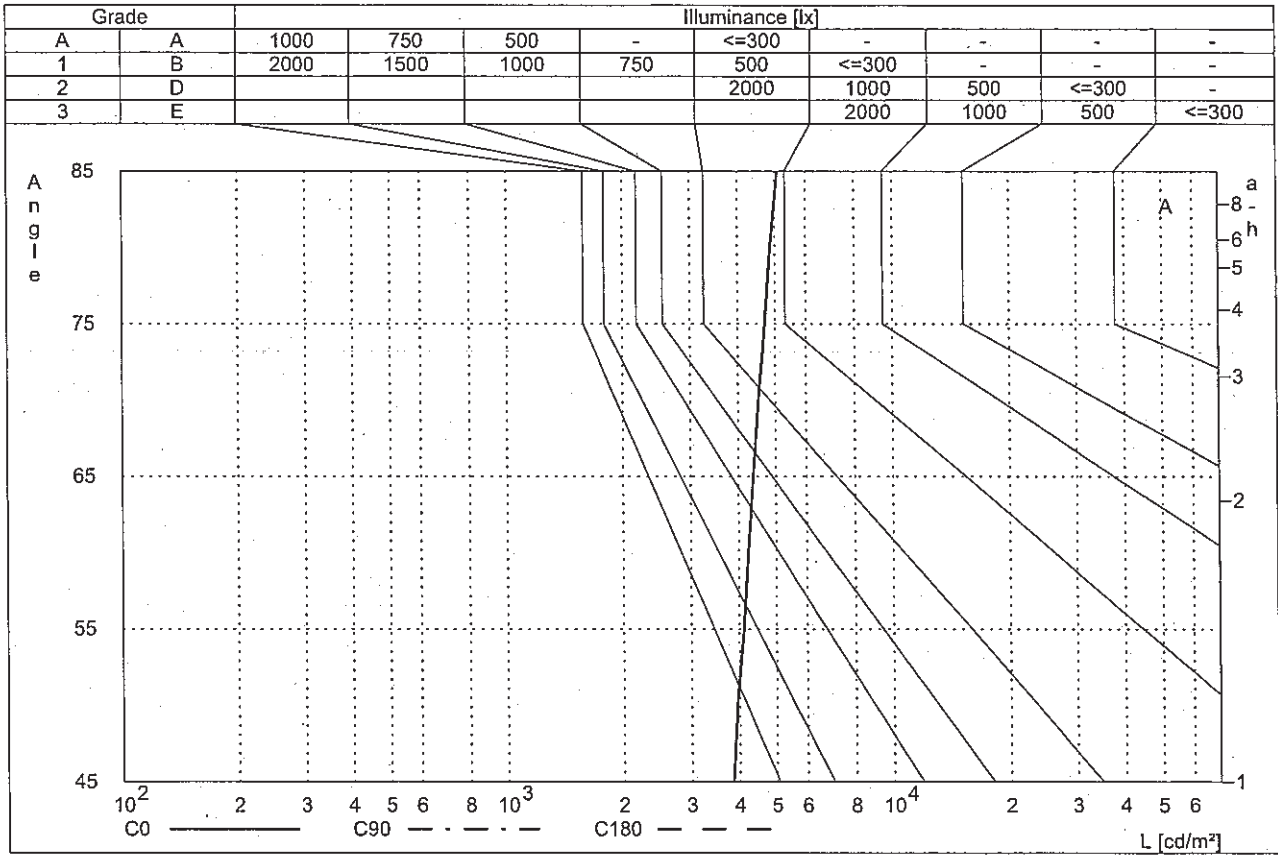
Manufacturer : ROSA
 Order number : !TMW70S
 Luminaire name : WARWICK
 Equipment : 1 x SONEPLUS70 / 5900 lm
 Dimensions : L 365 mm x W 365 mm x H 695 mm
 File name : OS101.LDT

Efficiency factor : 49%
 Luminaire efficacy : 41.3 lm/W
 Light distribution : sym. to C90-C270
 Beam Angle : -- C0-C180
 -- C90
 -- C270

Object :
 Installation :
 Project number :
 Date : 04.07.2013

1.1 ROSA, WARWICK (!TMW70S)

1.1.3 Soellner diagram



Manufacturer : ROSA
 Order number : ITMW70S
 Luminaire name : WARWICK
 Equipment : 1 x SONEPLUS70 / 5900 lm
 Dimensions : L 365 mm x W 365 mm x H 695 mm
 File name : OS101.LDT

Efficiency factor : 49%
 Luminaire efficacy : 41.3 lm/W
 Light distribution : sym. to C90-C270
 Beam Angle : -- C0-C180
 -- C90
 -- C270

Object :
 Installation :
 Project number :
 Date : 04.07.2013

1.1 ROSA, WARWICK (!TMW70S)

1.1.4 Luminance chart

	C0	C15	C30	C45	C60	C75	C90	C105	C120	C135	C150	C165
65°	4372	4280	4324	4346	4324	4280	4372	4280	4324	4346	4324	4280
70°	4528	4365	4376	4443	4376	4365	4528	4365	4376	4443	4376	4365
75°	4703	4457	4442	4520	4442	4457	4703	4457	4442	4520	4442	4457
80°	4862	4531	4500	4592	4500	4531	4862	4531	4500	4592	4500	4531
85°	[5081]	4620	4558	4683	4558	4620	[5081]	4620	4558	4683	4558	4620

	C180	C195	C210	C225	C240	C255	C270	C285	C300	C315	C330	C345
65°	4372	4280	4324	4346	4324	4280	4372	4280	4324	4346	4324	4280
70°	4528	4365	4376	4443	4376	4365	4528	4365	4376	4443	4376	4365
75°	4703	4457	4442	4520	4442	4457	4703	4457	4442	4520	4442	4457
80°	4862	4531	4500	4592	4500	4531	4862	4531	4500	4592	4500	4531
85°	[5081]	4620	4558	4683	4558	4620	[5081]	4620	4558	4683	4558	4620

Luminance [cd/m²]

Manufacturer	: ROSA	Efficiency factor	: 49%
Order number	: !TMW70S	Luminaire efficacy	: 41.3 lm/W
Luminaire name	: WARWICK	Light distribution	: sym. to C90-C270
Equipment	: 1 x SONEPLUS70 / 5900 lm	Beam Angle	: -- C0-C180
Dimensions	: L 365 mm x W 365 mm x H 695 mm		: -- C90
File name	: OS101.LDT		: -- C270

Object :
 Installation :
 Project number :
 Date : 04.07.2013

1.1 ROSA, WARWICK (ITMW70S)

1.1.5 Glare Rating (UGR)

Reflectance of										
Ceiling	0.7	0.7	0.5	0.5	0.3	0.7	0.7	0.5	0.5	0.3
Walls	0.5	0.3	0.5	0.3	0.3	0.5	0.3	0.5	0.3	0.3
Floor Cavity	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2

Room dimension		Viewed crosswise					Viewed endwise				
x	y										
2H	2H	14.5	15.8	15.3	16.6	17.6	14.5	15.8	15.3	16.6	17.6
	3H	17.1	18.3	17.9	19.1	20.1	17.1	18.3	17.9	19.1	20.1
	4H	18.4	19.5	19.2	20.4	21.4	18.4	19.5	19.2	20.4	21.4
	6H	19.7	20.8	20.5	21.6	22.7	19.7	20.8	20.5	21.6	22.7
	8H	20.3	21.3	21.1	22.2	23.2	20.3	21.3	21.1	22.2	23.2
	12H	20.9	21.9	21.7	22.7	23.8	20.9	21.9	21.7	22.7	23.8
4H	2H	15.7	16.8	16.5	17.6	18.7	15.7	16.8	16.5	17.6	18.7
	3H	18.4	19.4	19.3	20.3	21.4	18.4	19.4	19.3	20.3	21.4
	4H	19.9	20.8	20.8	21.7	22.8	19.9	20.8	20.8	21.7	22.8
	6H	21.3	22.1	22.2	23.0	24.1	21.3	22.1	22.2	23.0	24.1
	8H	22.0	22.8	22.9	23.7	24.8	22.0	22.8	22.9	23.7	24.8
	12H	22.7	23.4	23.6	24.3	25.4	22.7	23.4	23.6	24.3	25.4
8H	4H	20.6	21.4	21.4	22.3	23.4	20.6	21.4	21.4	22.3	23.4
	6H	22.2	22.9	23.1	23.8	24.9	22.2	22.9	23.1	23.8	24.9
	8H	23.1	23.7	24.0	24.6	25.8	23.1	23.7	24.0	24.6	25.8
	12H	24.0	24.5	24.8	25.4	26.5	24.0	24.5	24.8	25.4	26.5
12H	4H	20.7	21.5	21.6	22.3	23.5	20.7	21.5	21.6	22.3	23.5
	6H	22.5	23.1	23.4	24.0	25.2	22.5	23.1	23.4	24.0	25.2
	8H	23.5	24.0	24.3	24.9	26.0	23.5	24.0	24.3	24.9	26.0

Distance between luminaires: 0.25

Due to missing symmetry characteristics the values apply only to the indicated line of sight.

Manufacturer	: ROSA	Efficiency factor	: 49%
Order number	: ITMW70S	Luminaire efficacy	: 41.3 lm/W
Luminaire name	: WARWICK	Light distribution	: sym. to C90-C270
Equipment	: 1 x SONEPLUS70 / 5900 lm	Beam Angle	: -- C0-C180
Dimensions	: L 365 mm x W 365 mm x H 695 mm		: -- C90
File name	: OS101.LDT		: -- C270

Agenda Item 2.6

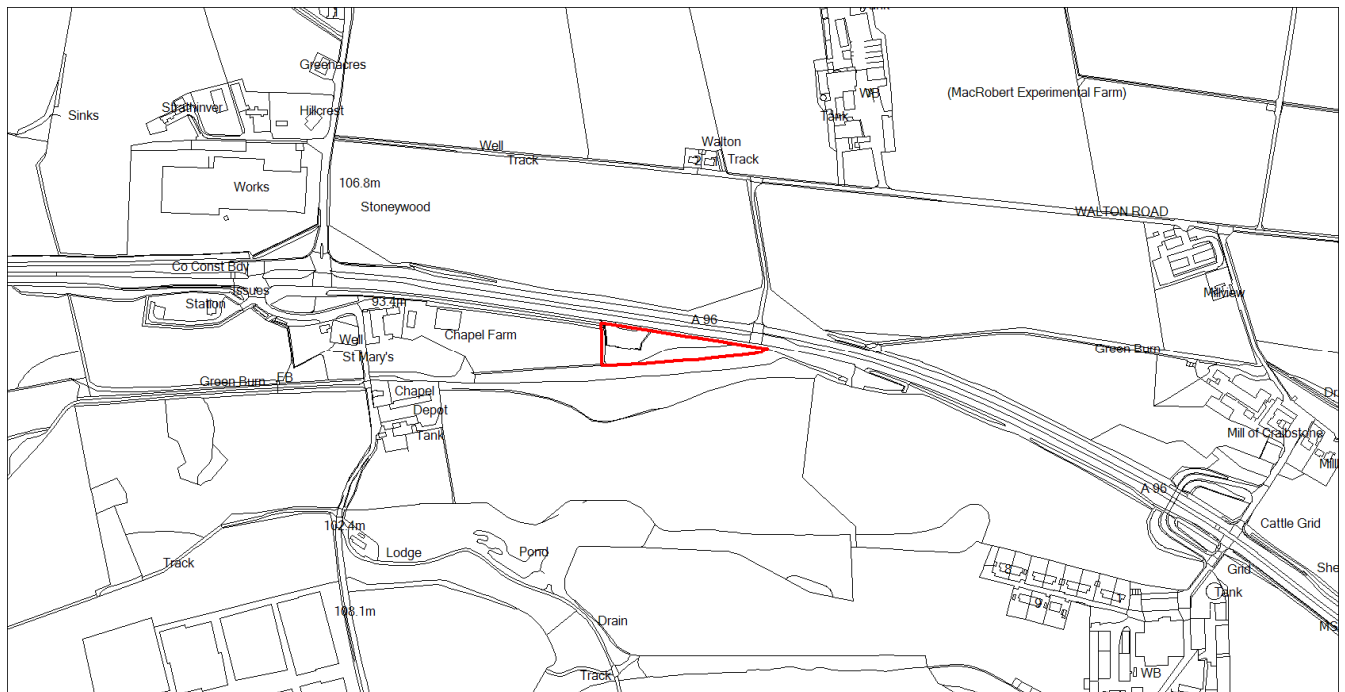
FORMER BUCKSBURN PETROL STATION,
CHAPEL OF STONEYWOOD TO, FAIRLEY
ROAD

CERTIFICATE OF APPROPRIATE
ALTERNATIVE DEVELOPMENT (CAAD) FOR
PETROL FILLING STATION WITH
ASSOCIATED CLASS 1 RETAIL SHOP UP TO
103.5SQM; SALE OF AGRICULTURAL
VEHICLES AND EQUIPMENT; AND GARDEN
CENTRE AND NURSERY.

For: A J Gray

Application Type : Certificate of Appropriate
Alternative Development
Application Ref. : P120374
Application Date: 14/03/2012
Officer: Matthew Easton
Ward : Dyce/Bucksburn/Danestone(B Crockett/G
Lawrence/N MacGregor/G Samarai)

Advert :
Advertised on:
Committee Date: 29th October 2013
Community Council: No consultation
required.



RECOMMENDATION:

That a certificate of appropriate alternative development is issued stating –

- 1. that in respect of the land which is subject of the application, on the relevant date of 25th September 2007 or at a future time, planning permission would have been granted for –**

- a. a petrol filling station with ancillary retail up to 103.5sqm
 - b. for horticulture and nursery with a small-scale ancillary retail element (such as a farm-shop);
 - c. for non-residential agricultural or forestry buildings;
 - d. for telecommunications masts and ancillary equipment.
- but would not have been granted for any other use.
2. that any planning permission described in (1) would have been granted subject to suitable conditions addressing the following matters –
 - a. layout, design and external appearance of buildings or structures;
 - b. mitigation of any contaminated land;
 - c. surface water and foul drainage;
 - d. access to the site;
 - e. landscaping of the site.
3. that because Scottish Ministers through Transport Scotland, made orders under the Roads (Scotland) Act 1984 promoting the Aberdeen Western Peripheral Route, which is the scheme for which the application land is to be acquired, it would not be appropriate to include planning permission for the scheme in the certificate as would normally be the case.

BACKGROUND TO CERTIFICATES OF APPROPRIATE ALTERNATIVE DEVELOPMENT

Where land is to be acquired using compulsory purchase powers the owner of the land or other person with an interest may apply to the planning authority for a certificate of appropriate alternative development (“CAAD”), which sets out the uses of the land for which planning permission would have been granted if the land was not been compulsorily acquired. This is in order to assist in establishing the value of the land and thereafter an appropriate amount of compensation to be awarded to the landowner by the acquiring authority.

A CAAD is not a planning application and must be assessed on a hypothetical basis and with reference to the planning policy and circumstances on the date which the compulsory purchase orders and notices were served (“the relevant date”).

The relevant legislation is the Land Compensation (Scotland) Act 1963 (“the 1963 Act”) and the Planning and Compensation Act (Scotland) Orders 1991.

When submitting a CAAD application, the applicant must state whether or not there are in the applicant’s opinion, any classes of development which either immediately or at a future time, would be appropriate for the land in question, if it were not proposed to be compulsorily acquired. The applicant must also state their grounds for holding that opinion.

In determining a CAAD application, the planning authority are required to issue a certificate stating that –

- a. planning permission would have been granted for development of one or more classes specified in the certificate (whether specified in the application or not) and for any development for which the land is being acquired, but would not have been granted for any other development; or
- b. that planning permission would have been granted for any development for which the land is to be acquired, but would not have been granted for any other development.

Section 25(5) of the 1963 Act allows where it is the opinion of the planning authority that planning permission would have only have been granted subject to certain conditions, or only at a future time, or both, to specify this in the certificate issued.

DESCRIPTION

The application site comprises an area of ground located immediately adjacent to the A96 trunk road, approximately 1km west of the Dyce Drive / A96 junction and 300m east of the Marshall Trailers site at Chapel of Stoneywood.

The site was previously occupied by a petrol station, which was closed in 1997 and subsequently demolished in 1999. Little visual evidence of the former petrol station remains.

The site comprises 4500m², is triangular in shape and has two access points onto the A96. A concrete area of approximately 950m² covers the western end of the site whilst the remainder comprises overgrown ground with grass and self seeded small shrubs. A tree belt, which the Greenburn passes through, encloses the site on its southern boundary. To the north is the A96 which at this point is dual-carriageway.

RELEVANT HISTORY

- Planning permission (1955/21/--/11) (“the original 1955 permission”) was granted for a petrol filling station at the site in 1955. The petrol station was built and the use continued until 1997 when it was closed.

- Planning permission (85/0654) to erect a garage workshop was refused in August 1985.

The reasons for refusal were that the proposal, if implemented, would be (1) detrimental to the amenity of the neighbourhood in general by reason of the sporadic type of development in the open countryside; (2) prejudicial to public safety by reason of (a) its location adjacent to a heavily trafficked length of Trunk Road, and (b) the shortage of parking and manoeuvring space which will remain when the Trunk Road is widened; and (3) contrary both to the Structure Plan and the City North Local Plan in so far as the establishment of new developments within the Green Belt is concerned.

- Planning permission (85/2125) to erect a filling station, garage workshop, small showroom, retail shop and managers dwelling house was refused in January 1986.

The reasons for refusal were that the that the proposal, if implemented, would be (1) detrimental to the amenity of the neighbourhood by reason of being a sporadic development in an area of open countryside; (2) prejudicial to public safety by reason of the development's location on a heavily-trafficked length on Trunk Road; and (3) contrary both to the Structure Plan and to the City North Local Plan in so far as the establishment of new developments within the Green Belt was concerned.

- Planning permission (93/2458) for the redevelopment of the petrol filling station and for the erection of a restaurant with a seating capacity of 60 was refused in March 1994.

The reasons for refusal were that the proposal would be (1) contrary to the Green Belt policy (GB1) as contained in the City District-Wide Local Plan by reason of (a) the introduction within the redevelopment scheme of a restaurant, a use which does not need to be located in the countryside; and (b) the unacceptable intensification of buildings and use which the proposal would represent; (2) be visually obtrusive, to the detriment of the visual amenity of the Green Belt; and, (3) set an undesirable precedent for applications of a similar nature, the cumulative effect of which would lead to an erosion of the Green Belt policy.

An appeal to the Secretary of State against the decision was lodged by the applicant, which was subsequently dismissed. The reporter stated that the main issue was not the redevelopment of the petrol filling station in itself, but that the introduction of the restaurant would be contrary to Green Belt Policy GB1 of the Aberdeen City District-Wide Local Plan in terms of the adverse effect on visual amenity and that the need for the development at this location was not proven.

- A planning application (95/1332) (“the 1995 permission”) solely for the refurbishment of the petrol filling station and associated shop (103.5m²) was approved subject to conditions by the Planning Committee in October 1995.

Although the description stated 'refurbishment' the application did in fact involve the demolition and rebuilding of the petrol station.

It was considered at the time that the refurbishment alone would be an intensification of an existing use and therefore acceptable under Part (xii) Existing Activities, of Policy GB1 of the Aberdeen City District-Wide Local Plan, which stated "*where existing activities... are located within the Green Belt, proposals for expansion or intensification of such activities will be considered on their merits in the context of Green Belt policy taking account of the suitability of the use of the site and character of enlargement or intensification that is proposed...*".

The planning permission was never implemented.

- The petrol filling station was closed in 1997. The applicant states that the reason for the closure in 1997 was due to the growing uncertainty over the compulsory purchase of the site for an upgrade to the A96.
- A building warrant (B99/0727) was granted in 1999 and the petrol filling station was subsequently demolished and site cleared in the same year.
- A planning application (A0/1655) for the renewal of the 1995 planning permission (95/1332) to rebuild the petrol station was refused by the Planning Committee in September 2001.

In evaluating the proposal the case officer's report stated that the proposal "*could no longer be considered to be the intensification of an existing use. The use is not only no longer in operation... the physical structures have been removed from the site, leaving only the base slabs. The proposal therefore essentially consists of the introduction of a new use onto the site*".

The reasons stated in the refusal document were (1) *that the application proposal is contrary to green belt policy in the adopted Grampian Structure Plan, the Aberdeen City District-Wide Local Plan and the finalised Aberdeen and Aberdeenshire Structure Plan and to green belt and transportation policy in the finalised draft Aberdeen Local Plan, as it does not relate to an existing or established use, nor to a use which cannot be accommodated other than within the green belt, nor does it fall within any other category of use listed as exceptions to the general presumption against development in the green belt; and (2) that the proposed filling station would be highly prominent and detrimental to visual amenity within the green belt and on this trunk road which is a major arterial route into the city. The proposal is, thereby, unacceptable and contrary to policy 10.2.21 'Approaches to the City' in the adopted local plan.*"

PROPOSAL

An application for a CAAD has been submitted by GVA on behalf of AJ Gray, who have been served a compulsory purchase order relating to land described above.

The land is being acquired by Transport Scotland on behalf of Scottish Ministers, to allow for the construction of the Aberdeen Western Peripheral Route (“the AWPR”) scheme.

In this instance the draft compulsory purchase order was published on the 25th September 2007 and therefore for the purpose of assessing the CAAD, this is the relevant date. It must also be assumed that that at the relevant date and at any future date, that the AWPR scheme did not exist.

It is the opinion of the applicant that on the relevant date, had the site not been subject of compulsory purchase, the following land uses would have been appropriate –

- Petrol filling station with ancillary retail up to 103.5sqm; (herein known as the “petrol station”);
- Sale of agricultural vehicles and equipment
- Garden centre and nursery

The main grounds which the applicant has for this opinion is that the original 1955 planning permission for the petrol station was implemented and has not been abandoned. It is contested that there is no provision in planning law which prevents the original 1955 permission from continuing to have effect. Therefore although now almost 60 years has past since the original planning permission was implemented and petrol station constructed, the planning permission could be utilised again and a new petrol station constructed.

Whilst the applicant is principally relying on the above to support the CAAD application, they are also of the view that the 1995 planning permission (95/1332) was implemented through the demolition which took place in 1999 and is thus is still a live planning permission.

However as there was a failure to discharge a suspensive condition relating to submission of a landscaping scheme prior to the commencement of work, there is doubt over whether the 1995 planning permission was implemented lawfully and therefore capable of implementation.

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?120374>. On accepting the disclaimer enter the application reference quoted on the first page of this report. A number of supporting statements have been received from GVA in support of their applicant’s case.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the determination of certificates of appropriate alternative development are not included within the scope of the Council's Scheme of Delegation.

CONSULTATIONS

No consultation is required for a CAAD application.

REPRESENTATIONS

It is Transport Scotland's view, as the acquiring authority with compulsory purchase powers, that planning permission would not have been granted for the erection of a petrol station and associated retail on the relevant date or any future date, predominately because it would be contrary to the development plans policies on the green belt, retailing and the location of petrol filling stations. The planning history of the site is also relevant and indicates that the introduction of new uses in the green belt would not to be acceptable.

PLANNING POLICY

For the purposes of assessing the CAAD application, the relevant planning policies are those which were in place on the relevant date (25th September 2007) –

Aberdeen City and Shire Structure Plan (North East Scotland Together) (2001)

Policy 28 (Development Within the Green Belt) – No development will be permitted in the green belt for purposes other than those essential for agriculture, forestry, recreation, mineral extraction or restoration or landscape renewal.

Aberdeen City Wide District Local Plan (1991)

Policy GB1 (Green Belt) – in these areas there will be an embargo against all development, unless it concerns uses which must be located in the countryside, those directly related to nature conservation or to uses already existing in the green belt. It should be noted that existing non-conforming uses, or valid planning permissions, within the green belt are not affected by the adoption of this green belt Policy.

The policy then goes on to list acceptable development in the green belt – non-residential agricultural or forestry buildings, new houses for established local needs, certain recreational uses, institutional uses, rehabilitation or conversion of historic or architectural important buildings, replacement of existing houses, mineral workings, provision of utilities, land infill and reclamation, mineral workings, provision of utilities, landfill and reclamation, burial grounds, horticultural and nurseries, existing activities and nature conservation.

Part xi specifically deals with horticulture and nurseries and states that “*where the prime function is the production of foodstuffs or flowers for sale, or the raising of plants for sale or replanting, are legitimate uses within the green belt. In association with such use a small-scale retail element, such as a farm shop, is also acceptable, but a garden centre will not normally be permitted within the green belt because of the level of traffic generation and the concentration of buildings, car parking and other activities necessary for the successful operation of a garden centre. Such a use is more appropriately located in the built –up area, or if attached to a nursery, in the immediate rural fringe surrounding the rural area*”.

10.2.21 (Approaches to the City) – The City Council will expect high visual standards in the treatment or development of the main traffic corridors or approaches to the City.

Finalised Aberdeen City Local Plan (Green Spaces | New Places) – Modified Written Statement) (August 2004)

Due to it’s advanced stage, the Finalised Aberdeen City Local Plan (as modified) would have been a significant material consideration in the determination of any planning applications in 2007 as it represented the Council’s most up-to-date statement of planning policy.

Policy 27 (Green Belt) – In the Green Belt there will be an embargo against all development unless uses for which a countryside location is essential;

- Agriculture, forestry, outdoor recreation, mineral extraction or restoration and landscape renewal
- Expansion of existing activities within existing site boundaries, which will be treated on their merits and in the context of green belt policy;
- Indoor sports and institutional uses on specific identified sites;
- Infrastructure development that cannot be accommodated other than in the green belt and is wholly compatible with the development plan.

Policy 28 (Green Space Network) – Development that destroys or erodes the character and function of the Green Space Network will not be permitted.

EVALUATION

Each of the three groups of uses proposed in the CAAD application will be assessed in turn. Thereafter any other potential uses and material considerations which have not been included by the applicant within the application will be considered.

Petrol filling station with ancillary retail up to 103.5sqm

It is first necessary to determine whether a valid planning permission for a petrol existed at the site on the relevant date.

The applicant claims that both the original 1955 planning permission and the 1995 permission for rebuilding the petrol station were valid permissions which

they could have benefited from on the relevant date. There are three questions which must be asked in order to determine if this is the case.

1. *Was the original 1955 permission still capable of being implemented in September 2007 or any subsequent date?*

The original 1955 permission was implemented when the petrol station was originally built. It is understood to have operated for 42 years until 1997 when it was closed and thereafter it was demolished in 1999.

The applicant contests that the original 1955 permission was in September 2007, and still is, capable of being implemented again, in order to construct a new petrol station. Whilst it is the case that a valid permission capable on its own terms of being implemented cannot be abandoned (*Pioneer Aggregates (UK) Ltd. v Secretary of State for the Environment (1985)*), this is in contrast to existing use rights which are being discussed in this instance.

In *Cynon Valley Borough Council v Secretary of State for Wales (1986) 280 EG 159*, it was ruled that once a material change of use is implemented, the permission which granted that change becomes spent. The permission only authorises a single change of use and cannot have continuing effect in allowing a recommencement of the original use at a later date. Although that particular case was in relation to change of use, it follows that the same principle would apply to operational development. This is the principle which is commonly applied throughout the planning system and is what will be applied in this case.

During the demolition in 1999 the building, supporting structures and pumps were removed with no apparent intention to resume the use, resulting in what could be described as nil-use of the land. It therefore follows that as the site was no longer being used as a petrol station, any new use or recommencement of the petrol station use would be operational development and therefore would require planning permission. If this were not the case then a single planning permission could in theory be used repeatedly to build, demolish and rebuild the same development in perpetuity.

Taking the foregoing into account, it is considered that the argument that the original 1955 permission is still capable of being implemented is a flawed. Any potential development which took place based on that permission would at the relevant date or at any time in the future be unlawful and constitutes a breach of planning control.

2. *Did the demolition of the petrol station in 1999 constitute the initiation of development and therefore implementation of the 1995 permission to rebuild the petrol station?*

In order to determine whether the demolition of the petrol station in 1999 constitute the initiation of development and therefore implementation of the 1995 permission to rebuild the petrol station, it is necessary to look at the definition of the initiation of development.

Section 27 (Time when development begun) of the Town and Country Planning (Scotland) Act 1997 (as amended) explains what constitutes an initiation of development in terms of implementation of a planning permission and explains that if the development consists of the carrying out of operations, then development is initiated at the time when those operations are begun. The 1997 act goes on to explicitly confirm in s.27(4)(b) that a material operation includes “*any work of demolition of a building.*”

As previously mentioned the petrol station was demolished in 1999. Whilst it is debatable whether the applicant’s intention at the time was to ever continue with the construction of the petrol station, following the judgement in the case of *East Dunbartonshire Council v Secretary of State for Scotland and MacTaggart & Mickel Ltd.* [1999] 1 PLT 53, it is clear that the test which must be applied is an objective one and not a subjective assessment of the applicant’s intentions. The Court held that Parliament had laid down precisely what was required to be done on a site to keep a planning permission alive, and that was all that was required, no more and no less.

There is no dispute that the demolition took place in 1999, which was within the 5 year (at the time) period within which a planning permission must be commenced.

With no requirement for the applicant to demonstrate any particular intention, it is apparent that the simple act of the demolition constituted a commencement of the development of the 1995 permission.

3. *Did the failure to discharge a suspensive condition attached to the 1995 permission render the commencement of development unlawful?*

Although the 1995 permission was implemented, it has come to light that there was a failure by the applicant to discharge a suspensive condition which required a landscaping scheme to be submitted and agreed with the planning authority before development commenced.

The general principle (known as the *Whitley* Principle after the case of *FG Whitley & Sons Co Ltd. v Secretary of State of Wales* [1990] JPL 678) is that works which commence without addressing a suspensive condition cannot be taken as lawfully commencing development.

However the courts have ruled more recently in the case of *R (on the application of Hart Aggregates Ltd) v Hartlepool Borough Council* [2005] EWHC 840 (Admin), that this principle does not apply to all conditions, but only to those which ‘go to the heart of the permission’. It is therefore necessary to consider the scope and nature of the condition and the reasons why it was attached to the permission. If the condition is not central to the development, or relates only to minor aspects or one particular aspect of the development, then any breach of the condition would not result in the development having commenced unlawfully and the permission would remain live.

The condition in this instance states *“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 a scheme of landscaping for the site, which scheme shall include indications of all existing trees and hedgerows 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 a planting - in the interests of the amenity of the area.”*

Other than in the specific condition, the evaluation within the committee report for the 1995 permission provides very little discussion on the matter of the landscaping of the site. The report explains that *“the visual impact that the refurbishment scheme would on the landscape setting of the green belt”* would be the main consideration in assessing the application. After describing the differences between the existing petrol station and the one proposed, the reports states that although it would be marginally more visually intrusive and despite the intensification of the use, that on balance the new petrol station would be acceptable in terms of visual amenity. No specific mention is made of a landscaping scheme or the landscaping of the site.

Given that a petrol station existed on the site already, its integration into the landscape would have been of less significance than if the application were to establish a completely new use within the green belt. From the photos supplied by the applicant of the petrol station when it was open prior to 1997, it is apparent that there the landscaping around the building and forecourt was sparse and was comprised of little more than a few small shrubs and bushes spread sparingly throughout the site.

Therefore taking the foregoing into account, it is difficult to see how the landscaping condition could be considered to ‘go to the heart’ of the planning permission, especially given that it is not mentioned in the assessment of the application.

Therefore, despite the breach of condition, the implementation of the 1995 permission through the demolition of the petrol station is considered to have been lawful.

There is no time limit within which a development must be completed, therefore on the relevant date and at any time in the future, work could have recommenced to complete the petrol station approved under the 1995 permission.

- It is now apparent that the submission by the applicant and the assessment by the planning authority of the refused planning application for rebuilding the petrol station in 2000 overlooked the potential for the 1995 permission to still be live and capable of implementation. Had the true situation been appreciated, the planning authority would have had to accept that a live permission existed for the site and that it was capable of being implemented.

Therefore it is likely that application A0/1655 would have been recommended for approval by planning officers. The benefit of hindsight must be used in the assessment of the CAAD application and the fact that the 2000 application was refused should not be taken into account.

In summary, with respect to whether planning permission would have been granted for a petrol filling station with ancillary retail up to 103.5sqm on the relevant date, it is concluded that the original 1955 permission is not capable of implementation.

However, the 1995 planning permission was implemented lawfully in 1999 when the original petrol station was demolished, despite the fact that the suspensive condition relating to submission of a landscaping scheme was not discharged.

With the existence of a live planning permission on the site for a petrol station and ancillary retail, it is concluded that on the relevant date in 2007 if the planning authority were presented with a planning application for petrol station and ancillary retail it would have found itself in the position whereby there would be no option other than to accept the principle of a petrol station use at the site.

Sale of agricultural vehicles and equipment

The site was located in the green belt the Aberdeen City Wide District Local Plan (1991). Whilst one might naturally expect a use for the sale of agricultural vehicles and equipment to be found in the green belt, the use does not fall within any of the categories of development permitted by Policy GB1. Although there are examples of such uses being located within the green belt (e.g. Marshall Trailers are short distance away), there appears to be no fundamental requirement for the use to be located within the green belt. The sale of agricultural vehicles and equipment could equally take place from an industrial estate on the edge of the city but within the urban area or beyond the green belt within a smaller settlement. It is considered that in principle neither location would have significant impact on the ability of someone in that business to successfully operate.

In summary, on the relevant date in 2007 if the planning authority were presented with a planning application for the sale of agricultural vehicles and equipment at the application site, planning permission would not have been granted.

Garden centre and nursery

Part xi of Policy GB1 (Green Belt) specifically states that garden centre use will not normally be permitted within the green belt because of the level of traffic generated and the concentration of buildings, car parking and other activities necessary. Such uses are more appropriate in built up areas or if accompanied by a nursery, in the immediate rural fringe around an urban area.

A garden centre would not have been supported at this location in principle and the site is not located adjacent to the urban fringe. Therefore, on the relevant

date, the planning authority would not have granted planning permission for a garden centre and nursery.

Notwithstanding this, Part xi of Policy GB1 (Green Belt) does allow horticulture and nursery use where the prime function is the production of foodstuffs or flowers for sale, or the raising of plants for sale or replanting. A small-scale retail element, such as a farm shop, is also acceptable.

Therefore although a garden centre and nursery would not have been supported, horticulture or nursery use accompanied small scale ancillary retail on its own would have been granted planning permission.

Other Proposed Uses

It is appropriate to consider other types of development which may have been acceptable at the application site on the relevant date. To make this assessment it is considered appropriate to take each of the uses mentioned in Policy GB1 (Green Belt Areas) in turn –

- **(i) Non-Residential Agricultural or Forestry Building** – In principle the use of the land for agricultural or forestry buildings would be acceptable within the green belt. However, permitted development rights for such buildings would not have applied because the site is located within 25m of a trunk road.
- **(ii) New Houses for Established Local Needs** – Planning permission for a new house required for an essential agricultural or forestry worker would not have been granted at this site. The policy permits such housing only where a worker must be located immediately adjacent to their place of employment and where there is a proven economic need. The site is not associated with any agricultural or forestry land and therefore it appears that it would have been difficult to justify such a proposal.
- **(iii) Certain Recreation Uses** – Open air recreational uses which are normally located outwith urban areas and require large amounts of open space were permitted by part (iii) of the policy. Given the small size of the site it would not be possible to meet the criteria set out in this part of the policy. Furthermore the site's prominent position on the trunk road, would not allow it to be utilised for such uses without detriment to visual impact. Therefore planning permission would not have been granted
- **(iv) Institutional Uses, (v) Rehabilitation or Conversion of Historic or Architecturally Important Buildings (vi) Replacement of Existing Houses, (vii) Mineral Workings**

The site would not be capable of benefiting from any of the above categories of development in terms set out in the policy.

- **(viii) Provision of Utilities** – Green belt policy allowed for the provision of utilities if as part of their normal operation they could not be located anywhere

other than the green belt. Most utilities benefit from permitted development rights and therefore would not have required planning permission.

However telecommunications masts and equipment would have required planning permission. National and local policy supported the expansion of telecommunications networks and therefore subject to siting and design the principle of new telecommunications equipment within the green belt would be acceptable.

- **(ix) Landfill and Reclamation, (x) Burial Grounds** – Given the small size of the site and its prominent position on the trunk road, planning permission would not have been granted for landfill, reclamation or waste disposal use or as a burial ground.
- **(xiii) Nature Conservation** – The establishment of nature reserves and provision of appropriate facilities for interpretation, enjoyment and study are permitted by green belt policy. Given the small scale of site, lack of any natural heritage designation, such a use would seem unlikely.

The Finalised Aberdeen City Local Plan (Green Spaces | New Places) – Modified Written Statement) (August 2004) was at an advanced stage in September 2007 and therefore would have been a significant material consideration in the determination of any planning application. However the green belt policy included within this plan was more restrictive than Policy GB1 of the 1991 plan. Furthermore the site was included within the green space network, which provided an additional layer of protection to open and green spaces.

For these reasons, there is nothing within the 2004 Finalised Plan which would suggest that any of the above or any other uses would have been granted planning permission.

Other Material Considerations

- As the acquiring authority, Transport Scotland has an interest in the outcome of the CAAD application. The arguments offered in the representation from Transport Scotland as to why a new petrol filling station would not have been acceptable are generally accepted, had it not been for the existence of the live planning permission from 1995. The construction of the petrol station would not have been a new use in the green belt and therefore the assessment is rendered largely irrelevant.
- Section 25(4) of the 1963 Act requires the planning authority to state that planning permission would be granted for any development for which the land is being acquired. However, Scottish Ministers through Transport Scotland made orders under the Roads (Scotland) Act 1984, promoting the AWPR, which is the scheme for which the application land is to be acquired. Therefore no planning permission is required for the AWPR and consequently it would not be appropriate to include planning permission for the scheme in any certificate issued as would normally be the case.

Conclusion

In conclusion, planning permission was granted in 1995 for the redevelopment of the site to rebuild the petrol filling station and ancillary retail. The planning permission was implemented in 1999 when the original petrol filling station was demolished. Although the development was never completed the permission was still live on the relevant date and to this day is capable of being completed.

Therefore on the relevant date of 25th September 2007, because a live planning permission existed on the site, if the planning authority received a planning application for a petrol station and ancillary retail at the site, then the principle of petrol station use at the site would have been accepted and planning permission granted.

Planning permission would also have been granted for –

- horticulture and nursery with a small scale ancillary retail element (such as a farm-shop);
- non-residential agricultural or forestry buildings;
- telecommunications masts and ancillary equipment;

RECOMMENDATION

That a certificate of appropriate alternative development is issued stating –

1. that in respect of the land which is subject of the application, on the relevant date of 25th September 2007 or at a future time, planning permission would have been granted for –

- a. a petrol filling station with ancillary retail up to 103.5sqm**
- b. for horticulture and nursery with a small-scale ancillary retail element (such as a farm-shop);**
- c. for non-residential agricultural or forestry buildings;**
- d. for telecommunications masts and ancillary equipment.**

but would not have been granted for any other use.

2. that any planning permission described in (1) would have been granted subject to suitable conditions addressing the following matters –

- a. layout, design and external appearance of buildings or structures;**
- b. mitigation of any contaminated land;**

- c. surface water and foul drainage;
 - d. access to the site;
 - e. landscaping of the site.
3. that because Scottish Ministers through Transport Scotland, made orders under the Roads (Scotland) Act 1984 promoting the Aberdeen Western Peripheral Route, which is the scheme for which the application land is to be acquired, it would not be appropriate to include planning permission for the scheme in the certificate as would normally be the case.

Dr Margaret Bochel

Head of Planning and Sustainable Development.



CÒMHDHAIL
ALBA

TRANSPORT
SCOTLAND

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

Your ref:
P/120374

Our ref:
A3436544

Date:
3 July 2012

Aberdeen City Council			
City Development Department			
Ack	2-7451	P & S D.	
Rec'd	04 JUL 2012	Assist Dir	
Imp	Secretary	Director	Admin
Action			
FS		DM	

Dear Sirs,

**A90 Aberdeen Western Peripheral Route
The Land Compensation (Scotland) Act 1963
Application by GVA Consultants, for Certificate of Appropriate Alternative Development
application at Former Bucksburn Petrol Filling Station, Chapel of Stoneywood to Fairley
Road, Bucksburn, Aberdeen (P/120374).**

I refer to the above application for a Certificate of Appropriate Alternative Development (CAAD) for the erection of a petrol filling station and associated retail up to 4,000 sq ft at the former Bucksburn Petrol Filling Station, Chapel of Stoneywood to Fairley Road, Bucksburn, Aberdeen which was submitted to Aberdeen City Council by GVA Consultants on the 14th March 2012 (P/120374)). As acquiring authority of the land in question for the Aberdeen Western Peripheral Route (AWPR), Transport Scotland has an interest in the determination of the application. Please note that Transport Scotland did not receive a copy of the CAAD until 16th May 2012.

The Scottish Ministers promoted certain draft schemes, draft road orders and draft compulsory purchase orders under the Roads (Scotland) Act 1984 to allow the construction of the AWPR. The draft compulsory purchase order affecting part of the former Bucksburn Petrol Filling Station was published on 25 September 2007. Following a public local inquiry the compulsory purchase orders were made on 11 March 2010. Compulsory purchase plot number 1007 affects land under the ownership of A J Gray.

Section 25 of the Land Compensation (Scotland) Act 1963 provides that where an in interest in land is proposed to be acquired by an authority possessing compulsory purchase powers, either of the parties directly concerned may apply to the planning authority for a certificate of appropriate alternative development ("CAAD").

Please find attached a letter, produced by our consultants Jacobs UK Ltd, which forms Transport Scotland's assessment of the application.

Relevant Date

The Relevant Date for the purpose of assessing CAAD applications is determined by reference to section 30(2) of the Land Compensation (Scotland) Act 1963, which provides that an interest in land shall be taken to be an interest proposed to be acquired by an authority possessing compulsory purchase powers in the following (but no other) circumstances;

- a) where, for the purpose of a compulsory acquisition by that authority of land consisting of or including land in which that interest subsists, a notice required to be published or served in connection with that acquisition.....has been published or served....; or
- b) where notice requiring the purchase of that interest has been served under any enactment, and in accordance with that enactment the authority are to be deemed to have served a notice to treat in respect of that interest; or
- c) where an offer in writing has been made by or on behalf of that authority to negotiate for the purchase of that interest.

The Relevant Date in the context of the above CAAD application is publication of the draft compulsory purchase order (i.e. 25 September 2007), this is therefore the date that Section 30(2)(a) was met. This same date is relevant for considering physical factors and planning policy. In previous cases involving a certificate for land being acquired by Scottish Ministers for road schemes, the Scottish Ministers have accepted the date of publication of the draft compulsory purchase order as the Relevant Date.

Assessment Approach

It is our understanding that for the purposes of assessing appropriate alternative development, it must be assumed that if the land forming the subject of the CAAD application was not to be used for the scheme for which it is being acquired, then it is to be assumed that no public road would be provided, altered or improved to meet the same or substantially the same need as would have been met by the provision. It is assumed that at the Relevant Date, the Aberdeen Western Peripheral Route does not exist.

Section 25(5) of the Land Compensation (Scotland) Act 1963 provides that where, in the opinion of the planning authority, planning permission would have been granted.... but would only have been granted subject to conditions, or at a future time, or both subject to conditions and at a future time, the certificate shall specify those conditions, or that future time, or both, as the case may be, in addition to the other matters required to be contained in the certificate.

In approaching the assessment of the CAAD application, we understand that three principle matters should be considered:

- Firstly, would planning permission have been granted at the Relevant Date for an alternative land use other than the purpose for which the land is to be acquired;
- Secondly, at the Relevant Date would permission have been granted for a alternative development at some point in the future;
- Thirdly, at the Relevant Date would development have been permitted at that time or in the future, but only subject to conditions or other general requirements such as appropriate planning gain contributions?

Appropriate Alternative Land Use

For the reasons set out in the enclosed letter which accompanies this letter, it is Transport Scotland's view that planning permission would not have been granted for the erection of a petrol station and associated retail at the former Bucksburn petrol filling station site at the Relevant Date of 25 September 2007 or at a point in the future given the lack of information provided by the applicant.

As such Transport Scotland is of the opinion a negative certificate would be appropriate for this CAAD application stating that planning permission would have been granted for the purpose for which the land is to be acquired, but would not have been granted for any other development.

I would be obliged if you could acknowledge receipt of the enclosed documentation and would be grateful if you could keep us updated as to the progress of the determination of the application. I am copying this submission to Ian Gallacher of GVA Consultants.

I hope this is of assistance.

Yours faithfully



Alasdair Graham
Head of Design Team 3

cc: Ian Gallacher, GVA, 206 St.Vincent Street, Glasgow, G2 5SG

7 June 2012

Our Ref: B1033200

For the attention of Mr Gordon Ramsay
Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF

Dear Sirs,

Aberdeen Western Peripheral Route

The Land Compensation (Scotland) Act 1963

Application for Certificate of Appropriate Alternative Development Application) for a petrol filling station with associated Class 1 retail shop up to 4000sq ft. at the former Bucksburn Petrol Station, Chapel of Stoneywood to Fairley Road Bucksburn, Aberdeen (P/120374)

An application for a Certificate of Appropriate Alternative Development (CAAD) for a petrol filling station and associated retail up to 4,000 sq ft at the former Bucksburn Petrol Filling station Chapel of Stoneywood was submitted to Aberdeen City Council by GVA Consultants on behalf of Mrs Gray (Aberdeen City Council reference P/120374). The application was validated on the 14th March 2012. As the acquiring authority of the land for the AWPR scheme, Transport Scotland has an interest in the determination of the application, and as per your request, this letter provides our advice on the assessment of the application.

We note that whilst the application was validated on the 14th of March 2012 Transport Scotland was not informed of the application by the applicant as required under the terms of the Land Compensation Act 1963 until the 16th of May 2012.

Relevant Date

When assessing a CAAD application the proposal is assessed against the development plan framework that was adopted on the 'relevant date'. Under the terms of Section 30 (2) (a) of the Land Compensation (Scotland) Act 1963 the relevant date is the date when notice served in connection with the acquisition of the land was published. The draft compulsory purchase order for this plot (1007) was published on 25 September 2007, this is therefore the date that Section 30(2)(a) was met. In previous cases involving a certificate for land being acquired by Scottish Ministers for road schemes Ministers have accepted the date of publication of the draft CPO as the relevant date. Our assessment is based on this date in relation to the consideration of physical factors and planning policy.

Assessment Approach

It is our understanding that for the purposes of assessing appropriate alternative development, it must be assumed that if the land forming the subject of the CAAD application was not to be used for the scheme for which it is being acquired, then it is to be assumed that no public road would be provided, altered or improved to meet the same or substantially the same need as would have been met by the provision. It is assumed that at the Relevant Date, the scheme to construct the Aberdeen Western Peripheral Route is cancelled.

In approaching the assessment of this CAAD application, we understand that three principal matters should be considered:

- Firstly, would planning permission have been granted at the relevant date for an alternative land use other than the purpose for which the land is to be acquired?;
- Secondly, at the relevant date, would permission have been granted for an alternative development at some point in the future?; and
- Thirdly, at the relevant date would development have been permitted at that time or in the future, but only subject to conditions?

The Site and Surrounds

The former Bucksburn Petrol Station which is the subject of this CAAD is located at Chapel of Stoneywood on the A96 between Aberdeen and Inverurie. The area of the CAAD as shown shaded on the plan submitted with the application measures approximately 4,300m² and is derelict land.

The site is located approx. 2 km from the edge of the urban area at Bucksburn, Aberdeen. The A96 borders the site immediately to the north, and farming and agricultural properties lie to the west, south and east of the site. To the north of the site and the A96 lie farming and agricultural properties, an agricultural trailer business with Aberdeen Airport and the Kirkhall Industrial Estate beyond.

Beside the base slab there are presently no remains of the former petrol filling station. Since the station closed in 1997 the site has been cleared and all structures and equipment have been removed from the site. The concrete base slab is barely visible from the A96 and plants have self seeded and established.

It is assumed that these physical factors were similar at the relevant date in 2007.

Site History

The site has been subject to a number of applications during the 1980s and 90s for various developments associated with the former petrol filling station when it was operational (Aberdeen City Council planning reference no.s: 85/0654, 85/2125, 93/2458, 95/1287). Most of these proposals sought to extend the range of uses including a residential dwelling, a 60 seater restaurant and extended workshop facilities. All these applications were refused, with the main

reason being that they would introduce new uses into an area designated as countryside and Green Belt. Planning application 93/2458 for the refurbishment of the petrol filling station and erection of a new 60 seater restaurant was refused in 1994 and the applicant appealed the decision. The Secretary of State dismissed the appeal and in his decision letter he stated that the main issue was not the redevelopment of the petrol filling station in itself but that the introduction of the restaurant would be contrary to Green Belt policy GB1 in terms of the adverse effect on visual amenity and that the need for the development at this location was not proven.

In 1995 an application (ref 95/1332) to refurbish the petrol filling station was approved. This was for a like for like replacement of existing and then still operational facilities, however this permission was never implemented and the petrol filling station closed in 1997. An application (ref A0/1655) for the renewal of the planning consent (95/1332) for refurbishment of the petrol filling station was submitted and subsequently refused in 2001 on the basis that the building and other structures had been removed and the development constituted new development in the Green Belt. It was concluded that the development did not meet the criteria for exemptions to the Green Belt policy in the development plan.

Development Plan

At the relevant date the development plan for the site comprised of the approved Aberdeen and Aberdeenshire Structure Plan (NEST – North East Scotland Together) 2001-2016 (NEST 2001) and the adopted Aberdeen City District Wide Local Plan 1991. The Local Plan was adopted in 1991 and at the relevant date did not conform to the Structure Plan (which was approved by Scottish Ministers in December 2001). The Finalised Aberdeen City Local Plan "Green Spaces – New Places published in August 2004 had been prepared to conform to the Structure Plan and would have been a material consideration at the relevant date.

Assessment of the CAAD Application

A CAAD application should not be determined solely on the basis of the terms of the development plan, however the development plan is a material consideration in the determination of the CAAD application. Given that the test of a CAAD application is whether planning permission would be granted, we are of the view that it is appropriate that Section 25 of the Town and Country Planning (Scotland) Act 1997 is used as a guide. This requires that decisions are taken in accordance with the development plan unless material considerations indicate otherwise.

Appropriate weight should be attached to those policies of the development not competently disregarded in terms of section 25(7) of the Land Compensation (Scotland) Act 1963 (which are policies relating to the use for which the land is to be acquired). In this case, at the relevant date the development plan did not include any policies identifying the CAAD site for AWPR use, and therefore there is no need to disregard any of the development plan policies in this assessment.

Development Plan

At the relevant date the CAAD site was located in the Green Belt area of Aberdeen, as defined within NEST 2001 Structure Plan. Policy 28 (Development in the Green Belt) in NEST 2001 states that no development will be permitted in the Green Belt for purposes other than those essential for agriculture, forestry, recreation, mineral extraction or restoration and landscape renewal. The policy continues to state that sites may be identified in local plans for sport, recreation and countryside uses appropriate to a rural character where specific locational or operational criteria mean they can not be accommodated within the urban area.

The site is also within the designated Green Belt (Policy GB1) in the adopted Aberdeen City District Wide Local Plan 1991 (ACDW Local Plan 1991) and has not been allocated for any particular use. This Green Belt policy states that there will be an embargo against all development, unless for uses which must be located in the countryside or those already existing in the Green Belt. The petrol filling station was closed in 1997 and subsequently all structures and equipment had been removed from the site. As such it can be concluded that the petrol filling station was not an 'existing' use at the relevant date. In addition, none of the types of development listed in Policy 28 and Policy GB1 as possibly being appropriate within the Green Belt refer to petrol filling stations.

The applicant states in their submission that at the time of the ACDW Local Plan 1991 being adopted the petrol filling station was still operational and that the green belt policy is not relevant as a result. However, the Town and Country Planning (Scotland) Act 1997 requires decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. As the petrol filling station had ceased to exist at the relevant date it can therefore only be concluded that the Green Belt policy GB1 is applicable and that the development of a new petrol filling station is to be regarded as new use for the site for which Policy 28 and Policy GB1 do not provide an exemption. It is also noted above that the Council refused several planning applications in the early 1990's when the petrol filling station was still operational and after the ACDW Local Plan 1991 was adopted, so this line of argument would appear inconsistent with the Council's interpretation of the development plan policy relevant to the site.

Policy 10.2.21 (Approaches to the City) states that there is an expectation for high visual standards in the development of the traffic routes and approaches to the city. In terms of visual impact the Committee Report that accompanied the application (ref A0/1655) for the renewal of the planning consent (95/1332) for refurbishment of the petrol filling station stated that the proposed petrol filling station, its canopy and ancillary building would have a significant detrimental effect on the green belt at this location. The site is located along a busy main arterial route into the city and is as such important in terms of first impressions of the city, especially for visitors. The applicant has not submitted any design information which would allow any further assessment against this policy or to show how these visual effects can be mitigated. There is no information to demonstrate this is an essential use at this location, and it was not an existing use at the relevant date. Therefore there is no information to justify an exception to this policy.

Given the CAAD application includes for an associated Class 1 Retail use it is relevant to consider the terms of retail policy in the development plan. NEST 2001 Structure Plan Policy 15 (Retailing and Town Centres) sets out structure plan policy on new retail developments and states that local plans should identify appropriate opportunities for retail, leisure, entertainment and other town centre uses. There are no opportunities for convenience retail identified in the ACDW Local Plan 1991 (which predates the NEST 2001 Structure Plan). It also requires that retail proposals must demonstrate that the sequential approach to choosing sites has been followed and that there is consistency with other structure plan policies. There is no evidence provided by the applicant to suggest that the sequential approach has been followed or that retail development can be justified under the terms of the policy. The only exception may be convenience retail of a small scale to serve a localised need or ancillary to the sale of fuel. The policy requires that development must be consistent with other structure plan policies and retail development at this location would not be consistent with Policy 28 (Green Belt).

Emerging Development Plan

At the relevant date the CAAD site is also part of the Aberdeen Green Belt and the Green Space Network within the emerging local plan, the Finalised Aberdeen City Local Plan "Green Spaces – New Places (FACLP). In this document Policy 22 (Filling Stations and Service Areas) states that there will be a general presumption against the provision of petrol filling stations and service areas in Green Belt locations. Those services that are provided must primarily meet the need of travellers and be of a scale consistent with these needs and *'only in exceptional circumstances for which a need can be demonstrated will they be allowed in a Green belt location'*.

The site is located approximately 2 km from the edge of the urban area of Bucksburn. There are at least 6 petrol filling stations situated on and near the A96 and within a short distance from the proposed site. It would seem unlikely that a justification could be provided that another petrol filling station is necessary in this location. The applicant does not provide any evidence to demonstrate that the proposed development could comply with this policy at this location. There are no specific locational or operational criteria which demonstrate that the petrol filling station should be located at this site within the Green Belt.

Policies 65A (Sequential Approach) and 65B (Out of Centre Proposals) of the FACLP relate to the retail policies set out in the NEST 2001 Structure Plan. Proposals must meet the sequential approach, the requirements for out of centre proposals as well as all other relevant policies of the local plan including green belt policies. As concluded above the application would not comply with Green Belt policies and the applicant has not provided evidence that suggest the sequential approach test could be met. In addition, the development is not justified in terms of meeting an identified deficiency.

Other Material Considerations

Scottish Planning Policy No.17 "Planning for Transport" (2005) (SPP17) would have been a material consideration in determining an application for a petrol filling station development at the relevant date. In paragraph 78 the document states that on trunk and strategic roads, other than motorways, travellers will have greater opportunities to stop en route or make a short diversion to find fuel, refreshment and rest. There is therefore less justification for dedicated service provision adjacent to the road. The scale and frequency of the provision of dedicated service areas is also affected by existing services in wayside and bypassed communities. The SPP also states that road users should have opportunities at least every 50 kilometres to stop for rest and to obtain essential services.

As noted above, the finalised local plan did not propose to release the CAAD site for any development, instead it seeks to maintain its Green Belt allocation. We do not therefore consider that SPP 17 would provide support for granting a CAAD for a petrol filling station at this site.

Policy guidance for retail development was provided in Scottish Planning Policy 8 Town Centres and Retailing (2006) (SPP8) which would have been a material consideration for the retail element of the proposal. SPP8 explains that planning authorities should adopt a sequential approach to selecting sites for all retail and commercial uses. SPP8 states that out-of-centre locations should be considered only if it can be demonstrated that all other options in the sequential test have been thoroughly assessed and discounted as unsuitable development of the scale proposed is appropriate. Paragraph 39 describes that proposals that are not consistent with the development plan should demonstrate it addresses qualitative or quantitative deficiencies and that the proposal does not conflict with the objectives of the development plan. As stated previously, the applicant has not provided evidence that suggests the application is acceptable under the terms of the sequential test nor that it seeks to address a deficiency in the retail offer in the location. That being the case, retail development would not be in accordance with the provisions of SPP8 as a stand alone use. It could only be permitted as an ancillary use to the petrol filling station.

The planning history of the site, including the previous refusal of permission for the renewal of the planning consent (95/1332) for refurbishment of the petrol filling station in 2001 (ref A0/1655) are relevant considerations, and we do not consider that the circumstances that led to these refusals had changed at the relevant date such that planning permission might have been granted.

The applicant states that principle of the development at this location is supported on the basis that the petrol filling station operated in this location from 1955 until its closure in 1997. At the time of its closure the petrol filling station was an existing use located in an area designated as Green Belt. However, the use of the site at the time of the application is applicable to the assessment of the application and at the relevant date the site had been cleared of all development for 10 years; even the concrete base slab is barely visible. As such the development of the petrol filling station would have constituted new development.

Conclusion

In terms of the three principal matters referred to within the assessment approach above, we have concluded that:

1. At the relevant date of 25 September 2007, it is considered that planning permission would not have been granted as the proposed development would be contrary to the development plan and emerging development plan, in particular Policy 28 (Development in the Green Belt) in the NEST 2001 Structure Plan, Policy GB1 in the adopted Aberdeen City District Wide Local Plan 1991 and Policy 22 (Filling Stations and Service Areas) in the Finalised Aberdeen City Local Plan (FACLP). The proposed development can also not be justified under the terms of retail policies NEST 2001 Structure Plan Policy 15 (Retailing and Town Centres), Policies 65A (Sequential Approach) and 65B (Out of Centre Proposals) of the FACLP or SPP8. In addition, no information has been provided to support a positive CAAD certificate on the basis of other material considerations. The planning history of the site is a relevant material consideration, and the fact that planning permission had previously been refused on several occasions for the development of ancillary services to the existing petrol filling station in 1985, 1993 and 1995 on the basis of introducing new uses into the Green Belt is of particular interest. In addition an application (ref A0/1655) for the renewal of the planning consent (95/1332) for refurbishment of the petrol filling station was submitted and subsequently refused in 2001 on the basis that the former structures had been removed and the development constituted new development in the Green Belt and the development did not meet the criteria for exceptions to the Green Belt policy. At the relevant date the development plan context that led to those refusals had not changed and in our view it would have been highly unlikely that the Council would have granted planning permission for the proposed development at the site in 2007.
2. At the relevant date, there was no information to suggest that planning permission might have been granted in the future. Based on the information available at the time, particularly the emerging Finalised Aberdeen City Local Plan 'Green Spaces – New, there was no indication that the site was being considered for any type of development. The finalised local plan continued to retain the site within the Green Belt and Green Space Network for land outwith the city boundary. No evidence is provided to demonstrate that the development could comply with Policy 28 of the Structure Plan or Policies GB1 in the adopted local plan and Policy 22 in the finalised local plan and as such it cannot be concluded that the proposed development would have been granted planning permission in the future. The finalised local plan is the best indication, at the relevant date, of the future evolution of local planning policy. It is not relevant to consider the CAAD application in the context of policy documents published after the relevant date.
3. As previously identified, there is no information to suggest that the principle of petrol filling station development would have been granted subject to conditions at the relevant date or in the future with the information available at the time. However if planning permission were to be granted we would suggest that conditions likely to have been appropriate would include those relating to the approval of a detailed design layout including information on landscaping, drainage, access, contaminated land and pollution prevention measures. It would be appropriate to restrict the gross floor area of the retailing space. In the absence of any information to justify the extent of retail floor space required, should the CAAD application be permitted then the conditions should restrict retail floor space to 4,000 square feet as a maximum.

Given the above assessment and conclusions, we are of the opinion that a negative certificate would be appropriate for this CAAD application, stating that at the relevant date of the 25 September 2007, planning permission would not have been granted for alternative land use at this site, other than the purpose for which the land has been acquired.

If you have any queries please do not hesitate to contact me on or

Yours faithfully



Gillian Nisbet MA(Hons) MRTPI

Technical Director

cc: John Wilson (AWPR Managing Agent)

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Planning Development Management Committee

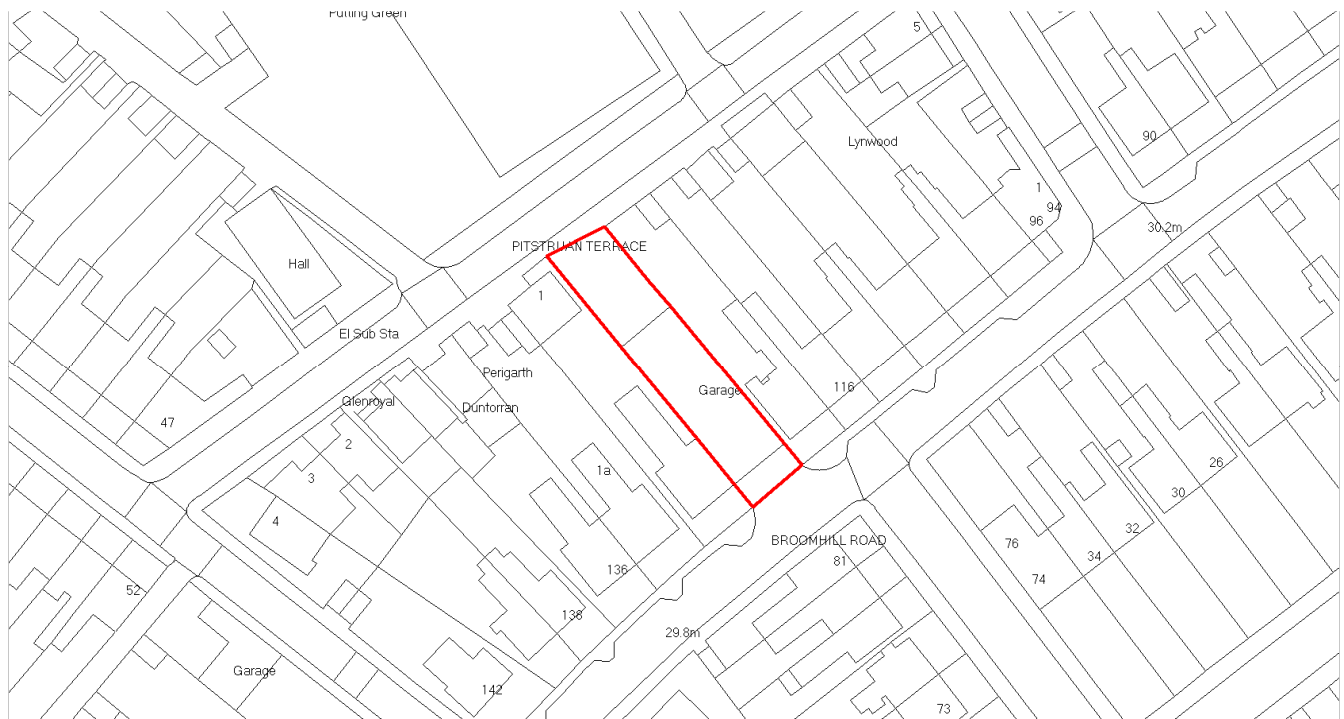
122 BROOMHILL ROAD, ABERDEEN

CHANGE OF USE OF VACANT CAR
SHOWROOM TO CLASS 1 (SHOP),
SHOPFRONT ALTERATIONS AND OTHER
EXTERNAL ALTERATIONS, ERECTION OF
GATE/FENCE TO REAR AND OTHER
ASSOCIATED WORKS, INCLUDING
FOOTPATH AND PARKING IMPROVEMENTS

For: Executors of Mrs P Ross

Application Type : Detailed Planning Permission
Application Ref. : P130910
Application Date: 25/06/2013
Officer: Jennifer Chalmers
Ward : Airyhall/Broomhill/Garthdee (I Yuill/A
Taylor/G Townson)

Advert :
Advertised on:
Committee Date: 29th October 2013
Community Council : Comments



RECOMMENDATION:

Refuse

DESCRIPTION

The site is located on the north west side of Broomhill Road and across from the junction with Abergeldie Road and covers an area of approximately 640sqm. There is space to the front (south elevation) of the property for 4 cars, whilst to the rear there is a large car parking area that leads out onto Pitstruan Terrace. The area is characterised by terraced flats and houses and to the rear of the property there is an amenity area with tennis courts and pitch and putt.

RELEVANT HISTORY

P130285 – Application was withdrawn on 24th June 2013. Application was for the 'Sub-division and part change of use to Class 1 (Shops)'.

PROPOSAL

Detailed planning permission is sought to change the use of a vacant car showroom to a Class 1 (shop) use, as well as shopfront alterations, external alterations, the erection of a gate / fence to the rear and other associated works, including footpath and parking improvements.

Although the most recent use was as a childrens play centre, that particular use did not have the benefit of planning permission and therefore the premises reverts to the previous authorised use as a car showroom.

To the front it is proposed to replace the existing entrance door and car entrance with new curtain walling. Whilst the existing window at the eastern end of the front elevation would become a new glazed entrance door with glass canopy above.

Two roller shutter doors are proposed, one for the front door and one for the rear.

The erection of a gate / fence to the rear. It is proposed to erect a 7ft close boarded timber fence along the eastern and western boundaries. This would be finished in forest green. Along the north elevation it is proposed to have a 7ft high galvanised pallisade fence with 2x (4.0m) wide gates. These would be flush with the boundary wall to the east.

It is proposed to remove the existing 4 parking spaces to the front of the property off Broomhill Road and lay new flagstone paving slabs at the entrance to the premises as well as erect 7 S/S bollards along the front boundary adjacent to the pavement. Also within this area it is proposed to install 3 Sheffield style bicycle stands.

Within the rear section of the building, it is proposed to install 6no 3m x 1m GRP rooflights.

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?130910>

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

- Parking Survey Report

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because there are more than 6 letters of objection and there is an objection from the Ashley & Broomhill Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team - Object to the proposal on the grounds that Broomhill Road, Pitstruan Terrace and Pitstruan Place are unsuitable for deliveries and that this could have a detrimental impact on the local residents, road network and road surface.

- 1. Walking & Cycling** – Note that it is proposed to install cycle parking at the front of the building. This is acceptable, however, still require secure cycle parking consisting of a minimum of 2 long stay cycle parking spaces comprising Sheffield style stands within a secure compound or within the building itself.
- 2. Parking** – Proposed to remove two existing build outs and provide additional on street parking. The applicant is already aware of the traffic orders required for this work.
- 3. Trip Rates** – Trip rates were worked out using the TRICS database for a convenience store. The results were generated using a gross floorspace of 334sqm.
 - The peak hours for a development of this type and size are 09:00–10:00 and 18:00–19:00.
 - The AM peak arrival and departure trip rates are 7.696 and 7.967 respectively.
 - The PM peak arrival and departure trip rates are 10.210 and 10.629 respectively.
 - The AM peak hour results in trip rates of 25.7 arriving and 26.6 departing.
 - Over a full hour this results in an average of 0.43 vehicles arriving per minute and 0.44 vehicles departing per minute.
 - The PM peak hour results in trip rates of 34.1 arriving and 35.5 departing.
 - Over a full hour this results in an average of 0.57 vehicles arriving per minute and 0.59 vehicles departing per minute.
- 4. Development Vehicle Access** – Through the previous application it became apparent that the servicing of a frequently used retail unit at this location had a strong potential to cause disruption to the local road network both on Broomhill Road and to the local residents on Pitstruan Terrace and surrounding areas. After further discussion it was agreed that we could not accept that deliveries be made using Broomhill Road as they would cause disruption to the vehicles, pedestrians and public transport using the road and users exiting Abergeldie Road.

The Swept Path Analysis has been submitted showing a 10m vehicle accessing the site. This swept path is slightly better than the 12m delivery vehicle which had previously been submitted, however, it still shows the vehicle and the overhang of the vehicle coming within the Roads Construction Consent allowable tolerance of 500mm of vehicles or infrastructure at two points on the entrance from Pitstruan Place to Pitstruan Terrace. This has been a thorough study which the Roads Projects Team are satisfied has been fully investigated, however, it still shows that both Broomhill Road, Pitstruan Terrace and Pitstruan Place are unsuitable for deliveries and this could have a detrimental impact on the local residents, road network and road surface. The Roads Projects Team object to this application on these grounds.

It is not possible to condition a development to using a specific size of delivery vehicle. As the Roads Projects Team have to consider the worst when looking at the traffic impact analysis of a development it is clear that large delivery vehicles would not be able to access this site in an acceptable manner.

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) - No observations received

Community Council - Object on the following grounds:

- 1. Access / Safety** – at the front, any large vehicles parked to the front could cause severe disruption to traffic and public bus transport in both directions of what is an arterial route into Aberdeen and to the RGU complex. The Community Council have for a number of years been receiving numerous complaints about the number of HGV's using Broomhill Road, and this would seriously exacerbate the problem. Recently the post box at the Broomhill Road end of Salisbury Terrace was knocked down by a B&Q vehicle. At the back, access would be required from Salisbury Terrace. This is zoned as a Conservation Area. The street is narrow, and the corners sharp to gain access to the rear of the building. Residents of Pitstruan Terrace have rooms close to the street, and so large diesel engine powered trucks regularly servicing the site would cause the families inside noise and irritation. Large vehicles attempting to enter or exit these roads would severely affect the traffic flow onto, or from Broomhill Road. Customers with cars would find difficulty parking, and may park to the annoyance of local residents. Clearly, in order to access Salisbury Terrace, these vehicles would need to swing out into the arterial traffic flow, then they would occupy most of the lane space so stopping traffic in the opposite direction. (who would need to reverse until a space could be made).
- 2. Parking** – The premises currently have off-road parking at the rear which will be removed to create a secure delivery yard and also removing the off street car parking to the front (4 spaces) which would put considerable pressure on existing residents parking. The streets around the back are so heavily parked day and night, an articulated truck would have a major challenge to deliver to the store by Salisbury Terrace / Pitstruan Terrace / Pitstruan Place.
- 3. Licencing Issues** – There are already known issues concerning youth misbehaviour in and around 'The Woodies' and Broomhill School. The availability of alcohol in close proximity to these sites is an issue of worry

to the residents and could lead to an increase in youth disorder. This may lead to policing issues and increase demand on police resources. There is an assumption that the proposed premises would be automatically licenced.

4. **Location** – Young children from Broomhill School would also be attracted to it, in the morning before school, possibly at lunchtimes and after school. If these times coincide with deliveries, then it raises safety fears as they would need to cross Salisbury Terrace to reach the site. Also, the back area has the Ruthrieston Sports area and Scout Hut. The lanes may offer an attractive meeting / drinking spot for youths. Residents fear a change in the current, peaceful situation.
5. **Over Provision** – There are no lack of facilities in the area with various independent retailers who serve the community well. These include grocery, newsagent, pharmacy, florist outlets. These businesses are sure to suffer. Already in close proximity and walking distance of the proposed outlet there are a number of supermarkets including, 2 Sainsbury's, 2 Tescos, 1 Coop, 1 Spar, 1 Iceland as well as Asda and Sainsbury's at Bridge of Dee and shops at Mannofield.
6. **Over Development** – The site is in a residential area, sandwiched between terraced flatted properties. The increase in volume of traffic, vehicular and pedestrian noise issues and restricted parking would impact adversely on their quality of life.
7. **Recent Parking Survey**
Issues in relation to:
 - the existing demand for parking is to be very high at all times, residents are sure to be inconvenienced by staff and customers cars
 - that only one route is passable for delivery vehicles at all times
 - that access for vehicles is extremely tight at all times, blocking the road to oncoming traffic
 - delivery vehicles would have to be restricted to a certain size

REPRESENTATIONS

1 letter of support has been received from the applicants agent. The points raised relate to the following –

1. How proposal relates to its existing use
2. Significance of Town and Country Planning (General Permitted Development) (Scotland) Order 1992
3. Reference to Policy RT4 of the Aberdeen Local Development Plan
4. Relevance of Policy H1 (Residential Areas) of the Aberdeen Local Development Plan
5. Length of time property has been marketed

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

1. Restricted parking spaces for residents

2. Broomhill Road is already congested as it has on street parking, it is a bus route, there is a school crossing, there are a large number of commercial trucks and it is too narrow.
3. It would change the balance and harmony of the community and lives.
4. Both Salisbury Terrace and Pitstruan Terrace are too narrow and are already congested with residents car parking
5. The plans would affect the character and appearance of the building
6. No reference to recycling facilities within the application
7. The proposal would impact fully on privacy, quality of life within the community and create a range of issues in terms of noise nuisance and traffic risks.
8. There would be a rise in noise levels and privacy due to the increased use.
9. Safety issues with nearby school. The proximity of the premises to primary school and danger to children playing on their bikes, scooters and playing football.
10. Access routes proposed – negotiation of narrow road in relation to parked cars and impact on curbs
11. The air conditioning vents would be 8-10 steps from a neighbouring bedroom window. 9.8m from main building and app 6.5 from conservatory
12. How much light pollution would there be from the lights at the rear.
13. The wider pavement on the north side of Pitstruan Terrace is there to protect the underground services (gas & electric).
14. Overuse of Broomhill Road by heavy vehicles
15. No detail given on proposed use of building
16. Danger of damage to property
17. Proposes to undermine existing shops thereby impacting local businesses
18. Delivery times
19. Anti social behaviour and vandalism from selling alcohol
20. Icy and snowy roads could be dangerous due to small back roads
21. There are already plenty supermarkets in the area (14 within a 1 mile radius)
22. Salisbury Terrace is already a rat run
23. Concerned that restrictions would be put in place in certain areas.
24. Increase in littering / hygiene
25. What would be the size of the recycling trucks and how often would they be there
26. Why is the existing oil tank being left – does it comply with OFTEC / fire regulations?
27. Neighbouring properties will be devalued

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) February 2010 – The planning system should promote development that supports the move towards a more economically, socially and environmentally sustainable society (35).

The planning system has an important role in supporting the achievement of sustainable development through its influence on the location, layout and design of new development.

Aberdeen City and Shire Structure Plan

This 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.

Aberdeen Local Development Plan

Policy H1 (Residential Areas) – within existing residential areas, proposals for non-residential uses will be refused unless:

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

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 all of the following requirements:

1. no other suitable site in a location that is acceptable in terms of policy RT1 is available or is likely to become available in a reasonable time.
2. there will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres.
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 using a network of walking, cycle and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.
5. The proposed development would have no significantly adverse effect on travel patterns and air pollution.

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.

Background

Pre-application discussions were carried out prior to the submission of the initial planning application. It was determined at this stage that planning permission would be required due to the total floor area of the building exceeding 235sqm. The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 allows for a change of use from a car showroom to a Class 1 use where the total floor area of the building does not exceed 235sqm. It is recognised that anything larger than this needs to be addressed and assessed, taking into consideration individual circumstances such as possible impact on the immediate area and that it should not be an assumed use.

Principle of Development

In general, the proposal for a change of use to a Class 1 Shop would be a favoured use within this residential area. However, although it would be recognised as a use that would be complementary to the surrounding residential area there are concerns in relation to the impact on residential amenity from the everyday operations of the premises.

Therefore, consideration needs to be given as to whether the proposed use can demonstrate that there would be no conflict with, or any nuisance to, the enjoyment of existing residential amenity. The application will be addressed in relation to current policy and not based on the previous use of the building.

There are two areas that need to be addressed in relation to this application, issues relating to access and also issues relating to residential amenity.

When considering a property for a change of use, generally a property needs to be marketed for at least 6 months before consideration will be given to a change of use. This property has been marketed since April 2012. The Planning Authority recognise the importance of trying to bring buildings back into use, however it is important to ensure that any proposed use would not be to the detriment of the amenity of the area.

Points 13-27 within the letters of representation are not material planning considerations and will therefore not be discussed within this report.

Retail Impact

As set out in Technical Advice Note: Retail Impact Assessments, a Retail Impact Assessment (RIA) is not considered necessary as the proposed gross retail floorspace is less than 2500 square metres. It is however necessary to address the criteria that are listed in Policy RT2 of the Aberdeen Local Development Plan.

In relation to Point 1, no detailed analysis of other potential locations has been carried out. This is not considered necessary or appropriate in this case given that there is no need for a Retail Impact Assessment and the small size of the premises and that its use would be primarily to meet local needs. Local shops outwith defined centres play an important role in providing a local service and help to sustain viable communities. It is a desirable goal to provide support to local shops that meets the needs of the local community.

Given the size of the proposed retail unit, it is clearly to serve local needs and as such would not be categorised as a supermarket which is defined in the glossary in the Local Development Plan as having trading floorspace of between 500 – 2500 square metres and as such a Retail Impact Assessment was not necessary.

In relation to Point 2, it is likely that the impact would be small and would therefore have no significant adverse effect on the vitality or viability of the nearest neighbourhood centre, which is located at the junction of Holburn Street and Broomhill Road.

It has been acknowledged that there has been no proven deficiency in the provision of the kind of development that has been applied for in relation to Point 3. However, a small retail store is likely to cater for local needs rather than a citywide customer base.

The proposed development would be easily and safely accessible by foot, cycle and public transport as the premises are on a bus route and would therefore not have a significant adverse effect on travel patterns and air pollution and therefore complies with both Points 4 and 5. As stated the premises are small and would serve a local community, therefore reducing the need to travel by car.

Physical Alterations to Building

It is considered that both the proposed 7ft high close boarded timber fence and galvanised palisade fence and gates would not have a detrimental impact on the character of the surrounding area. Although the general nature of palisade fencing is industrial in nature and visually may not be particularly pleasing to the eye, this would only be on the north elevation and would only cover approximately 12m of rear elevation.

There is currently a 1.5m high boundary wall along the eastern boundary. A 7ft high timber fence would increase the height of this boundary treatment by approximately 0.63m which is considered an acceptable height in relation to residential properties.

Also to the rear it is proposed to reduce the width of the current opening into the building. This would create an overall opening of approximately 2m. It is not considered that this would impact on any of the neighbouring properties. Another opening would be created on the rear elevation between the existing opening and the western boundary which would be designed to supply air to the internal plant. This would be approximately 9.8m from the main building and approximately 6.5m from a rear conservatory. Due to the proximity of the neighbouring property, there were concerns that this might cause noise disruption to the neighbouring property immediately to the west. Although Environmental Health have made no reference to this, there is the possibility that this could cause an element of noise as a result of the creation of this opening.

The 6no rooflights proposed for the rear section of building would not cause any overlooking as this section of building has no first floor level and the height of the lowest part would be at least 3.5m above ground level.

To the front it is proposed to create a doorway where there is currently a fixed window and to fit thermally blocked curtain walling where there is currently entrances. This will change the appearance of the existing frontage, however this proposal is considered acceptable as it would not change the overall character of the building.

It is considered that the majority of the physical alterations to the building would all accord with Policy H1, however, there are concerns that there may be an element of indirect noise nuisance generated from the proposed PPC Louvre that would supply air to the internal plant.

Access

The Roads Projects Team have requested that the current 4 off street car parking spaces within the front of the property be removed and replaced with 5 on street car parking spaces. This would enable both customers and residents to park within the immediate area. The Roads Projects Team are satisfied with there being no on site car parking, however they would like to see 2 long stay cycle parking spaces comprising Sheffield style stands within a secure compound or within the building itself as well as the 3 short stay Sheffield style stands which have been shown on Drawing No SK-003.

It has been noted that there is no capacity for offloading of service vehicles to the front of the site (Broomhill Road) due mainly to road safety issues and disruption to vehicles, pedestrians and public transport using the road and users exiting Abergeldie Road. As a result it was proposed that all service vehicles would have to access the premises from the rear, off Pitstruan Terrace, where there is a yard measuring approximately 213sqm. This in itself opens up a number of new issues relating predominantly to road safety.

A 'Swept Path Analysis' was submitted as part of the planning application, however the Roads Projects Team have concerns over the accuracy of this. It was then suggested that a detailed 'Parking Survey' should be carried out in order to prove the accuracy of the 'Swept Path Analysis' which was duly submitted. However, this did not meet the relevant criteria required by the Roads Projects Team and therefore they object to the proposal on the grounds that it would have a detrimental impact on the local residents, road network and road surface. The Car Parking Survey used a 12m long rigid HGV to provide an element of robustness to the assessment. The applicant has advised that the size of vehicle chosen was best-suited to reliably access the proposed store and that it would not be in the retailers interests to service the proposed store using vehicles too large to successfully access it. As it is not possible to apply a condition requiring the operator of the shop to use a specific size of delivery vehicle, the Roads Projects Team consider a worst case scenario when looking at the traffic impact of a development. The Car Parking Survey clearly shows that large delivery vehicles would not be able to access the site in an acceptable manner. On that basis, the applicant has not demonstrated that appropriate servicing and delivery arrangements can be put in place. This could therefore result in delivery vehicles stopping on the public road, which would cause a road safety hazard.

Residential Amenity

The area is zoned as residential and as such will be assessed in relation to Policy H1. It is recognised that the proposal complies with a part of Policy H1 as the proposed use would be complementary to residential use. However, one needs to be satisfied that there is no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

In terms of the proposed use, there are a number of factors that need to be considered such as delivery vehicles and the noise generated during the loading and offloading of metal cages. The area to the rear of the premises is a quiet

narrow road which backs onto an Aberdeen City Council public outdoor sports area, containing tennis courts, bowling green and putting green. It is considered that the character of the area would be impacted on, as a result of the proposed change of use. The proximity of the rear access to neighbouring houses would be immediately adjacent to the off loading area, which would create additional noise in what is currently a quiet street and it is considered that this would have a detrimental impact on the character and amenity of the surrounding residential amenity. It is therefore considered that the use could cause conflict with the enjoyment of existing residential amenity.

The most recent use of the premises was as a soft play centre, however this did not receive planning consent for this type of use, therefore from the planning perspective the premises are recognised as a car showroom which as noted above is the authorised use of the premises. Whilst it is not considered necessary to compare this use to the proposed use it should be recognised that noise disturbance could potentially arise from operating the premises as a car showroom.

Relevant Planning Matters Raised by the Community Council

'As these stores are automatically licenced, drink culture would add to the youth problems in the area' – licensing is not part of the planning process and is therefore not relevant.

No parking customer wise – this matter has been commented on earlier on in the report within the section 'Access'.

What is the exact nature of the retail business to be adopted there?' – The application was for a Change of use to Class 1 (Shop) which is all that is necessary in order to determine this application.

How many deliveries are projected to be made daily / weekly, and what happens where deliveries coincide?' – this information has not been provided and whilst it would be beneficial to have such details, it is not essential to the assessment of the application. Deliveries would inevitably be made to suit the operational requirements of the occupant. If deliveries did coincide, this could result in vehicles stopping on the public road causing a road safety hazard.

At what time would the deliveries be made?' – A condition could be attached to ensure deliveries are only carried out between set times.

Will it have a large air conditioning / re Fridgeration plant in close proximity to existing resident's gardens on Broomhill Road?' – this matter has been commented on earlier on in the report within the section 'Residential Amenity'.

Will extra refuse collections be required to deal with packaging etc?' – this is not a material consideration.

What would be the opening hours?' – if its deemed essential in order to protect residential amenity, a condition could be applied restricting opening hours.

What is the expected number of customers who will need to park on neighbouring streets? – the trip rate data can be seen within the Roads Projects Team Consultations section.

Relevant Planning Matters Raised in Written Representations (objections)

Restricted parking spaces for residents – the car parking within the application site is private ground and as such should not be used by neighbouring residents. However, the Roads Projects Team have requested the creation of 5 on street parking spaces to the front of the premises on Broomhill Road, which would compensate for the 4 spaces lost at the front of the property.

'Broomhill Road already congested as it has on street parking, it is a bus route, there is a school crossing, there are a large number of commercial trucks and it is too narrow' – this matter has been commented on earlier in the report within the section 'Access'.

It would change the balance and harmony of the community and lives and the character and appearance of the building' – it is acknowledged that there would be an element of impact on the immediate neighbourhood.

Both Salisbury Terrace and Pitstruan Terrace are too narrow and are already congested with residents car parking' – this matter has been commented on earlier in the report within the section 'Access'.

'There would be a rise in noise levels and privacy due to the increase use' – it is acknowledged that there are noise related issues with retail units in relation to loading / off loading of vehicles. This matter has been commented on earlier in the report within the section 'Residential Amenity'.

'The air conditioning vents would be 8-10 steps from a neighbouring bedroom window' – this matter has been commented on earlier in the report within the section 'Residential Amenity'.

'The impact on existing retailers and the requirement to carry out a Retail Impact Assessment' – this has been addressed within the 'Retail Impact' section.

'The location of new retail premises in a residential area and reference to the Council's Supplementary Guidance on City Centre and Retailing – Hierarchy of Centres' – this has been addressed within the 'Retail Impact' section.

'Recycling Facilities within a residential area could have a significant impact in particular in relation to noise' – in relation to Policy R6, this does encourage the presence of recycling facilities in such premises and it is recognised that this could cause a noise nuisance to neighbouring properties.

Relevant Planning Matters Raised in Supporting Letter (Agent)

'Policy RT4 of the Aberdeen Local Development Plan supports the retention of Local Shops. The subject site is located in a residential area that is poorly served by local shops and we are of the opinion that granting permission here will allow that balance to be redressed, in line with the terms and spirit of Policy RT4'.

This Policy is not relevant for this application as the proposed use is for a shop and not for the retention of one. Furtherstill, within a 1 mile radius of the application site there are 2 Tesco's, 2 Sainsbury's, 2 Co-ops, a Spar, an Iceland and an Asda Walmart as well as chemists and 2 local corner shops, one of which is within 200m of the application site and other small shops.

Community Council's Matters Raised in Response to Car Parking Survey

'That the car parking survey did not take into account cars parked within the application site' – a car parking survey only looks at cars parked on the public road and not on private ground. However, it is recognised that should the development open as a shop, these cars will be dispersed onto the local road network to park leaving even less room on the surrounding roads. Further information can be found in the 'Access' section.

'There is no certainty that the retailer would have a range of vehicles to select from and how could this be enforceable' – this is correct, the Roads Projects Team, have considered a worst case scenario when looking at the traffic impact analysis of a development.

'When there are two vehicles parked opposite to each other this can lead to long tailbacks as one stream of traffic waits for the other. It has been known for vehicles to have to reverse back out dangerously onto Broomhill Road' – it has been noted that two way traffic when cars are parked opposite each other is not possible.

'Diagrams may suggest that the streets are wider than they are and that there will be more car parking in it once the flats at the former Ashley Lodge have been complete. The roads are not wide enough to accommodate these types of vehicles on a regular basis' – this matter has been addressed within the 'Access' section.

'It may be feasible on the drawings but the reality is that it would cause severe disruption to traffic flow' – As mentioned in the 'Access' section, the Roads Projects Team

'The majority of customers will be drivers who will drive to the store, park on the street / pavement across from the shop frontage on double yellow lines causing a traffic issue' – potential illegal parking is not a relevant planning consideration.

'Noise and air pollution from the trucks and further damage to the road surface from heavy vehicles' – noise has been recognised and addressed within the section 'Residential Amenity'. In terms of air pollution, this is not considered an issue in relation to the amount of deliveries that would be taking place given the size of the premises.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposal does not comply with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan as there would be conflict with neighbouring properties which would act as a nuisance to and impinge on the enjoyment of the existing residential amenity arising from the proposed servicing and delivery arrangements for the premises, in particular the noise disturbance therefrom in relation to loading / offloading, the movement of metal cages and also in relation to vehicular movements.

That the applicant has not demonstrated that suitable and appropriate servicing and delivery arrangements and facilities can be provided. This could therefore result in delivery vehicles stopping on the public road adjacent to the premises which would cause a road safety hazard and would interrupt the free flow of traffic.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

Ashley Broomhill Community Council



Logo by Primary 4 Ashley Road School 09.

Planning Officer

Ken Eddie
14 Ashley Gardens
Aberdeen
AB10 6RQ.

\$Th. July 2013

**Application
Number:**

P130910

Type:

Detailed Planning
Permission

Web Reference Number: 000066224-001 122 Broomhill
Road, Aberdeen

Alex Ferguson

On behalf of Ashley broomhill Community Council the above application has been discussed. I have been instructed to contact the committee.

We are very concerned that this was not listed as a G L Hearn-TESCO store. The site is a former garage at the T junction of Abergeldie Road 122 Broomhill Road.

1 No parking customer wise.

2 Bus route has the Bendie bus type with bus stop LH side of the drawing towards town.

3 Articulated lorry type delivery would mean that the the entry and leaving Abergeldie Road would be bottle neck situation. From Community Council record for the past four years to the rat run from Anderson Drive to Holburn street is Articulated lorry short cut. If bus stops the back up is four or more articulated truck plus other commercial fowling the sat navigation.

4 The streets around the back are so heavily parked day and night, An Articulated truck would I feel have a major challenge to deliver to the store by Salisbury Terrace / Pitstruan Terrace / Pitstruan Place.

5 As these store are automatically licensed, drink culture would add to the youth problems in the area called woodies. At present under control public and police working together.

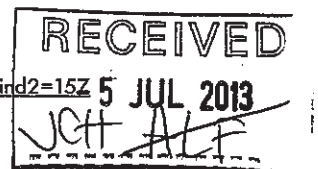
A primary school is very close the children would also be draw to it adding safety fears along the stretch of Broomhill Rd.

6 As the back area has the Salisbury sports area this is an area open tennis bowls Ideal for drinking den plus back lanes. A Scout Hut low use thus another area of concern. At present this is manageable but we feel a can of worms is about to be opened.

7 Make a stand on the licence for once and help the area remain very liveable.

Regards ken Eddie Planning Officer for Ashley broomhill Community Council.

http://www.aberdeencity.gov.uk/xcc_CommunityDetail.asp?id=2087&ind=2&ind2=15Z 5 JUL 2013





Planning Officer: Jennifer Chalmers

Planning Application no: 13091 at 122 Broomhill Rd

Dear Ms Chalmers

Since Mr Eddie contacted with you with an objection for this application from the Community Council, further issues have been raised to us from residents. Ashley and Broomhill Community Council has been approached to raise grave concerns about this application which we understand may have been placed by the agent for the Tesco chain of supermarkets seeking to expand their network.

General Comment

This application lacks detail. The CC feel that further information about exactly what the site would be used for is essential before a planning decision can be taken.

For instance:

- What is the exact nature of the retail business to be adopted there?
- Would it automatically have a licence to sell tobacco and alcohol?
- How many staff will require parking spaces on neighbouring streets?
- How many deliveries are projected to be made daily / weekly?
- At what time would the deliveries be made?
- Will it have a large air conditioning / re Fridgeration plant in close proximity to existing resident's gardens on Broomhill Road?
- Will extra refuse collections be required to deal with packaging etc?
- What would be the opening hours?
- Would it be 7 day trading?
- What is the expected number of customers who will need to park on neighbouring streets?

From the available information, the Ashley and Broomhill Community Council would like to object on the following grounds:

Access / Safety

At the front

Broomhill Road is a narrow street. Any business, such as a supermarket would require regular deliveries using large trucks, possibly at times including ARTICs. Any larger vehicle parked to the front would could severe disruption to traffic and public bus transport in both directions of what is an arterial route into Aberdeen and to the RGU complex. The Community Council has for a number of years been receiving numerous complaints about the number of HGVs using Broomhill Road, and this would seriously exacerbate the problem. Recently the post box at the Broomhill Rd end of Salisbury Terrace was knocked over by a B&Q vehicle.

At the back

Access would be required from Salisbury Terrace. This is zoned a Conservation area. The street is narrow, and the corners sharp to gain access to the rear of the building. Residents of Pitstruan Terrace have rooms close to the street, and so large diesel engine powered trucks regularly servicing the site would cause the families inside noise and irritation.

The proposed route for delivery vehicles would use both Salisbury Terrace and Pitstruan Place. Both these streets are busy at commuter times and help to move traffic north to south across the city away from main routes. Large vehicles attempting to enter or exit these roads would severely affect the traffic flow on to, or from Broomhill Road. Customers with cars would find difficulty parking, and may park to the annoyance of local residents.

Turning Circles of proposed vehicles

type of vehicle	length	turning circle	width	weight
refuse truck	8m	17m	2.4m	16.26
fire engine	7m	15m	2.4m	16.26
10m rigid	10m	11m	2.5m	not supplied
12m rigid	12m	11.9m	2.5m	not supplied

Information for refuse truck and fire engine taken from roymech.co.uk. Fire engine dimensions are for the Dennis Sabre which is the most common fire engine in the UK.

Information for 10m and 12m rigid truck taken from application to ACC

Clearly, in order to access Salisbury Terrace, these vehicles would need to swing out into the arterial traffic flow, then they would occupy most of the lane space so stopping traffic in the opposite direction. (who would need to reverse until a space could be made.)

Parking

Cafe O' Clay used to have off-road parking at rear which will be removed to create a secure delivery yard. Therefore they are removing off street parking at the rear of the building plus removing the 4 off street parking spaces at front of shop and replacing with 5 spaces parallel kerbside parking. This would put considerable pressure on existing resident's parking

Licencing Issues

There are already known issues concerning youth misbehaviour in and around 'The Woodies' and Broomhill School. The availability of alcohol in close proximity to these sites is an issue of worry to the residents and could lead to an increase in youth disorder. This may lead to policing issues and increase demand on police resources.

Location

Young children from Broomhill School would also be attracted to it, in the morning before school, possibly at lunchtimes and after school. If these times coincided with deliveries, then it raises safety fears as they would need to cross Salisbury Terrace to reach the site. Also, the back area has the Ruthrieston Sports area and Scout Hut. The lanes may offer an attractive meeting/drinking spot for youths. Residents fear a change in the current, peaceful situation.

Over provision

There is no lack of facilities in this area. We are particularly fortunate to have various independent retailers who serve the community well. These include grocery, newsagent, pharmacy, florist outlets. These businesses are sure to suffer.

Already in close proximity and walking distance of the proposed outlet there are a number of supermarkets including – 2 Sainsbury's, 2 existing Tescos, 1 Coop, 1 Spar, 1 Iceland – and that does not include the big two, Asda and Sainsbury's at the Bridge of Dee or the shops close by at Mannofield..

Over development

This site is in a residential area, sandwiched between terraced flatted properties. For the people living in these flats .The increased volume of traffic, vehicular and pedestrian, possible noise issues, and restricted parking would impact adversely on their quality of life.

Ashley and Broomhill Community Council hope that this application will be refused.
Thank you.

Jennifer Butler /Cathryn Duncan
Chair / Treasurer of Ashley and Broomhill CC



Planning Officer: Jennifer Chalmers

Planning Application no: ~~13091~~ at 122 Broomhill Rd

130910

5/10/13

Dear Ms Chalmers

The Community Council would wish to respond to the recent Parking Survey referring to the above application. We would thank you for this opportunity to do this. The detail of this report is appreciated.

It shows:

- the existing demand for parking to be very high at all times, residents are sure to be inconvenienced by staff and customer cars
- that only one route is passable for delivery vehicles at all times
- that access for vehicles is extremely tight at all times, blocking the road to oncoming traffic
- delivery vehicles would have to be restricted to a certain size

It does not bear in mind the added pressures on parking that the new developments at the Former Ashley Lodge and at the top of Salisbury Terrace. The 'Wash Bay' premises were also unused at the time of the survey.

In Annex 1, we have replied to the points raised by the applicant.

In Annex 2, we have supporting information from our 'ABCC survey' .

In Annex 3 , we show photos of where delivery trucks would be turning

We would wholeheartedly agree with the comments made by Mr R Baillie (Roads Project Engineer, ACC) in his latest report.

We believe that the concerns confirmed by the planning report and all the other concerns previously sent to you in objections present a compelling case for refusing this application.

We very much hope the application will be rejected .

Thank you

J. Butler

Jennifer Butler

Chair, Ashley and Broomhill CC.

Annex 1 – Comments addressing points raised in the report*

Comments from the CC are in this print and highlighted at the side by a line.

The graph overleaf shows the total number of vehicles parked on each road during each half hour period of the survey. The total number of vehicles parked on the three roads peaked at 145 at the beginning of the survey at 0600, then reduced by 20 vehicles by 0700, then by a further 19 vehicles by 0800 before reaching 98 at 1030, the minimum recorded during the survey. The number of vehicles parked increased to 106 by 1130 and then remained within one vehicle of 106 until 1630 when the number increased to 109. By the end of the survey at 1800, the number of parked vehicles had increased to 125. During the period 0900 to 1400, there were fewer than ten vehicles arriving or ten vehicles departing during each survey period.

This shows a high number of vehicles as would be expected from this residential area. Of course during the day the number would drop as residents go to work, then rise when they came home again.

We note you record between 9am-2pm there are <10 arrivals and departures. We would be interested to know what these were between 6-9am, and 2-6pm. These routes provide a relief route for drivers to cross Aberdeen instead of using North Anderson Drive, used by employees getting to work and the school run. It is at these times deliveries are likely to be made.

Also, where would the employees / shoppers of the store park? They would have to wait for residents to leave before they can park.

The times that show most congestion are likely to be the times shoppers want to park.

The surveyors who were out to survey the traffic were not seen to take note of the subject property car park. On average there is a minimum of 2 cars over night at the rear and 3-4 cars in the front car park. It is possible these cars were never taken into consideration within the survey. The rear car park can have a maximum of 7-8 cars and this would be lost. There are also regular events in the Scout Hut on Pitstruan Terrace requiring parking.

Many retailers who operate a store such as that proposed have a fleet of delivery vehicles of differing sizes and would choose the size of vehicle best-suited to reliably access the proposed store. Hence the retailer who occupies the proposed development may use shorter vehicles than we have tested. Furthermore, the permitted use of the existing building is a car showroom which would have generated (and could again generate) various vehicle trips including car transporters to deliver and pick-up cars and rigid HGVs to deliver car parts and other items.

There is no certainty that the retailer would have a range of vehicles to select from, and how would this be enforced?.

The car showroom building ceased to operate years ago. It has been used as a clay modelling and plate painting craft shop until that business moved out.

The Community Council remembers a large number of complaints from residents about the car showroom, which were reported to the Council. Car transporters would stop on Broomhill Road, causing problems there. Car parts were generally delivered in small vans.

The drawings show that throughout the entire survey period, there would have been a clear route for a 12m long rigid HGV to approach the proposed development along Great Western Road, turn into Pitstruan Place, turn right into Pitstruan Terrace before turning into the proposed development.

This says the only clear route for all times was from GWR along Pitstruan Terrace, so by default that no approaches from the Broomhill road side would be possible. This situation is likely to change significantly with the development of flats on two sites (former Ashley Lodge, and garages at the top of Salisbury Terrace)

The drawings do record high levels of street parking at all times. When going up or down any of these streets to if there are vehicles parked on or side or the other, one of the vehicles has to pull in and wait for the other vehicle.
Further information in Annex 2

Note that we show drawings of the swept path of the vehicle during every period in the survey (which started at 0600). That is not to say that deliveries would necessarily start at that time - no doubt a suitable time to start deliveries could be agreed with you – but is shown to demonstrate that this route would have been available throughout the survey period.

Residents who currently stay beside supermarket premises report that deliveries do start early and can be very noisy. Is it really possible to agree to delivery times? Also shoppers have extended hours.

Current Tesco Metro Stores advertise these times:

1. Union Street - 6am til 11pm (7 days a week)
2. Holburn Street - 6am til 11pm (7 days a week)
3. South - Wellington - 7am till 10pm (7 days a week)
4. 472 King Street - 6am til midnight (7 days a week)
5. Great Northern Road - 7am til 11pm (7 days a week)
6. Great Western Road - 6am til 11pm (7 days a week)
7. Laurel Drive, Danestone - 24hr store (7 days a week)
8. Woodend, Rousay Drive - 6am til midnight (7 days a week) Sun til 10pm
9. North Deeside Road - 6am til 11pm (7 days a week)
10. Dyce - Victoria Street - 6am til 11pm (7 days a week)

The drawings in Annex B also show that from 0830 until the end of the survey period, it would have been possible for a 12m long rigid HGV to access the proposed development from Broomhill Road via Pitstruan Place and Pitstruan Terrace.

When there are two vehicles parked opposite to each other this can lead to long tailbacks as one stream of traffic waits for the other. At the Pitstruan Place side, at busy times vehicles often have to reverse back out dangerously onto a busy Broomhill Road.
More detailed analysis in Annex 2

The final drawing in Annex B shows the swept path of a 12m rigid HGV exiting the proposed development by heading eastwards along Pitstruan Terrace then turning left and heading northwards along Pitstruan Place to reach Great Western Road. Note that this drawing shows the location of every vehicle parked during the entire 0600 to 1800 survey period. That is clearly an unrealistically pessimistic situation; since the HGV can exit the site in that situation, it will clearly also be able to do so during more typical situations.

We note the diagrams are 'schematic, not for construction purposes'. The widths of the street shown do not accurately represent the actual width of the street. The diagrams may suggest the streets are wider than they are. Residents of the area will tell you that if there are cars parked then moving vehicles have to pull over to let the other through. Please note that this street will have more car parking in it once the flats (former Ashley Lodge) are completed.

More detailed analysis in Annex 2

Finally, the drawing in Annex C shows the swept path of a 12m rigid HGV entering and exiting the service yard of the proposed development from Pitstruan Terrace from both the east and the west, based again on the 'worst case' level of parking observed in that area during the survey. Again, the drawing shows that the manoeuvre is feasible.

It may be feasible on your drawings, but the reality is that it would cause severe disruption to traffic flow. If one vehicle was exiting out while another approached, there is very little room for manoeuvre. Residents see this regularly as other traffic, vans, refuse collection vehicles, furniture delivery vans try to access the streets around.

More detailed analysis in Annex 2, photos in Annex 3.

Annex 2 –ABCC survey *

Some Measurements

It is confirmed that a standard 10 ton / 12m long truck should have a max width of 2.55m but a refrigerated truck is allowed to have its box 2.6m wide to allow for the additional thickness of its insulated side walls! Metro stores carry a large range of refrigerated goods.

Kerb to kerb width measurements of both Pitstruan Terrace @ 6.1m and Salisbury @ 6.9m.

The dimension remaining should two (small) cars be parked opposite each other which is allowable - but will be less if each car parked more than 100mm away from the kerb, For Pitstruan Terrace @ 2.4m gap (truck not possible) and Salisbury @ 2.7m gap (leaving 50mm each side of the truck!!!)

(but if any of the neighbours decided to buy a 4 x 4, or any vans were parked then these dimensions will be drastically reduced)

This maybe explains why the letter box at the corner of Salisbury was flattened a short while ago by a B&Q Delivery truck (lucky that did not end up being a school child waiting at the kerb edge.)

We can visibly see the turn in to the terrace from the side roads onto Pitstruan Terrace is a non starter at the Salisbury end but may be manageable but tight at the Pitstruan Place end.

The next situation that arises is the vehicle facing Salisbury as it approaches the shop's back yard has to reverse into a gated opening.

At the r/h side of the opening is the black/gold cast iron pavement bollard (there for a reason because of the previous companies who worked from the garage) and the tree at the l/h side on the rough pavement (This is to be private ground so the tree could not be removed by the developer)

What would probably happen is the trucks will simply park on the terrace and offload on the street.

When deliveries coincide....

The deliveries cannot be perfectly orchestrated . The situation that could prevail is , that a van is already in the yard , another appears along the lane and starts to off load in the middle of the street! , local cars follow behind and drive along the pavements to save waiting , the trucks will arrive facing opposite directions and the one leaving will require the one on the street to start up / drive past , allow the empty truck to drive out , then the waiting van can then move about to access the yard?

to all the service traffic , we may have completely overlooked the obvious , the actual customers.

How will the customers access / leave the store?

It is likely a large majority of customers will be drivers, and if this is the case the options to visit the store will be to drive from their homes, park on the street / pavement across the road from the shop frontage - not a concern for the retailer, this will be a traffic issue obviously, on yellow lines in Abergeldie and at the front of the shop.

Once they've completed their shopping and need to go back from where they started - and this situation won't change from wherever they came from in town.

To turn around and go home will involve :

Those parked at the shop either doing a U turn on Broomhill (affecting oncoming traffic when busy and creating a hazard not currently existing on Broomhill)

Or, drive away from the shop, turn up either Pitstruan Place or Salisbury, drive along Pitstruan Terrace (cars coming face to face!! - interesting situation) so the Traffic along Pitstruan Place + Terrace / Salisbury will be at levels not even mentioned in any calculation.

Environmental factors

There will be noise/air pollution from the trucks.

The streets under debate were intended for light traffic cars weighing 1-2 tons. Already they are potholed and uneven. Larger, heavier vehicles weighing 3-20 tons would damage the road surface enormously.

Deliveries

While there is a difference in scale, the system is the same, ASDA at the Bridge of Dee, you will see ARR Craib trucks parked with their rear ends sticking out onto the drive — waiting their turn to be off loaded, So here in the terrace, if truck 1 is in the yard or on the street — where does truck 2 park / wait? probably on the end of the terrace or park directly behind truck one and also start to off load — so the Terrace becomes a full length loading bay! - oh, they didnt go in the yard so will have to reverse back onto the place (can't go via Salisbury)

Regardless of who is travelling or parked on the street — it just won't work,

Sat Nav systems will not show drivers that access to the Terrace is not possible. Inevitably, while recognising they have skilled drivers, they are human. Working to such tight margins will lead to cars being scraped and pavements crushed.

Comment

If they get this application approved they have to operate their business, This is accompanied by noise and disruption as vehicles whether delivering or consumers come and go as they wish. They cannot be restricted. There will be a serious detrimental effect on the residents' quality of life.

Annex 3 – photos showing access to/from the site *



This shows the area where delivery trucks would be attempting to turn looking west on Pitstruan Terrace,



This shows the area where delivery trucks would be attempting to turn looking east on Pitstruan Terrace.

**I would like to thank and acknowledge the assistance of local residents, who have expressed concerns about this proposed development, and particularly Mr S Gallagher, Mr and Mrs L and E Dawson in the compilation of this response.*

Robert Vickers

From: Jennifer Chalmers
Sent: 22 July 2013 09:49
To: PI
Subject: FW: Broomhill Road Tesco Store Proposal

From: Struan King MSYP
Sent: 19 July 2013 12:45
To: Jennifer Chalmers
Subject: Broomhill Road Tesco Store Proposal

Dear Ms Chalmers,

Broomhill Road Tesco Store Proposal

It has been brought to my attention that a planning application has been submitted for a new Tesco Store on Broomhill Road. After reading the application and the Community Council response I am firmly of the opinion this development will detrimentally impact local young people and the area in general.

As the Member of the Scottish Youth Parliament for Aberdeen Central it is my role to represent the interests of Young People in my Constituency. Ensuring that decision makers locally and nationally respect their views and needs.

Two Key Concerns are detailed below:

The potential for increased traffic; this is already an issue being in an area with high pedestrian counts and in particular could pose a danger to young pupils on their way to and from school.

The potential increased provision of Alcohol and Tobacco, the application is not clear on this matter. The Broomhill area has had recent issues with crime and antisocial behaviour will the potential increase in accessibility of Alcohol to Young People aggravate this issue.

I believe the proposed development has serious implications for young people, in particular Broomhill School and I would like to reiterate the concerns raised by the Community Council. I would be quite interested in meeting with yourself and the Community Council to discuss how we can work together on this issue.

I look forward to your response.

Yours sincerely,

Struan King
MSYP Aberdeen Central
Phone: 1
Email:

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 10 July 2013 19:53
To: PI
Subject: Planning Comment for 130910

Comment for Planning Application 130910

Name : Nicholas Gill
Address : 126 Broomhill Road.
Aberdeen,
AB10 6HX

Telephone :

Email : [REDACTED]

type :

Comment : In relation to this planning application I would like to comment that I object fully, the reasons for which are as follows:

1. The proposal itself of a supermarket would have a detrimental impact on the amenities of this residential area. Firstly the plans themselves would affect the character and appearance of the building and in turn this would not be in keeping with the other buildings/houses within the area.

The practical aspects of amenity would also be affected such as traffic generations, rise in noise levels on an already busy road and create a nuisance for both residents and passer throughs.

There would also be a social impact as approval would be detrimental to the well-being of the community in which the premises are located.

Privacy of the residents would also be impacted on due to the increased flow of traffic.

2. There would also be a detrimental impact on parking available for residents/property owners of the area by the loss of two parking bays and also though added traffic. This in turn would impact on road safety, which I feel has to be given serious consideration especially as there is a local primary school less than 500 metres along the road.

The roads themselves are not wide enough for the proposal of lorries using them to load/unload which again generates safety issues not only for residents but for the drivers themselves. There would also be increased risks for pedestrians and cyclists.

3. The proposal of locating a supermarket is not compatible within this residential area as the building itself would be closely located within residents homes/accomodation. Approval of this would only allow for the creation of a precedent for more of the same.

Robert Vickers

From: Derek Whyte [REDACTED]
Sent: 19 July 2013 09:42
To: PI
Subject: Planning application 130910

Dear Jennifer Chalmers

I write to register my objection to this planning application

Salisbury/Pitstruan area is a quiet neighbourhood which supports its local shops and the possible introduction of a national food retail company is neither required or desirable by the majority of people who live in this area. I feel that a new 'shop' would be frequented mainly by customers passing along Broomhill road by car.

We are well serviced by our local shops i.e. Lynch on Broomhill Road, Hammerton Stores on Gt Western Road and Leith's on Forbesfield Road. In addition, we are close to the city centre with buses at least every ten minutes, and we are a short distance from the Bridge of Dee by car or bus where there are two supermarkets. There are also shops on nearby Holburn Street similar to that being proposed therefore I see no need for an additional 'shop' on this site.

Traffic - Salisbury Terrace - The planning application indicates that delivery trucks will travel along Salisbury Terrace before accessing the rear of the proposed 'store'. This Terrace is narrow and during any normal week has a steady flow of traffic in both directions being used as a 'link road' by many vehicles travelling to and from the Gt Western Road area and Forest Avenue to reach the roundabout at Fonthill Road, the City Centre, Gt Southern Road and beyond.

Broomhill Road, from where Salisbury Terrace may be accessed by delivery trucks to the proposed new 'store', is increasingly busy with large lorries and vehicles. This matter has been raised with Aberdeen City Council by Ashley & Bromhill Community Council.

Week ending Friday 5th July the post box at the bottom of Salisbury Terrace was knocked over by a B&Q delivery van which was turning from Broomhill Road into Salisbury Terrace.

Parking on Salisbury Terrace, Pitstruan Terrace and Pitstruan Place is often at a premium which would make the movement of delivery trucks impractical and dangerous. Additional parking restrictions are not required in our area. Any extra yellow lines or traffic restrictions installed to allow this project to proceed, would be for the benefit of the proposed 'shop' operator and not for the majority of local residents.

Pedestrians - the council has demonstrated their commitment in ensuring a safe environment near our schools - allowing this project to proceed would put children, parents and other residents and road users at risk - Broomhill School is 100 metres approx. from Salisbury Terrace.

I see groups of older children walking along here to and from school. Its wide pavement is popular with children learning to ride and play on their trikes, bikes and scooters. Residents from Gray Street, Salisbury Terrace and our general area walk their dogs here and use this street when walking into the city or to reach the shops at Holburn and Broomhill. The introduction of reversing trucks to the rear of the former Cafe O'Clay building would put many of the users of the Terrace at risk.

If this application was to be approved it would be to the detriment of the local community and mostly benefit a retailer whose profit and expansion plans are their prime motivation. I therefore urge you to reject this planning application.

Thank you

Derek Whyte
48 Salisbury Terrace
Aberdeen
Ab10 6QH

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 12 July 2013 14:38
To: PI
Subject: Planning Comment for 130910

Comment for Planning Application 130910

Name : Lynn Campbell
Address : 1 Pistruan Terrace
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I am writing to object to the above application that has been submitted.

I am a neighbouring resident at 1 Pitstruan Terrace therefore this proposed shop is going to affect me and my family the most due to the close proximity of my house to the rear entrance and service delivery gates.

The proposed 7ft high galvanised gates will rattle and rumble together with the frequent lorries arriving, their reversing beepers sounding, engines left running together with the cargo being off loaded in rattling crates will make a terrible noise each and every time a delivery is made. I am assuming that it won't be 1 lorry per day either!

I have seen that there will be 3 rooflights, which will look into my first floor bedrooms and I totally against this intrusion of privacy. As for the refrigeration units, which will be, housed 6 paces from my back door I can only imagine that their droan will cause our family much disruption come night time.

We live in a very residential area were noise is at a minimum and I fully expect this shop to put an end o this for good!

We have limited traffic along Pitstruan Terrace therefore we find that this to be a safe street where my young daughter likes to push her pram or ride her trike along it, this I guess will also come to an end due to the nature of the vehicles that will be travelling along the street.

Everything about this proposed shop is unnecessary especially due to the close proximity of the shops such as Tesco's on Holburn street together with Sainsburys, Iceland at the bottom of Broomhill Road and a massive Asda and Saisburys at the Bridge of Dee. Why ruin a perfectly happy couple of streets by allowing such a ridiculous application to go through.

This site is suitable for residential only!

I have made sure that my neighbours are fully aware of what is going on and everyone hi have come across is of the same opinion and have assured me that they will also be voicing their objection to this application. We shall continue to fight this till the end.

Please do not hesitate to contact me should you require further information on

Regards
Lynn

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 10 July 2013 22:42
To: PI
Subject: Planning Comment for 130910

Comment for Planning Application 130910

Name : Euan Dawson

Address : pitstruan Terrace

Telephone [REDACTED]

Email : [REDACTED]

type :

Comment : regret i have been unable to view the quantity of complaints online as first suggested?

However i would take this opportunity to reiterate

The proposed use for this empty garage is not appropriate for this tight residential locality

There are concerns about the daily needs of this commercial development to survive, namely the amount of pollution (yes i know they'll have a green policy - but the fumes coming out of the exhausts is still unacceptable - as its the very same diesel as every other green trucks consume) (heavy diesel engine and reversing bleeper noise and fumes) created by the quantity of trucks (whatever size) to service this business (own trucks / waste removal - recycling / milk - fresh produce daily - by how many separate suppliers are contracted to fill the shelves / staff vehicles Noise from internal freezer plant 24/7 even when staff close for the night Damage to surrounding streets - all of which are already in a terrible state (currently just with cars - can you imagine trucks and the amount of them) New Roof sky lights facing neighbouring residential properties (looking towards bedrooms and shower rooms (massive roof lights shown on drawings)

The dimensions of the roads proposed in their sweep analysis to access the rear lane are totally unsuitable for any truck on a regular basis.

Suspect a considerable amount of residents vehicles will require to be displaced to provide the necessary "safe" access - meaning yellow lines

Whatever the opening hours are to be

Will they sell Alcohol / Tobacco (of course) Light pollution from signs / display windows / rear yard The secure rear yard (i suspect, means a high security fence) Staff requirements to smoke - standing a couple of steps away from residents doors

This site does need a new life we all agree, regretfully this proposed development is not the correct choice in any shape or form,

even as good as their planning intentions may come across on paper, once done the residents and neighbourhood will be left with the problem, we can only hope the quantity of individual complaints will knock this one on the head.

Pity, given the size of the proposed development it was not better publicised to the residents - their future customers?

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 12 July 2013 19:18
To: PI
Subject: Planning Comment for 130910

Comment for Planning Application 130910

Name : Laura Jane Campbell
Address : 378 Great Western Road
ABERDEEN
AB10 6PH

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Broomhill Road is a busy road already without cars coming and going from a retail outlet. Salisbury Terrace, Pitstruan Terrace and Pitstruan Place were not built to accommodate large delivery vehicles and customer parking. The four roads are congested already and do not need more congestion. Residents already have Sainsbury's,, Asda, Co-operative, Tesco, Iceland and Spar within walking distance and also small local 'corner shops' such as Hammerton Store and A J Leiths. Most importantly the site is close to Broomhill Primary School which has enough problems with traffic without a retail outlet adding to it. We have enough places to buy our weekly shopping, to get milk every couple of days and buy our lottery tickets. No more, thank you.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 17 July 2013 22:04
To: PI
Subject: Planning Comment for 130910

Comment for Planning Application 130910

Name : William Cardno
Address : 52 Salisbury Terrace
Aberdeen
AB10 6QH

Telephone :

Email : [REDACTED]

type :

Comment : I wish to register my objection to this planning application on the following grounds:

Broomhill Road is a narrow street. Any business, such as a supermarket would require regular deliveries using large trucks, possibly at times including ARTICs.

Any larger vehicle parked to the front would could severe disruption to traffic and public bus transport in both directions of what is an arterial route into Aberdeen and to the RGU complex. The Community Council has for a number of years been receiving numerous complaints about the number of HGVs using Broomhill Road, and this would seriously exacerbate the problem. Recently the post box at the Broomhill Rd end of Salisbury Terrace was knocked over by a B&Q vehicle.

Access would be required from Salisbury Terrace. This is zoned a Conservation area. The street is narrow, and the corners sharp to gain access to the rear of the building. Residents of Pitstruan Terrace have rooms close to the street, and so large diesel engine powered trucks regularly servicing the site would cause the families inside noise and irritation.

The proposed route for delivery vehicles would use both Salisbury Terrace and Pitstruan Place. Both these streets are busy at commuter times and help to move traffic north to south across the city away from main routes. Large vehicles attempting to enter or exit these roads would severely affect the traffic flow on to, or from Broomhill Road. Customers with cars would find difficulty parking, and may park to the annoyance of local residents.

Clearly, in order to access Salisbury Terrace, these vehicles would need to swing out into the arterial traffic flow, then they would occupy most of the lane space so stopping traffic in the opposite direction. (who would need to reverse until a space could be made.) Cafe O'Clay used to have off-road parking at rear which will be removed to create a secure delivery yard. Therefore they are removing off street parking at the rear of the building plus removing the 4 off street parking spaces at front of shop and replacing with 5 spaces parallel kerbside parking. This would put considerable pressure on existing resident's parking There is no lack of facilities in this area. We are particularly fortunate to have various independent retailers who serve the community well. These include grocery, newsagent, pharmacy, florist outlets. These businesses are sure to suffer.

Already in close proximity and walking distance of the proposed outlet there are a number of supermarkets including 2 Sainsbury's, 2 existing Tescos, 1 Coop, 1 Spar, 1 Iceland; and that does not include the big two, Asda and Sainsbury's at the Bridge of Dee or the shops close by at Mannofield.

This site is in a residential area, sandwiched between terraced flatted properties.

For the people living in these flats. The increased volume of traffic, vehicular and pedestrian, possible noise issues, and restricted parking would impact adversely on their quality of life.

There is absolutely no need for yet another supermarket in the area and therefore I am of the strong opinion that this application should be refused.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 11 July 2013 12:31
To: PI
Subject: Planning Comment for

Comment for Planning Application

Name : Bennett
Address : 74 Gray Street
Aberdeen
AB10 6JE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Our first major concerns is the increase in delivery lorries to the site. The streets around here are narrow and often there is not enough room to progress safely due to resident parking. All the side streets have speed bumps on them as well which makes negotiating the narrow space between parked cars even more tricky. How HGV are going to manoeuvre through this beats us!

Broomhill Primary School is in very close proximity to the proposed development. Delivery lorries arriving/ departing on a regular, if not daily, basis will add to the dangers already in existence for children, parents and crossing patrols using Broomhill Road and the surrounding streets. The police have been aware for many years now that Broomhill Road is used by HGV far too frequently to avoid the Bridge of Dee.

Another major concern is the impact the proposed supermarket will have on local traders in the surrounding area. We are encouraged to support our local shops, so a development such as this would only have a detrimental impact on these small independent traders. There are enough empty premises in Aberdeen as it is without adding to the problem.

There are already ample supermarket facilities at both Mannofield and on Holburn Street, all of which are within easy reach of residents in this area who are unable or don't want to drive somewhere for their shopping. We most certainly don't need another one and especially not where the proposed development is situated.

We strongly urge you to give our arguments much consideration with regard to this proposal and would heartily endorse the refusal of permission to re develop the site as a retail outlet.

14 July 2013

76 Abergeldie Road
Aberdeen
AB10 6EJ

[REDACTED]

F.a.o. Planning Officer: Jennifer Chalmers
Planning Application no: 130910 at 122 Broomhill Rd

Dear Ms Chalmers

Please note my objections to the above proposed development for the following reasons:

• **Car Parking**

At present it is difficult for residents to find sufficient parking space near their homes. This problem was greatly increased when Café o' Clay was open. Further pressure on available parking space and would be unacceptable with further pressure from staff parking and customer parking from the proposed retail development.

• **Delivery vehicles**

The proposed routes for delivery vehicles would further reduce available parking space for residents and increase difficulties of access to streets from Broomhill Road for residents. A recent example of this problem was shown when the post-box at the corner of Salisbury Terrace and Broomhill Road was knocked over by a delivery vehicle.

• **Compatibility with other uses**

Another retail outlet would be incompatible in the area which is already well-served by retail outlets, all within only a few minutes' walk of each other.

• **Safety of schoolchildren**

In the relevant area, Broomhill Road and surrounding streets are already congested at peak times. Additional traffic including delivery vehicles would add to concerns for the safety of young children walking to Broomhill Primary School.

• **Noise disturbance**

The continual noise from any refrigeration plant, freezer plant or air-conditioning system, in addition to noise from increased volume of traffic, would be unacceptable to residents within the vicinity.

Yours sincerely

Dr Una H Urquhart
(by e-mail)

PI

From: webmaster@aberdeencity.gov.uk
Sent: 09 July 2013 12:14
To: PI
Subject: Planning Comment for 130910

Comment for Planning Application 130910

Name : Lesley-Ann Gill
Address: 126 Broomhill Road
Aberdeen
AB10 6HX

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : In relation to this planning application I would like to comment that I object fully, the reasons for which are as follows:

1. The proposal itself of a supermarket would have a detrimental impact on the amenities of this residential area. Firstly the plans themselves would affect the character and appearance of the building and in turn this would not be in keeping with the other buildings/houses within the area.

The practical aspects of amenity would also be affected such as traffic generations, rise in noise levels on an already busy road and create a nuisance for both residents and passer throughs.

There would also be a social impact as approval would be detrimental to the well being of the community in which the premises are located.

Privacy of the residents would also be impacted on due to the increased flow of traffic.

2. There would also be a detrimental impact on parking available for residents/property owners of the area by the loss of two parking bays and also though added traffic. This in turn would impact on road safety, which I feel has to be given serious consideration especially as there is a local primary school less than 500 metres along the road. The roads themselves are not wide enough for the proposal of lorries using them to load/unload which again generates safety issues not only for residents but for the drivers themselves. There would also be increased risks for pedestrians and cyclists.

3. The proposal of locating a supermarket is not compatible within this residential area as the building itself would be closely located within residents homes/accomodation. Approval of this would only allow for the creation of a precedent for more of the same.

4. We live in the adjacent property and feel that this approval would impact fully on our privacy, quality of living within the community and create a range of issues in terms of noise nuisance and traffic risks.

It is my hope that you give these concerns serious consideration and fully consider the detrimental impact that the approval of this plan would have on a well established local community.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 07 July 2013 18:02
To: PI
Subject: Planning Comment for 130910

Comment for Planning Application 130910

Name : Nigel & Rachel Spedding
Address : 50 Salisbury Terrace
Aberdeen
AB10 6QH
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Dear Sir / Madam

We are writing with regard to the planning application Ref No. 130910.

As owners of 50 Salisbury Terrace we are totally opposed to this ludicrous & unnecessary idea. We have compiled a few bullet points below:-

- * This is a conservation area, twice our application had to go back to planning to change our front window design but would the council be happy to let lorries drive up and down our street ????? We aren't !!!
- * Are the Council happy for a totally uncontrollable increase in noise pollution that a commercial property (supermarket) will bring with it - to a Westend residential area.
- * The state of Salisbury Terrace Road is disgraceful as it is, especially given the amount of community tax we pay (because we choose to live in the AB10 area) but its OK to bring commercial (supermarket) lorries & shoppers cars into the area.
- * There are a lot of children in the area who are often out on their bikes & scooters, including our own. Is the Council happy with this increased risk to children ???
- * Is the Council thinking about the residents in the area & the problems it will create with parking and what looks like the reduction in parking for truck access ? We pay good rates, to be able to park outside our own front door with young children and want that to continue.
- * The Council saw fit to make our street a 20 mile an hour zone !! where is the sense in allowing lorries into the area ?

Our children attend Broomhill Primary school. There is inadequate provision of lollypop attendance on such a busy route at school times already. Why on earth would you allow a further increase in lorries to this area ? It's ridiculous lorries are allowed along Broomhill Road in the first place, but add to the volume ???

- * What about the increased risk to school children walking to / from school ?

At a time we should be supporting local business and with the current financial climate the local Deli at the top of the street and Lynch corner shop would struggle to survive.

There have been rumors that this is a back handed way of bringing in another Tesco's or the like to this area. If this is the case we already have 2 in the Mannofield shopping area 150m up the road and on Holburn Street there is no less than 4, not to mention the spar on St Swithin street and if this isn't enough we have 2 superstore, supermarkets at Garthdee ? We hope common sense prevails when decisions are made as there is no logical nor viable reason to put that choice of commercial property within a lovely residential area that is governed by conservation restrictions ?!

Regards

Nigel & Rachel Spedding

PI

From: webmaster@aberdeencity.gov.uk
Sent: 16 July 2013 08:40
To: PI
Subject: Planning Comment for 130910

Comment for Planning Application 130910

Name : Brian McErlean
Address : 158 Broomhill Road
Aberdeen
AB10 6HY

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I am concerned about the proposed access routes for delivery lorries to the rear of the property, the current road system is congested with resident parking on Salisbury Terrace and Pitstruan Place. I don't believe lorries will be able to access Pitstruan Terrace without the risk of damaging residents vehicles, driving over curbs and generally causing a nuisance for residence accessing their own property and garages without implementing further parking restrictions such as double yellow lines from the junctions of Broomhill Road to the junction of Pitsstruan Terrace. Implementing these kind of parking restrictions would add significant pressure to the limited local parking spaces for residence and presumably parking for people using this shop which presumably will be a convenience store which will be highly dependent on passing car trade unlike similar shops in Holburn street which rely on walk in trade. I would argue that there is very limited walk in trade on Broomhill road anyway, fewer people walking home or working in the local area like Holburn St with most local residence choosing to do their shopping at Bridge of Dee.

Jennifer Chalmers
Planning and Infrastructure
Aberdeen City Council

Mr and Mrs A Gallacher
3 Pitstruan Terrace
Aberdeen AB10 6QW
Email [REDACTED]
17th July 2013

Dear Ms Chalmers

Planning Application Ref. 130910
122 Broomhill Road, Aberdeen

We refer to the planning application in respect of the proposed change of the above from a garage to retail premises. We would point out that this property has not been used as a garage for many years and most recently was used by a company called Café O Clay.

The rear of these premises is accessed from Pitstruan Terrace, a quiet residential street in the west end of the city. It is proposed that all deliveries to what is locally believed to be a Tesco Shop will be made at the rear to avoid parking problems caused by delivery vehicles at the front i.e on Broomhill Road (a very busy bus route).

To access Pitstruan Terrace these delivery vehicles will require making a sharp turn into Salisbury Terrace then after only approx. 50 yards make a second right turn into Pitstruan Terrace. We would bring to your attention an incident three weeks past when a delivery vehicle demolished the post box at the corner of Broomhill Road /Salisbury Terrace. The post box has since been reinstated.

Once these vehicles are on Pitstruan Terrace they will make a further sharp right turn into the rear of the premises which are the subject of this application. To exit the rear of the proposed retail premises they can only reverse back on to Pitstruan Terrace. Thereafter a further right turn on to Pitstruan Place to be followed by a turn back on to Broomhill Road.

All of these streets are narrow and lined with parked cars and are totally unsuitable for large vehicles. Council Refuse Vehicles frequently have difficulty negotiating these turns and need to manoeuvre to get round the corners because of parked cars. On several occasions we have had to move our car from outside our door to allow the refuse vehicle through.

Also worth a mention is the parlous state of Salisbury Terrace, notorious for pot holes.

Consider also:

There are 63 tenement flats in Pitstruan Place. Most of the residents will have cars. Parking is already at a premium, as it is in all the streets around here, and if it is proposed to add to the double yellow lines along Pitstruan Terrace to make it easier for delivery vehicles to turn into the rear premises that would make a bad situation worse.

There would be major safety issues for the many children, dog walkers and old people who use these streets. We cannot over emphasise the potential danger to the many children from nearby Broomhall School who use Pitstruan Terrace several times every week day and cross Salisbury Terrace.

The issue of noise and general disruption cannot be ignored. Supermarkets need daily supplies of fruit, veg., flowers, meat, fish, dairy products, bakery goods and newspapers. When are these delivered? In the small hours or in the early morning? This is a very quiet residential area. A development of the kind proposed would completely change the character of the neighbourhood.

The agents acting for the applicants include reference on their web site to acting for Tesco among other supermarket retailers and it is believed locally that this application if approved will result in yet another Tesco shop.

There are already THREE Tesco shops within a short walking distance of here --in addition to two Sainsbury's, two Co-ops, Iceland and a Spar, as well as a small independent grocer. Another would be gross over-provision. And to what end? To out do a rival? And drive out small local businesses?

In recent years we have seen the disappearance of two butchers' shops, two fish shops, a newsagent and a small family run Mace shop, all in the immediate neighbourhood.

We trust our council will not be complicit in aiding a huge supermarket giant to oust the remaining independent, good quality family run local businesses.

In conclusion we would request acknowledgement of your receipt of this letter together with confirmation of the time and date of the planning meeting when this application will be considered.

Yours faithfully

 
Alexander and Mrs Lillian Gallacher

PI

From: David Scott [REDACTED]
Sent: 17 July 2013 10:52
To: PI
Subject: Representation to Application 130910
Attachments: Objection - 122 Broomhill Road - July 2013.DOC

Please find attached a representation in respect of Planning Application 130910, relating to the change of use and redevelopment of premises at 122 Broomhill Road, Aberdeen.

Please acknowledge receipt.

Thanks

David

David S Scott
Partner
Ledingham Chalmers LLP, Solicitors
Johnstone House, 52-54 Rose Street, Aberdeen, AB10 1HA (Registered Office) DX: AB15 Aberdeen LP-39 Aberdeen-1
[REDACTED] Fax: [REDACTED]

Ledingham Chalmers LLP is a limited liability partnership registered in Scotland. No. SO300843
A list of members is available for inspection at the above address

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PLANNING APPLICATION REFERENCE: 130910

Change of use of vacant car showroom to Class 1 (Shop), shopfront alterations, creation of door openings to rear elevation, erection of gate/fence to rear and other associated works, including footpath and parking improvements

at

122 Broomhill Road, Aberdeen AB10 6HX

I would like to object to the application which has been submitted by GL Hearn on behalf of Executors of Mrs P Ross Bon Accord Serviced Apartments for the Change of use of the vacant car showroom at 122 Broomhill Road, Aberdeen to Class 1 retail use, for the following reasons:

- The impact of the proposal on existing retailers
- The location of new retail premises in a residential area
- The impact on extended operating hours on Residential Amenity
- The impact of Additional Recycling Facilities on Residential Amenity
- The impact of the sale of alcohol on Residential Amenity
- The impact on Car Parking

Although the proposal is for change of use to Class 1 (Retail) it does not specify what type of retail will operate at the premises. It is likely the applicant will seek to operate the premises as a convenience store which will have a significant impact on existing convenience premises in the area, and on the amenity of neighbouring residents.

Dealing with each of those in turn:

1 Impact on Existing Retailers

1.1 Paragraph 3.57 of the Aberdeen Local Development Plan 2012 (ALDP) provides that :-

"The city's network of shopping centres has been classified into a hierarchy and the role of each centre in the hierarchy has been set out (see Supplementary Guidance: Hierarchy of Retail Centres). A sequential approach to assessing retail proposals will be taken in accordance with this hierarchy and in line with Scottish Planning Policy."

1.2 Paragraph 3.58 then goes on to state that:

"Existing local shops outside the defined centres play an important role in helping maintain sustainable communities."

1.3 These policies are designed to support existing local shops, and to ensure the right premises are located in the right places.

- 1.4 We are fortunate to be served by a number of excellent local shops in the area, including Lynch's newsagent, the Hammerton Store, Andrew Gordon Butchery, and several others.
- 1.5 The impact on premises such as these by approving a new retail premises in the area could be significant, and result in the potential closure of these local retailers.
- 1.6 Policy RT1 of the ALDP deals with the Sequential Approach and Retail Impact
- "In all cases, proposals shall not detract significantly from the vitality or viability of any first, second, third or fourth tier retail location listed in the Supplementary Guidance: Hierarchy of Retail Centres, and shall accord with all other relevant policies of the Local Development Plan, including those relating to design, access and amenity. A Retail Impact Assessment may be required."*
- 1.7 Aberdeen City Council have also produced a Technical Advice Note on Retail Impact Assessments (RIAs)
- 1.8 A RIA is a means of establishing the potential commercial impact of a proposed new retail development on existing and committed (i.e. not yet built but have planning permission) retail developments. The main reason for the preparation of a RIA is to provide relevant information to assist in the determination of an application for planning permission for major retail development. It is also used for assessing the significance of the impact on the current and future vitality and viability of the surrounding centres.
- 1.9 Proposals which are individually or cumulatively below 2500m² but may have a significant impact on local centres may also be asked to undertake an RIA. For smaller individual shops where it is unnecessary to undertake a RIA, a statement of retail impact may be required.
- 1.10 A statement of retail impact should briefly outline the potential impacts the proposed development may have on vitality and viability of nearby centres.
- 1.11 The application contains no statement of retail impact and so the effect on existing retailers is unknown, but is likely to be significant.
- 1.12 Other factors, which should be considered in assessing an application, include demonstration of a strategic need, the provision of competition and choice to consumers, impact on existing shops in nearby town, district and neighbourhood centres, road safety and the ability of the centre to accommodate additional variety of retail offer.

2 The location of New Retail Premises in a Residential Area

- 2.1 The Council's Supplementary Guidance on City Centre and Retailing - Hierarchy of Centres published in March 2012 provides a context for the assessment of new development proposals.
- 2.2 It states that a sequential approach to assessing retail proposals will be taken in accordance with the hierarchy and in line with Scottish Planning Policy
- 2.3 The retailing hierarchy provides for local retail provision – primarily convenience and retail services - to be assessed in line with the Sequential

Approach. The first choice for local retail provision (of less than 2,000 sq metres GFA) should be located in Neighbourhood Centres.

- 2.4 The nearest Neighbourhood Centre is Number 31 – Holburn, which comprises 70 Units on both sides of Holburn Street from Great Western Road to beyond Broomhill Road.
- 2.5 The location of the premises on Broomhill Road is outwith the Neighbourhood Centre identified by the City Council and therefore the provision of additional retail premises in this location is contrary to the retailing hierarchy. Therefore the application should be refused.

3 Impact of extended operating hours on Residential Amenity

- 3.1 The existing use as a car showroom, and latterly as a ceramic painting and children's play area has meant that the opening hours have been limited to daytime – generally 10am to 4.30pm.
- 3.2 Any change of use to retail would likely result in longer opening hours, meaning a significantly higher footfall of people to and from the premises in the early mornings and evenings.
- 3.3 This will impact on the residential amenity of those living closest to the premises.
- 3.4 In addition, there will be delivery vehicles making deliveries, generally in the early mornings, which will again impact on the residential amenity of those living nearby.

4 Impact of Additional Recycling Facilities on Residential Amenity

- 4.1 Although the application provides no information on the provision of recycling facilities at the premises, Paragraph 3.101 of the ALDP provides that:

"All developments should provide enough space for the storage and collection of waste – specifically recyclables, composting and residual waste – and access to such facilities. Planning conditions are already imposed on proposals likely to generate a significant amount of waste e.g. public houses, restaurants, medium to large-scale retail outlets and offices. However, more could be done at the design stage to ensure that adequate provision is made for such facilities."

- 4.2 Policy R6 of the ALDP - Waste Management Requirements for New Development – provides that:

"Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate."

- 4.3 There is therefore a strong emphasis on encouraging the presence of recycling facilities in such premises.
- 4.4 The application contains no reference to what storage facilities for recycling will be included in the proposed development, or the means of collection. However, the impact of recycling facilities in the quiet residential neighbourhood could be significant.

5 Sale of Alcohol

5.1 The ALDP states that

"in Residential Areas, H1, in the Local Development Plan, uses other than residential will not be permitted unless these are regarded as complementary to residential use, such as community facilities, schools, open space, churches, local shops (Class 1) etc. Other activities which would include liquor licensed premises will not be permitted unless the Council can be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity."

5.2 It is likely that any change of use to retail, particularly if for the purposes of a convenience store, will include proposals for the sale of alcohol. Therefore, despite there being a separate process for the applicants to go through to obtain appropriate licences for the sale of alcohol, it is for the planners to be satisfied that the potential sale of alcohol would cause no nuisance to the enjoyment of existing residential amenity.

5.3 Aberdeen City Council's Supplementary Guidance on "Harmony of Uses – Residential, Licensed Premises and Commercial Uses" issued in March 2012, goes on to state that:

"In the City Centre there will be a presumption against the location of liquor licensed premises in areas allocated as, and adjacent to, Residential Areas in order to safeguard residential amenity. Such proposals could only be permitted if the Council were to be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity"

"Outwith the City Centre, there will be a presumption against the location of liquor licensed premises in areas allocated as, and immediately adjacent to, Residential Areas and Mixed Use Residential Areas in order to safeguard residential amenity."

5.4 Later opening hours, combined with the sale of alcohol would attract a significant number of additional people of all ages to the premises, and in many cases people will gather around the premises. This is likely to have a significant impact on the residential amenity of those living near the premises.

5.5 The Council is rightly proud of its high amenity standards. Understandably this care for amenity has to be carefully balanced against the need to make provision for licensed premises which offer a service to the public which are much in demand.

5.6 The Council therefore acknowledges the impact of licensed premises in residential areas.

5.7 However, given the number of existing premises in the immediate vicinity which are licensed to sell alcohol (including Lynch's on Broomhill Road, The Hammerton Store on Great Western Road, and Tesco, The Co-operative and Sainsbury's on Holburn Street) there cannot be said to be a significant additional demand for additional licensed premises in the location of the proposed development.

- 5.8 Therefore the impact on residential amenity outweighs any demand-driven need for additional premises selling alcohol, and therefore the application should be refused.

6 Car Parking

- 6.1 Use of the premises for retail purposes will increase the number of users arriving by car in significant numbers.
- 6.2 Previous uses of the premises as a car showroom and as a ceramic painting workshop, will have attracted a much lower footfall than would a general retail premises.
- 6.3 In addition, the premises currently incorporates off-street car parking for up to four cars at the front of the premises and potentially seven cars at the rear of the premises.
- 6.4 These parking spaces would be lost as a result of the proposed change of use and redevelopment of the premises.
- 6.5 The applicants are proposing five additional car parking spaces be created at the front of the premises. However this does not replace the lost "off-site" parking spaces within the existing premises.
- 6.6 In addition, there is no way of reserving these five additional parking spaces for the use of customers. On a public street, it is likely these spaces will be utilised by nearby residents, leaving no parking availability for users of the retail premises.
- 6.7 This in turn could lead to double parking, or dangerous parking and manoeuvring on Broomhill Road, which is a bus route, as well as a major transport artery, frequented by many large trucks and other vehicles.
- 6.8 Although not shown on the proposals, the application includes sweep flow diagrams of delivery vehicles accessing the rear of the premises along Salisbury Terrace and Pitstruan Place. These roads are narrow roads, and it is unlikely the vehicles shown in the diagrams could safely turn onto or out of Pitstruan or Salisbury without pulling onto the opposite carriageway, or alternatively, by further restricting car parking on Salisbury Terrace and Pitstruan Place.
- 6.9 Further loss of car parking spaces would place an additional demand on the area.
- 6.10 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.

7 Conclusion

- 7.1 Against the above background I would therefore respectfully request that the current application is refused.

David Scott, 146 Broomhill Road, Aberdeen

17 July 2013

Paul McNeil
74 Abergeldie Road
Aberdeen
AB10 6EJ

Jennifer Chalmers
Planning Officer
Aberdeen City Council
Marischal College
Broad Street
Aberdeen
AB10 1AB (BY EMAIL ONLY)

16 July 2013

Dear Ms Chalmers,

I wish to object to the planning application for 122 Broomhill Road, Aberdeen, ref 130910 for the following reasons:

1. Overprovision in the area

This area is already overcrowded with retail outlets and there is no requirement to add anymore. To highlight within walking distance of the proposed site there is:

- (i) Asda at Garthdee
- (ii) Sainsburys at Garthdee
- (iii) Iceland on Holburn Street
- (iv) Tesco's on Holburn Street
- (v) Sainsburys on Holburn Street
- (vi) Sainsbury's at Holburn Junction
- (vii) Tesco's at Holburn Junction
- (viii) Co-Op on Great Western Road
- (ix) Tesco on Great Western Road
- (x) Spar on Holburn Street

10 supermarkets! Therefore there is no requirement to add to this!

2. Impact on parking, access and road safety

I have already recently complained to Councillor Iain Yuill recently regarding:

- (a) the parking issues on Abergeldie Road
- (b) the speed of traffic on Abergeldie Road and Broomhill Road
- (c) HGVs going along Broomhill Road at all hours.

I am concerned that if this application is granted there will be problems with:

- (i) an already overcrowded Abergeldie Road (which the retail unit looks on to) and on Broomhill Road. Already there are problems with parking on these streets and neighbours on Broomhill Road already use Abergeldie Road to park their cars when they can't get parked on Broomhill Road. These impacts on Abergeldie Road parking. Quite often you find cars parked up to the corners of Broomhill Road/Abergeldie Road and Abergeldie Road/Braemar Place. If this application is granted this will cause further parking issues. Recently there was a car crash on the corner of Abergeldie Road/Braemar Place due to drivers parking their cars on the corner of these streets.
- (ii) Cars already speed on a daily basis along Broomhill Road and Abergeldie Road causing a danger. Having increased traffic due to the retail unit being granted will only add to this issue. Last year my car was written off due to a driver speeding down Abergeldie Road from the Broomhill Road end hitting our parked car and ending up on its roof.
- (iii) Increased traffic is also a concern given the close proximity of the Broomhill Primary School.
- (iv) HGVs going along Broomhill Road are a constant complaint to the local Council. Given I live on Abergeldie Road I would not wish HGVs travelling down this built up area due to the safety issues.
- (v) Access – the routes proposed for deliveries are unacceptable due to (a) parking issues raised above (b) the property being in the vicinity of a conservation area and which will impact on the amenity (c) problems getting HGVs into the delivery yard. The access routes are usually jam packed with parked cars either side of the road. HGVs will find it very difficult getting access to the delivery yard. Only recently a HGV crashed into the post box on Salisbury Terrace. I would also not wish deliveries to be taken from the front of the building i.e. Broomhill Road for the reasons also outlined above.

3. Youth Disorder/Antisocial behaviour

If this proposed application is granted and a liquor licence is granted, there are grave concerns that this will lead to youth disorder and antisocial behaviour in what is essentially a residential area and in close proximity to a primary school. This could also impact on the conservation area in the vicinity.

4. Contrary to the Local Development Plan

The proposed development is contrary to the local development plan due to it affecting the amenity of residents living in the area. As well as the points raised above air conditioning/refridgeration plant will have a noise impact on the neighbouring residents.

Yours sincerely

Paul McNeil

ABERDEEN CITY COUNCIL

COMMITTEE Planning Development Management Committee

DATE 29 October 2013

LEAD HEAD OF SERVICE
Margaret Bochel

DIRECTOR
Gordon McIntosh

TITLE OF REPORT Planning Digest

1. PURPOSE OF REPORT

- 1.1 To advise members about the use of a condition regarding the planning application approved for serviced apartments and business unit at Oldmill Road, Bon Accord Crescent (reference no. 130743) by the Committee on 23 August 2013.

2. RECOMMENDATION

- 2.1 That the Committee note that condition 12 will not be attached to any consent and that the use of the apartments as serviced apartments will be ensured through the legal agreement that will be secured before planning consent is issued and that will be binding in perpetuity on the owner and operator of the serviced apartments.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising.

4. OTHER IMPLICATIONS

- 4.1 The report is for information and does not have any implications for any legal, resource, personnel, property, equipment, sustainability and environmental, health and safety and/or policy implications and risks.

5. BACKGROUND/MAIN ISSUES

Oldmill Road, Bon Accord Crescent
Serviced apartments and business unit
App.Ref: 130743

Reference is made to this planning application that was considered by the Planning Development Management Committee of 23 August 2013. The Committee indicated a willingness to approve the application subject to conditions; with consent withheld pending a legal agreement being secured to retain the building in single ownership. As

yet the legal agreement has not been secured and, therefore, the application has yet to be concluded

The report to Committee, on 23 August 2013, recommended that a condition be attached to the consent as follows:

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.

On re-examination it is considered that this condition is not required in circumstances, such as exist in relation to this application, in which a legal agreement is to be secured that could be tailored to have much more force and effectiveness in controlling the occupancy of the apartments to ensure that they do not become permanent residential properties.

Also the purpose of the condition is to ensure that the apartments function as serviced apartments rather than as permanent residential properties which have different requirements regarding parking and amenity space. In this context a legal agreement would achieve the same purposes whilst allowing a level of flexibility to ensure that the apartments cater for the particular requirements of the Aberdeen market that cannot be specified or built into a planning condition which is by its nature is inflexible (for instance a condition with a 30 day time limit would not enable occupation by for oil and gas employees on temporary contracts of 9 months or less).

It will also be difficult for the Council to enforce such a condition. The Council does not have the ability to continually monitor the occupancy of the apartments both in terms of the resource required and the practicability of accurate monitoring and enforcement on day to day basis. It is considered that this would be better dealt with through a legal agreement that would place a legal obligation to comply its terms with the owner and operator of the serviced apartments.

Taking into account the foregoing, the Committee are asked to note that it is proposed that the condition is not attached to any consent and that the use of the apartments as serviced apartments is ensured through the legal agreement that will be secured before planning consent is issued and that will be binding in perpetuity on the owner and operator of the serviced apartments.

6. IMPACT

The Scottish Government has stated that an effective planning service is fundamental to achieving its central purpose of sustainable economic growth. As such the information in this report relates to a number of Single Outcome Agreement Outcomes:

- 1 - We live in a Scotland that is the most attractive place for doing business in Europe;
- 2 - We realise our full economic potential with more and better

employment opportunities for our people;

10 - We live in well-designed, sustainable places where we are able to access the amenities and services we need;

12 - We value and enjoy our built and natural environment and protect it and enhance it for future generations;

13 - We take pride in a strong, fair and inclusive national identity; and

15 - Our public services are high quality, continually improving, efficient and responsive to local people's needs.

Public - The report may be of interest to the development community and certain matters referred to in the report may be of interest to the wider community.

7. BACKGROUND PAPERS

None.

8. REPORT AUTHOR DETAILS

Margaret Bochel
Head of Planning and Sustainable Development
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01224 523133

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ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	29 October 2013
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Confirmation of Tree Preservation Orders
REPORT NUMBER:	EPI/13/213

1. PURPOSE OF REPORT

To have confirmed four (temporary) Tree Preservation Orders made by the Head of Planning and Sustainable Development under delegated powers. The Orders currently provide temporary protection for the trees, but are required to be confirmed by the Planning Development Management Committee to provide long term protection.

2. RECOMMENDATION(S)

It is recommended Members confirm the making of Tree Preservation Orders 210, 215, 216 and 217 without modifications, and that the City Solicitors carries out the requisite procedures.

3. FINANCIAL IMPLICATIONS

The cost of confirming the orders will be met through existing budgets.

4. OTHER IMPLICATIONS

A Tree Preservation Order gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality. Planning and Sustainable Development will take the necessary steps to ensure that the trees are protected in the longer term.

The making of any Tree Preservation Order is likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees. This is, however, contained within existing staffing resources.

The making of Tree Preservation Orders reduces the risk of losing important trees, groups of trees and woodlands. It further allows the Council to protect trees that contribute to local environment quality.

The process of applying for work to protected trees allows for elected members, Community Councils and members of the public to have an opportunity to comment on work to protected trees.

Promoting the improvement and maintenance of environmental quality and townscapes supports investment and economic competitiveness.

5. BACKGROUND/MAIN ISSUES

Tree Preservation Orders 215 and 216 were previously confirmed by this committee on 14 June 2012. However, following a letter of objection to another Tree Preservation Order it came to light that these Orders had been in made reference to out of date Regulations and were consequently invalid. These Orders, along with two others have now been made using the new Regulations and are now being presented for confirmation.

- **Tree Preservation Order 210, Woodland at Tillyoch and Woodend Farms, Peterculter**

The reason for making a Tree Preservation Order on this site is as a result of representations made to the Council by local residents, the owner of part of the woodland and by the local Community Council. A large proportion of the woodland to be given TPO status is part of a designated Local Nature Conservation Site and is not currently protected through legislation.

Distinct woodland blocks that are on either side of Culter House Road form the Order. The woodland is clearly used for recreation and the well-trodden paths that run through the woodland are evidence of this. The woodland is a haven for a variety of wildlife and red squirrels have been recorded in the area. There are clear cultural and natural heritage reasons for the trees to be protected.

Commercial business premises have been constructed in the fields adjacent to the woodland and there is concern that trees within the woodland will be removed to allow for the expansion of the business in future years. Without the making of a Tree Preservation Order there is concern that the trees will be removed without due regard for the woodland setting of the locality.

Making of a Tree Preservation Order here would ensure that the trees could not be removed or worked on without the express permission of the Council.

- **Tree Preservation Order 215, Cottage Cars, Land at Howe Moss Drive, Dyce, Aberdeen**

The need to promote a Tree Preservation Order is a result of a development proposal for the site that could entail the loss of the trees.

The making of the Order comes after concerns have been raised by a Development Management case officer following pre application discussions with the owner.

A TPO is proposed in order to protect the amenity of this part of Aberdeen and to ensure the continued treed aspect to this particular site. The trees in this part of the City make an invaluable contribution to the attractiveness, character and amenity of this particular locality.

The loss of trees would be detrimental to the amenity and attractiveness provided to the site and the locality. The trees form an important softening to the otherwise harsh landscapes features associated with the industrial estate. A Tree Preservation Order would prevent their removal prior to the submission of a planning application.

- **Tree Preservation Order 216, 37 Deevie Road South, Cults**

The need for a Tree Preservation Order has arisen from concern expressed by the owners of the trees about the potential negative impact of the granting of planning permission within the neighbouring property on their trees. The trees provide a valuable screen between the properties and are clearly visible from the public road and nearby Deeside line.

A TPO would protect the amenity of this part of Aberdeen and ensure no works can be carried out to the trees without the prior consent of the Planning Authority. The trees in this part of the City make an invaluable contribution to the attractiveness, character and amenity of this particular locality.

A large number of the trees on the neighbouring site have recently been removed and planning permission granted for a new house. The owners of the trees are concerned that the construction of this house will require inappropriate works to their trees, and have requested the trees are protected. A TPO will mean that the trees can not be worked on without the express permission of the planning authority and any works that are given consent are carried out in line with sound arboricultural practice.

A petition has been received containing one hundred and twelve names in support of the making of the Order. The majority of signatures are from people who live in the local area to the trees that are being protected. This petition was received after the expiry of the date for representations to the Order.

- **Tree Preservation Order 217, Former Victoria Road School, Torry.**

The Tree Preservation Order is being promoted in order to protect the amenity of this part of Aberdeen. The Council has been approached by the Local Community Council and Heritage Society expressing their desire to have these trees formally protected. The previous ward Councillor also asked that the trees be protected.

The preparation of a recent planning statement for the site has increased the likelihood of a threat to the trees as the site is likely to be sold to enable redevelopment. Although the site is currently owned by the Council, once it is sold the Council would not retain control over the trees without the making of an Order.

There are not many mature trees in this part of the city and the few that there are should be protected for future generations. The making of a Tree Preservation Order would ensure the long term retention of the trees. The Council would then have the opportunity to have regard for the environmental implications of any proposed future development.

Making of a Tree Preservation Order here would ensure that the trees could not be removed or worked on without the express permission of the Council.

6. IMPACT

The confirmation of the Orders will ensure the long term protection of the trees on each of the sites. It would ensure the trees could not be removed or worked on without the express permission of the Council.

7. BACKGROUND PAPERS

Tree Preservation Orders 210, 215, 216 and 217

8. REPORT AUTHOR DETAILS

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