

# Public Document Pack



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

Town House,  
ABERDEEN, 20 November 2013

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 28 NOVEMBER 2013 at 10.00 am.**

JANE G. MACEACHRAN  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

**Members, please note that all letters of representation, including those not 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 29 October 2013 - for approval (Pages 1 - 14)

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

#### **WHERE THE RECOMMENDATION IS ONE OF APPROVAL**

- 2.1 363 Union Street / 50 Langstane Place, Aberdeen - Proposed part demolition of existing vacant retail premises and erection of new 9 storey building for use as a hotel (including rooftop restaurant and separate bar/restaurant) (Pages 15 - 46)

Reference Number - 131087

- 2.2 Aberdeen Art Gallery, Schoolhill - Internal alterations, demolitions, and extension (including new rooftop gallery extension, roof terraces and education, gallery and support areas extension to the rear of the building) (Pages 47 - 68)  
Reference Number - 131246
- 2.3 Land at West Huxterstone, Lang Stracht / Kingswells - Erection of 97 residential properties and associated works (Pages 69 - 96)  
Reference Number - 130912
- 2.4 Land Adjacent to Scott House, Site 38 Hareness Road, Altens Industrial - Erection of 4 storey office building (Class 4 - Business) incorporating basement car parking and landscaping (Pages 97 - 126)  
Reference Number - 131312
- 2.5 Zone H (site between) Countesswells Road / Hazledene Road, Aberdeen - Application relating to means to access, siting, design and external appearance of building and landscaping for Zone H only; 48 dwellings (Condition 23); and measures for the control of surface water run-off (Pages 127 - 162)  
Reference Number - 130820
- 2.6 Zone B & C (site between) Countesswells Road / Hazledene Road, Aberdeen - Application for matters specified in Condition 23 (Means of access, siting, design and external appearance of buildings and landscaping) relating to A8/0530 planning permission in principle (Pages 163 - 180)  
Reference Number - 131044
- 2.7 Zone A (site between) Countesswells Road / Hazledene Road, Aberdeen - residential development of 50 dwellings with associated roads and landscaping addressing condition 23 of A8/0530 (Pages 181 - 222)  
Reference Number - 130994
- 2.8 Pinewood Zone D, E, F & G, Countesswells Road, Hazlehead - Application for matters specified in condition 12 (siting, design and external appearance of buildings and landscaping) relating to A7/2178 planning permission in principle (Pages 223 - 246)  
Reference Number - 130155

- 2.9 34-36 South Esplanade West, Torry, Aberdeen - Demolition of existing building, erection of 4 storey office development with associated access and car parking (Pages 247 - 278)  
Reference Number - 131118
- 2.10 Devanha Gardens Nursing Home, 9 Polmuir Road, Ferryhill - Conversion and extension of existing nursing home into 11 flats, including demolition of previous modern extensions and the formation of parking areas (Pages 279 - 318)  
Reference Number - 130597
- 2.11 Former Waterworks, Standing Stones, Dyce - (Partly in retrospect) Proposed change of use to establish 2 private permanent gypsy/traveller pitches (with provision for 6 caravans) and associated ancillary units, surfacing, fencing, landscaping and site servicing (Pages 319 - 334)  
Reference Number - 130119
- 2.12 5 Castle Street, Aberdeen - Part change of use of pavement to form pavement cafe for 5 tables and 10 chairs (Pages 335 - 344)  
Reference Number - 131365
- 2.13 Former Police Station, Midstocket Road, Aberdeen - Change of use to residential accommodation (Pages 345 - 360)  
Reference Number - 131363
- 2.14 50-52 College Bounds, Old Aberdeen - Proposed entrance light (Pages 361 - 366)  
Reference Number - 130907

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

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## PLANNING DEVELOPMENT MANAGEMENT SUB COMMITTEE

ABERDEEN, 29 October 2013. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; and Councillors Boulton, Corall, Cormie, Crockett (substituting for Councillor Boulton for item 1), Lesley Dunbar (substituting for Councillor Grant), Finlayson, Greig, Jaffrey, Lawrence, MacGregor, Jean Morrison, Samarai, Jennifer Stewart, Thomson, Townson and Yuill (substituting for Councillor Jennifer Stewart for item 1).

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2876&Ver=4>

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 26 SEPTEMBER 2013

1. The Committee had before it the minute of its previous meeting of 26 September 2013.

**The Committee resolved:-**

to approve the minute.

### SITE AT MAIDENCRAIG, NORTH AND SOUTH OF THE A944 - 130265

2. 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, subject to the conditions listed below, in respect of planning permission in principle for a mixed use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure but to withhold the issue of the consent document until the applicant had 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.

(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, with 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; (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; and (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; (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; (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; (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; (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; and (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; (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; and (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; (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; and (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; (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; and (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; (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; and (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; (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; (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; and (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; (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; and (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; (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; (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; (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; and (b) no work shall be carried out within that individual phase unless the management plan is fully implemented in accordance with the approved plans; (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; and (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; (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; and (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; (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; and (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; (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; and (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; (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 5 September 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; and (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; (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; and (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; (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; and (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; (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; and (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.

**The Committee resolved:-**

to approve the recommendation.

**UNITS 8 AND 9 - QUEENS LINKS LEISURE PARK, LINKS ROAD - 130488**

**3.** 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 from Class 11 (Assembly and Leisure) to Class 1 (Shops), non-food goods mixed between bulky and general comparison 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 the formation of new 'shopfront' openings and replacement of solid canopies with translucent type glazing, subject to the following conditions:-

- (1) That the unit hereby granted planning permission shall not be occupied unless a scheme detailing cycling storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme;
- (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; (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; (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; (5) That 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 6,900 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; (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 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; and (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.

The Convener moved, seconded by Councillor Cormie:-

That the application be approved in accordance with the recommendation contained within the report, and that officers investigate the feasibility of increasing the number of short stay cycle parking spaces.

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

That the application be refused on the grounds that a change of use from Class 11 (Assembly and Leisure) to Class 1 (Shops) was a retrograde step and was not in keeping with the surrounding area in particular the Beach Esplanade.

On a division, there voted:- for the motion (12) - the Convener; and Councillors Cormie, Lesley Dunbar, Greig, Jaffrey, Lawrence, MacGregor, Jean Morrison, Samarai, Jennifer Stewart, Thomson and Townson; for the amendment (3) - Councillors Boulton, Corall and Finlayson.

**The Committee resolved:-**  
to adopt the motion.

## **ARDENE HOUSE, SKENE ROAD, KINGSWELLS - 130400**

### **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, subject to the conditions listed below, in respect of planning permission for the erection of a Class 4 three-storey office development (17,129 square metres), 425 car parking spaces and associated infrastructure access, landscaping and ancillary works, but to withhold the issue of the consent documents until the applicant had entered into a legal agreement for (1) Strategic Transport Fund contributions; and (2) developer contributions towards core path networks and road improvements to mitigate the impact of the development.

(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; (2) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (3) That 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; (4) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall not be occupied unless the drainage has been installed in complete accordance with the said scheme; (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; (6) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation; (7) That 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; (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; (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; (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; (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; and (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 August 2013 version 5.0) by Direct Ecology have been implemented in their entirety; (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; and (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; (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; (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; and (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; (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 August 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; and (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.

**The Committee resolved:-**

to approve the recommendation subject to the following additional conditions:-

- (18) That the office building to be erected pursuant to this planning permission shall not be occupied prior to (1) the completion and operation of the A944/AWPR Interchange; or (2) the completion and operation of an alternative means of vehicle access to the development site as agreed with Aberdeen City Council as planning and roads authority; and
- (19) That no development shall take place within the application site unless detailed plans of the proposed left-in left-out junction have been submitted to and approved in writing by the planning authority, in consultation with the roads authority. Thereafter, unless agreed in writing by the planning authority, no construction works on the office building shall take place unless the said junction has been constructed and completed in full accordance with the approved details or an alternative means of vehicular access approved under condition 18 has been implemented in full and is available for use to access the site.

**EDGEHILL HOUSE, NORTH DEESIDE ROAD - 130211**

5. With reference to Article 4 of the minute of meeting of the Development Management Sub Committee (Visits) 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, subject to the conditions listed below, in respect of planning permission for the replacement of the existing dwelling and construction of five additional dwellings with associated infrastructure, improved access and tree protection works, but 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.

- (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; (2) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; (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; (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; (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 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; (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; (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; (10) That the dwellings 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; (11) That the dwellings hereby granted planning permission shall not 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; (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; and (13) That no development in connection with this consent shall be commenced until such time as details of an appropriate 'no-dig' construction methodology for the formation

of the new driveway and vehicular access have been submitted to, and approved in writing by, the planning authority. Thereafter, all works shall be carried out in full accordance with the agreed method statement, unless otherwise agreed in writing by the planning authority.

The Convener moved, seconded by Councillor Greig:-

That the application be approved in accordance with the recommendation contained within the report, and that existing bus stop on North Deeside Road be replaced with a cantilever option.

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

That the application be approved in accordance with the recommendation contained within the report, with the exception of an additional condition with regard to a satisfactory single point of vehicular access from Culter House Road rather than North Deeside Road.

On a division, there voted:- for the motion (7) - the Convener; and Councillors Corall, Lesley Dunbar, Greig, Lawrence, Thomson and Townson; for the amendment (8) - Councillors Boulton, Cormie, Finlayson, Jaffrey, MacGregor, Jean Morrison, Samarai and Jennifer Stewart.

**The Committee resolved:-**  
to adopt the amendment.

#### **50-52 COLLEGE BOUNDS, OLD ABERDEEN - 130908**

6. 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 installation of an entrance light above the main entrance doors on the western elevation, 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; and (2) That the light fitting shall be restricted to no greater than a 50W SON/E wattage.

**The Committee resolved:-**  
to approve the recommendation.

#### **FORMER BUCKSBURN PETROL STATION, CHAPEL OF STONEYWOOD TO FAIRLEY ROAD - 120374**

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

That the Committee approve the issue of a certificate of appropriate alternative development stating -



- (1) That in respect of the land which is subject of the application, on the relevant date of 25 September 2007 or at a future point in 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 equipmentbut 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; and
- (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.

**The Committee resolved:-**

to approve the recommendation.

**122 BROOMHILL ROAD - 130910**

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

That the Committee **refuse** the application in respect of planning permission for a change of use for the vacant car showroom to Class 1 (Shop), as well as shop front alterations, external alterations, the erection of a gate/fence to the rear and other associated works, including footpath and parking improvements, on the following grounds:-

- (1) 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 there from in relation to loading/offloading, the movement of metal cages, and also in relation to vehicular movements; and
- (2) 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.

The Committee was addressed by Councillor Yuill, one of the local members for the area, who expressed support for the recommendation contained within the report.

**The Committee resolved:-**

to approve the recommendation.

## **PLANNING DIGEST**

9. The Committee had before it a report by the Head of Planning and Sustainable Development which advised members of the use of a condition regarding the planning application approved for serviced apartments and business unit at Oldmill Road, Bon Accord Crescent (130743) by the Committee at its meeting of 23 August 2013.

**The report recommended:-**

that the Committee note that condition 12 would not be attached to any consent and that the use of the apartments as serviced apartments would be ensured through the legal agreement that would be secured before planning consent was issued and that would be legally binding in perpetuity on the owner and operator of the serviced apartments.

**The Committee resolved:-**

to approve the recommendation.

## **CONFIRMATION OF TREE PRESERVATION ORDERS - EPI/13/213**

10. The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which sought confirmation of four temporary Tree Preservation Orders made by the Head of Planning and Sustainable Development in order to provide long term protection.

**The report recommended:-**

that the Committee confirm the making of Tree Preservation Orders 210, 215, 216 and 217 without modifications, and that the Head of Legal and Democratic Services carry out the requisite procedures.

**The Committee resolved:-**

to approve the recommendation.

**- RAMSAY MILNE, Convener.**

# Agenda Item 2.1

## Planning Development Management Committee

363 UNION STREET / 50 LANGSTANE PL,  
ABERDEEN

PROPOSED PART DEMOLITION OF EXISTING  
VACANT RETAIL PREMISES AND ERECTION  
OF NEW NINE-STOREY BUILDING FOR USE  
AS A HOTEL INCLUDING A ROOFTOP  
RESTAURANT AND SEPARATE  
BAR/RESTAURANT

For: Tip Top Properties

Application Type : Detailed Planning Permission

Application Ref. : P131087

Application Date: 22/07/2013

Officer: Lucy Greene

Ward : Torry/Ferryhill (Y Allan/A Donnelly/J  
Kiddie/G Dickson)

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

Advertised on: 31/07/2013

Committee Date:

Community Council : No comments



**RECOMMENDATION: Willingness to approve conditionally. Consent to be withheld until such time as a developer's contribution has been secured towards works to the core paths / public realm improvements in the area and Strategic Transport Fund.**

## **DESCRIPTION**

The application site is located on the south side of Union Street in the section between Bon Accord Street and Bon Accord Terrace. The site extends to approximately 1122m<sup>2</sup> and has frontages to both Union Street and Langstane Place. The premises comprise a vacant shop which has been occupied since the 1980s by Bruce Miller's music shop. There is a traditional granite two storey plus attic building which is part of a Category C listed terrace fronting onto Union Street. The group of buildings dates from the 1820/40s. The property has been altered over the years and has a modern shop front; many internal partitions and original features have been removed or covered over. To the rear of this are a number of buildings ranging up to four storeys in height on the Langstane Place frontage. Part of the Langstane Place frontage is formed by a granite gable of four storeys in height, the ground floor has been substantially altered to create access to a parking bay and service area, large roller shutter doors have been installed and granite has been replaced by concrete panels. The remainder of the frontage is granite of a rougher finish, typical of a side gable. The remainder of the frontage to Langstane Place comprises an unattractive building of non-traditional appearance, with external steel frame and roughcast infill panels.

The shop unit has been vacant since 2011 when Bruce Miller's shop closed. The basement is in use as a public house 'The Howff'.

The site lies within the Union Street Conservation Area. To the immediate east on Union Street, the ground floor premises is in use as a building society, to the immediate west is the entrance to an lower floor restaurant, with La Tasca restaurant occupying the ground floor premises to the west.

The Category B listed former Langstane Kirk, now converted into a bar/restaurant lies approximately 45m to the east of the site.

The six storey granite fronted Bauhaus Hotel was completed in 2009 and this lies just to the west of the application site.

## **RELEVANT HISTORY**

No relevant history on the site.

Listed Building Consent and Conservation Area Consent have been submitted for the proposal that is the subject of this application (references 131136 and 131137).

Permission was granted in 2007 for a large hotel and office development approximately 130m to the west of the site on Justice Mill Lane (the Park Inn and IQ Building) which has now been fully implemented.

Two further hotels have subsequently been built on Justice Mill Lane.

Further to the west along Union Street, planning permission has been granted for hotel uses at both the Capitol and at Bells Hotel. Neither of these permissions have been implemented.

In 2009 permission was granted for an extension to the Bells Hotel to form a 217 bedroom hotel (with 16 car parking spaces).

The 170 bed hotel permission at the Capitol was granted in 2011 and included car parking spaces for 42 cars, together with 5 drop off spaces and a valet parking service.

## **PROPOSAL**

The application proposal is for the conversion and extension of the existing listed property fronting onto Union Street for use as a hotel with a bar on the upper storey and on the ground floor level (on Langstane Place) and separate bar / restaurant on Langstane Place. The frontage building would be retained, with the buildings to the rear (fronting onto Langstane Place) being demolished. The extension would consist of a multi storey building that would vary between a maximum of nine storeys, seven storeys and four storeys.

The building would provide a total of approximately 7000m<sup>2</sup> gross floorspace of accommodation and would contain a 134 bedroom hotel. The hotel would have public entrances from both Union Street and Langstane Place.

The buildings to be removed would be all those structures to the south of the rear wall of the original building fronting onto Union Street.

The proposed new build element of the scheme would consist of various elements, including structures of differing heights and in a variety of materials. The proposed materials include natural granite cladding, glazing curtain walling, grey cladding panels and white coloured render. The nine storey element of the building would lie within the central area of the plot, set back approximately 23 metres from the Union Street frontage and 6 metres from the Langstane Place frontage.

On Langstane Place there would be four storey block on the street on the east side of the side and seven storey block to the western side.

The Supporting Planning Statement states that the hotel would provide 20 full time and 80 part time jobs as well as supporting the local economy by generating a requirement for local goods and services.

Supporting documents have been submitted with the application, these are:

Design and Access Statement

Pre-application Consultation Report

Supporting Planning Statement

Property Conservation Appraisal Report

Transport Statement

## **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?131087>

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 in April / May / June this year 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. In addition to the statutory

requirements, the consultation involved the display of the proposals on display boards within the shop window on Union Street.

The required public event took place in the form of a staffed public exhibition at Ferryhill Community Centre.

No written comments were made in response to the event, although the pre-application consultation report states that there appeared to be general support for the proposals to bring back into use a vacant premises on Union Street, however, concerns were expressed about car parking provision.

The Pre-application report records that a further meeting took place, this was a public meeting, although only members of the Community Council attended. A more detailed scheme was presented, with the building having been reduced by a storey to nine storeys. Photomontages were displayed.

Changes to the proposal during the pre-application proposal have included the reduction in height and changes to the design and the entrance into the hotel being taken from Union Street.

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the the Planning Development Management Committee because there have been eight representations. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Projects Team** – There is good access to public transport, including buses, the train station and a taxi rank on Chapel Street. There are also public car parks. On-street parking is regulated by double yellow lines and a controlled parking zone. Cycle parking would be secured by condition. Considering all these factors, there is no objection to the lack of parking.

Despite measures in the Transport Statement, it is considered to be highly likely that pick ups and drop offs would occur on Union Street. Serious concern is expressed about the impact of taxis - immediately outside the site on Union Street is a bus lane with bus stops adjacent to the site. It is legal for taxis to operate in this way on Union Street.

Requests attachment of a condition relating to the reinstatement of the footway on Langstane Place adjacent to the application site.

It is understood that service access would be from Langstane Place.

Request condition relating to provision of a travel plan.

Contribution towards the Strategic Transport Fund is required.

**Environmental Health** – Requests condition relating to construction hours and refuse disposal.

**Developer Contributions Team** – Contribution required towards core paths / public realm.

**Enterprise, Planning & Infrastructure (Flooding)** – No objection.

**Scottish Environment Protection Agency** – No objection.

**Scottish Water** – No objection.

**Community Council** – No response

## **REPRESENTATIONS**

8 number of letters of representation/objection/support have been received. The objections raised relate to the following matters –

- That the height is unnecessary and would damage the landscape of Union Street; the height to the rear is also disproportionate to other buildings in the surroundings;
- The extension to the rear lacks architectural interest – reference is made to the Conservation Area Character Appraisal.
- Absence of parking would result in a lack of parking for users of the objectors premises, with ability to use parking permits being problematic. Bon Accord Square is regularly full, and further pressure on the spaces is unacceptable. There are few car parks in the area and all of them are well used. If the application is to be approved, it is suggested that parking on some of the surrounding streets be restricted to permit holders only; sub floor parking should be a requirement of the application.
- Traffic and congestion: that traffic on Langstane Place can be very heavy, especially at peak times and the development would exacerbate the situation, with potential for increase in accidents. Traffic has already increased since the development of new offices in the area and affordable public transport is required through out the city prior to new large scale developments.
- Lack of provision for servicing
- Obstruction of access to garage and parking areas on opposite side of Langstane Place
- Impact on natural light: that the proposal would be directly to the rear of premises with the result that light would be restricted to the detriment of health and safety.
- Lack of public consultation, with no notice prior to the arrival of neighbour notification
- Drainage: that existing problems may be exacerbated.
- The principle of investment and redevelopment at the west end of Union Street is welcomed, however, the proposal is considered to be over development.

The Civic Society welcomes development of the City Centre and in particular the efforts to encourage vibrancy at the west end of Union Street. However, there are severe reservations about the height which is felt to be too large for the context. Concerns are expressed that although the Transport Statement identifies that 103 parking spaces are required, the proposal relies on nearby public car parks, including at the IQ Building and Chapel Street car park. It is suggested that the proposal be amended to incorporate some on site parking provision.

## **PLANNING POLICY**

### **National Policy and Guidance Scottish Planning Policy (SPP)**

This is the statement of government policy on land use planning. The policies on sustainable economic growth, sustainable development, transport and the historic environment are relevant, described in more detail below and are discussed in the evaluation.

SPP highlights (in paragraph 33) that achieving sustainable economic growth requires a planning system that enables the development of growth enhancing activities across Scotland and protects and enhances 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, recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth.

In paragraph 45, on economic development, SPP states that the planning system should support economic development in all areas by, inter alia:

- Taking account of the economic benefits of proposed development in development management decisions;
- Promoting development in sustainable locations, particularly in terms of accessibility;
- Promoting regeneration and the full and appropriate use of buildings; and,
- Supporting development which will provide new employment opportunities.

In paragraph 48, SPP emphasises the importance of high environmental quality in attracting investment into an area and providing economic opportunities, eg through tourism. The SPP goes to state that planning authorities should ensure that new development safeguards and enhances an area's environmental quality. The re-use of derelict and vacant buildings is encouraged.

Paragraph 110 (Historic Environment) describes the historic environment as a key part of Scotland's cultural heritage as it enhances local distinctiveness and contributes to sustainable economic growth and regeneration.

In terms of listed buildings, paragraph 113 states that changes to a listed building should be managed to protect its special interest while enabling it to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.

Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building; the resulting development should be of a high design quality, protect the listed building and its setting and be the minimum necessary to enable its conservation and re-use.

In terms of conservation areas, paragraph 115 states that a proposed development that would have a neutral effect on the character or appearance of a conservation area should be treated as one that preserves the character / appearance. The design, materials, scale and siting of new development within a conservation area should be appropriate to the character and setting of the conservation area and planning permission should normally be refused for development that fails to preserve the character or appearance of the area.

**Scottish Historic Environment Policy (SHEP)** is the statement of government policy on the protection and management of the historic environment. It seeks to make the best use of the historic environment in a sustainable way that secures its long term survival yet achieves the government's wider aims of economic and social regeneration.



In terms of listed buildings, it is emphasised that knowing what is important about a building is important to understanding how to protect its special interest. In considering an application with potentially significant impacts the planning authority should take into account whether there are other options and may also take into account whether there would be significant benefits to economic growth or the wider community.

### **Aberdeen City and Shire Structure Plan**

The following Structure Plan key objectives for the growth of the City are relevant – economic growth, accessibility and the quality of the environment.

### **Aberdeen Local Development Plan**

Policy C1: City Centre Development: development must contribute towards the delivery of the vision for the City Centre as a major regional centre as expressed in the City Centre Development Framework. The City Centre is the preferred location for retail, commercial and leisure development serving a city-wide or regional market.

Policy C2: City Centre Business Zone: reiterates Policy C1. States that proposals for change of use on Union Street from retail to other uses will only be acceptable if they comply with the Union Street Frontages Supplementary Guidance (SG). Proposals to use basement and upper floor levels for appropriate uses will be encouraged in principle.

In areas other than Union Street proposals for such a change of use would only be acceptable if it can be demonstrated that there is a lack of demand for retail and how the new use contributes to the wider aims of city centre enhancement. The proposed new use must also enhance or maintain daytime vitality and an active street frontage; and not conflict with the amenity of the neighbouring area.

Policy I1: Infrastructure Delivery and Developer Contributions

Policy T2: Managing the Transport Impact of Development

Policy D1: Architecture and Placemaking

New development must be designed with due consideration for its context and make a positive contribution to its setting. Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City's skyline and aim to preserve or enhance important views.

Policy D2: Design and Amenity

Development deemed to have an influence on public realm in the City Centre will make an agreed contribution to art or other enhancement to the public realm.

Policy D3: Sustainable and Active Travel

Policy D4: Aberdeen's Granite Heritage

Encouragement of the retention of granite buildings, with conversion and adaptation being favoured.

#### Policy D5: Built Heritage

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

#### Policy D6: Landscape

Development will not be acceptable unless it avoids: obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points and main approaches.

#### Policy R7: Low and Zero Carbon Buildings

### **Supplementary Guidance**

#### Union Street Frontages Supplementary Guidance

The property lies within sector E, this is a long stretch that includes part of Holburn Street and Union Street to Bon Accord Street. The sector has a minimum required percentage of ground floor retail of 30%.

#### City Centre Development Framework

The City Centre Development Framework emphasises that the City Centre must capitalise on its unique character, welcome visitors and leave them with a lasting positive impression of a vibrant place with a clear and unique identity. The strategy concentrates on defining a high quality urban core of the city centre, ensuring that users can be encouraged to use public transport.

### **EVALUATION**

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

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 main issues for consideration are: the appropriateness of the use within this area, including within the Union Street frontage; the appropriateness of the proposed massing, scale, elevational design and materials in terms of their impact on the listed building and character of the Union Street Conservation Area, on the streetscene on Union Street, and views from areas to the rear, including the Bon Accord Conservation Area; impact on traffic and parking; and, any benefits of the scheme in terms of the regeneration of the west end of Union Street and wider economic benefits.

#### Proposed Use and Compatibility with Surrounding Uses

The principle of the proposed use as a hotel would be entirely consistent with the aims of the LDP with the City Centre as the preferred location for commercial and leisure development.

In terms of Policy C2 and the Union Street Frontages SG, the proposal would result in the retail percentage along this sector being 34.8%, which complies with the SG and the policy.

In terms of the use on Langstane Place, this frontage of the site was previously used for servicing and did not present an active frontage to the street as envisaged by the policy. The proposal complies with Policy C2 as the building has been marketed for retail use, and the application proposal would result in an enhancement to daytime vitality with the introduction of a bar / restaurant and public access to the hotel.

In terms of the impact on the amenity of occupiers of nearby buildings, there are a number of similar uses within the immediate areas and the proposed uses would not conflict in terms of potential for noise and activity.

The application property would be to the north of premises on Bon Accord Square. Due to the distance and orientation it considered there would be no significant impact on daylight reaching these premises.

The application site is centrally located within the regional centre and complies with LDP Policy C1: Regional Centre and with structure plan and LDP policies on accessibility, with site being in the city centre and easily accessible by public transport.

There would a contribution requires towards core paths / public realm and it is considered that the proposal complies with Policy D2.

#### Scale and Design

LDP Policy D1 relates to context and contribution to setting. The proposal involves the reuse and refurbishment of the section of the building fronting onto Union Street and this is to be very much welcomed as making a positive contribution to the streetscene on Union Street as part of the terrace.

The proposed design relies on getting light into the centre of the site by using a lightwell with bedrooms clustering around this. The design approach involves various blocks of differing heights and clad in granite, render or glazing, these effectively break up the massing and help the building fit appropriately within the streetscene on Langstane Place. In terms of elevational treatment and massing the building complements those that surround it. Both front elevations features large framed areas of glazing. The overall massing is reduced by the nine storey element of the building being within the central part of the site, where it would be visible only from a relatively small area of the north side of Union Street, with lower elements of the building having been designed to further reduce views of the building.

On the Union Street side, the upper part of the building would be visible due partly to the set back of Langstane Kirk. The massing of the proposal was amended in order to reduce the impact within the view from this angle.

The existing gable on the Langstane Place frontage is granite and in accordance with Policy D4, the granite would be reused on the ground frontage on Langstane Place.

The design, massing and scale of the building are considered acceptable. The applicant's agent has submitted a number of visual images and these provide an impression of how the building would sit in relation to its surroundings. It is considered that the proposal complies with Policy D1.

The proposal complies with the City Centre Development Framework which does not presume against tall buildings, as long as they respect the height and scale of their surroundings, the urban topography, skyline and important vistas. The impact in terms of the Conservation Areas is considered further below.

#### Impact on the Conservation Area and on setting of Langstane Kirk and other listed buildings

The application site lies within the Union Street Conservation Area, the boundary of the Bon Accord Conservation Area is Langstane Place. It is also important to consider the impact on the setting of nearby listed buildings: Langstane Kirk and the buildings on the opposite side of Langstane Place (fronting onto Bon Accord Square) are Category B listed. The remainder of the terrace between Bon Accord Street and Bon Accord Terrace are Category C listed, with the exception of those on the corner of Bon Accord Terrace which are Category B.

The most significant impact within the surrounding conservation areas, would be the view from further east on Union Street, in particular where the proposed hotel would be visible in conjunction with the Langstane Kirk. A photomontage image has been created from opposite Langstane Kirk. The building would be visible between the kirk and the gable and roof of the start of the terrace to the west (in which the application premises sits). The massing of the building and use of materials on the side elevation were amended during the application process in an attempt to reduce the impact within this view. The building would be located some distance from the Kirk and although it would be visible, the proposal would not block views or interfere with views of the spire.

As the listed terrace sits further forward, the proposed building would be much less visible in views from the opposite side of Union Street and from the west. From the south, the top of the building would be visible in the distance from a very limited stretch of Willowbank Road and this view would be screened by trees and buildings in the foreground, so that the proposal would not have a significant impact.

Similarly from Bon Accord Square, from where, it should be noted, the Park Inn building is highly visible, only the very top of the building would be visible from a small area on the south side of the square.

As noted above in the evaluation of the design solution, the building is considered to be in keeping with the context on Langstane Place, the varying heights helping to knit the new structure into the streetscene. The Conservation Area Consent and Listed Building consent will involve evaluation of the impact on the conservation area of the loss of the existing buildings. One of these buildings is none traditional in character and currently detracts from the character of the area. It is considered that the proposed building would preserve the character of the conservation areas and would not impact detrimentally upon nearby listed buildings.

### Impact on the Listed Building

The building is Category C listed and the extent of listing is debatable as it is difficult to ascertain whether the buildings to the rear of the Union Street frontage building were interlinked and within the same use and ownership at the time of listing.

The building to the rear of number 351 to 359 Union Street (the building to the east) is also within the application site and unlisted. The listed description is very short and refers to a single listing for the properties fronting Union Street between nos 335 – 369 – the entire terrace from the former Langstane Kirk (now Soul bar / restaurant), up to Bon Accord Terrace. The importance of the building is principally as part of this terrace.

The building has a modern shop front and has undergone considerable alterations internally, including the removal of the rear wall at ground floor level, where the building is linked into a larger open plan building to the rear.

The listed building to the Union Street frontage would remain as part of the proposals and would form the entrance to the hotel, with a new frontage replacing the non original shop frontage that exists. The proposed hotel would be a large structure to the rear of the listed building, however, due to the set back from the rear of the building of the most visible elements the proposed extension would not be clearly linked to the Union Street frontage. The new build elements would be seen in views from the further east on Union Street, however, this is considered that the proposal would not impact detrimentally on the character of the remaining element of the listed building.

In terms of the loss of the linked buildings to the rear, these are of no particular interest. The loss of the four storey granite gable elevation onto Langstane Place would be the most significant impact of the proposal. The gable has been significantly altered at ground floor level.

The application premises have lain vacant since 2011 and there are other formerly retail premises also vacant on Union Street. It is difficult to envisage a use that would be suited to the layout of the various elements of the buildings that exist on the site. Bruce Millers used the rear buildings partly for retail, but also for tuition rooms and storage. The building, although relatively large footprint is not laid out in a way that would be likely to suit retailers looking for large units. The application proposal would result in the retention of the frontage building which is the significant building in terms of the listing.

There would also be a significant benefit to the proposal in terms of the contribution that could be made by both the physical regeneration of a currently disused building and by a hotel use that would increase footfall and activity at the west end of Union Street.

### Economic Benefits

The planning statement highlights surveys and studies from which a number of conclusions are drawn: that hotel occupancy rates in Aberdeen are amongst the highest in the UK; a shortage of rooms at the higher end of the market means that visitors are often forced to look outside the city; and, that the area has capacity for further large, high quality hotels. It is also stated that Aberdeen's hotel guests are approximately three quarters of all visitors and these visitors spend twice as much as leisure visitors.

There would be benefits of the proposal to the local economy in terms of both physical regeneration at the west end of Union Street and positive impression that creates, by supporting business investment and helping retain business, by creating jobs and by generating spending within the local economy at the west end of Union Street and within the wider area.

SPP states that the Government's central purpose is to increase sustainable economic growth and accordingly planning authorities should take a positive, flexible approach to development to ensure that new economic opportunities can be realised. It is considered that the proposals accord with SPP in terms of refurbishing a vacant listed building in a sustainable location with good access, bringing it back into productive use and creating a more attractive environment which has considerable civic as well as economic benefits. Approval of the application would support new job opportunities by providing facilities that support business to help the growth of firms and inward investment. The development would contribute to the vitality and diversity in the city centre, with high quality design and ensuring the future maintenance of a listed building as well as improving the frontage onto Union Street by its refurbishment and active use.

#### Parking and Transport

The development does not include any parking, and this is acceptable given the good access to public transport. It would be very difficult to incorporate any significant number of parking spaces into the development without compromising viability.

It should be noted that planning permission has been granted in the recent past for two hotel developments at the west end of Union Street – at Capitol and Bells Hotel – at present it would appear unlikely that these will not be implemented as both sites are subject to applications for office development.

The Roads Project Team does not object to the application although does express concern in relation to the potential for taxi to drop off on Union Street, due to the potential for disruption to bus stops and the bus lane. The bus stops on this stretch of Union Street between Bon Accord Street and Bon Accord Terrace are located from in front of the Yorkshire Building Society (immediately to the east of the application site) westward, the stretch of street between Bon Accord Street and the Yorkshire Building Society is free of bus stops. It is legal for taxis to stop on Union Street and it is acknowledged that it would for the management of the hotel to take steps to discourage the practice. In addition, there are taxi ranks on Chapel Street, Union Row and Dee Street all close to the building. The Transport Assessment includes a framework travel plan and a travel plan would be required as by condition. The measures will include: cycle parking, promotion of car clubs, servicing taking place from Langstance Place, the provision of a shuttle bus from Chapel Street car park. It is considered that the proposal complies with Policy T2 and D3.

#### Other Issues Raised in Representations

The following comments are made in respect of issues raised:

- Height and design have been dealt with above;

- The Conservation Area Appraisal was referenced as background information, it does contain policy. Impact on the conservation areas is dealt with above;
- Parking is currently controlled by permits and pay and display. Although there is potential for additional pressure on parking, due to relative costs it is considered unlikely that a significant number of hotel visitors would use on street pay and display rather than the larger public car parks a little further from the site. The Roads Project Team do not object, including on the basis of the lack of parking;
- Obstructions to accesses and garages would be illegal and would be dealt with by enforcement of the existing regulations;
- Impact on neighbours, including in terms of daylight is dealt with above;
- Public consultation has been carried out in accordance with requirements; and,
- Drainage: neither SEPA, nor Scottish Water, nor the Roads Project Team have objected to the proposal.

### Conclusion

As with the recent proposal at the Capitol, the extent to which the streetscene on Union Street is affected by buildings that sit beyond the street frontages and the extent to which those using the street take cognisance of structures behind the granite frontages and rooflines, is a matter for debate. It is considered that although clearly visible, the proposed structure would not be overly prominent within the views of those using the surrounding streets, in the case of Union Street this is due to the extent to which it sits behind the frontage buildings which dominate the view.

There are economic benefits to the proposal, these are in terms of the bringing back into use and refurbishment of the listed Union Street frontage building, the activity and vitality that would be generated within the area, the introduction of a large numbers of hotel guests that would be likely to use the shops, restaurants and other facilities within the area and the provision of additional hotel accomodation that is to the benefit of the business traveller. The City benefits significantly from business visitors and there is reportedly a lack of accomodation at present.

Although concern is expressed with regard to the potential for taxis to stop on Union Street, there is potential for this to be managed, and the issue is one faced by many thriving cities.

The proposal is considered acceptable in terms of its impact on the conservation area, the setting of listed buildings, design and the economic benefits of the proposed use.

### **RECOMMENDATION**

**Willingness to approve conditionally. Consent to be withheld until such time as a developer's contribution has been secured towards works to the core paths / public realm improvements in the area and Strategic Transport Fund.**

## **REASONS FOR RECOMMENDATION**

The proposals are considered to accord with zoning policy: Policy C2 – City Centre Business Zone within the Aberdeen Local Development Plan (LDP). The proposal would accord with policies within the structure plan, LDP, Scottish Planning Policy and Scottish Historic Environment Policy. The development would contribute towards the regeneration of the historic fabric on Union Street add to vitality and contribute towards economic development in the City Centre. The building would be taller than its immediate surroundings and would be visible from some viewpoints on the north side of part of the upper stretch of Union Street. It is considered that the proposal would have some impact, but would generally preserve the character of the Conservation Areas. The site has good links to public transport although locally there may be some potential for disturbance to the bus lane, it is considered that this can be mitigated through appropriate management. The economic benefits accord with the Scottish Government's wider aims of economic regeneration and outweigh any local impact.

### **Conditions:**

**it is recommended that approval is granted 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 - in the interests of visual amenity and the character of the listed building and conservation area.

(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 where the new build joins the existing building, the ground floor frontage to Langstane Place and the replacement shopfront on Union Street. Any revolving door shall be of such a height that its mechanism shall be hidden behind the fascia level.

That all works, as so agreed must be implemented fully in accordance with such details . These shall be in accordance with the approved plans, or others subsequently approved and the none of the building shall be used unless the Union Street frontage is available for use as the main entrance to the building, unless otherwise agreed in writing with the planning authority – in the interests of enhancing vitality on Union Street and preserving the character of the listed building.

(3) 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 - in the interests of encouraging more sustainable modes of travel.

(4) 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 by Cameron and Ross



July 2013, or other TA as subsequently approved - in order to encourage more sustainable forms of travel to the development.

(5) That none of the development shall be brought into use unless the footpath on Langstane Place has been reinstated in accordance with a scheme to be agreed in writing with the planning authority, unless otherwise agreed in writing with the planning authority – in the interests of public safety.

(6) That servicing shall take place only from Langstane Place, unless otherwise agreed in writing with the planning authority – in the interests of public safety.

(7) 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 - in the interests of protecting the character and appearance of the listed building.

(8) 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'.

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

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

(11) That the existing Bruce Miller's clock shall be refurbished and replaced on the Union Street frontage of the premises in accordance with a scheme to be submitted to, and agreed in writing with the planning authority. The hotel shall not

be brought into use unless the clock is in place, unless otherwise agreed in writing with the planning authority – in the interests of retaining an object of local interest and visual interest in the streetscene.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

# MEMO



ABERDEEN  
CITY COUNCIL

To	Lucy Greene Planning & Infrastructure	Date	14/11/2013
		Your Ref.	P131087 (ZLF)
		Our Ref.	TR/IH/1/51/2
From	Roads Projects		
Email	<a href="mailto:IHamilton@aberdeencity.gov.uk">IHamilton@aberdeencity.gov.uk</a>		
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. P131087**  
**363 Union Street / 50 Langstane Pl, Aberdeen**  
**Proposed part demolition of existing vacant retail premises and erection of new nine-storey building for use as a hotel including a rooftop restaurant and separate bar/restaurant**

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 and reconstruction of the former Bruce Millers site to a hotel and bar/ restaurant.

## 2.0 Parking

2.1 The development is being brought forward without any internal car parking. It is situated within the city centre with good access to public transport. A number of bus routes pass the site on Union Street, with further services within walking distance throughout the city centre. The train and bus stations at Guild Street are also reasonably close to the site. There is a taxi rank on Chapel Street to supplement the bus and rail services.

2.2 In addition to the public transport services in the area there are a number of public car parks within which staff and guests could park if required. Parking on street is regulated either by double yellow lines or by controlled parking zone. This will provide some additional parking provision, and prevent indiscriminate and inappropriate parking.

2.3 Considering all of these factors I am prepared to accept the proposed development without car parking.

2.4 I have discussed with the applicant and they have in principal accepted that cycle parking should be located within the building primarily for the benefit of staff. I would ask that the provision of this facility be secured by condition to

Gordon McIntosh  
Corporate Director

any consent. The cycle parking spaces should be sheltered and secure, and be provided at a ratio of one space per ten staff in accordance with the Councils parking standards. Showers, changing rooms and lockers should also be provided. Following agreement, I would request that the provision of these facilities be secured by condition to any consent.

### **3.0 Access**

- 3.1 I understand that access to the hotel will be taken from both Union Street and Langstane Place. It is intended that the vehicular drop off and pick up point for the development be from Langstane Place. The submitted plans however show that the reception desk will be located at the access from Union Street. It is therefore highly likely, despite the measures identified in the Transport Statement, that pick ups and drop offs will occur on Union Street. Immediately outside the site on Union Street is a bus lane with bus stops located adjacent to it.
- 3.2 I have serious concerns about the impact that this will have on the operation of the bus lanes on Union Street and potentially the bus stops. I understand that it is legal and permissible for taxis to drop off and pick up on Union Street. Any vehicle stopping on Union Street to drop off or pick up will temporarily block the bus lanes meaning that buses will require to enter the all vehicle lane. Access to the bus stops may also be difficult at these times. I would ask that these concerns be taken into consideration, noted and highlighted as appropriate.
- 3.3 The footway to the frontage on Langstane Place has previously been removed to provide service access to the rear of the Bruce Millers shop. This development will result in pedestrian access to the hotel and to a bar/restaurant from Langstane Place. I would therefore ask that a condition be attached to any consent that prior to occupation the footway be reinstated along this frontage, at the applicants expense. The footway should be a minimum of 2m in width and tie in with the existing provision. It will require to be subject to the Roads Construction Consent (RCC) process. I would suggest that the applicant contact Colin Burnet to discuss this. I would also suggest that the applicant contact Raymond Moffat (Tel. 01224 538066) to discuss proposals. This work must be carried out by the applicant, using a contractor approved by the Council.
- 3.4 I understand from the applicant that all service access will be from Langstane Place.
- 3.5 There will be no requirement for the developer to make a contribution to the planned improvement works on Justice Mill Lane.

### **4.0 Travel Plan**

- 4.1 I would request a condition be attached to any consent for the provision of a Travel Plan prior to occupation.

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# MEMO



ABERDEEN  
CITY COUNCIL

To	Lucy Greene Planning & Infrastructure	Date	14/11/2013
		Your Ref.	P131087 (ZLF)
		Our Ref.	TR/IH/1/51/2
From	Roads Projects		
Email	<a href="mailto:IHamilton@aberdeencity.gov.uk">IHamilton@aberdeencity.gov.uk</a>		
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. P131087**  
**363 Union Street / 50 Langstane Pl, Aberdeen**  
**Proposed part demolition of existing vacant retail premises and erection of new nine-storey building for use as a hotel including a rooftop restaurant and separate bar/restaurant**

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Gordon McIntosh  
Corporate Director

## 5.0 Strategic Transport Fund

- 5.1 As the proposed development gross floorspace is greater than 1,000m<sup>2</sup> Class 11; and within Aberdeen City, 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. 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 area change at any stage, pre or post planning approval, the contribution must be re-evaluated.

<b>Non-Residential Class 1, 3, 7 &amp; 11 STF Contribution Estimate</b>			
<i>Use Class</i>	<i>Contribution per ha</i>	<i>Development Area</i>	<i>Sub Total</i>
Class 11	£55,809	0.1122 Ha	£6261.77
<b>Total</b>			<b>£6261.77</b>

## 6.0 Conclusion

- 6.1 In light of my comments above, and providing the requested conditions and legal agreement are taken into account, I have no objection to this planning application.



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

Aberdeen Civic Society  
c/o 44 North Deeside Road,  
ABERDEEN  
AB15 7PL

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

20 August 2013

Dear Dr Bochel

**P131087 & 131136 & P131137 – 363 Union Street / 50 Langstane Place**

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

*The Society welcomes development of the City Centre and in particular supports all efforts to encourage vibrancy at the West End of Union Street. That said, however, we do have severe reservations about the height of the proposed building which we feel is too large for the context in which it lies, a concern we expressed about the neighbouring proposal for the Capitol Theatre as well.*

*We also have concerns that although the Transport Statements identifies that 103 parking spaces are required for the use of the hotel and restaurant there is no provision for creating spaces within this proposal, instead it relies purely on already limited paid parking in the nearby IQ building and Chapel Street car parks. We would urge that the plans be amended to incorporate at least some onsite parking provision.*

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

Yours sincerely

Alastair Struthers



**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 02 August 2013 13:22  
**To:** PI  
**Subject:** Planning Comment for 131087

Comment for Planning Application 131087  
Name : Accord Tax & Accountancy Ltd  
Address : 16A Bon Accord Square  
Aberdeen  
AB11 6DJ

Telephone : \_\_\_\_\_  
Email : \_\_\_\_\_  
type :

Comment : It is great that this will prima facie help to rejuvenate the West End of Union Street but it will undoubtedly cause serious problems for the residents and businesses of the immediate area. The nub of the problem is the absence of parking facilities in the area which is already a contributor to the demise of Union Street. As a business operating in Bon Accord Square we do have a need for visiting clients to be able to park short term near our office and for one of our personnel to be able to use the on street parking permit which we hold. It is currently difficult to park at times and the proposed development will unquestionably impact on the already inadequate parking which has badly effected the West End of Union Street. Furthermore we believe that the value of existing business and residential properties will be reduced if the facility to park is curtailed which is not entirely fair. We think that a condition of planning consent being given ought to be the incorporation of an underground/ground floor parking facility which is adequate to service the needs of the hotel/office proposed. Dropping the inclusion of a public bar would not be a detriment to the local community as the area has more than enough already.

PI

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 18 August 2013 14:33  
**To:** PI  
**Subject:** Planning Comment for 131087

Comment for Planning Application 131087

Name : Mike Shepherd

Address : 18 Forbesfield Road

Aberdeen

Telephone : \_\_\_\_\_

Email : \_\_\_\_\_

type :

Comment : The applicant must be asked to keep the existing granite frontage onto Union Street. This an essential part of Aberdeen's heritage and must not be replaced. The plans must be resubmitted with the existing granite frontage kept.

**Robert Vickers**

---

**From:** Lucy Greene  
**Sent:** 27 August 2013 09:03  
**To:** PI  
**Subject:** FW: 50 Langstane Place/363 Union Street

Please could this be registered as an objection to 131087

Thanks

Lucy

---

**From:** David Craik  
**Sent:** 27 August 2013 08:45  
**To:** Lucy Greene  
**Subject:** 50 Langstane Place/363 Union Street

[lgreene@aberdeencity.gov.uk](mailto:lgreene@aberdeencity.gov.uk)

<http://planning.aberdeencity.gov.uk/docs/planningdocuments.asp?appnumber=131087>

Dear Lucy,

Many thanks for taking my call on Monday 19<sup>th</sup> August. As discussed, I now write in regard to the proposed new development at the former Bruce Millers premises.

We are based at 2 Bon Accord Square and have a rear car park accessed by Langstane Place close to the proposed development.

Whilst we are not against any development in principal, we have a number of observations and concerns about this one:

- 1) Car Parking – Car parking in the area is extremely limited and already extremely expensive. There appears to be no provision for car parking mentioned in the plans! Is it expected that all the clientele will simply park locally? Given 9 floors we would expect the provision of parking. The existing Bruce Millers had a small number of parking spaces and provision for unloading in the covered car park. It is unrealistic to expect residents to carry cases from Chapel Street and the Trinity centre.
- 2) Drop off/Taxi/Coaches and service vehicles – There appears to be no provision for vehicles servicing the businesses. Langstane Place is already congested. We have experienced a very dangerous position at the Park Inn Radisson, 1 Justice Mill Lane and the offices and Premier Inn. It appears that similar provisions got 'lost' in the planning stage. In fact such is the current problem that I think you should conduct a review and take action before someone is killed! Please do not allow a similar position further down Langstane Place. We currently experience illegal parking issues outside our gates and at the zebra crossing with beer lorries etc. I suggest there will be a great deal more traffic for this proposal compared with Soul Bar etc. Given the lack of Parking we can expect some 134 taxis twice daily, even if to only ferry to their cars! The provision of 13 bike spaces is to be applauded (despite the research showing nil usage)!
- 3) Construction disruption – Are there proposals available to minimise disruption to Langstane Place during demolition and construction phases. We are concerned upon the impact of access to our car park during this time.
- 4) Public consultation – It was alarming that, as neighbours we had no indication of any proposals until the formal notification arrived in the post recently. I believe the method of posting previous notices displayed an underhand approach that would worry me going forward.
- 5) Drains and sewage – We are already experiencing issues on both sides of our building. Will the proposed development address this or compound the problem?

If the above points are addressed to our satisfaction we would fully support the application.

Kind regards

**Robert Vickers**

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 30 July 2013 12:00  
**To:** PI  
**Subject:** Planning Comment for 131087

Comment for Planning Application 131087

Name : Stuart C. MacBride  
Address : Alliance House,  
11 Bon Accord Square,  
Aberdeen,

type :

Comment : Having viewed the application for the former Bruce Millars site I see no provision for car parking. Bon Accord Square is regularly full and the thought of even more cars being pushed into the very few spaces is unacceptable. There are few car parks in the area and all of them are already well patronised. It is my hope that you will reject the application in view of the enormous number of people that it will draw in to work there as well as the hotel patrons.

Our Ref: PMR/DJS

**ADAM COCHRAN**  
SOLICITORS & ESTATE AGENTS

ESTABLISHED 1830

5<sup>th</sup> August 2013

Director of Planning  
Aberdeen City Council  
Marischal College  
Broad Street  
ABERDEEN

Dear Sir

**Proposed re-development of Bruce Millars**  
**363 Union Street/50 Langstane Place, Aberdeen**  
**Application reference 131087**

We refer to the Neighbour Notification of the above planning application.

We have no objection to the proposed change of use as such but we note that the hotel has no provision for parking at ground floor or sub floor levels. Our concern is that hotel patrons will use Langstane Place and Bon Accord Square for parking as the nearest available parking areas and both these areas are full to capacity at present and could not cope with the additional usage required for a hotel of this size.

We trust that you will give consideration to our concern regarding the existing application. We feel that sub floor parking is a requirement of the application site.

Yours faithfully

*Direct Dial:*

*Direct E-mail:*

Partners: Peter M Robertson, Gareth A Masson

Consultant: David G Morgan OBE

Associate: Louise Simpson

Gareth A Masson is accredited by the Law Society of Scotland

a Specialist in Family Law and is also trained as a collaborative Family Lawyer.

ord Square

J

LX ABI

Planning Department  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

1 August 2013

Dear Sirs

**Planning Application No: 131087**

**Proposed development: 363 Union Street/50 Langstane Place, Aberdeen**

We hereby lodge our objection to the planning application referenced above.

Our objection to this application is based on the following grounds:

(i) **The height of the proposed development.** We believe that the height of the development is unnecessarily high and would damage the elegant landscape of Union Street. We also believe that the height to the rear of the proposed development is disproportionately high compared with other buildings in the area and we believe that this would look unnatural and distasteful.

(ii) **Absence of parking incorporated within the proposed development.** We believe that due to the lack of parking within the proposed development, the streets in and around the development, especially those of Bon Accord Square would impair users of our premises from parking in the near vicinity. We also believe that due to the reduced amount of spaces that will be available, the ability to use parking permits will become problematic. If any application is approved, parking within Bon Accord Square and some of the surrounding streets should be exclusively available to permit holders only thereby ensuring spaces are available to owners of properties in this area.

(iii) **Obstruction of natural light.** The rear of the proposed development is directly opposite the rear of our premises and we believe that the amount of natural light

entering our property would be radically impaired. This is an obvious health and safety issue and we have great concerns over this matter.

(iv) **Increased density of traffic and congestion.** The density of traffic on Langstane Place can be very heavy, especially at rush hour times. We believe that the proposed development will only exacerbate this situation. An increase in traffic will also lead to an increase in potential accidents and we believe that this would be unsafe for the users of our premises.

(v) **Obstruction of our garage door entrance.** We believe that if the development is approved, patrons, taxi drivers, delivery drivers and other users of the hotel will use the entrance to our garage doorway as a drop-off point as it is conveniently located opposite the proposed development. This would be wholly unacceptable as we require continual access to and from our premises throughout the day. We would like to hear from the Council and the potential owners of the development as to how they can assure us that any obstruction to our premises will not happen.

We are very pleased to learn that Union Street and the surrounding area is attracting investment. However, we believe it would be highly irresponsible of the Council to approve a planning application for a hotel development which does not have parking facilities, which is located on a small, already congested thoroughfare and on the scale proposed. Therefore, we respectfully request that this planning application be denied on the grounds stated above.

We look forward to hearing from you as to the next stage of the process.

Yours faithfully

***GDPM Ltd***

**Shepherds House,  
4 Bon Accord Square  
Aberdeen,  
AB11 6DJ**

6<sup>th</sup> August 2013

Dear Sirs,

**Planning application No: 131087**

**Proposed development: 363 Union Square/ 50 Langstane Place, Aberdeen**

We are writing to lodge our objection to the planning application referenced above. Our objection is based on the following grounds.

- 1. The height of the proposed development:** Bon Accord Square and Union Street are Conservation Areas within Aberdeen City. The height of this development would damage the elegant landscape of Union Street. Due to its excessive height the modern rear extension would have a detrimental effect on the skyline viewed from Bon Accord Square and would be disproportionately high compared to the other building in Langstane Place.
- 2. Style of the proposed development:** The extension at the rear of this proposed development is just a big box, predominantly made of glass. There is nothing of architectural interest in the design that would enhance the skyline of the city. If you look at the many buildings that have been built in this style over the last few years, they quickly begin to look old and tired, unlike granite buildings, which have stood the test of time.

Aberdeen City Council has published a document in the last couple of months "Conservation area character appraisals and management plan". Section 2, page 13, Development, (copied below), I would urge you to remember these factors when considering this planning application.

Control the design and type of development within the conservation area, ensuring it is sympathetic and of high quality.

- Ensure the appropriate use of materials with regard to longevity and sustainability to protect and enhance the character and quality of the conservation area in the long term.
- Encourage the adaptive re-use of buildings and mixed use projects that address physical, visual or economic decline, subject to compatibility with neighbouring property and uses.

- 3. Absence of parking incorporated within the proposed development:** We believe that the lack of parking within the proposed development would put extra pressure on on-street parking within the area. In their PAC report, the applicant stated they had no reason to suppose the development would lead to an increase in on-street parking. To assume guests of a 134 bed roomed hotel would not be travelling by car is either extremely naïve or misleading; yes it will have an impact on on-street parking. The developer also states they will supply a Transport Statement with their application. Is this available public viewing, it is not on your Planning website?
- 4. Increased density of traffic congestion:** The density of traffic congestion on Langstane Place is extremely heavy, especially at rush hour. It has increased noticeably since the opening of the new office development further west on Lanstane



Place. We believe that this proposed development would only exacerbate this situation. Aberdeen City Council need to implement an **affordable** public transport system throughout the city before they consider any new large-scale developments.

5. **Obstruction of natural light:** The height of the rear extension, being opposite our property, will greatly restrict the natural light in our offices. This is a health and safety issue for us as a company.

We welcome the idea of investment and redevelopment at the west end of Union Street but this proposal is over development of the site, with a construction of no architectural merit. We respectfully request that this application is refused.

Yours faithfully,

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## Planning Development Management Committee

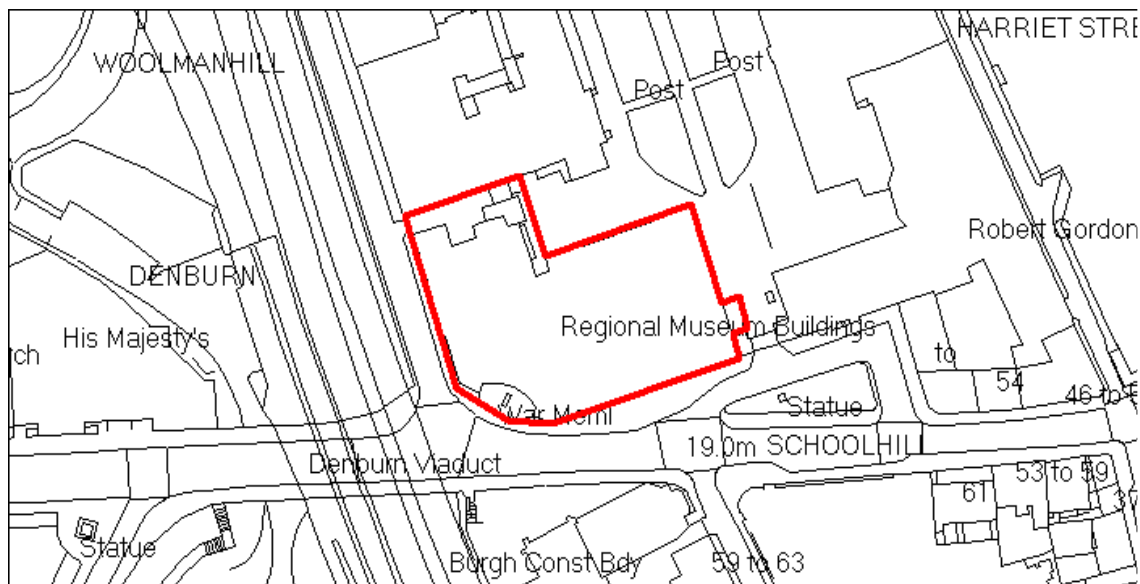
ABERDEEN ART GALLERY, SCHOOLHILL,  
ABERDEEN

INTERNAL ALTERATIONS (INCLUDING  
INSERTION OF NEW STAIR LIFTS AND  
EXTENDING WAR MEMORIAL BALCONY)  
DEMOLITIONS (INCLUDING EXISTING  
GALLERY ROOFS, 1925 GALLERY  
EXTENSION, AND 1970'S OFFICE  
EXTENSION) AND EXTENSION (INCLUDING  
NEW ROOFTOP GALLERY EXTENSION, ROOF  
TERRACES AND EDUCATION, GALLERY AND  
SUPPORT AREAS EXTENSION TO THE REAR  
OF THE BUILDING

For: Aberdeen City Council

Application Type : Listed Building Consent  
Application Ref. : P131246  
Application Date: 21/08/2013  
Officer: Tommy Hart  
Ward : George Street/Harbour (A May/J  
Morrison/N Morrison)

Advert : Listed Building  
Advertised on: 04/09/2013  
Committee Date:  
Community Council : No response  
received



**RECOMMENDATION: Willingness to approve subject to conditions and refer application to Historic Scotland**

## **DESCRIPTION**

The existing Grade A Listed building is located in the heart of Aberdeen, adjacent to Union Terrace Gardens, at the junction of Schoolhill and Blackfriars Street.

To the north and east is the Robert Gordon's College and University. To the south is a landscaped area, the "pocket park", containing several mature trees and a statue of General Gordon and an access road to the school/university complex.

The site comprises the Gallery buildings, War Memorial, Cowdray Hall, hard landscaped areas at the War Memorial and a loading bay area to the rear (north).

The Gallery building was designed by A. Marshall Mackenzie and opened in 1885, it is widely considered a fine example of its type in Scotland (Historic Scotland [http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2200:15:0:::::BUILDING,HL:19978,aberdeen\\_art\\_gallery](http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2200:15:0:::::BUILDING,HL:19978,aberdeen_art_gallery)). An outstanding 2-storey block of Renaissance style buildings, constructed in distinctive polished, grey granite ashlar with pink Correnie granite dressings and detailing linked by a vehicular arch. It has a moulded base course; rock-faced rusticated course rising to cill-course; moulded blocking course; plain ashlar frieze and moulded cornice. Architraved and corniced, astragalled fixed-pane windows run length of ground floor with decorative roundels above.

To the rear, there is a more modern extension which is finished in grey drydash render in need of updating both internally and externally and contrasts with the quality of design of principle buildings.

In terms of the interior, the Art Gallery has a fine central sculpture court with black and white marble stair as well as a distinctive colonnaded sculpture court with columns of different coloured granite. Above, there is a balustraded balcony.

The War Memorial, it is an octagonal court with a balustraded circular balcony at first floor level and giant, arched recesses rise to domed ceiling.

The Cowdray Hall has a curving, stepped stage area with pneumatic pipe organ. It has a doric-columned basement level with geometric plasterwork ceiling. There are also decorative cast-iron balustrades to the hallway stairs and predominantly original brass fixtures and a timber-boarded cloak room with drop-leaf counter.

### **Existing condition and repair**

The main Gallery fabric needs attention and requires some significant repair/replacement of roofs and skylights. The current condition of roofs and glazing means there are ongoing problems with water ingress and associated damage to the building fabric, resulting in risk to the collection. The lack of thermal barriers and insulation in the roof space is also a major contributor to environmental problems.

The Cowdray Hall is in better condition but suffers from similar roof issues and water ingress at the basement makes this area unuseable. The Hall interior is in need of complete redecoration and new lighting and servicing systems are urgently required.

## **BRIEF HISTORY OF THE ART GALLERY**

Following the original Art Gallery opening in 1885, in 1905 the building was extended in association with the newly established adjacent Gray's School of Art, linked to the Art Gallery across an elaborate gate building.

Further development took place with the addition of the City's War Memorial and the Cowdray Hall, opened by King George V and Queen Mary in 1926. In 1937 the 'Regional Museum' opened in the basement below the Cowdray Hall.

The James McBey Print Room and Art Library, within the Gallery, opened in 1961. The McBey Library within the building operates as a reference library.

The complex has undergone periodic alterations since, including addition of public toilets under the main stairs and the Cowdray Hall lobby, a staff wing over the service court in 1978, and internal fit outs including the shop and café.

## **PROPOSAL**

The proposals can be summarised as follows;

### **External Fabric**

- Removal of pitched roofs and skylights behind the parapets of the main building and the addition of a new storey of accommodation for temporary galleries and a learning zone, with external spaces at roof level;
- At the entrance portico, the enlargement of openings at ground floor, insertion of new glazed openings and doors with surrounds;
- At the west end of the main facade to Schoolhill, enlarge the openings to ground level;
- Demolition of the staff wing to the rear of the site and replacement with a new extension to provide staff facilities, library and resource centre (includes the demolition of the McBey and Murray Rooms);
- The addition of a new escape stair tower on the east elevation of the building into the courtyard of Robert Gordon's College; and
- Various repairs and sundry works to the exterior of the building.

### New roof-top extension

The new rooftop extension would be contemporary in design and finish. It would be angular and have varying roof heights ranging from around 20.5m along the east and north elevations to 18.5m in height at the south-west corner, adjacent to the Memorial Dome. Along the western and southern elevations the structure is recessed back by around 6m to allow two new roof terraces to be formed. A large 'skylight' is proposed to allow light to filter down into the main Gallery to ground floor level. There are also two banks of rooflights along the taller sections of the extension.

In terms of materials, the 'solid' elements of the external walls would be finished with pre-patinated copper scalloped cladding panels, with copper coloured capping pieces. There would be a vertical window introduced in the north east corner facing into the Robert Gordon's College courtyard and along the south and western elevations, there would be a number of glazed sections which would have profile fins fitted externally to match the rest of the elevation.

### New rear extension

The new rear extension would be between 19 and 21m in height (21m where the lift would be located internally) & 15m in width. This would reflect the form of the existing building. The extension would project towards the Robert Gordon's College building to within 4m of its south wall (apart from a new wall formed for the new covered delivery area). The walls would be finished with grey cladding panels, which have a variation in texture across the facade. There would be some thin ventilation panels introduced, as well as loading doors and a single-ply membrane roof, all of which would be grey in colour.

### New escape stair extension

This would project 2m from the existing east facing wall, towards the courtyard of Robert Gordon's College. It would be 16m in height and 8m wide. There would be a precast concrete basecourse, this to the parapet level, the stairwell would have a glazed finish with profile fins attached to match the new roof extension. Above this the stairwell would match the roof extension, against which it would be read, in terms of materials.

## **Internal Fabric**

### Basement:

- reorganisation of the partitions to the basement gallery.

### Ground floor:

- stripping-out of spaces, including the entrance lobby and staircase leading to the first floor; relocating granite columns disturbed by the downtakings into a new arrangement and reinstating the pilaster vaulting, refurbishment of the space, including modifying cills to windows;
- at the west end, stripping out finishes and steps relating to the former entrance to the Cowdray Hall and reorganising the layout;
- internal reorganisation to remove an education space, and reorder a shop and café;
- in the Sculpture Court, modifications at the north-west corner and to the north wall surfaces of the colonnade, to accommodate new principal stair - rising through three floors;
- narrowing in width of the 'middle north' gallery space, resulting from the the new stair;
- subdivision of the north west gallery to introduce 'goods' and passenger lifts;
- McBey Room to be stripped out and replaced by a new Community Gallery as part of the new wing to be erected to the rear of the building;
- 1960's War memorial panel to be repositioned within the 'War Memorial Court', the four doors of the court are to be reopened on their original axis;
- Cowdray Hall refurbished;
- External walls stripped back and relined with hydrocopic insulation.

### First floor:

- Storage pods removed from the Murray Room and the space stripped out for the erection of the new rear wing;

- In the Memorial Court, the balcony widened and raised to improve access to the galleries on all four axes;
- Introduction of new stairwell into middle gallery, for vertical circulation;
- Laylight to the Sculpture Court removed and the decorative frieze laser scanned and taken down, stored and thereafter reinstated; the coffered ceiling surveyed and recorded and propped for the duration of the works;
- All remaining galleries; laylights and decorative plasterwork taken down, set aside and thereafter reinstated, to permit the construction of the new floor of accommodation;
- Circulation space at the head of the entrance staircase to become a gallery space after removal of existing stair;
- Upper surfaces and ceilings of the Cowdray Hall refurbished.

#### Second floor:

- Other than the ceilings and laylights of the galleries referred to above, none of the fabric of the building is affected at this level because of the construction of the new upper floor extension.

#### **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?131246>

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

- Design Statement;
- Heritage Report and Conservation Statement;
- Lighting Concept; and
- Various photomontages.

#### **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the the Planning Development Management Committee because more than 5 objections have been received. 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

**Education, Culture & Sport (Archaeology)** – no objections, but request a condition be attached requiring an archeological scheme of works be agreed prior to any works.

**Historic Scotland** – made initial comments requesting some additional information/justification but in general have been supportive of the scheme. Require formal notification of the application, given its A-Listing. A copy of their initial comments are appended to this report.

**Community Council** – no comments received

**Aberdeen City and Shire Design Review Panel** - Overall, the Panel were complimentary and supportive of the scheme. Comment was primarily focused on matters of clarification regarding the design development and form. The Panel supported the reorganisation of the internal layout and felt the proposals improved orientation and spatial clarity within the building. The Panel would welcome the proposal back once some of the details are confirmed with regard to the external area, materials, roof form and position. A copy of the comments are appended to this report.

## **REPRESENTATIONS**

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

1. Loss of the staircase;
2. There would be adverse impact on the internal space due to the placing of the new staircase in what is currently the sculpture court;
3. The proposal is very damaging to the elevations on Schoolhill and from Robert Gordon's College;
4. The proposed rooftop extension would ruin the building and the surrounding area;
5. The proposed materials are wholly inappropriate;
6. The war memorial will be completely ruined due to the inappropriate rooftop extension;

## **PLANNING POLICY**

### **National Policy and Guidance**

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Section 64 of the 1997 Act imposes a duty on the planning authority to pay special attention to the definition of a conservation area as '*areas of special architectural or historic interest the character or appearance of which it is desirable to preserve*'.

Scottish Planning Policy (SPP) is the statement of Government policy on land use planning and includes the Government's core principles for the operation of the planning system and concise subject planning policies. The subject planning policies relating to the 'historic environment' is a relevant material consideration.

Historic Scotland's Scottish Historic Environment Policy (SHEP) sets out policy for the management of change. Further guidance on selected topics is incorporated within a series of leaflets, 'Managing Change in the Historic Environment' – specifically 'Extensions' and 'Setting'.

New Design in Historic Settings suggests that new buildings in historic settings should seek to replicate existing buildings in design, appearance and materials. While this may be appropriate in specific circumstances, in general new interventions in historic settings do not need to look 'old' in order to create a harmonious relationship with their surroundings.



## **Aberdeen Local Development Plan**

### **Policy C2 – City Centre Business Zone and Union Street**

This policy primarily relates to retaining retail uses.

### **Policy H2 – Mixed Use Areas**

Applications for development within Mixed Use Areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with adjacent land uses and amenity.

### **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 D4 – Aberdeen’s Granite Heritage**

Promotes the retention of buildings of granite whether listed, or not. It reiterates the presumption against the demolition of granite buildings falling within conservation areas where the building preserves or enhances the character or appearance of the conservation area.

### **Policy D5 – Built Heritage**

Reinforces the relevant statements within Scottish Planning Policy.

## **EVALUATION**

Where a proposal affects a listed building Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities, in determining an application for listed building consent, to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for listed building consent.

### **Principle of development**

The application site lies within a mixed use area within the ‘City Centre Business Zone’. As the application does not relate to a change of use, being an extension to an existing art gallery, there is no conflict with Policies C2 or H2 of the Local Development Plan. Further, with respect to the A-Listed granite building, the application does not propose significant demolition of the historically important or granite sections of the building and so there is conformity with Local Plan Policy D4.

The proposed works to the building is culture-led. The current building has seen a number of unsympathetic alterations over more recent years and is also considered by the applicants not to meet the current requirements or provide an adequate home for the important collection. Further, the War Memorial and Cowdray Hall are underused due to existing condition and access issues.

Notwithstanding the above, a more detailed evaluation is required to assess the proposals against other national and local policies and guidance.

### **Design, Scale and form of extensions**

It is acknowledged that the new extensions contrast with the Renaissance style Art Gallery buildings, in terms of design and use of materials. However, this contemporary approach is clearly well considered and makes a positive contribution to the A-listed building in itself and to the wider Conservation Area. A detailed analysis of the approach taken is set out in the supporting 'Design Statement' and this is considered to align with the guidance set out in "New Design in Historic Settings", in that respect the proposed extensions are not considered to conflict with national policy. It is also considered that the proposed new extensions compliment the existing building and add a new modern dimension with a high design standard. It is clear to see how the building has evolved over its almost 130 year history and the new extensions would continue this.

Various options were considered by the architects, and these have been refined through contact with Planning Officers and Historic Scotland. It is acknowledged that the restricted site means that the only real option for creating more space is via a rooftop extension, however the detailed design of the rooftop extension is key to the success of the development. The symmetry of the original Gallery facade would be reinforced by the new rooftop extension and is similar in mass to the adjacent Robert Gordon's University administration building, which also faces onto the Schoolhill public space. The height of the rooftop extension would be kept below that of the Memorial Hall dome and when seen from Union Terrace Gardens, would form a back drop to the dome.

Consideration has been given to how the cladding materials will reflect the light of the sky and this is achieved by the use of scalloped (curved) pre-patinated copper panels with copper fins.

In terms of massing, this has been reduced through the reduction of the ridge level towards the south west corner, the introduction of glazed panels behind the copper fins, and the setting back of the extension on the front and west elevation resulting in the creation of terraces.

Robert Gordon's College quadrangle, while not a public space, provides a historic setting and a significant challenge lay in addressing how to mitigate the bulk of the rooftop extension from that vantage point. Although the extension would appear taller here, because of its position on the wallhead, this solution was considered the most appropriate in order to provide the required head height for the temporary gallery. It is considered that the choice of materials would help to soften the impact on this important section of the rear elevation.

In relation to the new rear extension, generally the size and scale are considered acceptable, in the context of its location which is almost obscured from wider public view other than the upper limit of the lift shaft, which may be visible from Belmont Street. The new Gallery support wing would be finished in grey cladding panels which fit in well with the granite of the gallery, although also providing a contrast, and the adjacent Robert Gordon's College building.

Notwithstanding its highly visible location adjacent to a well used access into the Robert Gordon's College quadrangle, the impact is likely to be minimal in the context of the overall redevelopment works. The structure is relatively small-scale, is positioned on the eastern elevation, and the materials proposed are considered to fit well with the existing building and new roof extension. It is noted that the new stairwell would have some impact on the width of the existing pedestrian footpath, which allows access from Schoolhill along the eastern side of the Art Gallery into the Robert Gordon's College quadrangle, although there would still be around a 2m wide footpath available for pedestrian use. The agent submitted an options appraisal with regards the new staircase which outlines that the location as proposed is the least obtrusive option available.

Lastly, with regards to the alterations to the Schoolhill elevation, this would involve the insertion of glazing in the entrance portico, creating two more glazed openings at the main entrance and opening up the windows towards the end of the 1925 extension, to create three access points into the café. The rationale behind these options is to: open up more of the building to improve its public presence; and to link in with future public realm works in front of the Gallery. Whilst there is no concern with the new openings at the main entrance, the detail of the three openings adjacent to the War Memorial are a clear compromise, resulting from the scale of the openings and operational issues which would be experienced with other practicable alternatives.

In terms of the contemporary design, it is worth reminding Members that the principle of such an approach, for a modern extension to an A-listed building, has been approved at the Triplekirks site on the southern side of Schoolhill. It is considered that the new extension to the Art Gallery would sit well in the context of that emerging example.

## **Visual impact of the development and impact on Listed Building and Conservation Area**

### Internal alterations

In terms of the War Memorial Court, the proposed alterations would open up the court, in order to improve permeability through it; and allow less restricted access to a first floor balcony. It is acknowledged that there are no practicable less obtrusive options which would allow a similar 'regeneration' of this space. In terms of the new section of balcony, the amended plans, which show the existing balcony being retained in-situ is to be welcomed.

In relation to the sculpture court, the opening up of the north-west corner, the repositioning of the front entrance columns and the new second floor balcony and atrium. It is considered that the special character of this key space would not be unduly harmed.

The proposed internal alterations to the original fabric are considered to be the most appropriate options considered, in order to open up the front range and making the entrance more welcoming and appealing. It is acknowledged that the existing staircase is not the original, but nonetheless is an important element and feature and its loss will have a marked impact on the building's special

architectural and historical interest. Nonetheless, there is clear justification for its removal, namely in order to facilitate the new openings either side of the existing door.

The new staircase within the north range would see the space narrowed to the same width as the other ranges. The removal of the storage pods within the Murray Room, on the first floor, is a positive step as it would facilitate bringing this room back into more productive use. The same can be said for the alterations to the ground and first floor galleries. Additionally, by relocating the education workshop into the new roof extension, the ground floor galleries can be more easily accessed and more gallery space made available.

#### External views

It is considered that the proposals would not be readily visible from the roundabout at Woolmanhill or further north on Skene Square.

The most significant long views are likely to be from around Union Terrace and the Gardens. The view from Union Terrace would still be dominated by the copper-clad dome of the Memorial Court and this will continue to break the skyline. The stepped and pitched profiles of the roof extension would add interest to the city's roofscape and, together with the angled planes of the walls to the principal south and west elevations, the physical bulk of the extension would be broken up satisfactorily. The changing roofline also creates an added dimension, rather than that which the constant roofline of a standard 'box' might have provided.

The careful choice of external finishing materials to the roof would create visual interest, with the leading edges highlighted against the scalloped surfaces of the panels. It is also considered that the colour would relate well to the pink granite, used decoratively in the facades of the building.

The other key long view within the townscape is from Union Street, down Belmont Street. The changing planes of the rooftop extension add to the interest of this vista. Viewed from this angle the necessary bulk of the extension does not seem out of place as it is framed by the tall lead clad dome on the corner of Belmont Street. The proposal to open up the panels to either side of the entrance ensures that the plinth of the building becomes less solid and more welcoming.

#### Short Views

Short distance views within the historic setting are of no less importance in establishing the relationship between the extended and refurbished Art Gallery and the adjoining buildings and public spaces.

The impact on the two views from the southwest, from the Denburn Bridge and in front of the Triple Kirks site respectively, have in part been considered above. There is clear benefit in tying in the advanced points of the rooftop extension with the original 1884 façade, as the design acknowledges the symmetry, but without replicating it. Additionally, the sloping eaves line to the rooftop extension, at the southeast corner, defies true perspective and would add to the interest of the skyline.

The view in the reverse direction, from Schoolhill, shows the degree to which the public realm to the front of the Art Gallery has the potential to transform the streetscape. The harmonisation of the colours of the rooftop extension with the tints of the granite dressings are an important aspect in the successful integration of the new and the old work.

### **Benefits of the development**

In terms of the alterations proposed within the front range, the benefits that would be realised include making the entrance more accessible. By removing the stair and reorganising the café, shop and ancillary functions away from the original gallery, the space becomes more open and welcoming, creating better visual connections and makes access easier. Having the café situated adjacent to the War Memorial and Cowdray Hall allows for this part of the Gallery to be open in the evenings and reflects the function of that part of the building and to events being held there.

### **Relevant planning matters raised in written representations**

1. This point has been addressed above.
2. The new staircase is to be placed within the north range, not the sculpture court. It is acknowledged that in the north range there would be a small reduction of useable space however it is considered that this is more than compensated for by the other alterations which creates more gallery space throughout the building.
3. – 6. These points have been addressed in the relevant sections above.

## **RECOMMENDATION**

**Willingness to approve subject to conditions and refer application to Historic Scotland**

### **REASONS FOR RECOMMENDATION**

Taking account of the points above, it is considered that the modern design of the extensions would comply with Aberdeen Local Development Plan Policy D1 (Architecture and Placemaking). The proposed extensions are considered to make a positive contribution to the immediate area and fit well in the context of the building in terms of size, scale, form, massing and use of materials – all of which are considered to compliment and enhance the existing building. Further, it is considered that the proposed extensions comply with the objectives of 'New Design in Historic Settings' with regards to the contemporary extensions fitting harmoniously with the historic environment. It is considered that the proposals are a creative response to the existing A-Listed building which preserve the existing built heritage.

In terms of impact on the A-listed building and the wider conservation area, it is considered that the new development would preserve and enhance the building, in line with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended by the Historic Environment (Amendment) (Scotland) Act 2011, Historic Scotland's Scottish Historic Environment Policy (SHEP), Scottish Planning Policy statements on the historic environment, and Aberdeen Local Development Plan policy D5 (Built Heritage).

The proposal seeks the retention of the existing granite building and therefore complies with Aberdeen Local Development Plan Policy D4 (Aberdeen's Granite Heritage).

By virtue that the development is not proposing the loss of a retail unit, there is no conflict with Aberdeen Local Development Plan Policy C2 (City Centre Business Zone and Union Street). Further, it is considered that the extension to the Art Gallery would not have any undue conflict with the adjacent land uses nor levels of amenity and therefore there is no conflict with Aberdeen Local Development Plan Policy H2 (Mixed Use Areas).

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

1. Prior to commencement of the following works, a finalised specification, including, where appropriate, larger scale elevation and section drawings, brochure details and samples, shall be submitted to and approved by the planning authority, in consultation with Historic Scotland:

Full details of the repair and restoration works to the Art Gallery buildings (internal and external) including: details of protective measures for the interior and exterior fabric and features that are to remain in situ during the works; lime mortar specification for repointing of external walls, including a methodology for removal of existing pointing to avoid damage to stonework; mortar mix; protective measures for carbonation stage; details of window and door repairs and repainting, including proposed colour; details of the internal wall, floor and ceiling treatment and finishing, including within the Cowdray Hall and War Memorial Court (inclusive of details of the new memorial panels and new hanging art work/light display); and proposed treatment for retained special architectural features, including decorative frieze on first floor (to include details of storage and repositioning);

Reason: To safeguard the building's special architectural and historic interest.

2. Prior to commencement of the following works, a finalised specification, including, where appropriate, larger scale elevation and section drawings, brochure details and samples, shall be submitted to and approved by the planning authority, in consultation with Historic Scotland:

Full details of any alteration/new works (internal and external) including: 1:20 scale section drawings and plans for the roof terrace and glazed balustrades; Details of any new signage, external lighting, and other new fixtures to be attached to the exterior walls of the building, to include non-ferrous fixings into masonry joints; Larger scale elevation and section drawings for new opening for staircase within north west corner of the Sculpture Court; External stone repair, including details of stone replacement, and samples;

Reason: To safeguard the building's special architectural and historic interest.

3. that no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance

with a written scheme of investigation which has been submitted by the applicant and approved in writing by Aberdeen City Council as Planning Authority - in the interests of protecting items of historical importance as may exist within the application site.

4. that no development shall take place unless samples of all external finishing materials (including a coloured sample of the copper capping piece for the roof addition) of the development hereby approved has been submitted to, and approved in writing by by Aberdeen City Council as Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

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

Aberdeen Civic Society  
c/o 44 North Deeside Road,  
ABERDEEN  
AB15 7PL

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

25 September 2013

Dear Dr Bochel

**P131246 & P131247 – Aberdeen Art Gallery Schoolhill**

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

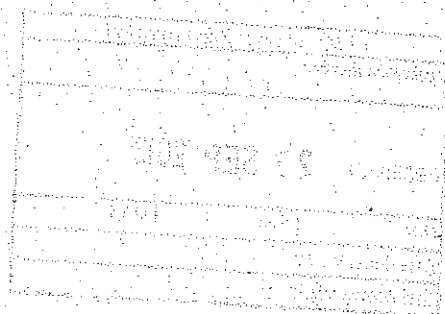
*We are delighted that money is available to be spent on refurbishing the Art Gallery however we are very disappointed that the existing marvellous staircase will be lost and the internal space adversely affected by the proposed replacement staircase in what is currently the sculpture court.*

*We also consider that the proposal is very damaging to the elevations from both Schoolhill and from the grounds of Robert Gordon's College.*

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

Yours sincerely

Alastair Struthers



m: Diane Morgan [REDACTED]  
t: 21 September 2013 11:26  
PI  
ject: Aberdeen Art Gallery Ref 131246

r Sirs,

in *Harriet Street to Blackfriars Street there is no more delectable precinct in the city.*  
*Alexander Keith: A Thousand Years of Aberdeen, 1972.*

ish to object to the current plans for alterations to Aberdeen Art Gallery on the grounds that they are  
ppropriate for the area,  
l if implemented would be a waste of public money.

amount of 'talking up' can disguise the fact that the proposed rooftop extension will resemble a ill-formed  
tsize hut,

ever material is used, while the tinkering with various apertures at ground floor level of the façade will  
stroy

unity of the architectural triptych formed by the Art Gallery, Robert Gordon's College and the former Gray's  
ool of Art.

aling with the lowering to street level of the cills of the two windows flanking the main door, this will, one reads,  
gnal more overtly the  
esence of the Art Gallery by allowing people to see more clearly into the building'.

ore cost effective than employing architects and tradesmen,

istributing masonry and making costly new windows in the hope of achieving a greater 'footfall'  
ould be to advertise the existence of the Gallery and its offerings regularly in the local press.

ditionally, having at the entrance a notice of the locations of current exhibitions, and of forthcoming talks etc.  
ould be more helpful and informative to the casual passer-by than peering through windows.

conclusion, there has been much harping on about the Gallery as 'Victorian' but  
at is its era rather than its style. It is a timeless, light and airy building.

nd can outsiders such as Historic Scotland have the same 'feel' for the Gallery as local people  
he have known and loved it all their lives?

ours sincerely,

rs Diane Morgan  
he Braes'  
; Ferryhill Place  
berdeen AB11 7SE  
[REDACTED]

PI

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**From:** Ian M Mackie [REDACTED]  
**Sent:** 12 September 2013 16:49  
**To:** PI  
**Subject:** Ref: 131246-alterations to city Art Gallery

Dear Sir,

I wish to record my objections to the proposed changes to the city Art Gallery. In particular, I object to the plan to remove the marble staircase and also, the addition of a third storey and changes to the skyline.

Yours sincerely

Lindsey M Mackie

n: webmaster@aberdeencity.gov.uk  
t: 24 September 2013 15:30  
PI  
ject: Planning Comment for 131246

ment for Planning Application 131246  
ne : John Runcie  
lress : 67 Prospect Terrace,  
yhill,  
rdeen.  
.17TU

ophone : [REDACTED]  
ail : [REDACTED]  
e : [REDACTED]  
ment : Monday, 23 September 2013

jection to Art Gallery application 131246

ncillors,

ish to object to planning submission 131246 Aberdeen Art Gallery has always been internationally recognised as  
ng one of the most well lit, well designed galleries in the UK with a special unified ambience which is difficult to  
ieve and impossible to replace. To construct and stick on a wood framed glasshouse on to this magnificent building  
l not only ruin the total facade aspect of the building but that of the whole surrounding area. It is of an age that  
ould be retained as part of the city's history and heritage, so much of which has been demolished in the city.

e removal of the magnificent marble staircase, which in itself is a work of art and of local craftsmanship, is sheer  
rdalism, together with the fact that we cannot now get the materials or the craftsmanship we had in the past. The  
s of the existing delicate glass roof window s senseless.

e war memorial built by public subscription should be sacrosanct and is also recognised as being one of the most  
gnificant in the UK, with the possible exceptions of the national memorials should be sacrosanct. It will also be will  
o be ruined with this completely inappropriate rooftop addition.

he requirement was for more space, surely with foresight an attempt at the acquisition of the old art school, which  
ould then have given the Council the whole facade, and as the interior is nondescript, could have been removed to  
ovide a box which then could have been worked on in a modern way. e.g.

e have heard about the provision of a new, (and only) museum. Surely this could have included an art galley 2 and  
ereby retain the irreplaceable existing gallery. e.g. The old Woolmanhill building.

ours sincerely

hn W. Runcie

16-9-13

4 Gordon Road  
Aberdeen  
AB15 7RL

Director of Planning  
Aberdeen City Council

Dear Sir

Alterations to Aberdeen Art Gallery Ref 131246

I wish to raise objections to the above

- 1) The removal of the existing marble staircase which is beautiful and enhances the appearance of the entrance hall, and is in accord with the present design.
- 2) The glass construction on the roof which is out of keeping with the A listed facade of the building.

Thanks to your member of staff who was kind enough to show me the plans and gave me assistance in understanding the proposed alterations.

Yours Sincerely  


---

m: webmaster@aberdeencity.gov.uk  
t: 21 September 2013 19:47  
PI  
ject: Planning Comment for 131246

ment for Planning Application 131246

me : Edi Swan  
dress : Ardsheil  
St Mary's Place  
on  
erdeenshire

ephone : [REDACTED]

ail : [REDACTED]

ie :

ment : I find it an obscenity that the original concept of an elegant facade of the War Memorial, the Art Gallery and  
Original Gray's School of Art will be destroyed by the proposal for a rooftop extension. The desecration of the  
irble staircase and the Sculpture Hall is too awful to contemplate.

reased space for the Art Gallery could be better gained by moving through the passage above the Robert Gordon's  
llege gateway into the former Gray's School of Art and the RGU Student Union

at corner of Schoolhill could then be a triangle of cultural excellence

131247

**Robert Vickers**

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**From:** ERIC AULD [REDACTED]  
**Sent:** 10 September 2013 14:19  
**To:** PI  
**Subject:** Art Gallery

ref 131246

Dear Sirs,

Please place on record my strong objections to the alterations to the Art Gallery. They are totally at odds with architecture and the interior alterations are tantamount to vandalism. The stairway especially should be preserved as a beautiful piece of fine marble-work.

There are many other options for an extension to the Gallery which should be considered.

I am,

Yours faithfully,  
Eric Auld  
27 Hammersmith Road  
Aberdeen

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## Planning Development Management Committee

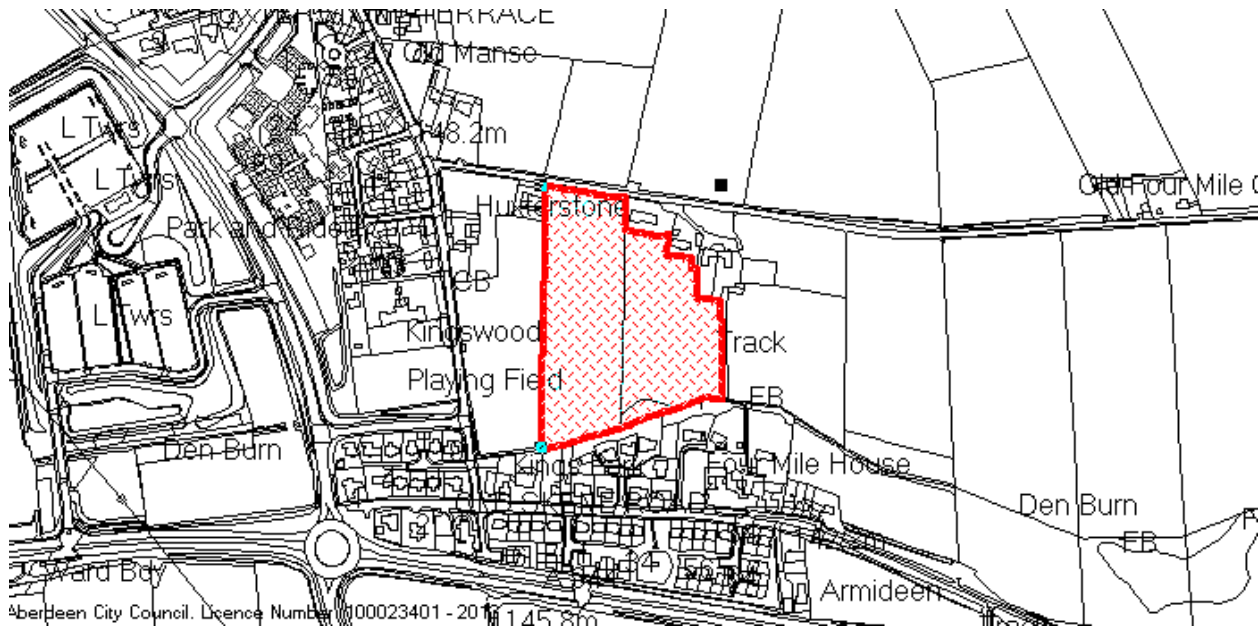
LAND AT, WEST HUXTERSTONE,  
LANGSTRACHT KINGSWELLS

ERECTION OF 97 RESIDENTIAL PROPERTIES  
AND ASSOCIATED WORKS

For: Stewart Milne Homes

Application Type : Detailed Planning Permission  
Application Ref. : P130912  
Application Date: 21/06/2013  
Officer: Tommy Hart  
Ward : Kingswells/Sheddocksley/Summerhill (L  
Ironsides/S Delaney/D Cameron)

Advert : Can't notify neighbour(s)  
Advertised on: 03/07/2013  
Committee Date:  
Community Council : Comments



### RECOMMENDATION:

**Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to secure;**

- 1. On-site affordable housing provision;**
- 2. Strategic Transport Fund contributions;**
- 3. Developer contributions towards:**
  - **Off- Site affordable housing provision;**
  - **The upgrading of local education facilities;**

- The upgrading of local community and recreation facilities;
  - The upgrading of the local core path network; and
  - Local healthcare facilities.
4. **Provision of a footpath along the southern side of the Langstracht between the application site and Fairley Road, then returning down Fairley Road, and the provision of a pedestrian crossing on Fairley Road near the junction with the Langstracht.**

## **DESCRIPTION**

The proposal relates to the eastern part of the West Husterstone Masterplan Area (OP42), the masterplan area is some 6 hectares. The area subject to this application extends to around 3.4ha and is located on the south eastern edge of Kingswells, some 4 miles to the west of Aberdeen City Centre. The application site comprises undeveloped agricultural land and slopes steeply from north south. The north of the site is bound by the Langstracht, the east and west sides by undeveloped agricultural land, whilst to the south is the Den Burn.

In terms of context, the housing along the Langstracht is generally 1 ½-storeys in height with pitched roofs, around 20-30 years old, and finished externally with grey or white drydash render. Along Fairley Road to the west, the properties are predominantly 1960's style 2-storey semi-detached properties with a brick basecourse and white drydash finish to the walls.

## **RELEVANT HISTORY**

### **Site specific**

Planning ref 120296 (Proposal of Application Notice) was submitted for consideration in February 2012. No further consultation, beyond that proposed by the applicant, was required.

Planning ref 120271 (EIA screening opinion request) was submitted for consideration in February 2012. It was the opinion of Aberdeen City Council that an EIA was not required.

### **Adjacent site to the west**

Planning ref 130288 for the erection of 49 residential units, access road, drainage and SUDS basin is currently under consideration and due to be presented to the Planning Development Management Committee in January 2014.

## **PROPOSAL**

Detailed planning permission is sought for the erection of 97 residential dwellings; and associated landscaping, open space, car parking, access road and SUDS.

### **Layout of the Development**

For the most part, the houses are laid out with a north-south aspect with around a quarter of the properties having a south or west facing rear garden. The internal access road snakes down through the site reflecting the site topography.

Seven terraced houses would face onto the Lang Stracht. An area of car parking is proposed around 1/3 of the way down the west side of the site. There are 4 blocks of terraced properties which lead down the eastern boundary and lead to

five detached properties. Immediately to the south of these properties lies an area of open space, which would see existing levels reprofiled / levelled to be more useable, given the slope in the site at this point. A retaining wall would be put in place at the southern end as a result of these works. In the south-east corner of the site would be the 'back-to-back' terrace of affordable housing properties. Along the southern end of the site, there are three blocks of 3-storey townhouses and a block of 5no 2-storey terraced properties in the south-west corner. Opposite these properties lies car parking and green open space provision, towards the Den Burn. Adjacent to the western boundary, at the mid-point of the site, there are a mix of property types; 3no detached; 2 pairs of semi-detached; a terrace of 1 – 2-storey dwellings; three blocks of 3-storey townhouses and two terraces of 1 – 2-storey dwellings.

### **Proposed Houses**

There are four different house types proposed, which would range in size from 3–5 bedrooms and comprise of 8no 2-storey detached, 4no 2-storey semi-detached, 29no 1–2-storey terraced, and 36no 3-storey townhouses

In terms of materials, the properties would be split into three character areas – Central, Den Burn and Rural.

The Rural area would be located at the northern end of the site facing the Lang Stracht. These ten properties would have white UPVC windows, timber effect doors, cream render to the external walls and grey concrete roof tiles.

The Central area comprises some 52 units and is a mixture of property types. The external walls would be finished in white drydash render, with grey concrete tiles on the roof and white UPVC windows and doors.

Lastly, to the southern end of the site would lie the Den Burn area where the remaining dwellings would have grey UPVC windows and doors, a grey chip drydash render, and grey concrete tiles on the roof.

These individual character areas are to reflect the change in design context to the surroundings.

### **Affordable Housing**

Twenty 'affordable housing' units are proposed to the south-east corner of the site. They would be single aspect 'back to back' 2-storey 2-bed properties, with no rear gardens. Eight properties would have a north-south aspect whilst twelve units an east-west aspect and around 7m from the eastern boundary. Being located in the 'Den Burn' character area, the buildings would utilise the materials listed above.

### **Access**

The main vehicular access into the site would be from the Lang Stracht. The internal road would be 7.3m in length for around  $\frac{3}{4}$  of its length (from the Lang Stracht to the shared surface area immediately to the south of plots 24–27). A second access is shown at the south west corner of the site, connecting into the proposed development to the west.

In terms of pedestrian connections, the plans show a footpath running through the open space adjacent to the Den Burn, footpaths alongside the internal access road, also down a slope in the open space to the rear of plots 52-55, and a link to the adjacent site to the west, at plot 5. There is also a proposal to construct an off-site public footpath west along the Langstracht which would return south onto Fairley Road for around 25m. At that point, a pedestrian crossing is proposed in the form of a dropped kerb. These off-site works would be implemented via the Roads Construction Consent (RCC) and should be controlled through the noted s75 legal agreement.

### **Open Space**

Throughout the development site, there are pockets of open space proposed ranging from around 300sqm to around 4000sqm in size.

The principal area of would be along the southern boundary, adjacent to the Den Burn, and would have a public footpath running its length. Along this footpath four pieces of play equipment are proposed (details of which will be required to be agreed through condition).

The other main area runs from the central area in a south easterly direction, either side of the access road. The southern part would be reprofiled and retained at its southern end, to provide a more useable space.

### **Drainage**

A drainage impact assessment (DIA) was submitted in support of the application, outlining that that two levels of treatment will be required for the Sustainable Urban Drainage System (SUDS). New surface water sewers will discharge to a cellular storage chamber within the 'Den Burn' open space, providing attenuation for the whole development.

### **Proposed site boundary treatment**

Along the eastern boundary, a post and wire fence is proposed with a similar existing fence retained along the southern boundary. An existing 'dry stone dyke' along the western boundary is also to be retained, and repaired where necessary. Along the western boundary with 'Morven', there would be a concrete wall and post and wire fence provided. Whilst within the 'Rural' character area, a 900mm dry stone dyke is proposed along the frontage of properties facing onto the Langstracht and along the first stretch of access road into the site. The boundary with 'Manse' and 'Braeside', would see a mixture of concrete retaining wall, post & wire fence and high hedge.

The dry stone dyke which currently runs north-south through the centre of the site and east-west along the northern boundary would be removed to facilitate development. The duntakings are proposed to be reused elsewhere on site.

### **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130912>

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

Supporting documents comprise the following:

Design and Access Statement;

Access Statement;

OP42: West Huxterstone Masterplan;

Site B, West Huxterstone, Kingswells, Walkover Survey Report (Cameron Archeology Ltd 3 May 2012);

Drainage Assessment (Fairhurst, Issue 1 March 2013 [updated 22/03/2013]);

Ecological Appraisal (Northern Ecological Services, updated 20/08/2013);

Flood Risk Assessment (Fairhurst, February 2013);

Energy Efficiency Statement;

Pre-Application Consultation Report; and

Transport Statement (Fairhurst, January 2013).

### **PRE-APPLICATION CONSULTATION**

The proposed development was the subject of pre-application consultation between the applicant and the local community, during March and May 2012, as required for applications falling within the category of 'major' developments defined in the 'Hierarchy of Development' Regulations. It should be noted that the Consultation events related to the Masterplan area as a whole, rather than this application site alone.

The consultation included a separate meeting with Kingswells Community Council (5<sup>th</sup> March 2012) which raised the following issues;

- development will impinge on the glacial valley
- the boundary of the PoAN differs from that within the Local Development Plan
- style of houses to be built
- concern over the impact on roads and Kingswells Primary School
- concern that the Green Space Network would be used for SUDS
- concern regarding the existing buildings within the Masterplan area and what would happen to them

In addition, two public consultation events were held. The first on 26<sup>th</sup> March 2012 between 3 and 8pm. The main issues raised from that event can be summarised as;

- access to the site
- amenity of dwellings adjacent to the site
- re-opening of the Lang Stracht
- the protection of the burn and Green Space Network
- mains water pressure
- impact on schools
- house types and styles
- integration with the wider area
- affordable housing
- site layout
- materials
- orientation and insulation
- provision of bins
- parking

- SUDS
- Landscaping
- Drystone dykes
- Pavements
- Developer contributions

Following on from this initial event, a second event took place on 22<sup>nd</sup> May 2012 again between 3 and 8pm. The additional issues raised are summarised as;

- Impact on existing services
- Additional traffic
- Numbers of houses proposed
- Solar panels
- Internet connection
- Provision of play areas

Feedback was given by the applicants, to those making comments, to clarify some of these issues.

#### **Alterations made to the proposal as a result of the consultation**

As the Pre-Application Consultation was with respect to the Masterplan, it is difficult to ascertain whether any changes were made to the detailed plans, which were not available at the time of consultation.

#### **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the the Planning Development Management Committee because Kingswells Community Council have objected to the application. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

#### **CONSULTATIONS**

**Roads Projects Team** – Car parking provision - no objections. Access onto Lang Stacht via an expanded 7.3m wide carriageway would accommodate emergency vehicles and allow up to 70 houses to be occupied, rather than the normal 50 units for a single 5.5m wide access road. The TA has been updated to show a n off-site footway and crossing on Langstracht / Fairley Road. The provision of a 1.8m wide 'grasscrete' strip on to provide the extended width at sections of the internal road is acceptable. The 'swept path' analysis of vehicular movements is acceptable. Outstanding issues relating to DIA can be dealt with via a suspensive condition. In relation to the Strategic Transport Fund, the applicant has been made aware that a contribution is required.

**Environmental Health** – No comments.

**Developer Contributions Team** – A developer contributions package is required to mitigate the impact of the development, relating to: securing both on-site and contributions towards off-site affordable housing; education facilities; community facilities; playing fields; open space; library; core path network; and healthcare facilities.

**Enterprise, Planning & Infrastructure (Flooding)** - Accept the Flood Risk Assessment but require that all attenuation tank designs meet the 1 in 200 year storm event and that this is controlled via a planning condition.

**Education, Culture & Sport (Archaeology)** – Requests a condition requires the submission of a programme of archaeological work, to be approved in advance of work taking place on site.

**Education, Culture & Sport (Schools and Education Establishments)** – Advise of capacity constraints at Kingswells Primary, which is currently at 98% capacity - forecast to rise to 101% in 2014, then to 104% and expected to stay above 100% until the end of the decade. Internal changes have already been made to the school to accommodate pupils, thus actions will need to be taken to accommodate the projected additional pupils. Developer Contributions would be used for the purposes of expanding the current provision at Kingswells Primary.

**Scottish Environment Protection Agency** – No objections, subject to a condition that no built development takes place within the modelled “Corrected 200 year Flood Envelope” for the Den Burn as presented in the Drawing 9633/SK01 by Fairhurst Consultants (17.1.13).

**Community Council** – Kingswells Community Council object to the application. The reasons for objection can be summarised as;

1. The amount of houses proposed on the wider OP42 site would exceed the allocation in the Local Plan (being 146 v 120);
2. The 3-storey town houses are not in keeping with the masterplans aim to create a high quality village expansion that compliments the existing character of the area;
3. Kingswells Primary School will not be able to accommodate the number of children generated by the masterplan area before 2016, so careful phasing is required;
4. Object to the new access onto the Lang Stracht due to road safety fears and impact on the bus transit times;
5. The two cul-de-sacs have been provided to allow access to land under the ownership of Stewart Milne Homes, this is unacceptable;
6. The TA does not take account of 146 homes on the wider OP42 site as will be the case if both this and the application to the west are approved in their current forms;
7. The impact on the Green Space Network is unacceptable, especially where there is only a 10m wide provision; and
8. The SUDS provision (cellular attenuation system) is unacceptable as it will involve massive excavation, upheaval and destruction of the wetland area close to the Den Burn.

**Aberdeen International Airport** – the proposed development does not conflict with safeguarding criteria, subject to conditions relating to: measures to limit bird strike risk to Aberdeen Airport and that the fabric design of dwellings is such that noise impact, from aircraft, on residential amenity levels is mitigated. A requirement controlling the use of cranes can be included as an informative.

**Police Scotland** - Advise the site offers high levels of natural surveillance, that differing road surfaces identifying semi-private areas is encouraged. In curtilage resident car parking is recommended, to provide maximum surveillance. It is noted that overlooking is generally achieved. Provision of even white lighting in parking areas is recommended and that the landscaping does not impede surveillance. Terraced dwellings require rear lanes to allow access for bins, etc and this will see the rear of properties becoming vulnerable, as such it is recommended that lockable gates are provided to allow only legitimate access. Each rear garden should be fully enclosed by an 1800 mm fence. Cycles can be particularly vulnerable to theft and storage should be located as close as possible to the main entrance to buildings, providing the highest level of surveillance. This is not the case at plots 36 – 55 and it is recommended that these be relocated next to the four parking spaces opposite the plots. It is always best practice to ensure that any public, amenity or landscape area has suitable levels of surveillance, have a clear vision field between 1-2 m and a management contract in place for future maintenance. It is advisable to, wherever possible, avoid landscaped areas at the rear of properties to avoid potential anti-social behaviour, as such the land to the rear of plots 79 - 82 should be fully incorporated into gardens.

**Transport Scotland** – no objections.

## **REPRESENTATIONS**

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

1. There would not be a 15m wide landscape strip along the eastern boundary as a shelter belt has not been upheld;
2. The boundary near plots 79, 80 and 81 feature a pathway that is positioned in contact with the Mill Cottage Boundary;
3. The properties adjacent to 'Lang Stracht Manse' would impact on privacy and amenity;
4. The planned trees between the application site and 'Lang Stracht Manse' would obscure light into the south facing back garden and property; and
5. Issues relating to long-term management of trees along the boundary between the application site and 'Lang Stracht Manse'.

## **PLANNING POLICY**

### **National Policy and Guidance**

Scottish Planning Policy (SPP) is a statement of Scottish Government policy on land use planning and contains. Of particular interest is the general policy relating to Sustainable Development as well as the subject planning policies relating to Housing, Location and Design of New Development and Affordable Housing.

Designing Places is the statement that sets out the Government's expectations that the planning system delivers high standards of design in development projects.



Designing Streets (A Policy Statement for Scotland) promotes pedestrian friendly design in developments.

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

PAN 2/2010 (Affordable Housing and Housing Land Audits). Section one of which relates to Affordable Housing and how the planning system can facilitate the development of affordable homes by way of supplying a mixture of tenures which are affordable and are of a high standard of design and contribute to the creation of sustainable, mixed communities. A range of tenure types are appropriate, including; social rented, subsidised or unsubsidised low cost housing for sale, and mid-market or intermediate rented.

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

### **Strategic Policy**

Aberdeen City and Shire Structure Plan sets out vision for the local area and sets objectives in relation to; Economic growth; Population growth; Quality of the environment; Creation of sustainable mixed communities; and Accessibility.

### **Aberdeen Local Development Plan**

#### Policy LR1- Land Release Policy Part A

Phase 1 release development: Housing 2007 – 2016; development on sites allocated in Phase one will be approved in principle.

#### Policy I1 - Infrastructure Delivery and Developer Contributions

Where development, either individually or cumulatively, will place additional demands on community facilities or infrastructure necessitating 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 situations.

#### Policy T2 - Managing the Transport Impact of Development

New development should demonstrate that sufficient measures have been taken to minimise the traffic generated. Supplementary Guidance provides more detailed information on requirements for Transport Assessments, Travel Plans and parking standards.

#### Policy D1 - Architecture and Placemaking

Seeks to ensure high standards of design, with due consideration to context and that a positive contribution to the setting is made. Factors such as scale, massing, colour, materials, details, the proportions of building elements and landscaping will be carefully considered.

#### Policy D2 - Design and Amenity

Sets out design and layout criteria to be addressed in new residential developments.

#### Policy D3 - Sustainable and Active Travel

Seeks to ensure that new developments are designed in order to minimise travel by car, improve access to services and promote healthy lifestyles, by encouraging active travel.

#### Policy H3 - Density

All residential developments over one hectare must:

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

#### Policy H4 - Housing Mix

Developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan. This mix is in addition to affordable housing contributions.

#### Policy H5 - Affordable Housing

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

#### Policy NE4 - Open Space Provision in New Development

At least 2.8ha of meaningful and useful open space should be provided per 1,000 people in new developments. Supplementary Guidance (Affordable Housing) provides more detailed information.

#### 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. A drainage impact assessment is also required for any development over 10 homes.

#### Policy NE9 - Access and Informal Recreation

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

## Policy R7 - Low and Zero Carbon Buildings

To ensure that low and zero-carbon generating technology is installed to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards regulations. The Supplementary Guidance (Low and Zero Carbon Buildings) provides more detailed information.

### **Supplementary Guidance**

The Council's Supplementary Guidance "OP42: West Huxterstone Masterplan", "Affordable Housing", "Infrastructure and Developer Contributions Manual", "Low and Zero Carbon Buildings", "Open Space" and "Transport and Accessibility" are relevant planning considerations in the determination of the application.

### **EVALUATION**

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

The Scottish Planning Policy, Designing Places, Designing Streets, other Planning Advice Notes, the Aberdeen Local Development Plan, Supplementary Guidance and the OP42: West Huxterstone Masterplan, are all relevant material considerations. The proposal constitutes a 'major' development, as defined in the 'Hierarchy of Development' Regulations. SPP sets out the Government's core principles that underpin the modernised planning system which seeks a plan-led system with 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.

### **Principle of Residential Use**

The Aberdeen Local Development Plan (ALDP) identifies the site within Part A of Land Release Policy LR1 – with an indicative allocation of 120 units, and as part of an Opportunity Site (OP42). The site is also a long-standing housing land allocation, being included in the previous Aberdeen Local Plan (2008) as Strategic Housing Land Reserve (SLHR30). These factors reflect an identified need for housing land in this area and thus there is conformity with the Housing Land section of SPP. The West Huxterstone Masterplan identifies the site as suitable for residential development. Lastly, the application is considered to accord with the Structure Plan objective relating to population growth, by providing additional housing opportunity and choice. Accordingly, the principle of residential use on the site is acceptable in terms of development plan considerations.

## **Design, Scale, Mix and Form of Development**

'Designing Places' sets out the Government's expectations of the planning system to deliver high standards of design. It lists what the Government considers to be successful places, including being 'distinctive', 'safe and pleasant', 'easy to get to and move around' and 'welcoming'. The design and the layout of the development generally meets these broad objectives, although it is not considered that the resultant 'place' would be particularly distinctive, in that the design and finishes to the houses and the general layout are relatively standard and reflective of a generic approach to design by volume housebuilders throughout Scotland. It is this generic approach which 'Designing Places' seeks to reverse. However, taking all matters into consideration the proposals are considered to meet a reasonable standard.

The layout of the development is generally in keeping with what is shown in the Masterplan in terms of points of access, landscaping and general site layout. The internal layout of the development is designed so as to give priority to pedestrians and cyclists, rather than motorised vehicles by changes of road surface materials at key points, to prioritise pedestrian use in keeping with the principles of 'Designing Streets' and to ensure safety. A number of properties face onto the public open spaces to ensure passive surveillance, and it is considered that this is acceptable in relation to PAN 77 (Designing Safer Places).

ALDP Policy D1 (Architecture and Placemaking) seeks to ensure that all development is designed with due consideration to its context. With regards to the design of the houses, a simple design typical of Stewart Milne developments is proposed. Simplified finishes to exterior walls (smooth or drydash render) and roof finishes of grey coloured tile are generally proposed. In the sites immediate and wider context, it is considered that this approach is reflective of the limited design quality and therefore, on balance, generally acceptable. The distribution of housetypes would be spread throughout the site, with no size overly predominating in any particular location, and that approach is again very much in keeping with the surrounding context. Although it is noted that townhouses are not a housetype clearly represented in Kingswells.. It is considered that the introduction of 97 dwellings in this area is acceptable in terms of acceptable density and layout standards. Although the site is on the periphery of Kingswells the layout of the site has sought to consider this fact, the topography of the site and the wider OP42 allocation. In respect to the wider Kingswells area, as discussed above, the design and form of development would generally reflect the prevailing design, character and pattern of development and in that regard the proposal is generally acceptable in terms of Policy D1, although not considered of a particularly high standard. Overall the layout and design of the application site is considered to comply with Policy D2 in relation to: public and private faces to development; making the most of natural sun/daylight; providing useable private gardens and other 'sitting out' areas; as well as designing out crime.

In terms of the mix of development ALDP Policy H4 encourages a range of sizes and types of accommodation in new developments. The proposal comprises a mix of 3–5 bedroom properties, of 1–3-storeys in height and varies between simple 'cottage' style terrace houses to larger detached properties, including split level and townhouse styles. It is considered that the proposed mix of properties throughout the site is varied and conforms to the underlying principles of H4.

As regards affordable housing provision, local policy and guidance seeks on-site provision and, along with National Policy, provides a definitive list of what type of tenure would be acceptable. Local Policy requires that 25% of units be affordable. It is also suggested that such units fit in with the wider development so there is no distinction between the tenures. The proposal is to provide 20 units on-site (20.62%) by means of 2 blocks of terraced 2-storey single-aspect houses, at the south-east part of the site. The remaining 4.38% requirement would be met via a commuted sum, included in the section 75 legal agreement or other suitable arrangement. Although the on-site provision is less than what is required by policy, the remainder would be addressed via a commuted sum. In relation to the design of these units, on balance, the approach is considered acceptable and is generally in keeping with the form and style of the wider development. With respect to location, there is no real integration with the wider site and the 'back-to-back' style proposed distinguishes them, however, the proposals generally conform to SPP, PAN 2/2012, the Council's Supplementary Guidance and Policy H5 on Affordable Housing.

In terms of density, ALDP policy H3 seeks a minimum of 30 dwellings per hectare. The development would provide 97 units on an area of land of around 3.4ha, resulting in a gross density of 28.5. However, taking account of the topography of the site and that areas of open space (0.8ha) should be excluded, the net density exceeds 34.6.

PAN 65 states that open space has social, environmental and economic value and is important for a wide-range of pursuits and social interactions that support personal and community well-being. Hence it is important that developments provide adequate amounts of useable open space. The application site is 3.4ha in size and would provide useable open space on-site equating to around 8000sqm (0.8ha) which is generally in line with the Masterplan requirement for the wider allocation, with the application site to the west (Ref: 130288) providing at least the remainder (0.17ha) of the 0.97ha of open space required within OP42, in line with Policy NE4 and the Supplementary Guidance on Open Space, discussions are ongoing in this regard.

Both National and Local Policy seek to ensure that new developments help address the causes of climate change, including reducing carbon emissions from new development. Information has been provided by the applicant which indicates that a 'fabric first' approach would achieve a figure of 16%. It should be noted that there is a requirement to meet the minimum building standards regardless of our policy and there is the allowance to depart from the policy if a greater saving was made. Notwithstanding that this issue is dealt with at Building Warrant stage, a planning condition could be attached requiring details to be submitted demonstrating compliance with Planning Policy.

### **Impact on Residential Character and Amenity**

In general terms, the proposed development reflects general form and scale of development in the locality. Although split level, back-to-back and townhouses are not common. Notwithstanding this, it is considered that these properties are reflective of the site's topography. It is further considered that the layout and relationships with existing property would not have a significant impact on

residential amenity, and would be mitigated by the proposed boundary treatments and site levels. Although a number of existing properties benefit from views south towards the Den Burn, such a matter is not a material planning consideration, and any impacts would be limited and acceptable in amenity terms. It is considered that the development would meet the objectives of the Structure Plan relating to Sustainable Mixed Communities.

### **Visual Impact of the Development**

The application site is currently undeveloped and without any real boundary screening save for the trees within the Den Burn corridor to the south. The site has a significant slope, rising rises around 20m in height from south to north. Currently some existing properties to the north face the site with open views to the south. Sections submitted show the properties 'Manse' and 'Braeside' would have these open views obstructed. However, the separation distance between windows, slope and boundary treatments are considered sufficient and any impact on day/sunlight or residential amenity or privacy would not be significant. Further, with specific regards to plots 79-81, which would be offset and fall down the slope thus the lesser impact would be on 'Braeside', with 'Manse' being the more obvious change.

Notwithstanding the above, it is accepted that the development will have a substantial impact on the existing character of the area given the site is currently agricultural land, however the site is allocated for development in the Aberdeen Local Development Plan and the Development Framework has a preference for residential development thereon.

The site is prominent when viewed from Fairley Road and the Lang Stracht and these views will also see a change in character and feel. With respect to the wider area, it is not considered that there would be a significant impact, mitigations including topography, landscaping and existing buildings.

### **Traffic Impacts, Access Arrangements and Car Parking**

A Transport Assessment (TA) was submitted in support of the application, and saw updates as discussions with the Roads Projects Team progressed. Following a review of the junction modelling, it is considered that there would be no detrimental impact on the surrounding road network and thus no objections from the Roads Projects Team.

In relation to access into the site from the Lang Stracht, and to the adjacent site to the west, Roads Officers have agreed that the access can be widened to 7.3m, to allow access for emergency vehicles. This would also see potential for up to 70 dwellings to be served by this single access, rather than the standard limit of 50 dwellings off a single access. Once there is a second access into the site from the adjacent site to the west, all 97 units can then be built and occupied.

Pedestrian access along Lang Stracht and onto Fairley Road, via a new footpath ending in a dropped kerb crossing is proposed. As part of the masterplan requirements a second footpath link is proposed through the site to the west onto Fairley Road. However, this provision awaits the development of that site, with this in mind the Roads Projects Team accept the arrangements proposed.

The internal road layout would be 7.3m wide for the most part (from Lang Stracht to plots 24 – 27). Part of this widening consists of a grasscrete strip in the central part of the site, full details of which would be confirmed through the RCC.

The car parking provision for the development is considered to be satisfactory.

Given the above, it is considered that there are no conflicts in relation to: Policies T2 or NE9; Supplementary Guidance “Transport and Accessibility”; or the Structure Plan objective of ‘accessibility’.

### **Site Drainage and Flooding**

A drainage impact assessment (DIA) was submitted and Roads and Flooding officers have no objections, subject to confirmation as to how car parking and access road drainage will be treated. This matter can be dealt with via a suspensive condition.

With regards flooding, amendments have been made to reposition buildings and areas of hardstanding such that they are not proposed within the Den Burn flood plain, land reprofiling should further mitigate risk, including to the road, which would be set at a freeboard level some 600mm above the calculated flood risk level. Thus there are no conflicts with the Local Plan Policy NE6.

### **School Capacity**

The capacity issues at Kingswells Primary, as set out above, can be mitigated via a developer contributions package to be used for the purposes of expanding Kingswells Primary and secured through the s75 legal agreement. The developer has indicated that the site would be built in phases of 30-35 houses per year, this would help limit the scale of impact.

### **Relevant planning matters raised by the community council**

1. The allocation for 120 units in the Aberdeen Local Development Plan is indicative only and not an absolute figure. Assessment against relevant considerations indicates that 97 properties can be accommodated, the site to the west will be considered in a similar manner and could see some 150 units rather than 120 within the OP42 allocation. This is not contrary to Local Plan policies and meets with wider sustainable population growth objectives and Policy H3.
2. This issue has been addressed in the relevant section above.
3. This issue has been addressed in the relevant section above.
4. No objections have been received from Roads officers with regards to road safety. With respect to impact on bus services, the amount of vehicles using the Lang Stracht access and the frequency of buses is such that there is unlikely to be any detrimental impact on service quality.
5. It is considered that the road layout is acceptable, the future potential for access into unallocated landholdings is not a material consideration. No objections have been received from Roads officers.
6. A technical note was submitted, as an addendum to the TA, which took account of the additional 30 units proposed within the wider OP42 allocation, this demonstrated that associated traffic could be accommodated with negligible effect on the local road network.

7. The impact on the Green Space Network is considered generally in accordance with the approved Masterplan. Further, the plans have been amended to increase the minimum width of the southern Den Burn green space to 20m. Overall the proposals are considered acceptable.
8. The SUDS proposals have been evaluated by SEPA and the Council's Flooding and Roads Projects Teams. No objections have been received about the proposed cellular attenuation system. It is worth noting that a condition has been attached to secure a 'construction management plan' and 'site waste management plan' which would provide solutions to mitigate against any negative impact on the Den Burn corridor.

#### **Relevant planning matters raised in written representations**

1. The boundary landscape treatment within the Masterplan is indicative however a landscaping condition is proposed requiring the submission of full details for approval.
2. The path adjacent to the boundary of Mill Cottage is required for rear access purposes to plots 79 – 81, this is considered acceptable and would not have any unacceptable impact on privacy or amenity.
3. This issue has been addressed in the relevant section above.
4. No detailed landscaping details have yet been provided. A suitable condition can be attached requiring the submission of a landscaping scheme to be agreed with the Council with an informative highlighting the issue.

A suitable condition can also be attached requiring the submission of a tree management scheme.

#### **Proposed legal agreement for developer contributions**

A section 75 legal agreement can secure: (1) on-site provision of 20no affordable housing units; (2) contributions towards the 'Strategic Transport Fund'; (3) developer contributions towards: education facilities; community and recreation facilities; core path network links/improvements; local healthcare provision; and affordable housing; (4) provision of a footpath along Lang Stracht from the site returning down Fairley Road ending in a new drop kerb crossing. Such an agreement would see the proposals comply with ALDP Policies: I1 (Infrastructure Delivery and Developer Contributions) and H5 (Affordable Housing); and the Supplementary Guidance on 'Affordable Housing'.

#### **RECOMMENDATION**

**Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to secure;**

1. **On-site affordable housing provision;**
2. **Strategic Transport Fund contributions;**
3. **Developer contributions towards:**
  - **affordable housing;**
  - **education facilities;**
  - **community facilities and recreation;**
  - **core path network;**



- **healthcare; and**
- 4. Provision of a footpath along Langstracht onto Fairley Road and ending in a drop kerb pedestrian crossing.**

#### **REASONS FOR RECOMMENDATION**

The proposal is deemed suitably compliant with relevant national policy including Scottish Planning Policy (SPP) in relation to: sustainable development; housing, location and design of new development; and, affordable housing. Further, the proposal is considered to be acceptable in terms of Scottish Government publications: 'Designing Places', 'Designing Streets', PAN 2/2010 (Affordable Housing and Housing Land Audits), PAN65 (Planning and Open Space) and PAN77 (Designing Safer Places).

In terms of the Aberdeen City and Shire Structure Plan, the application is considered to conform to the general principles contained within the objectives 'economic growth', 'population growth', 'quality of environments', 'sustainable mixed communities' and 'accessibility'.

The proposal is considered to be of an appropriate scale, form and style of in accordance with Aberdeen Local Development Plan (ALDP) Policy D1 (Architecture and Placemaking). The approach is consistent with the OP42: West Huxterstone Masterplan and ALDP Policy LR1 (Land Release Policy). An acceptable residential environment is proposed, in accordance with ALDP Policy D2 (Design and Amenity), an appropriate mix of houses has been proposed in compliance with ALDP Policy H4 (Housing Mix) and the density is in line with the requirements of ALDP H3 (Density).

Access and parking arrangements have been agreed with the Council's Road Projects Team, as required by ALDP Policies D3 (Sustainable and Active Travel) and T2 (Managing the Transport Impact of Development), and Supplementary Guidance on 'Transport and Access'.

Details of appropriate landscaping and enclosures can be secured via condition, and open space provision is generally in accordance with ALDP Policy NE4 (Open Space Provision in New Development), and Supplementary Guidance on 'Open Space'.

Appropriate 'Developer Contributions' and 'Affordable Housing' provision can be secured through the s75 agreement, as set out above, in compliance with Policies I1 (Infrastructure Delivery and Developer Contributions), H5 (Affordable Housing), and Supplementary Guidance 'Infrastructure and Developer Contributions Manual' and 'Affordable Housing'.

It is therefore concluded that the proposed development demonstrates due regard for the relevant provisions of the development plan, and no material considerations have been identified which would warrant a determination other than in accordance with the plan.

## CONDITIONS

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

(1) that no more than 70 of the hereby approved residential units shall be completed until such time as an RCC compliant road link to Fairley Road has been provided, all to the satisfaction of Aberdeen City Council, as Planning Authority - in order to allow satisfactory vehicular access to the site and ensure compliance with the West Huxterstone Masterplan.

(2) that no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation, such a programme shall be submitted in advance for the written approval of Aberdeen City Council as Planning Authority - in the interests of protecting items of historical importance as may exist within the application site.

(3) that no hereby approved development shall take place, unless there has been submitted to and approved in writing by Aberdeen City Council as Planning Authority, a detailed scheme of site and plot boundary enclosures. No individual dwellinghouse shall be occupied unless the approved plot boundary treatment has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(4) that no individual dwellinghouse hereby approved shall be occupied unless the car parking areas relative to that house have been constructed, drained, laid-out and demarcated in accordance with drawing No. 96333/1001 rev P of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by Aberdeen City Council as Planning Authority. Such areas shall not thereafter be used for any other purpose other than the parking of cars ancillary to the development - in the interests of public safety and the free flow of traffic.

(5) Development shall not commence until a bird hazard management plan has been submitted to and approved in writing by Aberdeen City Council as 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, measures put in place for the safe dispersal of birds, and thereafter the such approved measures shall be implemented in full – to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds.

(6) that no hereby approved development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems (with a 1 in 200 year event level) has been submitted to and approved in writing by Aberdeen City Council as Planning Authority and thereafter no individual house shall be occupied unless the drainage required for that house has been installed in complete accordance with such an approved scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(7) that no hereby approved development shall be carried out unless there has been submitted to and approved in writing by Aberdeen City Council as Planning Authority a further detailed scheme of landscaping for the site, including indications of all existing trees and landscaped areas 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 phased implementation, numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(8) that all planting, seeding and turfing comprised in the approved scheme of landscaping required by condition 7 shall be carried out in the first planting season following the completion of the 97<sup>th</sup> dwellinghouse and any trees or plants which, within a period of 5 years from such completion, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of an appropriate size and species, or in accordance with such other scheme as may be submitted to and approved in writing by Aberdeen City Council as Planning Authority - in the interests of the amenity of the area.

(9) that no hereby approved dwellinghouse shall be occupied unless a 'scheme of tree protection during development' and a plan and report illustrating appropriate management proposals for the care and maintenance of all trees/hedgerows 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 Aberdeen City Council as Planning Authority. Such approved protection/management proposals shall be carried out, unless the planning authority has given prior written approval to any variation - in order to preserve the character and visual amenity of the area.

(10) 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 Aberdeen City Council as 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" as soon as practicable - in order to preserve the character and visual amenity of the area.

(11) 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 during development' required by condition 11 without the written consent of Aberdeen City Council as 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.

(12) that no dwelling hereby granted planning permission shall be occupied unless the 'Play Area' indicated on plan No.: HUX/POS Rev F is completed, laid out and equipped in accordance with a detailed scheme, including a programme of future maintenance, which has been submitted to and approved in writing by Aberdeen City Council as Planning Authority. The approved 'Play Area' shall not thereafter be used for any purpose other than as a Play Area - in order to ensure the timely and future provision of play facilities at the site.

(14) that no more than 70 of the hereby approved dwellinghouses shall be occupied unless the road and associated footways as shown on drawing 96333/1001 Rev P, connecting to the land to the west, have been constructed in full accordance with the hereby approved plans upto to the legal boundary of the application site, unless Aberdeen City Council as Planning Authority has given written consent for any variation - in the interests of ensuring pedestrian connectivity and facilitating a future vehicular link to the west of the site

(15) that no development shall take place unless the mitigation measures as identified in the Northern Ecological Services report (final report dated 20/08/2013) have been implemented in their entirety - in the interests of safeguarding the fauna and habitats on-site.

(16) at least 2 months prior to the commencement of any works, a site specific environmental management plan (EMP) must be submitted for the written approval of Aberdeen City Council as Planning Authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with such approved plan. Such plan must address the following: surface water management and pollution prevention; soils management; site waste management; and noise & dust management - in order to minimise the impacts of necessary demolition/construction works on the environment

(18) That lighting schemes required during construction phases or in association to the completed development shall be of a flat glass, full cut off design, mounted horizontally and shall ensure that there is no light spill above the horizontal - to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

(19) that no development pursuant to the planning permission hereby approved shall take place unless a scheme of street and footpath lighting has been submitted to, and approved in writing by Aberdeen City Council as Planning Authority. No development shall be carried out unless in full accordance with the scheme of lighting approved in writing by the planning authority - in the interests of public safety and protecting wildlife

(20) That none of the affordable housing units (plots 36-55) hereby granted planning permission shall be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by Aberdeen City Council as Planning Authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

## **INFORMATIVES**

Cranes: This response applies to a maximum development height of 153m AOD. In the event that during construction, crantage or scaffolding is required, then their use must be subject to separate consultation with Aberdeen International Airport (AIA). We would like to draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome.

Sustainable Urban Drainage (SUDS): The proposed SUD ponds have the potential to attract feral geese and waterfowl, therefore details of the pond's profile and its attenuation times are requested from the applicant. If the pond is to remain dry for the majority of the year and has a rapid drawdown time, it should not be an attractant. However, should this not be the case, the scheme must outline the measures in place to avoid endangering the safe operation of aircraft through the attraction of birds.

Landscaping: All landscaping plans and all plantations should be considered in view of making them unattractive to birds so as not to have an adverse effect on the safety of operations at the Airport by encouraging bird feeding/roosting and thereby presenting a bird strike threat to aircraft operating at the Airport. Expert advice should be sought on trees and shrubs that discourage bird activity as described above.

Noise: Given the proximity of the development to the airport, all relevant insulation in building fabric including glasses, glazing and ventilation elements will be supplied and fitted in compliance with current noise attenuation regulations and tested. The Developer is advised to make themselves aware of current flight paths, including that of helicopters.

Hours of Construction: that, except as the Planning Authority may otherwise agree in writing:

- no piling work shall be carried out; and
- no construction or demolition work shall take place outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays; 9.00 am to 4.00 pm Saturdays; or at any time on Sundays; except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery]

Landscaping: any trees proposed along the north boundary adjacent to 'Langstracht Manse' should avoid any undue loss of sun/daylight into that property or garden.

Waste Management: that no development pursuant to the planning permission hereby approved unless a full site waste management plan for the processing of construction and demolition waste has been submitted to and approved in writing by the planning authority. No work shall be carried out unless in accordance with the approved plan unless the planning authority has given written consent for a variation – to ensure that waste on the site is managed in a sustainable manner

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

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**PLANNING APPLICATION 130912:  
ERECTION OF 97 RESIDENTIAL PROPERTIES AND ASSOCIATED  
WORKS AT WEST HUXTERSTONE, KINGSWELLS**

**RESPONSE BY KINGSWELLS COMMUNITY COUNCIL (KCC)**

KCC strongly objects to a number of aspects of this application. In most cases, these aspects relate to previous objections KCC has submitted that have simply been ignored or not dealt with effectively.

**1. Background**

The Masterplan for West Huxterstone went to the Environment, Planning and Infrastructure Committee on 6 November 2012. The committee decision was to try to resolve some of the contentious issues prior to a planning application. It was resolved to approve Councillor Delaney's recommendation subject to the following revisions:

- (i) Allow for the possibility of two exits to be made onto Fairley Road as a possible alternative to exiting onto the old Lang Stracht.
- (ii) Instruct officers to look at a range of options for affordable housing rather than restrict this to any one type.
- (iii) Phase the site development in conjunction with advice from the Education, Culture and Sport service.

Eight months on from that commitment, we have still not received any feedback about these issues from the developers or from planning officials. The current planning application simply reinforces KCC's view that both developers have chosen to ignore this decision by the Council and their justifications for rejecting each of these aspects have been simply accepted and left unchallenged by ACC planners. This lack of response is completely unacceptable and makes a mockery of the consultation process.

**2. Number of homes**

The number of homes proposed at West Huxterstone is excessive. The ALDP allocated 120 homes to the site. The actual numbers now proposed (Stewart Milne Homes + Dandara) are 97 and 49 respectively, giving a total of 146. The developer may argue that the 120 figure is "indicative" but how can 120 possibly be indicative of 146? If this reasoning is extended to future developments such as Countesswells, will an "indicative" figure of 3000 homes actually translate (proportionately) to 3650 with all that that would entail for infrastructure needs and additional traffic?

**3. Types of homes**

Whilst KCC welcomes plans for a variety of house types on the site, the proposal to include 3-storey town houses (22 of the total 97) is completely unacceptable.

It is obvious that town houses are being used to help cram as many homes as possible onto the site. Town houses may be acceptable in an urban setting like Kepplestone where they are overlooked by high flats but are completely inappropriate on an open rural site like this one. This is particularly true of the 10 town houses overlooking the Den Burn. The inclusion of town houses is completely out of keeping with the Masterplan which aims to create a high quality village expansion that compliments the existing character of the area.

#### **4. Educational provision**

KCC has explained clearly in previous responses to ACC about this site that Kingswells Primary School will be unable to accommodate the number of children generated by West Huxterstone before 2016 and that careful phasing of the development will be required to avoid overcrowding at the school. Stewart Milne Homes has chosen to ignore this point. In Fairhurst's response to ACC planners dated 22 March 2013 they state that *"There is therefore no requirement to identify infrastructure requirements associated with individual phases given the anticipated short overall timescale for completion of the development."* This statement only goes to show that the developers wish to complete the development with all haste and ignore the school roll.

#### **5. Road Access**

KCC maintains its strong objection to any road access off the Lang Stracht. It has already set out its case in detail for the alternative of a second access from Fairley Road as part of its response to the Dandara application. It is clear from the current application that Stewart Milne Homes has again chosen to ignore this. Indeed, in their Access Statement of June 2013 Fairhurst declare that *"The principle of provision of vehicular access to the West Huxterstone development from Lang Stracht has been agreed with ACC."* If true, this implies that ACC planners have acceded to the developer's wishes without providing any explanation for their decision. Given the commitment by ACC last November to review the matter, we would have expected at least to receive an independent assessment by the Council's Roads Department.

We note in the current application the provision of 14 car parking spaces along the Lang Stracht. We cannot tell if vehicles using these spaces have been counted in the traffic analysis. They would certainly pose a potential danger to cyclists using the Lang Stracht especially when residents choose to reverse out onto the road. KCC does not accept Fairhurst's view that bus transit times along the Lang Stracht will be unaffected by the development. Bus transit times into the city from Kingswells are already too slow. The frequency of bus journeys along the Lang Stracht is also set to increase from September 2013. Some residents would inevitably be tempted to drive eastwards along the Lang Stracht, thus adding to the problems. The road is already used illegally by a few drivers trying to avoid the traffic congestion on the A944.

As for the southern access road, the current application plans do not show where this will actually join Fairley Road. The absence of a "joined up" roads plan



involving both developers is unsatisfactory.

## **6. Provision for future development**

Stewart Milne Homes has made no secret of the fact that they plan a future eastwards extension of their development into the green, rolling valley of the Den Burn. Building in this valley has been rejected in the past by successive Scottish Government Reporters and also by ACC. KCC will never accept this extension for the objective reasons put forward in previous public inquiries. The two eastern cul-de-sacs have simply been included to facilitate it. ACC must not be assisting in these future plans. Once again we ask that the two cul-de-sacs be removed or re-located within the development.

## **7. Transport assessment**

Fairhurst submitted a transport assessment on behalf of the developer in January 2013. Unfortunately, traffic levels projected for the development referred to the allocation of 120 homes, not the 146 now proposed.

## **7. Green Space Network (GSN) and SUDS**

The Masterplan stresses the importance of safeguarding and enhancing the ecological habitat of the Den Burn. Within the Stewart Milne Homes site, the distance of roads/buildings from the burn ranges from 30 metres to just 10 metres going west to east. This narrowing to just 10 metres to accommodate 4 car parking spaces is unacceptable.

The main aim of the GSN area at West Huxterstone must be to provide a pleasant and accessible area of biodiversity. GSN is quite different from Urban Green Space of which there are other qualifying areas on-site. KCC has no objection to a pathway through the GSN, but this should be no wider than 1.5 metres or it will take up too much area. The large "lay-by" areas along the pathway must be removed to maximise the area for wildlife in the little space that is left. KCC welcomes the provision of play equipment for young children on-site but seriously questions if this is appropriate in a GSN area and so near to the burn.

KCC understand that SUDS ponds cannot be located within the potential flood zone of the burn. However, the latest plans to install an underground cellular attenuation system (Stormcell) are completely unacceptable as they will involve massive excavation, upheaval and destruction of the of the wetland area close to the burn. The developer has a very poor record in constructing SUDS that protect and enhance the environment. The SUDS pond promised at West 1 never materialised, and instead was replaced by a lifeless "dry basin" that totally ruined the small area of marshland beside the Den Burn. By contrast, the drainage system within Prime 4 a good example of what can be achieved with a bit of thought. If the sustainable drainage system can only be located within the GSN area, then KCC must insist that ACC seeks an alternative solution that will actually enhance the natural environment and not destroy it.

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 17 July 2013 21:19  
**To:** PI  
**Subject:** Planning Comment for 130912

Comment for Planning Application 130912

Name : Mr and Rev. Neal and Alisa McDonald Address : Lang Stracht Manse Lang Stracht Kingswells  
AB15 8PN

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : To whom it may concern,

I am writing regarding the proposed development of houses by Stewart Milne (ref 130912). Whilst we do not object in principle to the development we have concerns regarding the proximity of some of the houses to our property as well as their height. The houses that are proposed to be built closest to our property are at a distance and a height that will seriously impact upon our privacy and quality of life. Given the location and layout of our property the separation distance between our property and the nearest houses is wholly insufficient to the level of privacy that should be expected from a private detached property.

The proposed mitigation measures included in the plans to build a line of trees between our property and the development will, if allowed, obscure any sunlight to our property and seriously degrade our ability to enjoy our house. We have also serious concerns about how this boundary will be managed in future given the potential height of the trees in years to come. It would be best if a formal agreement could be reached before construction commences as to how this boundary and the height of the trees would potentially be managed in the medium to long term future. We would like to request a mechanism be put in place under the scope of the S106 agreement to maintain the trees and their height.

We would welcome the opportunity to meet with the developers and the council to discuss the matter further, we were unable to attend the previous meetings due to recently moving into our property so have been unable to make ourselves heard in this matter until now.

Regards,  
Mr and Reverend Neal and Alisa McDonald

PI

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## Planning Development Management Committee

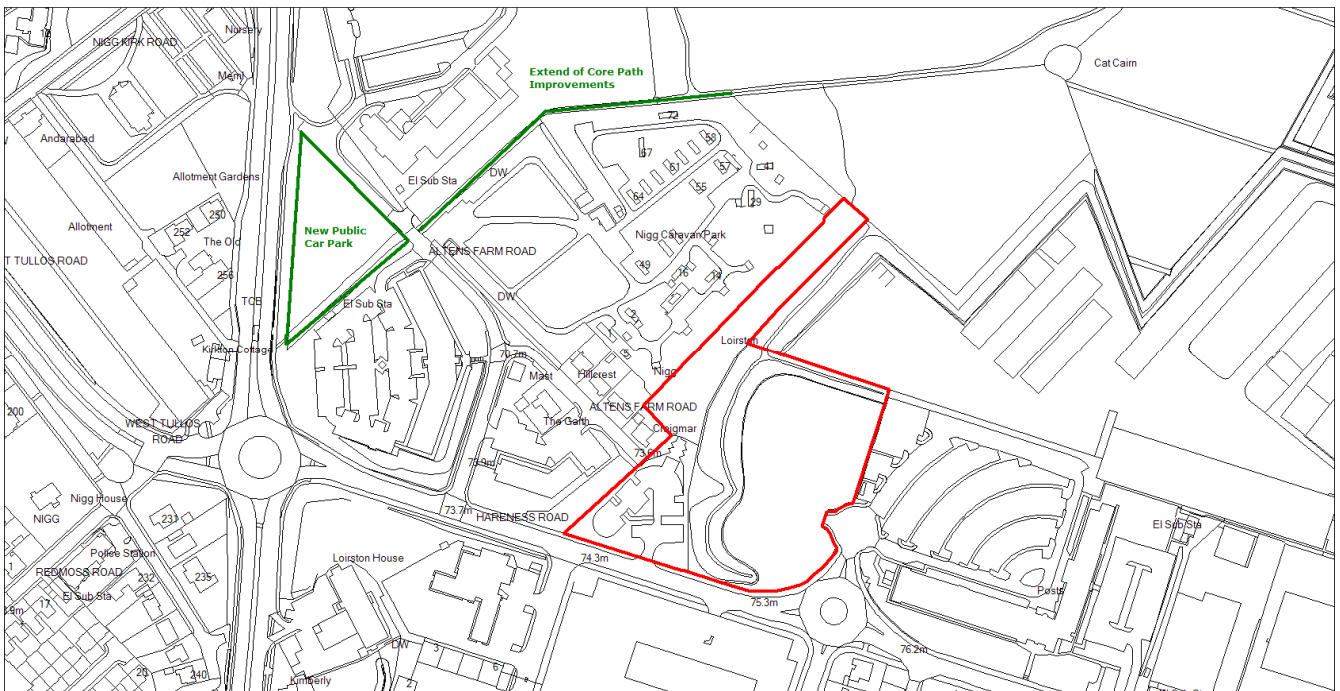
LAND ADJACENT TO SCOTT HOUSE, SITE 38  
HARENESS ROAD, ALTENS INDUSTRIAL

ERECTION OF 4 STOREY OFFICE BUILDING  
(CLASS 4-BUSINESS) INCORPORATING  
BASEMENT CAR PARKING AND  
LANDSCAPING

For: Argon Developments (North) Ltd.

Application Type : Detailed Planning Permission  
Application Ref. : P131312  
Application Date: 06/09/2013  
Officer: Matthew Easton  
Ward : Kincorth/Nigg/Cove (N Cooney/C  
Mccaig/A Finlayson)

Advert : Section 34 -Proj. Pub.  
Concern  
Advertised on: 18/09/2013  
Committee Date: 28/11/13  
Community Council : Objection



**RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold the issue of the consent document until –**

1. the applicant has entered into a memorandum of agreement to secure the provision of –
  - a) a new public car park on land between Wellington Road and Altons Farm Road; and
  - b) improvements to the section of Core Path 103 between Wellington Road and Tullors Hill

**2. the applicant has entered into a section 75 legal agreement to secure a financial contributions towards the Strategic Transport Fund.**

**DESCRIPTION**

The site comprises some 1.84 hectares of vacant land within Altens Industrial Estate. It is located on the north side of Hareness Road, approximately 150m east of the junction with Wellington Road and adjacent to the junction with Crawpeel Road.

There are no structures on the site and it comprises overgrown grassland and vegetation and shrubbery. There is a bund which runs through the centre of the site and along the northern boundary which is approximately 2.5m in height. Otherwise the site is relatively flat, with a slight slope down from west to east.

Access to the site is from an existing mini-roundabout shared with Scott and Trafalgar House which is immediately north of the Hareness Road / Crawpeel Road roundabout.

There is a public car park in the south west corner of the site which is accessed from Hareness Road. However the car park has been closed for several years and fallen into a state of disrepair.

Approximately 115m to the north east of the site is a scheduled monument known as 'Cat Cairn', part of a series of cairns found on Tullos Hill. The monument is of national importance as the remains of a prehistoric funerary monument of probably Bronze Age date, which may form part of a relict prehistoric landscape.

The site is predominately surrounded by business and industrial uses. To the east are Scott House and Trafalgar House, two modern four storey office buildings and associated car parking which date from 1990 and 1985 respectively Scott House is occupied by Nexen Petroleum and Trafalgar House by Wood Group Engineering.

To the south, across Hareness Road are premises occupied by John R. Weir commercial vehicle centre. Along the west boundary, close to Hareness Road is an area of soft landscaping and trees beyond which is a two storey office building occupied by AMEC Group. Further north along this boundary is the end of Altens Farm Road and an unoccupied house. Beyond this is the former Nigg Caravan Park which has recently been acquired by the developer. To the north of the site is an industrial yard used which is occupied by Peterson SBS and used for the storage of pipes and other offshore equipment. Beyond this is open green space forming Tullos Hill.

## RELEVANT HISTORY

The site has been subject of several applications for office development over recent years; however the current application is not connected to any of the previous proposals.

- Outline planning permission (A4/1864) for 6000m<sup>2</sup> of class 4 (office) space spread across five 2 storey pavilions was granted by the Planning Committee in June 2005. Provision was made for a footpath and public car park (31 spaces) which would provide recreational access to Tullos Hill. The planning permission was released in January 2006 after the signing of a legal agreement to secure financial contributions towards improvements on Wellington Road and the provision of the land for the public car park in perpetuity.
- Reserved matters (A6/0829) associated with the above outline planning permission was approved in June 2006.
- Detailed planning permission (A7/2453) for 8121m<sup>2</sup> of class 4 (office) space, associated parking and re-configuration of the public car park was granted by delegated powers in May 2008. The proposed development featured two 3 storey buildings and one 2 storey building arranged around a central car park of 237 spaces. The buildings had a contemporary design and would have been predominately glazed. The existing public car park was to be re-configured with 31 spaces still being provided.
- Two variations (P090437 and P121468) to the layout of the public car park were submitted and approved in May 2009 and December 2012 respectively.

The car park in the south west corner of the site and an access path north leading to Tullos Hill was provided through a section 75 legal agreement related to planning application A4/1864. The legal agreement requires the car park and access to be made available to the Council in perpetuity for the purpose of car parking and recreational access by the public to Tullos Hill. Access to the car park however has been blocked-off by the previous site owner to prevent unauthorised encampments at the site and the area has become overgrown and fallen into disrepair.

## PROPOSAL

It is proposed to erect a four office building which would provide 19,233m<sup>2</sup> (gross) / 16,996m<sup>2</sup> (net) of class 4 office space.

The applicant has agreed terms to lease the completed development to a substantial Aberdeen oil & gas company. The development would enable the co-location of a number of existing facilities within Aberdeen together with the creation of expansion space to meet the occupier's continued growth. The total number of existing and new jobs will be approximately 1,800.

## **Proposed Building**

The building would be L-shaped with the main elevations facing south onto Hareness Road and west towards Altens Farm Road. The shorter wing of the building would be positioned along the southern boundary of the site, facing onto Hareness Road. It would be 66m long and 33m wide. The second wing would be 73m long and 33m wide and face west towards Altens Farm Road and the former Nigg Caravan Park.

The main roof of the building would be flat and have a height of 18m. A plant room would be included on part of the building which would result in a maximum height of 20.1m.

The building would be constructed using a steel frame and clad in curtain wall glazing and grey rainscreen panelling. The central core of the building which includes stairwells, lifts and service risers would be located on the west elevation and would protrude 10m from the main face of the building. Two smaller cores would be located on the north and east elevations, extending slightly over the main roof line of the building, giving the impression of 'book-ends'. Each core would be finished predominately in mid to dark grey powder coated metal cladding with areas of glazing. The central core would also feature silver cladding panels.

The entrance would feature frameless glazing and a small flat metal panel canopy coloured dark grey. The plant room on the roof would be finished in silver vertical metal plank cladding. The curtain wall glazing would have silver frames and feature an irregular pattern of protruding mullions. The external cladding at the building cores towards the end would be powder coated varying shades of grey.

A proposed electricity substation and gas governor enclosure would be constructed alongside the west elevation of the building, behind the central core. It would be rectangular in shape, being 10.8m long and 4.5m wide and 3.4m high. It would be finished in silver flat rigid sheet metal cladding and silver louvered doors.

## **Proposed Access, Car Parking and Landscaping**

Vehicular access to the site would continue to be taken from the existing mini-roundabout shared with Scott and Trafalgar House which is immediately north of the Hareness Road/Crawpeel Road roundabout.

A total of 641 car parking spaces, (including 18 accessible), 18 motorcycle spaces and 73 bicycle spaces would be provided for the proposed office development, which would be distributed over three separate car parks.

- 169 spaces (including 15 accessible) would be provided immediately adjacent to the proposed building. Provision for 14 motorcycle spaces and 4 visitor bicycle spaces would be provided.



- 163 spaces (including 3 accessible) would be provided within a basement car park below the building. Parking for 7 motorcycles and 69 bicycles would also be provided within the basement.

309 spaces and 4 spaces for motorcycles would be provided in a new car park to be built on the adjacent Nigg Caravan Park site. This car park is subject of a separate planning application (P131497). At present it is intended that these parking spaces would be accessed through the main car park, although a new access from Altens Farm Road could be created if necessary.

### **Public Car Park and Access to Tullos Hill**

As part of the development it is proposed to close off and remove the existing public car park and access to Tullos Hill.

In order to compensate for this loss the developer has offered to provide a new car park on Council owned ground situated between Altens Farm Road and Wellington Road, some 240m north west of the application site. The ground comprises a triangular area of grass approximately 0.4 hectares in size and is immediately adjacent to Core Path 103 (North Balnagask Road to Wellington Road) which provides the main point of access to the east side of Tullos Hill.

The proposed car park would feature a single loop road with 18 car parking spaces located around it set out in pairs set in a landscaped area feature mounds.

Approximately 320m of the core path would be upgraded and a formal entrance created adjacent to Wellington Road.

### **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at – <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131312>. On accepting the disclaimer, enter the application reference quoted on the first page of this report.

In support of the application the following documents have been submitted –

- Landscape and visual appraisal which analyses the visual impact of the development from eight points generally around the south of the city where the development could potentially be viewed from.
- Transport assessment which assesses the traffic impact of the development and identifies mitigation measures.
- Air quality assessment which assess the potential impact on local air quality due to the increase in road traffic generated by the development.
- Pre-application consultation report which summaries the public consultation undertaken.

- Site investigation report which reviews ground conditions across the site through a phase 1 desktop study and phase 2 intrusive site investigation.
- Sustainability statement and an energy strategy statement which has been prepared to demonstrate compliance with Policy R7 (Low and Zero Carbon Buildings).
- Sustainable urban drainage systems (SUDS) strategy which explains how surface and foul drainage would be dealt with.
- Archaeological written scheme of investigation and evaluation of subsequent trench excavations at the site.

## **PRE-APPLICATION CONSULTATION**

The proposed development was the subject to pre-application consultation between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. The consultation involved a public consultation event on 14<sup>th</sup> August 2013 at the Thistle Hotel between 2pm and 7pm. Two members of the public and the owner of the Nigg Caravan Park attended the event. No adverse comments were discussed at the event.

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Sub-committee because Cove and Altens Community Council have raised concerns with the application. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

### **Roads Project Team –**

- The proposals submitted which aim to benefit the operation of the Hareness Road / Wellington Road roundabout as a result of the proposed developments additional traffic are acceptable in principle. The geometries and vehicle input data used in the roundabout modelling software has been checked and verified at various stages in this process and it is considered that a robust assessment has been carried out. The increased deflection and effective flare length at the entry to the roundabout on Hareness Road has increased the predicted flow rate through the roundabout which shows no net detriment of traffic impact on the roundabout as a result of the proposed developments traffic.
- It is noted that the traffic surveys undertaken and the modelling results submitted show that a slight increase in vehicles travelling east on Hareness Road will occur however this is negligible and the majority of development traffic is shown to be accessing and exiting the development via the Hareness Road or Souter Head Road roundabouts.

- Walking, cycling and public transport provision access to the proposed site is acceptable.
- Satisfied with the access ramp width and design, the level of parking and with the number and positioning of cycle and motorcycle parking.
- The number of accessible spaces provided is in line with Aberdeen City Council parking standards.
- A Travel Plan (TP) framework has been submitted. It should be conditioned that a draft finalised TP should be submitted prior to occupation of the proposed development. This should include a draft staff survey which is currently not included in the TP framework.
- As the proposed development gross floor space is greater than 2,500m<sup>2</sup> Class 4, a contribution will be required to the Strategic Transport Fund (STF). As the site has previously been consented in the 2008 Local Plan this contribution has been adjusted to reflect the transport impact associated with the site's current or most recent operational use. 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.

**Environmental Health** – The proposed development will generate approximately 1000 additional vehicle movements within the Wellington Road Air Quality Management Area (AQMA). The air quality assessment predicted the magnitude of impact would be 'small' at residential properties within the AQMA resulting in a 'slightly adverse' impact in 2015, the proposed year of opening. With the Aberdeen Western Peripheral Route (AWPR) operational concentrations are predicted to fall below current levels due to the traffic flow reduction and improved vehicle emissions, although concentrations are still to predicted to exceed the national and European Union annual mean air quality objective for nitrogen dioxide.

There are also a number of other committed developments in the vicinity of the southern section of Wellington Road that will further increase the traffic volume within the AQMA. These developments were also considered in the air quality assessment.

The overall significance of the proposed development would not warrant objection to the planning application due to predicted air quality impacts. However, it should be noted that the cumulative impact of this development, in conjunction with other committed and proposed developments in the wider area, will have a detrimental effect on air quality in the AQMA, particularly in the period 2015-2018 prior to the opening of the AWPR.

**Enterprise, Planning & Infrastructure (Flooding)** – The SUDS strategy for the development has been reviewed and it is noted surface water drainage will discharge to a surface water sewer owned by Aberdeen City Council.

A condition should be attached requiring provision of full surface water drainage proposals, detailing the proposed method of discharge of surface water. Any proposed SUDS techniques should include design calculations and drawings for approval. A full Drainage Impact Assessment, including proposed SUDS techniques, full examination of all watercourses within the vicinity of the site and the impact which the development shall have on the drainage network should be submitted.

**Community Council** – Concern was initially raised by Cove and Altens Community Council with the following matters –

- This application provides 599 vehicle parking spaces. The resulting increase into the surrounding road network will only add to the already gridlocked and congested roads. Traffic implications would need to be studied.
- The building itself appears to be higher than those round about and would be out of keeping.
- Preservation of access onto Tullos Hill should be maintained.

The Community Council have since advised that they are now satisfied with the issues relating to the height and access to Tullos Hill, however the concern over traffic are maintained.

**Education, Culture and Sport (Archaeology)** – The archaeological written scheme of investigation and archaeological evaluation report are acceptable.

**Scottish Environment Protection Agency (SEPA)** – Request that a condition is attached to any consent requiring the submission of a site specific construction and environmental management plan. If the condition is not applied the SEPA's representation should be considered as an objection.

It is noted that the applicant has submitted a SUDS strategy, which is welcomed and that waste water is proposed to go to the combined sewer. Therefore SEPA have no objection to the planning application on the grounds of drainage.

## **REPRESENTATIONS**

One letter of representation has been received from Colin Fraser, owner (at the time) of the Nigg Caravan Park. The letter is submitted as a holding objection with potential concerns raised regarding the relationship of the proposed development with the green belt and access and parking issues. No further correspondence has been received to confirm the objection.

## **PLANNING POLICY**

### **National Policy**

Scottish Planning Policy (SPP) – Planning 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.

The planning system should also be responsive and sufficiently flexible to accommodate the requirements of inward investment and growing indigenous firms.

### **Aberdeen Local Development Plan**

Policy I1 (Infrastructure Delivery and Developer Contributions) – Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

Policy 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

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

Policy D3 (Sustainable and Active Travel) – New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved.

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

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

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

- points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
- disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
  - sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Policy BI1 (Business and Industrial Land) – Aberdeen City Council will support the development of the business and industrial land allocations set out in this Plan. Industrial and business uses (Class 4 Business, Class 5 General Industrial and Class 6 Storage or Distribution) in these areas, including already developed land, shall be retained. The expansion of existing concerns and development of new business and industrial uses will be permitted in principle within areas zoned for this purpose.

New business and industrial land proposals shall make provision for areas of recreational and amenity open space, areas of strategic landscaping, areas of wildlife value and footpaths, in accordance with the Council's Open Space Strategy.

Policy NE1 (Green Space Network) – Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted. Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such developments shall take into account the coherence of the network. In doing so measures shall be taken to allow access across roads for wildlife and for access and outdoor recreation purposes.

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 NE6 (Flooding and Drainage) – Surface water drainage associated with development must be the most appropriate available in terms of SUDS and avoid flooding and pollution both during and after construction. Connection to the public sewer will be a pre-requisite of all development where this is not already provided. Private wastewater treatment systems in sewered areas will not be permitted.

Policy NE9 (Access and Informal Recreation) – New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Policy NE10 (Air Quality) – Planning applications for development which has the potential to have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and can be agreed with the Planning Authority.

Policy R2 (Degraded and Contaminated Land) – The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use.

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

Policy R7 (Low and Zero Carbon Buildings) – All new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

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.

## **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 site is zoned as business and industrial land in the adopted local development plan where Policy BI1 applies. The policy supports the principle of new business and industrial development within such areas. The use of a vacant site within the existing urban area is also welcomed as it reduces pressure for additional land to be allocated on greenfield sites.

The planning history of the site, which includes two approvals for office developments in largely the same policy and physical context, albeit for considerably less floor space, further demonstrates that the site is suitable for office use in principle.

Nearly 20,000m<sup>2</sup> of office floor space is proposed which represents a significant investment in the city. The applicant has advised that they have agreed terms to lease the completed development to a major local oil and gas company who would occupy the building with over 1800 staff, which would be a combination of relocated staff from existing sites in the city and new staff hired through growth in the company. This level of investment demonstrates confidence in the local economy and supports one of the overarching aims of the local development plan which is to maintain Aberdeen as a competitive and sustainable business

location. It is important the modern fit for purpose office space is provided in the city to meet demand.

Such developments are also supported by Scottish Planning Policy (SPP) which requires planning authorities be responsive and sufficiently flexible to accommodate the requirements of inward investment and growing indigenous firms.

### **Surrounding Amenity**

The site is predominately surrounded by business and industrial uses; however there are properties in residential use which are located on Altens Farm Road, immediately to the west of the site.

In order of proximity to the application site, the first house has been acquired by the applicant who has indicated that it is intended to demolish the house and incorporate the land into the landscaping for the proposed development; the second house has been converted to a hairdresser; the third house is currently occupied and the fourth and fifth houses are derelict.

Given this context and the nature of the proposed use it is considered that there would be no adverse impact upon the amenity of neighbouring uses.

### **Design and Layout**

Hareness Road is characterised by industrial and commercial buildings, many of which have little architectural merit and are largely utilitarian in appearance. Scott House, which is a four storey office building is the exception and dominates views along Hareness Road. Although there is no formal building line along much of Hareness Road, there is along the stretch which includes the application site. A common theme along the west end of Hareness Road is the space which is present between the edge of the pavement and the buildings within the adjacent sites. These spaces often include areas of landscaping.

The proposed position of the L-shaped building on the site would result in the building presenting a public face to Hareness Road and a private face to the car park and entrance courtyard. This would mirror the layout of Scott and Trafalgar House opposite and would also assist in maintaining a consistency in the street scape along Hareness Road. It also permits the surface car parking to be located away from public view, rather than between the building and street, which is welcomed.

Initial concern was raised with the position of the building in relation to the boundary with Hareness Road and how this may affect the open nature of the Hareness Road streetscape. Given that the building would be four storeys high the concern was that the building would look uncomfortably close to the boundary with Hareness Road. Since the original submission however, the building has been repositioned 2m further back into the site to address this issue and bring it in line with the adjacent Scott House. The extent of the roof plant enclosure has also been reduced in size from the initial designs presented, in order to reduce



the apparent bulk of the building. The highest part of the building as proposed would be 2.24m lower than the heights part of Scott House.

Taking the foregoing into account, although the building would be undeniably large, it is considered that it would sit comfortably in the streetscene.

The design and materials proposed to finish the building would be of a high standard, being typical of modern office developments found within the city and throughout the UK. The use of a limited palette of materials would result in a clean and minimalist exterior. The high quality of the building and bold statement which it would make on one of the main routes into Altens Industrial Estate is welcomed. Taking the foregoing into account, it is considered that due consideration has been given to the provisions of Policy D1 (Architecture and Placemaking).

Air source heat pumps would be installed in order to meet the requirements of Policy R7 (Low and Zero Carbon Buildings). The submitted energy statement demonstrates that a 31.5% improvement over the 2010 Building Standards requirement would be provided which is in accordance with Policy R7.

New business and industrial land proposals are required to make provision for areas of recreational and amenity open space, areas of strategic landscaping, areas of wildlife value and footpaths. An indicative landscape plan has been submitted which shows that a line of formal tree planting would be provided along the Hareness Road frontage of the site. Native woodland and thicket planting would be planted along the western boundary of the site, reinforcing the existing planting between the site and neighbouring AMEC building. Public access between Hareness Road and Altens Farm Road would be maintained via a path through the landscaping.

The proposed landscaping scheme would help soften the appearance of the building and is considered acceptable. A condition has been attached requiring a detailed scheme including species to be included. The proposal is considered to comply with the relevant part of Policy BI1 (Business and Industrial Land).

## **Skyline**

Policy D1 (Architecture and Placemaking) requires high buildings to respect the height and scale of their surroundings, the urban topography, the City's skyline and aim to preserve or enhance important views.

Tullos Hill and Altens Industrial Estate are on relatively high ground in the city and there therefore is the potential for the proposed building, which would be four storeys in height, to adversely affect the skyline. Planning officers raised issue with this aspect of the development at an early stage during pre-application discussions.

The applicant commissioned a visual appraisal of the development in order to support the proposal and demonstrate that the impact of the development from significant viewpoints around the city would be minimal. Each of the eight viewpoints considered were agreed with planning officers on the basis that the

building was likely to be most prominent from these particular locations. The visual assessment considers the change in view which would be experienced at each point and categorises it as being negligible, minor, moderate or substantial. The viewpoints can be grouped into being distant, medium or close.

The first distant viewpoint is located at Anderson Drive / Queens Road roundabout where the Aberdeen Grammar School sport pitches allow open views to the south towards the site. At a distance of 4.3km away, Scott House is visible and slightly breaches the skyline; the nearby Peterson SBS warehouse buildings are also visible as well as several communication masts. The introduction of the building would result in a minor change to this view, with the building partially obscuring Scott House and extending the existing mass of buildings by a third.

A similar minor change would be experienced from Foresterhill Road (5.9km away). In both cases the addition of the proposed building is unlikely to be noticeable unless it is specifically being sought out.

Medium distance views from South College Street (2.8km away) and the northern end of Great Southern Road (2.7km away) would be effected to a minor degree. The Shell building and Scott House are already prominent and the proposed building would reinforce this character. Intervening vegetation and buildings also restrict views from certain angles. From the King George IV Bridge (1.83km away) open views towards Kincorth and Tullos are available; nevertheless the building would not be visible due to vegetation.

From Duthie Park (1.9km away), views of Kincorth, the Shell building and Scott House can be observed along the skyline. The proposed building would be visible alongside Scott House, which it would partially obscure. However due to its closer proximity from most angles, the Shell building would appear higher on the skyline, as would buildings within Kincorth. Therefore the impact is classed as minor.

In the view from Torry (1.75km away), the building would appear slightly above the woodland on the slopes of Tullos Hill, similar to buildings and masts towards Nigg. However the building would not be the highest form on the skyline, which would remain as the top of Tullos Hill. Therefore the impact is considered to be minor.

The viewpoint where the most significant change would occur is at the Wellington Road roundabout, which is the closest view point. The change in view is considered moderate, however the building would be seen in the context of the built up area within which it is located and therefore its presence is unlikely to appear out of character.

It is considered that a robust assessment of the buildings visual impact has been carried out. The visual appraisal demonstrates that the impact on significant view points from around the city where the building could be seen, would generally be minor. Although the building does from certain views breach the typical skyline to a small degree, this is more often than not seen in the context of Scott House, the Shell building or Tullos Hill which are either at a similar height as the proposed building or are in fact more prominent.

Similar concerns with building height were raised with the developments which were ultimately approved on the site in 2006 and 2008. As a result, building heights were limited to two storeys in 2006 and three storeys in 2008. Although a visual appraisal was submitted for the 2006 application, it lacked the comprehensiveness of the current appraisal.

The visual appraisal has demonstrated that the proposed building would have minimal visual impact and confirmed that the existing southern skyline of the city and landscape character of Tullos Hill would be preserved. The proposal is therefore in accordance with Policy D1 (Architecture and Placemaking) and Policy D6 (Landscape).

### **Public Access to Tullos Hill**

There is a disused public car park in the south west corner of the site which is accessed from Hareness Road. The land upon which it was built was provided to the Council initially through an informal agreement and then later through a section 75 legal agreement established through the granting of a previous planning permission at the site. The legal agreement requires the car park and an access track leading to Tullos Hill to be made available to the Council in perpetuity for the purpose of car parking and recreational access by the public to Tullos Hill.

It would appear that in recent years the Council have failed to maintain the car park and that the previous owners of the land have restricted access in order to stop unauthorised encampments from occupying the land. This has resulted in the car parking falling into disrepair and access to the hill becoming overgrown, although it is still possible to walk from the car park onto the hill.

Although the public car park is within the business and industrial zoning, there is a corridor comprising approximately 0.9 hectares of the site, which includes the access track, zoned as green space network.

In such areas Policy NE1 requires proposals to 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. Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such developments shall take into account the coherence of the network. In doing so measures shall be taken to allow access across roads for wildlife and for access and outdoor recreation purposes. Similarly Policy D3 (Sustainable and Active Travel) requires development to maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved

Whilst the proposed office building could be constructed and site laid out with the existing public car park remaining in place, the applicant has expressed a desire to have the car park removed, in order to allow more extensive landscaping to be provided around the development.

Although the existing car park is not currently in use, its removal and the fragmentation of the green space network by the access road would be contrary to Policy NE1 as it would remove an opportunity for access to Tullos Hill. The access road between the main application site and the proposed car park in the former Nigg Caravan Park would also cross this green space network corridor.

There is a second access to Tullos Hill from the south, which is located off Altens Farm Road, some 240m to the north west. Whilst this path is unmade, overgrown, suffers drainage problems and is under the ownership of Shell, it does in fact form Core Path 103 (North Balnagask Road to Wellington Road). This route is now the primary access from the south to Tullos Hill.

In order to mitigate against the potential loss of the existing public car park on the application site and the poor condition of existing access to Tullos Hill, the applicant has offered to provide a new car park on Council owned open space situated between Altens Farm Road and Wellington Road, immediately adjacent to Core Path 103.

The proposed car park would feature a single loop road with eighteen car parking spaces located around it, set out in pairs within a landscaped area. The existing track between Wellington Road and Altens Farm Road would be upgraded to a surface path and a formal pedestrian access created on Wellington Road. Thereafter, approximately 320m of the core path which leads from Altens Farm Road up onto Tullos Hill would be upgraded.

The proposed scheme for the car park and core path is welcomed by the officers within the Council's Environment Service who have worked alongside planning officers to ensure a suitable scheme is agreed. There are several benefits to relocating the car park from the application site to the proposed site on Altens Farm Road –

- Rather than continuing with two poor accesses to the southern side of Tullos Hill, one access can be provided which would be upgraded to a suitable standard and would link directly into upper part of the core path which has recently been upgraded by the Council.
- The enhanced pedestrian entrance from Wellington Road to what would become the public car park site would be seen by a large number of people using Wellington Road each day. This would provide the car park and core path with a higher profile and has the potential to increase the number of people using the area for recreation.
- The pedestrian access to the core path would be directly opposite the pedestrian crossing on Wellington Road, providing convenient access from the residential areas of Nigg and Kincorth to the west.
- Unlike the car park on the application site, the new car park would be located on Council land rather than land under the ownership of a third party. It is intended that the Council grant a license to the applicant to carry out the works on the Council's land and once complete, full control of the car park would remain with the Council.

In summary, the proposed new car park and enhancement of the existing core path network is considered to more than adequately mitigate against the loss of the existing car park and access. The proposal is considered to comply with Policy NE1 (Green Space Network) and Policy D3 (Sustainable and Active Travel).

In order to secure the delivery of the new car park and core path works, it is intended that the Council and the applicant enter into a memorandum of agreement which will require and allow the applicant to carry out the work on the Council's land. Whilst it is intended to seek agreement from Shell to carry out the work to the track, should this not be forthcoming or cannot be achieved within 6 months from signing of the agreement, the applicant would construct a new path within former Nigg Caravan Park which is under the applicant's control and is alongside the existing track.

Cycle paths and lanes are available in the surrounding area and provide access to Altens both from the west and east.

The applicant would also have to submit an application under section 75A in order to discharge the obligation within the existing section 75 legal agreement which applies to the application site.

### **Access and Transportation**

Vehicular access to the site would be taken from the existing mini-roundabout shared with Scott and Trafalgar House, which is immediately north of the Hareness Road / Crawpeel Road roundabout. This access would serve a surface car parking adjacent to the building (169 spaces), the basement car park (163 spaces) and the 309 spaces proposed within the former Nigg Caravan Park which are subject of a separate application.

Other proposed and under construction developments in the area such as the new residential developments a Cove, Balmoral Business Park and Maersk office building at Crawpeel Road have been taken into account in the assessments.

Three junctions have been assessed as part of the transport assessment –

- The Hareness Road / Crawpeel Road roundabout, which includes the site access, is estimated to perform marginally over capacity in the morning peak. A slip lane providing direct access into the site would be formed as mitigation.
- The Crawpeel Road /Souter Head Road roundabout would continue to perform within capacity with the addition of traffic from the development.
- Wellington Road (A956) / Hareness Road / East Tullos Road roundabout will require alterations to the geometry of the approach from Hareness Road. The impact of these modifications identifies a minor increase in overall queues in the morning peak however there would be a significant improvement in the evening peak on Hareness Road.

The Roads Projects Team have reviewed the assessment and conclude that the mitigation measures are acceptable in principle. The geometries and vehicle input data used in the roundabout modelling software has been checked and verified at various stages in this process and are considered satisfactory. The increased deflection and effective flare length at the entry to the roundabout on Hareness Road has increased the predicted flow rate through the roundabout which shows no net detriment of traffic impact on the roundabout as a result of the proposed developments traffic.

The traffic surveys undertaken and the modelling results submitted show that a slight increase in vehicles travelling east on Hareness Road would occur however this is negligible and the majority of development traffic is shown to be accessing and exiting the development via the Hareness Road or Souter Head Road roundabouts.

The site is within walking distances of residential areas in Cove, Altens, Nigg and Kincorth. The site is also served by regular public transport at bus stops on Wellington Road as well as within Altens Industrial Estate during peak times. Therefore, although the site is relatively isolated from parts of the city, it is possible to reach the site by a variety of transport modes.

The proposal is considered to be in accordance with the provisions of Policy T2 (Managing the Transport Impact of Development).

### **Air Quality**

The site is approximately 1.4km from the Wellington Road Air Quality Management Area (AQMA) which has been identified as an area with poor air quality. Policy NE10 (Air Quality) specifies that planning applications for development which has the potential to have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and can be agreed with the Planning Authority.

An air quality assessment has been submitted by the applicant which assess the potential impact on local air quality due to the increase in road traffic generated by the development.

The conclusion of the assessment is that the forecast concentrations of annual mean nitrogen dioxide (NO<sub>2</sub>) and particulates (PM<sub>10</sub>) in 2015 exceed the air quality objectives at several of the assessed locations along Wellington Road. However, the proposed development would not result in any exceedences of the annual nitrogen dioxide or PM<sub>10</sub> air quality objections where there weren't any without the proposed development.

The results also find that the modelled concentrations of nitrogen dioxide in 2018 are mostly within the air quality objective value of 40 µg/m<sup>3</sup>. With the opening of the Aberdeen Western Peripheral Route (AWPR), potentially significant reductions are forecast at some receptors within the Wellington Road AQMA. In 2018, with the proposed development and all assessed committed developments fully operational, the air quality objectives will only be exceeded at one small area in the vicinity of the Wellington Road / Grampian Road junction.

The Council's Environmental Health service have reviewed the air quality assessment and determined that the overall significance of the proposed development would not warrant objection to the planning application due to predicted air quality impacts. However, it should be noted that the cumulative impact of this development, in conjunction with other committed and proposed developments in the wider area, will have a detrimental effect on air quality in the AQMA, particularly in the period 2015-2018 prior to the opening of the AWPR.

The air quality assessment predicted the magnitude of impact would be 'small' at residential properties within the AQMA resulting in a 'slightly adverse' impact in 2015, the proposed year of opening.

With the Aberdeen Western Peripheral Route (AWPR) operational concentrations are predicted to fall below current levels due to the traffic flow reduction and improved vehicle emissions, although concentrations are still predicted to exceed the national and European Union annual mean air quality objective for nitrogen dioxide.

Mitigation measures are proposed by the applicant which have the potential to reduce reliance on the private car and thus emissions –

- the number of parking spaces proposed is at the maximum permitted by the Transport and Accessibility Supplementary Guidance. Therefore no overprovision of parking spaces would exist which encourages staff and visitors to use more sustainable modes of transport.
- a condition has been attached requiring submission of a green travel plan to encourage modal shift away from the private car.
- long stay covered and secure cycle parking would be provided on site for staff.

In the light of the small impact predicted in terms of air quality and the measures proposed to encourage more sustainable modes of transport, it is considered that the proposal has taken the provisions of Policy NE10 (Air Quality) into account satisfactorily.

### **Developer Contributions**

The proposed development has a gross floor space greater than 2,500m<sup>2</sup> and therefore a contribution is required to the Strategic Transport Fund (STF).

The site has previously been allocated in the 2008 Aberdeen Local Plan and previous consents existed on the site which would have been taken into account in the cumulative transport appraisal. The contribution has therefore been adjusted to reflect the transport impact associated with the site's current or most recent operational use.

The applicant has expressed a willingness to pay the required contribution and a section 75 legal agreement has been drafted in order to secure it's payment prior to occupation of the building.

### **Archaeology**

Tullos Hill has long been known as an important archaeological landscape because of several Bronze Age burial cairns located there. Cat Cairn; Baron's Cairn; Crab's Cairn; and Tullos Cairn are scheduled as monuments of national significance. Tullos Hill was also the location of an anti-aircraft battery and later a prisoner of war camp in World War II.

Therefore due to the rich history of the area and in order to secure any archaeological remains which may be on the site, the developer undertook an archaeological evaluation. Eight trenches were excavated over the site on 24 August 2013 and each trench revealed that the topsoil had been previously stripped and the whole site prepared for development by laying down layers of sand and stones and then recovering with up to 0.5m topsoil. No archaeological deposits were recorded and the report recommends that no further archaeological work is required during the development. This has been accepted by the Council's Keeper of Archaeology. The proposal is therefore considered to be in accordance with the requirement of Policy D5 (Built Heritage).

### **Drainage**

A sustainable urban drainage systems (SUDS) strategy which explains how surface and foul drainage would be dealt with has been submitted by the applicant.

The strategy explains that foul drainage from the site would be discharged to the existing Scottish Water combined sewer, which is in accordance with Policy NE6 (Flooding and Drainage).

Surface water drainage would be dealt with in accordance with SUDS principles. Roof water would be discharged into filter trenches located in the soft landscaping areas providing one level of treatment before being collected in an attenuation storage system. Car park surface water would be discharged into bio-filtration units located around the edge of the car park and would provide two levels of treatment. The water from these units would be discharged into a collector system before also being transferred to the attenuation storage system, which ultimately discharges to the public surface water sewer.

The drainage proposals have been examined by SEPA, the Council's Flood Prevention Unit and Roads Projects Team and appear acceptable in principle. A condition has been attached which requires full details and calculations to be submitted prior to development commencing, to ensure that the system is suitably designed and in accordance with Policy NE6 (Flooding and Drainage).

### **Land Contamination**

The site investigation states that Intrusive investigations found that all contaminants were within the relevant screening criteria for the proposed end



use. Therefore the site is suitable for the proposed use without any remedial action being required.

The report has been reviewed by the Contaminated Land Unit who are satisfied that there are no significant risks in relation to contamination at this site other than low levels of ground gas which will effectively be mitigated by the installation of mechanical ventilation for the underground car park. The proposal is in accordance with Policy R2 (Degraded and Contaminated Land).

### **Relevant Planning matters raised by the Community Council**

The matters raised by the Community Council have been addressed in the sections of this report relating to access and transportation, skyline and access to Tullos Hill.

### **Relevant Planning Matters Raised in Written Representations**

One letter of representation has been received from Colin Fraser, owner of the Nigg Caravan Park. The caravan park has since been sold to the applicant.

The letter is submitted as a holding objection with potential concerns raised regarding the relationship of the proposed development with the green belt and access and parking issues. No further correspondence has been received to confirm the objection.

The application site nor its surroundings are located within or near the green belt. Access and parking issues have been addressed in the access and transportation part of the report.

**RECOMMENDATION: Willingness to approve subject to conditions, but to withhold the issue of the consent document until –**

- 1. the applicant has entered into a memorandum of agreement to secure the provision of –**
  - a) a new public car park on land between Wellington Road and Altens Farm Road; and**
  - a) improvements to the section of Core Path 103 between Wellington Road and Tullos Hill**
- 2. the applicant has entered into a section 75 legal agreement to secure a financial contributions towards the Strategic Transport Fund.**

### **REASONS FOR RECOMMENDATION**

The principle of new business and industrial development at the site is acceptable and in accordance with Policy BI1 (Business and Industrial Land). The use of a vacant urban site is welcomed as is the significant investment in the city which supports the overarching aims of the local development plan which is to maintain Aberdeen as a competitive and sustainable business location. Such developments are also supported by Scottish Planning Policy (SPP) which requires planning authorities be responsive and sufficiently flexible to accommodate the requirements of inward investment and growing indigenous firms.

Given this context and the nature of the proposed use it is considered that there would be no adverse impact upon the amenity of neighbouring uses.

The high quality of the proposed building and bold statement which it would make on one of the main routes into Altens Industrial Estate is welcomed. Despite the buildings size, it would sit comfortably within the streetscape and be commensurate in terms of scale with the adjacent Scott House. A robust assessment of the buildings visual impact has been carried out which demonstrates the minimal visual impact the building would have and confirms that the proposed building would preserve the existing southern skyline of the city and landscape character of Tullos Hill. The proposal is considered satisfactory in term of Policy D1 (Architecture and Placemaking) and would make a positive contribution to the surrounding area.

A proposed new car public park at Altens Farm Road and enhancement of the existing core path network onto Tullos Hill is considered to more than adequately mitigate against the loss of the existing car park and access within the application site. The proposal is therefore considered to comply with Policy NE1 (Green Space Network) and Policy D3 (Sustainable and Active Travel).

A suitable level of car, bicycle and motorcycle parking would be provided on site. The transport assessment has been reviewed and proposed mitigation measures proposed are considered acceptable and in accordance with Policy T2 (Managing the Transport Impact of Development).

A minor impact is predicted in terms of air quality and the measures proposed to encourage more sustainable modes of transport are considered to satisfactorily fulfil the requirements of Policy NE10 (Air Quality).

Matters relating to archaeology, drainage and contamination have been satisfactorily addressed or have been made subject of condition.

## **CONDITIONS**

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

(1) that no development shall take place unless a scheme of all drainage works (including calculations as necessary) designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in

writing by the planning authority. Thereafter no part of the office building shall be occupied unless the drainage has been installed in complete accordance with the said scheme, unless a written variation has been granted by the planning authority – in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(2) that no development (other than site preparation and ground works) shall take place unless a scheme for all proposed external lighting has been submitted to and approved in writing by the planning authority. Thereafter no part of the office building shall be occupied unless the external lighting has been installed in complete accordance with the said scheme, unless a written variation has been granted by the planning authority - in order to ensure the site is adequately illuminated and to ensure public safety.

(3) that no development (other than site preparation and ground works) shall take place unless a scheme for the relocation of the stone rubble wall which currently is located along the south east boundary of the site has been submitted to and approved in writing by the planning authority. Thereafter no part of the office building shall be occupied unless the wall has been rebuilt in accordance with the said scheme, unless a written variation has been granted by the planning authority - in order to maintain the visual amenity of the area.

(4) that no development (other than site preparation and ground works) shall take place unless a scheme of all external finishing materials to the roof and walls of the development hereby approved has been submitted to and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with the details so agreed - in the interests of the visual amenity of the area.

(5) that no development shall take place unless a site specific construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP must address the following issues (i) surface water management, (ii) site waste management, (iii) watercourse engineering, and (iv) borrow pits. Thereafter all works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the planning authority - in order to minimise the impacts of construction works on the environment.

(6) that no part of the office building shall be occupied unless there has been submitted to and approved in writing a detailed occupier specific green travel plan which (a) shall be in general accordance with the travel plan framework included within Transport Assessment 100924/ED/T/R01 dated September 2013 and produced by Fairhurst and (b) must outline 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.

(7) that no development (other than site preparation and ground works) shall take place unless a further detailed scheme for the landscaping for the site (which shall include (i) 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, (ii) tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting and (iii) the proposed materials to be used to surface areas of hard landscaping) has been submitted to and approved in writing by the planning authority - in order to satisfactorily integrate the development into its surroundings and maintain the visual amenity of the area.

(8) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 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 order to satisfactorily integrate the development into its surroundings and maintain the visual amenity of the area.

(9) that no part of the office building shall be occupied unless the mitigation works to the A956 Wellington Road / Hareness Road junction have been completed in accordance with the proposals shown on Fairhurst drawing 100924/003C, or such other drawings as may subsequently be approved in writing the planning authority - in order to mitigate against the impact which would occur on the local road network as a result of the development.

(10) that no part of the office building shall be occupied unless the proposed public car park on the Council owned land at Altens Farm Road has been completed in accordance with the details shown on Hirst Landscape Architects drawing 1283 03C, or such other drawings as may subsequently be approved in writing the planning authority - in order to compensate for the loss of the public car park on the development site.

(11) that no part of the office building shall be occupied unless the proposed improvements to Core Path 103 (Wellington Road to Balnagask) have been completed in accordance with the details shown either on (i) Hirst Landscape Architects drawing 1283 02B; or as the case may be (ii) Hirst Landscape Architects drawing 1283 06A, or such other drawings as may subsequently be approved in writing the planning authority - in order to compensate for the loss of the public recreational access to Tullos Hill through the development site.

(12) that no part of the office building shall be occupied unless the vehicle and motorcycle parking approved under planning application P131497 has been constructed, drained, laid-out and demarcated in accordance with Michael Laird Architects drawing ADH1.AR(PL)003\_B, or such other drawings as may subsequently be approved in writing the planning authority. Thereafter such areas shall not be used for any purpose other than the parking of vehicles, cycles and motorcycles ancillary to the approved office development - in order to provide a suitable level of vehicle parking for the proposed office building, ensure the free flow of traffic in surrounding streets and encourage more sustainable modes of transport.

(13) that no part of the office building shall be occupied unless the surface and basement vehicle, cycle and motorcycle parking has been constructed, drained, laid-out and demarcated in accordance with Michael Laird Architects drawings ADH.AR(PL)003\_C and ADH.AR.(PL)004\_B or such other drawing approved in writing by the planning authority. Thereafter such areas shall not be used for any purpose other than the parking of vehicles, bicycles and motorcycles ancillary to the approved office development - in order to provide a suitable level of vehicle parking for the proposed office building, ensure the free flow of traffic in surrounding streets and encourage more sustainable modes of transport.

**Dr Margaret Bochel**

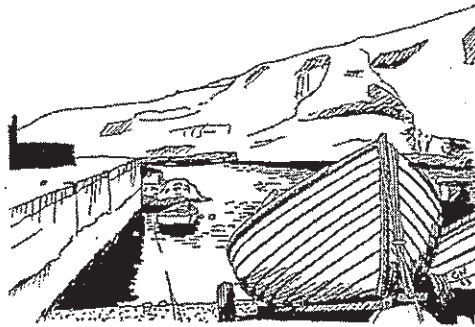
Head of Planning and Sustainable Development

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# COVE AND ALTENS COMMUNITY COUNCIL

**Chairman:** Mr Neil Stewart  
15 Charleston Avenue  
Cove Bay  
Aberdeen AB12 3QE

**Secretary:** Mrs Sue Porter  
12 Stoneyhill Terrace  
Cove Bay  
Aberdeen  
AB12 3NE



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

19th November 2013

Dear Mr Easton

Planning Application: Proposed Office Development - Hareness Road, Altens (131312)

Public access to Tullos Hill has been addressed to our satisfaction.

The height and dimensions of the building have been addressed.

Traffic Implications:-

- The increase to 641 car parking spaces from the original submission adds another 42 vehicles to the mix. Will this revised allocation realistically cover parking needs for a building of this size and if not where do those who do not have space park?
- People are more inclined to use their cars as the more convenient and cheaper option to the public transport which currently exists. Local public transport infrastructure is not sufficient to cope with the resulting increased flow.
- This application can not be looked on as stand-alone. The whole question of over capacity on Wellington Road needs to be addressed.
- At present the new and growing Gateway site, new housing at Charleston, the Balmoral development and the development at City View coming on-stream are all feeding onto Wellington Road. Along with the flow from the whole Altens Industrial Estate and the community of Cove. This with the further 1,000+ houses along with community facilities and land zoned for business proposed at Loch of Loirston.

- Traffic already backs up on West Tullos Road and, as mentioned previously, the Coast Road heading north is backed up to the exit from the industrial estate with those trying to bypass the congestion. The resulting weight of traffic also backs up on Victoria Road.
- Notwithstanding the outcome of the Traffic Report, we are the people who live in the area and know only too well the present situation those with vehicles find themselves in trying to get to work and home again.

Yours faithfully

Neil Stewart  
Chair  
Cove and Altens Community Council



PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 30 September 2013 18:29  
**To:** PI  
**Subject:** Planning Comment for 131312

Comment for Planning Application 131312

Name : Cove and Altens Community Council Address : c/o The Chairperson  
15 Charleston Avenue  
Cove Bay  
Aberdeen  
AB12 3QE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : This application provides 599 vehicle parking spaces. The resulting increase in traffic into the surrounding road network will only add to the already gridlocked and congested roads. Traffic implications would need to be studied.

The building itself appears to be higher than those round about and would be out of keeping.

Preservation of the access onto Tullos Hill should be maintained.

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 01 October 2013 09:42  
**To:** PI  
**Subject:** Planning Comment for 131312

Comment for Planning Application 131312

Name : Desmond Montgomery FRTPI  
Address : CKD Galbraith, 73 Bonnygate,  
Cupar  
Fife  
KY15 4BY

Telephone : [REDACTED]

Email : [REDACTED] type :

Comment : I act For Mr Colin Fraser the owner of Nigg Caravan Park adjacent to the proposed development under the above reference. This is not an outright objection to the proposed development however for our client I have been unable to access certain of the documents attached to the application, on line. My client is concerned regarding the relationship of the proposed development to the designated green belt and to access and parking issues in relation to the green belt. I will contact you further within the next week if following further research our client wishes to make a formal objection.

## Planning Development Management Committee

SITE BETWEEN, ZONE H COUNTESSWELLS ROAD, HAZLEDENE ROAD

APPLICATION FOR MATTERS SPECIFIED IN CONDITIONS OF PERMISSION REF A8/0530 - RELATING TO MEANS OF ACCESS, SITING, DESIGN AND EXTERNAL APPEARANCE OF THE BUILDINGS, AND LANDSCAPING OF ZONE H ONLY, FOR 48 DWELLINGS (CONDITION 23); AND MEASURES FOR THE CONTROL OF SURFACE WATER RUNOFF DURING CONSTRUCTION ACROSS THE WHOLE HAZLEDENE SITE

For: Dandara

Application Type : Approval of Conditions for Planning Permission in Principle

Application Ref. : P130820

Application Date: 05/07/2013

Officer: Gavin Evans

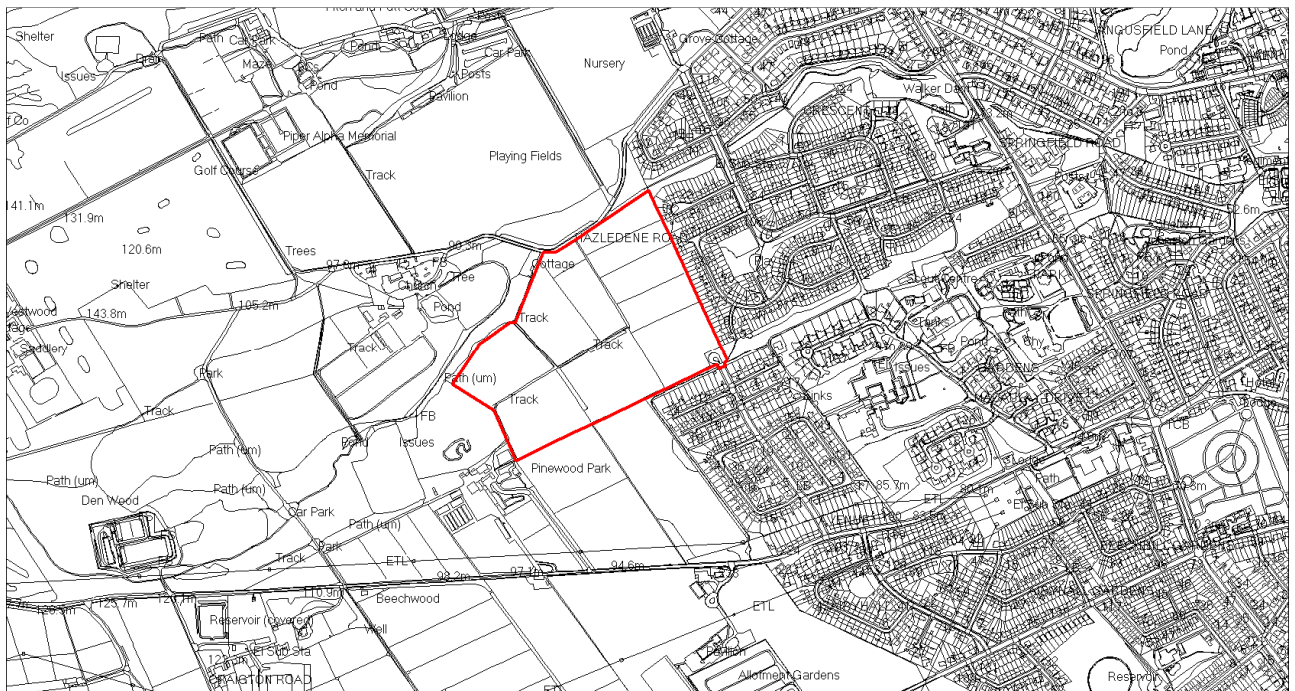
Ward : Hazlehead/Ashley/Queen's Cross(M Greig/J Stewart/R Thomson/J Corall)

Advert : Can't notify neighbour(s)

Advertised on: 31/07/2013

Committee Date: 28 November 2013

Community Council : Comments



**RECOMMENDATION:**  
Approve subject to conditions

## **DESCRIPTION**

The Hazledene development site (OP52) is located between Hazledene Road to the north and the adjacent Pinewood development site to the south. The adjoining Pinewood (OP57) site is in turn bounded by Countesswells Road to the south. The Pinewood and Hazledene sites collectively form a wider development area, L-shaped in plan view, which sits directly to the west of the established residential areas of Countesswells and Craigiebuckler. Their combined site area is some 27 hectares, of which roughly 10.5ha is contained within the Pinewood site and 16.5ha within Hazledene.

The current application relates principally to Zone H of the Hazledene site, which is an area of 4.25ha to the south-eastern corner of the site, incorporating a SUDS detention pond, a length of the newly formed distributor road and the area of new housing development enclosed to the south of that road. Zone H extends 320m and 135m along the southern and eastern Hazledene site boundaries respectively.

## **RELEVANT HISTORY**

Planning Permission in Principle (PPiP) was granted for a development comprising '*Proposed residential development to accommodate circa 250 plots and 3No.neighbourhood shop units*' on the Hazledene site in August 2010, through approval of application A8/0530. A condition restricted that consent to development not exceeding 200 dwelling units and 3 local shop units.

A subsequent application in January of 2012 sought approval of the majority of the matters specified in conditions attached to that grant of PPiP. At the August 2012 meeting of the Development Management Sub-committee (as was), members expressed a willingness to approve that application subject to appropriate arrangements having been made for the payment of financial contributions in lieu of improvements to the local road network and subject to confirmation that payment had been made to Transport Scotland in lieu of works to the A90(T) trunk road.

A series of further applications have now been made in relation to matters specified in conditions attached to the grant of Planning Permission in Principle. Some of those applications relate to outstanding matters, while others seek approval of alternative proposals in relation to conditions previously the subject of MSC approval.

## **PROPOSAL**

This application seeks approval in relation to conditions 4 and 23 of Planning Permission in Principle ref A8/0530. Condition 23 relates to the approval of further details relating to (i) means of access; (ii) siting; (iii) design and external appearance of the buildings; and (iv) the landscaping of the site. Condition 4 relates to the provision of a construction method statement, detailing temporary measures to deal with surface water run-off during construction and prior to the operation of the final Sustainable Urban Drainage Systems (SUDS).

This application seeks approval in relation to condition 23 for only part of the Hazledene site, Zone H, which lies at the south-eastern corner of the site, near

the site of the existing bus terminus at the end of Countesswells Avenue. To the east, Zone H is bounded by the rear gardens of properties on Burnieboozle Crescent, and to the south by the rear gardens of properties on Pinewood Road. To the north and west of Zone H lie zones A, and zones B and C of the Hazledene site, respectively. Separate applications have been submitted in relation to the approval of various matters specified in conditions for those other zones.

The plans submitted in support of this application demonstrate a phase of 48 detached dwellings, accessed off the extended Countesswells Avenue which would in time be extended through the site, serving as its main distributor road and linking up with Countesswells Road to the south. Housing within Zone H would present a direct, north-facing frontage onto that distributor road, looking out across the open space beyond. Internally, Zone H would be arranged around a secondary 'shared surface' route, running east-west before turning northwards and connecting with the distributor road. At the point where the shared surface would turn to take vehicles northwards pedestrian/cyclist routes continue westwards, allowing direct pedestrian access to the distributor road at a later point, and southwards, connecting to the Pinewood development, respectively. The 'shared surface' route described incorporates areas of greenspace and tree planting to create 'Homezone' areas where there is vehicles are given less importance and speeds are passively managed by the roads layout and composition. No vehicular through route would be provided from Hazledene Road to Countesswells Road, other than for emergency vehicles by means of a connection between zones A and H. Zone H is bounded to the north by the new distributor road described above, beyond which lies a belt of landscaped open space, between Zone H and Zone A.

The proposed development incorporates 48 detached homes of 4-5 bedrooms, presented in 5 house styles across Zone H. Their composition is as follows: 18no 'Maple', 16no 'Oak', 9no 'Spruce', 4no 'Cedar' and 1no 'Devonshire'. Each of these house types is constructed across 2-storeys, with variation in garage positions, dormer windows and single-storey elements. A common palette of materials is utilised across the house types, with white render, natural stone and reconstituted stone used in wall treatments, dark grey roof tiles and flashings, and natural timber porches where present. The entrance to the Hazledene site from Countesswells Avenue would be defined by low masonry walls with gate pillars. The primary street would feature low drystone walls and hedges to defined front gardens. Elsewhere, low stone walls would be used in front gardens. Where private garden space abuts the street, 1.8m walls or hedges are used, though hedging will generally be used to soften such walls and create interest. Where private gardens bound the existing mature core path to the south of Zone H, post and wire fencing will be retained along with the existing stone wall beyond.

Information relating to construction methodology has been provided, including a plan which identifies existing on-site drainage and water supplies across both the Pinewood and Hazledene sites, and proposes the use of a French drainage system during the construction phase, prior to operation of the final Sustainable Urban Drainage (SUDS) scheme.

## 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?130820>

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 Sub-committee both because the local Community Council have expressed objections to the proposal and due to 9 letters of representation having been received from members of the public. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads Projects Team** – Notes that French drainage has been proposed to deal with surface water run-off during construction, and that ACC's Flooding team are satisfied with this approach. Following discussions with the applicant, appropriate swept path analysis has been provided, demonstrating that the site can be adequately accessed by refuse vehicles.

**Environmental Health** – No observations

**Enterprise, Planning & Infrastructure (Flooding)** – No adverse comments regarding surface water drainage.

**Community Council** – The local Craigiebuckler and Seafield Community Council have expressed objection to the proposals on the following basis:

- This proposal, in conjunction with other residential development across the Pinewood and Hazledene sites, would contribute to a significant volume of additional traffic, causing congestion at the following junctions: Countesswells Ave and Countesswells Road; Countesswells Road and Springfield Road; and Seafield Road and Anderson Drive.
- Note no reference is made in this application to the developer contributing towards roads infrastructure improvements required to facilitate extra traffic movement arising from the development.
- Construction works would result in disturbance to residents of Countesswells Avenue, adversely affecting their quality of life.
- The development, in conjunction with other development across the Pinewood and Hazledene sites, would add further burdens to health and educational services in the area. There appears to be no reference to the developer contributing towards the additional costs incurred by these services as part of this application.
- The natural springs within the Pinewood and Hazledene sites often result in the site being waterlogged. It is expected that existing drainage problems will be exacerbated as a result of this proposal, which incorporates significant areas of hard surfacing. The field drains shown on a submitted drawing are not considered to be capable of serving an urban landscape.

- The applicant's approach to drainage is questioned, with no indication of the capacity of the drainage basins given.
- The detention basins are of concern, potentially representing a hazard for children.
- Highlight drainage issues, with water collecting in excavations relating to construction of 'sales pod' on site.

## **REPRESENTATIONS**

9 letters of representation have been received. The objections raised relate to the following matters –

1. Opening up dead end at Countesswells Avenue would be a safety hazard for local people and would affect currently safe routes to schools.
2. Loss of green spaces for people to walk/children to play.
3. Increased pollution from vehicles/buses.
4. Rat-running from Hazledene Road to Countesswells Avenue.
5. Doubts are expressed regarding public access being maintained to the north and Hazlehead Park during construction.
6. It is understood that there are butterfly and frog species present in the fields, which in turn attract birds of prey and small mammals. The surrounding forest is home to deer and foxes. Where will these animals go if the site is to be developed?
7. A precedent would be set by development on this site, leading to building on other green areas of the city and a resultant adverse impact on quality of life. This land was understood to benefit from protection from housing development by virtue of its green belt status.
8. The land in question is particularly prone to flooding due to its poor drainage. Has this historic flooding been taken into account?
9. Is the drainage scheme proposed sufficient to ensure that the site can be adequately drained? Who will be responsible in the event of a flooding event in future?
10. Concern is expressed over the presence of a Core Path route between existing housing and new housing within the development site.
11. Queries whether traffic-calming measures are to be provided on Countesswells Avenue.
12. Will the developer be required to construct the access road prior to proceeding with the housing development?
13. Will Countesswells Road be widened up to the new roundabout junction? If widening is proposed, will Compulsory Purchase of gardens on Countesswells Road be necessary?

It is noted that many points were raised regarding other phases of the development, which are not relevant to consideration of this application. Such matters will be considered, where appropriate, in the assessment of the various other applications made by the applicants.

## **PLANNING POLICY**

### **National Policy and Guidance**

### Designing Places

Designing Places identifies that the most successful places tend to have certain qualities in common. These include a distinct identity, safe and pleasant spaces, and an arrangement of space which is easy to move around, particularly on foot. Visitors feel a sense of welcome. These qualities are seen as being at the heart of good design, alongside adaptability and a good use of resources. Designing Places sets out the value of good design and the price of poor design.

### Designing Streets

Designing Streets is Scotland's policy statement for street design, marking a change in emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It sits alongside Designing Places in setting out the Scottish Government's place-making agenda.

### Scottish Planning Policy (SPP)

As regards the location and design of new development, SPP states that new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecologies and the scope for using local materials, with the aim of creating spaces with a distinct character and identity.

## **Aberdeen Local Development Plan**

### T2: Managing the Transport Impact of Development

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

### D1: Architecture and Placemaking

This policy requires that all new development must be designed with due consideration for its context and make a positive contribution to its setting.

### D2: Design & Amenity

In order to ensure that development provides appropriate levels of amenity for residents, development should be designed with regard to a stated set of principles, relating to matters such as privacy, provision of a public face to the street, access to sitting out areas, and 'designing out' crime.

### D3: Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

### H1: Residential Areas

The site lies within a designated Residential Area (H1), as defined in the Aberdeen Local Development Plan. Within such areas Policy H1 of the ALDP will apply, requiring that residential development will be acceptable in principle provided it satisfies certain specified criteria. It is further stated that non-residential uses will be refused unless (a) they are considered complementary to residential use; or (b) it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.



### NE1: Green Space Network

Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

### 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.

### NE9: Access and Informal Recreation

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

### **Supplementary Guidance**

The Council's published supplementary planning guidance on 'Transport & Accessibility' is of relevance, as is the guidance contained within the Pinewood and Hazledene development brief.

### **Other Relevant Material Considerations**

The allocation of the Pinewood and Hazledene sites in the ALDP, the previous grant of Planning Permission in Principle on both of those sites, and the previous approval granted in respect of the majority of Matters Specified in Conditions to those grants of PPiP carry significant weight in the determination of the current application, establishing these sites as locations for new residential development. The principle of housing on this site may not legitimately be revisited through assessment of this proposal.

### **EVALUATION**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that, 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**

As noted previously, the principle of residential development on the Hazledene site has been established through the granting of Planning Permission in Principle, its identification as an opportunity site with residential zoning in the Aberdeen Local Development Plan, and the subsequent approval of matters specified in the majority of those conditions attached to the initial grant of Planning Permission in Principle. This assessment will focus on the specific requirements of the conditions in question, the provisions of the development plan as it relates to the matters those conditions specify, and any other material planning considerations identified.

Matters relating to developer contributions and affordable housing have been

addressed via necessary legal agreements, which have now been successfully concluded, and the consideration of such matters is not relevant to assessment of this application.

### **Zoning**

The Hazledene site is zoned for residential purposes, with policy H1 of the ALDP applicable, and is also identified as an 'opportunity site' for residential development. This zoning, along with the permission previously granted for Planning Permission in Principle, sets the context for consideration of this proposal. The principle of development will not be revisited in this assessment, which will focus on the manner in which the proposal addresses the matters specified in conditions 4 and 23 of the Planning Permission in Principle.

### **Means of access and roads issues**

As noted earlier in this report, the majority of the development proposed across the Pinewood and Hazledene sites would be accessed via a loop road, formed by extending the existing Countesswells Avenue, which currently terminates in a bus turning point, westwards through the site and then south, before linking up with a new roundabout junction formed on Countesswells Road. The applicant has intimated that Zone H, the subject of this application, would be the first phase in the wider development, with access initially taken solely via Countesswells Avenue. The stated intention is to construct the new distributor road and site access junctions simultaneously with the initial phase of housing within Zone H. By doing so, later phases of the development will benefit from being readily accessible during construction, thereby serving to lessen the impact on existing residential areas.

### **General arrangement and pedestrian accessibility**

New pedestrian footpaths would be provided alongside the newly formed distributor road. This route serves as the only traditional 'road', featuring segregated surfaces for pedestrians and vehicles respectively. Other than this principal route, shared surfacing would be utilised, and focus placed on the creation of more informal 'home-zone' style spaces, with new homes either arranged around intimate landscaped spaces or otherwise to have an outlook onto wider open space provided to the north. Provision is made for segregated pedestrian paths within Zone H, which would link in with a wider network of pedestrian routes across the Pinewood and Hazledene sites.

### **Core Path route**

A designated Core Path exists within the site, running parallel with its eastern and southern boundaries, before continuing south down the eastern edge of the Pinewood site. Core Path number 65 is the Hazlehead and River Dee Path. Access would be maintained along this route, with the new internal footpath network connecting in to the retained Core Path route. The Core Path route would connect the southern drainage detention pond, which lies in the south-eastern corner of the application site / Zone H, with the northern detention basin, which lies outwith the current application site, in the north-eastern corner of Zone A, and provides onward connection to Hazledene Road. The east-to-west section of Core Path 65 is located outwith the site, but runs in close proximity to its

southern boundary. This Core Path route would be retained and uninterrupted, running to the rear of the house plots on Pinewood Road and those of the new development respectively. That Core Path route ultimately progresses southwards to connect with Countesswells Road. Taking these matters into account, it is concluded that the proposal would maintain the integrity of the existing core path routes present on the site, with permeability through the site preserved and linkages formed with the network of new paths proposed.

### **Environment created for new residents**

The wider development demonstrates a desire to create a sense of place, with extensive open space and woodland provided through the central 'wetland park area' and the orientation of home zone areas around central landscaped spaces. Many homes are either oriented around such home zones and their associated landscaping, or otherwise benefit from open aspects and views towards areas of landscaped open space and trees, including the central 'wetland park' area to the north of the new distributor road. A good pedestrian environment is proposed, with appropriate surfacing used to indicate home zone areas and underline pedestrian priority. Links are provided to a wider network of paths within the site and beyond. The individual homes vary in type and size, but each presents a public frontage to a street and a private frontage to an enclosed area of private garden. Separation distances are appropriate for a suburban context and can ensure appropriate privacy for residents. An appropriate density of development is achieved, which is comparable to and consistent with that seen in the surrounding area. A sense of arrival is created through the presence of gate piers and granite wall at the entrance to the development site via the extended Countesswells Avenue. A granite boundary wall of approximately 1.8m would identify the 'Hazelwood' site, with a woodland backdrop provided by the area to the north-east of Zone H, incorporating a SUDS basin, new landscaping, the Core Path running up the eastern edge of the Hazledene site, and both existing and proposed tree cover.

### **Design and external appearance of the buildings**

As noted earlier in this report, 5 distinct house types are proposed within Zone H: Maple, Oak, Spruce, Cedar and Devonshire. These house types utilise a consistent palette of materials, including dark grey tiles, white render, stone cladding, aluminium guttering and uPVC windows. The use of existing drystone walls and new walling rebuilt from dismantled dykes contributes towards the identity of the new place to be created, whilst also demonstrating an efficient use of local materials and recognition of the site's history. Similarly, the consistent use of materials across a number of different house styles helps to create an identity for the new place created.

### **Trees & Landscaping**

A detailed scheme of landscaping for the site has been provided as part of this application. The area at the entrance to the site via Countesswells Avenue would be defined by new planting alongside the existing trees retained along the eastern site boundary. The area around the SUDS detention pond would be extensively planted with new trees (incorporating a variety of species at minimum heights of 3.5m), along with lower-level 'wetland shrub' planting and bulb planting. The access point from the main distributor road to the secondary route,

leading west, would also be extensively planted, firstly on its northern side (the 'gateway' into the secondary streets) and then at a central 'Home Zone' area (3.5m-4m height). Further areas of tree planting are present at the eastern side of the secondary street, as it progresses northwards to meet up with the distributor road adjacent to a new bus stop. A group of existing trees, to the west of Zone H and on the eastern side of the distributor road as it curves southwards, would be supplemented by new tree planting and the use of dry stone walls to define an area of public open space. Ample provision is made for public open space within the 'wetland park' area, which lies immediately to the north of Zone H. A condition attached to the grant of Planning Permission in Principle requires that no unit be occupied on the Hazledene site until open space has been provided as shown on drawings approved by ACC.

The submitted tree survey highlights that the trees within the wider site are relatively few, and are confined to narrow belts and strips along field boundaries. The trees present on site are generally arranged along internal field boundaries, and are understood to be predominantly of planted origin, intended to provide shelter for the former nursery business. Generally those trees present are relatively young, and as such are of relatively small size and stature. The survey conducted demonstrates that the overall condition of the trees across the Hazledene site is noticeably poor. The tree cover around the site is generally poor and scrappy, with little long term potential. Many trees appear to be in decline and dying, and consequently the tree and hedge cover within the Hazledene site is assessed as being of low retention value. There are two distinct bands of trees currently present within Zone H, arranged along north-south axes and reflecting field boundary positions. The first of these contains 24 specimens, of which 16 are classified as unsuitable for retention and the remaining 8 are classified category C, denoting low quality and value. Category C includes trees with significant structural defects and/or decay, trees of low growth and under stress, and those with a limited life expectancy. The report concludes that these trees are not of a value which would warrant them being considered a constraint to development, and they would be removed.

The second belt of trees within zone H lies further west, at the open space on its very edge, adjacent to the primary road. Of those trees, 19 were classified within category C, 8 were classified as unsuitable for retention, and the remaining 5 were classified as category B, denoting moderate quality and value. These are to be thinned out, with 13 of the better quality specimens retained and supplemented by new planting.

In addition to those two internal tree belts noted above, there is a substantial strip of continuous tree planting, including sycamore, ash, silver birch and Swedish whitebeam, planted along the eastern boundary of Zone H. These trees are to be retained where possible, however there is a significant number of dead and dying specimens within that area, which will be removed and replaced with new planting of approximately 3.5-4m in height. Where possible, existing trees will be retained, and protected during the period of construction. Based on the submissions made, it has been demonstrated that trees of any particular value will be retained where possible, with poor quality and diseased/dying trees removed and replaced by new tree planting of an appropriate height. Having had

regard for the condition and quality of those trees to be removed, and the extent of replacement planting proposed as part of the landscaping scheme for the site, it is concluded that there would be no loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, and therefore there would be no conflict with policy NE5 (Trees and Woodlands) of the ALDP.

### **Green Space Network**

A section of the Hazledene site, running from east to west along its southern boundary, is designated as a part of the Green Space Network. The Green Space Network is a strategic network of woodland and other habitats, active travel and recreation routes, greenspace links, watercourses and waterways. This encourages connectivity between habitats, improving the viability of species and the health of previously isolated habitats and ecosystems. Given the previous cultivation of this land in connection with its former use, the principal function of this narrow band of the network is to act as a link between other habitats, particularly the extensive area of Green Space Network designation to the west and north, which includes Hazlehead Park and Den Wood. The proposed development encroaches upon the existing connection, however the significant open space provision included within the wider development of the Hazledene site provides for an alternative green space link, running from the area around the SUDS basin at the south-eastern corner of the site (within Zone H), between Zone B and Zone A before connecting with the Green Space Network at a slightly different and arguably better point. The proposal involves the green space through the development connecting with the extensive site 33 at a point on the north-western boundary of the Hazledene site. The advantage of a green space connection in this location is that it would also link directly with Core Path 61 (Hazledene Road to Countesswells Road, running through Den Wood), whereas the existing green space network connection is shown connecting with the premises of the adjacent Ben Reid nurseries, where there is no immediate Core Path connection. On this basis it is considered that, whilst the development encroaches upon land designated as part of the Green Space Network, that value of that part of the network lies in connecting otherwise isolated areas of green space in the surrounding area. The proposed development replicates that green space connection in a manner which enhances its access value, providing dedicated pedestrian links alongside green space and connecting with the Core Path network. Taking these matters into account, it is concluded that the neither the character or function of the Green Space Network would be adversely affected by the proposal, and that it therefore demonstrates accordance with policy NE1 (Green Space Network) of the ALDP.

### **Relationship with approved Development Brief**

The development brief for the Pinewood and Hazledene sites, first subject to consultation in 2003, was prepared against a substantially different policy context, however many of its design aspirations remain relevant. It is noted that the brief envisaged the Pinewood site being developed first, however the applicant is free to proceed as they see fit, with no obligation to this effect incorporated into the grants of Planning Permission in Principle for the respective sites. The development brief places considerable importance on the incorporation of significant areas of open space, structure planting and a footpath network. It is

further stated that, in order to ensure the most efficient use of land, slightly higher density than that seen in the surrounding area may be appropriate within some parts of the development. It is further stated that designs must ensure that they fit into the landscape. Developers are encouraged to examine opportunities for creating a sense of place with interest and character through imaginative use of: open space and landscaping; colour and texture of building materials; range of house types and storey height; the provision of distinctive features and landmarks at key viewpoints. It is noted that the design demonstrates significant open space across the site in a meaningful and useable form. 'Home Zone' areas are focused around intimate green spaces, with properties commonly oriented to benefit from views towards open space and tree planting. A clear network of footpath links is provided through the wider site, with Core Path routes maintained. Taking these matters into account, it is evident that the proposals demonstrate due regard for the design aspirations expressed in the Pinewood and Hazledene Development Brief.

### **Matters raised by Community Council**

The concern expressed by the Community Council in relation to increased traffic volumes and congestion at junctions is noted, however it should be noted that the principle of residential development on the Pinewood and Hazledene sites has been established through the granting of Planning Permission in Principle. Those grants of PPIp included detailed assessment of the road traffic implications of the development. It is not legitimate for such matters to be entirely reconsidered at this stage of the process. The access remains as previously proposed, with Countesswells Avenue extended to form a new loop route, subsequently linking up with Countesswells Road. This has been previously accepted and approved, and the Roads Projects Team make no objection to the access arrangements.

Similarly, developer contributions payable in relation to the development proposal have also been considered previously at PPIp stage, and will not be revisited at this stage. This applies to all developer contributions, including roads infrastructure and health/educational services.

It is acknowledged that construction works may result in some disturbance to nearby residents, however this is to some extent unavoidable where a significant site is released for development. The applicants have intimated that their intention is to construct the new loop road at the same time as the first phase of housing within Zone H, in order that access after the first phase can be taken from Countesswells Road.

The poor drainage of the Pinewood and Hazledene sites is acknowledged, and previous applications have included appropriate drainage impact assessments and proposals for surface water drainage through Sustainable Urban Drainage Systems. The measures proposed have been previously accepted as being fit to serve the proposed residential development. The means of dealing with surface water runoff during construction have been presented as part of this proposal, with a herringbone arrangement of French drains utilised to drain the site during that construction period. This has been accepted by the Council's Roads Projects Team and the Council's Flood Prevention Team as being sufficient for its

intended purpose. It should be highlighted that submissions relate to drainage during the construction phase only, with the overall drainage scheme for the site having been previously approved by ACC.

The collection of water in excavations made during construction of a sales pod is not of direct relevance to consideration of this application, with that sales pod benefiting from an entirely separate consent.

### **Matters raised in representations**

The access and roads arrangements for the site have been accepted by the Council's Roads Projects Team. It is evident that the character of the street will be altered by it no longer being a cul-de-sac, however the Countesswells Avenue access has been well established through the granting of Planning Permission in Principle and the guidance contained in the Pinewood and Hazledene development framework. It is not appropriate for the principle of access via Countesswells Avenue to be revisited through assessment of this application.

It is acknowledged that an area of existing green space will be lost, however this must be considered in the context of the site's allocation for housing in the current Local Development Plan and the Aberdeen Local Plan previously. Meaningful open space is to be provided throughout the wider Pinewood and Hazledene sites. Core Path Routes exist at the edges of the site, and such routes may not be closed off or diverted without going through a legal process. It is noted that there is no longer any green belt zoning of the Pinewood and Hazledene sites. Any other housing proposals around the city will be considered on their own merits, with due regard for the allocations and zonings set out in the Local Development Plan. This proposal has no bearing on how green belt sites would be considered.

Whilst vehicular traffic would increase on certain roads as a result of the proposal, it should be noted that this would remain a suburban area, and the level of traffic will be consistent with that suburban character. No through access is to be provided to Hazledene Road other than for emergency vehicles, therefore there would be no legitimate means of rat-running. As this application relates to certain matters only, and the principle of development has been previously established, it is not appropriate to revisit any potential impact on wildlife. There are not understood to be any protected species present within the site, and should any be found there remain licencing processes controlled by other legislation.

The planning authority is aware of the existing poor drainage, which has led to incidents of flooding in the recent past. The applicants' proposed means of dealing with surface water during construction has been accepted by the Council's Roads Projects Team and the Council's Flood Prevention Team. The long-term approach to drainage has been considered and approved through previous applications. Responsibility in the event of any flooding incident is not a matter for this application to consider, and it is understood that there is separate relevant legislation governing the matter.

No traffic-calming measures are proposed on Countesswells Avenue, however a separate application, ref P131037, seeks approval of matters including the means to calming traffic and the use of 20mph speed limits within the development. It is therefore not relevant for this issue to be considered in assessment of this proposal. It is noted that when PPIp was granted, it was envisaged that the Pinewood site would be developed first, however there is nothing contained within the respective consents which would preclude the Hazledene site being built out first. The applicants have intimated that the initial phase of the development, within Zone H, would be constructed at the same time as the new loop road, with the intention that subsequent phases of the development would not be reliant on Countesswells Avenue alone for access. The construction of the new roundabout junction to serve the Pinewood and Hazledene site has been previously approved, and is not understood to require any compulsory purchase in order to accommodate road widening.

Core Path route 65 (Hazlehead runs along the southern and eastern boundaries of the Hazledene site. The paths on this route are generally unsurfaced and unlit, and to some extent are enclosed by trees along the edges of the site. The Local Development Plan supports the retention of Core Paths and other access routes. The Core Path route along the eastern boundary of the Hazledene site would be afforded an open aspect at its southern end, adjacent to the new SUDS basin, with subsequent sections being more enclosed by new housing as the path progressed northwards. Much of that route is outwith Zone H, however, and is therefore not relevant to assessment of this application. The Core Path route running along the southern boundary of the Hazledene site also lies outwith the current application site boundary, with a distance of approximately 10m separating the rear enclosures of new housing from those of existing housing on Pinewood Road. It is noted that the existing Core Path route runs to the rear of houses on Pinewood Road. The retention of such Core Path routes is supported by the ALDP, as noted earlier in this report, and the retained Core Path route will provide connections to the internal path network within the new development and southwards to Countesswells Road.

As noted previously in this report, the developer has intimated that the new road and zone H would be constructed simultaneously, in order that subsequent phases of development may be accessed via Countesswells Road. Matters relating to the phasing of development and construction access are covered by other conditions, currently the subject of separate applications, and are not for consideration in the planning authority's assessment of this proposal. Similarly, the roads improvements necessary to facilitate this development have been previously established through the grant of planning permission in principle, and may not be revisited in assessment of this proposal. There is understood to be a degree of road widening necessary on the northern side of Countesswells Road at its junction with Springfield Road, however the detail of any compulsory purchase will be a matter for the Roads Construction Consent process.

### **Summary**

The proposal demonstrates the retention of the existing Core Path route, which gives access to and from Hazledene Road and Hazlehead Park, beyond. Ample provision is made for the landscaping of the site at its boundaries, in order to



avoid any adverse impact arising from the removal of existing trees found to be in a poor state of health. Bearing in mind that the purpose of this application is to assess only those submissions made in respect of the specified conditions, it is considered that appropriate separation between buildings is maintained, boundary treatments are sufficient to ensure that privacy will be protected, and the street layout demonstrates a pleasant environment for future residents, based on intimate landscaped spaces and an informal shared surface, where pedestrians have priority and speeds are lower. It is concluded that the proposal demonstrates due regard for the relevant policies of the Aberdeen Local Development Plan and the relevant national policy set out in Scottish Planning Policy (SPP), 'Designing Places' and 'Designing Streets'.

## **RECOMMENDATION**

### **Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

The proposal submitted demonstrates an appropriate form of residential development on a site allocated for residential purposes, incorporating a variety of house types, utilising a consistent range of materials and appropriate use of boundary treatments in order to create a sense of character and place. Street layouts are arranged around intimate 'Homezone' spaces, incorporating shared surfaces to promote pedestrian priority within secondary streets. Appropriate pedestrian linkages are provided across the site, linking into the wider development and the surrounding Core Paths network. North-south pedestrian access is maintained, with direct routes provided through the development to ensure good access to Hazlehead Park and the surrounding green spaces. Ample provision is made for the landscaping of the site, both through the provision of a central new open space, to the south of Zone A, and in the management and replacement of existing trees where necessary. Tree removal within the site is not excessive and is generally limited to those in poor condition and not suitable for long-term retention, as well a small number necessary to form internal roads layouts. The existing Green Space Network will not be fundamentally compromised, with green space links provided in an alternative arrangement of space. Taking these matters into account, it is concluded that the proposal demonstrates appropriate details in relation to the means of access, design and external appearance of buildings, and landscaping of the site. The proposal demonstrates due accord with policies I1 (Infrastructure and Developer Contributions), T2 (Managing the Transport Impact of Development), D1 (Architecture and Placemaking), D2 (Design & Amenity), D3 (Sustainable and Active Travel), H1 (Residential Areas), NE1 (Green Space Network), NE5 (Trees and Woodlands) and NE9 (Access and Informal Recreation) of the Aberdeen Local Development Plan (ALDP), alongside the relevant content of the 'Transport and Accessibility' and the main aims of the 'Pinewood and Hazledene Development Brief' supplementary guidance documents, respectively. Whilst vehicular through access is not provided for, it is considered that specifics of the site may render such access inappropriate. In other respects, the residential environment created is considered to accord with the aims of 'Designing Streets', particularly with regard to shared surfaces and pedestrian priority. The distinct

identity created in the new development and the provision for pedestrian linkages is consistent with the aims of 'Designing Places'. The proposal contributes

towards achieving the housing targets set in the Aberdeen Local Development Plan (ALDP) and is consistent with the designation of the site in the ALDP for residential development.

## **CONDITIONS**

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

(1) 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.

(2) 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.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

CRAIGIEBUCKLER AND SEAFIELD COMMUNITY COUNCIL

Head of Planning and Sustainable Development  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen

10 Craigiebuckler Drive  
Aberdeen AB15 8ND

30 July 2013

Dear Sir/Madam

Application Number **PI30820**

Applicant: Dandara

Zone H Hazledene Residential development of 48 dwellings with associated roads and landscaping addressing Conditions 4 and 23 of Planning Reference A8/0530 (Construction method statement and access/siting/design and external appearance and landscaping)

We oppose the construction of 48 dwellings on this site because, combined with the remainder of the planned residential development within the Pinewood/Hazledene site, it will generate a volume of additional traffic sufficient to cause congestion at the following locations:- Countesswells Avenue's junction with Countesswells Road, Countesswells Road's junction with Springfield Road and Seafield Road's junction with Anderson Drive. Those junctions were designed to cope with the traffic volumes of the 1960s and 70s and therefore are wholly unsuitable for the extra traffic movements that would be generated by this development.

There is no indication in the above referenced planning application that the Developer is prepared to contribute to any alterations to the above mentioned aspects of the roads infrastructure that may be required to facilitate the extra traffic movements, which will inevitably be generated by this development in combination with the remainder of the dwellings proposed for construction on the Pinewood /Hazledene site.

The Countesswells/Springfield Road junction is already over its capacity during peak times with long queues of traffic waiting to negotiate it.

Countesswells Avenue, the only access to the site, is a residential street. The noise of construction would cause disturbance and adversely affect the quality of life of its residents.

48 dwellings on this site, when added the Applicant's other planned developments at Pinewood/Hazledene, will impose additional burdens on the health and educational provisions in this area. We submit that there seems to be no indication from the Applicant pertaining to an intention to contribute towards the additional costs that are likely to be incurred by the education and health services as a result of the localised increase in population engendered by the urbanisation of the site.

The fields of Pinewood and Hazledene feature a number of natural springs. Consequently the land is often waterlogged and reverts to its natural state. Even when it was under cultivation in the 1960s, when the drainage ditches and channels, referred to in the Applicant's field drainage works drawing, were less likely to have been in a state of neglect, the surface water overflowed the boundary walls and flooded a number of properties in Burnieboozle Crescent.

The houses bordering Zone H have, from time to time since the 1960s, been flooded by water from the field, which is the subject of the Applicant's planned residential development. The last major flooding event was in September 2009.

Further flooding has been prevented by virtue of a French drain installed by Aberdeen City Council. However, according to page 23 of the Applicant's "Design Statement" there is a list of 'streetscape materials' which essentially must be capable of running off rainwater, but as the site has a natural incline towards the existing houses, we contend that there may again be a possibility of the neighbouring properties in Burnieboozle Crescent being flooded.

Indeed, the Applicant's intention to create a varying coverage of hard surfaces is difficult to reconcile with the agricultural system of subsoil, herringbone field drains which the Applicant states, on Drawing Nr: ABR\_HAZ\_902', "will be cleaned and reshaped to avoid obstruction and maintain flow". In our view, the excavations needed to build houses and create a network of roads and paths, combined with the overlay of hard surfaces will disrupt the natural springs and constrain the water table so that it is forced to the surface in the curtilages of properties within the site or in Burnieboozle Crescent. We are not convinced that cleaning field drains, which bear little relationship to the surface coverage of an urban environment, will significantly contribute to solving the ongoing problem of flood prevention in the area referred to as Zone H. Field drains were meant to prevent the flooding of agricultural land, not an urban landscape.

We question robustness of the Applicant's flood prevention strategy. For example, the Applicant seems to have provided no estimate of the capacity of the North and South Detention Basins. Furthermore, the ability of the 'wetland park' to cope with a rapidly rising water table seems to be speculative.

Although the Applicant has stated that the attenuation ponds will have a fences round their boundaries, we are concerned that those bodies of water will be safety hazards for children at play. We are mindful that this is to be a new residential development, which is likely to be the home to a number of young families and therefore feel compelled to doubt that the creation of attenuation ponds is a safe solution to the problem of flooding on this site.

Yours sincerely  
William Sell  
Chairperson

# MEMO



ABERDEEN  
CITY COUNCIL

To	Gavin Evans Planning & Infrastructure	Date	05/08/2013
		Your Ref.	P130820 (ZLF)
		Our Ref.	TR/RB/1/51/2
From	Roads Projects		
Email	<a href="mailto:rbailie@aberdeencity.gov.uk">rbailie@aberdeencity.gov.uk</a>		
Dial	01224 522161		
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. P130820

Site between, Zone H Countesswells Road, Hazledene Road

Zone H Hazledene Residential development of 48 dwellings with associated roads and landscaping addressing Conditions 4 and 23 of Planning Reference A8/0530 (Construction method statement and access/siting/design and external appearance and landscaping)

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

### 1 Development Proposal

1.1 I note that the application is for the proposed Zone H Hazledene Residential development of 48 dwellings with associated roads and landscaping addressing Conditions 4 and 23 of Planning Reference A8/0530 (Construction method statement and access/siting/design and external appearance and landscaping).

### 2 Condition 4

2.1 Condition 4 refers to the method statement and that it must address the temporary measures proposed to deal with surface water run-off during construction. I note that French drainage has been proposed and the Flooding Team are satisfied with this level of treatment and positioning to deal with surface water runoff during construction.

### 3 Condition 23

3.1 A swept path analysis is to be submitted showing a refuse vehicle accessing all parts of the site.

### 4 Conclusion

4.1 Once the above requested data is submitted and approved these conditions will be purified.

Gordon McIntosh  
Corporate Director

# MEMO



ABERDEEN  
CITY COUNCIL

To	Gavin Evans Planning & Infrastructure	Date	07/11/2013
		Your Ref.	P130820 (ZLF)
		Our Ref.	TR/RB/1/51/2
From	Roads Projects		
Email	<a href="mailto:RBaillie@aberdeencity.gov.uk">RBaillie@aberdeencity.gov.uk</a>		
Dial	01224 522161		
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. P130820**

**Site between, Zone H Countesswells Road, Hazledene Road**

**Application for matters specified in conditions of permission ref A8/0530 - relating to means of access, siting, design and external appearance of the buildings, and landscaping of zone H only, for 48 dwellings (condition 23); and measures for the control of surface water runoff during construction across the whole Hazledene site**

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

## **1 Development Proposal**

1.1 I note that the application is for the proposed Zone H Hazledene Residential development of 48 dwellings with associated roads and landscaping addressing Conditions 4 and 23 of Planning Reference A8/0530 (Construction method statement and access/siting/design and external appearance and landscaping).

## **2 Condition 23**

2.1 I note that I previously requested swept path analysis be submitted showing a refuse vehicle operating in the proposed development. After discussion the layouts have now been agreed as per drawing No. 914 Rev 6. The exact location of the drop kerb crossing point and bus stop have been moved to avoid conflict with the junction, the exact location of these can be discussed and agreed through the RCC process. This condition has now been purified.

**Richard Baillie**  
Engineer

Gordon McIntosh  
Corporate Director

PI

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 02 August 2013 22:29  
**To:** PI  
**Subject:** Planning Comment for 130820

Comment for Planning Application 130820

Name : Caroline Strachan  
Address : 16 Countesswells Crescent  
Aberdeen  
AB15 8LP

Telephone :

Email : [REDACTED]

type :

Comment : I would like to object to the proposal to link the new development to Countesswells Avenue. It is not clear to me from the documents presented online the justification for accessing the development from Countesswells Avenue and Countesswells Road creating an unnecessary through road. Has a traffic assessment been carried out for this access arrangement?

If the proposed access is to go ahead I would have hoped as a minimum the developer would have considered the upgrade of Countesswells Avenue to include traffic calming measures. The developer has proposed traffic calming measures for the development but does not appear to have included the newly created through road at Countesswells Avenue. It appears that we are being left with a lower standard of road safety just because it is a pre-existing road.

Countesswells Avenue is on the school route for children in this area going to Airyhall Primary School and it is currently a quiet road with moderate traffic flow with no traffic calming and no through road. The link to the new development will undoubtedly significantly increase traffic in the area and I strongly believe there is a road safety issue that must be addressed by the developer. As a minimum traffic calming should be introduced with road narrowing, speed bumps and a statutory 20 mph speed limit. I would like to see the access proposals presented by the developer addressing all forms of transport in the surrounding area (e.g. provision of cycle paths) and not just limited to the boundary of the development.

**Robert Vickers**

130820

**From:** MORRISON, Barry (WGPSN) [REDACTED]  
**Sent:** 30 July 2013 14:02  
**To:** PI  
**Cc:** [REDACTED]  
**Subject:** comment on Proposed change to planning application Zone H

Dear Sir or Madame,

Currently being a home owner residing at Countess wells Terrace , I would like to formally submit my concerns with regards to the previously agreed outlined planning consent submitted by Dandara it now seems that there has been a major last minute change to link access to the residential estate on Hazledene road via countess wells avenue. This proposal would undoubtedly, if agreed cause a major impact on access in and around Countess wells avenue especially at peak travel times due to i can only assume a vast number of commuters deciding to re-route through this road in order to shorten their journey time to & from work and also avoid cueing at the traffic lights on Springfield road. My Rationale behind the above comments is commuter traffic taking short cuts through residential areas was a major problem in the same area namely commuters using Hazeledene Road to cut through to Countesswells road & craighton Road, this has now ceased due to the road being gated at one end, if this proposed plans are accepted the Traffic problem then reemerges at a different point on countesswells road unless of course the decision hinges on erecting a gate at the end of the avenue that is ?. Please feel free to respond to my concerns as i would be more than happy to discuss these further.

*Barry Morrison*  
*Decommissioning Engineer*



*John Wood House*  
*Greenwell Road, Aberdeen, AB12 3AX*  
*Direct Dial: [REDACTED]*  
*Main Switchboard: [REDACTED]*  
*Energy Supporting Energy*

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This email has been scanned for Virus and Spam content by Wood Group.



PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 31 July 2013 15:43  
**To:** PI  
**Subject:** Planning Comment for 130820

Comment for Planning Application 130820.

Name : Ruth Bannister  
Address : 17 Countesswells Avenue  
Aberdeen AB15 8LJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to the proposed vehicular access to the site "Zone H" as proposed on the drawings and in the application. Countesswells Avenue is already a busy route and further two way unrestricted traffic could make the road hazardous to existing residents, pedestrians and visitors to properties. As access to the site appears to depend on direct access from Countesswells Avenue I have great concerns regarding road safety. Parking on Countesswells Avenue by visitors to the residents may also pose a traffic hazard as many existing properties do not have the facilities for extra vehicles to be parked in their driveways. I am happy for the bus service to be maintained using Countesswells Avenue and would welcome further consideration being made towards achieving either a completely different route for access to "Zone H" or a method of restricting the volume and speed of through traffic when using Countesswells Avenue.

PI

---

**From:** [REDACTED]  
**Sent:** 29 July 2013 19:06  
**To:** PI  
**Subject:** Planning Application 130820 Comments  
**Attachments:** Dandara\_Zone\_H\_Drainage\_comments\_July\_2013.docx

Dear Sir/Madam

Please find attached my comments regarding planning application 130820  
Zone H Hazledene Residential development of 48 dwellings with associated roads and landscaping  
addressing Conditions 4 and 23 of Planning Reference A8/0530

Best Regards

Robert Frost  
55 Burnieboozle Crescent  
Aberdeen  
AB15 8NR  
[REDACTED]

55 Burnieboozle Crescent  
Craigiebuckler  
Aberdeen  
AB15 8NR

29 July 2013

Dear Sir/Madam

Planning Application 130820

Zone H Hazledene Residential development of 48 dwellings with associated roads and landscaping addressing Conditions 4 and 23 of Planning Reference A8/0530 (Construction method statement and access/siting/design and external appearance and landscaping)

I would like to make some comments regarding the planning application 130820 detailed above relating to drainage and the creation of a SUDS and wetland area to create a wetland park.

- Can you confirm what the most recent Drainage Impact Assessment is, I commented on one by Cameron Ross Consulting Engineers on 05 March 2012.
- Did the Drainage Impact Assessment take into account of flooding in Burnieboozle Crescent that dates to the 1960s where there have been on going flooding problems from the then council owned fields. After flooding at 59 Burnieboozle Crescent in the 1960s a drain was installed by the council in the field behind no.59 and was routed through the garage at the property and connected into the surface drains on Burnieboozle Crescent. A major flooding event happened on 3-4th September 2009 and again in November 2009.
- Are you able to confirm if the creation of a SUDS and wetland area to create a wetland park is designed to reduce of flooding in the future, eg. is it designed to cope with a one in 200 year event?
- On the field drainage works plan, (drawing Nr:ABR\_HAZ\_902) there is little detail of the existing drainage channels and ditches, can you confirm if there are more detailed plans that state dimensions of the field drains and likely flow rates etc. to enable calculations to be made regarding what the overall capacity is.
- Are there calculations available that were used to calculate the flooding risk from the run-off from the surrounding area?
- Will the existing surface water drains be able to cope with the additional water from the whole development? There appears to be no new surface water drains apart from the proposed french drains in a "herring bone" design but these will be connected to the existing drainage channels. So will these channels be able to cope with the additional flow?
- On the field drainage works plan, (drawing Nr:ABR\_HAZ\_902) it states that existing channels & drainage ditch to be cleaned and reshaped to avoid obstruction and maintain flow. I understand that these existing drainage ditches and drains are likely to be in a poor state of repair possibly with old and crumbling clay pipes. Will these not be replaced with new drains meeting modern standards?

- Once the Dandara development is completed who will be responsible for maintenance of the drainage ditches ensuring they are clear. Will they be checked for obstruction by tree roots etc?
- Will the landscape and planting strategy take into account possible impact of drainage channels by tree roots over in the next 5-10 years?

In years to come if there is a flooding event from surface water coming from the SUDS and wetland park that impacts properties on Burnieboozle Crescent and Countesswells Crescent who will be legally responsible? Is it likely for the Council to adopt the roads and services including responsibility for flooding and maintenance of drains from the current owner of the Development?

Yours Faithfully

Robert Frost

29 Monymusk Terrace  
Craigiebuckler  
Aberdeen AB15 8NX

Your ref. 130820/130983/130994/131027

24<sup>th</sup> July 2013

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

Dear Sir/Madam

**Site between Countesswells Road, Hazledene Road, Pinewood Countesswells, Aberdeen.**

**Application No. 130820**

Plan Local Authority ref. -000064755-001  
Zone H Hazledene Residential development of 48 dwellings with associated roads and landscaping addressing Conditions 4 and 23 of Planning Reference A8/0530 (Construction method statement and access/siting/design and external appearance and landscaping)

**Application No. 130983**

Plan Local Authority ref. -000067131-001  
Approval of matters specified in conditions 9 (landscaping scheme) 11 (provision of open space) and 12 (drystone walls works ) of A8/0530 in relation to the proposed residential development.

**Application Ref.130994.**

Local Authority ref. 000066884-001  
Zone A Hazledene Residential development of 50 dwellings with associated roads and landscaping addressing condition 23 PA reference A8/0530 access/siting/design and external appearance and landscaping

**Application Ref. 131027**

Local Authority ref. 000067534-001  
Pinewood Residential Development Approval of Conditions 2, 3, 6, 7, 9 and 10 of Planning Application Ref A7/2178

I respond to the invitation to engage and make representation to express my concerns over the above Planning Applications which I oppose on the basis of the following issues detailed on the accompanying pages



Roy Summers

## COMMENTS

The development proposals submitted above to the City Council and Planning dept., raises concerns on the issues of Security, Privacy, Flooding , Roads, Paths and House locations.

Comments on the these issues are given in the following pages. This is a major development of 50 plus houses, and as such creates long term issues for the householders who live on the boundary of the development site. The following are my concerns.

The plans presented by the developer address many of the key issues for the quality of life and environment for the future dwellers of the development but does little to address, integrate and balance the interests of the existing residents as part of this plan. Little of this is recognized nor reflected in the submissions from the developer.

### Roads & Paths

The ADLP provides for 150 houses in Hazledene, and 150 houses in the Pinefield area.

The first stage of the development proposal outlines development for Zone A with 50 houses. This has immediate implications for the existing householders on the site's east boundary where a 'core path' shows on the core path plan approved by the Council (approx. 2008.) Existing householders did not know about this.

There is a generous allocation within the Zone A design for landscaping, roads, the retention basin, and a border for SUDS management at the west/south west of Zone A. the orientation of this layout concentrates the planned properties against the 'core path' line and consequently the existing housing when the site offers greater opportunity to provide a better balance by positioning the plan more to the west where there are no existing residents and where there is a 'no impact' area at the tree & the SUDS shrub belt adjacent to the Hazlehead wooded area . A repositioning of this would relax the impact on the existing residents. Previous design for development have shown a less compressed layout and better allowance for the core path to function as the Scottish Office Planning policies intended.

#### **Extract from Designing Streets – Scotland.gov.uk**

“Short culs-de sac may occasionally be required because of topography, boundary or other constraints. **Caution must, however, be exercised when planning for culs-de sac, as they concentrate traffic impact on a small number of dwellings, require turning heads that are wasteful in land terms and lead to additional vehicle travel and emissions, particularly by service vehicles**

#### **Road access from Hazledene**

To date the Council has opposed road widening (ref. Dobbies) and any site access from Hazledene Road. Possibly due to the network of underground water springs which cause regular

flooding to the area particularly at the point which appears as the proposed entry to the site at Zone A from Hazledene Road. Even more so from the underground water sources approx. 150 yards to the west of the proposed site entry.

### Proposed Footpath

The Plan shows the footpath on the submitted plan to run against the line of the existing properties compromising the security and privacy levels which exist today. While I appreciate this is identified as a 'Core Path' within the local core path plan, previous planning submissions have allowed greater degrees of space to the path than is showing on the plan design for Zone A. When is a core path not a core path? When it becomes a confined back alleyway which in real life terms will be significantly restricted and 'confined', proving suitable for unsocial activities.

In no way can this be regarded as safe & secure adequately serviced by 'passive surveillance' nor as a **"wide, well lit and well overlooked with active frontages"**. with the higher style housing in the new development, and the existing tree boundaries of the site. More space is needed for the core path route to allow a more open and secure environment.

### **Extract from Designing Streets – Scotland.gov.uk**

Through connections for pedestrians and cyclists should be provided where possible but **should be wide, well lit and well overlooked with active frontages"**

"The public realm is defined by height as well as width or, more accurately, the ratio of height to width. It is therefore recommended that the height of buildings (or mature trees where present in wider streets) is in proportion to the width of the intervening public space to achieve the level of enclosure appropriate to the character and function of the street. Where building height is increased, it is important to avoid creating spaces with an oppressive or claustrophobic nature

### **House locations adjacent to Core Path**

The most concerning of the locations is the proximity of the large houses numbered as units 14 (in particular), & to a slightly lesser extent 13 & 15 all of which are being "pushed back" to accommodate a turning loop containing a shrubbed island, and also to accommodate the very large garden of the larger(est) house No. 4 adjacent to the drainage basin in the North East corner of Zone A. The design layout impacts on the core path functionality and consequently the security & existing privacy of the houses along the east boundary line. My own property at 29 Monymusk Terrace will be less than 15 metres from the conservatory of house unit No. 14. This distance includes the 1.8 metres width of the channelled core path. This compression of space contributes to a loss of amenity, significant reduction of privacy, and creation of an oppressive and claustrophobic alley way.

### **Extract from Designing Streets – Scotland.gov.uk**

"Short culs-de sac may occasionally be required because of topography, boundary or other constraints. **Caution must, however, be exercised when planning for culs-de sac, as they concentrate traffic**



impact on a small number of dwellings, require turning heads that are wasteful in land terms and lead to additional vehicle travel and emissions, particularly by service vehicles

### Security of existing properties

#### **Basis of security concerns:**

To date even with the current light pedestrian traffic we as a group of neighbours resident on the boundary pathway have had to endure stone throwing at our doors and windows by passing groups of youths in the evenings.

An elderly neighbour 2 doors along had her rear windows broken, which has caused some anxiety and worry to resident on the east boundary.

#### **Noise pollution**

Already we hear the noise of bikes & scooters at the log pile some 100 yds from our rear boundaries, and we have real concerns that the upgraded tarmacadamming of this path will encourage unsocial traffic along this route. The fencing at the rear of the properties have prevented intrusions by dogs into our garden, and I really cannot see that it would be fair to the existing householders to impose a narrow lane along this route.

#### **Loss of amenity and privacy**

Many of the current properties are occupied by older people who are very vulnerable and will feel even more insecure with the environment which the path in its current proposed form will create. These security issues will also result in further loss of privacy and security for the existing residents.

#### **Ref. Extract from *Designing Streets* – Scotland.gov.uk**

“the need for crime prevention, including the provision of defensible private and communal space, and active, overlooked streets (An appropriate mix of uses can often encourage activity and movement at all times.)”;

“Development proposal shall include measures to design out crime and design in safety”.

#### **Ref. P185 – ALDP**

External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky

Dandara state in their plans that further landscape planting of shrubs will occur “to deter intrusion into existing properties”. If the “growth planned” can be quantified in time terms , as to

what longer term steps are being taken to ensure the existing gardens are not to be even more vulnerable in the short term, or in the longer term where the growth planned fails.

### **Flooding**

The water management and the consequential feed into existing drains and culverts will be based on the original capacities considered when the existing systems were designed and constructed.


Given the amount of marshy land in this area and the network of underground springs, along with the excesses of water which prevail along the Hazledene roadways and paths it remains questionable whether enough research into the impact of the water throughout this site is fully understood in terms of what effect the development will have not only on its own proposed housing programme, but also on the existing housing adjacent to the site.

I understand from neighbours who have been in occupation since the building of the existing properties that there was a considerable accumulation of water in the foundations of the existing houses when they were first built, and that draining of the foundations of those properties took 2 – 3 weeks.

Assurances are needed from the Council (& SEPA?) that the SUDS systems can cope with the current levels of flooding and rainfall which the current day climate changes now deliver to this area.

I ask that the issues and concerns highlighted in this letter be reflected in the final plan and that the planning department includes the enhancement and modifications necessary to respect the position of the existing householders on the security and privacy, and amenity issues. to fully reflect the Council's own approved ALDP and Aberdeen City's position in the NPF2 for Scotland. i.e." protecting and enhancing the quality of natural and built environments, and the building of safer communities".

Improvement of the quality of life in such a development seeking to align with the Local Plan, applies to existing householders as well as to the new development of homes proposed.

  
Roy Summers – 12<sup>th</sup> July 2013  
29 Monymusk Terrace, Aberdeen.

## Robert Vickers

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 20 July 2013 01:37  
**To:** PI  
**Subject:** Planning Comment for 130820

Comment for Planning Application 130820

Name : Allan Dalgarno  
Address : 18 Countesswells Crescent  
Aberdeen  
AB158LP

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Dear Aberdeen city council,

I am writing with reference to the proposed Dandara development situated between Hazeldene Road and Countesswells road. I would like to object to section H of the development to open Countesswells Avenue to allow access to the new development. Reasons for this are that this road has been a dead end for many years, to open it now would be a great concern for safety as there are many elderly people and people with young families who live within the countesswells Avenue and surrounding streets. It would be a great safety issue to those whom are elderly and children as if fast moving cars were to start using the street children who are used to it being quiet may still run into the road when playing and also the elderly may not be able to move fast enough out of the way with an increased level of traffic as there are no crossings at the moment and there does not seem to be on the plans for the development.

When I first looked to move to the area an attraction was that it is very quiet with hardly any traffic and the fields in which the new development are proposed were previously zoned as green belt which meant that building on them was not going to happen in the future. They are also an excellent place to walk and with access to Hazelhead park. The fields are used by many dog walkers and children who play in them. In the design there are not many green spaces for people to walk or for children to play.

As you are probably aware the bus service to countesswells avenue has been made to operate less hours as it is not used by many people after a certain time, surely by opening the road it will increase pollution in the area, with more buses circulating which may not be used any more than they are now. Many house holds have many cars and with the proposed housing aimed at families I would imagine would have on average 3 cars. That is a lot of traffic to be coming through a once dead end quiet street. If access is granted from Hazeldene road and also countesswells avenue commuters will most certainly use this as a rat run to beat traffic from one side of town to the other which again raises pollution and safety issues, even if traffic controlling measures were put in place i.e speed bumps or 20MPH zones .

While the development is taking place I would imagine this would not allow access through to the woods and also Hazelhead park this would be very disrupting to the residence of countesswells.

There are many animals which have taken up habitation in the fields in which the development is proposed what concerns me is what will happen to these animals and where will they go?

There are many parts along countesswells road where access to the new development can be made and where it may not disrupt as many people in the process. If this was to be looked at it would stop issues being raised with traffic, safety of children, elderly and access to local parks and amenities. There is no need to connect countesswells avenue to the new development as the new housing style is in no way reflected on the houses in the surrounding area.

130820

**Robert Vickers**

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**From:** Eleanor Webster [REDACTED]  
**Sent:** 30 July 2013 14:31  
**To:** PI  
**Subject:** Hazledene and Pinewood Development Site

Ref : Dandara Development Site plan dated May 13

It would appear that the construction site access is via Countesswells Avenue, the access to the other zones is by roundabout from Countesswells Road. Surely Planning will insist that this access road is constructed prior to proceeding with any building development, similar to the works carried out at Portlethen for the Stewart Milne site. This would insure that all construction equipment and materials can access the site without any inconvenience to the existing residents.

Can we assume that Countesswells Road will require to be widened up to the new roundabout. If road widening is planned would this mean compulsory purchase of ground from residential gardens on Countesswells Road?

In view of the large number of houses planned for this development it is obvious that once again there is no consideration given to the impact of the traffic increase.

We await your response.

Eleanor and James Webster  
Sent from my iPad

\* 130983 130820

130994

131027

31 Monymusk Terrace  
Craigiebuckler  
Aberdeen  
AB158NX

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

29<sup>th</sup> July 2013

Dear Sirs

Hazledene and Pinewood Development at Hazlehead.

Further to your Notices<sup>x</sup> on the above development I wish to express my objection to the pathway proposed at the rear boundary wall to my property.

I am an elderly retired woman living on my own, and I am presently suffering ill health. You will understand that my awareness of my vulnerability is increased all the more with this proposed development, and I am anxious that you heed my request that the authorities ensure my privacy and security are maintained.

As my Council you can do this by accepting I do not wish for a path with lighting constantly shining into my house, nor do I wish you to encourage the motor cycles, and aggressive youngsters to come to my house. Matters are bad enough with the existing night time noise from groups congregating at Hazledene Road near the proposed entrance to the above development.

I am very concerned that the properties are being built close to my own, and feel that myself and my neighbours are entitled to have more space between the existing houses and the new development and I would express my concerns that too many houses are being built on the fields which I believed were protected as green belt. We need some security from the intrusion and noise which will come with this development.

I also have a concern of flooding from the development having experienced this first hand when my family and I took occupancy of my present property, and water from the site of the current proposed development flooded the house. We were unable to gain entry for 6 weeks.

Yours faithfully

  
Mary K. Barclay

PI

**From:** Mirjam Brady-Van den Bos  
**Sent:** 28 July 2013 12:40  
**To:** PI  
**Subject:** objection Dandara's planning proposal Hazlehead

Aberdeen, 28<sup>th</sup> July 2013

Dear Sir, Madam,

I would like to express my objection to Dandara's planning application for "Zone A" and "Zone H", on the following grounds:

**Severe impact on Hazlehead Park's function as recreation area and wildlife haven.**

The planned building site is a marshy ground where many butterfly and frog species can be found, in turn attracting birds of prey and small mammals. The surrounding forest park is home to deer and foxes. The site and its surroundings are ideal recreation areas for local residents. Building 350 residential units and accompanying infrastructure will dramatically reduce the ability of Hazlehead Park to maintain its primary two functions.

**If permission is granted, it may act as a precedent to build on other green areas, too.**

There are other areas just outside the Aberdeen suburbs (e.g., between Lang Stracht and Kingswells) that are not near a park or other recreation area. The thinking may then go as follows: "If it was possible even on a site next to Hazlehead Park, why could we not build here as well?" In this scenario, Aberdeen runs the risk of depriving its residents of their green spaces, which, as research has shown (e.g., Maas, Verheij, De Vries, et al., 2009; Mitchell & Popham, 2007), is likely to reduce their health and perceived quality of life.

**Road Safety**

The 2 routes out of the proposed site are close to 2 primary schools: Hazlehead Primary School and Airyhall Primary School. Currently, many children in the Craigiebuckler area can walk to school on their own, because their walking routes are relatively safe. Especially the route to Hazlehead Primary School is ideal for children, as it only crosses Hazledene Road, currently a low-traffic road. In addition, Countesswells Road is a well-used road for cycling commuters. It needs no explanation that the proposed site and infrastructure will have a severe impact on road safety for all of these users.

I hope you are willing to take my objections into consideration. Thank you for your time.

Best wishes,

Dr. Mirjam Brady-Van den Bos  
68 Craigiebuckler Avenue, Aberdeen

## Planning Development Management Committee

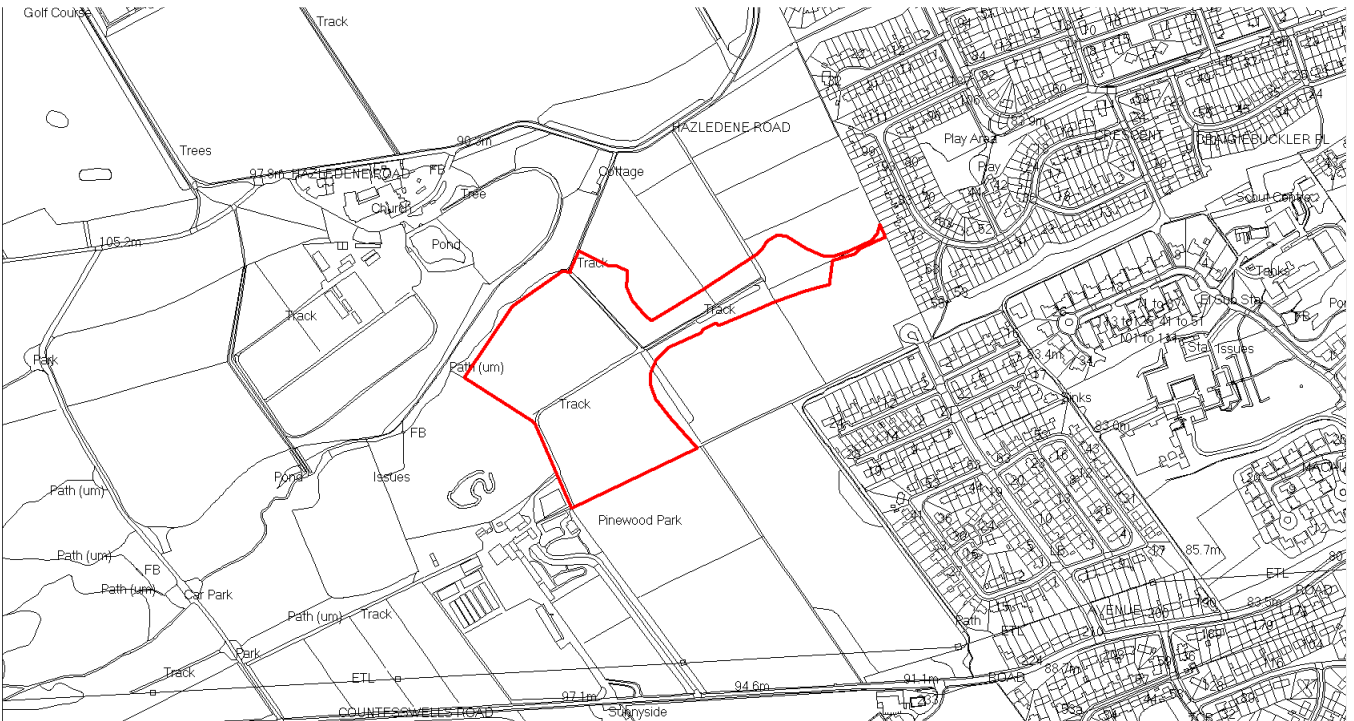
SITE BETWEEN (ZONE B & C),  
COUNTESWELLS ROAD AND, HAZLEDENE  
ROAD

APPLICATION FOR MATTERS SPECIFIED IN  
CONDITION 23 (MEANS OF ACCESS, SITING,  
DESIGN & EXTERNAL APPEARANCE OF  
BUILDINGS AND LANDSCAPING) RELATING  
TO A8/0530 PLANNING PERMISSION IN  
PRINCIPLE

For: Dandara Ltd

Application Type : Approval of Conditions for  
Planning Permission in Principle  
Application Ref. : P131044  
Application Date: 23/07/2013  
Officer: Gavin Evans  
Ward : Hazlehead/Ashley/Queen's Cross(M  
Greig/J Stewart/R Thomson/J Corall)

Advert :  
Advertised on:  
Committee Date: 28 November 2013  
Community Council : Comments



### RECOMMENDATION:

Approve subject to conditions

The application site forms part of the wider Hazledene development site, granted Planning Permission in Principle in 2010 and located between Hazledene Road to the north and Countesswells Road to the south. The site extends to some 5.9ha, and is located to the west of the established residential areas of Countesswells and Craigiebuckler. To the west the site is bounded by the wooded grounds of Pinewood House and the Ben Reid Garden Centre. The land within the wider Pinewood/Hazledene development site was, for the most part, last used for horticultural purposes, and is currently under grass. The ground rises gently to its centre from Countesswells Road, to the south, before sloping downward to the north towards Hazledene Road.

Zones B and C account for much of the western side of the Hazledene site, including its entire western boundary. In the context of the wider development, Zones B and C lie to the west of the new loop road and would be distinguished from Zones A and H by the substantial areas of open green space in the intervening land.

### **RELEVANT HISTORY**

Planning Permission in Principle (PPiP) was granted for a development comprising *'Proposed residential development to accommodate circa 250 plots and 3No.neighbourhood shop units'* on the Hazledene site in August 2010, through approval of application A8/0530. A condition restricted that consent to development not exceeding 200 dwelling units and 3 local shop units.

A subsequent application in January of 2012 sought approval of the majority of the matters specified in conditions attached to that grant of PPiP. At the August 2012 meeting of the Development Management Sub-committee (as was), members expressed a willingness to approve that application subject to appropriate arrangements having been made for the payment of financial contributions in lieu of improvements to the local road network and subject to confirmation that payment had been made to Transport Scotland in lieu of works to the A90(T) trunk road.

A series of further applications have now been made in relation to matters specified in conditions attached to the grant of Planning Permission in Principle. Some of those applications relate to outstanding matters, while others seek approval of alternative proposals in relation to conditions previously the subject of MSC approval.

### **PROPOSAL**

This application relates solely to condition 23 as attached to the grant of Planning Permission in Principle ref A8/0530. Condition 23 requires that, before development may commence, the applicant must seek and obtain the further approval of the planning authority in relation to the following matters: (i) means of access; (ii) siting; (iii) design and external appearance of the buildings; and (iv) the landscaping of the site.

The submitted plans demonstrate a total of 78 homes, in six house types, to the west of the new loop road serving the majority of the Pinewood/Hazledene development site. These houses are predominantly 2-storey houses, with a mix



of detached houses and terraced 'townhouses' providing 3, 4 and 5 bedroom accommodation. The primary road loop would not give access to the northernmost area of the site (termed Zone A), which is to be accessed separately via Hazledene Road, and which is the subject of a separate application, ref P130994. The land lying to the north of the loop road would be extensively landscaped to form a central area of open green space at the heart of the residential development.

## **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131044>  
On accepting the disclaimer enter the application reference quoted on the first page of this report.

## **REASON FOR REFERRAL TO SUB-COMMITTEE**

The application has been referred to the Sub-committee because the local Craigiebuckler and Seafield Community Council have made objection to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Projects Team** – Following discussion with the applicants, swept path analysis drawings have been provided, demonstrating that all parts of the site can be accessed by refuse vehicles.

**Environmental Health** – No observations

**Enterprise, Planning & Infrastructure (Flooding)** – No observations

**Education, Culture & Sport (Archaeology)** – No response. Condition attached to the grant of Planning Permission Permission in Principle and relating to archaeology has been addressed as part of a separate application.

**Community Council** – The concerns raised by the local Craigiebuckler and Seafield Community Council can be summarised as follows:

- The volume of traffic generated by the development (in conjunction with other phases) would cause congestion at the junctions between Countesswells Avenue and Countesswells Road; Countesswells Road and Springfield Road; and Seafield Road and Anderson Drive.
- No reference is made in this application to the developer contributing towards offsetting any impact on roads infrastructure.
- Noise arising from construction would cause disturbance to residents of Countesswells Avenue and adversely affect their quality of life.
- Additional strain would be placed on healthcare and educational facilities in the area. Notes no reference to the developer contributing towards such facilities in this application.

- The site includes a number of natural springs, and currently experiences drainage problems which can affect the neighbouring homes on Burnieboozle Crescent. The hard surfaces, and associated excavations for building works, proposed within the development are considered likely to increase runoff, interfere with the existing drainage systems and exacerbate these problems.
- The formation of SUDS detention ponds is seen to represent a safety hazard for children.
- Reiterates objection to the combined Pinewood/Hazledene sites being developed.
- The upgrading of the existing core path and provision of connecting pathways could attract motorbike racers, leading to adverse impact on amenity in the area.
- Note the collection of water within excavations made for construction of sales pod and associated parking areas and reiterate concerns over drainage.

## **REPRESENTATIONS**

One letter of representation has been received. The objections raised relate to the following matters –

- Notes that construction access would be taken off Countesswells Avenue, with access to other zones by roundabout from Countesswells Road. Suggests that the developer be required to construct the new Countesswells Road junction before development on site commences, in order to avoid disruption caused to local residents through use of Countesswells Avenue.
- Queries whether any road widening on Countesswells Road, on approach to the new roundabout junction, would require compulsory purchase of land within residential gardens on Countesswells Road.
- States that no consideration has been given to the impact of the traffic generated by the development.

## **PLANNING POLICY**

### **National Policy and Guidance**

#### Designing Places

Designing Places identifies that the most successful places tend to have certain qualities in common. These include a distinct identity, safe and pleasant spaces, and an arrangement of space which is easy to move around, particularly on foot. Visitors feel a sense of welcome. These qualities are seen as being at the heart of good design, alongside adaptability and a good use of resources. Designing Places sets out the value of good design and the price of poor design.

#### Designing Streets

Designing Streets is Scotland's policy statement for street design, marking a change in emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It sits alongside Designing Places in setting out the Scottish Government's place-making agenda.

### Scottish Planning Policy (SPP)

As regards the location and design of new development, SPP states that new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecologies and the scope for using local materials, with the aim of creating spaces with a distinct character and identity.

## **Aberdeen Local Development Plan**

### T2: Managing the Transport Impact of Development

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

### D1: Architecture and Placemaking

This policy requires that all new development must be designed with due consideration for its context and make a positive contribution to its setting.

### D2: Design & Amenity

In order to ensure that development provides appropriate levels of amenity for residents, development should be designed with regard to a stated set of principles, relating to matters such as privacy, provision of a public face to the street, access to sitting out areas, and 'designing out' crime.

### D3: Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

### H1: Residential Areas

The site lies within a designated Residential Area (H1), as defined in the Aberdeen Local Development Plan. Within such areas Policy H1 of the ALDP will apply, requiring that residential development will be acceptable in principle provided it satisfies certain specified criteria. It is further stated that non-residential uses will be refused unless (a) they are considered complementary to residential use; or (b) it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

### NE1: Green Space Network

Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

### 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.

### NE9: Access and Informal Recreation

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

Further guidance available in SG: Infrastructure and Developer Contributions Manual; Transport & Accessibility; Open Space.

### **Supplementary Guidance**

The Council's published supplementary planning guidance on 'Transport & Accessibility' is of relevance, as is the guidance contained within the Pinewood and Hazledene development brief.

### **Other Relevant Material Considerations**

The allocation of the Pinewood and Hazledene sites in the ALDP, the previous grant of Planning Permission in Principle on both of those sites, and the previous approval granted in respect of the majority of Matters Specified in Conditions to those grants of PPiP carry significant weight in the determination of the current application, establishing these sites as locations for new residential development. The principle of housing on this site may not legitimately be revisited through assessment of this proposal.

### **EVALUATION**

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

### **Principle of Development**

The principle of residential development on the Hazledene site has been established through the granting of Planning Permission in Principle, its identification as an opportunity site with residential zoning in the Aberdeen Local Development Plan, and the subsequent approval of matters specified in the majority of those conditions attached to the initial grant of Planning Permission in Principle. This assessment will focus on the specific requirements of the condition in question, the provisions of the development plan as it relates to the matters covered by that condition, and any other material planning considerations identified.

Matters relating to developer contributions, affordable housing and necessary roads infrastructure improvements have been identified through the original grant of Planning Permission in Principle, and have been secured via necessary legal agreements, now successfully concluded.

### **Zoning**

The Hazledene site is zoned for residential purposes, with policy H1 of the ALDP applicable, and is also identified as an 'opportunity site' for residential development. This zoning, along with the permission previously granted for Planning Permission in Principle, sets the context for consideration of this proposal. The principle of development will not be revisited in this assessment, which will focus on the manner in which the proposal addresses the matters specified in condition 23 of the Planning Permission in Principle.

### **Means of access and roads issues**

Zones B and C, which are the subject of this application, would be accessed off the main internal loop road running through the wider Pinewood and Hazledene development site. This loop road is formed by extending the existing Countesswells Avenue through the site and back down to link up with Countesswells Road at a new roundabout junction, the details of which have been submitted and agreed under a separate application. Zones B and C are north-west of the point where the loop road curves southward to link up with Countesswells Road, and would themselves be accessed through the formation of a secondary shared surface loop road, with a number of smaller branches extending off to form a series of 'home zone' areas. The Council's Roads Projects team have expressed no objection to the proposed access arrangement and street layouts. The applicants' design statement highlights that views outward from each of these distinct home zone areas would terminate in views of parkland/woodland, in order to contribute to a sense of place and maintain the woodland character of the site.

### **General arrangement and pedestrian accessibility**

Pedestrian access is well catered for, with a network of internal pedestrian routes linking in with the existing Core Path (Core Path 61: Hazlehead Road to Countesswells Road), which runs along the north-western boundary of Zone B before linking to Countesswells Road. Provision is also made for connections to other parts of the development, with pedestrian/cycle linkages to the Pinewood site (Zone D), to the south, and to Zone A, accessed via the paths running through the central open space. The central area of open space runs from east-to-west along the route of the primary road before branching northwards to connect to wider greenspace around Hazlehead Park. This open space includes a pedestrian/cycle linkage, and a further connection to the adjacent Core Path route is made towards the north-west corner of Zone B, branching off from a Homezone area around plots 10-12. In addition to Core Path 61 (Hazlehead Road to Countesswells Road), the network of paths throughout the central open space ensures linkages to Core Path 65 (Hazlehead to River Dee), which runs north-to-south down the eastern boundary of the Hazledene site. Taking these matters into account, it is concluded that the proposal demonstrates due regard for accessibility, including both provision for connections to the existing Core Paths network and for pedestrian connectivity throughout the development and to destinations in the surrounding area, in accordance with policy NE9 (Access and Informal Recreation) of the ALDP.

### **Environment created for new residents**

The proposed development demonstrates a desire to create a sense of place, with extensive open space and woodland provided through the central 'wetland park area' and the orientation of home zone areas around central landscaped spaces, enabling many dwellings to benefit from outlooks towards areas of landscaped open space and trees. A good pedestrian environment is proposed, with appropriate surfacing used to indicate home zone areas and underline pedestrian priority. Links are provided to a wider network of paths within the site and beyond. The individual homes vary in type and size, but each presents a public frontage to a street and a private frontage to an enclosed area of private

garden. Separation distances are appropriate for a suburban context and can ensure appropriate privacy for residents. An appropriate density of development is achieved, which is comparable to and consistent with that seen in the surrounding area. It is concluded that the proposal demonstrates due regard for policy D2 (Design and Amenity) of the ALDP.

### **Design and external appearance of the buildings**

There are six distinct house types proposed across Zones B and C. The composition of these sites is as follows: 15no 'Townhouse', 4no 'Sycamore', 10 no 'Maple', 34no 'Oak', 8no 'Spruce' and 7no 'Cedar'. All houses are built across two storeys, with the exception of the 2 ½ storey 'Townhouse' units, and some feature single storey offshoots via rear 'extensions' to the main body of the dwelling and associated garage. All properties utilise a consistent pallet of materials, including stone cladding, white render and dark grey tiles intended to give an appearance similar to that of natural slate. Enclosures vary, but include traditional timber fencing, retained and rebuilt drystone walling, and hedgerows.

### **Trees & Landscaping**

A landscaping plan and planting schedule have been provided, which demonstrate proposals for extensive tree and shrub planting across Zones B and C. This landscaping strategy is based around central landscaped areas, with a series of footpaths to provide links to the 'wetland park' area to the east and the woodland paths to the north and east respectively. The landscaping proposal incorporates trees with a degree of height and maturity in order to give a well-established appearance from completion of the development, along with younger specimens which will become established with time. Zone C incorporates low-level hedgerows to provide a sense of enclosure to plots.

There are few existing trees present within this area of the site, and those that exist are to be either removed for health reasons or protected during construction and retained thereafter. Tree protection fencing is also to be utilised along the northern boundary of Zone B in order to ensure that there is no adverse impact on the trees present outwith the site boundary. Extensive landscaping is to take place in the wetland park central open space, with specimens of a minimum 3.5m in height used in order to provide a degree of established character from time of planting. The edge of the open space, adjacent to the loop road, would be defined by regularly spaced new trees, planted at 4m minimum height.

Trees outwith the application site, but close to the boundary adjoining Zone B, have been surveyed in order to gauge the level of any impact arising from the proposed housing development. These trees are predominantly beech, with occasional younger specimens of sycamore, ash, wych elm and Scots' pine. 3 category-U trees were identified, with that classification denoting trees of very limited life expectancy or trees which are already dead, and which therefore should not be considered as a constraint to development. The remainder of the trees in this area were classified as being of low-moderate quality and value. None of these trees are to be removed, however in order to ensure trees are a sufficient distance from new homes to minimise perceived risk, a recommended 'amenity clearance zone' has been identified by the appointed arboriculturalist. This ensures a buffer of approximately 18m between these trees and the closest

buildings, in order that the trees may be retained without undue pressure for their removal arising from homeowners considering them to be a risk to property. This approach is acknowledged and supported. Taking these matters into account, it is concluded that there would be negligible impact on trees within Zones B and C, with any removals being restricted to those being removed in line with good woodland management practice based on their poor condition. Appropriate tree protection measures are proposed for those trees to be retained. It is therefore concluded that the proposal demonstrates accordance with policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

### **Green Space Network**

A section of the Hazledene site, running from east to west along its southern boundary, is designated as a part of the Green Space Network. The Green Space Network is a strategic network of woodland and other habitats, active travel and recreation routes, greenspace links, watercourses and waterways. This encourages connectivity between habitats, improving the viability of species and the health of previously isolated habitats and ecosystems. Given the previous cultivation of this land in connection with its former use, the principal function of this narrow band of the network is to act as a link between other habitats, particularly the extensive area of Green Space Network designation to the west and north, which includes Hazlehead Park and Den Wood. The proposed development encroaches upon the existing connection, however the significant open space provision included within the wider development of the Hazledene site provides for an alternative green space link, running from the area around the SUDS basin at the south-eastern corner of the site (within Zone H), between Zone B and Zone A before connecting with the Green Space Network at a slightly different and arguably better point. The proposal involves the green space through the development connecting with the extensive site 33 at a point on the north-western boundary of the Hazledene site. The advantage of a green space connection in this location is that it would also link directly with Core Path 61 (Hazledene Road to Countesswells Road, running through Den Wood), whereas the existing green space network connection is shown connecting with the premises of the adjacent Ben Reid nurseries, where there is no immediate Core Path connection. On this basis it is considered that, whilst the development encroaches upon land designated as part of the Green Space Network, that value of that part of the network lies in connecting otherwise isolated areas of green space in the surrounding area. The proposed development replicates that green space connection in a manner which enhances its access value, providing dedicated pedestrian links alongside green space and connecting with the Core Path network. Taking these matters into account, it is concluded that the neither the character or function of the Green Space Network would be adversely affected by the proposal, and that it therefore demonstrates accordance with policy NE1 (Green Space Network) of the ALDP.

### **Open space**

As noted previously, the main open space serving the wider development is shown within this application. This forms a central green corridor, running westwards alongside the primary road from the south-eastern corner of the Hazledene site before branching off to the north-east and running between Zones A and B to connect with wider areas of green space around Hazlehead park. This

central 'wetland park' allows a wildlife corridor through the site, and will incorporate an existing track, ditch and drystone wall alongside new landscaping. A series of ditches running through the wetland park will connect to the southern SUDS basin, which sits at the south-eastern corner of the Hazledene site, adjacent to the site access via Countesswells Road. The central wetland park includes provision for a play area comprising at least 5 items of play equipment, to be sited adjacent to the emergency access link between zones A and H.

### **Relationship with approved Development Brief**

The development brief for the Pinewood and Hazledene sites, first subject to consultation in 2003, was prepared against a substantially different policy context, however many of its design aspirations remain relevant. It is noted that the brief envisaged the Pinewood site being developed first, however the applicant is free to proceed as they see fit, with no obligation to this effect incorporated into the grants of Planning Permission in Principle for the respective sites. The development brief places considerable importance on the incorporation of significant areas of open space, structure planting and a footpath network. It is further stated that, in order to ensure the most efficient use of land, slightly higher density than that seen in the surrounding area may be appropriate within some parts of the development. It is further stated that designs must ensure that they fit into the landscape. Developers are encouraged to examine opportunities for creating a sense of place with interest and character through imaginative use of: open space and landscaping; colour and texture of building materials; range of house types and storey height; the provision of distinctive features and landmarks at key viewpoints. It is noted that the design demonstrates significant open space across the site in a meaningful and useable form. 'Home Zone' areas are focused around intimate green spaces, with properties commonly oriented to benefit from views towards open space and tree planting. A clear network of footpath links is provided through the wider site, with Core Path routes maintained. Taking these matters into account, it is evident that the proposals demonstrate due regard for the design aspirations expressed in the Pinewood and Hazledene Development Brief.

### **Matters raised by Community Council**

The concern expressed by the Community Council in relation to increased traffic volumes and congestion at junctions is noted, however it should be noted that the principle of residential development on the Pinewood and Hazledene sites has been established through the granting of Planning Permission in Principle. Those grants of PPIp included detailed assessment of the road traffic implications of the development. It is not legitimate for such matters to be entirely reconsidered at this stage of the process. The access remains as previously proposed, with Countesswells Avenue extended to form a new loop route, subsequently linking up with Countesswells Road. This has been previously accepted and approved, and the Roads Projects Team make no objection to the access arrangements.

Similarly, developer contributions payable in relation to the development proposal have also been considered previously at PPIp stage, and will not be revisited at this stage. This applies to all developer contributions, including roads infrastructure and health/educational services.



It is acknowledged that construction works may result in some disturbance to nearby residents, however this is to some extent unavoidable where a significant site is released for development. The applicants have intimated that their intention is to construct the new loop road at the same time as the first phase of housing within Zone H, in order that access after that first phase may be taken from Countesswells Road.

The poor drainage of the Pinewood and Hazledene sites is acknowledged, and previous applications have included appropriate drainage impact assessments and proposals for surface water drainage through Sustainable Urban Drainage Systems. This application does not relate to matters of site drainage, with application P130820 including details of the temporary means of dealing with surface water during construction. SUDS measures have been previously accepted as being fit to serve the proposed residential development. The SUDS scheme and temporary drainage during construction have been accepted by the Council's Roads Projects Team and the Council's Flood Prevention Team as being sufficient for their intended purpose.

As noted earlier in this report, it is not appropriate to reconsider the principle of development in assessment of this application, which relates only to those matters specified in condition 23 of the PPIP granted. The Core Path upgrades referred to lie outwith the current application site, and are within Zones H and A, adjacent to the eastern boundary of the site.

The collection of water in excavations made during construction of a sales pod is not of direct relevance to consideration of this application, with that sales pod benefiting from an entirely separate consent.

#### **Matters raised in representations**

The applicants have set out that construction access will be taken via Countesswells Road, with works on the new loop road commencing immediately on approval. Details of the means of access during construction are required by condition 7 of consent A7/2178, relating to the Pinewood site. That issue is not for determination through this application, and the matter is not relevant to the planning authority's assessment of this proposal, ref P131044. Details relating to construction access form part of application ref P131027.

Matters relating to off-site roads infrastructure improvements have been addressed through the earlier grant of PPIP, and are not for debate in assessment of this proposal. There is understood to be a degree of road widening necessary on the northern side of Countesswells Road at its junction with Springfield Road, however the detail of any compulsory purchase is not a matter relevant to consideration of this proposal.

The traffic impact of the development was similarly considered at the PPIP stage, with a transport assessment submitted in support of the application. Infrastructure improvements have been settled upon, and are not for consideration in assessing this proposal.

## **Summary**

The proposal demonstrates an appropriate residential layout, based on 'Designing Streets' principles and prioritising pedestrian access over vehicular access. Shared surface Homezone areas centred around landscaped spaces create an intimate sense of place, while the retention and re-use of existing dry-stone walling contributes to a sense of place. The development incorporates an appropriate mix of house types, which utilise a consistent palette of materials. Provision is made for a network of pedestrian routes, which connect with landscaped open space, adjacent Core Path routes, and other pedestrian linkages across the wider development. The existing Green Space Network designation is encroached upon, however alternative provision is made in a manner which enhances its connection to existing recreational routes. The new wetland park open space provides a central focal point for the development and a meaningful and useable recreational asset, whilst also making a significant contribution to the landscape character of the site and the sense of place created within the new development. Taking these matters into account, it is concluded that the proposal demonstrates appropriate details in relation to the means of access, design and external appearance of buildings, and landscaping of the site. The proposal accords with policies D1 (Architecture and Placemaking), D2 (Design & Amenity), D3 (Sustainable and Active Travel), H1 (Residential Areas), NE1 (Green Space Network), NE5 (Trees and Woodlands) and NE9 (Access and Informal Recreation) of the Aberdeen Local Development Plan (ALDP).

## **RECOMMENDATION**

**Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

The information submitted demonstrates an appropriately accessed residential development, incorporating a variety of house types across the site and utilising a consistent range of materials and appropriate use of boundary treatments in order to create a distinct sense of character and place. Street layouts are arranged around intimate 'Homezone' spaces, incorporating shared surfaces to promote pedestrian priority within secondary streets. Appropriate pedestrian linkages are provided across the site, linking into the wider development and the surrounding Core Paths network. North-south access is maintained, with direct routes provided through the development to ensure good access to Hazlehead Park and the surrounding green spaces. The existing Green Space Network connection is provided in an alternative form, and makes enhanced provision for access to the Core Path Network and the wider areas of Green Space Network designation around Hazlehead Park. Ample provision is made for the landscaping of the site, both through the provision of a central new open space and in the management and enhancement/replacement of trees where necessary around site boundaries. Taking these matters into account, it is concluded that the proposal demonstrates appropriate details in relation to the means of access, design and external appearance of buildings, and landscaping of the site. The proposal accords with policies T2 (Managing the Transport Impact of Development), D1 (Architecture and Placemaking), D2 (Design & Amenity), D3 (Sustainable and Active Travel), H1 (Residential Areas), NE1 (Green Space Network), NE5 (Trees and Woodlands) and NE9 (Access and Informal

Recreation) of the Aberdeen Local Development Plan (ALDP).The proposal demonstrates compliance with the aims of the relevant Pinewood and Hazledene Planning Brief, adopted as supplementary guidance, in respect of its aims for a development which retains a semi-woodland character and retains important characteristics of the site. With extensive retention of trees and drystone wall enclosures, generous provision of useable open space which, though not provided in the envisaged buffers around the site boundaries, is at the heart of the development and arguably better able to serve all parts of the new development with a useable open space which contributes to creating a sense of place.

## **CONDITIONS**

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

(1) 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.

(2) 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.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

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**CRAIGIEBUCKLER AND SEAFIELD COMMUNITY COUNCIL**

Head of Planning and Sustainable Development  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen

10 Craigiebuckler Drive  
Aberdeen AB15 8ND

14 August 2013

Dear Sir/Madam

Application Number P131044

Applicant: Dandara

**Application Reference:** 131044

**Local Authority Reference:** 000067145-001

**Proposal Description:** Application for Matters Specified in condition 23 (means of access, siting, design & external appearance of buildings and landscaping) relating to A8/0530 Planning Permission in Principle

**Application type:** Approval of Conditions for Planning Permission in Principle

We oppose the construction of 78 dwellings on this site (referred to as Zone B C) because, combined with the remainder of the planned residential development within the Pinewood/Hazledene site, it will generate a volume of additional traffic sufficient to cause congestion at the following locations:- Countesswells Avenue's junction with Countesswells Road, Countesswells Road's junction with Springfield Road and Seafield Road's junction with Anderson Drive. Those junctions were designed to cope with the traffic volumes of the 1960s and 70s and therefore are wholly unsuitable for the extra traffic movements that would be generated by this development.

There is no indication in the above referenced planning application that the Developer is prepared to contribute to any alterations to the above mentioned aspects of the roads infrastructure that may be required to facilitate the extra traffic movements, which will inevitably be generated by this development in combination with the remainder of the dwellings proposed for construction on the Pinewood /Hazledene site.

The Countesswells/Springfield Road junction is already over its capacity during peak times with long queues of traffic waiting to negotiate it.

Countesswells Avenue, presently the only access to the site, is a residential street. The noise of construction would cause disturbance and adversely affect the quality of life of its residents.

78 dwellings on this site, when added the Applicant's other planned developments at Pinewood/Hazledene, will impose additional burdens on the health and educational provisions in this area. We submit that there seems to be no indication from the Applicant pertaining to an

intention to contribute towards the additional costs that are likely to be incurred by the education and health services as a result of the localised increase in population engendered by the urbanisation of the site.

Zones B and C form part of a proposed development of 350 dwellings to be sited on the fields of Pinewood and Hazledene which feature a number of natural springs. Consequently the land is often waterlogged and is reverting to its natural state. Even when it was under cultivation in the 1960s, when the drainage ditches and channels, referred to in the Applicant's field drainage works drawing, were less likely to have been in a state of neglect, the surface water overflowed the boundary walls and flooded a number of properties in Burnieboozle Crescent.

At present flooding of the homes to the East of the proposed development of 350 dwellings (of which Zones B and C form an integral part) has been prevented by virtue of a French drain installed by Aberdeen City Council. According to page 23 of the Applicant's "Design Statement" there is a list of 'streetscape materials' which essentially must be capable of running off rainwater. However, by virtue of their water resistance, they are likely to add to the flooding of the site during periods of heavy rainfall.

The Applicant's intention, documented in the design statement, to create a varying coverage of hard surfaces is difficult to reconcile with the agricultural system of subsoil, herringbone field drains which the Applicant states, on 'Drawing Nr: ABR\_HAZ\_902', "will be cleaned and reshaped to avoid obstruction and maintain flow". In our view, the excavations needed to build houses and create a network of roads and paths, combined with the overlay of hard surfaces will disrupt the natural springs and constrain the water table so that it is forced to the surface in the curtilages of properties within the site or in its green open spaces. We are not convinced that cleaning field drains, which bear little relationship to the surface coverage of an urban environment, will significantly contribute to solving the ongoing problem of flood prevention in the area referred to as Zone B C. Field drains were meant to prevent the flooding of agricultural land, not an urban landscape.

Although the Applicant has stated that the attenuation ponds will have a fences round their boundaries, we are concerned that those bodies of water will be safety hazards for children at play. We are mindful that this is to be a new residential development, which is likely to be the home to a number of young families and therefore feel compelled to doubt that the creation of attenuation ponds is a safe solution to the problem of flooding on this site.

We question robustness of the Applicant's flood prevention strategy. For example, the Applicant seems to have provided no estimate of the capacities of the North and South Detention Basins. Furthermore, the ability of the 'wetland park' to cope with a rapidly rising water table seems to be speculative. This statement has taken into consideration the unavoidable situation whereby Zones B and C form an integral part of the whole development and therefore must be included in our objections which, in summary of the reasons given in the above paragraphs, declare that the entire site known as Pinewood/Hazledene should not, in our view, be developed.

Finally, the upgrading of the core path, together with the provision of connecting pathways, could possibly attract unwanted motorbike racers, which would result in adverse changes to the amenities in the area, raising issues of health and safety. It would also be contrary to the current trend of designing out crime when planning 21<sup>st</sup> century housing developments.

Yours sincerely  
William Sell  
Chairperson

# MEMO



ABERDEEN  
CITY COUNCIL

To	Gavin Evans Planning & Infrastructure	Date	07/11/2013
		Your Ref.	P131044 (ZLF)
		Our Ref.	TR/RB/1/51/2
From	Roads Projects		
Email	<a href="mailto:RBailie@aberdeencity.gov.uk">RBailie@aberdeencity.gov.uk</a>		
Dial	01224 522161		
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. P131044**  
**Site between (Zone B & C), Countesswells Road and, Hazledene Road**  
**Application for Matters Specified in condition 23 (means of access, siting, design & external appearance of buildings and landscaping) relating to A8/0530 Planning Permission in Principle**

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

## 1 Development Proposal

1.1 I note that the application is for Matters Specified in condition 23 (means of access, siting, design & external appearance of buildings and landscaping) relating to A8/0530 Planning Permission in Principle.

## 2 Condition 23

2.1 I note that I previously requested swept path analysis be submitted showing a refuse vehicle operating in the proposed development. After discussion the layouts have now been agreed as per drawing No. 915 Rev 3 and this condition has now been purified.

**Richard Bailie**  
Engineer

Gordon McIntosh  
Corporate Director

Robert Vickers

131044

**From:** [REDACTED]  
**Sent:** 30 July 2013 14:31  
**To:** PI  
**Subject:** Hazledene and Pinewood Development Site

Ref : Dandara Development Site plan dated May 13

It would appear that the construction site access is via Countesswells Avenue, the access to the other zones is by roundabout from Countesswells Road. Surely Planning will insist that this access road is constructed prior to proceeding with any building development, similar to the works carried out at Portlethen for the Stewart Milne site. This would insure that all construction equipment and materials can access the site without any inconvenience to the existing residents.

Can we assume that Countesswells Road will require to be widened up to the new roundabout. If road widening is planned would this mean compulsory purchase of ground from residential gardens on Countesswells Road?

view of the large number of houses planned for this development it is obvious that once again there is no consideration given to the impact of the traffic increase.

We await your response.

Eleanor and James Webster  
Sent from my iPad

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## Planning Development Management Committee

ZONE A (SITE BETWEEN), COUNTESSWELLS  
ROAD/HAZLEDENE ROAD, HAZLEDENE

ZONE A HAZLEDENE RESIDENTIAL  
DEVELOPMENT OF 50 DWELLINGS WITH  
ASSOCIATED ROADS AND LANDSCAPING  
ADDRESSING CONDITION 23 PA REFERENCE  
A8/0530 ACCESS/SITING/DESIGN AND  
EXTERNAL APPEARANCE AND  
LANDSCAPING

For: Dandara Group ( Mr Darren Burns )

Application Type : Approval of Conditions for  
Planning Permission in Principle

Application Ref. : P130994

Application Date: 08/07/2013

Officer: Gavin Evans

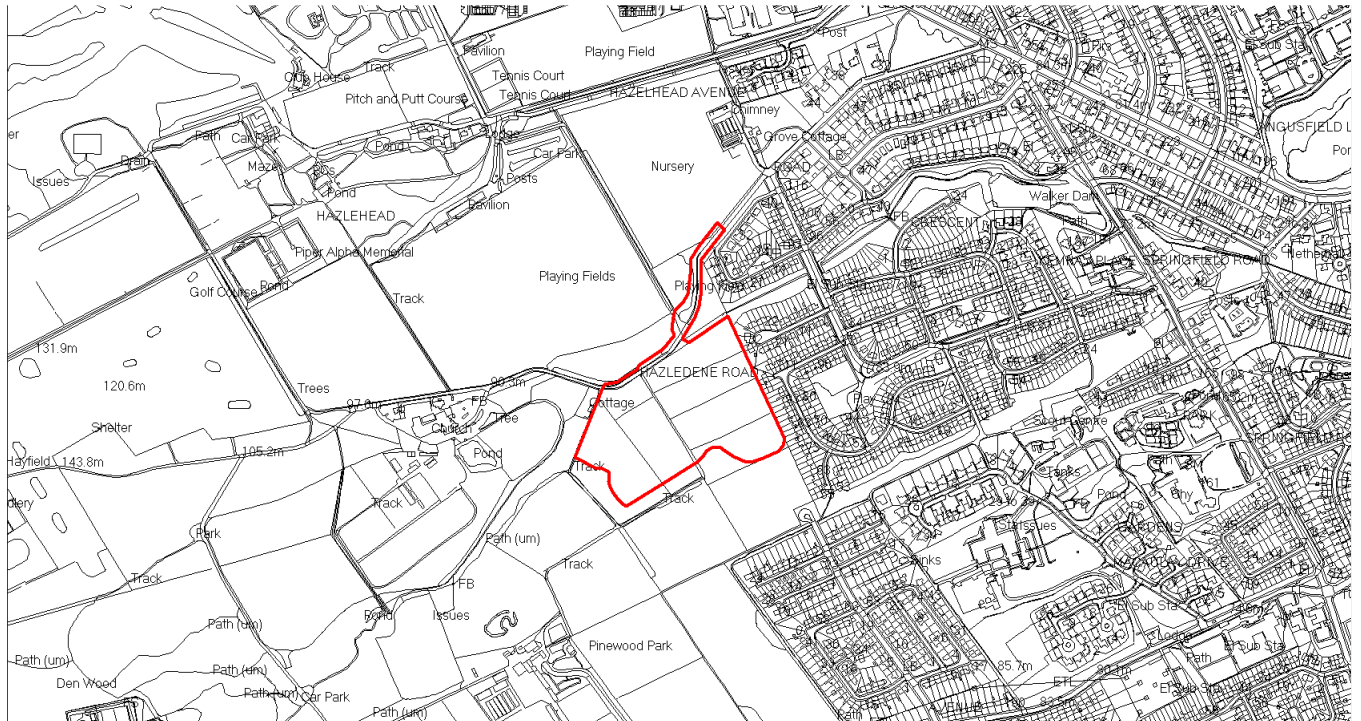
Ward : Hazlehead/Ashley/Queen's Cross(M  
Greig/J Stewart/R Thomson/J Corall)

Advert : Can't notify neighbour(s)

Advertised on: 31/07/2013

Committee Date: 28 November 2013

Community Council : Comments



### RECOMMENDATION:

**Approve subject to conditions**

The application site forms a component part of the Hazledene development site, which is itself located between Hazledene Road, to the north, and the adjacent Pinewood development site, to the south. The Pinewood site is bounded by Countesswells Road to the south. Those two sites combine to form a wider development area, L-shaped in plan view, which sits directly to the west of the established residential areas of Countesswells and Craigiebuckler. Their combined site area is some 27 hectares, of which roughly 10.5ha is contained within the Pinewood site and 16.5ha within Hazledene.

To the west of the Pinewood and Hazledene sites are the wooded grounds of Pinewood House and the Ben Reid Garden Centre. The land was, for the most part, last used for horticultural purposes, mainly the growing of trees and shrubs, and is currently under grass. The ground rises gently to a central area then slopes down to the north. The site is bounded by mature woodland on the east and west sides and is subdivided by hedges and dry stone dykes.

This application relates specifically to the north-eastern part of the Hazledene site, termed Zone A, which incorporates the site's Hazledene Road frontage. The character and condition of the road surface on Hazledene Road changes noticeably as it progresses westwards from Queens Road towards the application site, and it is not adopted by Aberdeen City Council west of its junction with Craigiebuckler Avenue, although understood to be in ACC ownership. Beyond that point, the road surface is of lesser quality and the road is enclosed on either side by drystone walls, with no segregated pedestrian footway. An existing unbound pedestrian footpath runs through trees on the northern side of Hazledene Road, discrete from the road itself, to the west of Woodburn Crescent. At present there is no pedestrian footway or equivalent pedestrian route on the southern side of Hazledene Road.

Core Path 65 (Hazlehead to River Dee) runs north-to-south down the eastern boundary of both Zone A, continuing the full length of the Hazledene site and ultimately providing a connection to Countesswells Road. Similarly, Core Path 61 (Hazlehead Road to Countesswells Road) runs along the north-western boundary of Zone A, ultimately serving to provide a pedestrian/recreational connection to a point further west on Countesswells Road.

### **RELEVANT HISTORY**

Planning Permission in Principle (PPiP) was granted for a development comprising *'Proposed residential development to accommodate circa 250 plots and 3No.neighbourhood shop units'* on the Hazledene site in August 2010, through approval of application A8/0530. A condition restricted that consent to development not exceeding 200 dwelling units and 3 local shop units.

A subsequent application in January of 2012 sought approval of the majority of the matters specified in conditions attached to that grant of PPiP. At the August 2012 meeting of the Development Management Sub-committee (as was), members expressed a willingness to approve that application subject to appropriate arrangements having been made for the payment of financial contributions in lieu of improvements to the local road network and subject to confirmation that payment had been made to Transport Scotland in lieu of works to the A90(T) trunk road.

A series of further applications have now been made in relation to matters specified in conditions attached to the grant of Planning Permission in Principle. Some of those applications relate to outstanding matters, while others seek approval of alternative proposals in relation to conditions previously the subject of MSC approval.

## **PROPOSAL**

This application seeks approval in relation to condition 23 of Planning Permission in Principle ref A8/0530, which stipulates that works may not commence until such time as further application has been made to the planning authority in relation to (i) means of access; (ii) siting; (iii) design and external appearance of the buildings; and (iv) the landscaping of the site, and that such applications have been granted approval by that authority. It is noted that submissions in relation to parts (i) means of access; and (iv) landscaping of condition 23 were previously approved by members at the committee meeting of August 2012.

This application seeks approval in relation to condition 23 for only part of the Hazledene site, Zone A, which lies at the north-eastern corner of the site, bounded by Hazledene Road to the north and adjoining the rear gardens of properties on Burnieboozle Crescent and Monnymusk Terrace to the east. The plans submitted demonstrate a phase of 50 detached dwellings, in three house styles, with vehicular access taken exclusively via Hazledene Road and an internal layout based upon a main avenue, off which branch more intimate shared surface 'Homezone' areas. No vehicular through route would be provided from Hazledene Road to Countesswells Road, other than a route restricted to use by emergency services vehicles. Rebuilt boundary walls feature within the proposal as enclosures to house plots, formed using downtakings from the existing field boundaries within the site. To the south of Zone A, outwith the current application site, a belt of landscaped open space would be provided, running from the south-east corner of the Hazledene site to connect with the wider green space beyond the north-western site boundary and serving as the central open space for the wider Pinewood and Hazledene development.

This application proposes that, in order to facilitate access to the site, the applicant will resurface Hazledene Road from its junction with Craigiebuckler Avenue to the western edge of the site frontage onto Hazledene Road. Any resurfacing works would be carried out to Aberdeen City Council's specifications, and to 'adoptable standard'. The existing unbound footpath running parallel to the western/northern side of Hazledene Road would be widened to 2m and surfaced to specification to be agreed with the Council's Roads officers. The resurfaced footpath would continue to the point where the application site directly abuts the roadway, at which point a new 2m wide footpath would continue along the southern side of Hazledene Road. That 2m wide pedestrian footway would continue along the length of the site frontage, providing a continuous pedestrian route which would connect with Core Path 61, which in turn runs down the north-western boundary and connects with Countesswells Road.

An extensive scheme of landscaping has been proposed, which incorporates a mix of retained trees and new planting.

## 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?130994>

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

## REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the local Community Council have expressed objections to the proposal and there have been a total of 31 letters of objection received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads Project Team** – Following discussions with the applicant, additional information has been provided in relation to swept-path analysis, demonstrating that refuse vehicles can adequately access the site. A link between Zones A and H has been provided for emergency vehicle use in the event that the main access becomes inaccessible, the details of which stand to be determined through progression of the Roads Construction Consent process. Roads colleagues state no objection to the proposal.

**Environmental Health** – No response received

**Enterprise, Planning & Infrastructure (Flooding)** - No objection to the proposal.

**Community Council** – Craigiebuckler and Seafield Community Council expresses its opposition to the construction of 50 dwellings on this site on the following grounds;

- Additional traffic generated by the proposed development would access Queens Road at its junction with Hazledene Road. Right turns onto Queens Road from Hazledene Road are currently prohibited, with the result that this new traffic would be required to turn left before doubling back at the roundabout junction at Hazledene Avenue. This is considered likely to add to the traffic congestion at that roundabout junction. It is further stated that the Queens Road/Springfield Road is already heavily congested at peak times.
- The construction works and construction traffic associated with this development would cause disturbance to the residents of existing properties on Hazledene Road.
- Contends that the access to the site off Hazledene Road will be too close to sharp bends in Hazledene Road, and would create a safety hazard for road users.
- Highlights the poor condition of the roads surface on Hazledene Road at present. Notes no reference to the developer contributing towards its improvement.
- The increase in vehicular traffic along Hazledene Road is also considered to be a risk to school children crossing on their way to Hazlehead Primary School and Hazlehead Academy.

- Queries the introduction of an access via Hazledene Road when this was not proposed before.
- The introduction of a vehicular access off Hazledene Road, with its associated road widening and the consequent loss of trees on the northern side of the road, would remove an existing barrier to noise arising from the nearby recycling centre.
- The removal of these trees would also serve to expose the new dwellings within the proposed development to this same noise arising from the recycling centre at Grove Nursery. Recommends that any decision to grant planning permission should require a report by SEPA to determine the increased noise impact from the recycling centre.
- These noise issues may encroach on the operational use of the recycling centre.

## **REPRESENTATIONS**

31 letters of representation have been received. The objections raised relate to the following matters –

1. Access was not taken from Hazledene Road in original proposals.
2. Hazledene Road is not well maintained and is not suitable for the level of traffic to be generated by the development.
3. This development, in conjunction with the new Grove Nursery recycling facility, will contribute to traffic congestion in the area, particularly at the Queens Road/Hazlehead roundabout
4. Traffic noise arising from increased traffic on Hazledene Road will disturb both local residents and those enjoying the park
5. Road safety – increased traffic on Hazledene Road poses a risk to pedestrians using the existing crossing point at Craigiebuckler Avenue, particularly children travelling to the nearby primary and secondary schools.
6. The new street layout must be accessible to refuse vehicles
7. Queries whether road improvements would necessitate land held under common good fund being given to the developer for the purposes of carrying out those road improvements. If so, suggests that any such land would be akin to a ransom strip, and would attract a premium if to be sold.
8. Drystane dyke at Woodburn Crescent formed part of the old Burnieboozle estate and should be retained.
9. No consultation was undertaken on proposals for access via Hazledene Road.
10. The access arrangements would lead to rat-running through Woodburn Place/Woodburn Ave to obtain access to Queens Road.
11. The proposal is contrary to Council policies as it involves building on Green Belt land.
12. The proposed 2 storey houses are out of character with the area.
13. Concern over the limited time allowed for representations to be made.
14. Support is expressed for Hazledene Road access, on the basis that this route is not currently subject to heavy traffic, and would be capable of accommodating an increase in volumes.

15. Frequent flooding of this section of Hazledene Road renders it unsuitable for access to the new development.
16. Concern is expressed over the presence of a pedestrian link to the rear of Monnymusk Terrace/Burnieboozle Crescent. It is envisaged that this will provide scope for anti-social behaviour. Will landscaping within the new development be adequately be managed.
17. Concern is raised over potential tree loss as a result of works to Hazledene Road, including trees covered by a Tree Preservation Order (TPO) on the road verge at Woodburn Crescent.
18. It is stated that drystone dykes should be reconstructed using traditional means, not modern methods utilising cement.
19. Historical drainage problems can only be worsened by the proposal.
20. The proposal would compromise the recreational value of the Pinewood and Hazledene sites, which represent green spaces currently enjoyed by local residents.
21. It is suggested that building on this site may act as a precedent for building on other green spaces at the edge of communities
22. Insufficient detail relating to the road widening works and impact arising from same.
23. Concern that any prospective linkage through to Zone H would create a new rat-run allowing for even greater traffic flow onto Hazledene Road, further exacerbating pedestrian safety issues.
24. Impact of development on schools and transport infrastructure has not been assessed.
25. No additional public transport provision is to be made.
26. Concern that removal of trees along site boundaries will leave an otherwise unfamiliar open aspect, with resultant loss of privacy. Queries legitimacy of arboricultural assessment, suggesting that trees have been classified as being in 'poor' condition to suit the aims of the developer.
27. Will road widening be required on Countesswells Road and, if so, will compulsory purchase of garden to the front of properties be necessary?

## **PLANNING POLICY**

### **National Policy and Guidance**

#### Designing Places

Designing Places identifies that the most successful places tend to have certain qualities in common. These include a distinct identity, safe and pleasant spaces, and an arrangement of space which is easy to move around, particularly on foot. Visitors feel a sense of welcome. These qualities are seen as being at the heart of good design, alongside adaptability and a good use of resources. Designing Places sets out the value of good design and the price of poor design.

#### Designing Streets

Designing Streets is Scotland's policy statement for street design, marking a change in emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It sits alongside Designing Places in setting out the Scottish Government's place-making agenda.

### Scottish Planning Policy (SPP)

As regards the location and design of new development, SPP states that new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecologies and the scope for using local materials, with the aim of creating spaces with a distinct character and identity.

## **Aberdeen Local Development Plan**

### I1: Infrastructure Delivery and Developer Contributions

Sets out that development shall be accompanied by infrastructure, services and facilities required to support new or expanded communities. Where development would 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 facilities or facilities as necessary.

### T2: Managing the Transport Impact of Development

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

### D1: Architecture and Placemaking

This policy requires that all new development must be designed with due consideration for its context and make a positive contribution to its setting.

### D2: Design & Amenity

In order to ensure that development provides appropriate levels of amenity for residents, development should be designed with regard to a stated set of principles, relating to matters such as privacy, provision of a public face to the street, access to sitting out areas, and 'designing out' crime.

### D3: Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

### H1: Residential Areas

The site lies within a designated Residential Area (H1), as defined in the Aberdeen Local Development Plan. Within such areas Policy H1 of the ALDP will apply, requiring that residential development will be acceptable in principle provided it satisfies certain specified criteria. It is further stated that non-residential uses will be refused unless (a) they are considered complementary to residential use; or (b) it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

### NE1: Green Space Network

Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

### 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.

### NE9: Access and Informal Recreation

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

### **Supplementary Guidance**

The Council's published supplementary planning guidance on 'Transport & Accessibility' is of relevance, as is the guidance contained within the Pinewood and Hazledene development brief.

### **Other Relevant Material Considerations**

The allocation of the Pinewood and Hazledene sites in the ALDP, the previous grant of Planning Permission in Principle on both of those sites, and the previous approval granted in respect of the majority of Matters Specified in Conditions to those grants of PPIp carry significant weight in the determination of the current application, establishing these sites as locations for new residential development. The principle of housing on this site may not legitimately be revisited through assessment of this proposal.

### **EVALUATION**

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

### **Principle of Development**

The principle of residential development on the Hazledene site has been established through the granting of Planning Permission in Principle, its identification as an opportunity site with residential zoning in the Aberdeen Local Development Plan, and the subsequent approval of matters specified in the majority of those conditions attached to the initial grant of Planning Permission in Principle. This assessment will focus on the specific requirements of condition 23, the provisions of the development plan as it relates to the matters those conditions specify, and any other material planning considerations identified.

Matters relating to developer contributions and affordable housing have been considered at the PPIp stage, and have since been addressed via necessary legal agreements, now been successfully concluded.

### **Zoning**

The Hazledene site is zoned for residential purposes, with policy H1 of the LDP applicable, and is also identified as an 'opportunity site' for residential



development. This zoning, along with the permission previously granted for Planning Permission in Principle, sets the context for consideration of the current proposal. The principle of development will not be revisited in this assessment, which will focus on the manner in which the current proposal addresses the matters specified in condition 23 of the Planning Permission in Principle.

### **Means of access and roads issues**

This proposal involves vehicular access being taken from Hazledene Road for 50 homes. The new access would be formed approximately 170m from the north-eastern corner of the site, and would represent a single point of access for these 50 homes, with no through route provided southwards, other than for emergency vehicle use. Colleagues in the Roads Projects team advise that there are a range of measures available to restrict/discourage access via such routes, and the final arrangement will be borne out through the Roads Construction Consent process. Whilst permeable street layouts are encouraged by Designing Streets, Hazledene Road would not be the preferred route to serve the entire Pinewood and Hazledene development, with Countesswells Road benefitting from greater capacity and being better suited to handle the level of traffic generated by the development, subject to the road improvements identified through the grant of PPIP. It is therefore acknowledged that vehicular through access is likely to be inappropriate on this site, however the proposed upgrading of Hazledene Road can ensure it is capable of accommodating the traffic generated by the 50 homes within Zone A. It is not known what impact the formation of a north-south route through the development would have on the character of Hazledene Road, which currently has a more rural character and limited traffic flow, and its junction with Queens Road. On that basis, it has been accepted that a limited phase of development off Hazledene Road would be acceptable, subject to being otherwise accessible, with the remainder of the wider development being more readily integrated with surrounding roads layouts and principally accessed via Countesswells Road.

### **Improvements to Hazledene Road**

In order to make Hazledene Road acceptable as the principal means of access to Zone A, it would be resurfaced from its junction with Craigiebuckler Avenue and the western edge of the site frontage on Hazledene Road and appropriate provision must be made to ensure pedestrian accessibility. These works would be carried out by the applicant to the satisfaction of the Roads Authority, for which Policy I1 makes provision as a means of mitigating impact arising from a development. At present, an area of ground to the south-east of Hazledene Road, lying outwith the application site itself and to the north of the SUDS basin in Zone A, sits below the level of the existing road. It is understood that the roads improvements necessary to bring Hazledene Road to adoptable standard will necessitate this ground being infilled to the level of the road, with a resultant impact on existing trees within that area. It is also understood that sections of drystone wall along this section of Hazledene Road may be affected by the works to the road, however the extent of any reinforcement works will be determined through the progression of detailed designs for bringing the road up to adoptable standard. The use of an appropriately worded condition will require the applicant to provide final, fully detailed designs of the works to bring the road to adoptable standard, with no works undertaken within Zone A until such scheme has been

submitted to, and approved by, the planning authority. This is necessary to ensure that the exact details of any impact arising from those works can be fully considered. On this basis, it is concluded that, subject to the appropriate improvement works being carried out to bring Hazledene Road up to a suitable standard to serve the development within Zone A, the proposal is consistent with the aims of Policy T2 (Managing the Transport Impact of Development) of the ALDP.

### **General arrangement and pedestrian accessibility**

Provision is made for pedestrian accessibility to and from the site. Whilst there is no vehicular through route from north to south, the treatment of internal streets is otherwise based around 'designing streets' principles, with a series of discrete home zones within Zone A. The primary access route off Hazledene Road runs up to a shared surface area, which branches off to a home zone area on either side. The north-eastern home zone features two footpaths connecting to the northern SUDS area, the adjacent core path, and Hazledene Road. The north-western home zone also includes a footpath linking with Hazledene Road. The main access route into the site continues on beyond this shared surface area before branching off towards two further home zones to the east, and one to the west. Each of these home zones is arranged around a central landscaped point, with an area of shared surfacing defined at its edges by buildings.

### **Core Path route**

A designated Core Path (65) exists within the site, running along the eastern boundary of the Hazledene site before cutting in and running down the eastern edge of the Pinewood site, to connect with Countesswells Road. Core Path number 65 is the Hazlehead and River Dee Path. Access would be maintained along this route, with the new internal footpath network connecting in to the retained Core Path route. The resurfaced Core Path route would connect to new footpaths around the northern and southern drainage detention ponds, and would ultimately be connected to the footway adjacent to the main loop road around the remainder of the Pinewood and Hazledene development. The submitted landscaping proposal indicates that native shelterbelt planting is proposed along the eastern edge of the Core Path route as a means of deterring access into private gardens, creating a buffer zone between private and public spaces. The retention and enhancement of the existing Core Path route is consistent with the aims of policy policy NE9 (Access and Informal Recreation), and the network of path connections throughout the development encourages sustainable travel, in accordance with policy D3 (Sustainable and Active Travel) of the ALDP.

### **Design, layout and arrangement of space**

A sense of arrival would be created at the site access through the use of landscaping and drystone walling, along with tree planting along the 'main avenue' from which each of the home zones are reached. A pedestrian footway would be provided along the Hazledene Road site frontage, providing for connection to the existing paths and Core Paths in the surrounding area and within the development site itself.

All properties within Zone A are detached houses, set within varying but nevertheless generous plots. Each is oriented to have a direct street frontage

onto one of the five distinct home zones, with a private face onto enclosed rear gardens. There are three distinct house types shown on the submitted drawings ('Spruce', 'Cedar' and 'Devonshire'), with further variations in the size and arrangement of garages across the site. No dwellings would have a direct frontage onto Hazledene Road, with frontage oriented towards the more intimate Homezone spaces on the interior of the site. The design and materials used in the construction and finishing of the new housing is intended to draw on those of housing in the surrounding area in order to create a sense of place. The dwellings are generally built across two storeys, with pitched, and in some cases hipped, roofs formed in a dark grey tile to give an appearance similar to that of natural slate. Walls would be finished in a combination of white render and stone cladding, with some properties featuring cast stone porches/porticos. Doors of houses and garages are shown in a timber finish. The use of a consistent palette of materials across the Pinewood and Hazledene sites contributes towards the creation of a distinct identity for the site and a sense of place, whilst the orientation and style of roofs and incorporation of stone facing and dormer windows demonstrates regard for their context of the site and the character of buildings in the surrounding areas without slavishly reproducing 1 ½ storey houses of identical design. The approach to Zone A would be defined by the primary street, which is lined with reconstructed dry stone walling and tree planting. That re-sited drystone walling is present at the entrance to the site and extensively in the enclosure of plot boundaries, highlighting the relationship between the new development and the existing character of the site. In considering these matters, it is concluded that the proposal demonstrates due regard for its context and would make a positive contribution to its setting, in accordance with Policy D1 (Architecture and Placemaking) of the ALDP.

### **Environment created for new residents**

The proposed development demonstrates a desire to create a sense of place, with extensive open space and woodland provided through the central 'wetland park area' and the orientation of home zone areas around central landscaped spaces, enabling many dwellings to benefit from views and vistas towards areas of landscaped open space and trees. A good pedestrian environment is proposed, with appropriate surfacing used to indicate home zone areas and underline pedestrian priority. Links are provided to a wider network of paths within the site and beyond. The individual homes vary in size and style, but each presents a public frontage to a street and a private frontage to an enclosed area of private garden. Distances between dwellings are appropriate for a suburban context and can ensure appropriate privacy for residents. An appropriate density of development is achieved, which is comparable to and consistent with that seen in the surrounding area. It is concluded that the proposal demonstrates due regard for policy D2 (Design and Amenity) of the ALDP.

### **Trees & Landscaping**

The submitted tree survey highlights that the trees within the wider site are relatively few, and are confined to narrow belts and strips along field boundaries. The trees present on site are generally arranged along internal field boundaries, and are understood to be predominantly of planted origin, intended to provide shelter for the former nursery business. Generally those trees present are relatively young, and as such are of relatively small size and stature. The survey

conducted demonstrates that the overall condition of the trees across the Hazledene site is noticeably poor. The tree cover around the site is generally poor and scrappy, with little long term potential. Many trees appear to be in decline and dying, and consequently the tree and hedge cover within the Hazledene site is assessed as being of low retention value. There are two distinct bands of trees currently present within Zone A, both aligned on north-south axes and reflecting former field boundaries. One of these is on the western boundary, to the rear of homes on Burnieboozle Crescent and Monymusk Terrace, and the other is on the interior of the site, to its western side and running almost continuously from the north-western boundary to the southern boundary of Zone A.

In the first of the areas noted above, 7 trees are identified for removal based on their current condition. In the western tree belt, a total of 25 trees are identified for removal. 19 trees within the western belt are classified as being 'category U', meaning they are unsuitable for long-term retention based on their current condition. The remainder of the tree removal is directly attributable to the layout of the new development, specifically at two points where the new road surface would cross the existing tree belt. These trees are within categories B and C, and therefore are of poor-to-moderate quality or value. All other trees within Zone A would be retained and protected by appropriate means during construction, in accordance with a scheme of tree protection submitted in support of this application. An extensive scheme of new landscaping is proposed, which includes provision for planting along the eastern boundary, to replace those trees removed, and for extensive areas of planting, both around new and existing pedestrian routes and along the main access into the site. New tree specimens would generally be planted at a minimum height of 3.5m to ensure, insofar as possible, a degree of maturity in the landscape character of the site from the outset.

Since initial submission, the application has been supplemented by additional information relating to the impact of the resurfacing and improvement works and provision for pedestrian access along Hazledene Road. Arboricultural assessment resulted in 51 trees being surveyed in the area likely to be affected by works relating to road improvement and resurfacing, incorporating young hollies, early mature beech, semi-mature alder and willow. Of those 51 trees, 13 would be removed. 2 of those would be removed due to severe decay and limited life expectancy. The remaining 11 would be removed to accommodate surface infilling, necessary in order to facilitate Hazledene Road being brought up to adoptable standard. The removal of these trees, taking account of their classification (7 category-C, 4 category-B) and low-to-moderate quality and value, the degree of surrounding woodland unaffected by the works, the landscaping proposed adjacent to the site boundary and the benefit secured in enhancement of Hazledene Road, is considered to be acceptable. Appropriate tree protection measures have been proposed, and the implementation of those measures recommended by ACC's Arboricultural Planner can be secured through an appropriately worded condition being attached to any approval granted.

The widening and resurfacing works relating to the existing path on the northern side of Hazledene Road are to be undertaken using a 'no-dig' construction method, in order to minimise the risk of any impact on nearby tree root systems. This is supported as an appropriate means of carrying out such works, and is endorsed by the Council's Arboricultural Planner. Taking account of these matters, it is concluded that tree loss within the site is generally limited to those being removed on grounds of their current condition and those few specimens that require removal to allow the roads layout to be implemented. On this basis, and having had regard for the condition and quality of those trees to be removed, it is concluded that there would be no loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, and therefore there would be no conflict with policy NE5 (Trees and Woodlands) of the ALDP.

### **Green Space Network**

A section of the Hazledene site, running from east to west along its northern boundary, is designated as a part of the Green Space Network. The Green Space Network is a strategic network of woodland and other habitats, active travel and recreation routes, greenspace links, watercourses and waterways. This encourages connectivity between habitats, improving the viability of species and the health of previously isolated habitats and ecosystems. Given the previous cultivation of this land in connection with its former use, its habitat value is likely to be limited. It is noted also that the designation lies on the periphery of the substantive green space network designation covering Hazlehead Park and its surrounds. The proposed development encroaches upon the existing connection, however the frontage of the Hazledene site would retain its current woodland character, with extensive planting around the 'wetland park' area surrounding the SUDS basin at the north-east of the site, further planting to the north-western corner and tree planting around the access point and along its main avenue. Taking these matters into account, it is concluded that the neither the character or function of the Green Space Network would be adversely affected by the proposal, and that it therefore demonstrates accordance with policy NE1 (Green Space Network) of the ALDP.

### **Open space.**

A central area of open space, though outwith Zone A itself, would be provided through the heart of the Hazledene development, running from south-east to north-west and incorporating extensive landscaping, pedestrian linkages and provision for a childrens' play area comprising a minimum of 5 items of play equipment, as stipulated in the original grant of planning permission in principle (PPiP). Zone A is connected to that central open space via two pedestrian/cycle routes and also via the existing Core Path 65 route, which runs down the eastern boundary. It is noted that the open space provided within the central 'wetland park' lies outwith the current application site, but would serve the wider development rather than any individual zone specifically.

### **Relationship with approved Development Brief**

The development brief for the Pinewood and Hazledene sites, first subject to consultation in 2003, was prepared against a substantially different policy context, however many of its design aspirations remain relevant. It is noted that

the brief envisaged the Pinewood site being developed first, however the applicant is free to proceed as they see fit, with no obligation to this effect incorporated into the grants of Planning Permission in Principle for the respective sites. The development brief places considerable importance on the incorporation of significant areas of open space, structure planting and a footpath network. It is further stated that, in order to ensure the most efficient use of land, slightly higher density than that seen in the surrounding area may be appropriate within some parts of the development. It is further stated that designs must ensure that they fit into the landscape. Developers are encouraged to examine opportunities for creating a sense of place with interest and character through imaginative use of: open space and landscaping; colour and texture of building materials; range of house types and storey height; the provision of distinctive features and landmarks at key viewpoints. It is noted that the design demonstrates significant open space across the site in a meaningful and useable form. 'Home Zone' areas are focused around intimate green spaces, with properties commonly oriented to benefit from views towards open space and tree planting. A clear network of footpath links is provided through the wider site, with Core Path routes maintained. Taking these matters into account, it is evident that the proposals demonstrate due regard for the design aspirations expressed in the Pinewood and Hazledene Development Brief.

#### **Matters raised by Community Council**

It is acknowledged that the development of Zone A, with access taken via Hazledene Road, would generate additional traffic. Nevertheless, it is understood that the impact of those 50 houses would not be significant in the context of the wider road network. No concerns have been raised by the Council's Roads Projects Team in relation to the impact of that traffic on the existing road network, including access onto Queens Road.

It is acknowledged that construction works may result in some disturbance to nearby residents, however this is to some extent unavoidable where a significant site is released for development. The applicants have intimated that their intention is to construct the new loop road at the same time as the first phase of housing within Zone H, in order that construction access may be taken from Countesswells Road. The proposed site access arrangements have not been the subject of any objection from the Council's Roads Projects team on road safety grounds.

The poor condition of the road surface on Hazledene Road at present is acknowledged. In order to implement this consent, the applicants would be required to implement improvement works to Hazledene Road, between its junction with Craigiebuckler Avenue and the western end of the site's road frontage, in order to bring it up to adoptable standard. These works would be carried out by the developer, or persons appointed by the developer, to ACC roads specifications.

Whilst there would be an increase in the number of premises using Hazledene Road for access, it would not in relative terms become a busy road due to traffic generated by the development proposed. The level of traffic generated and the character of Hazledene Road are such that there would not be a significant

change in the character of the road, sufficient to warrant dedicated crossing provision. The likely trip rates arising from a development of this scale are not sufficient to warrant provision of dedicated crossing facilities on Hazledene Road.

The original grant of Planning Permission in Principle (PPiP) showed an indicative scheme, intended to demonstrate how, in principle, a development of that scale could be accommodated on that site. The conditions attached to that grant of PPiP, requiring further submissions relating to the detail of a scheme, allow for details of access arrangements to be agreed. This allows the applicant to put forward alternative means of access than those shown in the earlier, indicative proposals.

No concerns have been raised by the Council's Environmental Health officers in relation to noise levels arising from the recycling centre at Grove Nursery. The site is approximately 300m from the closest part of the Grove Nursery recycling centre, with tree cover present in the intervening land. The approved recycling centre, which was subject to noise assessment, is significantly closer to existing residential properties at Queen's Grove. The degree of tree loss to facilitate road improvements on Hazledene Road is relatively low, and would be mitigated to some extent by new planting within the development site itself. Taking these matters into account, there appears to be no material risk of noise disturbance to homes within the development arising from the recycling centre, nor any impact on the operational use of that recycling facility.

#### **Matters raised in representations**

It has been noted earlier in this report, in responding to issues raised by the Community Council, that the development layout approved previously was indicative and for the purposes of establishing the principle of development. The conditions attached to that grant of PPiP allow scope for details of alternative means of access to be considered. As regards public consultation, the original application was made in outline, predating the implementation of requirements for statutory pre-application consultation. As such, there has been no requirement for pre-application consultation to be undertaken on the subsequent applications relating to the various matters specified in conditions attached to that grant of PPiP. The time permitted for representations to be made is set by nationwide regulations, and was extended by the requirement to advertise the application. Normal processes have been followed in this regard.

The existing condition of Hazledene Road is noted, and it is acknowledged that access to the site via this route in its existing state would not be appropriate. As detailed earlier in this report, it is necessary for Hazledene Road to be brought up to adoptable standard if it is to serve the development proposed. Once adopted, Aberdeen City Council would as Roads Authority be responsible for its ongoing maintenance. The Council's Roads Projects Team raise no concerns over the ability of the network to cope with the additional traffic generated by the proposed development. It is noted that the new Grove Nursery recycling facility would be accessed via Hazlehead Avenue, rather than Hazledene Road. Traffic from these two developments would utilise the roundabout junction at Queens Road/Hazlehead Avenue, however no concern has been raised over this increased usage by the Roads Projects Team. Similarly, no concerns have been

raised over the potential for rat-running in streets giving access from Hazledene Road to Queens Road/Springfield Road/Countesswells Road. The support stated for the use of Hazledene Road is noted.

Trip generation arising from the proposed development is not understood to be of a level likely to give rise to noise disturbance, nor to fundamentally alter the character of the road. It is noted that pedestrians, including children travelling to the nearby schools, commonly use the crossing point at Craigiebuckler Avenue, however the level of traffic generated by the Zone A development is not understood to warrant any requirement for new crossing facilities at that point.

Following discussions with the Roads Projects Team, the applicants have provided additional information to demonstrate that the site can be adequately accessed by refuse vehicles. This has been assessed and accepted by the Roads Projects team.

The roads improvements proposed to Hazlehead Road would be carried out by the applicant, to an 'adoptable standard', and would be regulated by Aberdeen City Council's roads officers. The ownership of the road and adjacent land affected by the improvement works would not change, and no ransom strip would be created.

It is understood that discussions relating to the works necessary to bring Hazledene Road up to adoptable standard have taken place between the applicants and the Council's Roads Projects team. These have taken place on the basis that existing boundary walls will be retained. A degree of strengthening and upgrading is understood to be necessary in certain sections, due to works to level ground beyond those walls, but adapted walls will remain in present in order to maintain the character of the area. Full details of the road improvement works will be progressed with the Roads Projects team, with submission of final details to be required via condition. General principles have been established, and it is understood that the impact arising from those works will extend principally to that required to level land beyond a section of wall, as detailed in the tree impact section of this report.

The application site is allocated in the Aberdeen LDP as a site for residential development. Any green belt designation conferred by previous local plans has since been superseded, and is no longer relevant to assessment of development proposals. As consideration of such proposals is fundamentally based on their zoning in the Development Plan, the approval of residential development on this site would not serve to set any precedent for the development of sites not otherwise zoned for residential development in the Development Plan.

It is noted that properties to the east of the application site are predominantly 1-1½ storeys, however it is not a requirement that development should match in detail the style and proportions of housing in the surrounding area. The design section of this report considers in more detail the design merits of the proposal.

No concerns have been raised over the flooding of Hazledene Road by either the Roads Projects team or the Council's Flood Prevention Team, and it is



anticipated that improvement works and adoption by Aberdeen City Council would likely lead to an improvement in the management of surface water on Hazledene Road. Drainage of the site itself has previously been addressed through the progression of a scheme of Sustainable Urban Drainage, submitted as part of a previous approval of matters specified in conditions. Minor changes to that scheme, necessary to reflect the revised development, do not warrant consideration of a further application.

The retention of Core Path routes is supported by Policy NE9 (Access and Informal Recreation) of the ALDP. It is acknowledged that this existing route runs to the rear of housing, and will be to some extent enclosed by housing within the new development. The Core Path route would be resurfaced and landscaped, but would remain unlit. The woodland character of the route would be maintained, and whilst there is a degree of enclosure, it is not entirely reasonable to apply the same standards to core paths in a woodland setting as one might to newly formed pedestrian routes within residential developments.

Initial discussions with the applicant and the Council's Roads Engineers indicate that no road improvement works would affect the protected trees adjacent to Woodburn Crescent.

The recreational value of the site at present is noted, however this site is identified for residential development in the Local Development Plan, and does not form part of Hazlehead Park itself, which is an immediately available recreational green space. The proposed development would maintain and enhance links with Hazlehead Park, both from the new development and from the communities beyond, which rely upon appropriate pedestrian routes to the park.

Developer contributions were assessed as part of the assessment of the initial application for Planning Permission in Principle, and it is not legitimate for these to be revisited in the assessment of this proposal, which extends only so far as the terms of condition 23.

As above, public transport provision was addressed at the PPiP stage, and it is understood that existing bus routes will be extended from Countesswells Avenue to serve the new development, looping around the main distributor road (to the south of Zone A and outwith the application site) before connecting with Countesswells Road.

The Arboricultural assessment was undertaken by a qualified independent professional, and has been scrutinised by planning authority's own arboriculturalist. There is no reason to doubt the credibility of its findings. The removal of trees within the application site, adjacent to its boundaries, is in many cases related to the existing health of the trees and their proximity to one another curtailing growth and compromising lifespan. Such removals are mitigated through new landscaping, which incorporates trees of sufficient maturity to offer a degree of screening, at approximately 4m in height at time of planting.

No road widening works on Countesswells Road are proposed as part of this application, however it is understood that widening works were identified as part

of the initial grant of planning permission and the necessary roads infrastructure improvements. Those works are not relevant to the assessment of this proposal.

### **Summary**

This proposal demonstrates an appropriate residential layout which, incorporates elements of the 'Designing Streets' methodology, wherein pedestrian access is given priority over vehicular access. Shared surface Homezone areas centred around landscaped spaces create a series of intimate spaces, while the retention and re-use of existing dry-stone walling and extensive wooded open space provision contributes to a sense of place. The development incorporates a mix of house types, which utilise a consistent palette of materials. Provision is made for a network of pedestrian routes, which connect with landscaped open space, adjacent Core Path routes, and other pedestrian linkages across the wider development. An existing Green Space Network designation is encroached upon, however alternative provision is made in a manner which enhances its connection to existing recreational routes and its recreational value as usable open space central to the new residential development. The new wetland park open space provides a central focal point for the development and a meaningful recreational asset, whilst also making a significant contribution to the landscape character of the site and the sense of place created within the new development. The siting of new buildings maintains privacy for neighbouring and ensures appropriate privacy for new residents. New homes would incorporate street frontages and enclosed private gardens, whilst benefiting from the woodland character of the site and its surroundings. Appropriate measures are proposed for the protection of existing trees, whilst new tree planting will contribute to the woodland character of the development. Access improvements along Hazledene Road will ensure that the development is accessible by cars, cycles and pedestrians. The removal of 11 existing trees to facilitate the necessary access improvements is considered to be acceptable, when considered in context to the extensive tree cover in the surrounding area, and it is concluded that the woodland setting of the site and its environs would not be significantly harmed through those tree works. The proposal demonstrates compliance with the aims of the relevant Pinewood and Hazledene Planning Brief, adopted as supplementary guidance, in respect of its aims for a development which retains a semi-woodland character and retains important characteristics of the site. With extensive retention of trees and drystone wall enclosures, generous provision of useable open space which, though not provided in the envisaged buffers around the site boundaries, is at the heart of the development and arguably better able to serve all parts of the new development with a useable open space which contributes to creating a sense of place.

Taking these matters into account, it is concluded that the proposal demonstrates appropriate details in relation to the means of access, design and external appearance of buildings, and landscaping of the site. The proposal accords with policies D1 (Architecture and Placemaking), D2 (Design & Amenity), D3 (Sustainable and Active Travel), H1 (Residential Areas), NE1 (Green Space Network) and NE9 (Access and Informal Recreation) of the Aberdeen Local Development Plan (ALDP).

## **RECOMMENDATION**

### **Approve subject to conditions**

#### **REASONS FOR RECOMMENDATION**

The proposal submitted demonstrates an appropriate form of residential development on a site allocated for residential purposes, incorporating a variety of house types, utilising a consistent range of materials and appropriate use of boundary treatments in order to create a sense of character and place. Street layouts are arranged around intimate 'Homezone' spaces, incorporating shared surfaces to promote pedestrian priority within secondary streets. Appropriate pedestrian linkages are provided across the site, linking into the wider development and the surrounding Core Paths network. North-south pedestrian access is maintained, with direct routes provided through the development to ensure good access to Hazlehead Park and the surrounding green spaces. Ample provision is made for the landscaping of the site, both through the provision of a central new open space, to the south of Zone A, and in the management and enhancement/replacement where necessary around site boundaries. Tree removal within the site is minimal, and is generally limited to those in poor condition and a small number necessary to form internal roads layouts, and the existing Green Space Network will not be fundamentally compromised. Outwith the residential development itself, road improvement works and path enhancements along Hazledene Road can ensure an appropriate form of access to the development site, with no significant adverse impact on the existing road network. The level of arboricultural impact arising from those works appears to be tolerable in this context, based on the indicative drawings provided, however final detailed designs of those improvement works are necessary to definitively quantify that impact. Taking these matters into account, it is concluded that the proposal demonstrates appropriate details in relation to the means of access, design and external appearance of buildings, and landscaping of the site. The proposal demonstrates due accordance with policies I1 (Infrastructure and Developer Contributions), T2 (Managing the Transport Impact of Development), D1 (Architecture and Placemaking), D2 (Design & Amenity), D3 (Sustainable and Active Travel), H1 (Residential Areas), NE1 (Green Space Network), NE5 (Trees and Woodlands) and NE9 (Access and Informal Recreation) of the Aberdeen Local Development Plan (ALDP), alongside the relevant content of the 'Transport and Accessibility' and 'Pinewood and Hazledene Development Brief' supplementary guidance documents. Whilst vehicular through access is not provided for, it is considered that specifics of the site may render such access inappropriate. In other respects, the residential environment created is considered to accord with the aims of 'Designing Streets', particularly with regard to shared surfaces and pedestrian priority. The distinct identity created in the new development and the provision for pedestrian linkages is consistent with the aims of 'Designing Places'. The proposal contributes towards achieving the housing targets set in the Aberdeen Local Development Plan (ALDP), and is consistent with the designation of the site in the ALDP for residential development.

## **CONDITIONS**

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

(1) No development within Zone A shall take place unless there has been submitted to, and approved in writing by, the planning authority a scheme for the supervision of the arboricultural protection measures and works to include the time and method of site supervision, record keeping including updates and that this supervision is administered by a qualified arboriculturalist approved by the planning authority but instructed by the applicant.

The proposals and scheme of supervision shall subsequently be carried out in complete accordance any information thereby approved in writing by the planning authority - in order to ensure adequate protection for the trees on site during the construction of the development and in order to preserve the character and visual amenity of the area.

(2) that no development shall be undertaken within Zone A until a finalised scheme of works necessary to bring Hazledene Road up to adoptable standard has been submitted to, and approved in writing by, the planning authority. Any such scheme shall include such revised arboricultural assessment as the planning authority may deem necessary based on the degree of change from the indicative plans provided in support of this application - in order that any changes made to the proposed improvement works through discussion with the Roads authority are reflected in the planning authority's assessment of arboricultural impact.

(3) that no building within Zone A shall be occupied until works for the upgrading of Hazledene Road have been implemented in full, in accordance with a scheme approved in connection with condition (2), above - in order that the road improvement works necessary to provide appropriate access to the site have been carried out in advance of occupation.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

# CRAIGIEBUCKLER AND SEAFIELD COMMUNITY COUNCIL

Head of Planning and Sustainable Development  
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12 August 2013

Dear Sir/Madam

Application Number **P130994**

Applicant: Dandara

**Local Authority Reference:** 000066884-001

**Proposal Description:** Zone A Hazledene Residential development of 50 dwellings with associated roads and landscaping addressing condition 23 PA reference A8/0530 access/siting/design and external appearance and landscaping

**Application type:** Approval of Conditions for Planning Permission in Principle

**Address:** Zone A (site between) Countesswells Road/Hazledene Road  
Hazledene  
Aberdeen

According to the Applicant's 'Zone A Design Statement', "Vehicle access is taken off Hazledene Road and via the primary streets to connect with the side streets" (2.3.3, Accessibility, paragraph 1 refers). The Zone A site plan shows that a section of Hazledene Road is to be upgraded by widening sections to the East and West of the proposed access road.. The plan's legend refers to "land required to provide upgrade to section of road".

We note that the land for the proposed upgrade, delineated in red on the plan, is on the North side of Hazledene Road and extends easterly to a location opposite Woodburn Crescent. According to this proposed plan, most of the mature trees on the north side of the road will have to be removed to facilitate the upgrade.

We contend that those trees are an effective barrier to noise from the recycling centre, which is located in the Grove Nursery. Therefore it is our submission that their removal would increase the range of the sound from the recycling centre so that it would be heard in Woodburn Crescent and the North end of Craigiebuckler Avenue, thus creating an environmental issue. Furthermore, the felling of mature trees, particularly in the area opposite the Zone A access road's junction with Hazledene Road could expose the dwellings on the proposed development to noise from the recycling centre thus creating another environmental issue. If they are allowed to remain, they will form an effective barrier, protecting the new development from any noises emitting from the recycling centre by virtue of their mass, height and width. Consequently, we contend that any decision pertaining to planning consent for Zone A of the Pinewood/Hazledene site should include a report by SEPA to determine the increased noise impact from the recycling centre, upon the dwellings that the applicant proposes to build, as a result of felling the aforementioned mature trees.

We also submit that the environmental issue of noise impact on both the established community and the proposed housing site, as a result of tree felling to facilitate the upgrade Hazledene Road, should be assessed by SEPA to determine the likely restrictions it will cause on the operational use of the recycling centre.

In our opinion, the loss of the protective barrier of mature trees to the north of Hazledene Road to facilitate the construction of an access road from Zone A is detrimental to the operational needs of the recycling centre in the Grove Nursery because it will cause that amenity to have an unintended noise impact upon Woodburn Crescent, the North end of Craigiebuckler Avenue and the Applicant's proposed community, currently being marketed as "Hazlewood".

Yours sincerely  
William Sell  
Chairperson

## CRAIGIEBUCKLER AND SEAFIELD COMMUNITY COUNCIL

Head of Planning and Sustainable Development  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen

10 Craigiebuckler Drive  
Aberdeen AB15 8ND

12 August 2013

Dear Sir/Madam

Application Number P130994

Applicant: Dandara

**Local Authority Reference:** 000066884-001

**Proposal Description:** Zone A Hazeldene Residential development of 50 dwellings with associated roads and landscaping addressing condition 23 PA reference A8/0530 access/siting/design and external appearance and landscaping

**Application type:** Approval of Conditions for Planning Permission in Principle

**Address:** Zone A (site between) Countesswells Road/Hazledene Road  
Hazeldene  
Aberdeen

We oppose the construction of 50 dwellings on this site because it will cause additional vehicular traffic to access Queens Road at its junction with Hazledene Road. At present, turning right is not permitted to traffic accessing Queens Road from Hazledene Road. Therefore this additional traffic will have to turn left at that junction, then turn right at Hazlehead Roundabout and take the 4<sup>th</sup> exit to have complete access to Queens Road. In our opinion this will add to the traffic congestion at Hazlehead Roundabout, which was designed to cope with the traffic volumes of the 1960s and 70s and is therefore wholly unsuitable for the extra traffic movements that will be generated by this development.

We see no indication in the above referenced planning application to inform us that the Developer is prepared to contribute to any alterations to the above mentioned aspects of the roads infrastructure, which may be required to increase its capacity to cope with the demands placed on it by the extra traffic movements described in the above paragraph.

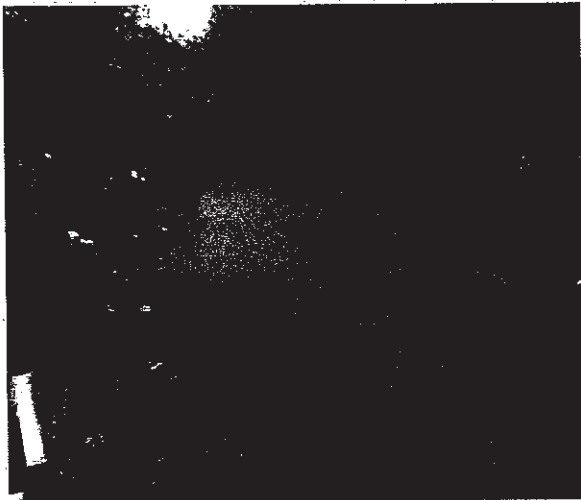
The Queens Road/Springfield Road junction is already over its capacity during peak times with long queues of traffic waiting to negotiate it from all directions:- South East from Queens Road (two lanes to enable traffic to turn right on to Springfield Road); North West on Queens Road to access Hazlehead Roundabout and from Springfield Road to access Queens Road.

Traffic travelling South East between Hazlehead Roundabout and the Queens Road/Springfield Road junction is also permitted to turn right into Hazledene Road. Drivers waiting to complete this manoeuvre tend to prevent the vehicles behind them from progressing towards the right hand turn on to Springfield Road.

We submit that this situation will worsen if the developer is permitted to build 50 dwellings with an access to Hazledene Road because there will be considerably more drivers waiting to turn right from Queens Road in order to complete their journey to their homes.

Hazledene Avenue is a residential street. We contend that the noise and disruption associated with construction traffic would cause disturbance and adversely affect the quality of life of its residents.

On page 11 of the "Design Statement" for Zone A the applicant informs us that "Vehicle access into Zone A is taken off Hazledene Road". We note from the drawing that this access occurs at a point which is almost halfway between two sharp bends in the road. It is our contention that the proximity of the proposed access road to the bends will create a safety hazard to vehicles accessing Hazledene Road as well as traffic travelling on it. We therefore object to the proposal to construct an access from Zone A on to Hazledene Road and have provided the photographs below, which were taken at the proposed point of access, to illustrate the reasons for this objection.



Looking West from the access road.



Looking East from the access road.

The poor condition of the road surface is also apparent in the above photographs and we see no indication in the the planning application for Zone A to inform us that the Developer is willing to pay for the necessary improvements to this road. Otherwise the Council Tax Payers of Aberdeen will have to meet the cost of upgrading the road - a situation which we strongly object to.

We further object to the proposed access from Zone A to Hazledene Road because we believe the increased traffic and the resultant increase in the numbers of speeding cars will pose an additional risk to school children who cross Hazledene Road whilst going to and from Hazlehead Primary School and Hazlehead Academy.

Hazledene Road also becomes very congested when there is a special event at the Park. This congestion will occur daily if the proposed development goes ahead with an access to Hazledene Road. The right turn restriction at the junction of Hazledene Road and Queens Road will cause traffic exiting the development to have to turn down Woodburn Place and out on to Queens Road via Woodburn Avenue.



Our understanding (widely shared locally) of the history of the whole development was that no access was proposed from Hazledene Road. Why has there been this ostensible volte-face and is there anything in the previous planning permission A8/0530 which might justify this understanding?

It was always maintained that there would be no entrance to the site from Hazledene Road. All roads were to be taken from Countesswells Road. In fact, Hazledene Road was emphatically excluded from the Plan by the Aberdeen City Council Planning Officer during the initial departure hearing, after which it recommended that outline planning permission be granted.

The section of Hazledene Road from Craigiebuckler Avenue towards the Den Wood has historically been subject to minimum maintenance. A burn lies in a culvert under the sketched road extension area and indeed it forms part of Hazlehead Park. To make any improvements viable, the road would have to be widened and this would mean encroaching on land that forms part of the Park.

Presumably part of this land, which lies on the green belt and which is in public ownership, would be required to be purchased by the Developer. If there is an intention by Aberdeen City Council to make a gift of the land to the Developer in order to expedite the completion of the proposed access road (thus furthering the Applicant's commercial interests), then we object to the realisation of any such hypothesis.

We also draw your attention to the fact that there is a Tree Preservation Order on the grass verge fronting Nos 40 – 30 Woodburn Crescent. Therefore utilising that for a road widening purpose would be out of the question. The Council has regularly replaced trees on that verge after felling has taken place on grounds of disease and health and safety.

The drystone dyke on this side of the road also forms the historical boundary of the old Burnieboozle Estate. Therefore we will legally combat any attempt to remove it.

We further submit that 50 dwellings on this site, when added the Applicant's other planned developments at Pinewood/Hazledene, will impose additional burdens on the health and educational provisions in this area. We contend that there seems to be no indication from the Applicant pertaining to an intention to contribute towards the additional costs that are likely to be incurred by the education and health services as a result of the localised increase in population engendered by the urbanisation of the site.

The fields of Pinewood and Hazledene feature a number of natural springs. Consequently the land is often waterlogged and reverts to its natural state. Even when it was under cultivation in the 1960s, when the drainage ditches and channels, referred to in the Applicant's field drainage works drawing, were less likely to have been in a state of neglect, flooding occurred on the site. In recent years, the whole area has reverted its natural boggy state whereby areas of it are under water in Winter due to the increased height of the water table and the absence of effective sub-soil drainage systems

We find that the Applicant's intention to create a varying coverage of hard surfaces is difficult to reconcile with the agricultural system of subsoil, herringbone field drains which the Applicant states, on 'Drawing Nr: ABR\_HAZ\_902', "will be cleaned and reshaped to avoid obstruction and maintain flow". In our view, the excavations needed to build houses and create a network of roads and paths, combined with the overlay of hard surfaces will disrupt the natural springs and constrain the water table so that it is forced to the surface in the curtilages of properties within the site or in the green spaces shown in the drawing. We are not convinced that cleaning field drains, which bear

little relationship to the surface coverage of an urban environment, will significantly contribute to solving the ongoing problem of flood prevention in the area referred to as Zone A. Field drains were meant to prevent the flooding of agricultural land, not an urban landscape.

We question robustness of the Applicant's flood prevention strategy. For example, the Applicant seems to have provided no estimate of the capacity of the North and South Detention Basins. Furthermore, the ability of the 'wetland park' to cope with a rapidly rising water table seems to be speculative.

Although the Applicant has stated that the attenuation ponds will have a fences round their boundaries, we are concerned that those bodies of water will be safety hazards for children at play. We are mindful that this is to be a new residential development, which is likely to be the home to a number of young families and therefore feel compelled to doubt that the creation of attenuation ponds is a safe solution to the problem of flooding on this site.

Finally, the upgrading of the core path which runs to the East of the site could possibly attract unwanted motorbike racers, which would result in adverse changes to the amenities in the area, raising issues of health and safety. It would also be contrary to the current trend of designing out crime when planning 21<sup>st</sup> century housing developments.

Yours sincerely  
William Sell  
Chairperson

(4)

# MEMO



ABERDEEN  
CITY COUNCIL

To	Gavin Evans Planning & Infrastructure	Date	07/11/2013
		Your Ref.	P130994 (ZLF)
		Our Ref.	TR/RB/1/51/2
From	Roads Projects		
Email	<a href="mailto:RBaillie@aberdeencity.gov.uk">RBaillie@aberdeencity.gov.uk</a>		
Dial	01224 522161		
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. P130994**  
**Zone A (site between), Countesswells Road/Hazledene R, Hazledene**  
**Zone A Hazledene Residential development of 50 dwellings with associated roads and landscaping addressing condition 23 PA reference A8/0530 access/siting/design and external appearance and landscaping**

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

## 1 Development Proposal

- 1.1 I note that the application is for Zone A Hazledene Residential development of 50 dwellings with associated roads and landscaping addressing condition 23 PA reference A8/0530 access/siting/design and external appearance and landscaping.

## 2 Condition 23

- 2.1 I note that I previously requested swept path analysis be submitted showing a refuse vehicle operating in the proposed development. I also requested a secondary access point for emergency vehicles. After discussion the layouts have now been agreed as per drawing No. ABR\_HAZ\_910 Rev A and this condition has now been purified.

**Richard Baillie**  
Engineer

Gordon McIntosh  
Corporate Director

# MEMO



ABERDEEN  
CITY COUNCIL

To	Gavin Evans Planning & Infrastructure	Date	05/08/2013
		Your Ref.	P130994 (ZLF)
		Our Ref.	TR/RB/1/51/2
From	Roads Projects		
Email	<a href="mailto:rbailie@aberdeencity.gov.uk">rbailie@aberdeencity.gov.uk</a>		
Dial	01224 522161		
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. P130994  
Zone A (site between), Countesswells Road/Hazledene R, Hazledene  
Zone A Hazledene Residential development of 50 dwellings with associated  
roads and landscaping addressing condition 23 PA reference A8/0530  
access/siting/design and external appearance and landscaping**

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

## 1 Development Proposal

1.1 I note that the application is for Zone A Hazledene Residential development of 50 dwellings with associated roads and landscaping addressing condition 23 PA reference A8/0530 access/siting/design and external appearance and landscaping.

## 2 Condition 23

- 2.1 A swept path analysis is to be submitted showing a refuse vehicle accessing all parts of the site.
- 2.2 A secondary access point to the development or link road between Zone A and Zone H is to be provided for emergency service vehicles should the main access become inaccessible.

## 3 Conclusion

3.1 Once the above requested data is submitted and approved this condition will be purified.

**Richard Bailie**  
Engineer

Gordon McIntosh  
Corporate Director

**Robert Vickers**

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 13 August 2013 23:47  
**To:** PI  
**Subject:** Planning Comment for 130994

Comment for Planning Application 130994

Name : John M G Boylan  
Address : 89 burnieboozle crescent  
Aberdeen  
Ab158ns

[REDACTED]

type :

Comment : I wish to register a formal objection against aspects of Zone A, Application Number 130994 dated 12 July, 2013, of the Hazledene Residential Development of 50 dwellings.

It appears from the plans that the developer intends to retain the existing core path, with an intention to widen and resurface it to allow access for pedestrians and cyclist around the perimeter of Zone A. It appears that it is also the intention to encourage use of the public seating open space/play area, which will be sited adjacent to the rear gardens of residents in Burnieboozle Crescent, accessed from this walkway.

The core path is currently used occasionally by dog-walkers and children from the area travelling to and from Hazlehead Academy. The current usage of the path is extremely light.

The developers intend to change the use of the current core path to a general walkway and this will have an adverse effect on the safe and secure environment, including the privacy aspect, that I currently enjoy.

Furthermore, from the plans it would appear that the enhanced walkway is extremely close to the rear gardens of existing houses. I would like assurances that a suitable buffer zone be installed between the drystone wall and the walkway along with a further buffer zone between the walkway and the fencing/hedging at the rear of the new houses.

I would also be looking for assurances that hedging or some form of suitable landscaping be planted by the drystone wall at the rear of the existing properties to protect these properties in the future.

Dandara is ensuring the security and privacy of residents in the new development. To ensure that there will be no detrimental effect to the existing amenities they should be offering existing residents who will be affected by this development, the same guarantees.

I am concerned about the way Dandara are applying for planning without consulting with the local residents. According to the new planning procedures you only need to consult if you need planning for more than 50 dwellings, I note that Dandara has applied for 50 or less for each application instead of one application for the complete site. I am aware the local Community Council has had difficulty in getting a meeting to speak about the detail of their planning.

Am I right in thinking the planing department are using the updated planning procedures?.

Regards

John M G Boylan

15, Monymusk Terrace,  
Aberdeen

AB15 8NX

13/8/2013

Development Manager,  
Enterprise Planning & Infrastructure,  
Aberdeen City Council  
Marischal College  
Broad St.,  
Aberdeen AB10 1AB

Dear Sir,

Planning Application Ref. no.: 130994

ZONE A - Access to Hazledene Rd.

I write to object to the proposed access to Hazledene Rd. from the planned new residential estate to be built on land previously considered "green belt" between Hazledene Rd. & Countesswells Rd. I understand that access via Hazledene Road is a new idea, previously having been planned at the Countesswells Rd end, which has roads more suited to an increased volume of traffic.

As a resident of the Craigiebuckler Estate, whose way of life is already under threat because of the new recycling centre, I feel that the proposal to use Hazledene Rd as an access road to a major residential development is the final straw in destroying the tranquillity & safety of this area - the reasons for which the existing residents bought their houses in this area. At the moment, the stretch of Hazledene Rd. beyond its junction with Craigiebuckler Avenue is a narrow, twisting little road, relatively unused, in keeping with the character of the area & the existing leisure pursuits of the residents. Its narrowness & twists ensure that traffic using it do so at a safe speed. In its present form, it is totally unsuited to an increased volume of traffic. I assume it will be straightened and widened, with various

implications:

(a) Loss of amenity, I understand one proposal is to cut through the "triangular pitch" currently used by children, including mine, for playing football. The official pitches are of course used for official games, but the triangular pitch is used by local children for fun games - surely a legitimate use of the area which should be encouraged, not axed. Other people who use this area for leisure pursuits of walking, dog-walking & horse-riding & cycling do so precisely because of the quietness of the area & the lack of traffic on the road. A busy, fast-moving road is incompatible with these surely desirable leisure pursuits & would destroy the character of the area & represent a significant loss of amenity.

(b) The road is currently lined by beautiful trees, some of which I understand have preservation orders. The whole beauty & character of the area would be destroyed by their loss.

(c) Road safety: Apart from the residents using this road for the previously outlined pursuits, this road is crossed by pupils from Craigiebuckler & beyond who attend Hazlehead Primary & Hazlehead Academy, on their way to & from school. The increase in traffic & the speed of that traffic would have significant safety implications for them.

(d) Traffic implications: At busy times, there is already a problem getting out of Hazledene Rd onto Queen's Rd. This would obviously be exacerbated by an increase in traffic, especially if the road becomes used as a through road from the Cults area & as an access road to the recycling centre.

I plead with you to take these considerations into account when considering the application.

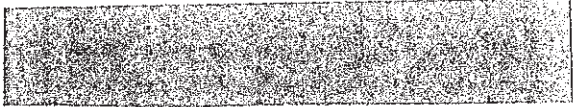
Yours faithfully,

P&SD Letters of Representation		
Application Number: 130994		
RECEIVED 14 AUG 2013		
Nor	Sou	MAp
Case Officer Initials: GEE		
Date Acknowledged: 14-8-13		

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 29 July 2013 21:37  
**To:** PI  
**Subject:** Planning Comment for 130994

Comment for Planning Application 130994

Name : Andrew McCarry  
Address : 21 Woodburn Crescent



type :  
Comment : With only one exceptions I welcome this development as proposed.  
First exception is the road changes on the Hazlehead park boundary to the north of the development. The drawing A\_APL\_05 submitted is unclear (looks like the drawings layers are misaligned) and I have assumed that the proposal requires the widening of the road at the expense of the mature trees in the park area. These trees are an important habitat, wildlife corridor, source of carbon sequestration, and are important to the feel of this area of the park. I strongly believe there are easy alternatives. Moving the dyke into the park by the width of the path can allow the trees to be retained (except two or three at the corner). Cutting into the first corner (closer to the existing houses) on the south side, so the corner will start a little earlier should provide the same result with minimal tree loss. The road widening by the new entrance (cutting in to the wood store) should surely should be done on the south side of the road (reducing one or two gardens size) to ensure the mature trees are maintained. It should also be noted that if this is the case these trees are not identified in drawing A\_ALP\_20, but are they included in any document in this submission (I could not find it), this is misleading to have this area shown but the trees not identified.  
A second point I'd like to make is, the tree report does identify the Biodiversity reducing aggressive colonising, non-native invasive Rhododendron Ponticum, and Cherry Loral in the adjacent wood however the recommendations for the work in these trees does not cover the removal of these species, when any benefits are outweighed by the negative aspects (ref DEFRA). This work would be an ideal way to express the corporate social responsibility, and help comply with the UKs international responsibilities to biodiversity.  
Please contact me for more information with regards both of these points, I am very happy to help find a solution where the environmental impacts are minimised.  
regards,  
Andrew McCarry



Sheila Campbell

34 Woodburn Crescent  
Aberdeen, Aberdeenshire AB15 8JX  
26 July 2013

Development Management Enterprise, Planning and Infrastructure  
Aberdeen City Council,  
Marischal College  
Aberdeen AB10 1AB

Dear Sirs,

Planning Application No. 130994 by Dandara relating to Hazledene Residential Development Zone A

I wish to object to the granting of Planning Permission in respect of the above on the following grounds :-

Access from Hazledene Road

1. Previous planning applications approved for this site have obtained ALL access from Countesswells Road alone, a material factor
2. Many sections of the road are far too narrow for any but small vehicles to pass each other and totally unsuitable for the amount of traffic that the number of houses proposed would generate.
3. The road has acute bends, the proposed access being between two of the worst.
4. Increased traffic emerging Hazledene Road into Queens Road will make even more traffic chaos at the Hazlehead roundabout where vehicles from the Household Waste Recycling Centre will be adding already to the volume of traffic.
5. There are confusing inconsistencies in the Design Statement:-  
On page 4 the access off Hazledene Road shown coloured yellow is labelled "secondary street"  
On page 5 it is stated to be "proposed access" (comment -the only one)  
On page 8 it is referred to as the "service route"
6. An increase in traffic will mean more danger for children crossing Hazledene Road on their way to the Primary School particularly for the large number at the junction with Craigeibuckler Avenue

Drainage

There have been problems for many years throughout Hazlehead with flooding, one of the areas most frequently affected being the section of Hazledene Road adjacent to the proposed Development, in spite of attempts to remedy this. The situation is not helped by springs in the land opposite. An increase in the residential area occupied can only exacerbate the situation.

Replacement/Rebuilding of drystone dykes

Provision is made for this but provision needs to be made to ensure that these dykes are to be constructed by the traditional method of the originals which are so important a part of the historic landscape of the area. Most replacements/rebuilds now are constructed non traditionally making use of cement.

Yours faithfully,



116 Craigiebuckler Avenue  
Aberdeen  
AB15 8PA

23rd July 2013

Dear sir.

Planning Applications 130994

I am writing to express my concerns about the above proposed development and the intended access to Hazledene Road. All previously passed plans for the development at Pinewood and Hazledene had access on to Countesswells Road.

Hazledene Road is an inappropriate access road as there is already congestion at peak times accessing Queen's Road, both to leave Hazledene Road and return. The road has speed bumps and is the main walking route for children going to both Hazlehead Primary and Secondary. There is no access to Countesswells Road through the wooded policies and thus all traffic will funnel into Hazledene Road and Queen's Road. The extensive commercial development at both Kingswells and Westhill will result in even heavier traffic on Queen's Road. Road safety for both pedestrians and vehicles will without doubt be adversely affected.

Hazledene Road, at the area for which planning permission is sought, is a narrow road, totally unsuitable for an increase in traffic. The proposed widening of that road will result in a loss of amenity and a change to the currently attractive access to the football pitches and the park for residents of Craigiebuckler. Our concerns centre on the safety of children going to school and the impact on traffic at an already busy junction at Queen's Road.

We hope that the comments you receive from local residents will be given serious consideration.

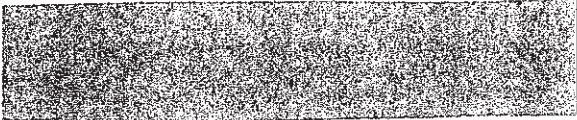
Yours faithfully

A large black rectangular redaction box covering the signature and name of the sender.

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 30 July 2013 14:07  
**To:** PI  
**Subject:** Planning Comment for 130994

Comment for Planning Application 130994

Name : Donald Morrison  
Address : 54 Burnieboozle Cr  
Aberdeen  
AB15 8NQ



type :

Comment : I object to this planning application for the following reasons:-

1. Increased traffic and congestion in and around the Craigiebuckler & Hazeldene areas contribution to even more damage to the already damaged road surfaces resulting in these main thoroughfare's not being able to cope.
2. Given that there is no right turn allowed onto Queens Rd from Hazeldene Rd all right turning traffic will utilise Craigiebuckler Ave or use connecting rds to Springfield Rd resulting in multiple 'rat runs' being created.
3. As a result of the above comments exposes school children to danger when crossing either Hazeldene Rd & Craigiebuckler Dr en route to Hazelhead Primary and Secondary schools
4. The cumulative impact of this development on the existing schools & transport infrastructure has not been assessed
5. This field is known to flood no a new development will have an effect on the floodplain on adjoining developments not to mention the cumulative impact 350 units might have on Craigiebuckler & Pinewood.
6. No additional public transport provision proposed to minimise car usage
7. Existing neighbourhood green space has been removed.
8. Foulwater drainage will not be able to cope with the increased cumulative demand especially during periods of heavy rainfall. Manholes can already be overwhelmed during periods of heavy rainfain.

Beechgate  
38 Hazledene Road  
Aberdeen  
AB15 8LD

1<sup>st</sup> August 2013

Development Management  
Enterprise, Planning & Infrastructure  
Aberdeen City Council  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Dear Sirs

Planning Application Ref: 130994 – “Zone A” – Hazledene Road

We are writing to you formally to intimate our objections, in the strongest possible terms, to the above application both as to its contents, with the implications to the surrounding area, and the manner in which the application itself has apparently come about.

Our principal point of great concern is the question of access.

It was our express understanding, based on information and assurances from the Planners, that, at no time, was there to be any suggestion of an access route to or from this site on to Hazledene Road. From the plan now available, this is patently completely untrue. We find it hard to believe that this has only now appeared as an option, and indeed, must have been discussed as more than just a passing issue from an early stage in the application process, making the information and assurances which the residents received highly questionable. Even if Dandara had not raised the matter (which we doubt very much), the Council should, as a simple matter of professional competence on the part of the Planners, foresee this. Why were we not alerted to this possibility at the outset? The fact that this did not happen suggests to us that the application process is inherently flawed.

Given the nature of the development proposed – the size of the properties alone dictates that there is likely to be at least two – probably more – cars per household, and that combined with the self evident additional traffic such a development always generates, there will inevitably be a very substantial increase in the volume of traffic using Hazledene Road. It will no doubt also significantly encourage it to be used as a local by-pass – in other words a “rat run”.

The fact that there will be a substantially greater volume of traffic using Hazledene Road under this proposal will unquestionably lead to greater wear and tear on the surface of the carriageway which is already, and has been for some time, in very poor condition – and indeed if complete resurfacing is involved, the disruption will be prolonged and considerable. Even if, as a matter of policy, “disruption” may be technically disregarded – it certainly cannot if you are living in the middle of it for many months, and especially if it results from an application made in circumstances such as this.

From a layman’s standpoint, let alone ours as Hazledene residents for many years, there must be very relevant and serious concerns about the complete certainty of substantial tailbacks at the exit section with Springfield Road and Queens Road – which further highlights the need for adequate pedestrian safety and the provision of crossing areas.

We should be obliged if you will acknowledge receipt of this letter and confirm that you will address our concerns with proper consideration.

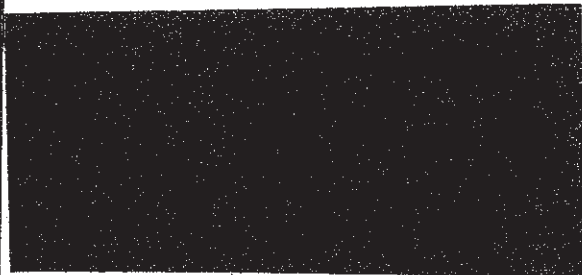
The contents of this letter are endorsed by Mrs Jean Adams, a resident of no 42, who has also countersigned it.

Yours Sincerely

Eric & Elizabeth Adams



Mrs Jean Adams



PI

**From:** Diarmid Macalister Hall  
**Sent:** 16 July 2013 13:37  
**To:** PI  
**Subject:** DANDARA PLANNING APPLICATION FOR "ZONE A" - WITH ACCESS TO HAZLEDENE ROAD Application reference 1300994

Dear Sir,

I write with reference to the Dandara Planning Application Ref 1300994.

I wish to register my vigorous opposition to this planning application which involves road access from Zone A of the of the Dandara Pinewood/Hazledene development. As a resident of Hazledene Road, we were originally assured that Hazledene Road would not be an access route and indeed the planning application showed all access via Countesswells Road. I regard this further Planning Application as both cynical and opportunistic entirely to suit the requirements of Dandara.

I object to this application on two main grounds.

**Impact on Amenity**

Zone A of the development is scheduled to have 50 houses and assuming each house has up to two cars, this could result in up to an additional 100 cars passing along Hazledene Road at peak times such as 0730-0830. Cars regularly speed along this road despite the speed bumps. This will inevitably result in a considerable increase in traffic noise and associated disturbance.

**Road Safety**

There is already a busy pedestrian crossing at the Hazledene Road/Craigiebuckler Avenue intersection used by large numbers of children walking to the Primary School and the Academy. The absolute certainty of greatly increased traffic flow at peak times, some of it potentially at speed as mentioned above would represent a much increased risk to pedestrians.

I urge the Planning Committee to do the "right thing", to reject this planning application to link into Hazledene Road and to put the interests of the existing community ahead of the those of a property developer.

yours faithfully

Diarmid Macalister Hall  
25 Hazledene Road  
AB15 8LB

PI

**From:** [REDACTED]  
**Sent:** 16 July 2013 16:11  
**To:** PI  
**Cc:** Liz Davidson; Martin Greig  
**Subject:** Dandara application - Hazledene development, Zone A

30/9/13

Dear Sirs,

I should like to register my comments on the above proposed development.

I note that there is proposed access to this zone from Hazledene Road which is at present a private road. In the earlier intentions, it was always maintained that there would be no entrance to the site from Hazledene Road. All roads were to be taken from Countesswells Road. Hazledene Road in the stretch from Craigiebuckler Avenue towards the Den wood has historically been subject to minimum maintenance. A burn lies in a culvert under part of the sketched road extension area, and indeed it forms part of Hazlehead Park. To make any improvements viable the road would have to be widened and this would mean encroaching on land which forms part of the Park.

Presumably part of this land which lies in the green belt, and which is Common Good land would require to be purchased by the developer. There is no reason for making a gift of the land to commercial interest.

I would draw your attention to the fact that there is a Tree Preservation order on the grass verge fronting nos. 40-30 Woodburn Crescent so utilising that would be out of the question. The Council has regularly replaced trees on the verge after felling on grounds of health and safety and disease. The drystone dyke on this side of the road forms the historical boundary of the old Burnieboozle estate.

During the school year a steady stream of children makes its way up to the Primary school at Hazlehead and also to the Academy. There is a pedestrian crossing for them but with increased traffic at peak times, there will be an increased potential for accidents. There have been accidents at this spot in the past.

Hazledene Road is one of only four access roads into a busy estate and increased traffic flow will cause complications. Already, the prohibition of right turns on to Queen's Road is breached regularly, and there is a very short phase of access from Hazledene Road to Queen's Road during the phases of the traffic signals at the junction of Queen's Road and Springfield Road. Adjustment of some sort will have to be made if the proposal for an access road is condoned. There can be considerable tailback on Queen's Road at peak times and increased traffic flow will only compound the problem. If a traffic survey is to be commissioned, it would have to be on Hazledene Road between the junction with Craigiebuckler Avenue and the junction with Queen's Road; conducting it on any other part of Hazledene Road would be a useless exercise, and it should be conducted within the school term times.

Yours faithfully,

Prudence King

## Robert Vickers

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 20 July 2013 17:37  
**To:** PI  
**Subject:** Planning Comment for 130994

Comment for Planning Application 130994

Name : Elizabeth Lindsey  
Address : 51 Hazlede Road  
Aberdeen  
AB15 8LB



type :

Comment : Firstly, I am most concerned about the speed with which this planning application suddenly seems to be proceeding. The planning application was only lodged on 8 July, and yet comments have to be submitted by 1 August. This is an extremely short period of time, considering that many people are away on holiday, and perhaps unaware of the situation. Also, there is no Community Council meeting scheduled in this period, so again, there will be problems for a response in the allocated time. I, myself, am going away tomorrow until after 1 August, so will have to submit a very rushed response. I feel that this short period of time for comments to be made is quite unacceptable, and I hope that you will consider increasing it.

My comments about the application all refer to the planned access road from zone A of the development on to Hazledene Road. I believe that this was not in the original plans, but has only now been put in. Is this correct? If so, how is it that the original plans can be altered in this major way? Is this change permitted under planning legislation?

I think it is totally inappropriate to have access from the housing development onto Hazledene Road: it will have considerable negative impacts on both road safety and the amenities in the area.

From the access point to the development along to Craigiebuckler Avenue, the road is narrow and windy & quite unsuitable for what could be a considerable volume of traffic. Many people walk in this area, and they would be put at risk. The road borders on Hazlehead Park and playing fields, and the traffic, particularly the associated noise, would have a most adverse effect on the peaceful environs of the Park.

From Craigiebuckler Avenue through to Queens Road there have been concerns about the volume and speed of traffic in the past which have resulted in traffic calming measures. These have been very successful in reducing the amount and speed of the traffic. These would be put at risk with an increased volume of traffic from the housing development. In particular my concerns are for the many school children & both primary and secondary & who cross this road several time a day on their way to/from school. These children are already being put at risk by the forthcoming recycling centre at the Grove Nursery site and the large increase of traffic along Hazlehead Avenue. Their safety should not be further jeopardised.



## Robert Vickers

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 30 July 2013 18:51  
**To:** PI  
**Subject:** Planning Comment for 130994

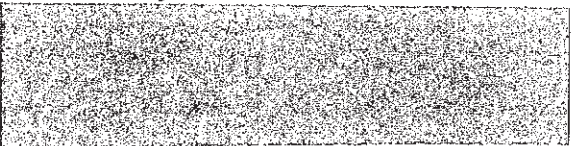
Comment for Planning Application 130994

Name : anthony davies

Address : 30, Woodburn crescent,

Aberdeen

ab15 8jx



Comment : My objection is relating to the access from the proposed Zone 'A' onto Hazledene Road; this access was not in the original planning permission for this site, the original access was via Counteswells Road. There is now a proposal to widen a short part of Hazledene Road with the remaining stretch of Road up to Craigiebuckler avenue remaining as is. This proposed widened area of the Road is used almost constantly by Walkers using the Park, Horse Riders, Cyclists, Joggers and Schoolchildren going to Hazlehead Primary and Secondary Schools via an existing crossing and the increased traffic will pose a huge threat to people wanting to cross the Road.

The Zone A plan is for 50 Houses and with an average of 2 cars per household in this Development will significantly increase traffic at this point.

In addition, the rest of the Road between Queens Road and Counteswells Road has already fallen into such a state of disrepair that it has been closed for a Year, due to lack of ownership by the Council.

With the current Plan for Zone A giving access to Hazledene Road, the potential for a future link with Zone H, although not shown as planned but very likely (given the way that such plans currently seem to work by stealth) will create a new rat run with access from Counteswells giving even further traffic flow on this quiet park access point, which will then become even more dangerous for pedestrians.

## Robert Vickers

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 30 July 2013 18:17  
**To:** PI  
**Subject:** Planning Comment for 130994

Comment for Planning Application 130994

Name : Christine E Boylan

Address : 89 Burnieboozle Crescent,  
Aberdeen.



type :

Comment :

I wish to register a formal objection against aspects of Zone A, Application Number 130994 dated 12 July, 2013, of the Hazledene Residential Development of 50 dwellings.

It appears from the plans that the developer intends to retain the existing core path, with an intention to widen and resurface it to allow access for pedestrians and cyclist around the perimeter of Zone A. It appears that it is also the intention to encourage use of the public seating open space/play area, which will be sited adjacent to the rear gardens of residents in Burnieboozle Crescent, accessed from this walkway.

The core path is currently used occasionally by dog-walkers and children from the area travelling to and from Hazlehead Academy. The current usage of the path is extremely light.

The developers intend to change the use of the current core path to a general walkway/cycle path and this will have an adverse effect on the safe and secure environment, including the privacy aspect, that I currently enjoy.

Furthermore, from the plans it would appear that the enhanced walkway is extremely close to the rear gardens of existing houses. I would like assurances that a suitable buffer zone be installed between the drystone wall and the walkway along with a further buffer zone between the walkway and the fencing/hedging at the rear of the new houses.

I would also be looking for assurances that hedging or some form of suitable landscaping be planted by the drystone wall at the rear of the existing properties to protect these properties in the future.

Dandara is ensuring the security and privacy of residents in the new development. To ensure that there will be no detrimental effect to the existing amenities they should be offering existing residents who will be affected by this development, the same guarantees.

## Planning Development Management Committee

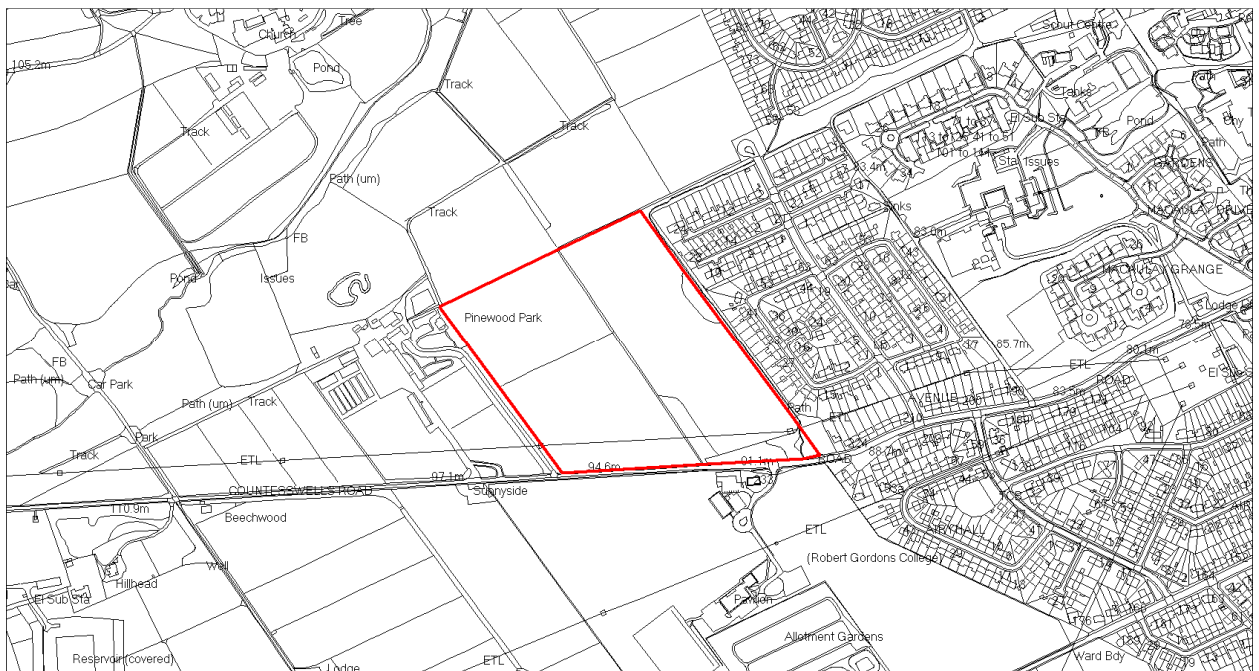
PINEWOOD ZONE D E F & G,  
COUNTESSWELLS ROAD, HAZLEHEAD

APPLICATION FOR MATTERS SPECIFIED IN  
CONDITION 12 (SITING, DESIGN AND  
EXTERNAL APPEARANCE OF BUILDINGS  
AND LANDSCAPING) RELATING TO A7/2178  
PLANNING PERMISSION IN PRINCIPLE

For: Dandara Ltd

Application Type : Approval of Conditions for  
Planning Permission in Principle  
Application Ref. : P131055  
Application Date: 23/07/2013  
Officer: Gavin Evans  
Ward : Hazlehead/Ashley/Queen's Cross(M  
Greig/J Stewart/R Thomson/J Corall)

Advert : Can't notify neighbour(s)  
Advertised on: 31/07/2013  
Committee Date: 28 November 2013  
Community Council : Comments



### RECOMMENDATION:

**Approve subject to conditions**

## **DESCRIPTION**

The application site is the OP57 Pinewood Development site, identified in the Aberdeen Local Development Plan for residential development, having been carried forward from the Aberdeen Local Plan 2008. The site, which comprises two fields on the immediate western outskirts of the Countesswells area of the city, is bounded by the OP52 Hazledene opportunity site, to the north, and Countesswells Road, to the south. The two sites combine to form a wider development area, L-shaped in plan view, with a combined site area of some 27 hectares, of which roughly 10.5ha is contained within the Pinewood site and 16.5ha within Hazledene.

The western part of the site is enclosed by dry-stone dykes and was formerly used for the rearing of horticultural plants (though currently in grass) related to the Ben Reid Nursery and Garden Centre, a short distance to the west. The fields to the north, within the Hazledene site, were also formerly in horticultural use. The site is bounded by mature woodland on the east and west sides and is subdivided by hedges and dry stone dykes.

Core Path 65 (Hazlehead to River Dee) runs north-to-south down the eastern edge of both the Hazledene and Pinewood sites, providing a connection from Hazlehead Park to Countesswells Road and beyond.

## **RELEVANT HISTORY**

Planning Permission in Principle (PPiP) was granted for a development comprising a *'Proposed residential development and formation of access roundabout and access roads'* on the Pinewood site in August 2010, through approval of application A7/2178.

A subsequent application in January of 2012 sought approval of proposals relating to several matters specified in conditions attached to that grant of PPiP, including open space provision, landscaping, sustainable drainage, roads infrastructure works, archaeological investigation and the re-use of duntakings from drystone walling within the development site. At the August 2012 meeting of the Development Management Sub-committee (as was), members resolved to approve that application.

A series of further applications have now been made in relation to matters specified in conditions attached to the grant of Planning Permission in Principle. Some of those applications relate to outstanding matters, while others seek approval of alternative proposals in relation to conditions previously the subject of MSC approval.

## **PROPOSAL**

This application seeks approval in relation to condition 12 of Planning Permission in Principle reference A7/2178, which relates to the approval of further details relating to (i) means of access; (ii) siting; (iii) design and external appearance of the buildings; and (iv) the landscaping of the site.

The plans submitted in support of this application demonstrate a residential layout comprising 174 dwellings, accessed off the new spine road serving both Pinewood and Hazledene development sites. That spine road would be formed

through the extension of Countesswells Avenue from the existing bus terminus, progressing westward through the Hazledene site before turning southwards through the Pinewood site and connecting with Countesswells Road, at which point a new roundabout junction would be formed, as detailed in a separate application.

## **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131027>

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 committee because the local Craigiebuckler and Seafield Community Council have expressed objection to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Projects Team** – Following discussions with the applicant, appropriate swept path analysis has been provided, demonstrating that the site can be adequately accessed by refuse vehicles. No objection to the proposal.

**Environmental Health** – No observations

**Enterprise, Planning & Infrastructure (Flooding)** - No observations

**Education, Culture & Sport (Archaeology)** -

**Community Council** – The local Craigiebuckler and Seafield Community Council have expressed objection to the proposals on the following basis:

- This proposal, in conjunction with other residential development across the Pinewood and Hazledene sites, would contribute to a significant volume of additional traffic, causing congestion at the following junctions: Countesswells Ave and Countesswells Road; Countesswells Road and Springfield Road; and Seafield Road and Anderson Drive.
- Note no reference is made in this application to the developer contributing towards roads infrastructure improvements required to facilitate extra traffic movement arising from the development.
- Construction works would result in disturbance to residents of Countesswells Avenue, adversely affecting their quality of life.
- The development, in conjunction with other development across the Pinewood and Hazledene sites, would add further burdens to health and educational services in the area. There appears to be no reference to the developer contributing towards the additional costs incurred by these services as part of this application.
- The natural springs within the Pinewood and Hazledene sites often result in the site being waterlogged. It is expected that existing drainage problems will be exacerbated as a result of this proposal, which incorporates significant areas of hard surfacing. The field drains shown on a submitted drawing are not considered to be capable of serving an urban landscape.

- The applicant's approach to drainage is questioned, with no indication of the capacity of the drainage basins given.
- The detention basins are of concern, potentially representing a hazard for children.
- Highlight drainage issues, with water collecting in excavations relating to construction of 'sales pod' on site.
- The upgrading of the core path and connections to other footpaths within the development may attract unwanted motorbike racers to the area, resulting in health and safety concerns.

## **REPRESENTATIONS**

4 letters of representation have been received. The objections raised relate to the following matters –

- Plan f does not take into account recommendation in the Mackay woodland assessment, calling for 17m safety zone. Plots 41, 42, 43, 44, 48, 49 & 50 (and others) are too close to mature beech trees up to 28m in height. Puts trees at risk of severe pruning by new residents
- Zone G – Buckler burn which flows to a pond in the James Hutton institute & Johnston gardens. Plan shows plots 15, 16, & 17 built over source wetland for this watercourse. Is the stream to be killed off by removal of catchment?
- Site is designated as Green Belt
- No survey appears to have been carried out in relation to wildlife using the site
- Previous applications involved large water basins which do not seem to be present now – they are in Hazledene site, serving both for purposes of drainage
- Unlikely that primary schools will be able to cope with the increase in pupil numbers
- Increased road congestion on a road that is already not fit for purpose (Countesswells Road)
- Conflict of interest for ACC as they were main land owner
- Objects to removal of tree no 40. No detail given of what is wrong with that tree. Removal would lead to exposed outlook to rear of 81 Burnieboozle Crescent.
- Queries whether access road will be built before proceeding with any construction work on new houses. This would avoid any inconvenience to residents
- Assume widening of Countesswells Road up to new roundabout – if this is the case, would it mean compulsory purchase of garden grounds to the front of properties on Countesswells Road.

## **PLANNING POLICY**

### **National Policy and Guidance**

### Designing Places

Designing Places identifies that the most successful places tend to have certain qualities in common. These include a distinct identity, safe and pleasant spaces, and an arrangement of space which is easy to move around, particularly on foot. Visitors feel a sense of welcome. These qualities are seen as being at the heart of good design, alongside adaptability and a good use of resources. Designing Places sets out the value of good design and the price of poor design.

### Designing Streets

Designing Streets is Scotland's policy statement for street design, marking a change in emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It sits alongside Designing Places in setting out the Scottish Government's place-making agenda.

### Scottish Planning Policy (SPP)

As regards the location and design of new development, SPP states that new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecologies and the scope for using local materials, with the aim of creating spaces with a distinct character and identity.

## **Aberdeen Local Development Plan**

### T2: Managing the Transport Impact of Development

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

### D1: Architecture and Placemaking

This policy requires that all new development must be designed with due consideration for its context and make a positive contribution to its setting.

### D2: Design & Amenity

In order to ensure that development provides appropriate levels of amenity for residents, development should be designed with regard to a stated set of principles, relating to matters such as privacy, provision of a public face to the street, access to sitting out areas, and 'designing out' crime.

### D3: Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

### D6: Landscape

Development will not be acceptable unless it avoids significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which points to being either in or around Aberdeen or a particular part of it.

### H1: Residential Areas

The site lies within a designated Residential Area (H1), as defined in the Aberdeen Local Development Plan. Within such areas Policy H1 of the ALDP will apply, requiring that residential development will be acceptable in principle

provided it satisfies certain specified criteria. It is further stated that non-residential uses will be refused unless (a) they are considered complementary to residential use; or (b) it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

#### NE1: Green Space Network

Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

#### 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.

#### NE9: Access and Informal Recreation

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

#### **Supplementary Guidance**

The Council's published supplementary planning guidance on 'Transport & Accessibility' is of relevance, as is the guidance contained within the Pinewood and Hazledene development brief.

#### **Other Relevant Material Considerations**

The allocation of the Pinewood and Hazledene sites in the ALDP, the previous grant of Planning Permission in Principle on both of those sites, and the previous approval granted in respect of the majority of Matters Specified in Conditions to those grants of PPIp carry significant weight in the determination of the current application, establishing these sites as locations for new residential development. The principle of housing on this site may not legitimately be revisited through assessment of this proposal.

#### **EVALUATION**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that, 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**

As noted previously, the principle of residential development on the Pinewood site has been established through the granting of Planning Permission in Principle, its identification as an opportunity site with residential zoning in the Aberdeen Local Development Plan, and the subsequent approval of matters specified in the majority of those conditions attached to the initial grant of Planning Permission in Principle. This assessment will focus on the specific



requirements of the condition in question (condition 12), the provisions of the development plan as it relates to the matters that condition specifies, and any other material planning considerations identified.

Matters relating to developer contributions and affordable housing have been addressed via necessary legal agreements, which have now been successfully concluded, and the consideration of such matters is not relevant to assessment of this application.

### **Zoning**

The Pinewood site is zoned for residential purposes, with policy H1 of the ALDP applicable, and is also identified as an 'opportunity site' for residential development. This zoning, along with the permission previously granted for Planning Permission in Principle, sets the context for consideration of this proposal. The principle of development will not be revisited in this assessment, which will focus on the manner in which the proposal addresses the matters specified in condition 12 of the Planning Permission in Principle.

### **Means of access and roads issues**

As noted earlier in this report, the majority of the development proposed across the Pinewood and Hazledene sites would be accessed via a loop road, formed by extending the existing Countesswells Avenue, which currently terminates in a bus turning point, westwards through the site and then south, before linking up with a new roundabout junction formed on Countesswells Road. A separate application, in which the applicant is required to set out a phasing plan for the development, intimates that the adjacent Hazledene site would be developed first, alongside the new spine road. The applicant has stated that the loop road would be constructed at outset, with a temporary surfacing during the construction phase, prior to final surfacing as each phase is completed. This approach would avoid construction traffic using Countesswells Avenue any more than is necessary, minimising disturbance on the residential area to the east of the development sites.

### **General arrangement and pedestrian accessibility**

A new pedestrian footpath would be provided alongside the newly formed distributor road. This route serves as the only traditional 'road', featuring segregated surfaces for pedestrians and vehicles respectively. Other than this principal route, shared surfacing would be extensively utilised, and focus placed on the creation of more informal 'home-zone' style spaces, with new homes either arranged around intimate landscaped spaces or otherwise to have an outlook onto wider open space provided to the south. Provision is made for pedestrian paths within the Pinewood site, providing connections to a wider network of pedestrian routes across the Pinewood and Hazledene development and to the adjacent Core Paths. Core Path 65 (Hazlehead and River Dee path) runs from north-to-south, along the eastern edge of the Pinewood and Hazledene sites, outwith but immediately adjacent to the current application boundary. The existing core path route would be maintained, with connections made to the eastern part of the Pinewood development. Taking these matters into account, it is concluded that the proposal would maintain the integrity of the existing core path routes present in and around the site, with permeability through the site preserved and linkages formed with the network of new paths proposed.

### **Environment created for new residents**

The development of the Pinewood and Hazledene sites proposed is based around a central band of open space which progresses through the core of the site and is well-located for use by residents of all zones. The substantial open space proposed runs along the northern side of the primary distributor road serving the development before branching off to provide a green space connection to the north-western corner of the Hazledene site, forming a green space connection with the adjacent Hazlehead Park and augmenting the existing Green Space Network designation present on the site. The open space provision is central to the development and well located for all users, incorporating a series of pedestrian and cycle routes providing connections to other parts of the development and nearby Core Path routes. The open space includes a children's play area, comprising a safe play surface and a minimum of 5 items of play equipment.

The wider development demonstrates a desire to create a sense of place, with extensive open space and woodland provided through the central 'wetland park area' and the orientation of home zone areas around central landscaped spaces. Many homes are either oriented around such home zones and their associated landscaping, or otherwise benefit from open aspects and views towards areas of landscaped open space and trees, including open space alongside the spine road and at the south of the site, at its road frontage on Countesswells Road.

A good pedestrian environment is proposed, with appropriate surfacing used to indicate home zone areas and underline pedestrian priority. Links are provided to a wider network of paths within the site and beyond. The individual homes vary in type and size, but each presents a public frontage to a street and a private frontage to an enclosed area of private garden. Separation distances are appropriate for a suburban context and can ensure appropriate privacy for residents. An appropriate overall density of development is achieved, incorporating a mix of detached, semi-detached and terraced homes. The wider development would benefit from a readily identifiable character, based around the extensive retention and re-use of drystone walls across the site, the retention of existing mature trees and formation of new open space and landscaping, and the use of a consistent palette of materials in the new housing proposed.

### **Design and external appearance of the buildings**

As noted earlier in this report, the layouts submitted indicate 174 dwellings, which would incorporate 8 distinct house types used: Ash, Baldwin, Townhouse, Sycamore, Maple, Oak, Spruce and Cedar, with further variation in the use of garages and detailing. These house types utilise a consistent palette of materials, including dark grey tiles, white render, stone cladding, aluminium guttering and uPVC windows. The use of existing drystone walls and new walling rebuilt from duntaken dykes contributes towards the identity of the new place to be created, whilst also demonstrating an efficient use of local materials and recognition of the site's history. Similarly, the consistent use of materials across a number of different house styles helps to create an identity for the new place created.

## **Trees & Landscaping**

The open space proposed would be extensively landscaped, as detailed in the submitted landscaping scheme. The primary distributor road would be lined with consistently placed new tree planting, distinguishing it from the surrounding, more intimate 'Homezone' spaces and serving to assist in wayfinding. In addition to regularly spaced planting emphasising the status of the main avenue through the development, the open space to the north would incorporate grass and shrub planting, with new trees incorporated into the mixed planting 'buffer zones' to the edges of the open space, where it borders residential plots. New tree planting would utilise specimens of a minimum 3.5-4m in height, in order to minimise the time necessary for the open space and landscaping to become established. An open ditch running through the open space would serve as a feature, collecting water during periods of wet weather and leading to the open water detention basin at the south-eastern corner of the Hazledene site. Seating, litter bins etc would be incorporated within the open space, and the SUDS detention basin would be fenced and gated appropriately. Shrub planting adjacent to the fencing enclosing the basin would help to soften its appearance and reduce visual impact, integrating it with the open space.

Tree cover across the Pinewood and Hazledene sites is generally relatively limited, and confined to narrow belts and strips along field boundaries. The trees present are understood to be predominantly of planted origin, intended to provide shelter for the former nursery business. Generally those trees present are relatively young, and as such are of relatively small size and stature. The survey conducted demonstrates that the overall condition of the trees across the site is noticeably poor. The tree cover around the site is generally poor and scrappy, with little long term potential. Many trees appear to be in decline and dying, and consequently the tree and hedge cover within the site is assessed as being of low retention value.

A readily distinguishable tree belt runs north-to-south through the heart of the Pinewood site. The majority of the trees within that belt would be retained and protected during construction, to form part of the landscaped open space to the east of the main avenue as it progresses south to join Countesswells Road. These retained trees would contribute to the woodland character of the site, provide the landscape setting for homes facing westwards onto that main avenue, and contribute towards the woodland character of the development site. Of a total of 62 trees along this belt, 10 would be removed for reasons of poor health, determined through an arboricultural survey by an independent practitioner, and a further 7 would be removed directly to accommodate the development layout, generally at points where secondary streets and pathways would branch off from the main avenue and across the tree belt. In the context of the site, and the need to accommodate a coherent street layout, the level of tree removal is very minor, with the majority of healthy trees retained as part of the landscaping of the site. The retention of this number of trees, particularly in such a regular arrangement alongside the main distributor road serving the development, would assist in embedding the development into the surrounding landscape and establishing a mature landscape character from first occupation. As noted previously, the central area of open space would be extensively planted with shrubs and trees. In addition, a native planting mix, incorporating new tree

and shrub planting, would be used alongside footpaths/cycle routes and in 'Homezone' spaces within secondary streets. An area to the south of the site, at its frontage to Countesswells Road, would be extensively landscaped, with grassland enclosed by shrub and tree planting, as well as the retained drystone walling referred to above. In addition to proposals for the initial landscaping of the site, an exhaustive landscape maintenance and management plan has been submitted for the site as part of a separate application relating to Matters Specified in Conditions, detailing the measures to be undertaken in relation to the respective landscape elements and a timetable for actions, to serve as a guidance document for the factoring company to be appointed to undertake long-term landscaping works. Taking these matters into account, the proposal is considered to accord with policy NE5 (Trees and Woodlands) and would contribute towards the development demonstrating due regard for its context and making a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking), and respecting the landscape character of the site and its 'sense of place' as required by policy D6 (Landscape) of the ALDP.

### **Green Space Network**

A small section of Green Space Network designation covers a wedge of the site at its south-eastern corner, however that area would be incorporated into the landscaped frontage onto Countesswells Road. It is therefore concluded that neither the character or function of the Green Space Network would be adversely affected by the proposal, and that it therefore demonstrates accordance with policy NE1 (Green Space Network) of the ALDP.

### **Relationship with Development Brief**

The development brief for the Pinewood and Hazledene sites, first subject to consultation in 2003, was prepared against a substantially different policy context, however many of its design aspirations remain relevant. It is noted that the brief envisaged the Pinewood site being developed first, however the applicant is free to proceed as they see fit, with no obligation to this effect incorporated into the grants of Planning Permission in Principle for the respective sites. The development brief places considerable importance on the incorporation of significant areas of open space, structure planting and a footpath network. It is further stated that, in order to ensure the most efficient use of land, slightly higher density than that seen in the surrounding area may be appropriate within some parts of the development. It is further stated that designs must ensure that they fit into the landscape. Developers are encouraged to examine opportunities for creating a sense of place with interest and character through imaginative use of: open space and landscaping; colour and texture of building materials; range of house types and storey height; the provision of distinctive features and landmarks at key viewpoints. It is noted that the design demonstrates significant open space across the site in a meaningful and useable form. 'Home Zone' areas are focused around intimate green spaces, with properties commonly oriented to benefit from views towards open space and tree planting. A clear network of footpath links is provided through the wider site, with Core Path routes maintained. Taking these matters into account, it is evident that the proposals demonstrate due regard for the design aspirations expressed in the Pinewood and Hazledene Development Brief.

### **Matters raised by Community Council**

The concern expressed by the Community Council in relation to increased traffic volumes and congestion at junctions is noted, however it should be noted that the principle of residential development on the Pinewood and Hazledene sites has been established through the granting of Planning Permission in Principle. Those grants of PPIp included detailed assessment of the road traffic implications of the development. It is not legitimate for such matters to be entirely reconsidered at this stage of the process. The access remains as previously proposed, with Countesswells Avenue extended to form a new loop route, subsequently linking up with Countesswells Road. This has been previously accepted and approved, and the Roads Projects Team make no objection to the access arrangements.

Similarly, developer contributions payable in relation to the development proposal have also been considered previously at PPIp stage, and will not be revisited at this stage. This applies to all developer contributions, including roads infrastructure and health/educational services.

It is acknowledged that construction works may result in some disturbance to nearby residents, however this is to some extent unavoidable where a significant site is released for development. The applicants have intimated that their intention is to construct the new loop road at the same time as the first phase of housing within Zone H, in order that access after the first phase can be taken from Countesswells Road.

The poor drainage of the Pinewood and Hazledene sites is acknowledged, and previous applications have included appropriate drainage impact assessments and proposals for surface water drainage through Sustainable Urban Drainage Systems. The measures proposed have been previously accepted as being fit to serve the proposed residential development. The means of dealing with surface water runoff during construction have been presented as part of this proposal, with a herringbone arrangement of French drains utilised to drain the site during that construction period. This has been accepted by the Council's Roads Projects Team and the Council's Flood Prevention Team as being sufficient for its intended purpose. It should be highlighted that submissions relate to drainage during the construction phase only, with the overall drainage scheme for the site having been previously approved by ACC. The enclosure of detention basins with fencing and screening with low-level landscaping is considered sufficient to minimise any risk arising from their presence.

The collection of water in excavations made during construction of a sales pod is not of direct relevance to consideration of this application, with that sales pod benefiting from an entirely separate consent.

A core path route exists adjacent to the site boundary, and there is no reason to consider that the retention of that route would result in increased anti-social behaviour arising from inappropriate use by motorcyclists. The same point could be made in relation to any footpath route, and the benefits of maintaining good pedestrian connections across the site and its surroundings are considered to outweigh any perceived risk. It is noted also that the police have powers relating to anti-social behaviour and the appropriate use of motorcycles.

### **Matters raised in representations**

The site is zoned within a residential area and is identified as an opportunity site in the Aberdeen Local Development Plan. Any previous zoning as green belt has been superseded by the current ALDP, and is not relevant to consideration of the current proposal. Similarly, the impacts of the development and the associated package of developer contributions have been previously established at the time of the initial application, and it is therefore not appropriate to reconsider any impact on education provision or the surrounding roads network.

Aberdeen City Council's ownership of the site is noted, however there is no requirement for notification to ministers unless the proposal also constituted a significant departure from the development plan strategy. With the site having been zoned for residential development and identified as an opportunity site for housing, there is no such requirement for notification.

An updated tree survey for the site, carried out by Donald Rodger Associates, makes no specific recommendation regarding appropriate distance from trees adjacent to the eastern boundary of Zone F. The Council's arboriculturalist has made no comments relating to impact arising from that eastern boundary, and it is therefore concluded that the presence of those trees does not preclude the development layout proposed. Any removal of existing trees adjacent to site boundaries will be mitigated through new planting of specimens of approximately 4m in height.

A culverted watercourse, running from west to east across the Pinewood site, was identified in the Drainage Impact Assessment submitted as part of a previous application relating to Matters Specified in Conditions. There is no mention of that watercourse being interrupted through the development of the site, and it is noted that this is not a matter for consideration in the planning authority's assessment of the current application, which relates specifically to matters specified in condition 12 of the consent.

Similarly, habitat surveys are not a relevant matter to be considered at this stage, the principle of development already having been established through the granting of Planning Permission in Principle.

The drainage basins referred to in representations remain part of the overall proposal, being located at the north-eastern and south-eastern corners of the Hazledene site. As noted previously, drainage proposals have been previously agreed, and are not relevant to consideration of this particular application.

The applicants have intimated in a separate application that construction access is to be taken via the new access road being constructed and roughly finished, allowing for access from Countesswells Road and avoiding construction vehicles being routed through the residential streets to the east of the site. Any road widening works and compulsory purchase arrangements are matters separate from this application process, and are not relevant to determination of the current application.

## **Summary**

Taking account of the points raised above, it is concluded that proposal demonstrates an appropriate residential layout, incorporating a mix of house sizes and styles, generous provision for open space, landscaping and the provision of pedestrian/cycle routes throughout the site. Appropriate connections would be made to the adjoining site and the adjacent core paths, with north-south access maintained, allowing travel to and from Hazlehead Park. The arrangement of space around a central, tree-lined spine road allows for easy wayfinding and the formation of more intimate Homezone spaces, incorporating landscaping and shared surfaces to promote pedestrian priority and control traffic speeds. The extensive retention of dry stone walling and trees, and the re-use of doughtings in new boundary treatments, throughout the site will contribute towards the character of the new development and its sense of place. It is concluded that the proposal demonstrates due regard for the relevant policies of the Aberdeen Local Development Plan and the relevant national policy set out in Scottish Planning Policy (SPP), 'Designing Places' and 'Designing Streets'.

## **RECOMMENDATION**

**Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

The proposal submitted demonstrates an appropriate form of residential development on a site allocated for residential purposes, incorporating a variety of house types, utilising a consistent range of materials and appropriate use of boundary treatments in order to create a sense of character and place. Street layouts are arranged around intimate 'Homezone' spaces, incorporating shared surfaces to promote pedestrian priority within secondary streets. Appropriate pedestrian linkages are provided across the site, linking into the wider development and the surrounding Core Paths network. North-south pedestrian access is maintained, with direct routes provided through the development to ensure good access to Hazlehead Park and the surrounding green spaces. Ample provision is made for the landscaping of the site, both through the provision of a central new open space, in the adjoining Hazledene site, and in the management and replacement of existing trees where necessary. Tree removal within the site is not excessive and is generally limited to those in poor condition and not suitable for long-term retention, as well a small number necessary to form internal roads layouts. The existing Green Space Network will not be adversely affected, being incorporating into a landscaped frontage onto Countesswells Road. Taking these matters into account, it is concluded that the proposal demonstrates appropriate details in relation to the means of access, design and external appearance of buildings, and landscaping of the site. The proposal demonstrates due accordance with policies T2 (Managing the Transport Impact of Development), D1 (Architecture and Placemaking), D2 (Design & Amenity), D3 (Sustainable and Active Travel), D6 (Landscape), H1 (Residential Areas), NE1 (Green Space Network), NE5 (Trees and Woodlands) and NE9 (Access and Informal Recreation) of the Aberdeen Local Development Plan (ALDP), alongside the relevant content of the 'Transport and Accessibility' and the main aims of the 'Pinewood and Hazledene Development Brief' supplementary guidance documents, respectively. Whilst vehicular through

access is not provided for, it is considered that specifics of the site may render such access inappropriate. In other respects, the residential environment created is considered to accord with the aims of 'Designing Streets', particularly with regard to shared surfaces and pedestrian priority. The distinct identity created in the new development and the provision for pedestrian linkages is consistent with the aims of 'Designing Places'. The proposal contributes towards achieving the housing targets set in the Aberdeen Local Development Plan (ALDP) and is consistent with the designation of the site in the ALDP for residential development.

## **CONDITIONS**

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

(1) 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.

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

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.



**CRAIGIEBUCKLER AND SEAFIELD COMMUNITY COUNCIL**

Head of Planning and Sustainable Development  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen

10 Craigiebuckler Drive  
Aberdeen AB15 8ND

12 August 2013

Dear Sir/Madam

Application Number P13055

Applicant: Dandara

**Application Reference:** 131055

**Local Authority Reference:** 000067879-001

**Proposal Description:** Application for Matters Specified in condition 12 (siting, design and external appearance of buildings and landscaping) relating to A7/2178 Planning Permission in Principle

**Application type:** Approval of Conditions for Planning Permission in Principle

Hazledene Zone D E F & G

**Address:** Hazlehead  
Aberdeen

We oppose the proposed construction of the dwellings on this site, as shown on the applicant's drawing (referred to as Zone D E F and G) because, combined with the remainder of the planned residential development within the Pinewood/Hazledene site, it will generate a volume of additional traffic sufficient to cause congestion at the following locations:- Countesswells Avenue's junction with Countesswells Road, Countesswells Road's junction with Springfield Road and Seafield Road's junction with Anderson Drive. Those junctions were designed to cope with the traffic volumes of the 1960s and 70s and therefore are wholly unsuitable for the extra traffic movements that would be generated by this development.

There is no indication in the above referenced planning application that the Developer is prepared to contribute to any alterations to the above mentioned aspects of the roads infrastructure that may be required to facilitate the extra traffic movements, which will inevitably be generated by this development in combination with the remainder of the dwellings proposed for construction on the Pinewood /Hazledene site.

The Countesswells/Springfield Road junction is already over its capacity during peak times with long queues of traffic waiting to negotiate it.

Countesswells Avenue, presently the only access to the site, is a residential street. The noise of construction would cause disturbance and adversely affect the quality of life of its residents.

The dwellings on this proposed site, when added the Applicant's other planned developments at Pinewood/Hazledene, will impose additional burdens on the health and educational provisions in this area. We submit that there seems to be no indication from the Applicant pertaining to an

intention to contribute towards the additional costs that are likely to be incurred by the education and health services as a result of the localised increase in population engendered by the urbanisation of the site.

Zones D E F and G form part of a proposed development of 350 dwellings to be sited on the fields of Pinewood and Hazledene which feature a number of natural springs. Consequently the land is often waterlogged and is reverting to its natural state.

The development zones referred to above are at a higher elevation than the remainder of the Pinewood/Hazledene development as well as the properties of Burnieboozle Crescent and Countesswells Crescent. This creates a natural runoff of water at times when the land is waterlogged. We do not believe the Applicant's flood prevention measures are sufficiently robust to prevent an inundation of flood water into the neighbouring properties referred to above.

At present flooding of the homes to the East of the proposed development of 350 dwellings (of which Zones D E F and G form an integral part) has been prevented by virtue of a French drain installed by Aberdeen City Council. According to the Applicant's "Design Statement" there is a list of 'streetscape materials' which essentially must be capable of running off rainwater. However, by virtue of their water resistance, they are likely to add to the flooding of the site during periods of heavy rainfall.

The Applicant's intention, documented in the design statement, to create a varying coverage of hard surfaces is difficult to reconcile with the agricultural system of subsoil, herringbone field drains which the Applicant states, on 'Drawing Nr: ABR\_HAZ\_902', "will be cleaned and reshaped to avoid obstruction and maintain flow". In our view, the excavations needed to build houses and create a network of roads and paths, combined with the overlay of hard surfaces will disrupt the natural springs and constrain the water table so that it is forced to the surface in the curtilages of properties within the site or in its green open spaces. We are not convinced that cleaning field drains, which bear little relationship to the surface coverage of an urban environment, will significantly contribute to solving the ongoing problem of flood prevention in the area referred to as Zones D E F and G. Field drains were meant to prevent the flooding of agricultural land, not an urban landscape.

Although the Applicant has stated that the attenuation ponds will have a fences round their boundaries, we are concerned that those bodies of water will be safety hazards for children at play. We are mindful that this is to be a new residential development, which is likely to be the home to a number of young families and therefore feel compelled to doubt that the creation of attenuation ponds is a safe solution to the problem of flooding on this site.

We question robustness of the Applicant's flood prevention strategy. For example, the Applicant seems to have provided no estimate of the capacities of the North and South Detention Basins. Furthermore, the ability of the 'wetland park' to cope with a rapidly rising water table seems to be speculative. This statement has taken into consideration the unavoidable situation whereby Zones D E F and G form an integral part of the whole development and therefore must be included in our objections which, in summary of the reasons given in the above paragraphs, declare that the entire site known as Pinewood/Hazledene should not, in our view, be developed.

Finally, the upgrading of the core path, together with the provision of connecting pathways could possibly attract unwanted motorbike racers, which would result in adverse changes to the amenities in the area, raising issues of health and safety. It would also be contrary to the current trend of designing out crime when planning 21<sup>st</sup> century housing developments.

Yours sincerely  
William Sell  
Chairperson

# MEMO



ABERDEEN  
CITY COUNCIL

To	Gavin Evans Planning & Infrastructure	Date	05/08/2013
		Your Ref.	P131055 (ZLF)
		Our Ref.	TR/RB/1/51/2
From	Roads Projects		
Email	<a href="mailto:rbailie@aberdeencity.gov.uk">rbailie@aberdeencity.gov.uk</a>		
Dial	01224 522161		
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. P131055  
Hazledene Zone D E F & G, Hazlehead  
Application for Matters Specified in condition 12 (siting, design and external appearance of buildings and landscaping) relating to A7/2178 Planning Permission in Principle**

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

## 1 Development Proposal

- 1.1 I note that the application is for Matters Specified in condition 12 (siting, design and external appearance of buildings and landscaping) relating to A7/2178 Planning Permission in Principle.

## 2 Condition 12

- 2.1 A swept path analysis is to be submitted showing a refuse vehicle accessing all parts of the site.

## 3 Conclusion

- 3.1 Once the above requested data is submitted and approved this condition will be purified.

**Richard Bailie**  
Engineer

Gordon McIntosh  
Corporate Director

# MEMO



ABERDEEN  
CITY COUNCIL

To	Gavin Evans Planning & Infrastructure	Date	07/11/2013
		Your Ref.	P131055 (ZLF)
		Our Ref.	TR/RB/1/51/2
From	Roads Projects		
Email	<a href="mailto:RBailie@aberdeencity.gov.uk">RBailie@aberdeencity.gov.uk</a>		
Dial	01224 522161		
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. P131055**  
**Pinewood Zone D E F & G, Countesswells Road, Hazlehead**  
**Application for Matters Specified in condition 12 (siting, design and external appearance of buildings and landscaping) relating to A7/2178 Planning Permission in Principle**

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

## **1 Development Proposal**

1.1 I note that the application is for Matters Specified in condition 12 (siting, design and external appearance of buildings and landscaping) relating to A7/2178 Planning Permission in Principle.

## **2 Condition 12**

2.1 I note that I previously requested swept path analysis be submitted showing a refuse vehicle operating in the proposed development. After discussion the layouts have now been agreed as per drawing No. 915 Rev 3 and this condition has now been purified.

**Richard Bailie**  
Engineer

Gordon McIntosh  
Corporate Director

PI

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 26 July 2013 21:40  
**To:** PI  
**Subject:** Planning Comment for 131055

Comment for Planning Application 131055

Name : Michael D Watson

Address : 31 Countesswells Crescent,

Aberdeen

AB15 8LN



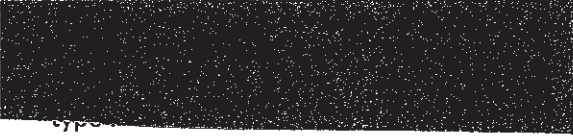
Comment : Plan zone F does not take into account recommendation in the Mackay Woodland Assessment. This calls for 17m safety zone. Plots 41,42,43,44, 48,49,50 & others are too close to mature beech trees up to 28m in height. T new residents will seek to have these trees severely cut back once they have experienced high winds due to falling twigs and branches. One tree from this line fell several years ago with the top in my garden.

Controlled Activity Regulations Water framework directive. Zone G Buckler Burn which flows to pond in James Hutton Institute & the Johnston Gardens. The plan shows plots 15,16 & 17 built over source wetland for this watercourse. No indication of alternative water supply. Is this stream to be killed off by removal of catchment?

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 15 August 2013 14:51  
**To:** PI  
**Subject:** Planning Comment for 131055

Comment for Planning Application 131055

Name : Carly Stewart  
Address : 81 Burnieboozle Crescent  
Aberdeen  
AB15 8NS



Comment : I have already submitted an objection to tree 40 being marked for removal. This is not a separate objection, but additional comments in support of my original objection. After submitting my previous objection (which I did from work) I returned home and looked at the tree. I accept I am no expert but it appears to me to be one of the healthiest ones in the field!

The description in the tree survey of "poor condition" gives no detail at all of what is wrong with the tree eg. that it has a particular disease of the like.

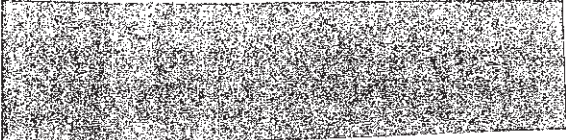
I am suspicious that a neighbour requested the tree be marked for removal as it blocks their sunlight, only for an hour in the early evening. However, the tree is not at the bottom of their garden it is at the bottom of our garden. Its removal will leave our garden significantly exposed, particularly given the proposed footpath will lead to increased foot fall along the bottom of our garden. This is a serious security concern. The blocking of sunlight in the early evening (around 5.30pm) is not a reason to remove a perfectly healthy tree. The tree is of a significant size and its roots will absorb a fair amount of moisture from the ground. Given the proposed development drainage is already a concern; the removal of an otherwise healthy tree will only compound this problem. I presume the council employ tree surgeons or the like and I very strongly think there should be a second opinion before any trees are marked for removal.

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 29 July 2013 22:32  
**To:** PI  
**Subject:** Planning Comment for 131055

Comment for Planning Application 131055

Name : Forbes & Pauline Reid

Address : 27 Countesswells Crescent, Aberdeen, AB15 8LN.



Comment : 1) This is a designated green belt site.

2) No survey appears to have been completed on the wildlife that uses the designated building area.

3) Previous applications included large water basins that now appear to be not required, will this cause flooding issues in future??? Who will be responsible if this occurs?

4) Unlikely brand new primary schools at both Hazlehead & Airyhall will cope with the influx. What plans have the council to ease this congestion?

5) Increased road congestion on a road that is already not fit for purpose.....Countesswells Road heading out from Aberdeen is no more than a country lane and would require upgrading.

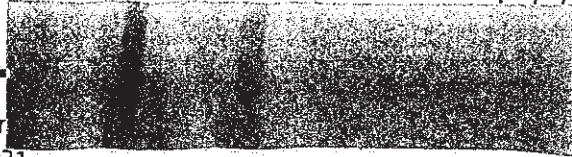
Also increased traffic past Airyhall Primary School.

6) Conflict of interest for the council as they were main land owner for the plot.



Robert Vickers

130994



**From:** Eleanor Webster  
**Sent:** 30 July 2013 14:31  
**To:** PI  
**Subject:** Hazledene and Pinewood Development Site

Ref: Dandara Development Site plan dated May 13

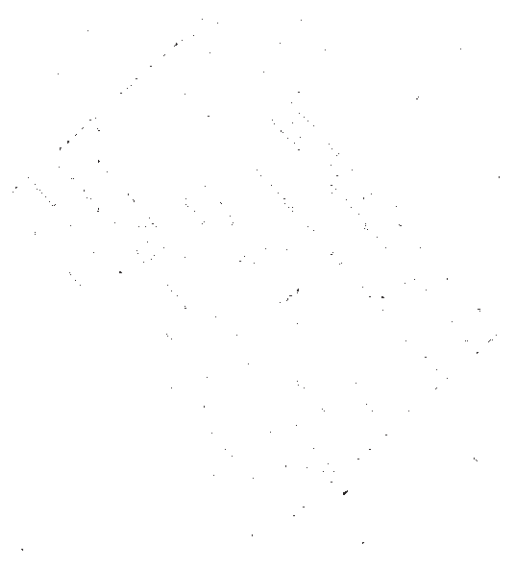
It would appear that the construction site access is via Countesswells Avenue, the access to the other zones is by roundabout from Countesswells Road. Surely Planning will insist that this access road is constructed prior to proceeding with any building development, similar to the works carried out at Portlethen for the Stewart Milne site. This would insure that all construction equipment and materials can access the site without any inconvenience to the existing residents.

Can we assume that Countesswells Road will require to be widened up to the new roundabout. If road widening is planned would this mean compulsory purchase of ground from residential gardens on Countesswells Road?

view of the large number of houses planned for this development it is obvious that once again there is no consideration given to the impact of the traffic increase.

We await your response.

Eleanor and James Webster  
Sent from my iPad



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## Planning Development Management Committee

34-36 SOUTH ESPLANADE WEST, TORRY

DEMOLITION OF EXISTING BUILDING,  
ERECTION OF 4 STOREY OFFICE  
DEVELOPMENT WITH ASSOCIATED ACCESS  
AND CAR PARKING

For: Robertson Construction Eastern Ltd

Application Type : Detailed Planning Permission

Application Ref. : P131118

Application Date: 07/08/2013

Officer: Paul Williamson

Ward : Torry/Ferryhill (Y Allan/A Donnelly/J  
Kiddie/G Dickson)

Advert :

Advertised on:

Committee Date: 28 November 2013

Community Council : No response  
received



### RECOMMENDATION:

**Approve subject to conditions**

## **DESCRIPTION**

The site to which this application relates comprises a vacant fish processing factory, located to the south east corner of South Esplanade West. The existing building has been extended over time. The east-most section has two storeys to the road frontage. The materials include a brick basecourse, with profiled metal sheet cladding above, finished blue. Other parts of the building include white painted render walls, and corrugated sheeting to the roofing. A small area of yard is located to the western edge of the site, which leads to a small timber garage at the south corner of the site.

In respect of neighbouring land uses, there are two storey flatted properties of traditional construction to the south. To the west is a childrens playpark, with Boat Houses either side, and the River Dee beyond. To the north are a number of industrial/business premises, some of which are vacant. Immediately adjacent to the site is a small building utilised by a Tae Kwon-Do Club. To the east are the tenement flats along Menzies Road. They are of traditional construction, and are 2 ½ storeys to the frontage, with additional accommodation at basement level.

In relation to ground levels, the land falls very slightly from south to north, while the land rises up from west, to east (over approximately 2.5 metres within the site).

## **RELEVANT HISTORY**

None relevant to this application.

## **PROPOSAL**

Full Planning Permission is sought for the erection of a 4 storey office block with 2250 square metres of office accommodation on this irregular shaped site on South Esplanade West approximately 100 metres from the Queen Elizabeth Bridge. The submitted plans show the proposed offices being (at its nearest point) 18 metres from the rear face of the adjacent tenement blocks, and a total of 7 metres from the mutual boundary

The office block itself would cover a footprint of 672 square metres (48 x 14 metres) on this 1820 square metre site. A total of 47 car parking spaces would be provided, as well as additional motorcycle and cycle parking.

In respect of materials, the plans and 3D visualisations show that the external walls would comprise a mix of granite effect panels, white and light grey render, and curtain walling with vertical fins. Rooftop plant would be enclosed by cladding panels, and a in-set louvre system.

Through consultation with the applicant's agent, additional details of the proposed boundary treatment have been received. They have confirmed that a 1.9 metres high vertically boarded timber fence would be provided on top of a 2.3 metre high retaining feature at the edge of the car park.

## Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131118>

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 the Planning Development Management Committee because the proposal is being recommended for approval and has been the subject of six of more timeous letters of representation that express objection or concern about the proposal – representing a significant level of opposition to any local development proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads Projects Team** – Following consideration of the Transport Assessment, it is considered that the site has adequate accessibility for cyclists, pedestrians, and is accessible by public transport. While providing 47 spaces, there would be a shortfall of 19 spaces, albeit the site is located at the edge of the inner city zone. Given that no parking was provided for the previous authorised use, this would be an improvement in comparison. Conditions should be attached with regard to the technical access arrangements, and the provision of a Travel Plan.

**Environmental Health** – No objections in principle although a condition should be attached in relation to the restriction of hours of construction.

**Environmental Health (Contaminated Land)** – No objections in principle although conditions relating to the undertaking of a contaminated land assessment, and any necessary remediation, prior to development taking place.

**Enterprise, Planning & Infrastructure (Flooding)** – No observations.

**Community Council** – No comments received.

## REPRESENTATIONS

14 letters of objection have been received in respect of this application. This includes a petition from local residents, a letter from the Aberdeen Boat Club, and a total of 13 individual residents (two being at the same address). The objections raised relate to the following matters:

- 1) The scale of the proposal over-develops the site as the building would be much larger than those around it;
- 2) The building would be out of character with the surrounding area;
- 3) The proposal would generate a significant amount of traffic in an area already straining to cope;
- 4) The proposed office block would create a large need for car parking, with an under-provision on site, in an area with a lack of parking already;
- 5) Potential safety implications in close proximity to the adjacent childrens play park;

- 6) Potential implications on security of garden ground as there would be no formal barrier between the site and adjacent garden ground/business premises;
- 7) Potential gross invasion of privacy and potential implications on daylight/sunlight;
- 8) The design of the offices are inappropriate;
- 9) Crossing the road shall become more problematic as traffic flows increase; and,
- 10) Construction noise is likely to affect adjacent residential property.

Matters raised which are not material planning considerations included:

- How many empty offices does Aberdeen need
- The secluded rear car park could be used for drug dealing
- Overspill parking shall end up using adjacent private car parking
- Adjoining boundary treatments would have to be maintained at the objectors expense
- The proposal shall ruin the view from our garden; and,
- The proposal shall affect property values

## **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 planning policies. The general policy statements on: sustainable development; increasing sustainable economic growth; and, the promotion of regeneration and the re-use of previously developed land, are relevant material considerations.

### **Aberdeen City and Shire Structure Plan**

The plans states that the main aims of the plan are to:

- provide a strong framework for investment decisions which help to grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively; and
- take on the urgent challenges of sustainable development and climate change.

To support these main aims, the plan also aims to:

- make sure the area has enough people, homes and jobs to support the level of services and facilities needed to maintain and improve the quality of life;
- protect and improve our valued assets and resources, including the built and natural environment and our cultural heritage;
- help create sustainable mixed communities, and the associated infrastructure, which meet the highest standards of urban and rural design and cater for the needs of the whole population; and
- make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are attractive choices.

One of the objectives relating to Economic Growth outlines that 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.

### **Aberdeen Local Development Plan**

Policy H2 - Mixed Use Areas: states that applications for development or change of use within Mixed Use Area must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new industrial, business or commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area.

Policy T2 – Managing the Transport Impact of Development: New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

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

Policy NE6 – Flooding and Drainage: Where more than 10 homes or greater than 100 m<sup>2</sup> floorspace is proposed, the Developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must:

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

Policy R2 – Degraded and Contaminated Land: The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals.

Policy R7 – Low and Zero Carbon Buildings: All new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 standards. This percentage requirement will be increased as specified in Supplementary Guidance. Compliance with this requirement will be demonstrated by the submission of a low carbon development statement. Further guidance is contained in Supplementary Guidance on Low and Zero Carbon Buildings.

### **Supplementary Guidance**

Transport and Accessibility  
Drainage Impact Assessments  
Low and Zero Carbon Buildings

### **Other Material Planning Considerations**

#### Aberdeen Harbour Development Framework (January 2012)

The Aberdeen Harbour Development Framework was published in January 2012. Its primary aim is to help plan out the development of the Harbour over the next 20 years, which includes providing a great mix of uses. Within the framework, South Esplanade West is identified in the 'South Dee' area which has an industrial character. It further states that "Our vision for the Esplanades is to use them as the active edges of a new and exciting public space with water its heart. This Riverpark will incorporate a 'One Mile Walk' and will form a core component of the wayfinding / signage and public space strategy". The Framework also indicates the potential development opportunities on South Esplanade West, which should have active frontages to the road/river and that developments will "need to carefully consider its scale, its location and where possible improve upon South Dee's role as a gateway to Torry".

### **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 Office Use

In respect of the policies of the development plan, the application site is located within an area zoned as Mixed Use. As such there is a requirement that any proposed development takes account of existing uses and the wider character of the area, and avoids undue conflict with those land uses and amenity. In this instance, the application site has been vacant for a number of years. This stretch along South Esplanade West has historically comprised a number of different uses, with former fish processing factories, general industrial uses, garages,



together with the Boat Houses linked with rowing on the River Dee, and the proximity to residential property as well. Accordingly, there is not a set or recognisable character in the vicinity of the application site. On the northern side of the River Dee near Palmerston Road, a significant level of regeneration has, and is indeed still taking place, with former fish-houses and processing factories being replaced by office developments associated with the strong economic position that Aberdeen is currently in.

As outlined above, the Aberdeen Harbour Development Framework is also worthy of consideration. While aspirational, its primary aim is to help plan out the development of the Harbour over the next 20 years, and within which South Esplanade West is identified in the 'South Dee' area which has an industrial character. On this basis, and due to the relatively good linkages with the City Centre and the availability of land, it is considered that it is only a matter of time before further opportunities along the south side of the River Dee are brought forward, such as in this instance. Therefore the redevelopment of the site could in itself help activate regeneration along South Esplanade West.

### Design, Scale and Potential Impact on Adjacent Uses

This application marks the first step in respect of redeveloping a vacant site on South Esplanade West, to accommodate business interests for the City. Scottish Planning Policy and the Local Development Plan encourage the use of brownfield land, so long as it is well laid out, and takes account of its surroundings. The existing buildings on site are of no architectural merit, and add very little to the street-scene. In respect of the physical layout on site, the buildings occupy almost all of the site right up to boundaries with the adjacent flatted properties. The only exception is a small yard area, and strip leading up to a garage at the rear of the site. In comparison to what is now proposed, while much larger in scale, four storeys as opposed to two, the 14 metre wide building would be located hard on to the kerb edge at the site frontage.

The overall height of the development to parapet edge would be 16.6 metres, in relation to the overall height of the adjacent tenements being some 11 metres from street level to roof ridge level. In light of the level difference from Menzies Road to South Esplanade West being approximately 6 metres, it is considered that while slightly higher than roof ridge level, the continued rise in topography towards the east and south east, renders that the development can be accommodated onto site without detriment to the wider visual amenity and character of the area.

While some initial concerns were raised over the proposed development, the applicant has provided further justification both in respect of the scale, together with the economics, viability, and desirability of the development. In respect of the relationship with other adjacent sites on South Esplanade West, it is acknowledged that the premise immediately adjacent to the north is only 8.2 metres to roof level. While the proposal would be just over twice this height, the development would not impinge upon the actual operation of the business, as it would occupy part of the same footprint as the existing fish processing factory.

To the south, there would be a 12.2 metre wide gap (containing the access into the proposed car park) between the proposed office building and the adjacent two storey flats which have a height of 8 metres. In light of the orientation of these properties towards the River, and the design composition of the development, it is not considered that there would be any detriment to the privacy of these properties, nor to the daylight/sunlight of their rear gardens, which are already largely over-shadowed by the adjacent tenements on Menzies Road.

While concerns have been raised at such a development by local residents, it is acknowledged that the development of this site may also provide an opportunity for future staff to spend money in the local shops and businesses, thus helping sustain them for the future.

The design has largely been conceived through making the most of opportunities for views out of this irregularly shaped site. Contemporary in nature, the general scale and appearance reflects that of those developments taking place on the northern side of the River Dee, and many other sites across the City. Accordingly, the material choices are considered to be appropriate for this location. Furthermore, the additional elements of glazing to the frontage to the street, and the more restricted rear elevations, would help maintain any privacy concerns from residents of Menzies Road beyond. Notwithstanding, at its nearest point, the building would be approximately 18 metres from the rear wall of flats on Menzies Road, with it increasing to 37 metres further north. While a marked change from the existing buildings, the sustainable re-use and economic benefits of redeveloping this site is deemed to outweigh any particular concerns in respect of slight over-looking, which already takes place between the rear gardens of tenement buildings and the respective communal areas.

Accordingly, it is considered that the proposal is in accordance with the general aims of Policies H2 and D1 of the Local Development Plan.

#### Traffic Impacts, Access Arrangements and Car Parking

It is acknowledged that car parking in and around the application site can be at a premium at times. If the existing use provided spaces in accordance with the current car parking standards, it would have required 40 spaces, based on the floor area. However, the existing buildings on site provide no car parking at all.

There are excellent linkages to a number of public transportation services well within the 400m threshold set within SPP. The site also has good connections across the River to the edge of the City Centre which is an 800 metre walk from the application site, while the railway station is a 1.1km walk. The streets surrounding the application site are also well served by bus routes which connect to the City Centre, and beyond. As such, allowances can be given in respect of the level of car parking provided. This can be further mitigated through the provision of a Green Travel Plan for the ultimate occupants of the development to require the promotion of sustainable transportation measures.

In this instance, a total of 47 spaces would be provided on site. While this represents a shortfall of some 19 car parking spaces against the Council's car

parking, that is still a betterment when compared to the overall shortfall relating to the existing authorised use. Furthermore, the use of the offices shall be predominantly during the day, whereas many of the objections received relate to the pressures on residential and recreational parking needs which are more likely to be during evenings and weekends. Notwithstanding, the Roads Officer has not objected to the proposals, and has requested conditions be utilised for a Green Transport Plan, and the technical requirements of the site layout. The proposal is therefore considered to accord with Policy T2 of the Local Development Plan.

#### Other Technical Considerations

Following the receipt of responses from statutory consultees, the provision of adequate SUDS can be adequately controlled by the use of a condition. This would be in accordance with the requirements of Policy NE6. Prior to the commencement of development, and in light of the history of uses on site, Contaminated Land Officers have outlined the requirement for the undertaking of a contaminated land assessment, and if necessary the completion of any remediation on site. Again this can be controlled by planning condition, and would be compliant with the requirements of Policy R2 of the Local Development Plan.

#### Relevant Planning Matters Raised in Written Representations

In respect of the matters raised in representations which have not already been considered above, it is not considered that the extent the proposed development would over-shadow the garden ground of the flatted properties on Menzies Road would warrant the refusal of this application. This is due to the development being located to the west, and north of the properties, and in light of the movement of the sun, it is not considered that the extent at which some overshadowing would take place, would be excessive.

While larger than the scale of adjacent development, as noted above, the Esplanades are expected to morph over the next twenty years. In general, there is an expectancy that redevelopment sites shall utilise sites in a sustainable fashion particularly where they have good linkages to the transportation network, and therefore greater densities shall be used. Due to the aforementioned topography rising behind, it is not considered that the proposed development would necessarily be out of character with the area. In respect of the proximity to the Children's playpark, no road safety concerns have been raised by Roads Officers, and they do not object to the proposals.

The potential concerns over security has been resolved following the provision of additional information relating to the retaining feature, and associated boundary fence along the rear of the development.

A condition restricting the hours of construction, has been suggested by Environmental Health Officers. This is considered appropriate in this instance due to the close relationship between the residential flats on Menzies Road and

South Esplanade West, and the specific concerns raised through representations.

### Summary

There is no doubt, that this vacated business premise within the urban area, represents a brownfield opportunity. The success of any proposal therefore falls to be assessed on the policies of the development plan, and any other material considerations.

In this instance, while perhaps slightly greater in scale than would generally be desired, and with less car parking than required through the Council's standards, as noted above, the site is considered well placed in relation to the city centre and public transportation.

The economic success of Aberdeen, and continued demand for quality office accommodation has shown in recent times seen that areas traditionally used for established industries which have sadly declined, have been redeveloped to accommodate the needs of modern day business. The stretch of the River Dee along South Esplanade West is likely to be latest area to undergo such change. The sites on the northern side of the River are evidence of this.

The design of the development is considered to be appropriate both in respect of the building itself, and its wider relationship to adjacent property. Overall it has a horizontal emphasis, with the length along South Esplanade West being approximately 3 times the height of the building. As such, this shall help integrate the proposed development into the streetscene, which shall adapt substantially in years to come.

Accordingly, it is considered that the proposal is in compliance with the aforementioned policy principles of the Local Development Plan, and should therefore be approved.

### **RECOMMENDATION**

#### **Approve subject to conditions**

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

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

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

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

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.

- reason: in order to ensure that the site is fit for human occupation

- 2) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:
  - (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
  - (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
  - (c) at any time on Sundays,except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.
- 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 No. PL(20)012 Rev C of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.
- 4) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No B9308 - 101 or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.
- 5) That none of the units hereby granted planning permission shall be occupied unless the cycle storage and motorcycle parking facilities as shown on drawing no. PL(20)012 Rev C have been provided - in the interests of encouraging more sustainable modes of travel.

- 6) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.
- 7) That no other development in connection with the permission hereby approved shall take place and the access hereby approved shall not be brought into use unless visibility of 60 metres in both directions along the public road has been provided from a point 2.4 metres measured at right angles from the existing carriageway surface along the centre line of the approved access. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted between 0.26m and 1.05m above carriageway level within the visibility splays so formed – To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.
- 8) 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'.
- 9) that no part of the development hereby approved shall be occupied unless the site and plot boundary enclosures for the entire development hereby granted planning permission have been implemented in their entirety - in order to preserve the amenity of the neighbourhood.

## **REASONS FOR RECOMMENDATION**

That the proposal to redevelop the site and construct a four storey office development is considered to compliment the area which contains a mix of uses without detriment to the amenity of adjacent residential properties, nor the character of the wider area. While there is a slight shortfall in parking, the proposal has good linkages to the public transport network. The proposal is therefore considered to be in compliance with policies H2 Mixed Use Areas, T2 Managing the Transport Impact of Development, and D1 Architecture and Placemaking of the Aberdeen Local Development Plan.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

Aberdeen Boat Club,  
New Boathouse,  
South Esplanade West,  
Torry,  
Aberdeen.A119AA  
28<sup>th</sup> August 2013.Dept. The

Department of Planning & Sustainable Development,  
Aberdeen City Council  
Marischal College,  
Broad Street,  
Aberdeen.

Dear sirs,

Application no. 131118

Subjects 34-36 South Esplanade West, Torry, Aberdeen.

Aberdeen Boat Club wishes this application to be refused on the bases that

- (1) the proposal overdevelops the site as the building would be much bigger than those near it;
- (2) the building would be out of character if it were sited as proposed;
- (3) the proposed building would generate a significant amount of traffic in an area already straining to cope with existing traffic;

And(4) the proposed office block would create a large need for car parking with which the proposed provision of parking spaces would not nearly cope.

I am yours faithfully, on behalf of the club,

**Robert Vickers**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 30 August 2013 00:07  
**To:** PI  
**Subject:** Planning Comment for 131118

Comment for Planning Application 131118

Name : Liz Dawson

Address : 57 Beechgrove Terrace

Aberdeen

AB15 5DS

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I am a regular member of Aberdeen Boat Club which is situated across the road from the proposed development. We already have enough problems car parking and since the Karate Club started up last year, there is a lot of congestion between the Queen Elizabeth Bridge right down to Cables lane. Along with many members of Aberdeen Boat Club, I object strongly to this proposed development.



## Robert Vickers

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 28 August 2013 19:40  
**To:** PI  
**Subject:** Planning Comment for 131118

Comment for Planning Application 131118

Name : Colin Wallace

Address: 30 Walker Road

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object strongly to this application as it is not the right development for this area. South Esplanade West is already a busy enough and dangerous enough road with heavy traffic moving at far too fast a speed with no safe crossing points for children headed to the play park and adding more offices will add to the traffic volume and make crossing more difficult.

I also believe that 47 spaces will not be sufficient for an office this size and will make it very difficult for person's such as myself parking nearby to allow my child to play in the park. Enough spaces are already used by people parking here and walking into town.

Most of all, this proposed development is enormously ugly and will look very out of place on this street. Having huge walls of glass with hundreds of seagulls aiming their waste at the shiny glass will leave it looking dirty and tired almost before the window cleaners are finished.

The proposed plans will also create a secluded rear car park area which would be concealed from the road, in the past there have been problems with drug dealing on the street so giving a secluded off street area will only increase the chance of this happening.

I think it is a terrible design, bad for the traffic management of the area and will make it more dangerous for myself, my child and my dogs to cross the road to use the park and recreational ground next to the river.

**Robert Vickers**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 30 August 2013 08:39  
**To:** PI  
**Subject:** Planning Comment for 131118

Comment for Planning Application 131118

Name : Gordon Wallace

Address : 33 South Esplanade West

Telephone :

Email : [REDACTED]

type :

Comment : Following further thought, I wish to add another objection regarding the lack of parking being provided at the site. Parking is currently very limited and would become dramatically worse even with a two story office block, let alone a four. They have only provided 40 or so spaces which would mean that workers would have to park on the road. We already have single yellow lines at our side of the road which limits spaces until evening for us. This could be very detrimental to our business as we cannot have students without somewhere for them to park. We already adapted by moving our weekend classes to a Sunday as the boat club are often busy on a Saturday and many people received parking fines. The traffic wardens turn up especially for then!

We expected parking on the entire ground floor for something that large.

**PI**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 15 August 2013 21:32  
**To:** PI  
**Subject:** Planning Comment for 131118

Comment for Planning Application 131118

Name : Gordon Wallace

Address : 33 South Esplanade West

AB11 9AA

Telephone [REDACTED]

Email : [REDACTED]

type :

Comment : I own the building directly next door to the proposed development have some concerns regarding the placement of the property and how it would cause me great expense and create a security problem.

Firstly, the buildings on either side of my premises are fully attached at the boundaries with my property fitting neatly in the middle of both. The plans show that the new build would no longer be attached which would leave me with a wall which has never been seen, suddenly requiring rendering/finishing in some way at great expense to me.

I had never expected to have this problem due to the way the properties have been built on either side and assumed that any future development would be placed similarly.

The second concern is to the security at the rear of the property. The removal of the attached building would mean that there would no longer be a wall against the boundary at the back of our property. This would create access from the proposed car parking area directly into our back door. I would have expected a fence/wall to have been in the plans to separate these areas.

We hope these concerns are taken into consideration.

Thank you in advance  
Gordon Wallace

**Robert Vickers**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 29 August 2013 09:05  
**To:** PI  
**Subject:** Planning Comment for 131118

Comment for Planning Application 131118

Name : Carol Wallace

Address: 27 Westbank Park

Oldmeldrum

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : As a user of the Aberdeen Boat House on South Esplanade West, I know how hard it is to park in that area. The provision of 47 places for a 4-storey building in that area is totally inadequate.

Our club has a private car-park which is often abused by commercial interests and another building will only make things worse.

A 4-storey building is also intrusive for the flats on Menzies Road. I appreciate that this building has not been used for ages, but something more in keeping with the area would be appropriate.

**Robert Vickers**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 29 August 2013 09:16  
**To:** PI  
**Subject:** Planning Comment for 131118

Comment for Planning Application 131118

Name : Fiona Wark

Address: 10 Merkland Road,  
Aberdeen,  
AB24 3HR

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I am a member of Aberdeen Boat Club, who have premises opposite the proposed development, and I have significant concerns regarding the volume of traffic and parking issues relating to this development. The site simply does not seem large enough to accommodate a four storey office with parking adequate for all occupants, and there is therefore a risk that occupants will either park illegally or use our car parking, which is currently private property and for the exclusive use of our members and guests. I trust that these concerns will be adequately taken into consideration when determining the application.

**Robert Vickers**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 13 August 2013 19:14  
**To:** PI  
**Subject:** Planning Comment for 131118

Comment for Planning Application 131118

Name : Kevin Watt

Address : 70a Menzies Road

Torry

Aberdeen

AB11 9BH

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : This is a planned 4-storey building that will block out light and sunlight from the garden area of our property and will also reduce privacy and have an impact on property value. There are also security implications as well as any noise pollution from building work.

**Robert Vickers**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 12 August 2013 22:14  
**To:** PI  
**Subject:** Planning Comment for 131118

Comment for Planning Application 131118

Name : Fiona Brand  
Address : 70 Menzies Road  
Aberdeen  
AB11 9BH

Telephone :

Email 

type :

Comment : I object to this planning application as the erection of this building space will impinge upon my privacy, not to mention that it will have an impact upon my view of the city. I think that the parking situation in this area is already diabolical and I can only imagine that building a four story office space will make the situation worse.

**Robert Vickers**

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**From:** Karen Elrick [REDACTED]  
**Sent:** 12 August 2013 18:00  
**To:** PI  
**Subject:** Planning no 131118

Further to the notification of Planning permission being sought for the construction of a 4 story office building at 34-36 South Esplanade West, Torry, and (hand delivered to the building between the hours of Sat evening and early Sunday morning (10-11 August 2013)). I write to register our objection of this building taking place.

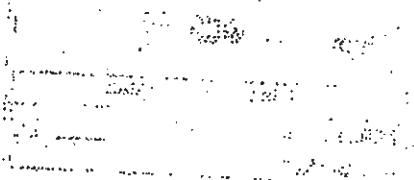
We live in the ground floor left flat at no 70 Menzies Road and the construction of this building would not only spoil our beautiful view of the river, it would also totally obstruct our light. During the summer months we have the sun from lunchtime until it goes down. We take great pride in our garden and spend a lot of time there. We do not wish to look out of our kitchen window and look straight into a 4 storey building at the bottom of our garden. Where would be our privacy.

We wholeheartedly object to this and will be contacting our local counsellor and community council.

Yours

Brian & Karen Elrick  
Ground Floor Left  
70 Menzies Road  
Torry  
Aberdeen

Sent from my iPad





70 Menzies Road  
Aberdeen  
AB11 9BH

30 August 2013

**DELIVERED BY HAND**

Planning Department (Objections)  
Marischal College

Dear Sir/Madam

**Re: Planning Application No131118**

Please find enclosed a petition with regard to the above planning application. If we had more time, there would have been more signatures.

I have placed my objections online, but also want to point out a few more.

Apart from the obvious - 4 storeys blocking out my view, light and privacy I wish you to take into account the following:-

- This building will in no way be commesurate with the current surroundings.
- There will only be 43 parking spaces in the car park which will not accommodate the amount of employees. Parking is a nightmare for residents in this area as it is.
- There is a children's play park across the road from this proposed building, with the added traffic of the workforce and the building works, this could prove very dangerous.
- How many empty office blocks does Aberdeen need.
- There is also the security issue as presently there is no space between the fish house and our back garden, this will be opened up meaning non-residents would have access to our back garden.

We are extremely disappointed at the prospect of this building being erected. All flats in our building are privately owned. Our neighbours are all hardworking decent people, who use the garden, we have BBQs, hang out washing etc. We would not be happy doing this with people looking in at us. It will be a gross invasion of our privacy.

I hope these points are taken into account when the decision is being made. No-one in the area wants this, we do not want to stand in the way of regeneration, but a 4 storey office block is a disgrace.

Yours faithfully

  
Karen Elrick  
(on behalf of the residents of Menzies Road)

NAME IMIE	ADDRESS ADRES	SIGNATURE PODPIS	DATE DATA
Bob Stedman	68A MENZIES RD		
FRED ADAMSON	68F MENZIES ROAD		
ZYGMUNT KUBSIK	266F MENZIES ROAD		28-08-2013
ALEX STUART	64 MENZIE RD		28.8.13
J KAZANOWSKA	64 MENZIES ROAD		28.08.13
E. RUIERO	60 MENZIES ROAD		28.08.13
N Falconer	60 Menzies Road		28 08 13
A MOWAT	60 Menzies Road		28/8/13
A MOWAT	60 MENZIES ROAD		28/8/13
J. Styles	58 Menzies Rd		28/8/13
J. Cohen	70 MENZIES RD		28/8/13
S. CRAWE	55 NELSON COURT		28/8/13
A. POON	38F MENZIES RD ADELAIDE		
A. FOWLER	40 VICTORIA BAR		29/8/13
E. LEIGHTON	40 VICTORIA BAR		29/8/13
B. GREENWOOD	40 VICTORIA PAR		29/8/13
S. Nicol	53 Mansfield Rd		
A. LAW	Adelaide		29/8/13
R. Ayles	Phyllis Wacker Rd		29/8/13
C. MURISON	215 GIRDLENESS RD		29/8/13
D. FATOUH	93 MANFIELD ROAD		
C. MCKAY	33B MENZIES RD		29/8/13
M. GERRARD	62 MENZIES RD		29/8/13
L. KORPAR	62 MENZIES RD		29/8/13
M. Hill	3 VICTORIA ROAD		29/8/13
G. ROBERTSON	21 VICTORIA ROAD		29/08/13
G. Cooper	1 North East Road		29/08/13
JOE DENNY	118 VICTORIA RD		29/08/13
T. Miller	12th Bay St		29/08/13
B. THOMPSON	33 MANSFIELD WAY		29/08/13
B. STEPHEN	12 BABY PLACE		29/8/13
G. CLAW	37 VICTORIA RD		29/8/13
K. W. Jones	82A MENZIES ROAD		29/8/2013

NAME IMIE	ADDRESS ADRES	SIGNATURE PODPIS	DATE DATA
Matthew Burnett	2 Boodroad cottages		26/8/13
CAROL WALLACE	27 WESTBANK PARK CPM		26/8/13
LOUISE KELLY	16 RIVERSIDE DRIVE, Sandwick		26/8/13
SPRIG	90 ABC, Aberdeen		26/8/13
R. Sherriffs	4 Laws Road Aberdeen		26/8/13
B. GARVIN	26 F ROSE MOUNT PLACE ABERDEEN		26/8/13
S. Gorder	531 O/H, Hillhead, Abdrn		26/8/13
R. NEWTON	24 ROSE MOUNT PL. ABERDEEN		26/8/13
K. MESTON	Chapelton, Stonehaven		26/8/13
C. M. SMITH	27 Bacchante Way Newmachar		26/8/13
S. MORTAZAVI	87, Bon Accord St. Aberdeen		26/8/13
D. DAVIDSON	WEST STANDING, AB12 5GT		26/8/13
F. WARK	10 MORCKLAND ROAD		27/8/13
J. Steel	40 Springfield Ave. Abdn		"
RICHARD MATHIESON	143 DUTHIE TERRACE		27/8/13
C ANDERSON	86 BRIMMONDSIDE		28/8/13
E. ARCHIBAND	67 RICHMOND STREET		28/8/13
J. TUCC	25 MILLSIDE TERR.		"
P. LITCHE	11 WESTDYKE GARDENS WESTHILL		28/8/13
D. STUART	358 QUEENS ROAD		28/08/13
A. Michael	84 LESLIE TERRACE		28/08/13
K. McCURRACH	23, BODACHRA PL.		28/8/13
L. OJESKOG	45 GAITHER TERRACE		28/8/13
S. MATHIAS	19A OLIPHANT ROAD NEWMACHAR		29/8/13



**Robert Vickers**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 29 August 2013 09:36  
**To:** PI  
**Subject:** Planning Comment for 131118

Comment for Planning Application 131118

Name : Heather McDonald  
Address : 31 Coldstone Avenue  
Kingswells  
Aberdeen  
AB15 8TT

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this proposal on the basis of lack of parking currently in this area. I am a member of Aberdeen Boat Club, we have a small private car park which is cheekily being used by parents dropping their children off or waiting to pick them up from the adjacent Karate Club which has no parking. The on-street parking is insufficient and I fear the number of car parking spaces allocated for the proposed 4 storey office block will be insufficient further impacting on the surrounding on-street parking and ABC private car park.

**Robert Vickers**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 12 August 2013 13:40  
**To:** PI  
**Subject:** Planning Comment for 131118

Comment for Planning Application 131118

Name : john fairley

Address : 60 menzies road  
aberdeen

Telephone : [REDACTED]

Email [REDACTED]

type :

Comment : i strongly object to this application, it is out of sorts for the area, will block natural light,block the view from my flat, affect the value of my property and as a commercial concern should not be allowed to impinge upon my home life.

**Robert Vickers**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 13 August 2013 19:56  
**To:** PI  
**Subject:** Planning Comment for 131118

Comment for Planning Application 131118

Name : Karen Elrick  
Address : 70 Menzies Road  
Aberdeen  
AB11 9BH

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I strongly object to this application as it will spoil my beautiful view, stop any light from getting into our garden which we use a lot and take a lot of pride in, would have no privacy and it would seriously affect the value of our property.

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 12 August 2013 08:40  
**To:** PI  
**Subject:** Planning Comment for 131118

Comment for Planning Application 131118

Name : Jane McRitchie  
Address : 70F Menzies Road  
Aberdeen  
AB11 9BH

Telephone : [REDACTED]

Email [REDACTED]

type :

Comment : I object to this. My flat looks onto this area so you will be taking away my view of the river dee and privacy/light from the back. 4 story building is too high



PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 15 August 2013 18:23  
**To:** PI  
**Subject:** Planning Comment for 131118

Comment for Planning Application 131118

Name : MARTIN SCOTT

Address : 70 MENZIES ROAD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : AS A RESIDENT OF 70 MENZIES ROAD I FEEL THAT THIS DEVELOPMENT WOULD RUIN THE VIEW FROM OUR GARDEN

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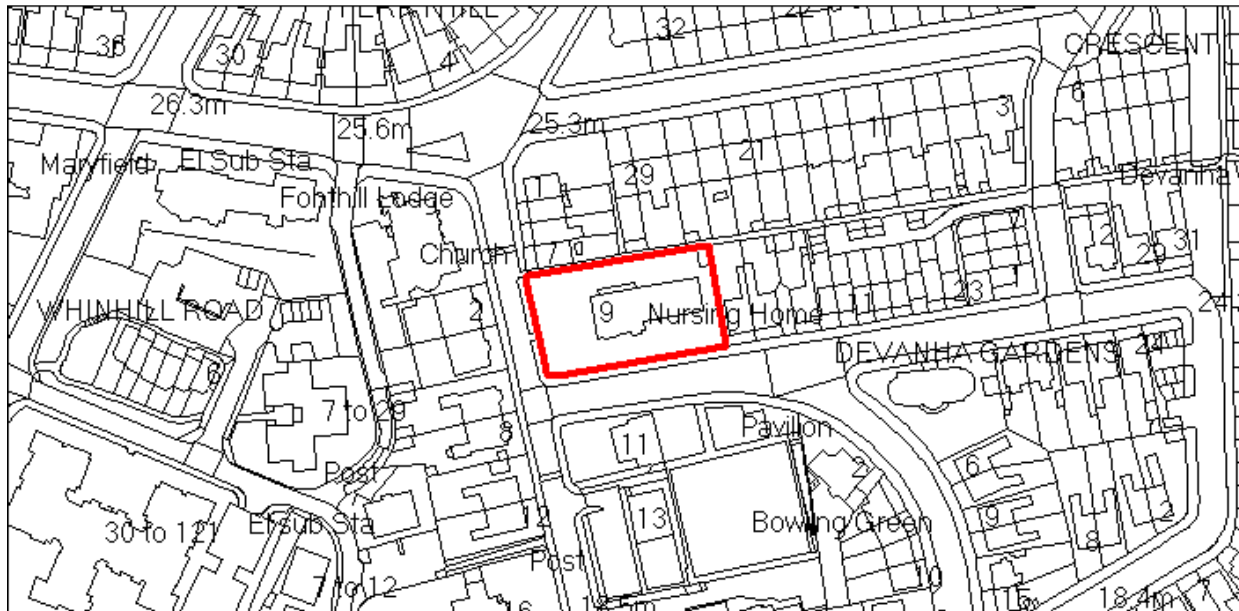
## Planning Development Management Committee

DEVANHA GARDENS NURSING HOME, 9  
POLMUIR ROAD, FERRYHILL

CONVERSION AND EXTENSION OF EXISTING  
NURSING HOME INTO 11NO. FLATS,  
INCLUDING THE DEMOLITION OF PREVIOUS  
MODERN EXTENSIONS AND THE  
FORMATION OF PARKING AREAS

For: JNF Developments Ltd

Application Type : Detailed Planning Permission	Advert : Section 60/65 - Dev. aff
Application Ref. : P130597	LB/CA
Application Date: 30/04/2013	Advertised on: 26/09/2013
Officer: Gavin Clark	Committee Date: 28/11/2013
Ward : Torry/Ferryhill (Y Allan/A Donnelly/J Kiddie/G Dickson)	Community Council : Comments



**RECOMMENDATION:** Willingness to approve subject to conditions, but to withhold the issue of the consent documents until the applicant has provided developer contributions towards affordable housing, community facilities and the core path network.

## **DESCRIPTION**

The application site, which extends to approximately 1890 square metres is located within Ferryhill, at the junction of Polmuir Road and Devanha Gardens and currently comprises a two and a half storey (with modern extensions to either side) vacant nursing home set within landscaped grounds.

The property is a prime example of a 19<sup>th</sup> century villa which occupies a prominent corner site. The property is not listed, but is located within the Ferryhill Conservation Area which is characterised by villas, semi-detached and terraced properties. The variety of architectural detailing present in Ferryhill is due to the development of the original villas and their grounds by different architects.

## **RELEVANT HISTORY**

Planning Permission (Ref: 96/1201) was approved in October 1996 for the erection of a single storey rear extension on two wings of the nursing home.

Planning Permission (Ref: 93/1784) was approved in October 1993 for an extension and alterations to the nursing home.

## **PROPOSAL**

The application proposes the conversion and extension of the existing nursing home into 11 no. flats, including the demolition of the previous extensions and the formation of parking areas.

A previous single storey extension on the Polmuir Road elevation is to be removed along with the two storey side extension – which formed part of the residential wing of the nursing home. Smaller single storey extensions to the rear of the building are also proposed for demolition. The proposal includes the erection of a subterranean parking facility with two and a half storeys of residential accommodation located above. There is a ground level distance of approximately 3.5m between the rear of the proposed flats and Devanha Lane. The new build extension would have a maximum height of approximately 11.5m (approximately 7m visible from Devanha Lane elevation), and an overall width of approximately 18.5m and a depth of approximately 16m. The 'link' balcony would have an overall height of approximately 7m. The proposal would sit approximately 5.5m from the mutual boundary with Devanha Lane.

The subterranean parking facility would provide 18 parking spaces and 11 cycle parking spaces and would allow access to the existing building. Access to the new build extension would be taken from Devanha Gardens. Two parking spaces and a motorcycle parking space would be located to the front of the property. A mature tree is proposed for removal in the front garden, to be replaced by further planting. Waste facilities will also be located to the front of the proposed building. Landscaped gardens are to be provided to the south and west and north-west of the buildings.

The extension/ alterations are to be constructed using the following materials:

New Build Extension: would be constructed using natural granite with punched face finish on all elevations, grey aluminium clad timber windows, screens and doors on both southern and northern elevations, granite tabling, natural slate roofing, zinc clad and frameless glass entrance feature, frameless glass balustrading, dark grey PC louvres to the car parking area at lower ground floor level, dark grey painted woodwork, flat roofed dormer windows and conservation style rooflights.

Refurbishment of Existing Property: the existing windows are to be replaced with white timber double glazed sash and case look-alike windows, existing skylights are to be replaced with double glazed velux conservation style rooflights, existing entrance door retained, existing rear dormer and metalwork stair removed and new dormer to match dormer on south elevation constructed, areas of walling where former extension, on west elevation, made good with mortar and materials to match existing and former window opening on north elevation opened up and a new window installed.

### **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?130597>

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

Drainage Impact Assessment – submitted November 2013

Tree Survey – submitted November 2013

### **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Development Management Committee as there have been more than 6 letters of representation and Ferryhill and Ruthrieston Community Council have objected to the application. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

### **CONSULTATIONS**

**Roads Projects Team** – have confirmed that, following the submission of amended plans, that the number of parking spaces provided, parking widths, layout, cycle parking and motorcycle parking spaces are acceptable. They have also made comment with regards to the submitted Drainage Impact Assessment and contributions towards the Strategic Transport Fund (STF).

**Environmental Health** – comments relate to bin stores, lighting in the car park areas and demolition.

**Developer Contributions Team** – have requested contributions towards affordable housing, community facilities and the core path network. The applicant has confirmed that the payments will be made upfront, should planning permission be approved.

**Enterprise, Planning & Infrastructure (Flooding)** – have raised no objection to the application but have advised that, regarding the treatment of surface water run-off, it is noted that the Drainage Impact Assessment, that all water shall pass through sub surface filtration before being collected and passed through a control manhole into a Scottish Water owned and maintained combined sewer. As a result, Scottish Water should be requested to comment on the proposed system and discharge rate.

**Scottish Water** – have no objection to the application.

**Community Council** – have objected to the application for the following reasons:

- The proposal, if implemented, given the scale and layout of the development would adversely affect the daylighting, amenity and privacy of adjoining residents and the character of the existing residential area;
- The proposal, if implemented, given the scale, height and position of the proposed building, would have a significant detrimental impact on the setting of the adjoining listed buildings and the character of the wider conservation area; and
- The proposal, if implemented, would set an undesirable precedent for future applications of a similar nature.

## **REPRESENTATIONS**

18 individuals or households have submitted letters of representation. Following the initial period of neighbour notification 17 letters of objection were received. Re-notification was carried out on the 24<sup>th</sup> September 2013 following the submission of amended plans. 1 new letter of support was received along with 8 letters of objection from persons who had previously objected to the application and 1 letter which indicated points of support and points of objection. The objections relate to the following matters; and have been split between initial objections and the objections received following neighbour re-notification advertisement:

### Objections:

1. The proposed development would look incongruous, would have an unacceptable impact on neighbouring properties and would be inconsistent with the character of the surrounding conservation area;
2. That the flat roofed design of the extension would be out of character with properties in the surrounding area, including the existing property, where pitched roofs or mansard roofs are the norm;
3. The number of flats related to the proposal would constitute overdevelopment of the plot;
4. Concerns were highlighted in relation to visibility splays, levels of parking provided, that the volume of development / construction traffic using the junction of Polmuir Road / Devanha Gardens and the current state of roads in the surrounding area.

5. The proposal would set an undesirable precedent for future development;
6. The proposed development would obscure sunlight to neighbouring properties; would affect natural light to windows in the rear of these properties and would have an unacceptable impact in terms of loss of privacy;
7. The proposal would lead to a loss of view;
8. That the proposed extension is set too far back, and too close to the rear boundary with Devanha Lane;
9. Concern about the loss of a mature tree and the details provided in the submitted Drainage Impact Assessment;
10. That the submitted plans are not sufficient for the Planning Authority to determine the current application;
11. Concern that the extension would dominate the listed building, and would have a detrimental impact on the Conservation Area;
12. Concern about the terrace proposed at the upper floor level;
13. A neighbouring property had been refused permission for the erection of a window, because it would cause overlooking issues with the previously approved nursing home;
14. There was a height restriction placed when the nursing home was constructed, this should be maintained;
15. The proposal is contrary to the Draft Ferryhill Conservation Area Character Appraisal and Management Plan, is also contrary to Policy D1, D2 and H1 of the Aberdeen Local Development Plan and relevant Supplementary Guidance.
16. Concern that affordable housing contributions are not being met;
17. Devaluation of neighbouring properties;

Support:

1. The amended plans are far more harmonious with their surroundings with the granite finishes walls and pitched roof an improvement on the previous proposal.

## **PLANNING POLICY**

### **National Policy and Guidance**

Scottish Planning Policy: states that the historic environment is a key part of Scotland's cultural heritage. Planning authorities should support the best viable use that is compatible with the fabric, setting and character of the historic environment. The aim should be to find a new economic use that is viable over the long term with minimal impact on the special architectural and historic interest of the building and area.

Conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. A proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and

siting of new development within a conservation area, and development out with the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area.

Scottish Historic Environment Policy (SHEP): provides guidance on development within Conservation Areas.

Historic Scotland: Managing Change Guidance – Extensions: this guidance states that extensions must protect the character and appearance of the building, should be subordinate in scale and form, should be located on a secondary elevation and must be designed in a high quality manner using appropriate materials.

## **Aberdeen Local Development Plan**

Policy I1: Infrastructure Delivery and Developer Contributions: states that development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of development proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

Policy T2: Managing the Transport Impact of Development: states that new developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Maximum 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 proportion of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D2: Design and Amenity: in order to ensure the provision of appropriate levels of amenity the following principles will be applied:

- 1) Privacy shall be designed into higher density housing;
- 2) Residential development shall have a public face to a street and a private face to an enclosed garden or court;
- 3) All residents shall have access to sitting out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council;
- 4) When it is necessary to accommodate car parking within a private court, the parking must not over dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in higher density schemes;



- 5) Individual flats within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeat standard units laid out with no regard for location or orientation are not acceptable;
- 6) Development proposals shall include measures to design out crime and design in safety; and
- 7) External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Policy D5: Built Heritage: proposals affecting Listed Buildings and Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

Policy D6: Landscaping: states that development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

Policy H1: Residential Areas: within existing residential areas and within new residential developments, proposals for new residential development will be approved in principle if it does not constitute over development, does not have an unacceptable impact on the character or amenity of the surrounding area, does not result in the loss of valuable and valued areas of open space and complies with the Supplementary Planning Guidance in relation to Curtilage Splits and House Extensions.

Policy H5: Affordable Housing: developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing.

Policy R6 Waste Management Requirements for New Development: states that housing developments should have sufficient space for the storage of residual, recyclable and composite wastes. Flatted developments will require communal facilities that allow for separate storage and collection of these materials. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Policy R7: Low and Zero Carbon Buildings: all new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. Compliance with this requirement will be demonstrated by the submission of a low carbon development statement.

## **Supplementary Guidance**

Infrastructure and Developers Contribution Manual

Landscape Guidelines

Low and Zero Carbon Buildings

Sub-Division and Re-Development of Residential Curtilages

Transport and Accessibility

Waste Management

Technical Advice Note: Repair and Replacement of Windows and Doors

Ferryhill Conservation Area Character Appraisal

## **EVALUATION**

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

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

### Principle of Development:

The application site is located within a residential area, as identified in the Aberdeen Local Development Plan (ALDP). Policy H1 of the ALDP advises that new residential developments will be approved in principle provided it does not constitute overdevelopment, does not have an unacceptable impact on the character or amenity of the surrounding area, does not result in the loss of valuable or valued areas of open space and complies with the associated Supplementary Guidance. For the reasons mentioned in the following evaluation it is considered that there is no conflict with Policy H1 (Residential Areas).

The property has lain vacant as a nursing home since mid-2012. Scottish Planning Policy (SPP) is generally supportive of viable economic uses that will have a minimal impact on the special historical and architectural interest of the building and wider area. SPP also states that proposals should preserve or enhance the character of the conservation area. By removing an extension of little architectural merit and replacing it with a building of a similar design/ style to the surrounding area it is considered that the proposal accords with the general principles of SPP.

The same can also be said in reference to Scottish Historic Environment Policy (SHEP), which provides guidance on development within Conservation Areas. The proposal is considered to comply with Historic Scotland's Managing Change Guidance (Extensions), as the proposal respects the character and appearance of the building and the building has been designed in a high quality manner using appropriate materials.

The proposal cannot be considered as sub-ordinate in scale and form to the existing property, given that it is a two and a half storey building of a similar size to the properties on Devanha Gardens. It should however be noted that the building is replacing an existing two storey extension of little architectural merit and it is considered appropriate to replace this with a building of greater architectural merit, which complements to the character of the conservation area.

### Roads and Access:

The proposed access arrangements and parking provision have been arrived at following consultation with the Council's Roads Projects Team, who has stated their satisfaction with the proposal.

The proposal incorporates 20 parking spaces for 11 flatted properties (at a ratio of 1.82 parking spaces per flat). Access to the site would be taken from Devanha Gardens, with two spaces and a motorcycle parking spaces located at ground floor level and a further 18 parking spaces located at subterranean level. 11 cycle parking spaces would be provided at subterranean level, by way of an access in the eastern part of the site, via Devanha Gardens.

The proposal is also seen to promote sustainable methods of transport due to the level of cycle parking provision provided, the close proximity to bus stops and the fact that Ferryhill is within walking distance of the city centre.

The proposal is considered to accord with the general principles of Policy T2 (Managing the Transport Impact of Development) of the ALDP and its associated Transport and Accessibility Supplementary Guidance.

#### Developer Contributions and 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 consultation section of this report. The applicants are aware of this requirement, and have intimated their agreement to make the required payments in full. As a result of this the proposal is considered to accord with Policy I1 (Infrastructure Delivery and Developer Contributions) and the associated Infrastructure and Developers Contribution Manual.

In terms of affordable housing it has been noted that the 25% affordable housing requirement has not been met on site. It should be noted that it would be difficult to provide the levels of affordable housing within the site and it is therefore considered appropriate to request off-site affordable housing contributions. This has been agreed with the applicant and whilst the proposal does not fully accord with, it does not offend the general principles of Policy H5 (Affordable Housing) of the ALDP.

#### Policy D1 (Architecture and Placemaking Policy D5 (Built Heritage) and Supplementary Guidance

The proposed development is set within a large plot which has been developed previously (as a 30 bed nursing home). In this regard, the proposal respects the character of the surrounding area, which is characterised by villas and semi-detached and terraced residential properties. The application site is located at the western end of Devanha Gardens, at its junction with Polmuir Road.

The use of granite and slate within the development is considered to complement the properties in the surrounding area, and improves on the current two storey extension, which is of little architectural merit, and adds little to the character of the conservation area. Whilst it was noted that the original submission was unacceptable, and failed to preserve or complement the character of the conservation area, the current design and of the extension is considered to be of a similar density to that of a number of other properties on Devanha Gardens, including those immediately adjacent at No 3 and 5.

Whilst it is noted that the density of development would be greater it is not considered that this would be to an unacceptable degree, with appropriate levels of private space still available. The proposal also sits comfortably, being granite in style with a slate roof, with the existing buildings in the surrounding area and fits in with the surrounding streetscape.

The proposed development is considered to demonstrate due regard for its context and makes a positive contribution to its setting, as required by Policy D1 (Architecture and Placemaking) of the ALDP.

The design and materials proposed are considered to complement the conservation area. The elevations visible from the street are to be finished with natural granite, and natural roofing materials are also proposed. The density of development proposed is also considered to be appropriate for the location, given that approximately 27% of the available ground is to be developed as living accommodation.

Whilst the previous use of the property was as a nursing home the Supplementary Guidance – (Sub-Division and Re-development of Residential Curtilages) is considered to be of relevance.

In terms of privacy, as a general guideline, there should be a minimum of 18 metres between the windows of existing and proposed habitable rooms. It is noted that greater distances will be appropriate for higher level windows (such as the third storey of the building). Taking this into account, there would be a minimum distance of between 20-25 metres between the windows on the rear elevation of the building and those on Ferryhill Place. There are no windows directly facing the southern elevation, with the property across facing onto Polmuir Road.

It is noted that there would be some degree of overlooking from the proposed extension; however a large degree of overlooking exists at present, both from properties on Polmuir Road and Devanha Gardens. Whilst it is noted that this issue would be exacerbated by the construction of the extension, the overlooking issue would be to garden ground areas only and it is not considered that this would be to an unacceptable degree as to warrant refusal of planning permission.

The proposal includes a landscaped area to the west and south of the existing property, which would be for the use of the owners/ occupiers. The level of amenity to be provided is considered acceptable. Two parking spaces and a motorcycle parking space are to be located in the eastern part of the site, it is considered that this loss of landscaped area would be minimal, and would be compensated by an area in the western section of the site (which is to be landscaped following the demolition of the single storey extension). A landscaping plan will also be requested via planning condition.

In terms of daylighting and sunlight, appropriate calculations have been undertaken which have determined that the proposal is acceptable, and in accordance with BRE Information Paper1 in that the 25 degree angle for acceptable daylighting has been achieved. In addition, whilst it is noted that there

would be some impact on the amount of sunlight to the properties in Ferryhill Place this would not be to such an unacceptable degree as to warrant refusal of planning permission.

To conclude, the proposal is considered to accord with both Policy D1 (Architecture and Placemaking) and the Supplementary Planning Guidance in relation to the sub-division and redevelopment of residential curtilages.

The proposed dormers and replacement windows are considered to be in full accordance with the principles of the Householder Development Guide and the Technical Advice Note: Repair and Replacement of Windows and Doors. Appropriate conditions have been inserted to ensure that the windows/ dormers are constructed in accordance with the terms of this guidance.

#### Policy D2 (Design and Amenity)

It is important to ensure that an appropriate level of amenity is provided within each development. Privacy is something which should be incorporated into each development, for the reasons mentioned elsewhere in this report; it is considered that appropriate levels of privacy have been achieved.

The development also has a public face as it fronts onto Devanha Gardens, in addition, the residents of the properties will have a large area of landscaped ground to the west and south with parking provided both at subterranean level and ground level, which will ensure that the development is not dominated by hard standing. Appropriate views and sunlighting opportunities will be provided and external lighting has taken into account residential amenity and minimised light spillage. As a result of the above the proposal is considered to accord with Policy D2 (Design and Amenity) of the ALDP.

#### 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 flatted properties, 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 should planning permission be approved and to ensure compliance with Policy R7 (Low and Zero Carbon Buildings) of the ALDP and associated Supplementary Guidance.

#### Waste Management

The applicant has provided details for the storage of waste. This is to be located close to the main access to the site on Devanha Gardens. The location of which is considered to be acceptable. Subsequently the proposal is considered to be in accordance with Policy R6 (Waste Management Requirements for New Development and its associated Supplementary Guidance – Waste Management).

### Trees/ Landscaping:

It is noted that the site features a mature tree to the south of the building, which is proposed for removal. A Tree Report was submitted which has advised that the Norway maple tree is now too large for its position close to the building. The report has advised that this tree should be felled and replaced with a more suitable tree in the space between the new building elevation and the southern boundary wall. This has been accepted by the Council's Arboricultural Planner, however he has concluded that the replacement planting proposed (by way of a 4m prunus plena) is not sufficient, and should be enhanced to include two or three additional trees.

An appropriate scheme of replacement planting can be secured via an appropriate condition in the event of approval. On this basis it is considered that the proposal accords with the general principles of Policy D6 (Landscaping) of the ALDP and its associated Supplementary Guidance – Landscape Guidelines and the Sub-Division and Redevelopment of Residential Curtilages.

### Response to Letters of Representation:

As has previously been commented, numerous letters of objection, as well as some supporting the application have been received. These points can be answered/ addressed as follows:

#### Objections:

1. The proposed development would look incongruous, would have an unacceptable impact on neighbouring properties and would be inconsistent with the character of the surrounding conservation area;

Response: Whilst it was noted that the initial design bared little resemblance to properties in the surrounding area it should be noted that the amended proposal is of a much higher design quality, which sits well both beside the existing property and those properties, including the listed buildings, in the surrounding area. The impact on neighbouring properties has been addressed elsewhere in this evaluation.

2. That the flat roofed design of the extension would be out of character with properties in the surrounding area, including the existing property, where pitched roofs or mansard roofs are the norm;

Response: It was noted that the previous incarnation did not complement the area, the above points were taken on board, and it is considered that the current proposal with a granite finish and pitch roof is complimentary to the conservation area.

3. The number of flats related to the proposal would constitute overdevelopment of the plot;

Response: It has been addressed elsewhere within the report that the proposal would not be considered as overdevelopment of the plot.

4. Concerns were highlighted in relation to visibility splays, levels of parking provided, the volume of development/ construction traffic using the junction of Polmuir Road/ Devanha Gardens and the current state of roads in the surrounding area

Response: The application has been assessed in detail by the Roads Projects Team; who have considered that the levels of parking, cycle parking and motorcycle parking are acceptable and in accordance with the relevant guidance.

It is not the purpose of the planning system to address maintenance issues on surrounding roads or footways and accordingly, it would not be competent to request that the developer undertake the cost of repairing the surrounding path network

In terms of hours of work an appropriate informative has been inserted with Environmental Health legislation used should any issues arise. There is no control of the level of construction traffic/ volume of development associated with the application.

5. The proposal would set an undesirable precedent for future development;

Response: Each application is to be considered on its own merits. It is considered that the current proposal respects the character of the conservation area and the properties which are located within it.

6. The proposed development would obscure sunlight to neighbouring properties; would affect natural light to windows in the rear of these properties and would have an unacceptable impact in terms of loss of privacy;

Response: This issue has been addressed elsewhere in this report and it should be noted that the levels of sunlight lost would not be to an unacceptable degree, and the window-to-window distances are in accordance with relevant guidance.

7. The proposal would lead to a loss of view;

Response: The loss of view is not a material planning consideration.

8. That the proposed extension is set too far back, and too close to the rear boundary with Devanha Lane;

Response: This issue has been addressed previously, with the distances involved considered acceptable.

9. Concern about the loss of a mature tree and the details provided in the submitted Drainage Impact Assessment;

Response: The loss of the tree is noted and, and following consultation with the Arboricultural Planner it was agreed that the tree could be removed, and additional planting would be requested via condition.

The concern in relation to the Drainage Impact Assessment was noted, and an amended scheme was submitted and assessed by the relevant officers.

10. That the submitted plans are not sufficient for the Planning Authority to determine the current application;

Response: The submitted plans are considered appropriate and sufficient to determine the planning application.

11. Concern that the extension would dominate the listed building, and would have a detrimental impact on the Conservation Area;

Response: The property associated with the application is not a listed building, but is bounded by Category B and Category C listed buildings on Polmuir Road and Ferryhill Place and the Category A listed Devanha House, which is located approximately 40m to the south-east of the application site. The proposed materials (which are predominantly granite and slate) are considered to be appropriate for the conservation area and the proposals would have no adverse impact on the setting of the adjacent listed buildings and conservation area.

*12. Concern about the terrace proposed at the upper floor level;*

Response: The proposed terrace at second floor level is considered to be acceptable, and would provide an enhanced level of amenity to the occupiers of flat 11. The proposal would also have a minimal impact on the levels of amenity afforded to those properties in the surrounding area.

*13. A neighbouring property had been refused permission for the erection of a window, because it would cause overlooking issues with the previously approved nursing home;*

Response: Having viewed records for properties in the surrounding area no record has been found of any properties being refused permission for the above reasons. The proposal has been assessed in terms of overlooking elsewhere in this report.

*14. There was a height restriction placed when the nursing home was constructed, this should be maintained.*

Response: Each application is considered against its own merits. At the time of the previous application there may have been certain guidance in relation to the height of extensions, which no longer exists. The proposal has been assessed against current guidance and is considered to be acceptable.

*15. The proposal is contrary to the Draft Ferryhill Conservation Area Character Appraisal and Management Plan, is also contrary to Policy D1, D2 and H1 of the Aberdeen Local Development Plan and relevant Supplementary Guidance.*

Reason: The application has been determined in consultation with the Council's Masterplanning, Design and Conservation Team. Initially the proposal was



considered unacceptable, however, following the submission of amended plans the Conservation Officers have advised that the proposal accords with the general principles of the Conservation Area Appraisal, which provides a detailed description of the area, and the materials which are commonly found – including granite and slate. For the reasons mentioned in earlier in this report the proposal is also considered to accord with Policies D1 (Architecture and Placemaking), D2 (Design and Amenity) and H1 (Residential Areas) of the ALDP.

*16. Concern that affordable housing contributions are not being met;*

Response: The proposal has been assessed by the Developer Contributions Team, who has provided an appropriate figure of payment towards affordable housing contributions. This has been agreed, and will be paid by the applicant should planning permission be granted.

*17. Devaluation of neighbouring properties;*

Response: The devaluation of properties is not a material planning consideration.

Support:

1. The amended plans are far more harmonious with their surroundings with the granite finishes walls and pitched roof an improvement on the previous proposal.

Response: The above points are noted.

Conclusion:

In summary, the proposed development relates to the site of a former nursing home within a residential area as identified in the Aberdeen Local Development Plan, the proposal has been assessed against Policy H1 (Residential Areas) as being consistent with the terms of planning policy. The density of development is also considered to be acceptable. The Council's Roads Projects Team and Masterplanning, Design and Conservation Team have also found the proposals to be acceptable, subject to appropriate conditions. Appropriate levels of financial contribution have been agreed with the applicant, which will be paid on receipt of planning approval. The level of replacement planting and landscaping is to be agreed at a later date, and will be covered via planning condition. The proposal is considered to be consistent with all other relevant policies of the ALDP and its associated supplementary planning guidance. The proposal is therefore recommended for conditional approval.

**RECOMMENDATION**

**Willingness to approve subject to conditions, but to withhold the issue of the consent documents until the applicant has provided developer contributions towards affordable housing, community facilities and the core path network.**

## **REASONS FOR RECOMMENDATION**

In terms of Scottish Planning Policy (SPP), Scottish Historic Environment Policy (SHEP), Historic Scotland's Managing Change Guidance: Extensions and Policy D5 (Build Heritage) of the Aberdeen Local Development Plan (ALDP) in that the proposal is likely to have a negligible impact on the character of the Conservation Area, the design, materials, scale and siting are considered acceptable, the building is to be considered to be of an acceptable form and has given special regard to special architectural/ historic features of the building and wider area.

The proposed development is consistent with the terms of Policy H1 (Residential Areas of the ALDP, and provides an appropriate design, scale and form of development, in accordance with Policies D1 (Architecture and Placemaking) and D2 (Design and Amenity) and is associated supplementary planning guidance document in relation to the Sub-Division and Redevelopment of Residential Curtilages and Technical Advice Note: Repair and Replacement of Windows and Doors. The Council's Developer Contributions Team has also identified an appropriate level of contribution, which has been agreed by the applicant, therefore according with Policy I1 (Infrastructure Delivery and Developer Contributions). The proposal has been assessed by the Roads Projects Team, who advised that the amended proposals provide the required levels of parking, access, cycle provision and motorcycle provision, therefore according with Policy T2 (Managing the Transport Impact of Development). The proposal has also been assessed in terms of the loss of planting, and an appropriate condition has been inserted to ensure the submission of a landscaping plan, in line with Policy D6 (Landscaping). In addition, appropriate waste provision has been provided in line with Policy R6 (Waste Management Requirements for New Development). An appropriate condition will also be inserted to ensure compliance with Policy R7 (Low and Zero Carbon Buildings).

## **CONDITIONS**

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

(1) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawings No. L(20)010D and L(20)011D of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(2) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 901 and the submitted Drainage Impact Assessment (dated 4<sup>th</sup> November 2013) or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

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

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

(5) That no development shall take place unless until details of the zinc cladding proposed for the entrance to 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.

(6) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(7) That none of the units hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing no. L(20)010D have been provided - in the interests of encouraging more sustainable modes of travel.

(8) that the window(s) and dormer(s) hereby approved shall be constructed in full accordance with the detailed cross section(s) submitted and approved (as detailed in drawing nos. A(21)03 and A(21)01A with the application and that the visible part of the outer frame of the front windows hereby approved shall not exceed 25 mm in width at the top and sides of the window opening with the remainder of the frame being concealed behind the masonry window check, unless the planning authority has given prior written approval for a variation- in order to preserve the character of the conservation area.

(9) That the use hereby granted planning permission shall not take place unless the refuse provision as highlighted in drawing no. L(20)011D has been provided – in order to preserve the amenity of the neighbourhood and in the interests of public health.

(10) That the use hereby granted planning permission shall not take place until details have been provided to the planning authority with regards to the proposed lighting for the underground parking facility – to ensure appropriate levels of lighting are provided.

**INFORMATIVES:**

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

- (a) Out with the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) Out with the hours of 9.00 am to 4.00 pm Saturdays; or
- (c) At any time on Sundays, except (on all days) for works inaudible out with the application site boundary.

[For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

**Dr Margaret Bochel**  
Head of Planning and Sustainable Development

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

163 Bon Accord Street  
Aberdeen  
AB11 6UA

1st June 2013

**Planning Application Reference: 130597**

**Conversion and extension of existing nursing home into 12No. flats, including the demolition of previous modern extensions and the formation of parking areas – Devanha Gardens Nursing Home, 9 Polmuir Road, Ferryhill, Aberdeen, AB11 7SP**

To the Planning Committee

As Planning Officer for Ferryhill & Ruthrieston Community Council I am writing to lodge an objection against the application for Detailed Planning Permission for the above proposal.

This letter reflects the collective views of the Community Council.

The basis of the objection is as follows:-

- The proposal, if implemented, given the scale and layout of the development would adversely affect the daylighting, amenity and privacy of adjoining residents and the character of the existing residential area.
- The proposal, if implemented, given the scale, height and position of the proposed building would have a significant detrimental impact on the setting of adjoining listed buildings and the character of the wider conservation area.
- The proposal, if implemented, would set an undesirable precedent for future applications of a similar nature

Yours faithfully



Barbour (Planning Officer: Ferryhill & Ruthrieston Community Council)



**Robert Vickers**

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**From:** David Hewitt [REDACTED]  
**Sent:** 22 May 2013 15:36  
**To:** PI  
**Subject:** 9 Polmuir Road

**Application number 130597**

**Proposed development at 9 Polmuir Road, AB11 7SP.**

Conversion and extension of existing nursing home into 12 flats, including the demolition of previous modern extensions

We wish to object to this application.

Although the address of the property is 9 Polmuir Road, it actually faces Devanha Gardens in the Ferryhill conservation area, and to the north it backs on to Ferryhill Place, a B-listed street (the whole street is listed including walls, gardens and sheds) in the Marine Terrace Conservation area. We do not object to the proposed demolition of the modern extensions to the former nursing home, but the new building which will replace one of the extensions will look incongruous and will be inconsistent with the character of Devanha Gardens and Ferryhill Place.

The effect of the proposed extension to 9 Polmuir Road will be detrimental to the character of the area in that the walls will rise higher than those of its neighbours to the east, and of the original building at 9 Polmuir Road on to which it will adjoin.

It appears that the new building will be of the same overall height as its neighbours to the east, and we cannot therefore object to the height as such. But it is proposed that the new building will have a flat roof rather a pitched roof. It will be a square block in an area where pitched or mansard roofs are the norm. It is going to look particularly bad from Ferryhill Place in that it will come further back than any other building in Devanha Gardens.

The rehabilitation of 9 Polmuir Road is to be welcomed, but it is probable that the developers are trying to put too many flats on a restricted site.

Yours sincerely,

David and Angela Hewitt

Professor David and Mrs Angela Hewitt,  
21 Ferryhill Place,  
Aberdeen AB11 7SE.  
Tel [REDACTED] email [REDACTED]

Flat 5  
11 Polmuir Road  
Aberdeen AB11 7RS  
13<sup>th</sup> May 2013

Proposed Development at  
Devanha Gardens Nursing Home  
9 Polmuir Road, Ferryhill  
Aberdeen AB11 7SP  
Application Number 130597

Dear Sir,

With reference to the above Planning Application, I wish to make the following objections.

#### CONSERVATION AREA

Polmuir Road / Devanha Gardens is in the Ferryhill Conservation Area.  
The proposed extension has the appearance of an office block and is totally out of keeping with the period buildings around it.

#### DESIGN

The considerably raised height of the new extension is a concern.  
The extensive use of glazing gives a commercial appearance to the property.  
A lower extension with a pitched slate roof would be far more sympathetic and in keeping with the traditional design of the original house.  
The proposed extension, with the extra height and flat roof results in a very disjointed appearance to the roof line of the building.

#### PRECEDENT

Recent developments at 17, 19 and 21 Polmuir Road have kept the integrity of the original house, with granite and pitched slate roofs used in their extensions.  
The proposed new extension to 9 Polmuir Road bears no relation to the main house and surrounding properties.

#### IMPACT ON AMENITY

The proposed raised height of the new extension will result in loss of privacy.  
The extension will overlook our back garden which at present is very secluded.

#### IMPACT ON PARKING / ROAD SAFETY

Polmuir Road is already busy at peak times. The addition of twelve flats and extra cars will inevitably add to this.  
The vehicular entrance on Devanha Gardens will change this relatively quiet street to a noisy busy one.

I do not object to 9 Polmuir Road being developed, but strongly feel that any extension must be in keeping with the surrounding properties.

I recommend the Planning Committee rejects the proposed development in its present form.

Yours sincerely,



Ann F. Chinn

**Robert Vickers**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 09 June 2013 10:42  
**To:** PI  
**Subject:** Planning Comment for 130597

Comment for Planning Application 130597

Name: Rosalind Rowe  
Address : 3 Devanha Gardens  
Aberdeen  
AB11 7UU

Telephone : [REDACTED]

Email: [REDACTED]

type :

Comment : I wish to object to this planning application for the following reasons:

- loss of amenity. The height of the wall (now 3 storeys as opposed to the existing 2 and extending much further to the north than the existing property) will result in a considerable loss of light in my kitchen (and to lesser extent one bedroom). I will be looking out at a solid wall and not able to see the sky.
- The modifications are not in keeping with the area. A very modern building such as this is not in line with a conservation area and goes against the constraints that current home owners have. Other houses converted in the area have used materials and designs in keeping with the housing in the area. Such as 17, 19 and 21 Polmuir Road. Number 19 has been designed with symmetry whereas the modification proposed is visually unbalanced. The extensions mentioned also have gabled roofs whereas this proposal is a flat roof.
- Safety. There is parking for 21 cars, of which 20 will be coming in and out of the same entrance. This entrance has a six foot wall at one side and there will be very limited visibility onto the pavement and street. This is a very busy location with children and older people especially during the summer months this is a significant safety hazard.
- Materials - the materials in the specification for this proposal are not those that would be acceptable for other private dwellings within the Conservation Area.



## Robert Vickers

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 02 June 2013 19:00  
**To:** PI  
**Subject:** Planning Comment for 130597

Comment for Planning Application 130597

Name : Mrs E Burnett  
Address : 5 Devanha Gardens  
Aberdeen  
AB11 7UU

Telephone :

Email : [REDACTED]

type :

Comment : I wish to object to the proposed planning application on the following grounds:

- 1) The height of the building is out of proportion with the original building and as such blocks the light and the views of the neighbouring properties. Parking is being created on the ground level of the proposed extension and as a result the height of the has been increased to allow for this. The proportion of landscaped gardens seems excessive and should have been considered as a more appropriate parking area.
- 2) The proposed entrance to the flats means that that cars can only enter and exit in single file. If a car is entering the premises and meets one leaving it will necessitate the car entering to reverse back into the street to allow the original car to exit. An obvious safety concern.
- 3) The volume of cars entering and exiting will endanger pedestrians especially as there is a 2 metre wall on both sides. The height of the walls creates a blind spot for both pedestrians and cars. An entrance from Polmuir Road with the parking at that side of the building surely should be considered as an alternative.
- 4) As Ferryhill is a conservation area I am surprised that an extension of this nature would be approved by the local council and planners. The style, materials and nature of this proposal stands out like a sore thumb and ignores local planning regulations and destroys the character of the neighbourhood.

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 10 June 2013 15:28  
**To:** PI  
**Subject:** Planning Comment for 130597

Comment for Planning Application 130597

Name : Dougal Morgan  
Address : 1 Marine Place

Telephone :

Email : [REDACTED]

type :

Comment : The site is within Ferryhill conservation area which is recognised as a fine example of mid to late 19th century suburban expansion of Aberdeen and is characterised by villas, semi-detached and terraced residential properties. It is further characterised by a predominant north east to south west street pattern where generally there is a common building line which together with a simple palette of building materials, serves to create a sense of cohesion in the streetscape.

I wish to object to this planning application for the following reasons:

- The proposed extension is set further back than the rear building line and uses an adhoc selection of material unsuitable in a conservation area.
- The extension dominates the site being considerable larger than the existing building in footprint.
- The site is clearly over developed by the need to locate parking under the building in a semi-basement.
- The design of the extension is poor and will have a negative impact on the Conservation area.
- The design is non-specific to its location and many similar types of elevational treatment are prevalent in other locations.
- The design of the extension is more akin to an office development and un-suitable for a residential conservation area.
- The protruding carbuncle on the front of the building is incongruous (as is the entire design) with the fine granite bays and proportions of the buildings in the vicinity.
- The extension impacts on the amenity on the Ferryhill Terrace being far too close on their south boundary with severe overshadowing and overlooking issues.
- A provision of 2 car spaces per flat should be provided as overspill will have an impact on an already saturated street parking arrangements.
- A very fine copper beech is to be removed which again suggests over development of the site. The tree should be retained as it makes a significant contribution to the setting and amenity of the conservation area.
- The use of a flat roof on this scale is inappropriate and again suggests over development.
- The rear elevational treatment is particularly poor and inappropriate in most locations let alone in a conservation area.

The extension totally ignores the scale and proportions of the surrounding buildings

To conclude I object to this planning application because it is contrary to the Draft Ferryhill Conservation Area Character Appraisals & Management Plan and because it is also contrary to Policy D1, D2 & H1 of the Local Development Plan.

27 Ferryhill Place  
Aberdeen  
AB11 7SE

Aberdeen Council Planning Department  
Business Hub 4  
Ground floor North  
Marischall College  
Broad Street  
Aberdeen  
AB10 1AB

Dear Sir/Madam

Re- Proposed development at Devanha Gardens Nursing Home, 9 Polmuir Road, Ferryhill, Aberdeen  
Application number 130597

We are writing to strongly object to the proposed plans to renovate and extend the above mentioned property.

We have recently purchased the house directly behind the building in question. Prior to this purchase the previous owner had visited Marischal College to ask a member of staff in the planning department if there were any plans to extend the building and if planning permission would be given to make the extension any higher to which the answer given was no to both.

We also asked a member of the planning department while on a visit to our property if there was a chance the home may be built higher to which we were told that it would be most unlikely as that was the height the initial consent had been granted for and Ferryhill was a protected conservation/heritage area! Lets hope this is the case

We purchased the house with the verbal reassurance that this was the case and that the protection rules were not flexible.

Should the plans be passed our garden will without a doubt become lost in the shadow of the raised extension that will now have two floors looking directly in and lose the light that we presently enjoy. We will have absolutely no privacy whilst in the garden as the residents will be able to not only look into the garden but into every room at the back of our house including our children's bedrooms. This was one of the main reasons for purchasing an expensive property in this area to enjoy the privacy and seclusion of a garden and house without being overlooked.

Moving on from a personal level, the main building as it stands is a credit to past architectural splendour and is what makes Ferryhill the grand heritage/conservation area it is. The present extension, although sadly void of any heritage grandeur is at an acceptable height and part of the landscape when our purchase was made. The proposed extension looks like an office block and is in no way sympathetic to the residents, the original house, the area or any heritage. The design of the flat roof also makes it look as if it has been stuck on to the building and does not blend in or look as part of the original house. Perhaps this is because the development company have little if no conservation experience with office blocks being the bulk of their portfolio.

Ferryhill is not an area crying out for housing and packing as many flats as possible into this site has greed and profit written all over it rather than maintaining the heritage cap the council have spent so much time promoting and residents have spent so much money preserving.

If the plans are passed they will certainly be in contradiction to the Heritage report recently produced where it was concluded that the area must be preserved re its heritage. We do not think turning part of the area into a high rise zone was quite part of the conservation plan. The report also stated that materials should be in keeping with conservation guidelines yet the developers are proposing to use materials such as metal/glass for balconies and aluminium window frames which are inappropriate.

Squeezing all these residents into this footprint will also increase the traffic to both Polmuir Road and the presently peaceful Devanah Gardens. This raises safety issues for elderly people attending the bowling green and both primary and secondary school children walking to school. The concealed entrance on both sides of the property adds to this concern.

Various alterations have been made to properties on Polmuir Road, namely No 17, 19 and 21, all of which have been designed to blend in with the older architecture, balance out the original property, or are on a much smaller scale and none of which block out the light to neighbouring properties.

We do feel that the residents who do take heritage and preservation very seriously, have pride in their residential area and comply with the council planning decisions, ie complete alterations with appropriate materials at greater costs and are sympathetic to their neighbours, will be made a complete mockery of if these plans are passed.

It is the hope for people like ourselves who vote for councillors, that we can trust and rely on them to represent area residents when needed and protect the unspoiled heritage area that is Ferryhill.

Yours faithfully



Mr and Mrs N Thomson

## Robert Vickers

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**From:** Max Rowe [REDACTED]  
**Sent:** 18 May 2013 19:52  
**To:** PI  
**Subject:** Re. Planning Application 130597, conversion and extension of 9 Devanha Gardens

Dear Sirs,

I wish to provide comments on planning application 130597.

The location of the property (9 Devanha Gardens) is in the heart of the Ferryhill Conservation Area, described as "a fine example of mid to late 19<sup>th</sup> century suburban expansion in Aberdeen"<sup>(1)</sup> and characterised by "large original villas and grounds of the mid 19<sup>th</sup> century." "Although there are differences in the building forms used, the uniform basic design and the continuous high quality architectural detailing and use of materials means the properties blend well together."<sup>1</sup> Although the area has seen sub-division of some of the larger properties into flatted developments in some cases with extensions to the rear of the property, the frontages have generally been retained thereby maintaining the architectural continuity of the area. Furthermore, 9 Polmuir Road is close to two of the listed buildings in the conservation area including the *only* Category A listed building in the Conservation Area. It has been noted in the 2013 Aberdeen City Conservation Area Character Appraisals and Management Plan (Ferryhill) that changes that detract from the character of the Conservation Area include: "Loss of original architectural detail that made a defining contribution to the area's character and appearance. Inappropriate replacement doors and windows particularly where timber sash and case windows have been replaced by uPVC casement windows", "Use of inappropriate materials where traditional materials have been replaced with modern materials has invariably resulted in a loss of character".

9 Polmuir Road is a fine 19<sup>th</sup> Century villa standing on a prominent corner site. Although the existing extensions to the building detract from its original character, the proposed development would be even more detrimental to the character of the Conservation Area. In particular:

1. Unlike other modern extensions that are restricted to the rear of the property, the proposed extension would be the dominant feature of the main frontage.
2. The height of the proposed extension breaks the roof line of the original villa and would dominate.
3. The use of a flat roof is out of keeping with the architectural character of the area.
4. Whilst the proposed south (front) elevation would use granite facing, the proposed use of aluminium clad timber windows and stainless steel and glass balustrading are completely inappropriate.
5. The use of white cladding and further stainless steel and glass balustrading on the East elevation would ruin any attempt at architectural sympathy.
6. The proposed removal of a fine tree from the south frontage (towards the eastern end of the site) would be a significant loss in an area characterised by trees from this period, some of which have already been lost due to storm damage.

In addition to the above architectural objections, there are a number of aspects of the development which would lead to a significant loss of amenity for neighbouring properties.

1. The height of the proposed extension would result in loss of light and loss of privacy to neighbouring properties to the east and the north.
2. The vehicular access to a ramp and underground parking would result in noise and pollution – particularly for the neighbouring property to the east.
3. The property is opposite a very active bowling club. The emergence of vehicles up a ramp from the proposed underground parking by means of a hidden entry, particularly at times when vehicles are parking on the street and pedestrians are crossing, would pose unnecessary additional danger.

Yours faithfully,

Max Rowe

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<sup>[1]</sup> Aberdeen City Conservation Area Character Appraisals and Management Plan, Ferryhill

P&SD Letters of Representation		
Application Number: 130597		
RECEIVED 20 MAY 2013		
Nor	Sou <input checked="" type="checkbox"/>	MAp
Case Officer Initials: GAC		
Date Acknowledged: 21/05/13		

Aberdeen City Council  
Planning & Sustainable Development  
Marischal College  
Broad St  
Aberdeen AB10 1QA

September 25, 2013

Ref: Planning Application No 130597 (version 2)

Devanha Gardens Nursing Home, 9 Polmuir Rd. Aberdeen, AB11 7SP

Dear Sir

We have studied the amended planning application and find that our original objections do not appear to have been addressed by this revision. Therefore we restate our objections as follows:

Our main objection relates to the effect the proposed building will have on our own home at 23 Ferryhill Place, and those of our immediate neighbours at nos 25, 27 and 29, as well as other neighbours in our street and in Polmuir Road. The major concern is still the extension to the east end (rear) of the building. The proposal is to demolish the current two-storey extension and replace it with a three-storey wing. This increased height would have a considerable impact on the privacy of our home and that of our neighbours: our houses and gardens would be overlooked by the windows of several (six?) dwelling, all of which would be within a few metres of our rear walls, behind the narrow pedestrian Devanha Lane which divides us from the building in question.

But the proposed building would not only cause this inevitable lack of privacy, but also a severe loss of visual amenity: the drastic reduction of light would have a major effect on our garden and its trees and plants. To our knowledge no-one from the Planning Department has visited any of our rear gardens to study the potential effect of the proposed development on this group of B-listed cottage-style houses. [Please note that there have been several developments in Devanha Gardens to the rear of Ferryhill Place's south-facing gardens, but these have been sympathetic to the prevailing source of light by being placed closer to the roadside and, therefore, not casting extensive shadow on our gardens.]

A further consideration is the sheer visual impact of such a large building, squeezed into every inch of available space on a completely unsuitable site, and its effect on the neighbourhood in Aberdeen's first conservation area. And lastly we should note our concerns regarding the impact & increased noise of the planned 21 extra cars in this peaceful area.

So we appeal to the Planning authorities to give careful consideration to these objections and consequently not approve the application as it stands.

Yours faithfully

Freda Hasler & Martin Walsh

**Robert Vickers**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 30 September 2013 12:13  
**To:** PI  
**Subject:** Planning Comment for 130597

Comment for Planning Application 130597

Name : Dr and Mrs Izhar Khan

Address : 25 Ferryhill Place

AB11 7SE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Ref: Planning Application No 130597 (version 2 Notice Dated 23 Sept 2013)

Devanha Gardens Nursing Home, 9 Polmuir Rd. Aberdeen, AB11 7SP

Dear Sir

Thanks for sending details of the amended planning application.

Unfortunately none of our previously raised objections have been addressed.

Our main objection relates to the effect the proposed building will have on our own home at 25 Ferryhill Place, and those of our immediate neighbours at nos 23, 27 and 29

The major concern is still the extension to the east end (rear) of the building. The proposal is to demolish the current two-storey extension and replace it with a three-storey wing. This increased height would have a considerable impact on the privacy of our home and that of our neighbours: our houses and gardens would be overlooked by the windows of the proposed dwellings, all of which would be within a few metres of our rear walls, behind the narrow pedestrian Devanha Lane which divides us from the building in question.

In addition there will be a drastic reduction of sunlight to our garden and those of our neighbours with devastating effects on the plants and trees.

No one from the Planning Department has visited any of our rear gardens to study the potential effect of the proposed development on our B-listed house.

We are also very concerned about the visual impact in this nice conservation area of a proposed building which would stick like a sore among the granite 19th century buildings in this area. In addition the noise element due to increased number of cars would be a further objection.

We appeal to the Planning authorities to give consider our objections and to not approve the application as it stands.

Yours faithfully

Dr Izhar and Mrs Nino Khan



**Robert Vickers**

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**From:** Deborah Evans [REDACTED]  
**Sent:** 30 September 2013 15:32  
**To:** PI  
**Subject:** Comment on Application 130597

Dear Sir/Madam

Re: Application ref 130597

Firstly, please can you acknowledge my comments presented with the initial application (see email below) so that they are reviewed again as part of the amended application, thank you.

Also I would like to note that I did not receive an acknowledgement to this email previously.

Secondly, I would like to raise my concerns about the lack of sufficient parking for a development of this size. I am concerned that this will result in an increased demand for the on road parking around the property. Parking along Polmuir Rd and Devanah Gardens is already an issue as there is a heavy demand from users of the church, bowling club and visitors to Duthie park, along with residents. I feel that the current developer needs to make more provision for parking spaces within the property boundaries to comply with current ACC standards.

I would be grateful if you could send me an acknowledgement of this email.

Yours faithfully

Dr Deborah Evans

8 Polmuir Road  
Ferryhill  
Aberdeen  
AB11 7SY

Begin forwarded message:

**From:** Deborah Evans [REDACTED]  
**Date:** 17 May 2013 10:32:25 GMT+01:00  
**To:** [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk)  
**Subject:** Comment on Application 130597

Dear Sir /Madam

Re:Application Reference 130597, Local Authority Reference: 000062357-00 Gavin Clark Case Officer

I would like to raise my concerns about the new development at 9 Polmuir rd with respect to the increased likelihood of damage to the road. The road at the junction of Devanah gardens and Polmuir road is deteriorating and the increased use by heavy construction vehicles will no doubt exacerbate this. We would request that this issue be addressed by the developer, before the start of the work. My understanding is that the developer has a responsibility under the the highways Act 1980 to make good any damage to the road. It is clear from the current state of the road that this is very likely to occur and that it would be better to be

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 08 October 2013 12:50  
**To:** PI  
**Subject:** Planning Comment for 130597

Comment for Planning Application 130597

Name : David and Angela Hewitt

Address : 21 Ferryhill Place,  
Aberdeen AB11 7SE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We wish to say firstly that the new plans improve greatly on those originally submitted, and we are particularly pleased that it is now intended that the new building have a pitched roof. However, in the plans the new building would extend back, towards the north and Ferryhill Place, by about 3.8m further than the old granite building. This will deny mid-winter sunlight to the gardens of 25 and 27 Ferryhill Place, and we would suggest that the new building could be positioned so that the pitch of its roof parallels the front pitch of the old house rather than the back. This would mean that the new building would be further south by the width of the chimney stack on the old building.

David and Angela Hewitt

23 Sycamore Place

Aberdeen

AB11 7SZ

5<sup>th</sup> October 2013

To whom it may concern,

Proposed development At : Devanha Gardens Nursing Home, 9  
Polmuir Road, Ferrryhill, Aberdeen, Aberdeen city, AB11 7SP

Application Number : 130597

We write to object to the proposed building on the Devanha Gardens nursing home site.

The building should not be allowed to be raised higher than its present height. Raising this house will be detrimental to the surrounding neighbours, taking away their natural light and privacy. The proposed building and subsequent residents will create more traffic and noise to a quiet residential area.

This is a conservation area where buildings were intended to stand proud in their magnificent design, and not have block extension and underground car parks stuck on their sides.

This application suggests financial gain rather than understanding or sympathy towards a historic conservation area.

I hope the council listen to the view of the people who will be affected by this application and not allow yet another selfish eyesore in Ferryhill.

Yours faithfully,

A large black rectangular redaction box covering the signature and name of the sender.

## Robert Vickers

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 25 October 2013 09:36  
**To:** PI  
**Subject:** Planning Comment for 130597

Comment for Planning Application 130597

Name : Dougal Morgan  
Address : 1 Marine Place

Telephone :

Email : [REDACTED]

type :

Comment : I object to these proposals for the following reasons:

- The extension if constructed would dominate the Listed Building and be out of character and detrimental to the conservation area.

It is clear from the site plan that the extension is larger in footprint than the existing building and therefore is over dominate in plan. The proposals exceeds the rear building line which is out of character and will over dominate the Listed Building. #

- The width of the proposed extension creates a width of gable not seen anywhere in the Conservation Area and is therefore out of character for the area.

- The lower level of parking reinforces the fact that the proposals are overdevelopment of the site and it is out of character with the conservations area.

- The width of the extension and projection past the rear building line of the existing building line will overdomiate the properties to the immediate North causing over shadowing and overlooking issues which will severely impact on their current amenity.

- No Tree Report is evident and the loss of the Beech Tree appears to be unwarranted and against the principles of the Conservation Character Appraisal which recognises the importance of trees in this particular area. Its proposed loss would suggest over-development.

In addition I would make the following observations and comments:

- The Drainage Impact Assessment appears to refer to a different site and it is unclear if any actual SI work has been undertaken to inform its content.

- If the windows in the existing building are to be replaced then traditional sash & case windows should be used.

- No survey information appears to be available to confirm the OSBM levels of the proposals in relation to adjacent properties.

- Section AA should be extended through to Ferryhill Place to show the true impact on adjacent properties.

- The continuous box dormer on the rear elevation is out of character.

- Perhaps rather than glass juliet balconies which allow the windows to be cleaned from inside safely, a more contemporary window style should be chosen with a fixed bottom panel to allow safe cleaning.

- The elevations do not truly represent the tabling detail as it would be built or a detail should be provided showing this. The tabling would also be higher above the roof pitch than drawn.

- Whilst it is on the rear elevation the lack of a column or wall on the north west corner of the extension is architecturally incongruous and inappropriate next to a Listed Building on in a Conservation Area.

- It is unclear how the terrace above the link is accessed. Such an outside area at high level may cause overlooking issues with existing properties.

- The smoke vent skylight to the extension is not shown on elevation.

29 Ferryhill Place, ABERDEEN, AB11 7SE

Telephone: [REDACTED]

Email: [REDACTED]

24 October 2013

Dear Mr Clark

Development at Devanha Gardens Nursing Home. Changes to the extension  
Application No: 130507

Thank you for showing me the revised plans this afternoon for the above proposed development. I am appreciate that the southern face has been improved. Otherwise however my original objections do not seem to have been addressed. I therefore repeat them:

1. Height: This is the most serious objection. The new extension is very close to the wall of the lane. Its impact will therefore be far greater than the older houses of Devanha Gardens because it is so close to the boundary wall. This will have the following results:
  - a) blocking sunlight and thus seriously affecting the plants in our gardens.
  - b) entrapment It will give us the feeling that we are trapped by a massive wall towering over our properties.
  - c) Loss of privacy: The occupants of this huge property will look right out over our back gardens, the private space of any family.
  - d) Loss of view: with this additional height I will now see nothing but sky from my upstairs rooms.
2. Bulk: Its sheer bulk in such a small area is totally out of keeping with the other properties in Devanha Gardens. Moreover as related to Ferryhill Place it is important to remember that the houses at this end of Ferryhill Place have the character of cottages. It is out of character to have this huge bulk bearing down on us.
3. Car parking: It is unlikely that the parking provided will be sufficient for all these flats. There is bound to be an overflow on to the street for two-car families and their visitors. Parking in Ferryhill Place is already inadequate; if I arrive home late in the evening I must search elsewhere for spaces, most frequently in Devanha Gardens. As a woman in her late seventies I find this quite intimidating at night time. Have the road planners taken this into account?
4. Increase in population:  
This is a massive extra population. Ferryhill is not able to absorb such a large, additional population with the extra noise associated with dense housing, in one small space, so close to the road and other houses.

Invitation: I would like to invite the planners and Councillors to come in to my back garden and my house to see for themselves how this development will affect me and **lower the value of my house.**

Yours sincerely

[REDACTED]  
Mrs Hazel Naughton

PI

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**From:** Max Rowe [REDACTED]  
**Sent:** 30 October 2013 22:23  
**To:** PI  
**Subject:** Ref. Application 130597

GR

Dear Sirs,

I am delighted to see that the applicant has responded to comments that I and others made to the initial application and would like to commend them on the improved architectural fit of the proposed development.

I must however express disappointment that two aspects of my initial comments have not been addressed, namely:

1. The loss of amenity due to obstruction of light to neighbouring properties – especially to the North and to the East – by building taller than the existing structure
2. The safety risks of a blind exit behind a 2m high wall from the subterranean car park onto a road that sees an abnormal level of traffic and pedestrians due to the bowling green opposite.

These concerns were spelt out in further detail in my initial comments and as they have not been addressed by the revised plans therefore still stand.

I look forward to seeing an improved proposal.

Prof. Max Rowe

24 Femyhill Place  
Aberdeen

AB11 7SE

7th October 2013

Dear Sir / Madam,

RE - Application Number 130597

Devanka Gardens Nursing Home, 9 Polmuir Road, Femyhill

I am writing to object to the proposed development as stated above.

My main concern is still the height of the proposed building. As stated in my previous letter of objection, raising the height of the building will block out natural light from both our garden and ground floor of our property, leaving all the lower areas in the shadow of this "block". It will allow residents at the address full view of the rear of our property to include kitchen, dining area and worst of all childrens bedrooms. There will no longer be any privacy in our garden or view from the 1st floor of our property as we presently enjoy. As the front of our house does not benefit from much light in Femyhill Place, we do rely on the rear of the property and garden for light.

The previous owner of our property was refused planning permission for a window on the upper rear level due to the fact that the Council decided that it would be seen from the nursing home and take away "privacy" from the residents. I do hope the council will stand firm on this view as 8 or so windows facing my property, and those of my

neighbours does not suddenly sound acceptable for exactly the same reason - it robs our family of any privacy and natural light.

When the extension to the nursing home was originally built, a height restriction was placed. It would be my understanding that the council discussed this and ruled on height for all the correct reasons

- Keeping the building to blend in with the present surrounding houses
- Preventing a lack of light and privacy (neighbours)
- Keeping a "conservation / historical" value to the area.

It does seem unacceptable that the Council planners may now be happy to throw the above reasons "out of the window".

The goal posts do seem to be flexible depending on the size of application!

We have recently added french doors to the rear of our property to enjoy the present light, following the strict council rules and regulations.

Our visiting planning officer did say that the building (Nursing home) behind us would probably not be allowed to go higher as that had been the height granted by the planning department!

Should the height of the proposed building be passed we will have wasted time, money and effort and will be left in the "shade". We will no longer enjoy the view of mature trees and blue skies but be saddled with a view of a block of flats!

The developer is not meeting a social need for housing in Femyhill but is squeezing in as many flats as



possible to make as big a profit as possible. No thought or respect has been shown to present residents who have chosen to stay in the area because properties are not overlocked and privacy can be enjoyed.

The effect this building will have if planning permission is granted will be devastating for our family and surrounding neighbours and have a life changing effect.

Mr & Mrs [REDACTED] & family

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## Planning Development Management Committee

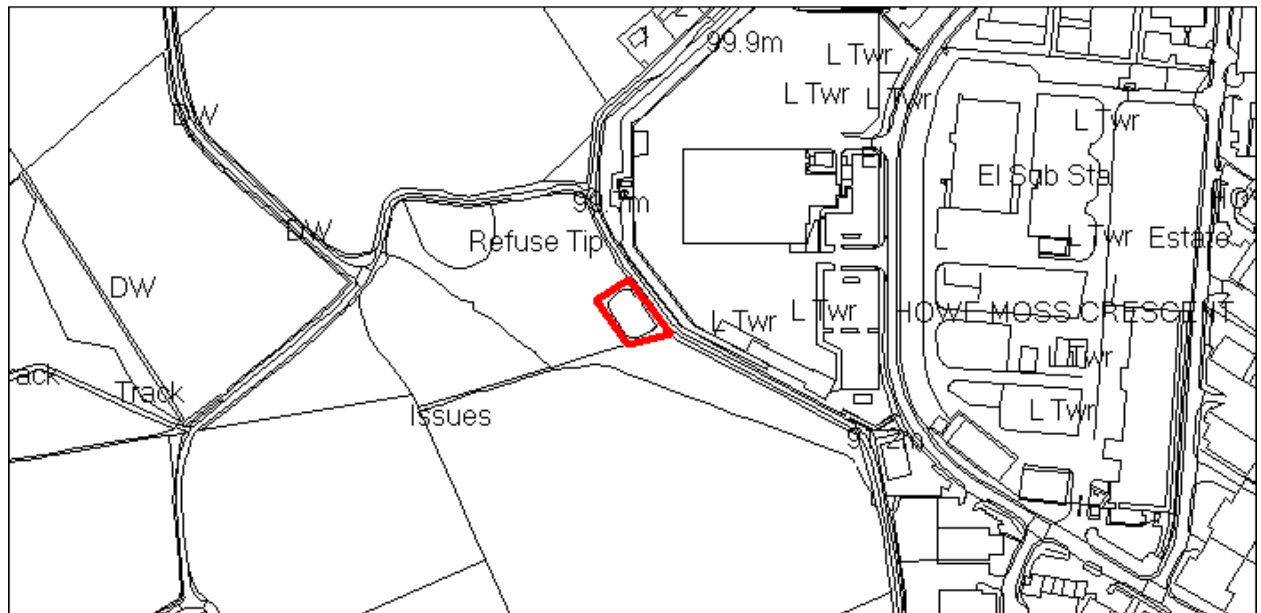
FORMER WATERWORKS, STANDING STONES, DYCE

PARTLY IN RETROSPECT: PROPOSED CHANGE OF USE TO ESTABLISH TWO PRIVATE PERMANENT GYPSY/TRAVELLER PITCHES (WITH PROVISION FOR 6 CARAVANS) AND ASSOCIATED ANCILLARY UNITS, SURFACING, FENCING, LANDSCAPING AND SITE SERVICING.

For: Mr George Stewart & Family

Application Type : Detailed Planning Permission  
Application Ref. : P130119  
Application Date: 28/01/2013  
Officer: Robert Forbes  
Ward : Dyce/Bucksburn/Danestone(B Crockett/G Lawrence/N MacGregor/G Samarai)

Advert : Dev. Plan Departure  
Advertised on: 13/02/2013  
Committee Date: 28 Novemner 2013  
Community Council : No comments



### RECOMMENDATION:

**Approve subject to conditions**

## **DESCRIPTION**

This site lies around 1km to the west of Aberdeen Airport, immediately to the west of Kirkhill Industrial Estate. The site is situated on the opposite side of a private farm track which skirts the boundary with Halliburton's Don Facility.

The site is accessed via a farm track leading from Dyce Drive to the south-east, with access from the south-east corner. The plot is relatively level and enclosed by stone dykes approximately 2m high. It extends to some 1000 square meters and has been cleared of all pre-existing buildings and vegetation, reprofiled and surfaced with hardstanding. The applicant and his immediate family currently reside at the site in a mobile home.

To the west of the site is an area of established deciduous woodland to the north-east of the site, beyond the narrow farm track, lie industrial premises, including associated open storage yards. To the south are agricultural fields.

## **RELEVANT HISTORY**

In 2006, retrospective planning permission (ref. A5/1686) was granted on appeal for the formation of 5 gypsy / traveller pitches on land at Pitmedden Road, Dyce, some 2km to the north-east. Planning permission had previously been refused by Committee on the basis of contravention of green belt policy. Notwithstanding the proximity of the site to Aberdeen Airport runway and industrial uses, noise conflict was not cited as a reason for refusal. The reporter considered that the development is a use which may be premitted in the green belt, although contrary to both structure plan and local plan green belt policy.

The current application site was formerly used as water pumping station, however it was cleared of buildings and structures in 2008.

Planning permission for the erection of a single detached house on the site (ref 101078) was refused by Committee in November 2010. The reasons for refusal were: contravention of green belt policy, and the close proximity of the house to existing industrial uses, with consequent potential conflict of use and prejudice to future industrial activity. A subsequent appeal against the refusal was made and was dismissed in March 2011

The Reporter found that the proposal was at odds with green belt policy, which restricts development only in particular circumstances. Concern was also raised in terms of: drainage, due to the intention to use a private sewer system close to the settlement boundary; and the poor quality of access to the site. He considered the potential residential environment to be poor, and that background noise levels were remarkably high. Additionally the long established industrial businesses required to be protected and that the planning system should guard against such conflicts of use.

The Reporter concluded that there were no site specific matters which would justify making an exception to the development plan, particularly green belt policy. Furthermore there was no way that planning conditions could moderate any of the difficulties identified or alter the physical context of the site.

The current applicant subsequently purchased the site and with his family has resided at the site, on an unauthorised basis, since around October 2012.

## **PROPOSAL**

This is a partly retrospective application, as the use has commenced and physical development has taken place. It seeks detailed planning permission for the change of use and redevelopment of the site to create two permanent gypsy/traveller pitches, and ancillary development (e.g. formation of hardstanding / fences / gates and services). One pitch has been created and occupied since October 2012, comprising one large mobile home (principal / chalet caravan) and two ancillary touring caravans. A permanent toilet block has yet to be developed, with a temporary building having been placed on site.

### Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130119>

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 the Planning Development Management Committee because the Scottish Environment Protection Agency (SEPA) have objected to the application. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Housing Strategy** – No objection. The development would alleviate pressure on current gypsy/traveller provision and is welcomed. If the occupants were evicted, they could present as being homeless, putting pressure on the Council's waiting list;

**Roads Projects Team** - Adequate parking is proposed. Concern is raised with the inaccessibility of the site by public transport and lack of pedestrian footways. Adequate visibility should be provided on the private track.

**Environmental Health** – No objection in principle. Raise concerns regarding foul sewerage arrangements and noise. In relation to noise it was concluded that those currently living on-site are unlikely to object to noise levels in the locality, reflective of the fact they have chosen this location and have been living there for some time – without complaint. Request that a condition be imposed regarding storage of gas cansiters on site;

**Enterprise, Planning & Infrastructure (Flooding)** - No observations;

**Scottish Environment Protection Agency** - Object to the in principle on the grounds that private foul drainage proposals do not comply with SEPA policy and guidance for new developments within or close to settlement boundaries. Such proposals should connect to the public sewerage system.

**Community Council** – No response received.

**Aberdeen Airport** – The proposal does not conflict with airport safeguarding criteria.

## **REPRESENTATIONS**

Two letters of objection have been received from nearby residents. The objections raised relate to the following matters:-

Contrary to policy; neighbour notification procedures are inadequate; adverse environmental / amenity / visual / traffic and road safety impacts; incompatibility with adjacent agricultural and industrial / commercial uses; lack of need for such accommodation; inadequate services; concerns regarding personal safety ( i.e. possible use of firearms / criminal activity); concerns regarding unauthorised works on the site / adjacent land; and need to have regard to previous appeal decision.

The agent has submitted a detailed supporting statement which attempts to justify the rationale for the development (see supporting documents above).

## **PLANNING POLICY**

### **National Policy and Guidance**

Scottish Planning Policy (SPP) seeks to promote appropriate development, particularly within existing settlements. It seeks high quality development that is sympathetic to its setting and takes into consideration amenity.

SPP (Green Belts) states that the key objectives of green belt policy are – to direct planned growth to the most appropriate locations and support regeneration; to protect and enhance the quality, character, landscape setting and identity of town and cities; and to protect and give access to open space within and around towns. Where a proposal would not normally be consistent with green belt policy, it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available. Development in a designated green belt should be of a high design quality and a suitable scale and form.

SPP (Other Housing Requirements) Development plans should address the housing needs Gypsies and Travellers, who have specific housing needs, often requiring sites for caravans and mobile homes. This need for appropriate accommodation should be considered through housing needs and demand assessments and local housing strategy. Given the typically transitory nature of Gypsies and Travellers, provision should be made for both communities which are in an area already and those who may arrive at a later date. Planning authorities should identify suitable locations for meeting the needs of Gypsies and Travellers and set out policies relating to small privately owned sites.

**Aberdeen City and Shire Structure Plan** provides a spatial, rather than detailed, strategy to ensure the right development is promoted in the right place. It has the objective of securing sustainable economic growth, by enabling development which is of high quality, protects valued resources and assets, including the built and natural environment, and which is easily accessible.

### **Aberdeen Local Development Plan**

Gypsies and Travellers

Identifies Gypsies and Travellers as a distinct ethnic group and that the lack of suitable, secure accommodation underpins many of the inequalities this community experiences, often leading to the use of public and private land as unauthorised encampments. Establishing new permanent and transit sites can help to alleviate these conflicts.

In January 2008, Craigforth Consultancy & Research was commissioned by Aberdeen City, Aberdeenshire and Moray Councils to carry out an 'Accommodation Needs Assessment' for Gypsies and Travellers in the Grampian area. For Aberdeen the report recommended a reduction in the size of the existing site at Clinterty and the development of another smaller site. In addition, it recommended the development of 1-2 small informal sites, and the provision of privately developed sites. Policy H6 and H7 and Supplementary Guidance seek to deliver new permanent or transit sites solely for the use of Gypsies and Travellers.

The five +1,500 house Masterplan Zones associated to Policy H7 are each expected to contribute towards the provision of Gypsies and Travellers. Of these five, three have are considered most appropriate for on-site provision. The three preferred sites offer opportunities for sites to be distributed to the north, west and south of the City, thereby offering a choice of locations. Where on-site provision is not made, a financial contribution will be required.

Policy H6 (Gypsy and Traveller Caravan Sites) requires that such proposals provide a suitable residential environment of a similar standard as mainstream housing developments. Applications for permanent or transit sites will be supported in principle if:

1. Access to local services and schools can be provided;
2. The development can be made compatible with the character and appearance of the surrounding area;
3. The development makes provision for essential infrastructure such as water, sewage disposal and electricity. Provision of electricity and heat through sustainable means will be encouraged; and
4. It can be demonstrated that the site will be properly managed.

Policy NE6 (Flooding and Drainage) – Surface water drainage and disposal associated with development must be dealt with in a sustainable manner,,avoid flooding and pollution both during and after construction. Connection to the public sewer will be a pre-requisite of all significant development. Private wastewater treatment systems in sewered areas will not be permitted. In areas not served by the public sewer, private sewage treatment systems for individual properties will be permitted provided the developer demonstrates that there will be no adverse effects on the environment, amenity and public health.

Policy NE2 (Green Belt) – No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreation uses compatible with an agricultural or natural setting, mineral extraction, restoration or landscape renewal.

Policy D3 ( Sustainable and Active Travel) – New development shall minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

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

1. significantly adversely affecting landscape character;
2. obstructing important views of the City’s townscape, landmarks and features from prime vantage points;
3. disturbance, loss or damage to important recreation, wildlife or woodland resources or the physical links between;
4. sprawling onto important or necessary green spaces or buffers between places or communities, and those which provide opportunities for countryside activities.

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

Policy BI4 (Aberdeen Airport) – Due regard will be paid to the safety, amenity impacts on and efficiency of uses in the vicinity of the Airport.

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

### **Supplementary Guidance**

#### Gypsy and Traveller Sites (January 2013) -

Accepts there is a national shortage of authorised sites for Gypsies and Travellers and this has created tensions between Gypsies and Travellers and the settled community. The supply of authorised sites, in appropriate locations, will help address this and balance the needs of the Gypsies/ Travellers with those of the local settled community and businesses. Overall the successful delivery of Gypsy and Traveller Sites through the Local Development Plan is a key priority.

The development of sites for Gypsies and Travellers will be assessed in the same way as applications for the settled community. There is no requirement to justify demand, but the site must be suitable in planning terms, which are listed as criteria. In addition other relevant policies must apply. For clarification there will be no exception for the development of sites for Gypsies and Travellers in the Greenbelt.

Sites should not be identified for Gypsy and Traveller use in locations that are inappropriate for ordinary residential dwellings, unless exceptional circumstances apply.

### **Other Relevant Material Considerations**

Planning appeal decisions on this site and at Pitmedden Road, as referred to above.



ACC Housing / Environment (6/10/2009) – Agreed policy on Gypsy / Traveller pitch accommodation supply.

ACC Local Housing Strategy 2012-2017 - This identifies no specific sites for permanent Gypsy / Traveller Sites but recognises that there is a legitimate housing need.

Equal Opportunities / Human Rights legislation / 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.

### Principle

The proposal is consistent with the objectives of the Council's strategic policy position regarding gypsy / traveller accommodation, which recognises "the need to provide smaller permanent sites to accommodate individual extended Gypsy / Traveller families" and "to help Gypsies / Travellers to develop sites owned by themselves". This is reinforced by the Local Housing Strategy and shows an unmet need, which is recognised by the Council. The compatibility of the proposal with the SPP and Structure Plan objective of sustainable economic growth requires detailed assessment, see below. The proposal is consistent with the objectives of local plan paragraphs 3.48 and 3.49 and the aims of the related SPG regarding Gypsy and Traveller sites, approved January 2013. However, the SPG does not support development of sites within the green belt, this conflict is addressed below. Local Plan policy H6 supports development of suitable sites subject to a number of criteria, which are considered below. As sites for provision identified within the Local Plan, in accordance with policy H7, have yet to be developed, no new provision has been made available. This is considered to be a significant factor which weighs in favour of the proposal.

### Green Belt Policy

Policy NE2 (Green Belt) of the Aberdeen Local Development Plan (ALDP) restricts new development in the green belt to proposals essential for agriculture, forestry, recreation, mineral extraction or restoration or renewal purposes and makes no mention of Gypsy / Traveller sites. This conflicts with SPP (Green Belts) which potentially allows for other non compliant uses, subject to need and unavailability of other sites. Both these tests are met in this case. Therefore the proposal complies with the principles set out in national such policy. Furthermore, the proposal is supported by the 2006 appeal decision at Kirkton Villa.

The proposed use is considered legitimate and should be addressed through the planning process. Neither the adopted local plan, nor the approved structure plan identify specific sites, other than within major housing release areas, which have yet to be delivered. Taking a reasonable approach, it is therefore considered that need and availability of suitable sites are material considerations when considering any conflict with policy NE2.

### Environmental / Landscape Impact

The proposal is of modest scale and considered to have limited physical / landscape impact, due to the secluded location, the existing boundary walls and adjacent woodland. In contrast to the adjacent woodland, the site itself is not designated as 'green space network' nor as an area of wildlife or ecological interest. Subject to provision of supplementary soft landscaping / trees within the site, in order to better integrate the development with the rural character of the green belt, it is considered that there would be no significant adverse landscape impact or conflict with the objectives of local plan policies D6, H6, and NE2.

The adopted local plan defines brownfield as 'land which has been previously developed', which is the case here, thus a more acceptable option than alternative undeveloped sites within the green belt.

### Access / Parking

The site is situated 630m along an unlit private track which leads to several cottages and farms. There is no pavement or segregated pedestrian facility. Although it is unlikely that people would walk to / from the site due to its location and distance from other residential areas or community services, given the low volume of traffic using the existing track, there is no fundamental safety objection on pedestrian access / safety grounds. It should be noted that there is access to Howe Moss Crescent via a path which leads from the track and is situated 125m from the site. The closest bus stops are located on Howe Moss Crescent and Avenue approximately 450m away, which are serviced by the no.80 (Dyce Airlink) and no.27 (City Centre – Kirkhill) routes.

On sites outwith the urban area, sustainable access and adequate non-car accessibility will usually be poor. Although this is at odds with the objectives of Local Plan policies D3 and T2, policy H6 only requires that access to local services and schools can be provided and does not make specific reference to sustainable transport modes. Notwithstanding the tension with policies D3 and T2, policy H6 generally accepts such development.

Given the nature of the proposal and that other sites identified / to be delivered through the LDP are also likely to be at the urban fringe, transport policy is not considered to be the main determining issue and would not be a sufficient reason for refusal. The site is of adequate size that sufficient car parking can be provided without any obstruction of the access track or pressure for parking on public roads.

### Residential Amenity

A noise impact assessment was previously submitted in relation to the refused house (Ref: 101078). This concluded that residents would be adversely affected by noise generated from helicopter traffic and industrial activities at Kirkhill Industrial Estate. Daytime noise levels were generally within the relevant British Standards (BS4142 - Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas and BS8233 – Sound Insulation and Noise Reduction for Buildings) limit of 55dB). Although occasional peaks associated to the testing of equipment within the adjacent yard were experienced; however this is infrequent and dependent on the source location. Residents of a nearby cottage described noise in the area as 'noticeable but not offensive'.

Given the nature of the current proposal, it is unlikely that an equivalent level of noise attenuation is provided by the existing or proposed habitable structures on site, given their less robust construction to that of a house.

As no specific noise assessment has been submitted in relation to the current proposals, it remains questionable if a suitable level of noise attenuation is likely to be achieved for the proposed use. The current proposal is therefore potentially at risk of being affected by noise nuisance. Although whether it is reasonable to apply less onerous noise attenuation standards for the proposed use than for a mainstream house, as suggested by the agent, is a matter of judgement. It also implies that gypsy/ travellers are more tolerant of noise intrusion than members of the settled community, despite no physiological / empirical evidence for such a claim having been presented. Such an approach is also at odds with the expectations of local plan policy H6, which does not discriminate between mainstream housing and gypsy / travellers.

It is recognised that the level of amenity experienced by residents of the site may not be particularly high, but is comparable with levels experienced in other residential locations. Setting aside the issue of noise, the rather secluded site location and the proximity of adjacent woodland are considered to be positive factors in terms of general levels experienced by its occupants. It is therefore considered that, in this case, an acceptable level of amenity would be provided.

#### Conflict of Uses

This was identified as a significant issue in the consideration of the 2010 house proposal. The Council's SPG states that "Sites should not be identified for Gypsy and Traveller use in locations that are inappropriate for ordinary residential dwellings, unless exceptional circumstances apply." It is considered that the identified need and unavailability of alternative sites constitutes exceptional circumstances.

Whilst noise may appear to be acceptable, operational changes could take place and alter the pattern or level of noise experienced in the future, inclusive of night time working. This has the potential to affect the amenity of residents. Should complaints be received, this could result in legitimate operations within the adjacent industrial site being compromised and this is considered a negative consequence of the proposal and would conflict with economic development objectives.

Notwithstanding this potential conflict, it is noted that the Council's noise team, who would be responsible for investigating any future noise complaints, have no objection to the proposal. Furthermore, no objection has been received from the adjacent industrial occupiers. It is also noted that the applicants have been on site for over one year and there is no record of noise complaints within that time.

Whilst the agent has suggested use of a condition / legal agreement to restrict the rights of the occupants of the site to complain in relation to noise and to restrict the occupancy, it is not considered that such a condition or legal agreement would be appropriate, and could unfairly discriminate in conflict with human rights legislation and para. 2.6 of the SPG. Furthermore, the applicant seeks flexibility to allow the site to be occupied in the future by non-family members.

### Drainage

It is proposed to use a private waste water system via a septic tank discharging to a soakaway within the site. SEPA have objected to this private arrangement, as a public connection could be made and that sporadic and / or incremental use of private treatment plants around the edge of main settlements would lead to a long-term failure to maintain or replace assets resulting in environmental harm and public health risks. However, given the scale of development it is considered that it is not considered feasible / proportionate to extend the public sewer from Howe Moss Crescent

A suitable private system could be implemented, although the EHO has questioned if the provision of a soakaway within the site is suitable they do not object to the proposal. Furthermore, a drainage recommendation report provided by the applicant states that a soakaway will be effective and does not pose a risk to groundwater or local water supplies. Policy NE6 allows for private systems outwith the public sewered area and only requires significant development to connect to the public sewer. The proposal is not considered to represent a significant development. Surface water drainage would also be discharged via the soakaway which is acceptable and complies with Policy NE6.

Notwithstanding the SEPA objection, as this does not relate specifically to the matter of flood risk, there is no requirement to refer this application to the Scottish Ministers for scrutiny.

### Objectors' concern / other matters

In addition to the matters discussed above, adequate statutory neighbour notification and advertisement of the application has taken place. The conjecture regarding possible criminal activity and use of firearms is not supported by any evidence and would be potentially discriminatory and inappropriate to give such concerns any weight in determining this application. Whilst it is unfortunate that the applicant has occupied the site without having secured the necessary planning permission, it is recognised that they have legitimate accommodation needs and the failure of the local plan to identify available sites for permanent pitches may be a significant contributory factor in such action. It must be emphasised that the application requires to be considered on its individual merits and the fact that it is partially retrospective does not constitute legitimate grounds for refusal. Although the applicant has admitted that unauthorised works have taken place, to provide water and electricity supplies, these works are not subject of this planning application. Safety concerns regarding storage of gas canisters is a matter can be controlled by other legislation.

Other issues raised by the agent, including: human rights and equal opportunities; and other appeal decisions for similar proposals outwith Aberdeen, are considered to weigh in favour of the proposal.

Given the limited level of representation received, it is not considered necessary or appropriate to hold a public hearing in this case.

### Conclusion

Notwithstanding the tension with: local plan policies NE2, D3 and T2; the SPG regarding Gypsy / Travellers; and the SEPA objection, the special nature of the

use and the other material considerations are such that, subject to imposition of conditions, the proposal is considered acceptable in terms of SPP, the Structure Plan and specific ALDP policy relating to gypsy / traveller sites.

## **RECOMMENDATION**

### **Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

Notwithstanding the tension with local plan policies NE2, D3 and T2, the SPG regarding Gypsy / Travellers and the SEPA objection, the special nature of the use and the other material considerations are such that, subject to imposition of conditions, the proposal is considered acceptable in terms of SPP, the Structure Plan and specific local plan policy relating to gypsy / traveller sites.

## **CONDITIONS**

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

(1) that within three months of the date of this approval, a scheme of all surface water drainage works designed to meet the requirements of Sustainable Urban Drainage Systems shall be submitted to and approved in writing by Aberdeen City Council as Planning Authority. Within three months of such approval the said scheme shall have been implemented and become operational. Failure to have met these requirements shall invalidate the occupancy of the site for residential purposes and any such use should cease forthwith - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(2) that within three months of the date of this approval, a further detailed scheme of site and plot boundary enclosures and a programme of future maintainace, including retention of the existing granite boundary walls, shall be submitted to and approved in writing by Aberdeen City Council as Planning Authority. Within three months of such approval the said scheme shall have been fully implemented. Failure to have met this requirement shall invalidate the occupancy of the site for residential purposes and any such use should cease forthwith - in order to preserve the amenity of the neighbourhood and to ensure adequate visibility at the site entrance.

(3) that within three months of the date of this approval, a scheme for the provision of foul sewerage and wholesome water facilities, shall be submitted to and approved in writing by Aberdeen City Council as Planning Authority. Within three months of such approval the said scheme shall have been fully implemented. Failure to have met this requirement shall invalidate the occupancy of the site for residential purposes and any such use should cease forthwith - in the interests of public health.

(4) that within three months of the date of this approval, a further detailed scheme of landscaping for the site, which shall include indications of all existing trees and landscaped areas on the site, and details of any to be retained,

together with measures for their protection in the course of development, and all proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting, shall be submitted to and approved in writing by Aberdeen City Council as Planning Authority. Such approved scheme shall be fully implemented during the first available planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area..

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

**PI - Objection to planning P130119 proposed travellers site at the Old Water Works, Standing Stones Dyce.**

**From:** Grace Hendry [REDACTED]  
**To:** "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>  
**Date:** 04/03/2013 13:58  
**Subject:** Objection to planning P130119 proposed travellers site at the Old Water Works, Standing Stones Dyce

To whom this may concern,

I wish to object to the proposed planning for a traveller's site at the above property. My farm is adjacent to property where I have lived 46 years and I was not notified nor was the landlord of the estate notified of the proposed planning application. Firstly there has already been illegal activity by Mr Stewart by digging a trench for water and electricity supply through private property without the landowners consent and setting a permanent pitch without the necessary planning permission. It is a private road and unfit for additional vehicular traffic no footpath for people to walk therefore a danger to pedestrians and also not on a bus route. I question what will happen with their foul drainage, sewage and rubbish. I have no wish to look onto an eye sore. There are already traveller sites at Clinterty Aberdeenshire and Pitmedden Road Dyce where there has been a gun incident. I do not wish to live in an area where such incidents take place and illegal activity and in fear of my own safety. Also at the Clinterty site the locals have been burgled. As my fields are adjacent there is nothing to stop other travellers pitching their caravans in these fields.

The previous planning application for a dwelling house was refused and therefore the same consideration should be the same.

Yours Faithfully

Grace Hendry  
 Howemoss Farm  
 Dyce

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Planning & Sustainable Development	
Mail ID	28894
RECEIVED	07 MAR 2013
REPLY	28.3.13
Section	DM
Officer	RF

FAXED

# peterkinssolicitors

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

our ref P W Macallan/KQ  
your ref

email  
date 01 March 2013

Direct Dial: [REDACTED]

FAX: [REDACTED]

Planning & Sustainable Development	
Mail ID	28869
RECEIVED	- 4 MAR 2013
REPLY	/ /
Section	DM
Officer	RF

Dear Sirs

Mrs E S Wilson's Trust  
Howemoss Farm, Dyce, Aberdeen, AB21 0HJ  
Planning Application Reference: P130119

With reference to the above we write on behalf of our above named clients who own farms at Howemoss and Standing Stones at Dyce.

It has been brought to our attention by the tenant of Howemoss Farm that the above planning application has been made.

We note that the period allowed for representation has expired however we must advise that at no stage did the landlord receive the requisite Planning Notice which should have been served on them as adjoining proprietors.

Despite the expiry of that time limit we would wish to make the following representations:-

- 1 No Planning Application Notice was served on the landlord to give the chance to make representations.
- 2 We believe that the proposal for the site is contrary to local policy.

aberdeen • inverurie • huntly • keith • alford

partners: graham g. matthews, paul w. macallan, philip e. anderson, hartley w. lamden, barbara a. munson, linda a. purkis, robert g. w. davidson, gordon w. mccollum, karen p. simpson  
associates: shaun mackintosh, consultants: alan j. innes, fiona a. bowman, david black, russell spence, bryan keenan, tom duncan, director of corporate law: thomas g. renzie  
practice manager: paul clark

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- 3 We believe that the proposal will have an adverse impact on amenity particularly when already unauthorised works have been carried out without the benefit of planning permission and damage has been caused to the local environment as a consequence of the unlawful occupation and use of the site. We have no reason to believe that this position will be improved by the addition of a significant additional number of vehicles accessing and using the site.
- 4 Such an increase in use on a road which is not designed for the amount of traffic will have an adverse affect on access and road safety for the current lawful users of the access road.
- 5 We believe the use is incompatible with other uses in the area which are predominantly agricultural and industrial/commercial.
- 6 We note that there is currently consultation under way regarding the provision of traveller accommodation in the City and Shire and therefore this additional accommodation should be unnecessary.

We appreciate that these representations fall outwith the period stipulated however in the circumstances we feel that consideration should be given to the views of the landowners and tenants given that no adequate Notification was made that the Planning Application was to be submitted.

We would respectfully suggest that the Application should be refused, at the very least, so that a new Application can be made with the proper Notification given.

Yours faithfully



P&SD Letters of Representation		
Application Number: 130119		
RECEIVED 04 MAR 2013		
Nor <input checked="" type="checkbox"/>	Sou <input type="checkbox"/>	MAp <input type="checkbox"/>
Case Officer Initials: REF		
Date Acknowledged: 7/3/13		

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## Planning Development Management Committee

5 CASTLE STREET, ABERDEEN

PART CHANGE OF USE OF PAVEMENT TO  
FORM PAVEMENT CAFE FOR 5 TABLES AND  
10 CHAIRS

For: J D Wetherspoon

Application Type : Detailed Planning Permission  
Application Ref. : P131365  
Application Date: 20/09/2013  
Officer: Robert Forbes  
Ward : George Street/Harbour (A Morrison/N Morrison)

Advert : Section 34 -Proj. Pub.  
Concern  
Advertised on: 02/10/2013  
Committee Date: 28 November 2013  
Community Council : Comments



### RECOMMENDATION:

**Approve Unconditionally**

## **DESCRIPTION**

The site comprises part of the public footpath adjacent to the south elevation of Archibald Simpson public house, which is located within a category A listed building of early 19<sup>th</sup> century origin and neo-classical design. The pub is accessed at the corner with King Street, with the main doors recessed from the street and set back within a colonnade feature. The pub offers a range of drinks and food but currently has no external eating or drinking area. The ground floor level of the pub is elevated above street level by approximately 1m and there is a flight of steps up from pavement level. Disabled access is provided via a rear door accessed off Lodge Walk.

The upper floors of the building are used as offices. The closest residential property is located about 35m to the south of the site on the corner of Marishal Street and Castle Street (above Old Blackfriars public house). There are existing seasonal pavement cafes associated with Blackfriars and La Lombarda restaurant nearby.

## **RELEVANT HISTORY**

Planning permission and listed building consent for conversion of the premises, a former bank, to create a public house was granted in the 1990's (96/0258).

A planning application for change of use of the pavement at the site frontage to form an external drinking / eating area was submitted in 2005 (ref. A5/2059). This was recommended for conditional approval but was refused by Planning Committee in February 2006. A subsequent appeal to the Scottish Ministers saw permission granted but the proposal was not subsequently implemented. That permission expired in November 2011.

## **PROPOSAL**

The proposal is for the creation of an outdoor seating area to be used in conjunction with the existing pub use. A total of 5 tables and 10 chairs would be provided along the southern building frontage, extending about 12m along its length. The width of the area would be 1.5m. In excess of 3.5m of clear footway width would remain. No permanent street furniture or fixings are proposed.

## **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?131365>

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 the Planning Development Management Committee because an objection has been received from the City Centre Community Council and the recommendation is for approval. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Projects Team** – No objection. Advise that separate consent is required from the Street Occupation Unit.

**Environmental Health** – Recommend that consideration is given to addressing the issues of additional refuse generated by the proposal and potential health and safety related issues such as the potential for slip and trips during transportation of food / drinks to and from the outside area.

**Enterprise, Planning & Infrastructure (Flooding)** - No observations.

**Community Council** – Object on the grounds of obstruction of the footway, creation of a health and safety hazard and attraction of vermin (sea-gulls).

**Scottish Water** – No objection.

## **REPRESENTATIONS**

None

## **PLANNING POLICY**

### **National Policy and Guidance**

Scottish Planning Policy (SPP) seeks to promote appropriate development, particularly within existing settlements. It seeks high quality development that is sympathetic to its setting and takes into consideration amenity.

Town centres are a key element of the economic and social fabric of Scotland, acting as centres of employment and services for local communities and a focus for civic activity, and make an important contribution to sustainable economic growth. Town centres should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses. Retail and leisure uses are fundamental to the concentration of other activities located in town centres and planning authorities should support a diverse range of community and commercial activities in town centres (para. 52).

The planning system has a significant role in supporting successful town centres through its influence on the type, siting and design of development (para. 57)

All retail, leisure and related developments should be accessible by walking, cycling and public transport. (para. 61).

### **Aberdeen City and Shire Structure Plan**

This provides a spatial strategy to ensure the right development is promoted in the right place. It has the objective of securing sustainable economic growth, by enabling development which is of high quality, protects valued resources and assets, including the built and natural environment, and which is easily accessible.

### **Aberdeen Local Development Plan**

#### Policy C1 – City Centre Development – Regional Centre

Development within the city centre must contribute towards the delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Development Framework.

### Policy C2 – City Centre Business Zone and Union Street.

The City Centre Business Zone is the preferred location for major retail developments as defined in Policy RT1.

### 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.

### Policy R6 - Waste Management Requirements for New Developments

Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste. There should be sufficient space for the storage of residual, recyclable and compostable wastes in accordance with Supplementary Guidance on Waste Management.

### Policy NE10 – Air Quality

Planning applications for development which has the potential to have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and can be agreed with the Planning Authority. Such planning applications should be accompanied by an assessment of the likely impact of development on air quality and any mitigation measures proposed (see Air Quality Supplementary Guidance).

## **Supplementary Guidance**

### Harmony of Uses – Street Cafes.

Aberdeen City Council supports and encourages the provision of street cafes in the City Centre, as they make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximise the use of public spaces, aid the local economy and add to the facilities offered to people who visit, live, and work in Aberdeen.

The SPG identifies a number of factors against which proposals require detailed assessment, including residential amenity, public safety and visual impact.

### Air Quality

Air Quality is a material planning consideration in the Development Management process. New developments may increase the emission of pollutants that are harmful to human health and impact on the quality of life.

This SPG provides guidance on the way in which air quality and air pollution issues will be dealt with through the planning system. The guidance has the following objectives: -

- To set out the policy framework
- To ensure air quality is properly considered in the planning process and highlight developments where air quality may be a material consideration
- To identify development proposals that will require an air quality assessment

- To provide guidance on the process of air quality assessment
- To set out the Council's approach to the use of planning conditions and S75 agreements in respect of air quality

## **EVALUATION**

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

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

### Principle

As an adjunct to the existing authorised use as licensed premises, the proposal raises no significant policy concerns in terms of land-use change. The principle of development of pavement cafes has long been accepted by the Council as an appropriate means of enhancing vitality and viability within the city centre and is compatible with the spatial strategy for the city centre as set out in the Local Plan (para 2.8-11) and in supplementary guidance. By enabling increased activity and animation at street level adjacent to a rather blank, albeit imposing, ground floor frontage, this proposal would enhance the vitality and viability of the retail centre and would therefore accord with the objectives of local plan policies C1, C2 and SPP regarding town centres.

### Residential Amenity

Given the significant distance between the proposed facility and existing flats (35m), the presence of other licensed premises and street cafes which are closer to these existing flats, and the heavily trafficked nature of the intervening public road, it is considered that there would be no adverse impact on residential amenity.

### Conservation / Listed Building / Visual Impact

As no external alterations to the building or permanent fixtures such as canopies are proposed and the proposed use is likely to be seasonal / transient, it is considered that there would be no significant nor permanent effect on the character of the conservation area / setting of the listed building, or on visual amenity in general, so that such character would be preserved.

### Refuse / Litter

Given that the proposal results in only a marginal increase in the existing number of covers within the premises, and given that the requirement for provision of refuse storage was addressed when the original planning permission for the pub was granted (with existing refuse containers provided in Lodge Walk at the side of the rear of the premises) it is considered unnecessary to impose a condition requiring additional refuse provision. It is anticipated that ashtrays would be provided on the tables by the operator and emptied by their staff, in the normal way that restaurants / bars operate, thereby avoiding the creation of litter

associated with smoking, as routinely happens in many existing public spaces within the city. Given the existing refuse facilities associated with the licensed premises, it is therefore considered that the proposal accords with local plan policy R6. Managing the pavement café service and site cleanliness / litter are issues which are addressed in the Council's design guide for pavement cafes. These matters are considered separately from the planning process during the application for a pavement café permit and through other powers. It is not necessary or appropriate to duplicate these controls by imposition of planning conditions.

#### Health / Safety

It is considered that the health and safety concerns raised by the Community Council and the Environmental Health officer regarding the potential for slips and tripping during transport of food / drinks and potential attraction of vermin are health and safety matters for the owner / operator of the public house to address (e.g. by collection / removal of used food and drink receptacles by staff ) and are controlled via relevant legislation so that they are not relevant material planning considerations.

#### Public / Road Safety

Whilst it is recognised that the occupation of part of the footway would alter existing pedestrian flow / routes, this is the case with any pavement café and in this case, the footway is considered to be of adequate width to accommodate the proposed use without adverse impact on other existing users. The Council's Roads officers have raised no concerns in relation to obstruction of the footway, the creation of a public road safety nuisance, or conflict with the use of the nearby bus stops or adjacent pedestrian crossing on Castle Street. The proposals is therefore considered acceptable on road safety / transport grounds.

#### Air Quality

It is noted that the site lies within an Air Quality Management Area which has been designated due to the high levels of air pollution, primarily due to gaseous vehicle emissions. However, the Council's Environmental Health officers have no objection to the proposal on the grounds of exposure of the public to air pollution, or potential generation of increased pollution (e.g. due to smoking) and have not requested the submission of an air quality impact assessment in terms of the SPG. It is noted that in other similar situations within the city centre, such assessment has not been required to be undertaken in determining similar planning applications. In any event it is unclear what, if any mitigation measures would be possible to implement, other than reduction / removal of motor vehicle traffic from the adjacent street, which is a wider matter for the Council to consider.

Although there is a degree of tension with local plan policy NE10, given the above factors, it is considered that the absence of an air quality impact assessment or proposed mitigation measures does not warrant refusal of the proposal, taking a proportionate approach.

#### Street Café SPG Compliance

As regards compliance with the Council's SPG regarding Street Cafes, the specific issues of relevance are addressed above. The proposal would have no



adverse effect on residential amenity and involves no physical alterations to the building or significant or permanent visual impact. There would be adequate pavement width, no unacceptable creation of a hazard to other users, no impeding of access into / egress from nearby buildings and no insurmountable litter issues. Although no canopies are proposed, the location of the site, in that it has a southerly aspect, is such that users of the facility would benefit from exposure to sunlight and would be sheltered from northerly winds. It is therefore considered to accord with the SPG.

#### Appeal Decision

With regard to the previous appeal decision, it is noted that there has been no significant change in the physical context of the site. Although there has been subsequent change in planning policy, at national, strategic and local levels, this lends increased weight to approval of the development given the location of the site within the city centre. As explained above, it is considered that imposition of conditions restricting the operation of the use is not necessary. The hours of operation of the pavement café is similarly a matter which is considered separately by the Council through licensing and the pavement café permit application processes.

### **RECOMMENDATION**

#### **Approve Unconditionally**

#### **INFORMATIVE NOTE**

As well as the Council's Planning Department, the Council's Licensing Committee has responsibility for granting licenses. Proposals for street cafes must also adhere to other regulations from the Council's Roads Department. There is a Council approved policy for the introduction of tables and chairs within pedestrian areas and on footways. If this application is approved, the applicant would have to comply with this policy. The applicant is required to contact the Street Occupation Unit on (01224) 522427 with regards to this matter.

#### **REASONS FOR RECOMMENDATION**

The proposal relates directly to the use of the existing adjacent premises. It would enhance the vitality and viability of the retail centre and would therefore accord with the objectives of local plan policies C1, C2 and SPP regarding town centres. There would be no adverse impact on residential amenity, road safety, or on the character of the conservation area / setting of the listed building.

#### **Dr Margaret Bochel**

Head of Planning and Sustainable Development.

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## Robert Forbes

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**From:** PI  
**Sent:** 24 October 2013 11:10  
**To:** Robert Forbes  
**Subject:** FW: Planning Comment for 131365

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](mailto:rvickers@aberdeencity.gov.uk)

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

From: [webmaster@aberdeencity.gov.uk](mailto:webmaster@aberdeencity.gov.uk) [<mailto:webmaster@aberdeencity.gov.uk>]  
Sent: 07 October 2013 15:03  
To: PI  
Subject: Planning Comment for 131365

Comment for Planning Application 131365

Name : Sherylanne Green  
Address : 92 Thistle Court,  
Aberdeen  
AB101SE

Telephone :

Email :

type :

Comment : The city centre community council would like to put in an objection to this application on the grounds of:

- 1: Not enough Pavement Space - It is a very busy street, with a major pedestrian crossing no more than a couple-feet away from the first table.
- 2: Health and Safety - There is only one entrance to the barrier so if an emergency situation arose at the closed end of the out side area, it could make it more difficult to deal with.
- 3: Hygiene - The outside seating is out of sight to the staff and so if food is left it could attract vermin such as Seagulls.
- 4: Traffic - The area is a very busy traffic junction with buses and cars stopping at the lights which are not far from the planned seating area.
- 5: There is a very busy bus stop very close which could over flow towards the planned area.

Because of these 5 points we feel that the area is unsuitable for this type of out door seating.

Kind regards

Sherylanne Green  
Planning Officer  
City Centre Community Council

## Planning Development Management Committee

FORMER POLICE STATION, MIDSTOCKET ROAD

CHANGE OF USE FROM FORMER POLICE STATION TO RESIDENTIAL ACCOMMODATION

For: Mr Stanley Wood

Application Type : Detailed Planning Permission

Advert : Section 60/65 - Dev aff

Application Ref. : P131363

LB/CA

Application Date: 13/09/2013

Advertised on: 25/09/2013

Officer: Paul Williamson

Committee Date: 28 November 2013

Ward : Midsocket/Rosemount (B Cornie/J Laing/F Forsyth)

Community Council : Comments



### RECOMMENDATION:

**Approve subject to conditions**

## **DESCRIPTION**

The site to which this application relates comprises a single storey flat roofed building which was formerly used as a Police Station. The existing walls are of granite block construction, with white Upvc windows, and cast iron rainwater goods (painted grey). The property is located towards the eastern end of Midstocket Road, near its junctions with Beechgrove Terrace, Argyll Place, Craigie Loanings, and Rosemount Place.

In respect of neighbouring property, there is a small area of unused ground to the east, with 1 ½ storey properties beyond containing a mix of retail and residential flats. To the south is a bank at ground floor level, with two storeys of residential accommodation above. To the west is the four storey flatted development of Midstocket Mews, while to the north are the rear gardens and garages associated with Argyll Place.

Bus stops are located within 40 metres of the application site to the west on Midstocket Road.

## **RELEVANT HISTORY**

### 14-16 Midstocket Road (Adjacent site to east)

94/0173 Shop on Ground Floor with Flat Above. Refused at Planning Committee on 25 April 1994.

94/1217 Shop on Ground Floor with storage above (1 ½ storey). Approved Conditionally on 4 August 1994. This was never implemented.

94/2165 Erection of 2 no. flats. Refused at Planning Committee on 29 November 1994.

## **PROPOSAL**

Detailed Planning Permission is sought for the change of use of this former Police Station to form a one bedroomed residential unit. The submitted plans show the premise comprising of one bedroom, a living area, a shower room, and a kitchen.

In addition, the proposals show the provision of a spiral staircase leading up to roof level, to an area which would be utilised as roof garden/amenity space. This would be enclosed to the north and east by the provision of a 2.3 metre high screen wall, which would be clad with horizontal timber linings. To the southern edge of the roof garden would be a mild steel balustrade (painted grey). At the north eastern corner of the roof terrace would be a small sun lounge of approximately 8 square metres which would enclose the stair leading to the ground floor level.

The submitted plans show that a further external change would be the drop of window cill level to the site frontage to Midstocket Road. The new windows and doors would be timber painted white.

## 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?131363>

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 the Planning Development Management Committee because the application is being recommended for approval and has been the subject of a formal objection by the Rosemount/Mile End Community Council within whose area the application site falls. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads Projects Team** – No objection. The surrounding streets can accommodate some on street car parking. In light of the constraints on internal space, no cycle parking shall be required in this instance.

**Environmental Health** – In principle there is no objection to the proposals, however due to the close proximity of the dwelling to the road and nearby junction, there are concerns over road traffic noise disturbance to future occupants. A suitable noise survey is required through a condition, to ascertain whether mitigation is required.

**Enterprise, Planning & Infrastructure (Flooding)** – No observations.

**Rosemount and Mile End Community Council** – Do not support the application for the following reasons:

- This is a very limited site, near a busy traffic junction, which offers no private parking facilities;
- The extension to the roof area raises doubts over fire safety;
- The roof terrace is not in keeping with the surrounding area; and,
- Raises a query over whether the adjacent land shall be incorporated into the proposals at a future date.

## REPRESENTATIONS

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

- 1) Loss of amenity/privacy;
- 2) A previous application for a two storey development was refused;
- 3) Lack of car parking;
- 4) Dangerous access from kitchen onto busy back lane;
- 5) No details supplied as to material finishes;
- 6) Noise impact on adjacent residential amenity;
- 7) The design would be out of character with the surrounding neighbourhood; and,
- 8) The proposal would be contrary to Local Development Plan policies D1 – Architecture and Placemaking, D4 – Aberdeens Granite Heritage, and H1 – Residential Areas;

The following matters raised are not material planning considerations:

- No right of access to adjacent garden for construction or maintenance;
- Two elevations are landlocked; and,
- Alleged flouting of legislation, and quality of previous developments

## **PLANNING POLICY**

### **Scottish Planning Policy**

Scottish Planning Policy states in paragraph 110 that “The historic environment is a key part of Scotland’s cultural heritage and it enhances national, regional and local distinctiveness, contributing to sustainable economic growth and regeneration. It is of particular importance for supporting the growth of tourism and leisure, and contributes to sustainable development through the energy and material invested in buildings, the scope for adaptation and reuse and the unique quality of historic environments which provide a sense of identity and continuity for communities. Planning authorities can help to safeguard historic assets through development plans and development management decisions. Paragraph 115 states “A proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area. Planning permission should normally be refused for development, including demolition, within a conservation area that fails to preserve or enhance the character or appearance of the area”.

### **Aberdeen Local Development Plan**

Policy RT3 – Town, District and Neighbourhood Centres states that proposals for change of use from retail to non-retail use in town, district and neighbourhood centres will only be allowed if in compliance with five set criteria.

Policy D1 – Architecture and Placemaking states that to ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the 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 states that in order to ensure the provision of appropriate levels of amenity the following principles will be applied:

- 1) Privacy shall be designed into higher density housing;
- 2) Residential development shall have public face to the street and a private face to an enclosed garden or court;
- 3) All residents shall have access to sitting out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the council; etc.



Policy D4 – Aberdeen’s Granite Heritage states that the City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area. Conversion and adaptation of redundant granite buildings will be favoured.

Policy D5 – Built Heritage states that proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

### **Supplementary Guidance**

#### Transport and Accessibility

### **Other Relevant Material Considerations**

None relevant to this application.

### **EVALUATION**

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

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

The application site is located within the Town Centre of Rosemount. As such proposal RT3 technically applies. However, as the site is already out of retail use, the conversion of this former Police Station to form a small residential unit would not result in any conflict with policy RT3.

At the outset, it is acknowledged that design is a very subjective matter. In this instance, the existing building is not particularly inspiring, and adds little to the character of the wider Rosemount/Westburn Conservation Area, which the site is within, yet on the boundary of. Accordingly, given that the building has become redundant for its originally designed purpose, consideration must be given to the sustainable re-use of this property which is also supported through Scottish Planning Policy. In one other instance in the City, a single storey former Police Station on Fonthill Road has been demolished, and replaced with a two storey flatted development (of 3 no. units). However, in this case, the site is substantially smaller, and such a scale of development would not be appropriate in light of the scale of adjacent property. The applicant has come forward with a rather novel way of re-occupying the property, and through providing a small roof-top terrace, thus providing an area of amenity for future residents through a contemporary design. At present, the height to the top of the parapet wall is 3.7 metres. As part of the proposals, the overall height including the two enclosing walls to the north and east would be 5.6 metres in height. Such an increase in

height is not considered to lead to a significant detriment to either the visual amenity nor the character of the area. The 1 ½ storey properties to the east (8-12 Midstocket Road), are estimated to have a ridge height of approximately 6.5 metres, while the scale of properties to the south (containing the bank), and Midstocket Mews to the west, are even larger still. It is not considered therefore that the proposal would have a level of impact in respect of over-shadowing or loss of daylight that would warrant the refusal of this application.

In respect of Scottish Planning Policy, it is clear in identifying that “a proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance”, and can therefore be granted. In this instance, while not to liking of objectors, the use of timber linings in enclosing two sides of the proposed roof terrace, helps to illustrate that the works are an extension to the heavier original granite materials below. Given the scale of surrounding buildings, the proposals while contemporary would not be out of scale with surrounding properties. The shape of the building at the corner of Midstocket Road and the rear lane, would not necessarily lend itself to putting a more traditional hipped roof solution on the property, and would most likely end up having a greater height to ridge than is currently proposed. Accordingly, the proposal is therefore considered to accord with SPP and Policies D1, D4, and D5 of the Local Development Plan.

In relation to the remaining policies of the development plan, the proposal does provide access to sitting out areas through the formation of the roof garden. The provision of 2.3 metre high boundary treatments to the east and north elevations would effectively enclose this roof garden and prevent overlooking to the adjacent land to the east, and the rear gardens of Argyll Place to the north. Therefore, the only areas that could be seen would be onto Midstocket Road itself, and across the road junction to Beechgrove Terrace. This would therefore accord with the requirements of Policy D2.

As the site is effectively land-locked, there is no prospect of providing car parking, without the prospect of demolition, and providing accommodation above. This is unlikely to be acceptable from both a road safety perspective, and design solution. Furthermore, the Roads Officer has confirmed that he has no objection to this planning application, and acknowledges that parking would have to be accommodated on-street. Turning to the response from Environmental Health, they have outlined that there is a requirement for a noise survey in light of the proximity to a busy junction. This can be effectively controlled by planning condition, with development being dependant upon a positive response.

#### Relevant Planning Matters Raised by the Community Council

In respect of the points raised within the objection from the Rosemount and Mile End Community Council not already addressed above, the concerns in respect of fire safety shall be dealt with through the separate Building Warrant process. The query with regard to the neighbouring land is not material at this time, as it is not incorporated into the existing planning application site boundary. Therefore any potential future application would be assessed on its own merits, and against the policies of the Development Plan at that time.

### Relevant Planning Matters Raised in Written Submissions

Turning to the issues raised within the objections received, that have not all been addressed above, the door from the kitchen is an existing access point, and no objection has been received from Roads in respect of public safety. Additional details of the materials have been submitted by the applicant to allow an assessment of their acceptability. The proposal would not be contrary to policy D4 of the Local Development Plan, as the granite building would be retained.

In summary, the proposal which would see the re-use of the existing building, and the provision of a roof terrace through a contemporary design solution is considered to comply with Scottish Planning Policy, and the relevant policies of the Aberdeen Local Development Plan.

### **RECOMMENDATION**

**Approve subject to conditions**

### **REASONS FOR RECOMMENDATION**

That the proposal to convert a vacated former police station in order to form a one bedroomed residential property is considered to accord with policies D1, D2, D4, and D5 of the Aberdeen Local Development Plan. In addition, while incorporating a contemporary element, the proposed development is considered to be of sufficient quality for its location within the Rosemount/Westburn Conservation Area, and would sustain the character of the area.

### **CONDITIONS**

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

(1) That no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

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

(3) that no development shall commence until full details of the replacement window(s) hereby approved (including detailed cross section(s)) has been submitted to and approved by the Planning Authority. The visible part of the outer frame of the front windows hereby approved shall not exceed 25 mm in

width at the top and sides of the window opening with the remainder of the frame being concealed behind the masonry window check, unless the planning authority has given prior written approval for a variation. Thereafter, the windows shall be implemented in accordance with the approved plans - in order to preserve the character of the conservation area.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 22 October 2013 17:05  
**To:** PI  
**Subject:** Planning Comment for 131363

Comment for Planning Application 131363

Name : Peter Duff  
Address : 5 Argyll Place  
Aberdeen AB25 2HU

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I have no objection to the conversion of this building into residential accomodation. However, I do object to the proposal to add to the present one-storey building's height. First, I think putting the planned structure onto the roof will not be in keeping with the building nor with the neighbourhood environment. Quite simply, it will look both odd and ugly. Second, the proposed extension on the roof will overlook my back garden, affecting its privacy and possibly its light. Third, the plan is extremely vague about the increase in elevation and what precisely will be situated on the present flat roof.

9, Argyll Place,  
Aberdeen, AB25 2HU  
September 22<sup>nd</sup>, 2013

Dear Sirs,

Proposed development at the Former Police Station, Midstocket Rd., AB15 5NE

Application 131363.

We wish to lodge three objections to the roof garden proposed in the above application.

1. People using the roof garden will have direct line of sight down into the gardens of the adjoining houses in Argyll Place.
2. A social occasion on the roof garden would emit more noise to a far greater extent than the same occasion held in one of the adjoining gardens.
3. The sun lounge would appear as a bizarre feature in Midstocket Rd., and in our neighbourhood it would be quite out of character.

Yours Sincerely,



A G Macdonald



J J Macdonald

## Robert Vickers

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 20 October 2013 16:56  
**To:** PI  
**Subject:** Planning Comment for 131363

Comment for Planning Application 131363

Name : Susan Williams  
Address : 5 Beechgrove Terrace  
Aberdeen  
AB15 5DR

Telephone :

Email : [REDACTED]

type :

Comment : No objection in principle to residential use - however I have strong reservations with regard to the upper roof garden and sun lounge as this would definitely not be in keeping with the Aberdeen Local Development plan - policies D1 D4 plus relevant aspects of H1 also lack of parking. ( In other words unsuitable for this area.) Mr Wood applied for planning permission to convert No 12 Midsocket Road to a 1 bed. flat - we did not object - however at a later date he applied to change this to a 2 bed property - we were not notified and now face an appalling lack of decent workmanship which is another reason to turn down this proposal- he will also probably try this trick again of changing things - despite us looking directly on to all these properties we seem to have little or no say in developments.

I am fairly sure in the not too distant future he will attempt to purchase the piece of contentious ground between the Police Station and No12 - if he has not already done so!

Should Mr. Wood or any of his representatives make any attempt to bully me in any way you will be notified and I expect this to be notified to the planning meeting on 27 November.

I expect to be kept fully informed of future events with regard to this application.



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James D. Anderson consultant architect

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3 WESTFIELD TERRACE ABERDEEN AB252RU  
Tel: [REDACTED] Email: [REDACTED]

23 October, 2013

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

FAO: Mr. Paul Williamson

**Ref: Change Of Use From Former Police Station To Residential Accommodation**  
**Application Number: 131363**

Dear Mr. Williamson,

I am writing on behalf of Mrs. Catherine Robb, who lives at 3 Argyll Place, immediately adjacent to the Police Station. We wish to object to this application for change of use to a house, for various reasons:

1) The main objection against the development is the proposal for very obtrusive 2.3metre high walls enclosing the North and East edges of the property, to enclose an "amenity area". This constitutes a flagrant over-development of the site. These walls, added to the already high walls of the existing building, will form a daylighting barrier to the only area of garden in Mrs. Robb's house where it enjoys sunshine from the south and west.

We cannot envisage anyone enjoying using this space, which would overlook a very public and busily trafficked road intersection, and opposite, a bank and offices on the ground floor, with blocks of flats above. The proposals turn what is an ugly building, into a very ugly and rather ludicrous building.

We suspect an ulterior motive in forming the "amenity space". The only reason that we can see for such a feature is to make it easier to subsequently apply for turning the upper area into an enclosed second storey to the proposed house.



We should point out that some years ago, a proposal was made for a two storey house in the area immediately adjacent to the applicant's building. This was firstly rejected by Aberdeen City Council, and thereafter, after an appeal by the applicant, by the Secretary of State.

A much more appropriate proposal would be for a pitched slated roof, to make the building more attractive.

2) The applicants show the additional walls to be covered with timber linings. As well, the kitchen and toilet adjoin the north wall of the premises, which means that they will require ventilation. It should be stressed that the areas of the north and east walls lie in different ownerships to that of the applicant, and there is no right of access, nor means of maintenance in these areas. Due to this, we are unclear as to how the outer wall finishes could be completed as proposed.

3) As well, Aberdeen City Council Guidelines state that a development such as this requires parking facilities. The entrance elevation of the proposed development facing on to the lane off Mid Stocket Road is very narrow. This could lead to cars being parked there, and blocking access into Mrs. Robb's rear gate and garage, which are immediately adjacent.

In approving a recent application by the same client for premises in the two bedroomed flat constructed at number 12 Midstocket Road, due to the size of the development, parking restrictions were relaxed. However, how many more applications will be allowed the same relaxations, which accumulatively serve to add to the already extreme congested state of parking in this area? They all add up. This is not an existing City Centre proposal, rather, a new development in an outlying area of the city.

5) There is no disabled access into the premises, and it is impossible to provide such.

6) The existing windows on the north elevation are obscured glass. We are concerned that they could be changed to clear glass, taking away Mrs. Robb's privacy.

If the application for converting the premises were only confined to the internal refurbishment of the existing ground floor, many of our concerns would certainly be mitigated.

However, as the proposals stand, we strongly object, and request refusal of the application.

Yours Sincerely,



James D. Anderson

P&SD Letters of Representation		
Application Number:	131363	
RECEIVED	25 OCT 2013	
Nor	Sou <input checked="" type="checkbox"/>	MAp <input type="checkbox"/>
Case Officer Initials:	PW	
Date Acknowledged:		

8 Midsocket Road

Aberdeen

AB15 5NE

4<sup>th</sup> October 2013

Planning & Sustainable Development

Marischal College

Broad Street

Aberdeen

AB10 1AB

Reference Application Number 131363 Proposed Development Midsocket Road AB15 5NE

Dear Sir/Madam

With regard to the above planning application reference I hereby wish to object to this proposal for the following reasons:

- 1) Loss of amenity.
- 2) Previous application (some time ago) for two storeys was refused.
- 3) No right of access to garden for either build purpose or maintenance.

4) Lack of parking spaces (minimum requirement provision of 2 spaces).

5) Dangerous access from kitchen onto busy back lane.

6) Two elevations land locked (north and east elevations)

7) No details supplied on plan of finishes to walls, handrails, drains, roof etc.

8) This proposer has recently 'converted' another property next door at 10 Midstocket Road where several building regulations were contravened, to name but a few these included putting a window into a mutual gable wall (without consent of other owners) on the boundary of a mutual piece of ground which the council gave him permission as he advised them that he solely owned this piece of ground. (I have the deeds to prove that this is not true). Mutual joists were also cut and removed, again without any consent. The proposer is a public menace and truly believes that he can carry out any type of conversion he wishes with little regard of the planning authorities, laws or mutual owners of the buildings and I sincerely hope that his ambitions are treated with extreme caution by the planning department this time.

Please can you note my request that I wish to be notified of all further amended plans.

Thank you

Yours faithfully

ne R Main

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## Planning Development Management Committee

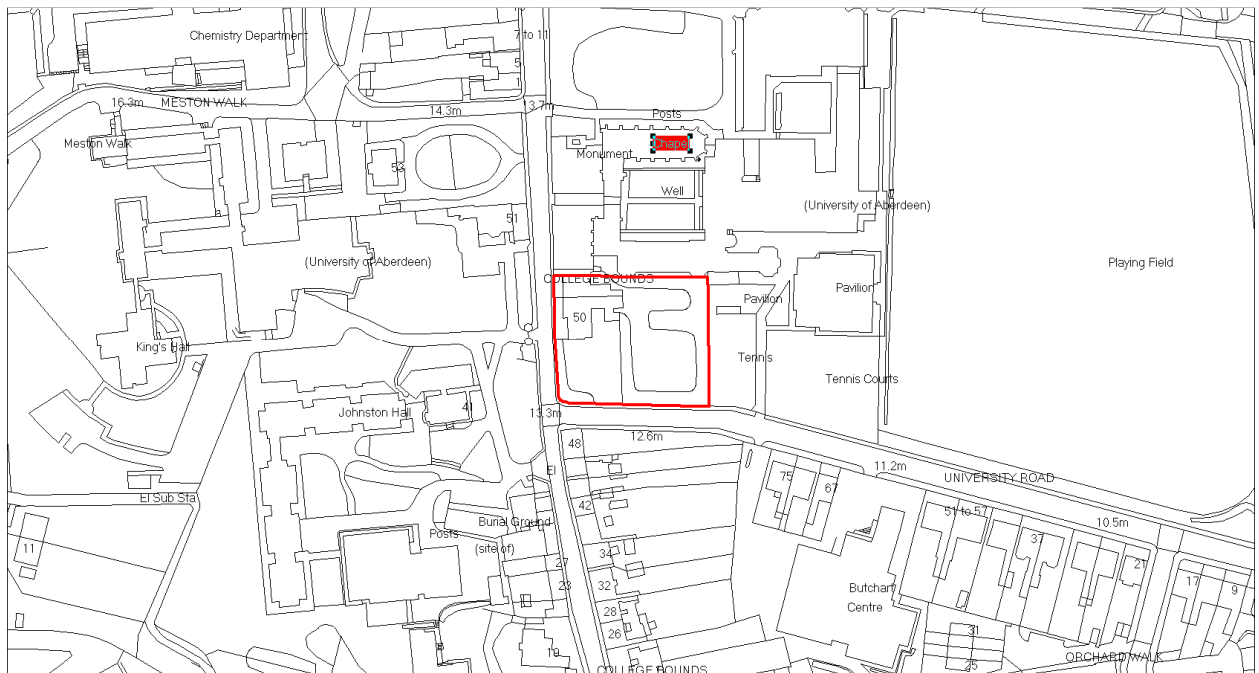
50-52 COLLEGE BOUNDS, OLD ABERDEEN

PROPOSED ENTRANCE LIGHT

For: The University of Aberdeen

Application Type : Listed Building Consent  
Application Ref. : P130907  
Application Date: 20/06/2013  
Officer: Jennifer Chalmers  
Ward : Tillydrone/Seaton/Old Aberdeen (J  
Noble/R Milne/R Grant)

Advert : Listed Building  
Advertised on: 03/07/2013  
Committee Date: 28<sup>th</sup> November 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 20<sup>th</sup> May 2011 for 'Alterations and Refurbishment'

P102021 – Conditional approval granted on 20<sup>th</sup> May 2011 for 'Proposed entrance ramp and replacement of certain windows'

P120830 – Unconditional listed building consent granted on 27<sup>th</sup> February 2013 to 'Restore glazing to sash and case window, formerly glazed with plywood, open up to interior and form linings'

P130908 – Conditional approval granted on 29<sup>th</sup> October 2013 for a 'Proposed Entrance Light'.

## **PROPOSAL**

Listed building consent 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 the Planning Development Management Committee because there has been 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**

Where a proposal affects a listed building Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for listed building consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for listed building consent.

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.

The main consideration in this application is whether the proposal would affect the special historical and architectural interest of the listed building. The proposed light would be positioned on the main frontage of the building, facing onto College Bounds. It is considered that the proposal has taken into consideration the historic fabric and architectural features of the building and the surrounding area as the design of the proposed light is sympathetic in design.

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. Further still 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 has taken into consideration the historic fabric and architectural features of the building and the surrounding area as the design of the proposed light is sympathetic in design as does the proposed light output. The proposal complies with Policy D5 of the Aberdeen Local Development Plan and also Scottish Planning Policy and Scottish Historic Environment Policy as the proposal would not have a detrimental impact on any special architectural or historic interests.

### **CONDITIONS**

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

(1) that details of the type of fixing of lamp should be provided prior to the start of works. 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.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.



**From:** George Wood [<mailto:georgeawood@btinternet.com>]

**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**

George A. Wood

2 Harrow Road

ABERDEEN

AB241UN

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