

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, 8 January 2014

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 16 JANUARY 2014 at 10.00am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

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 28 November 2013 - for approval (Pages 1 - 22)

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Loirston, Nigg - Application for planning in principle for proposed residential development of up to 1067 houses, 8 hectares of employment land including commercial, leisure and office use, neighbourhood centre comprising retail and commercial uses, community facilities, primary school, landscaping, open space and recreational facilities (Pages 23 - 94)
Reference Number - 130892

- 2.2 Land adjacent to 58 Whitehall Place - Proposed single dwelling house including demolition of existing garage and formation of new driveway to existing house (Pages 95 - 124)
Reference Number - 131045
- 2.3 Culter Burn, North Deeside Road, Peterculter - Construction of proposed hydro-electric power generation scheme, fish pass and access road (Pages 125 - 148)
Reference Number - 121787
- 2.4 15 Union Street - Change of use/conversion of first to fourth floors to form 45 serviced apartments, replacement windows and associated dormer windows and roof lights (Pages 149 - 182)
Reference Number – 131611
- 2.5 South Esplanade West - Approval of matters specified in Condition 2 (method of construction, tree protection, re-siting of play equipment, low and zero carbon equipment, green travel plan and materials and finishing) relating to P100453 planning permission in principle (Pages 183 - 196)
Reference Number - 131121
- 2.6 Pinewood, Countesswells Road - Pinewood Residential Development Approval of Conditions 2, 3, 6, 7, 9 and 10 of planning application ref A7/2178 (Pages 197 - 222)
Reference Number - 131027
- 2.7 Cromer Dene, 469 North Deeside Road, Cults - Erection of new house (Pages 223 - 236)
Reference Number - 131266
- 2.8 39/41 University Road - Extension of property to rear (Pages 237 - 256)
Reference Number - 131212
- 2.9 3 Airyhall Gardens - Extension to existing dormer window to front elevation (Pages 257 - 260)
Reference Number - 131702

OTHER REPORTS

- 3.1 Planning Enforcement Activity - April to September 2013 (Pages 261 - 286)

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ABERDEEN, 28 November 2013. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; and Councillors Boulton, Cameron (as substitute for Councillor MacGregor for items 1 to 6), Corall, Cormie, Crockett (as substitute for Councillor Grant for item 5 and as substitute for Councillor Boulton for item 6), Grant, Greig, Jaffrey, Lawrence, MacGregor (for items 7 to 16), Jean Morrison MBE, Samarai, Jennifer Stewart, Thomson and Townson.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2877&Ver=4>

WELCOME

1. The Convener welcomed Aberdeen University Land Economy students to the meeting.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 29 OCTOBER, 2013

2. The Committee resolved:-
to approve the minute.

363 UNION STREET / 50 LANGSTANE PLACE, ABERDEEN - 131087

3. 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 proposed part demolition of the existing vacant retail premises and the erection of a new 9-storey building as a hotel, including a rooftop restaurant and separate bar/ restaurant at 363 Union Street/ 50 Langstane Place, Aberdeen, but to withhold the issue of the consent document until such time as a developer's contribution has been secured towards work to the core paths/ public realm improvements in the area and the strategic transport fund:-

- (1) That no development shall take place unless a scheme, including submission of materials samples, detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed. (2) That full details, including elevational and cross sectional drawings, shall be submitted to

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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 shop front 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 that 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. (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. (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 (TA) by Cameron and Ross July 2013, or other TA as subsequently approved. (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. (6) That servicing shall take place only from Langstane Place, unless otherwise agreed in writing with the planning authority. (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. (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. (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. (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. (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

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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.

The Convener moved, seconded by Councillor Corall:-

That the application be approved in accordance with the recommendation contained within the report, with the addition of the following condition – that the development shall not be occupied unless showers/lockers have been provided and made available to hotel staff who cycle to work; that condition (11) be amended to stop at “unless the clock is in place” and that the Green Travel Plan be amended to include the provision that the hotel park visitors’ cars for them.

Councillor Cormie moved as an amendment, seconded by the Vice-Convener:-

That the application be refused on the grounds of lack of parking associated with the application.

On a division there voted:- for the motion (11) – the Convener; and Councillors Boulton, Cameron, Corall, Grant, Jaffrey, Lawrence, Jean Morrison, MBE, Samarai, Thomson and Townson. For the amendment (4) – The Vice-Convener; and Councillors Cormie, Greig and Jennifer Stewart.

The Committee resolved:-

to adopt the motion.

ABERDEEN ART GALLERY, SCHOOLHILL - 131246

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 following conditions and referring the application to Historic Scotland for planning permission for the internal alterations (including insertion of new stairlifts and extending the War Memorial balcony), demolitions (including the 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) at the Aberdeen Art Gallery, Schoolhill, Aberdeen:-

(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

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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). (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. (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. (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 Aberdeen City Council as planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

The Committee were also circulated with (1) a report by the Aberdeen City and Shire Design Review Panel in relation to the proposal; and (2) a letter from Historic Scotland regarding the application.

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

That the application be approved, in accordance with the recommendations contained within the report and that an extra condition be added that the downtakings from the internal staircase be preserved so that it could be incorporated into a future project thus preserving it for the City.

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

That the application be refused on the basis of the form and massing of the application, the proposed demolition of the internal staircase and changes to the front entrance façade to the building.

The Vice-Convener moved as an additional amendment, seconded by Councillor Boulton:-

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That the application be deferred and instruct officers to enter into discussion with the architect regarding reducing the apparent massing of the new top floor extension as viewed from the public street.

There being a motion and two amendments, the Committee divided firstly between the two amendments. On a division, there voted:-

For the amendment by Councillor Corall (8) – Councillors Cameron, Corall, Cormie, Greig, Jaffrey, Samarai, Jennifer Stewart and Townson; for the amendment by the Vice-Convener (7) – The Convener; the Vice-Convener; and Councillors Boulton, Grant, Lawrence, Jean Morrison, MBE and Thomson.

On a division between the motion and the successful amendment by Councillor Corall, there voted:-

For the motion (4) – the Convener; and Councillors Grant, Lawrence and Jean Morrison, MBE; for the amendment by Councillor Corall (9) – Councillors Cameron, Corall, Cormie, Greig, Jaffrey, Samarai, Jennifer Stewart, Thomson and Townson; declined to vote (2) – the Vice Convener; and Councillor Boulton.

The Committee resolved:-
to adopt the amendment.

In terms of Standing Order 36(3) the following Councillors requested that the decision above be referred to the Council for final determination:- the Convener; the Vice-Convener; and Councillors Boulton, Grant, Lawrence and Jean Morrison, MBE.

LAND AT WEST HUXTERSTONE, LANG STRACHT / KINGSWELLS - 130912

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

That the Committee express a willingness to approve, subject to the conditions listed below, in respect of planning permission for the erection of 97 residential properties and associated works at land at West Huxterstone, Lang Stracht/ Kingswells, Aberdeen 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; and (4) provision of a footpath along the southern side of the Lang Stracht 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 Lang Stracht.

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(1) That no more than 70 of the hereby approved residential units shall be completed until such time as an Roads Construction Consent compliant road link to Fairley Road has been provided, all to the satisfaction of Aberdeen City Council, as planning authority. (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. (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. (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. (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. (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. (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. (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 97th 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. (9) That no hereby

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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.

(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.

(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.

(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.

(13) 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 up to the legal boundary of the application site, unless Aberdeen City Council as planning authority has given written consent for any variation.

(14) 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.

(15) That 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 and dust management.

(16) 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.

(17) 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

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lighting approved in writing by the planning authority. (18) 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.

The Committee were also circulated with a letter from Councillor Delaney, as one of the local members for the ward, expressing his concern regarding the application.

The Committee were also circulated with amended conditions as follows:-

(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 9 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 more than 70 dwellings 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.

(13) That no dwellinghouse hereby approved dwellinghouses shall be occupied unless the access road and associated footways along the Lang Stracht and Fairley Road, as shown on drawing 96333/1001 Rev P, have been constructed in full accordance with the hereby approved plans, unless Aberdeen City Council as planning authority has given written consent for any variation.

(15) That no development shall commence on site unless 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 and dust management.

The Committee resolved:-

- (i) to agree that the Section 75 Legal Agreement required affordable housing to be provided on a pro rata basis as part of the original 70 units built; and
- (ii) to otherwise approve the application with the amended conditions as detailed.

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LAND ADJACENT TO SCOTT HOUSE, SITE 38, HARENESS ROAD, ALTENS INDUSTRIAL, ABERDEEN - 131312

6. 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 4 storey office building (Class 4 - Business) incorporating basement car parking and landscaping at the land adjacent to Scott House, Site 38, Hareness Road, Altens Industrial Estate, Aberdeen but to withhold the issue of the consent document until (1) the applicant has entered into a memorandum of agreement with the Council to secure the provision of:- (a) a new public car park on land between Wellington Road and Altens Farm Road; and (b) improvements to the section of core path 103 between Wellington Road and Tullos Hill and (2) the applicant has entered into a Section 75 legal agreement to:- (a) secure a financial contribution towards the strategic transport fund; and (b) secure a financial contribution towards planned improvements to Wellington Road.

(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. (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. (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. (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. (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 (a) surface water management, (b) site waste management, (c) watercourse engineering, and (d) borrow pits. Thereafter all works on site must be

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undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the planning authority. (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. (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 (a) 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, (b) tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting and (c) the proposed materials to be used to surface areas of hard landscaping) has been submitted to and approved in writing by the planning authority. (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. (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. (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. (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 (a) Hirst Landscape Architects drawing 1283 02B; or as the case may be (b) Hirst Landscape Architects drawing 1283 06A, or such other drawings as may subsequently be approved in writing the planning authority. (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. (13) That no part of the office building shall

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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.

The Committee resolved:-

to approve the recommendations contained in the report.

50-52 COLLEGE BOUNDS, OLD ABERDEEN - 130907

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

That the Committee approve the application for planning permission for the erection of a proposed entrance light at 50-52 College Bounds, Aberdeen, subject to the following condition:-

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.

The Committee resolved:-

to approve the recommendation contained within the report.

5 CASTLE STREET, ABERDEEN - 131365

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

That the Committee approve the application for planning permission in respect of the part change of use of pavement to form a pavement cafe for 5 tables and 10 chairs at 5 Castle Street, Aberdeen.

The Committee resolved:-

to approve the application with an informative to be added to the decision notice explaining that separate consent for the proposal is required from the Street Occupation Team.

FORMER WATERWORKS, STANDING STONES, DYCE, ABERDEEN - 130119

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

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That the Committee (partly in retrospect) approve the application for planning permission for the 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 at the former waterworks, Standing Stones, Dyce, Aberdeen, 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. (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 maintenance, 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. (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. (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.

The Convener moved, seconded by Councillor Grant:-

That the recommendation contained in the report be approved.

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

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That the application be refused due to (a) the site not being suitable as there is inadequate drainage on site which could lead to flooding; and (b) the lack of facilities in the area.

On a division, there voted:- For the motion (7) – the Convener; and Councillors Corall, Grant, Jaffrey, Lawrence, Jean Morrison, MBE and Townson. For the amendment (8) – the Vice-Convener; and Councillors Boulton, Cormie, Greig, MacGregor, Samarai, Jennifer Stewart and Thomson.

The Committee resolved:-
to adopt the amendment.

FORMER POLICE STATION, MIDSTOCKET ROAD, ABERDEEN - 131363

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

That the Committee approve the application for planning permission for the proposed change of use to residential accommodation of the Former Police Station, Midstocket Road, Aberdeen, 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. (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. (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 25mm 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.

The Convener moved, seconded by Councillor Corall:-

That the recommendations contained in the report be approved.

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Councillor Cormie moved as an amendment, seconded by Councillor Jennifer Stewart:-
That the application be refused due to the potential impact the roof garden will have on the amenity of other residents in the area, ie, noise pollution, lack of privacy etc.

On a division, there voted:- For the motion (10) – The Convener; the Vice-Convener; and Councillors Boulton, Corall, Grant, Lawrence, MacGregor, Jean Morrison, MBE, Thomson and Townson. For the amendment (5) – Councillors Cormie, Greig, Jaffrey, Samarai and Jennifer Stewart.

The Committee resolved:-
to adopt the motion.

ZONE H (SITE BETWEEN) COUNTESSWELLS ROAD / HAZLEDENE ROAD, ABERDEEN - 130820

11. With reference to Article 9 of the Minute of Meeting of the Development Management Sub Committee of 23 August, 2012, 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, subject to the conditions listed below, in respect of planning permission for the application relating to means of access, siting, design and external appearance of buildings and landscaping for Zone H only; 48 dwellings (Condition 23); and measures for the control of surface water run-off during construction across the whole Hazledene site at Zone H:-

- (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. (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.

The Convener moved, seconded by Councillor Grant:-
That the recommendations in the report be approved.

Councillor Greig, moved as an amendment, seconded by Councillor Jennifer Stewart:-
That the application be refused due to water management concerns, ie flooding and drainage issues, the impact the development will have on the local road network, road safety concerns and the impact the development will have on the amenity of other residents in the area.

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On a division, there voted:- For the motion (12) – The Convener; the Vice-Convener; and Councillors Boulton, Cormie, Grant, Jaffrey, Lawrence, MacGregor, Jean Morrison, MBE, Samarai, Thomson and Townson. For the amendment (3) – Councillors Corall, Greig and Jennifer Stewart.

The Committee resolved:-

to adopt the motion.

ZONE B AND C (SITE BETWEEN) COUNTESSWELLS ROAD / HAZLEDENE ROAD, ABERDEEN - 131044

12. With reference to Article 9 of the Minute of Meeting of the Development Management Sub Committee of 23 August, 2012, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission 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 at Zone B and C (site between) Countesswells Road/ Hazledene Road, Aberdeen, 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. (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.

The Convener moved, seconded by Councillor Boulton:-

That the recommendations contained in the report be approved.

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

That the application be refused on the grounds of the impact on the local road network, the visual impact on the local area and the impact the development would have on the amenity of other residents in the area.

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On a division, there voted:- For the motion (12) – The Convener; the Vice-Convener; and Councillors Boulton, Cormie, Grant, Jaffrey, Lawrence, MacGregor, Jean Morrison, MBE, Samarai, Thomson and Townson. For the amendment (3) – Councillors Corall, Greig and Jennifer Stewart.

The Committee resolved:-

to adopt the motion.

ZONE A (SITE BETWEEN) COUNTESSWELLS ROAD / HAZLEDENE ROAD, ABERDEEN - 130994

13. With reference to Article 9 of the Minute of Meeting of the Development Management Sub Committee of 23 August, 2012, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission for the residential development of 50 dwellings with associated roads and landscaping addressing condition 23 of the planning approval (A8/0530) at Zone A (site between) Countesswells Road / Hazledene Road, Aberdeen, subject to the following conditions:-

(1) That 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. (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. (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.

The Convener moved, seconded by Councillor Boulton:-

That the recommendations contained in the report be approved.

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

That the application be refused due to the loss of mature trees, the impact on the local road network, road safety concerns and the impact the development will have on the amenity of other residents in the area.

On a division, there voted:- For the motion (11) – The Convener; the Vice-Convener; and Councillors Boulton, Grant, Jaffrey, Lawrence, MacGregor, Jean Morrison, MBE, Samarai, Thomson and Townson. For the amendment (4) – Councillors Corall, Cormie, Greig and Jennifer Stewart.

The Committee resolved:-

to adopt the motion.

PINEWOOD, ZONE D, E, F AND G, COUNTESSWELLS ROAD, HAZLEHEAD, ABERDEEN - 131055

14. With reference to Article 9 of the Minute of Meeting of the Development Management Sub Committee of 23 August, 2012, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission for matters specified in condition 12 (siting, design and external appearance of buildings and landscaping) relating to A7/2178 planning permission in principle at Pinewood, Zone D, E, F and G, Countesswells Road, Hazlehead, Aberdeen, 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. (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.

The Convener moved, seconded by the Vice-Convener:-

That the recommendations contained in the report be approved.

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

That the application be refused on the grounds of the impact the development will have on the local road network, road safety concerns, inadequate buffering and the impact the development will have on the amenity of other residents in the area.

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On a division, there voted:- For the motion (12) – The Convener; the Vice-Convener; and Councillors Boulton, Cormie, Grant, Jaffrey, Lawrence, MacGregor, Jean Morrison, MBE, Samarai, Thomson and Townson. For the amendment (3) – Councillors Corall, Greig and Jennifer Stewart.

The Committee resolved:-
to adopt the motion.

34-36 SOUTH ESPLANADE WEST, TORRY, ABERDEEN - 131118

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

That the Committee approve the application for planning permission in respect the demolition of the existing building and the erection of a 4 storey office development with associated access and car parking at 34-36 South Esplanade West, Torry, Aberdeen, subject to the following 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: an investigation to determine the nature and extent of contamination, a site-specific risk assessment, 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 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 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.
- (2) That, except as the planning authority may

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otherwise agree in writing, no construction or demolition work shall take place: outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays; outwith the hours of 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]. (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. (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. (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. (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. (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. (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. (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.

The Committee were also circulated with (1) the following additional condition;

“That the development hereby granted planning permission shall not be occupied unless the southwest elevation of the adjacent property, 33 South Esplanade West that will be exposed by development work has been remediated in full accordance with a scheme that has been approved in writing by the planning authority, unless the

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planning authority gives written notification that no remediation is required”; and (2) suggested amended wording for condition 5 (as detailed above), as follows; “That the development hereby granted planning permission shall not be occupied unless a scheme detailing cycle storage provision and showering facilities has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.”

The Committee noted that if the application was approved, that delegated authority could be given to the Head of Planning and Sustainable Development to enter into discussions with the applicant and the Planning Gain Team to secure developer’s contributions.

The Convener moved, seconded by Councillor Grant:-

That the recommendation contained in the report, along with the additional condition and the amended condition 5 be approved.

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

That the application be refused due to the massing and scale of the development.

On a division, there voted:- For the motion (8) – The Convener; and Councillors Boulton, Grant, Lawrence, Jean Morrison, MBE, Samarai, Thomson and Townson. For the amendment (7) – The Vice-Convener; and Councillors Corall, Cormie, Greig, Jaffrey, MacGregor and Jennifer Stewart.

The Committee resolved:-

- (i) to adopt the motion; and
- (ii) to agree to delegate authority to the Head of Planning and Sustainable Development to enter into discussions with the applicant and the Planning Gain Team to secure developer’s contributions.

DEVANHA GARDENS NURSING HOME, 9 POLMUIR ROAD, FERRYHILL, ABERDEEN - 130597

16. 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 conversion and extension of the existing nursing home into 11 flats, including demolition of previous modern extensions and the formation of parking areas, at the former Devanha Gardens Nursing Home, 9 Polmuir Road, Ferryhill, Aberdeen:-

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(1) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with 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. (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 4th 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. (3) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting. (4) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority. (5) That no development shall take place unless 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. (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. (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

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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. (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. (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.

The Committee resolved:-

to approve the recommendations contained the report.

- **RAMSAY MILNE, Convener.**

Planning Development Management Committee

LOIRSTON, NIGG

APPLICATION FOR PLANNING IN PRINCIPLE FOR A PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 1067 HOUSES, 8 HECTARES OF EMPLOYMENT LAND INCLUDING COMMERCIAL, LEISURE AND OFFICE USES, A NEIGHBOURHOOD CENTRE COMPRISING RETAIL AND COMMERCIAL USES, COMMUNITY FACILITIES, A PRIMARY SCHOOL, LANDSCAPING, OPEN SPACE AND RECREATIONAL FACILITIES.

For: Hermiston Securities Limited

Application Type : Planning Permission in Principle

Application Ref. : P130892

Application Date: 19/06/2013

Officer: Gavin Evans

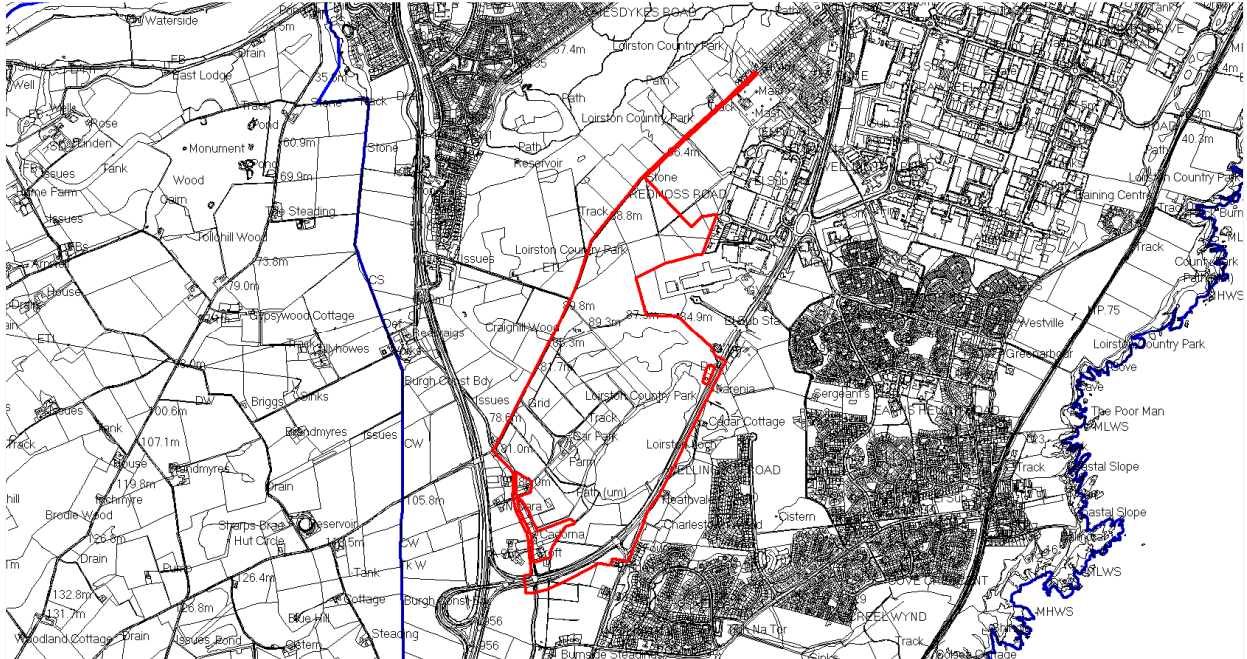
Ward : Kincorth/Nigg/Cove (N Cooney/C Mccaig/A Finlayson)

Advert : Can't notify neighbour(s)

Advertised on: 10/07/2013

Committee Date: 16 January 2014

Community Council : Comments



RECOMMENDATION: Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to addressing the following matters:

- **Affordable Housing provision**
- **Developer contributions relating to: community library, cultural facilities and services, education, healthcare, indoor and outdoor sporting facilities, outdoor recreation and Core Paths network**
- **Strategic Transport Fund contributions**
- **Contribution in lieu of mitigation of local roads network impact affecting Wellington Road**

DESCRIPTION

The application site extends to approximately 82 hectares and is located to the west of the existing residential area of Cove Bay, on the southern outskirts of Aberdeen. To the southeast the site is bounded by the A956 (Wellington Road), and to the west lies the A90 Trunk Road. Immediately to the west of the site lies agricultural land and Craighill Wood, which lie within the OP77 Opportunity Site boundary, but outwith the site boundary of this application. Beyond that, to the north of the site, lies Kincorth Hill, which is designated as both a Local Nature Reserve and a Local Nature Conservation Site. Beyond Kincorth Hill lies the existing residential area of Kincorth. To the south of the site lies Aberdeen Gateway Business Park. Bordering the site to the north-east is a small area of agricultural and recreational ground, and further to the north and north-east are the major industrial areas at Tullos, Altens, Wellington Road and Balmoral Park.

The site is generally fairly flat, sloping gently down towards Loirston Loch, but steepens upwards towards Kincorth Hill at the north end and Blue Hill to the south-west (outwith the site). There is an area of low-lying, marshy ground immediately to the west of the loch.

The main use of the site is as grazing land for cattle and sheep with some recreational uses. Field boundaries are marked by dry-stone walls and post and wire fences. There are a few houses on the site. At the southern end of Redmoss Road just north of the A956/A90 junction are two industrial premises: a sawmill and a haulage depot. There is a caravan site beside the A90 on the western edge of the site. Vegetation is mainly rough grassland and reeds. There are some broad leaved and coniferous trees, in the form of shelterbelt planting mostly beside the loch. There is an area of gorse on higher ground above the caravan site in the west of the site.

RELEVANT HISTORY

P101299 – New stadium for Aberdeen Football Club. Full Council, on 23rd February 2011, resolved to approve pending conclusion of legal agreement. That legal agreement is yet to be concluded. Scottish Ministers were notified on the basis that the proposal constituted a significant departure from ALDP (green belt policy 28) and the Council had an interest in part of the site (that within Calder Park).

P111193 – AFC training ground and new stadium for Cove Rangers FC. Approved conditionally at committee 12th Jan 2012

This site has been used as agricultural and recreational land throughout most of its history and has been subject to little construction, although various industrial and residential estates have grown up around it. The major development around the site occurred between 1974 and 1984. Tullos and Altens Industrial Estates expanded greatly, the A90 was converted from a single carriageway to a dual carriageway and the A956 (Wellington Road) also widened and new junctions added to connect with industrial units. The A956 was extended to connect with the A90 (T) at a new junction at the southern tip of the site and also dualled around 2010. The site is in the ownership of Hermiston Securities (the applicant) and Aberdeen City Council.

The proposed Aberdeen Football Club (AFC) stadium area and associated parking is located within the application site. The Council was minded to grant, subject to a legal agreement, planning consent for the proposals in February 2011 (Application Reference P101299). At this time the status of the AFC proposals is not known following the decision by the Council to take control of the land at Calder Park previously leased to Cove Rangers Football Club (CRFC) and the issue of a refusal of Landlord's Consent for the revised development proposals on the site.

The relocated Cove Rangers stadium and training facilities for Aberdeen FC are planned for Calder Park (Opportunity Site OP80 which lies immediately to the north of the application site. A detailed planning application (Reference P111193) for the above proposal was submitted jointly by CRFC and AFC in August 2011 and was approved by the Council's Development Management Sub Committee in January 2012. The Council subsequently took control of the land at Calder Park previously leased to CRFC and have issued a refusal of Landlord's Consent for the revised development proposals on the site, although there is an ongoing commitment to assist with the club relocation. The new administration have instructed a strategic review of the Council landholdings at Calder Park, giving consideration to the Leisure Asset and Pitch Strategy Audit currently being undertaken, the masterplanning of adjoining sites and other development opportunities with a report being brought back to a future meeting of this Committee on the outcome of these investigations in due course.

Related to the issue above, the Council propose to replace Torry Academy and Kincorth Academy with one single larger school on the Calder Park site to accommodate all existing secondary pupils and any pupils generated by the development proposed at Loirston. It is proposed that the new school will be delivered and ready for occupation by August 2016.

PROPOSAL

This application seeks Planning Permission in Principle (PPiP) for a proposed residential development of up to 1067 houses, 8 hectares of employment land including commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities at Loirston, Nigg, Aberdeen.

The development proposal seeks to provide a mix of house types at varying densities in a series of development blocks. The employment portion of the

development would be provided via a combination of smaller type business uses to the south of the site, employment provided through the football club proposals and the retail and commercial elements of the proposals. A hierarchy of open space provision is shown, with the most significant area of open space located at and around Loirston Loch being complemented by neighbourhood and local open space areas across the site.

Access into the site will be taken from two access points onto Wellington Road and these are located to the south of the site (by reformatting the existing Old Wellington Road signals) and at the location of the proposed stadium access. Additional opportunities exist from Redmoss Road, which is a possible bus only link which can be shared with pedestrians and cyclists. Access and connectivity has been designed to provide a clear structure of streets which have been designed in response to the existing site conditions and to ensure appropriate connections are forged with the existing network. A hierarchy of scaled streets has been defined, which have different parameters and deal with various pedestrian, cyclist and vehicle movements.

A Phase One Masterplan, extending to approximately 44ha and approximately 750 homes and employment areas within blocks A1-A9; B1-B5; D2-D11; and E5 & E6, along with associated roads, open space and landscaping, has been prepared for part of the application site. The Phase One Masterplan takes the principles set out in the Loirston Development Framework and develops these to provide detailed three dimensional guidance. It establishes parameters for each development block, examples of appropriate character and the function of key open spaces. The Phase One Masterplan area can accommodate around 750 homes and those employment areas identified in the Loirston Development Framework. The area covered by the Masterplan measures approximately 44 hectares. This includes areas which will not be developed but ensures that space for connections to the existing road network can be accommodated. The Masterplan is included as part of the Design and Access Statement submitted with the application. The guidance in the Masterplan will allow detailed designs for the Phase One Masterplan area to come forward as applications for matters specified in conditions on the granting of consent for the application. Further masterplans will require to be prepared and submitted to provide detailed design guidance for subsequent phases of the development in due course

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/docs/planningdocuments.asp?appnumber=130892>

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

- Pre-application consultation report
- Supporting planning statement
- Framework plan
- Design and access statement, including phase 1 masterplan

- Full Environmental Impact Assessment (EIA), separated into chapters
- Transport Assessment
- Drainage and flood risk statement
- Tree survey

The adopted Loirston Development Framework can be viewed at the following address;

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=50452&sID=14394>

PRE-APPLICATION CONSULTATION

The proposed development was the subject of pre-application consultation between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. The consultation involved two joint presentations, held in June and August 2012, with the three community councils that represent the Loirston Area: Cove and Altens; Kincorth and Leggart; and Nigg. It also included a public consultation event held at the Altens Thistle Hotel, Cove in June 2012. These events allowed the applicants' representatives and their Design Team to explain the proposals and record any public comments. In order to avoid duplication and confusion the public consultation for both the Loirston Development Framework and the application for planning permission in principle were run in tandem as set down as good practice in the Council's Supplementary Guidance, "The Aberdeen Masterplanning Process". A report on the public consultation that was undertaken, and the findings arising from it, has been submitted as part of this application, in accordance with the relevant planning regulations. The report details the feedback that was received from the local community, any changes that have been made to the development proposals in light of the comments that were received, as well as providing justification for why some suggestions have been rejected.

The main issues raised concerned the increased traffic that would be generated by the development and the impact of the development proposals on Loirston Loch. The traffic issues, which generated the greatest level of concern, have been considered and mitigation measures identified and addressed through the Transport Assessment. Protection and enhancement of the Loirston Loch is paramount and the impact of the proposals on the loch has been mitigated through sensitive design that has been informed by the Development Framework and the Environmental Impact Assessment. The other issues raised through the public consultation have been addressed where possible through the Development Framework and the more detailed Phase One Masterplan submitted with the application. They will be considered further at the detailed design stage.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee for the following reasons:

- a total of 14 letters of representation have been received in relation to the application;
- the local Nigg Community Council, in whose area the application site lies, have expressed objection to the proposed development; and
- the proposed development has previously been subject to a formal decision by the planning authority that Environmental Impact Assessment should be undertaken.

Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection to the approval of the current PPIp application, subject to the following matters being adequately addressed through conditions attached to the consent and the use of a s75 legal agreement.

Walking and Cycling

Identifies a need for safe routes to schools to be identified by the applicant, and pedestrian/cyclist facilities to be incorporated into access junction designs. Cycling routes and facilities should be provided within the development. The internal layout of the development should be designed to link directly with existing shared off-road paths or on-road paths, providing direct routes to access points for the site. Aberdeen City Council parking guidelines are to be considered for cycle/motorcycle parking when considering flatted residential developments and any employment within the site.

Public Transport

It is understood that the applicants have entered into discussions with local public transport service providers, who have shown a willingness to provide services to the development. The exact locations of bus stops and timetable information is to be included in workplace and residential Travel Plans. Layouts must be provided to demonstrate that the internal road layout will be capable of accommodating a bus service. This should also include proposals for Redmoss Road, which is to be stopped up and given restricted access.

Development Vehicle Access

Access being taken via two signalised junctions on Wellington Road is acceptable. Note that access junctions and internal roads layout are to be designed to ACC standards, and will be subject to Roads Construction Consent.

Internal Layout

Note that the Transport Assessment provided in support of this application proposes an internal roads layout in accordance with 'Designing Streets'. Any layouts should take consideration of access and turning of service vehicles, showing swept-path analysis to demonstrate safe accessibility.

Local Road Network

Noted that trip generation, attraction and distribution figures for the development have been agreed through consultation with the ACC Roads Projects Team, and

that the two proposed access junctions onto Wellington Road are acceptable and operate within capacity in the opening year of the full development in 2023. Roads layouts will require to make provision for pedestrians.

Mitigation in relation to impact on Wellington Road will be in the form of an agreed contribution. That contribution can be secured as part of a legal agreement relating to the development.

Travel Plan

Note that a Residential Travel Plan and Employment Travel Plan are to be produced. These documents must be submitted to ACC for approval.

Drainage Impact Assessment

Notes submission of a Drainage Impact Assessment. Requests that this be updated to include results and calculations of 1 in 10, 1 in 30 and 1 in 200 year sensitivity tests.

A detailed drainage plan with proposed levels of treatment for surface water runoff will be required.

Strategic Transport Fund

Notes that the Transport Assessment acknowledges that STF contributions will be required, but the level of that contribution cannot be determined until the full detail of the development is known. A requirement for STF contributions, at a level to reflect the final proposal, can be secured through a s75 legal agreement.

Environmental Health – Express some concerns in relation to impacts arising from road traffic noise and industrial noise, however it is understood that mitigation may be possible and further consideration of any proposed mitigation measures can take place should appropriate conditions be attached to any grant of Planning Permission in Principle. It is further highlighted that additional traffic, in conjunction with other new development in the area, may contribute to a deterioration in air quality in the existing Wellington Road Air Quality Management Area (AQMA), and consequently it is recommended that the detailed design of the development incorporate measures to minimise vehicle use, for example through a network of public footpaths, cycle paths linked to existing cycle routes, and appropriate provision of public transport services. A condition is recommended in order to minimise adverse impact arising from construction site dust. It is also recommended that conditions are used to secure further submissions in relation to the investigation of environmental issues arising from potential for landfill gases migrating from the nearby Charleston site and the provision of appropriate facilities for the storage of household waste.

Road Traffic Noise

A substantial area of the site is exposed to day and night time noise levels assessed via the CRTN methodology above recommended levels (61% of the site for daytime and 66% for night time). Consequently levels likely are to exceed the WHO 'Community Noise' guideline values for Community Noise. Additionally the TAN of PAN 1/2011 predicted the Significance of Impact would be 'Major' in 12% of the site during the day and 5% of the site at night and 'Moderate' in a

further 14% and 6% of the site respectively. Mitigation measures such as bunds and barriers can reduce the area affected, however parts of the sites will still be exposed to traffic noise above recommended levels.

Road traffic impacts do not necessarily prevent development proceeding as the detailed design stage provides an opportunity to place the less sensitive noise sources closer to the roads which in turn can provide screening for the buildings/amenity spaces of higher sensitivity. Other mitigation measures may also be incorporated into the design of buildings (e.g. bedrooms/living spaces away from traffic, window design, mechanical ventilation) although this would not address amenity impact. However, the extent of the exceedance could impact on the developers' ability to include the proposed number/type of sensitive properties.

Industrial Noise

Identified sources of industrial noise were a diesel generator and noise from two chimney flues. Noise from the diesel generator was the dominant source during the day. The BS4142 noise assessment predicted the noise would cause a statutory nuisance and result in a 'Major Adverse' impact, however as it is located 1.5m above ground an acoustic barrier could be used to mitigate against the noise. Noise from the flues are more of an issue at night and are predicted to cause a statutory nuisance. Due to their height, mitigation in the form of a barrier is unlikely to be practicable. The noise may not prevent development, but site layout and the design of buildings would be essential to ensure the WHO standard is achieved and the noise does not create a nuisance. Again mitigation can include the location of sensitive buildings, internal layout, specification of windows etc but could again impact on the number/type of sensitive properties that can be incorporated in the development.

Developer Contributions Team – Notes the limited information available at PPiP stage, but highlights anticipated requirements arising from the proposal, for further negotiation and inclusion in an appropriate Section 75 legal agreement. These are as follows;

- Affordable Housing requirement, based on 25% of total 1067 units, would be 266 units. Identifies possible categories of Affordable Housing, but does not rule out the opportunity for new models for affordable housing delivery to be developed.
- Expectation of investment in community library, cultural facilities and services, potentially to co-located with the proposed new school. Identifies a desire that facilities are shared under one roof where possible, to maximise value for money and so services are located in one place. Potential for this to include a joint school and public library, with shared community and cultural spaces, flexible enough to cater for a range of activities. Need for engagement with ACC's education officers in preparation of the section 75 legal agreement.
- Identifies increased strain on community facilities provided by ACC, with the cumulative development impacting on local venues.

- Increased population will put pressure on existing playing field provision, indoor and outdoor sporting facilities and libraries, along with open space and outdoor recreation and the core path network. Potential Core Path network enhancements are identified, including provision for contributions towards the development of a link from Redmoss Road to Core Path 79, identified by ACC as an 'aspirational' core path route (ref AP3).
- Highlights that contributions towards the Strategic Transport Fund will be required, with the exact level of contribution based on final composition of the development.
- Identified healthcare requirements include the provision of an extension at Cove Bay Health Centre to support delivery of medical services to additional patients, the provision of an extension for 2 additional dentists' chairs at Cove Bay Health Centre, and the provision of a community pharmacy within the new settlement area (including land), to support additional patients.

Enterprise, Planning & Infrastructure (Flooding) –Notes existing flooding problems, both downstream of the development on the Tullos Burn and in the immediate vicinity of the development on the Loirston Burn, particularly relating to culvert capacity issues under Redmoss Road and in the immediate downstream of the culvert. The following further submissions will be required.

Full surface water drainage proposals for the development will be required, outlining in full detail the proposed method of discharging surface water. Any SUDS proposals should include design calculations and drawings for further approval of ACC, in consultation with the Flooding Team. It is recommended that all proposed SUDS facilities are designed to retain up to and including a 1 in 200 year storm event.

A full Drainage Impact Assessment for the development will be required, including proposed SUDS (as above) and a full investigation of all watercourses within the vicinity of the site and the impact which the development would have on the existing drainage network.

Given the scale of the development, a Flood Risk Assessment will be required, indicating any potential risk of flooding posed to existing communities by the proposed development. The FRA should include flood models of sufficient detail for any receiving watercourses into which it is proposed to discharge surface water.

Education, Culture & Sport (Archaeology) – recommend that a condition be attached to any consent, requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation approved by the planning authority.

Scottish Environment Protection Agency – request that a number of conditions be attached to any consent. If any of those conditions are not to be attached to a consent, SEPA's response is to be treated as a formal objection. In such circumstances, the application must be notified to Scottish Ministers. The matters that SEPA require to be addressed through the use of conditions are as follows;

Surface Water Drainage

Details of the surface water drainage arrangements for each phase must be approved and implemented in full prior to the commencement of development within that phase.

Groundwater Dependent Terrestrial Ecosystems (GWDTEs)

Request that a condition is attached, requiring the implementation of a buffer zone around the wetland areas in proximity to Loirston Loch. In addition, request that a planning condition is used to ensure that prior to commencement of development in any phase immediately adjacent to the Loch and the wetland areas surrounding it, that more detailed ground investigations and assessments are undertaken.

Impact on Groundwater

Request a condition in relation to identifying the source of nearby private water supplies and, depending on the proximity of the source to particular elements of the development, requires submission of further material relating to the potential impact on those water supplies.

Water Environment

Request a condition requiring that appropriate buffer strips around watercourses are built into the detailed design and layout, in accordance with ACC's adopted Supplementary Guidance on Buffer Strips.

Pollution Prevention and Environmental Management

SEPA welcome the principles set out in the Environmental Statement and the Draft Construction Environmental Management Plan (CEMP), and recommend that a condition be attached to any grant of Planning Permission in Principle, requiring the further submission of detailed site-specific Construction Environmental Management Plan(s), to be agreed with the planning authority in consultation with the relevant consultees, and to address a series of prescribed issues. SEPA's consultation response specifies a recommended wording.

Other points

SEPA also recommended that the advice of internal ACC environmental health staff be sought in relation to potential landfill gas migration from the nearby Charleston site and air quality issues arising from increased traffic volumes. SEPA generally concur with the conclusions of the submitted Drainage and Flood Risk Statement, and have no objection subject to a detailed drainage/flood risk assessment being undertaken and reviewed. The applicants' inclusion of a draft Construction Environment Management Plan.

Scottish Natural Heritage – States no objection to the development proposal. Content that, through the summary of environmental commitments in chapter 18, the construction Environmental Management Plan (CEMP) and the Construction Code of Practice (CoCP) of the Environmental Statement that the issues raised at scoping stage have been addressed.

Historic Scotland – No objection to the proposal. Note that at scoping stage Historic Scotland had noted that none of their statutory historic interests were

likely to be significantly impacted upon, that the supplied EIA confirms this to be the case and that Historic Scotland are content to agree with the findings of the EIA.

Scottish Water – No objection to the planning application.

Aberdeenshire Council – Following confirmation that the Transport Assessment had taken into account of major developments in the Aberdeenshire area, such as Elsick and Cairnrobin, Aberdeenshire have no further comment to make.

Transport Scotland – Advise that a condition should be attached to any permission the council may give, requiring an appropriate Travel Plan, aimed at encouraging more sustainable means of travel, be submitted to and approved in writing by the planning authority prior to the occupation of any part of the employment element of the development (full wording specified in consultation response).

JMP

JMP respond in their capacity as Terms Consultants to Transport Scotland's Trunk Roads and Bus Operations Directorate, and provided a response in relation to the submitted Environmental Statement. This concludes that Phase 1 of the development proposals would have no significant environmental impact on the trunk road network as a result of operational traffic. It is noted that the origin of construction traffic is yet to be determined, however it is accepted that the construction phase of the development proposals would not have a significant environmental impact on the trunk road network. JMP's response accepts that noise impact on the trunk road network and its adjacent receptors associated with traffic generated by the development will be negligible. Findings that air quality impact associated with traffic generated by the development would be negligible adjacent to the site access road are also accepted.

Police Scotland – Note that the application is for Planning Permission in Principle, and that Police Scotland would welcome the opportunity to comment further as the proposal becomes more detailed. Meantime, the following advice is offered;

Permeability

Careful consideration should be given as to the extent and appropriateness of pedestrian/cycle permeability. Increased footpaths through developments provide access and egress points for potential offenders and increased degree of anonymity. Vital that surveillance of these areas is maximised through appropriate lighting and landscaping, thus increasing the feeling of safety and creating a hostile environment for potential offenders. Ideally footpaths should direct pedestrians to the front of properties and through public areas where they are most likely to be seen. Footpaths which provide through routes through parking areas and to the rear of properties should be avoided where possible.

Parking

Where vehicles are not parked within the curtilage of a building the parking area should be afforded the highest level of natural surveillance possible. One way

this can be achieved is to ensure that as many buildings as possible overlook the area. Where this is residential buildings it is best practise to have the most frequently occupied rooms i.e. kitchens and/or living rooms, provide this surveillance. Good even lighting is essential and care should be taken to ensure that the landscaping does not interfere with sightlines.

Open Areas

There is a significant amount of green/public space. Such areas, including play spaces and seating areas, have the potential to generate crime; the fear of crime; and anti-social behaviour. They should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. Consideration should be given to the creation of clearly defined boundaries between public and semi private space.

Lighting

Lighting is extremely important in a development such as this. The uniformity or spread of lighting is of utmost importance. Good quality white lighting with an even spread avoiding dark spots, provides the best colour rendering qualities and has been shown to decrease the fear of crime and create safe welcoming places.

Community Council – have objected to the application for the following reasons:

- Buildings throughout the development should be limited to a maximum height of three storeys;
- The residential density of any residential block should be limited to a maximum of 55 units per hectare;
- The number of residential units associated with the development should be reduced to the original intention of 1200 units;
- No buildings, roads, or car parking should encroach the Local Conservation Nature Site (LNCS) in any way;
- Concern that the existing right of way may be removed, to be replaced by a path that is merely “aspirational”;
- Core paths should be located within the green corridors, rather than the road network;
- There should be a direct and continuous green corridor link between the northern end of Loirston Loch LNCS and Kincorth Hill LNR;
- That Loirston Loch LNCS and Kincorth Hill LNR should be kept as natural as possible;
- That the 30m buffer zone around the Loch should be extended to 50m;
- That the Redmoss Road thoroughfare is too narrow; and is not considered appropriate as a bus thoroughfare;
- Roads closure measures / severe traffic calming measures should be provided to ensure that congestion at the junction of Redmoss Road and West Tullos Road is not further exacerbated;
- The existing interpretation centre should remain; and
- The provision for a Gypsy Traveller Site should be removed from the application;

REPRESENTATIONS

14 letters of representation have been received. The objections raised in those representations relate to the following matters –

Roads & Traffic

- Traffic is already congested at peak times. Proposed housing development will add to this.
- There is insufficient road infrastructure to cope with the development. Redmoss Road has the most dangerous access on to West Tullos Road and floods in periods of heavy rain near the Old Cove Road.
- Traffic Assessment states there will be no growth in traffic on A956 Wellington Road for period up to 2016. With three developments already underway, this will certainly add to traffic in this period and it is unrealistic to delay any traffic growth to 2016. This should be re-analysed.
- Traffic Impact Assessment and new access junction on Wellington Road (Northern Site Access) do not take account of the new stadium and wider development of the wider area. The stadium should be clearly shown as part of the overall development.
- Primary School would be dangerous and a great distance for pupils attending, especially with all the traffic associated.

Impact on Natural/Built Heritage

- Routes of roads and cycle paths should respect the Loirston Loch LNCS boundaries. It is unacceptable to for the application to state the “roads infrastructure cannot avoid part of the LNCS western boundary” and the LNCS designation should be fully respected.
- Wildlife seems to have been forgotten in this application.
- Buffer Zone for disturbance around lochside has in the past been quoted as 50 metres and thus 30 metres is not acceptable.
- Buffer shown in Redmoss Landscape is one tree width, which is too narrow to be an effective barrier.
- Loirston Recreational Area should be protected from development at all costs, given that it contains core paths, tree belts and drystone dykes including a consumption dyke (part of our heritage).
- Development would have a deleterious effect on indigenous and migratory wildlife and affect Kincorth Nature Reserve.
- Loss of trees in existing planted woodland in the area marked.
- No evidence that the drainage from the application site flows mainly into the Leggart Burn, which ultimately flows into the River Dee (an SAC). No evidence given as to the effects of the development on this.
- Development is contrary to policy of Local Development Plan by being a major development on an undeveloped site within green belt. Such development would conflict with other policies in the Structure Plan which are designed, for example, to ensure sustainable development and the quality of the environment.

Loss of Green Space/Recreational Land

- Loss of green space important to the local area and wider city.
- The site maintains the landscaping setting of the City.
- Area provides valuable recreational and educational resource in city.
- Overdevelopment – Loirston Loch is the only freshwater loch available to both public and wildlife in the city.
- Right of Way linking Wellington Road with Redmoss Road should be retained.
- Green corridors/Open spaces proposed will fail to allow biodiversity and linkage between Kincorth Hill Nature reserve and Loirston Loch LNCS.

Travellers Site

- Objections stated to the possibility of a new traveller halting site, based on past negative experiences of the travelling community, including security issues, parking issues, feeling of intimidation, littering and pollution of sites.
- Questions the need for a traveller site in the city, based on an understanding that travellers want to reside in countryside.
- A site outwith the application site more acceptable to all parties should be located and funded, thereby allowing this element of the proposal to be removed.

Character of Development

- Building heights of five storeys abutting Loirston Loch are out of character for the area.
- Density of housing proposed is disproportionately high for the whole OP77 development of 1500 homes and the current and planned rural setting of Loirston Loch.
- Existing structures are part of the culture of the area, with the Interpretation Centre having been part financed by the oil industry. A more definite and detailed alternative is needed in this application and should not wait until any future application.
- A scaled back plan, with more trees/landscaping would be more in keeping with the interests of Aberdeen City.

Impact on Stadium

- Application does not demonstrate how the development will connect and integrate with the new football stadium at Loirston.
- The redline boundary and the area set aside for the stadium site are not correct. The application and masterplan should reflect the boundaries of the stadium site as shown in application ref P101299.

Other Issues Raised

- Design and Access Statement provided with application contains a number of errors and incorrect information.
- Land floods where four storey blocks are proposed.
- Queries why new houses are to be built without upgrade to existing houses.

PLANNING POLICY

National Policy and Guidance

Creating Places (architecture and place policy statement)

Scotland's new policy statement on architecture and place sets out the comprehensive value good design can deliver. Successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy. The document contains an action plan that sets out the work that will be taken forward to achieve positive change.

The statement is in four parts:

1. The value of architecture and place,
2. Consolidation and ambition,
3. A strategy for architecture and place,
4. Resources, communications and monitoring.

Designing Places (design policy)

This planning policy statement was launched in 2001 and sets out government aspirations for design and the role of the planning system in delivering these. The aim of the document is to demystify urban design and to demonstrate how the value of design can contribute to the quality of our lives. Designing Places is a material consideration in decisions in planning applications and appeals. It also provides the basis for a series of Planning Advice Notes (PANs) dealing with more detailed aspects of design.

Designing Streets (policy statement for street design)

Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out government aspirations for design and the role of the planning system in delivering these.

Scottish Planning Policy (SPP)

SPP is the statement of Scottish Government policy on land use planning, and includes the Government's core principles for the operation of the planning system and concise subject planning policies. The general policy relating to sustainable development and subject policies relating to Open Space and Physical Activity, Landscape and Natural Heritage, Transport and Housing are all relevant material considerations.

Aberdeen City and Shire Structure Plan

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

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

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

Aberdeen Local Development Plan

Policy LR1 (Land Release Policy)

Opportunity Site OP77 Loirston of which the application forms a major part has been zoned under Policy LR1 for 1100 homes for the period 2007-2016, for 11 hectares of employment land for the period 2016-2023 and for 400 homes for the period 2017-2023. Loirston is considered suitable for a new community stadium and a site has been identified to accommodate this, which is located within the application site.

LR2 (Mixed Use Communities)

Mixed use developments will be required to service employment land along with the associated phases of the housing development. This means that the road, water, gas and electricity infrastructure will need to be considered for the whole site.

Policy I1 (Infrastructure Delivery and Developer Contributions)

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

Policy T2 (Managing the Transport Impact of Development)

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1 (Architecture and Placemaking)

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

Policy D2 (Design and Amenity)

In order to ensure the provision of appropriate levels of amenity certain principles will be applied, including: Privacy shall be designed into higher density housing.

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

Policy D3 (Sustainable and Active Travel)

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

Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation. Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

Policy D6 (Landscape)

Development will not be acceptable unless it avoids: significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it; disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them; sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Policy H3 (Density)

An appropriate density of development is sought on all housing allocations and on developments of over one hectare must meet a minimum density of 30 dwellings per hectare, have consideration of the site's characteristics and those of the surrounding area, create an attractive residential environment and safeguard living conditions within the development.

Policy H4 (Housing Mix)

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

Policy H5 (Affordable Housing)

Housing developments of 5 or more units are required to contribute no less than 25% of the total units as affordable housing.

Policy H7 (Gypsy and Traveller Requirements for New Residential Development)

Opportunity Site OP77 Loirston of which the application forms a major part is required to make an on-site contribution to the provision of a site for gypsies and travellers. The contribution will be for a small site of 6 pitches with a net area of approximately 0.5 hectares.

Policy RT5 (New Development Serving New Development Areas)

Masterplans for sites allocated for major greenfield residential development should allocate land for retail and related uses at an appropriate scale to serve the convenience shopping needs of the expanded local community. Sites should be provided in accessible locations.

NE1 (Green Space Network)

States that The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted. 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 NE4 (Open Space Provision in New Development)

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

Policy NE5 (Trees and Woodlands)

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

Policy NE6 (Flooding and Drainage)

Where more than 10 homes or greater than 100m² floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must: be the most appropriate available in terms of SUDS; and avoid flooding and pollution both during and after construction.

NE8 (Natural Heritage)

1. Applicants should submit supporting evidence for any development that may have an adverse effect on a protected species demonstrating both the need for the development and that a full range of possible alternative courses of action has been properly examined and none found to acceptably meet the need identified.

2. An ecological assessment will be required for a development proposal on or likely to affect a nearby designated site or where there is evidence to suggest that a habitat or species of importance (including those identified in the UK and Local Biodiversity Action Plans) exists on the site.
3. No development will be permitted unless steps are taken to mitigate negative development impacts. All proposals that are likely to have a significant effect on the River Dee SAC will require an appropriate assessment which will include the assessment of a detailed construction method statement addressing possible impacts on Atlantic Salmon, Freshwater Pearl Mussel and Otter. Development proposals will only be approved where the appropriate assessment demonstrates that there will be no adverse affect on site integrity, except in situations of overriding public interest.
4. Natural heritage beyond the confines of designated sites should be protected and enhanced.
5. Where feasible, steps to prevent further fragmentation or isolation of habitats must be sought and opportunities to restore links which have been broken will be taken.
6. Measures will be taken, in proportion to the opportunities available, to enhance biodiversity through the creation and restoration of habitats and, where possible, incorporating existing habitats.
7. There will be a presumption against excessive engineering and culverting; natural treatments of floodplains and other water storage features will be preferred wherever possible; there will be a requirement to restore existing culverted or canalised water bodies where this is possible; and the inclusion of SUDS. Natural buffer strips will be created for the protection and enhancement of water bodies, including lochs, ponds, wetlands, rivers, tributaries, estuaries and the sea. Supplementary Guidance will be developed on buffer strips.

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.

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).

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. Where there is potential for pollution of the water environment the City Council will liaise with SEPA.

Policy R7 (Low and Zero Carbon Buildings)

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

Supplementary Guidance

The following Supplementary Guidance documents are of relevance to the assessment of this application:

- Loirston Development Framework
- Affordable Housing
- Air Quality
- Buffer Strips
- Gypsy and Traveller Sites
- LZC Buildings
- Infrastructure and Developer contributions manual
- Transport and Accessibility
- Trees and Woodlands

Other Relevant Material Considerations

It should be underlined that the Loirston Development Framework, noted above, sets out the key aspirations and principles specific to the development of this area, and that Development Framework was adopted by Aberdeen City Council as Supplementary Guidance to the Aberdeen Local Development Plan, giving the document the same status as the policies contained within the plan in the decision-making process. As such, members should consider carefully the relationship between the current proposal and the principles and vision set out in the Development Framework.

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

OP 77 (Loirston) is an Opportunity Site identified in the Aberdeen Local Development Plan for the provision of circa 1500 homes and 11ha of employment land across a total area of 119.2ha. The Local Development Plan sets out that the OP77 allocation is to be released across two Local Development Plan periods, with the second phase allocations being safeguarded for future

development and to be released for development in future by a review of the Local Development Plan. The OP77 Loirston allocation provides for 1100 homes within the first phase of the plan, with land for a further 400 homes being safeguarded for future development in the subsequent Local Development Plan period. The 11ha employment element of the OP77 Loirston allocation is not allocated to any specified plan phase, and may be provided in full in the current plan period. This application's proposal for the delivery of up to 1067 homes alongside 8ha of employment land, comprising commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities at Loirston is therefore consistent with the phasing set out in the ALDP as regards opportunity site OP77.

Policy LR1 states that housing and employment development on sites allocated in Phase 1 will be approved in principle within areas designated for housing or employment. Development on an allocated site or in close proximity to an allocation that jeopardises the full provision of that allocation will be refused. This stipulation requires consideration of whether the current application would jeopardise full provision of the total allocation of 1500 homes and 11ha of employment land. In considering this issue it is noted that a Development Framework, covering a wider area which includes, but is not limited to, the entire OP77 Loirston Opportunity Site designation, has been adopted as Supplementary Guidance to the ALDP. As adopted Supplementary Guidance, the Loirston Development Framework carries the same weight in decision-making as the policies contained within the plan itself. The likelihood is that, provided the development currently proposed maintains a strong relationship with the adopted Development Framework, the remainder of the allocation will not be prejudiced by this application coming forward for only part of the OP77 site. The relationship between this proposal and the adopted Development Framework will be addressed in detail later in this report.

As noted above, the current application site, which extends to 82ha, does not include all land covered by the OP77 Opportunity Site designation or by the Loirston Development Framework, which has been approved as Supplementary Guidance to the ALDP. This application relates only to those areas of land under the control of Hermiston Securities and their joint venture partners, Aberdeen City Council. The applicants contend that the current PPI boundary would not prejudice delivery of the full allocation across the wider site. The number of units for which Planning Permission in Principle is sought reflects that position, and does not give rise to any concern regarding under-provision or a failure to provide the full allocation across the wider OP77 opportunity site. The calculation of employment land provided across the site, which incorporates a combination of pure employment land adjacent to the southern access, the contribution made by the AFC and CRFC stadium proposals and retail-related uses in blocks E3 & E4, is consistent with that demonstrated in the approved Loirston Development Framework. It is therefore concluded that the principle of the proposed development is consistent with the allocation of the site in the Aberdeen Local Development Plan and with the land release set out in Policy LR1 (Land Release Policy) of the ALDP.

Vehicular Access

As noted in the 'description' section of this report, vehicular access into the site would be taken via two traffic signal junctions on the A956, one at the southern end of the site, and the other, described as the 'stadium junction' to the northern end of the site. An additional connection is made to Wellington Circle. Redmoss Road has been identified as potentially being suitable for the provision of a bus-only link, also providing access for pedestrians and cyclists and preventing its use as a through route for ordinary traffic.

A Transport Assessment, the scope of which had been agreed in advance with ACC, has been provided in support of the proposals. That assessment takes into account the existing accessibility of the site, current traffic levels and predictions of future traffic levels based on agreed growth factors, anticipated traffic flows from major committed developments in the area (Aberdeen Gateway/ Moss-side/Mains of Cairnrobin (OP69) the Balmoral Park development and the Cove residential development) and traffic generated by the proposed development itself. The Council's Roads Projects team are satisfied that figures for trip generation, attraction and distribution are as previously agreed, and that the two proposed access junctions onto Wellington Road are appropriate to serve the full development.

With the development being built in phases, it is envisaged that the initial stages of the development may be accessed via a single road junction. Colleagues in the Council's Roads Projects Team advise that a single junction has capacity to give access to up to 300 homes, after which point a second access junction will be necessary. On this basis, it will be necessary to attach an appropriately worded condition to any consent that may be granted, with the effect that no more than 300 units may be occupied until a second access junction is constructed and operational.

Detailed consideration of internal roads layouts, their accordance with 'Designing Streets' principles, their suitability for the provision of bus services and accessibility to refuse service vehicles would be carried out on submission of detailed proposals at the 'Matters Specified in Conditions' stage.

Local roads mitigation

Mitigation in relation to impact on the local roads network affecting Wellington Road will be in the form of an agreed contribution. The level of that contribution is yet to be agreed, but can be secured as part of a legal agreement relating to the development.

Strategic Transport Fund

Development on this site is required to make financial contribution towards the Strategic Transport Fund (STF). The purpose of the STF is to address the cumulative impact of development upon the transport network by securing financial contributions towards strategic improvements. The level of contribution payable will be dependent on the composition of the development, and will be determined as the detailed design of the development evolves. Contributions can be secured as part of a section 75 legal agreement.

Travel Plans

Transport Scotland have stated in their consultation response that a condition should be attached to any permission, requiring submission of an appropriate travel plan, encouraging more sustainable means of travel. The Council's Roads Projects Team note the applicants' intention to provide a Residential Travel Plan and an employment Travel Plan, and note that no occupation of the site should occur until these have been agreed. An appropriately worded condition can secure provision of such travel plans through the formal process for approval in relation to matters specified in conditions.

Pedestrian/cycling accessibility

The proposal highlights the importance of creating a permeable network of footpaths and pedestrian routes through the development, allowing for direct connection to existing and proposed destinations. The submitted design statement and phase 1 masterplan indicates the existing core path 82 route being largely retained, but states that minor adjustment to the route may be necessary to best integrate with new streets and paths. Extensions to that core path route, allowing for connection to the A956 to the south and to the AP3 aspirational core path route to the north, are shown in the current submissions. The design statement highlights a requirement to upgrade the Core Path 82 route within the application site, whilst consultation with the Council's Developer Contributions team also highlights a requirement for developer contributions relating to increased usage of Core Path 79, which forms a loop around the nearby Kincorth Hill Local Nature Reserve and Nigg Way, and towards the formation of a new 'aspirational' core path route (AP3), which is envisaged as connecting Core Path 79 (Kincorth Hill) with Redmoss Road (and Core Path 82) before progressing eastwards across the current application site to connect with Core Path 80 (South Loirston). A section of the AP3 aspirational core path route is understood to include a recognised 'Right of Way'. The Phase 1 proposals do not propose the re-routing of this route, but suggest that the new on-street path network around the southern edge of the stadium site may provide a preferable route for existing users of the right of way, and may be considered as an appropriate alternative to the existing AP3 as regards the Council's Core Paths Network, on the basis that it better integrates with the new residential community whilst still connecting the same public places via a convenient route. It is noted, however, that the approved development framework does highlight that any scope for deviation of the right of way and AP3 routes will be explored through the detailed planning application process. Within Phase 1, provision for cycle routes is generally made via the street network. A 'recommended cycle route' along Redmoss Road is to be retained, with access along Redmoss Road envisaged as being restricted to buses, cyclists and pedestrians. The submitted TA identifies potential crossing points to allow for access to an existing dual-use path on the east side of Wellington Road. Contributions towards those crossing points and the Core Path improvements previously mentioned can be secured through the section 75 agreement.

It will be necessary for the new development to be appropriately accessible to public transport services, and it is understood from the submitted materials that the applicants are in discussion with operators, and that both First Bus and Stagecoach have expressed a willingness to consider routes through the Loirston

site. The internal road network has been designed with public transport services in mind, with the envisaged route being from Redmoss Road, along the 'Primary Street' and onto Wellington Road via the southern access junction. Indicative locations for bus stops are shown on the submissions. The submitted Transport Assessment highlights that both operators have made favourable comments in relation to the potential use of bus gates to enable the future use of Redmoss Road as a bus, pedestrian and cycle route. Taking these matters into account, it is concluded that the proposal would not compromise the integrity of any existing core paths or other access rights, and that enhancement of the Core Path network may be obtained via appropriate developer contributions being made as part of a section 75 agreement. Improved provision for public access and links to green space around the lochside for recreational purposes would be made. The proposal is therefore considered to demonstrate accordance with the aims of policy NE9 (Access and Informal Recreation) of the ALDP. The submitted framework and phase 1 masterplan demonstrate indicative roads layouts, while the Transport Assessment states that final roads layouts will be designed in accordance with Designing Streets. Detailed street layouts and compliance with 'Designing Streets' will be determined through the consideration of more detailed submissions, however at this stage the proposal is consistent with the broad aims of that policy document, demonstrating a permeable and coherent street layout and hierarchy, where provision is made for pedestrians and cyclists. Taking these matters into account, it is considered that the proposal demonstrates accordance with policy D3 (Sustainable and Active Travel) of the ALDP.

Taking account of the above, it is concluded that the proposal makes appropriate provision for sustainable travel and demonstrates that measures have been taken to minimise the traffic generated. A Transport Assessment has been provided to the satisfaction of the Roads Projects Team and Transport Scotland, and Travel Plans will be provided via further applications relating to matters specified in conditions. Consideration of such later detailed proposals will offer the opportunity to assess the level of car parking provision on-site. Taking these matters into account, it is concluded that the proposal satisfies the terms of policy T2 (Managing the Transport Impact of Development) so far as is practicable at the Planning Permission in Principle stage.

Form of development

The submissions made in support of this application demonstrate the formation of a new residential community, based on the principles set out in the Loirston Development Framework, adopted as Supplementary Guidance to the Aberdeen Local Development Plan. Whilst this application seeks Planning Permission in Principle for up to 1067 homes and associated commercial, leisure, office and community development, a Phase 1 Masterplan expands upon those general principles, providing guidance for subsequent applications for Matters Specified in Conditions. The area covered by that Phase 1 Masterplan is shown as accommodating approximately 750 homes and around 5 hectares of employment land. The submissions identify the potential of the site as a gateway to Aberdeen on approach from the south. The close proximity of the site to two arterial transport routes into the city and its open aspect contribute towards a highly prominent site, with scope to make a significant impression on visitors to the city. The presence of Loirston Loch and the adjacent Kincorth Hill nature reserve

provide an opportunity to embed new development within its landscape setting, with potential for attractive waterside development, benefiting from attractive and convenient green spaces.

The submitted Phase 1 Masterplan identifies a hierarchy of streets, demonstrates a mix of building types within each block, and identifies key corner blocks which by virtue of their prominence would require careful detailing. Existing dry stone walls would be retained within the development where practicable, contributing to the landscape character of the new development and helping to embed the development in its landscape setting.

The proposal seeks to foster a strong connection between the new development and its existing landscape. In addition to those existing green spaces, a network of new local and neighbourhood open spaces is proposed, accommodating a range of uses and accessible to residents across the settlement. Existing core path routes across the site would be retained and improved, whilst aspirational core path route AP3 is incorporated into the proposed layout plan, ensuring that the development provides for easy pedestrian access and recreational use. The principles of 'Designing Streets' have been adopted to help create safe and vibrant places, where the movement of pedestrians and cyclists is a priority. Whilst provision is made for vehicular and public transport movement through the development, motorised transport has not driven the place-making process, with the intended aim the creation of a well-connected sustainable place.

The submitted design statement identifies that key to the success and vibrancy of the new community is a core population, located within a 'dense urban heart'. In order to balance delivery of the allocated housing with appropriately sensitive treatment of the loch, flats, terraces and other higher-density forms of residential environment will contribute towards a dense urban core. As might be expected, the envisaged building types are different within the higher-density blocks, making use of terraced housing and buildings containing flats where lower-density development blocks more commonly feature detached and semi-detached housing. It should be noted that the precise number of dwellings and their detailed design are not for consideration at this stage, and will be established through further applications relating to the approval of matters specified in conditions (AMSC).

The higher-density blocks are situated along the core street frontages and the in area between the core street and the lochside. Flatted blocks to the north of the loch are generally aligned end-on so as to allow as many residents as possible to benefit from views of the loch and the surrounding green space. Non-residential uses within the phase 1 masterplan area are most concentrated around the southern site access, with blocks on either side of the 'entrance boulevard' incorporating business and hotel uses. Buildings are arranged so as to allow for views through to the Loch to be retained. As that route progresses into the site, non-residential uses feature with less frequency on its south-western side, including local retail use. A series of sections demonstrate that the general scale and height of blocks would not be excessive. The information provided at this stage is sufficient to conclude that due regard has been given to the provision of an appropriate mix of housing, as required by policy H4 (Housing Mix) of the ALDP, and that further detailed proposals can establish more precisely the composition of the housing units to be provided.

Loirston Loch is recognised as a valuable asset which gives the site its identity and character, and this is reflected in the arrangement of open space throughout the phase 1 masterplan area. The lochside area, which provides an appropriate buffer around the loch to both allow for recreational uses and maintain the ecological value of the water body, extends northwards into the site via a series of secondary/local green spaces. This results in a local network of green spaces throughout the site, incorporating existing minor watercourses and suds features as features of interest within these spaces. The phase 1 masterplan makes reference to the provision of an appropriate range of play spaces, accommodating different age groups, within these green spaces.

The development density proposed accords with that set out in the approved development framework, with higher-density urban blocks arranged around the urban core and along the lochside area, to provide a central 'heart' to the development and a focus for local retail/services, whilst also maximising opportunities for views of the loch and the surrounding landscape. The development numbers and density proposed are consistent with the LDP allocation, and will ensure that the full allocation is met, contributing towards meeting the housing growth targets set out in the structure plan. Taking these points into account, it is concluded that the proposal demonstrates an appropriate density for the site, as required by policy H3 (Density) of the ALDP.

Relationship with Loirston Development Framework

The current PPIp proposal incorporates some changes from the approved Loirston Development Framework. These include the re-siting of the proposed primary school to a location adjacent to ACC's preferred site for a new secondary school, the re-positioning of SUDS areas and other minor changes to street layouts and geometries. These are not fundamental to the coherence of the overall layout, and indeed the re-siting of the primary school site to allow scope for the sharing of resources with a possible secondary school on the adjacent site is welcomed. The first phase of development also differs in extent and composition to that identified as 'phase 1' in the adopted Development Framework. The applicants' submissions state that this will allow for the lochside area to be considered within a single phase; will ensure a more diverse mix of residential properties than might have been possible in the 'phase 1' identified in the development framework by now incorporating some lower density development blocks adjacent to Redmoss Road; will secure a consistent approach to development along Redmoss Road; and will allow further time to establish the status and phasing of AFC stadium proposals and allow for consultation on the preferred secondary school to be completed. The changes to the extent and composition of the first phase are not considered to be of concern, and the advantages of the lochside area being completed in a single phase are acknowledged. The changes made from the approved development framework are not considered to be fundamental, and the proposal retains a strong relationship with the approved framework as regards access, design principles, block density and building heights, accessibility etc. It is concluded that the proposal remains consistent with the principles set out in the approved Loirston Development Framework.

Gypsy Traveller site

The applicants' delivery statement notes that the locations identified in the

Development Framework as being potentially suitable for the provision of a gypsy traveller site have been considered in more detail as the Phase 1 Masteplanning process and preparation of submissions for the current PPIp application progressed. It is stated that the process highlighted difficulty in finding an appropriate site within the area covered by the Development Framework which would be acceptable to new and existing local residents. Based on that difficulty, the applicants' submission states that it may be more appropriate that a commuted sum is provided in order to contribute towards delivery of a site elsewhere. This approach is not consistent with the requirements of the ALDP, which identifies OP77 Loirston as one of five allocations which will be require to make contributions, in the form of a small site of six pitches, with a net area of approximately 0.5ha, for the provision of sites for Gypsies and Travellers. Policy H7 (Gypsy and Traveller Requirements for New Residential Developments) clearly sets out that Loirston is one of three sites where that provision must be made on-site. There is no compelling justification made for deviation from the ALDP's stated position, and on that basis it is concluded that the ALDP position should be maintained, and a condition attached to any grant of planning permission, requiring that the applicant come forward with a scheme for the provision of an appropriate site within the development site, for the further approval of the planning authority. Any such site should demonstrate accordance with the guidance set out in Aberdeen City Council's Gypsy and Traveller Sites Supplementary Guidance document. It is noted that the provision of such a site contributes towards the relevant affordable housing requirements, each 0.5ha site being equivalent to 15 affordable housing units. The use of a condition as described can ensure that the development is required to deliver a Gypsy Traveller site, and in doing so satisfy the terms of policy H7 (Gypsy Traveller Requirements for New Residential Development) of the ALDP.

Whilst members of the public have made objections relating to the provision of a traveller site, it should be highlighted that past negative experiences of the traveller community are not relevant to assessment of this proposal. The Local Development Plan identifies a requirement for a site in this location, and it is for the applicants to accommodate it within the proposed development. Fears regarding the behaviour of individuals using such a facility are not for the planning system, and anti-social behaviour or perceived unlawful activity is a matters for the appropriate authorities, as in any other context. Scottish Planning Policy (SPP) highlights that Gypsies and Travellers have specific housing needs, often requiring sites for caravans and mobile homes, and states that planning authorities should identify suitable locations for meeting the needs of Gypsy and Traveller communities. The Aberdeen Local Development Plan has identified suitable locations for such sites, among which OP77 Loirston is specifically identified as one, and the delivery of those sites is to be secured through the planning application process. To permit development of the identified sites without any appropriate provision would fail to address an identified need and potentially result in a situation where Gypsy and Traveller communities have to resort to the use of unauthorised sites, which can result in tensions with local communities and landowners. An appropriately sited and built-for purpose site can promote integration and cohesion with the surrounding residential community.

Affordable Housing

Policy H5 seeks a minimum of 25% of any development of 5 or more new residential units to be provided as affordable housing. In this instance, based on 1,067 units this would equate to 266 units. As noted previously, the provision of a Gypsy Traveller site of a prescribed size would contribute towards this total affordable housing requirement, with a site of 0.5ha being equivalent to 15 affordable units. Housing would expect a range of options to be considered for inclusion in a Section 75 legal agreement, the use of which would ensure that any obligation would transfer with the land should its ownership change. Final arrangements for affordable housing delivery will be arrived at through discussions with housing officers, with due regard for the phasing of the development, and it is noted that there is an expectation of on-site delivery in a development of this scale. The terms of any section 75 agreement need to ensure flexibility to allow for a range of affordable housing delivery options to be available.

Retail provision

The phase 1 masterplan identifies locations for retail uses serving the new community within blocks B3 & B4, to the south-west of the site, adjacent to the 'entrance boulevard'. In addition, blocks A7, E5 & E6 are identified as providing ground floor commercial uses, which is anticipated to incorporate additional local retailing provision. The incorporation of retail uses at an appropriate scale to serve the new community is consistent with the aims of policy RT5 (Retail Development serving New Development Areas) of the ALDP.

EIA

Environmental Impact Assessment (EIA) is a means of drawing together, in a systematic way, an assessment of the likely significant environmental effects arising from a proposed development. The proposed development is of a type listed in Schedule 2 to the 2011 EIA Regulations and, based on consideration of its likely effect on the environment, by virtue of factors such as its size, nature and location, the planning authority has adopted a formal opinion that EIA is required. In such cases, applications for planning permission must be accompanied by an Environmental Statement (ES) detailing, amongst other specified matters, a description of the aspects of the environment likely to be significantly affected by the development, including, population, fauna, flora, soil, water, air etc, and also by a 'non-technical summary' of the Environmental Statement.

The non-technical summary provided in connection with this application for Planning Permission in Principle reaches the following conclusions;

- **Geology & Soils:** Overall, the residual impacts on the solid geology and mineral reserves within the site have been assessed as 'neutral'. With the implementation of appropriate mitigation measures during the construction and operational phase, residual impacts relative to contamination are considered to be neutral as any pollutant linkages that may be identified will be broken. Adverse residual impacts to soils are considered to be large because of the potential loss of soil cover and peat.

- Land Use: Overall, the potential impacts on land use, utilities and infrastructure have been assessed as minor adverse. Particular attention shall be applied during the construction phase with regard to temporary land take, impacts on Loirston Loch and pedestrian and cycle routes as well as any mitigation measures necessary to reduce potential impacts during this phase. Potential for a local community moderate positive impact has been identified in the form of new enhanced public footpath and cycle network, landscaped open space and new public realm/ civic spaces.
- Hydrology, Drainage & Water Quality: On completion of the works to create the new SUDS pond in the northern area, the overall changes in morphology are assessed as beneficial (slight/ moderate) for the drain in the north. Impacts during the operational phase have been assessed as neutral for the surface water bodies, groundwater, private water supplies and flooding.
- Ecology, Nature Conservation & Biodiversity: The main species loss will be displacement of 8+ pairs of breeding reed bunting. No known protected mammal species or rare flora will be impacted. Mitigation opportunities are limited and concentrate on protecting the LNCS. The overall evaluation will see impacts lie in the significance range negligible-very major. The latter reflecting the loss of marshy grassland.
- Air Quality: It is concluded that the proposed development at Loirston will have a negligible impact on local air quality within the vicinity of development site but may have a slight adverse effect impact on air quality at some roadside properties on Wellington Road. Careful planning will be required to minimise dust and exhaust emissions during construction and to minimise car use by residents and workers living or working in the completed development.
- Noise & Vibration: Identifies the main sources as being road traffic and industrial noise arising from the adjacent Balmoral Park and Lomond House industrial estate area, located to the north-east of the application site. Mitigation is recommended within the relevant chapter of the ES, and it is noted that detailed construction noise impacts can be assessed once a method statement for construction is available at the detailed stage.
- Cultural Heritage: One listed building identified in the study area – Upper Kirkhill Lodge (cat B), described in its listing as a B-listed ‘March stone no.40 on the farm of Kirkhill, south of Newhills convelescent home and built into the dyke’. It is considered that the proposed development will result in direct impacts on one boundary stone and six consumption dykes.
- Landscape & Visual Effects: Overall, landscape and visual impacts for this development are limited in their extent, but significant adverse effects do occur at the development site and its immediate surroundings.
- Pedestrians, Cyclists & Community Effects: The majority of impacts on access and amenity, will occur during the construction phase (minor

adverse), however, it is considered that the proposal will have moderate positive effects on pedestrians, cyclists and community effects.

- **Traffic & Transport:** The assessment of the transport issues relevant for the proposed Loirston development has concluded that, with suitable mitigation and adherence to appropriate conditions eluded to in the TA, there would be no significant impacts on transport and traffic as a result of the proposals.
- **Disruption Due to Construction:** Construction traffic will be managed through a Construction Traffic Management Plan. No other significant construction impacts are envisaged provided appropriate mitigation is implemented.

Landscape / Green Space Network

The application site includes significant areas of land designated as Green Space Network in the Aberdeen Local Development Plan. Much of this is centred around the banks of Loirston Loch, with further areas towards the south-western end of the site. The layout proposed is largely as envisaged in the approved Loirston Development Framework, adopted as supplementary guidance to the ALDP. Areas of green space around the loch are to be maintained as part of a recognised 'buffer zone', based upon the boundary of the Local Nature Conservation Site around the lochside, with recreational use and appropriate interaction with the loch encouraged. That LNCS buffer includes the land designated as part of the Green Space Network around the loch edge. The southern site access encroaches upon the Green Space Network, as does development at either side of that access, however buildings would be set within landscaped grounds, and the site frontage onto Wellington Road and the route of the 'entrance boulevard' would be extensively landscaped, maintaining the character and function of this section of the Green Space Network. It is concluded that the proposal would promote and enhance the recreational and access value of the lochside portions of the Green Space Network. Appropriate buffer spaces are proposed to maintain existing wildlife habitats around the loch. The areas of Green Space Network at the south-western end of the site were, for the most part, formerly in agricultural use, and having been cultivated do not feature any particular features of interest. As such, it is considered that the development would not compromise the value of this area of the Green Space Network. Related to the Green Space Network is the landscape merit of the proposal. The existing landscape character of the site is largely defined by the loch and Kincorth Hill, with existing areas of shelterbelt planting and drystone walling related to the former agricultural use also contributing to that character. The shelter belt planting is largely functional, and could be readily replaced on development of the site. Central to the proposal is the enhancement of the lochside area, the incorporation of existing watercourses into new landscaped open space, and the retention of consumption dykes and drystone walls where possible. The realisation of Aspirational Core Path AP3, albeit on an altered but equally convenient route, would serve to provide for east-west access across the site and would make connections to the existing network of Core Paths, specifically Core Paths 79 and 82. Enhancements to the existing Core Path network within and around the application site will result in improved recreational

access to the Green Space Network around the lochside. It is concluded that the proposal would enhance the value of the existing Green Space Network, and that it would not result in any significant adverse impact on existing landscape character and the elements which contribute towards the site's distinct 'sense of place'. The proposal demonstrates accordance with the aims of policies NE1 (Green Space Network) and D6 (Landscape) of the ALDP.

Open Space provision

Consistent with the approved Development Framework, the proposal demonstrates an interconnected network of 'major', 'neighbourhood' and 'local' open spaces, linked via associated footpaths and cycle routes. The area around the loch edge is identified as 'major' open space, and ample open space is present due to buildings being set back from the loch edge and outside the LNCS boundary. The approved Loirston Development Framework was designed with reference to ACC's Open Space Supplementary Guidance, which sets out the type, quantity and quality of open space which should be provided by new developments. Key open spaces areas are identified within the development, and are classified according to both their scale and their intended use. Using the ACC guidance, an indicative population of 4350 persons is attributable to the OP77 allocation for 1500 homes. Loirston Loch provides the major open space for the site, and it meets the relevant accessibility standard set out in the ACC supplementary guidance. Multiple smaller neighbourhood open space areas, with a cumulative area exceeding 30ha, are provided, with an indicative site size of 2-5 hectares, whilst local open spaces of 0.4-2 hectares, cumulatively totalling approximately 6ha, are identified where there are landscape features to be retained and integrated into the development, such as consumption dykes or stone wall enclosures. Other local open spaces have been highlighted as appropriate locations for play zones. All residents are within 400m of a local open space, and many are considerably closer. The provision of open space is considered to be sufficient to satisfy the terms of policy NE4 (Open Space Provision) of the ALDP. The long-term maintenance of open space areas is highlighted as an issue requiring consideration at an early stage. In recognition of the long-term burden of landscape maintenance where open space is adopted by ACC, more natural low-maintenance approaches have been promoted. Further details of the ongoing maintenance arrangements for open space will be necessary, and it is appropriate to attach a condition to any grant of planning permission in principle requiring further submissions via formal applications.

Impact on Trees The submitted Tree Survey, which appears to incorporate the entire OP77 opportunity site, identifies shelterbelts, wooded areas and individual trees across the site. The survey highlights that any losses associated with the development could, in almost all cases, be readily compensated for with appropriate replacement planting, assuming that the planting undertaken was on a sufficient scale to compensate for losses, and that the species planted were suited to the specific site conditions. At present, the tree and woodland cover mostly takes the form of planted mixed broadleaf and conifer shelterbelts, approximately 20-30 years old. Areas of recent planting are also identified, along with areas of self-seeded, scattered trees and occasional standalone specimens. Within the PPIP boundary, only area 23b was identified as having particularly high ecological value which preferably should be retained. This area falls within

the Loch LNCS and has been identified for protection in its current form. The survey determined that any other areas which might have losses due to development could be reasonably compensated for in the longer term with appropriate replacement planting. Whilst it is understood that ACC has been responsible for new plantations connected with the 'tree for every citizen' initiative, the aims of that Council initiative are immaterial to the assessment of the planning merits of this proposal. The submitted tree survey establishes that, for the most part, existing tree cover is of a type that can be readily replaced or transplanted. Appropriate replacement planting can be secured as part of an overall landscaping scheme for the site.

The Council's Arboricultural Planner notes that further detailed proposals will establish the direct impact of the development upon trees and woodlands. It is acknowledged that the majority of areas of trees and woodland on the site are relatively young, but suggests that a number of areas of existing tree cover should be retained. Where trees and woodlands are proposed for removal there should be appropriate compensatory planting, either on-site or on nearby land as compensation for losses. Consideration should be given to off-site mitigation planting if there is not sufficient space on the site to successfully accommodate compensatory planting. An appropriately worded condition attached to any grant of Planning Permission in Principle can secure further submissions pertaining to arboricultural impact and replacement planting. It is suggested that hardy native species should be considered as part of any new planting scheme. Detailed consideration of arboricultural impact and proposals for new and replacement planting can ensure that the proposal is consistent with the aims of policy NE5 (Trees and Woodlands) of the ALDP.

Loirston Loch Local Nature Conservation Site

An area of land around the loch is locally designated as a Local Nature Conservation Site (LNCS). The boundary of the LNCS includes a built-in buffer, set in accordance with ACC's own supplementary guidance on Buffer Strips Adjacent to Water Bodies, which is intended to protect the water quality of the loch and also protect and enhance biodiversity.

All development blocks are set back from the LNCS boundary. It is noted that a section of road providing access from the southern junction passes through the Local Nature Conservation Site around Loirston Loch. It is also stated in the applicants' submissions that the configuration of the site is such that any access in this location will require to cross the two watercourses which feed and drain the Loch. The area within the LNCS through which the road passes has been surveyed by the appointed ecologist as being predominantly 'poor, semi-improved grassland' and the most sensitive areas of wetland immediately adjacent to the loch is avoided. Outwith the LNCS area the road passes through further "Poor semi-improved grassland" and "Woodland coniferous plantation", the latter of which has been identified for felling. On this basis, it can be concluded that the necessary encroachment on the western edge of the LNCS would affect areas of the least sensitivity within the LNCS boundary.

The northern access point, termed the 'stadium junction' utilises the same alignment to that which was proposed for the Aberdeen Football Club stadium proposal, and which was accepted at that time. That alignment avoids the LNCS boundary. Revisions to the the junction layout proposed within the AFC

application will be required to ensure that the road arrangement best serves the proposed development, however this is not anticipated to impact upon the LNCS.

A formally constructed path, suitable for cyclists and constructed in an appropriate surface material to sustain the anticipated intensity of use, would skirt around the edge of the LNCS boundary, offering enjoyment of the lochside area. That surfaced path would incorporate a small number of decking/boardwalk connections, offering accessible routes to the water's edge. This formal route would complement the existing informal core path route which sits closer to the loch edge. The presence of a surfaced path is likely to minimise impact on the immediate lochside area that might otherwise occur through a significant increase in usage. As much as is possible of the existing vegetation around the loch would be retained, with minimal intervention within around 30m of the loch. Beyond this point, landscaping and environmental improvements must be sympathetic to the existing habitats of the LNCS and have regard to any sensitive areas identified in the habitat survey. It is concluded that the approach taken demonstrates due regard for the natural environment and the LNCS designation, as required by policy NE8 (Natural Heritage) of the ALDP.

Noise

Given the presence of the busy A90 and A956 routes in close proximity to the site, it has been necessary for the applicant to consider the potential for noise disturbance arising from road traffic. In addition, the presence of industrial uses to the north of the application site warrants consideration of noise arising from those uses, and the development itself contribute to a change in the environment for residents of existing properties. Having considered the submissions made as part of the applicants' Environmental Statement, colleagues in the Council's Environmental Health team have highlighted scope for statutory noise nuisance to occur unless provision is made for appropriate mitigation. It will be necessary for the applicant to provide a scheme for ensuring that dwellings are protected from excessive noise disturbance arising from traffic noise. Similarly, a survey will be necessary to determine the impact of industrial noise arising from business premises. Appropriately worded conditions attached to any grant of planning permission in principle can secure the submission of such material, for the further consideration of the planning authority. The scope for statutory noise nuisance is source of some concern, and so it is essential that further regard is had for noise issues and appropriate mitigation where possible, to ensure that residential premises are protected from unreasonable noise levels.

Air Quality

Existing air quality levels are satisfactory in and around the development site, and it is considered unlikely that there would be any exceedance of national and EU air quality levels as a result of the development. Nevertheless, consultation with Environmental Health colleagues has highlighted the potential for additional traffic generated by the proposed development, in conjunction with other committed development in the area, to cumulatively contribute to a significant impact on the Wellington Road Air Quality Management Area (AQMA). Whilst the AWPR is predicted to reduce traffic flows along Wellington Road, concentrations of nitrogen dioxide and PM10 particulates are nevertheless likely to remain above target levels. Environmental Health colleagues therefore recommend that the

detailed design of the proposal incorporate measures to minimise vehicle use and promote sustainable travel, through provision of a network of public paths and cycle routes, including connections to such existing routes as may exist, and provision of appropriate public transport services. The submissions made demonstrate that dialogue is ongoing with public transport operators, with a view to services serving the new development. Layouts have been designed with this in mind, and are intended to incorporate designing streets principles for the provision of a network of pedestrian and cycle routes within the development. Further consideration of detailed designs at the 'matters specified in conditions' stage will allow the authority to ensure that appropriate measures are in place to promote sustainable means of travel and thereby reduce the impact of the development on air quality. These measures, in addition to being central to the creation of a desirable place which is permeable to sustainable means of travel and appropriately connected to existing routes, constitutes mitigation of potentially detrimental impact on air quality, as required by policy NE10 (Air Quality) of the ALDP. The Council's Environmental Health officers recommend the use of a condition to secure a dust management plan, detailing dust mitigation measures and controls and appropriate monitoring. It is considered that these issues are already covered under the over-arching banner of the requirement to provide a Construction Environment Management Plan for the development, as stipulated by SEPA.

Contamination

SEPA's consultation response recommends that, due to the proximity of the development site to the Charleston Landfill site, the Council's Environmental Health team be consulted with regards to potential contamination arising from the migration of landfill gases from that adjacent site. Environmental Health colleagues recommend that a condition be attached to any consent, requiring investigation of potential sources of contamination and proposing such mitigation measures as may be necessary. The use of such a condition will ensure that any potential risk relating to contamination is given due regard and addressed to the satisfaction of the planning authority, in consultation with Environmental Health officers. Taking this into account, the proposal demonstrates due regard for policy R2 (Degraded and Contaminated Land) of the ALDP.

Flooding and Drainage

The Council's Roads Projects team require that a detailed drainage plan be provided, detailing proposed levels of treatment for surface water runoff. It is also requested that a Drainage Impact Assessment be provided, incorporating results and calculations of an appropriate range of flood event sensitivity tests. The Council's Flood Prevention Team highlight these requirements, along with a requirement for a Flood Risk Assessment. The requirement for a FRA is echoed by SEPA. Appropriately worded conditions can secure the submission of appropriate further information to ensure compliance with policy NE6 (Flooding and Drainage) of the ALDP.

Legal Agreement

Aberdeen City Council is the owner of some 65 acres of this particular development site and may retain ownership of the same for some considerable time after any Planning Permission is granted. If the Planning Permission is granted subject to the developer and Aberdeen City Council entering into a

Section 75 Agreement then Aberdeen City Council will effectively be contracting with itself and this is open to challenge and possible reduction.

In previous cases where the Council entered into a Section 75 Agreement, the Council sold or transferred ownership of the land they owned shortly after Planning Permission was granted and the risk only applied for a short period of time. The normal situation would be for the Council to transfer ownership of their land to the developer shortly after Planning Permission is granted with an agreement in place to be paid their portion of the sale price achieved when the parcels are subsequently sold on. The Council's interests would be protected in such circumstances by way of a Standard Security over the land in question.

In this particular case the Council is not selling their land directly to the developer. The developer in this case will arrange for parcels of the land to be sold on by the Council at a later unspecified date but only after certain works have been completed by the developer. Therefore, the risk of there being a challenge to the validity of the Section 75 Agreement is for an unspecified period of time and outwith the control of the Council.

The right to challenge the Section 75 Agreement would be available to any party with an interest in the development which would include the developer and any subsequent owners of the land currently owned by Hermiston Securities Limited.

Matters raised by community Council

The response received from the local Community Council largely comprises a series of criteria which its members feel any development on the site should fulfil, rather than comments made specifically in relation to the merits of the current application. The principle of development at this scale is addressed in the 'principle of development' section of this report, and it should be noted that the allocation of the wider OP77 site for 1500 homes in the Aberdeen Local Development Plan has been established through development plan examination and adoption process, and is not open for reconsideration through assessment of this application.

Buildings heights and block densities shown within submissions are consistent with those detailed in the approved Loirston Development Framework, which has been adopted as Supplementary Guidance and therefore carries the same weight as the policies contained within the Local Development Plan in decision-making. It would not appear reasonable for the planning authority to resist a proposal on grounds of inappropriate height or density where the proposal accords with the authority's own adopted site-specific guidance in relation to those matters.

The relationship between the development and the Loirston Loch Local Nature Conservation Site is addressed in the 'Local Nature Conservation Site' section of this report, and it is further noted that the Loirston Development Framework approved as Supplementary Guidance identified a partial encroachment on the LNCS at its western edge to allow for access road infrastructure. Clearly, the presence of the loch significantly restricts the options available for the siting of a second site access point. It has been demonstrated that the area of LNCS to be encroached upon is of lesser ecological value than the areas immediately around

the lochside, which would not be affected. Whilst the road would cross over two existing watercourses, the selected alignment would minimise the extent of any bridging by crossing as close as possible to 90 degrees to the route of the watercourses. In addition the applicant states that environmental enhancements would be made to those watercourses. On this basis, it is concluded that the location of the second access junction and the partial encroachment of the road upon the LNCS boundary is acceptable, and would not compromise the integrity of the LNCS due to its remote location from the lochside and the areas of greatest sensitivity.

Phase 1 of the proposal does not involve the removal of a recognised right of way, but rather recognises an existing route has been identified by ACC as being an 'aspirational core path' route, meaning there is a long-term aspiration for a formal path route to be created. That 'aspirational core path' route largely follows the route of a right of way, however the approved Development Framework indicatively demonstrates how an alternative core path route, taking the path to the south of the stadium, around the edge of the new housing development and the lochside, might be accommodated, rather than the route following the existing right of way to the north of the stadium site, adjacent to industrial uses. On this basis, access rights would not be compromised, but rather an alternative arrangement is put forward for the alignment of the aspirational core path AP3. Any later proposal to deviate from the route of an existing Right of Way can be considered through the assessment of detailed proposals, and it is further noted that there are separate formal processes which relate to the deviation of an existing right of way.

The Community Council state that Core Paths should be located within green corridors rather than in the road network, however the purpose of core paths is to ensure good pedestrian accessibility, rather than to comprise a network of specifically rural/woodland pathways. The Council's Core Paths Plan itself states that a Core Path can take many forms, and may include tarmac surfaces and on-street routes.

The Community Council's response states that there should be a direct and continuous green corridor link between the northern end of Loirston Loch LNCS and Kincorth Hill LNR. The approved Development Framework does not require the provision of a continuous corridor of this nature, and it is noted also that the area covered by the current application site boundary is not conterminous with the Local Nature Reserve and does not extend beyond Redmoss Road. Nevertheless, it is noted that the approved Development Framework and the current submissions indicate that areas of 'local open space' and 'neighbourhood open space' would be present along much of on-street route between these two locations. By maintaining existing access routes and making provision for enhanced access via both the institution of aspirational core path routes and through a network of other pedestrian and recreational routes within the development site, it is considered that access to and around the Loirston Loch Local Nature Conservation Site and Kincorth Hill Local Nature Reserve would be maintained and enhanced. The value of the lochside area and the Kincorth Hill Local Nature Reserve are acknowledged by the applicants, and their sensitive treatment is essential to preserving that value. The Kincorth Hill LNR will be affected by the development only insofar as the applicants will make financial

contribution towards the enhancement of the existing core path route and institution of a hitherto 'aspirational' core path. The lochside area would retain its natural character, with no buildings present within the lochside LNCS boundary. As noted previously, where part of the access road cannot avoid the western edge of the LNCS, a sensitive approach will be taken. An existing informal core path route within the LNCS boundary would be retained, with a new surfaced route envisaged around the perimeter edges the LNCS boundary serving to distinguish between the semi-natural vegetation around the loch and the more formal landscaped areas closer to residential development. The LNCS boundary varies in depth, but at the northern side of the loch it is generally around 50m. The proposed layouts reflect this. The submitted stage 1 masterplan highlights that there will be minimal intervention and disturbance within around 30m of the Loch edge, beyond which there may be new sympathetic landscaping, of a type consistent with the LNCS designation.

Concerns regarding the suitability of Redmoss Road for bus access are noted, and it has been recognised that vehicular through access via Redmoss Road would not be desirable. It will be for the developer to demonstrate what measures might address this issue, and it has been suggested that some form of restricted access or 'bus-gate' may be acceptable, however details relating to the operation of any 'bus-gate' or other means of restricting access along this route have yet to be agreed and will be the subject of a further application, with an appropriate condition requiring further submissions. Appropriate measures should ensure that congestion at the junction of Redmoss Road and West Tullos Road are not exacerbated.

The potential relocation of the Council's Ranger Service from their current Lochinch Countryside Interpretation Centre base is not of direct relevance to the planning merits of this development proposal, and is primarily a decision for the Council as a landowner. Currently the Council has aspirations for residential development on a site which is allocated in the Local Development Plan as contributing towards housing targets. The applicants state a desire to investigate the potential for interpretation buildings relating to the Loch and Kincorth Hill within the 'Lochside' area, with the status and future of those buildings being established prior to preparation of detailed design proposals, however this is not a requirement of the development plan.

Opposition to the location of a gypsy traveller site within the development is noted, however this is an explicit on-site requirement stated in the Aberdeen Local Development Plan for the OP77 site. This matter is addressed further in the 'Gypsy Traveller site' section of this report

Matters raised in representations

Concerns raised in relation to roads network capacity, the scope for increased congestion, and the status of Redmoss Road have been previously addressed in the 'Vehicular Access' section of this report. The scope of the submitted Transport Assessment was agreed in advance with the Council's Roads Projects Team, and no concerns have been raised regarding the projections used for future traffic levels or the capacity of the stadium junction. It is noted also that residential peak traffic flows would differ from those generated by the stadium's use.

It is noted that the location of the new primary school has been changed from that shown in the adopted development framework, however this change has been made in light of the evolution of ACC's preferred option for a new secondary school, and would allow for the sharing of facilities and the efficient use of land. It will be necessary to ensure that the re-sited primary school remains readily accessible, and the Council's Roads Projects Team have highlighted that detailed proposals should include identification of safe routes to schools. At this 'in-principle' stage, it is not considered that the re-location of the primary school should be of concern, and indeed the sharing of facilities with the preferred secondary school site is welcomed as an efficient and rational use of the available land.

Matters relating to the impact of the proposal on the locally designated site around the lochside have been previously addressed in the 'Loirston Loch Local Nature Conservation Site' of this report, whilst due consideration has been given for local wildlife and habitats through the submission of an extensive Environmental Statement, which included ecological surveys covering habitats, trees, breeding and wintering birds, bats, otter, badger, red squirrel and higher plants. The Environmental Impact Assessment process concluded that there would be no direct impact on any designated nature conservation sites, that an appropriate buffer would be maintained around Loirston Loch, that no known protected mammal species or rare flora would be impacted, and that the most significant impact on species would be through the displacement of 8 or more pairs of breeding reed bunting, a nationally important species.

It has been previously highlighted in this report that the current application site is identified in the Local Development Plan for residential development. Its natural characteristics and the value of the Loch and its surrounding habitat are acknowledged, and this process aims to secure a high quality of development which embraces the character of the site and retains noteworthy landscape elements and habitats wherever possible. It is unreasonable to expect that a site allocated for housing development through the development plan process would be retained in its current form in perpetuity.

The removal of existing trees within the application site has been supported by the surveys carried out to ascertain the condition and landscape value of the existing tree cover. Whilst it is desirable to secure the retention of notable existing trees where possible, it is noted that the tree survey established that much of the existing tree cover could be readily replaced through appropriate new landscaping. This matter is addressed in detail in the 'Impact on Trees' and 'Landscape' sections of this report.

Drainage will be considered in greater detail through subsequent 'Matters Specified in Conditions' applications, and it is noted that colleagues in the Council's Roads Projects and Flood Prevention teams request further information to support assessment of drainage in due course. Nevertheless, at this PPI stage, the submitted Environmental Statement concludes that impacts on the River Dee are assessed as being neutral.

The loss of existing green space is noted, though in the context of a site designated for residential development in the Aberdeen Local Development Plan.

Matters relating to landscape impact are addressed in greater detail in the 'Landscape' section of this report. The proposal is not considered to represent overdevelopment, as a notional allocation of 1500 homes across the wider OP77 site is made in the Aberdeen Local Development Plan. The number of units proposed is consistent with that wider allocation and the relevant content of the Loirston Development Framework, approved as Supplementary Guidance.

The existing value of the Loch as an educational and recreational resource is noted, and it is appropriate to secure an appropriate buffer around the lochside to secure its ecological, habitat and recreational value. Issues relating to the existing Right of Way are addressed in the 'Pedestrian/cycling accessibility' section of this report.

The adopted Loirston Development Framework highlights a desire to provide for green space network connections between the loch and Kincorth Hill. The re-routing of Aspirational Core Path AP3 to the south of the stadium site would allow for a formal connection from the north of Loirston Loch to Kincorth Hill, via the new residential area. A network of local and neighbourhood open spaces would run alongside this route and others, providing green space and recreational connections between the lochside and the Kincorth Hill Local Nature Reserve.

Matters relating to the provision of a Gypsy Traveller site are addressed in the 'Gypsy Traveller Site' section of this report.

Buildings heights and block densities shown within submissions are consistent with those detailed in the approved Loirston Development Framework, which has been adopted as Supplementary Guidance and therefore carries the same weight as the policies contained within the Local Development Plan in decision-making. It would not appear reasonable for the planning authority to resist a proposal on grounds of inappropriate height or density where the proposal accords with the authority's own adopted site-specific guidance in relation to those matters.

As this is an application for Planning Permission in Principle, specific details of the design of new buildings are not for consideration and would be provided at a later stage under an application to approve the matters specified in conditions.

The approved Loirston Development Framework sets aside an area of land for the AFC stadium, with the wider development planned around it, however the stadium arrangement differs from that which members expressed a willingness to approve. The framework states that this was to reflect more recent changes to the land deal between AFC and Hermiston Securities. It should be noted that, whilst the OP77 opportunity designation in the ALDP highlights 'potential to accommodate football or community stadium', the applicants are under no obligation to replicate the stadium proposal as previously considered by ACC, which is a separate application made by a different applicant. Given that the current proposal is consistent with the approved Development Framework in its consideration of the AFC stadium proposals, it is not considered that there is any policy conflict as regards the development plan.

Flooding and drainage matters relating to the application site must be fully

investigated and appropriate measures implemented before development may proceed. The use of appropriate conditions, and consultation with appropriate bodies such as SEPA and the Council's own Roads Projects and Flood Prevention teams will ensure that drainage issues are appropriately addressed before any development may go ahead.

This proposal relates to the development of an allocated housing site, and could not reasonably be expected to upgrade infrastructure services for the direct private benefit of third parties.

Duration of consent

The planning authority has powers to direct that the duration of consent granted may differ from the usual periods stated in legislation. In exercising those powers the planning authority is required to have regard to the provisions of the development plan, and to any other material considerations. In this instance, the scale of the housing allocation is of such a considerable scale that there is little realistic prospect that full details of the entire 1067 homes and the associated commercial and commercial development and other associated works will be in a position to be submitted to the planning authority within a period of 3 years from the grant of Planning Permission in Principle. The applicant has proposed that the planning authority utilise its available powers in this instance, to make allowance for the detail of each phase of the development to come forward independently, with the completion of each phase triggering a requirement to come forward with the details of the next phase within a predetermined period. In using its powers, the planning authority must have regard for the ALDP's aspirations to deliver the allocated housing and employment land allocations within a stated period, and to allow the consent to be prolonged excessively would risk compromising the full and timely delivery of those allocations within the relevant plan period. That said, the scale of the allocation is such that it is clear that there is reasonable justification to deviate from the usual periods, which would require full details of the entire development to come forward within a period of three years from approval of Planning Permission in Principle, and would also require that works be commenced on-site within two years thereafter. The planning authority may direct that an alternative time period shall apply, but in doing so shall have regard to the provisions of the development plan and any other material considerations. Given the scale of the allocation and the likely timescale for on-site delivery, it appears reasonable to allow for the development to progress on a phased basis, with full details of each respective phase being provided in turn, thereby allowing for works to commence on the first phase once full details of that first phase have been agreed with the planning authority, and ensuring that full details of, for example, buildings and landscaping in later phases need not prevent works progressing entirely. Whilst details of indicative phasing have been provided for a proportion of the site as part of the phase 1 masterplan, a phasing strategy for the entire site will be necessary in order to establish a phasing programme up-front, which can be used to regulate the pace at which further details are required.

Summary

The proposed development relates to a site zoned for residential and employment development in the Aberdeen Local Development Plan. The proposed development accords with the Local Development Plan allocation, and

is consistent with the principles set out in the Loirston Development Framework, adopted as Supplementary Guidance to the ALDP. Appropriate means of access has been agreed in principle with the Council's Roads Projects Team, and the development site would incorporate ample provision for sustainable travel through a rational street layout and provision of pedestrian and cycle routes, which in turn are connected to the existing Core Paths network. Appropriate details of internal roads and drainage can be obtained through conditions attached to this consent. Statutory consultees have set out a series of conditions to obtain further details relating to drainage, flood risk, water quality and mitigating the impact of construction works. An appropriate legal agreement can secure affordable housing provision and financial contributions in relation to education, healthcare, core paths, sports facilities and, in relation to roads, contributions in mitigation of impact on the local roads network and towards the Strategic Transport Fund. An extensive process of Environmental Impact Assessment has resulted in submission of an Environmental Statement. Consultation with the appropriate consultation bodies has resulted in no objections to the proposed development, subject to certain matters requiring further submissions being appropriately conditioned. Much of the detailed assessment will take place on submission of further information in connection with specified issues, however it is concluded that, in principle, the proposed development is consistent with the provisions of the Aberdeen Local Development Plan, and clearly develops upon the principles set out in the Loirston Development Framework. No material considerations have been identified which would warrant determination other than in accordance with the Development Plan, and therefore it is recommended that the application be approved subject to an appropriate legal agreement. The difficulties in ACC contracting with itself are noted, however there are no readily apparent alternatives in instances where ACC is to retain control over parts of the application site for a prolonged period in partnership with a private developer. On the basis that an appropriate legal agreement transferring with the land remains necessary, it is concluded that a section 75 represents the most appropriate option known to be available.

RECOMMENDATION

Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a legal agreement

REASONS FOR RECOMMENDATION

The submissions demonstrate an appropriate form of development, consistent with the allocation of the OP77 site in the Aberdeen Local Development Plan (ALDP) and incorporating a mix of uses and mix of housing types. In doing so, the proposal accords with the terms of policies LR1 (Land Release Policy), LR2 (Mixed Use Communities) and Policy H4 (Housing Mix) of the ALDP. The density of the development and its building heights are consistent with the principles set out in the adopted Loirston Development Framework, and are considered to constitute an appropriate design approach on this site, in accordance with policy Policy H3 (Density) and Policy D1 (Architecture and Placemaking) of the ALDP. Appropriate provision is made for vehicular and pedestrian access, with points of access identified and agreed in principle with the Council's Roads Projects Team. Impact on the local roads network is to be mitigated via an appropriate financial

contribution in lieu of identified infrastructure improvements. An appropriate range and quality of public open space is proposed, and such spaces would be accessible via a network of internal routes, connecting to the existing Core Paths network in the surrounding area. Open Space incorporates existing areas designated within the Council's Green Space Network, and demonstrates due regard for the landscape character of the site, particularly in relation to the areas around Loirston Loch, the dominant landscape feature. Taking these matters into account, it is concluded that the proposal demonstrates its accordance with policies T2 (Managing the Transport Impact of Development), D3 (Sustainable and Active Travel), NE1 (Green Space Network), Policy NE4 (Open Space Provision in New Development), Policy NE9 (Access and Informal Recreation) and D6 (Landscape) of the ALDP. Existing trees on the site have been surveyed and it has been concluded that the majority of those present could reasonably be replaced via new landscaping, however detailed arboricultural impact assessment will be necessary to quantify the extent of any tree loss and to secure appropriate replacement planting, thereby ensuring that the aims of policy NE5 (Trees and Woodlands) can be achieved.

Matters relating to Flood Risk Assessment and Drainage Impact can be appropriately assessed via further submissions required by conditions attached to this grant of planning permission in principle, thereby satisfying the provisions of policy NE6 (Flooding and Drainage) of the ALDP. New retail development proposed is of an appropriate scale to support the new community, as required by policy RT5 (New Development Serving New Development Areas). Affordable Housing provision, contributions towards the Strategic Transport Fund and developer contributions in relation to address other impact arising directly from the development can be secured via an appropriate agreement, in accordance with policy I1 (Infrastructure Delivery and Developer Contributions) and policy H5 (Affordable Housing) of the ALDP. The provision of a Gypsy Traveller site is a requirement identified in policy H7 of the ALDP, and therefore it is necessary to provide such a site in order to comply with the terms of that policy. Further submissions will be necessary to further assess any proposed locations.

The submitted Environmental Statement is considered to be sufficient and to set out the likely environmental impacts of the development, demonstrating that these are not likely to be significantly adverse, and that appropriate mitigation is generally possible. The siting of buildings demonstrates due regard for the presence of the Local Nature Conservation Site surrounding the loch, and proposes environmental enhancements to encourage recreational use of the landscape asset. It is not considered that the encroachment of the southern access road onto the periphery of the LNCS would undermine that designation or affect any areas of intrinsic value. It is considered that the proposal demonstrates due regard for the provisions of policy NE8 (Natural Heritage) of the ALDP.

Environmental issues relating to air quality, noise and past contamination of adjacent land can be assessed further through submissions required by condition. Appropriate consideration of those submissions can ensure compliance with policies NE10 (Air Quality) and R2 (Degraded and Contaminated Land) of the ALDP. Similarly, further submissions demonstrating compliance with policy R7 (Low and Zero Carbon Buildings) and the associated supplementary guidance will be secured via condition.

Further consideration of detailed street layouts will establish compliance with 'Designing Streets', and detailed design proposals will establish compliance with 'Designing Places' and 'Creating Places'. The principle of development on this site accords with Scottish Planning Policy's aspirations for new housing, demonstrating due regard for the surrounding landscape, topography, character and ecologies.

CONDITIONS

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

(1) That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery of buildings, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' application - in order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for 'Matters Specified in Conditions' specified in the planning authority's direction stated in this notice.

(2) No part of the employment element of the development shall be occupied until a Travel Plan, aimed at encouraging more sustainable means of travel, has been submitted to and approved in writing by the Planning Authority in consultation with the Transport Scotland. The Travel Plan will identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It will incorporate measures designed to encourage modes other than the private car - To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport

(3) Prior to the commencement of any works in any phase on site a detailed scheme for surface water drainage shall be submitted to and agreed by the Planning Authority, in consultation with SEPA. The scheme shall detail 3 levels of SUDS treatment for any hardstanding, yard areas on sites proposed for Class 5 and 6 industrial uses, 2 levels of sustainable drainage SUDS treatment for all roads and other areas of hardstanding/carparking and 1 levels SUDS treatment for roof run off, and all work shall be carried out in accordance with the approved scheme.

Informative: The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

Reason: to ensure adequate protection of the water environment from surface water run-off.

(4) The LNCS designation boundary shall be implemented in full throughout the construction, operation and decommissioning of the development. There shall be no development, machinery movement or operations within the buffer zone without the agreement of the Planning Authority in consultation with SEPA. The buffer zone shall be identified on the ground, and no development adjacent to the

LNCS shall take place unless the LNCS boundary has been protected with appropriate protective fencing as shown in figure 2 of BS5837 or such alternative as may be agreed with the planning authority in writing.

Reason: In order to prevent potential unacceptable impacts on the water environment.

(5) No development shall take place within any phase until a detailed geo-environmental investigation has been undertaken to identify potential impacts on wetlands within 250m of Loirston Loch and an associated scheme of mitigation is submitted and approved by the planning authority in consultation with SEPA, once approved the agreed scheme shall be implemented in full.

Reason: In order to prevent potential unacceptable impacts on the water environment.

Informative: the detailed geo-environmental investigation, will be followed up by a conceptual hydrogeological model and associated risk assessment which will inform the mitigation proposals.

(6) Prior to the commencement of any works on site that the location (NGR of source) of the Private Water Supplies serving Charleston Cottage; Moss-side Croft and Tillyhowes Banchory Devenick are identified, and should they fall within 100m of roads, tracks or trenches or within 250m of borrow pits or foundations as proposed within the development that a quantitative hydrogeological assessment and where appropriate scheme of mitigation is developed by the applicant and agreed with the Planning Authority in writing in consultation with SEPA, once approved the agreed scheme shall be implemented in full during operation of the site.

Reason: In the interests of protecting the water environment

(7) that no development shall be undertaken within any respective phase of the development until such time as a scheme detailing the incorporation of appropriate buffer strips around water courses within that phase has been formally submitted to, by way of an application for the Approval of Matters Specified in Conditions (AMSC), and approved in writing by, the planning authority - in order to protect and promote biodiversity and protect water quality.

(8) That no development shall commence within a given phase until site specific Construction Environmental Management Plan(s) have been submitted and approved in writing by the Planning Authority, via a formal application for MSC, in consultation with [SEPA, SNH or other agencies as appropriate] for that phase. All works on site must be undertaken in accordance with the approved CEMP(s) unless otherwise agreed in writing with the Planning Authority. The CEMP(s) must address the following issues:-

- Surface water management
- Site waste management
- Watercourse engineering including crossings
- Peat management
- Pollution prevention and environmental management

Informative: It is recommended that the CEMP(s) is submitted at least 2 months prior to the commencement of any works on site; this is to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the project moving forward.

Reason: In order to minimise the impacts of necessary demolition/construction works on the environment.

(9) that no development shall commence within any of the respective phases until such time as details of waste management proposals for that phase of development, including arrangements for the segregation, storage, collection and management of residential, commercial and business waste, by way of an application for the Approval of Matters Specified in Conditions, have been submitted to, and approved in writing by, the planning authority - in order to ensure compliance with policy R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan.

(10) That no works in connection with phases 1A, 1b, 1C and the site of the relocated primary school (site E9 and the adjacent site E1) shall take place unless a detailed Flood Risk Assessment (FRA) for that phase has been submitted and approved by the Planning Authority, via a formal application for MSC, in consultation with SEPA and, where necessary based on the findings of the FRA, appropriate mitigation measures and/or adaptations to the development layout has been made.

Reason: in order to avoid flood risk.

Advisory: The detailed FRA should be undertaken in line with SEPA's Technical Guidance on FRAs and in recognition of accepted standard design flow estimation methods, more detailed advice should be sought from SEPA prior to the preparation of any detailed Flood Risk Assessment. The FRA should assess the potential for both existing and proposed culverts and other relevant structures to increase flood risk. It is recommended that the 1 in 1000 year (0.1% annual probability) flood event is considered for the proposed primary school development due to the vulnerable nature of the proposal.

(11) that, unless the planning authority has given written approval for a variation, no development pursuant to any of the individual Phases of the development hereby approved (as detailed in the Phasing Strategy to be agreed in connection with Condition 1 of this consent) shall take place other than in full accordance with a detailed masterplan for that particular Phase that has been submitted to and approved in writing by the planning authority via a formal application for MSC. The masterplan(s) shall show in detail how all development within that phase will comply fully with the principles and criteria laid down by the approved Loirston Development Framework, Loirston Design and Access Statement and guidance in "Designing Streets" and "Designing Places" in terms of;

(i) block structure, (ii) access and connectivity (including street hierarchy and integration with the existing/future vehicular/pedestrian network and adjoining development), (iii) landscape framework (ensuring high quality integrated treatment of the public realm in compliance with the approved strategic

landscape plan, tree protection, protection of wildlife, arrangements for the management and maintenance of open space, treatment of car parking and detail of local/district level open spaces and implementation of civic spaces), (iv) land use and density (including building heights and detailed typologies, density, details of any affordable housing provision and commercial space), (v) drainage (including provision for SUDS), (vi) character (including architectural treatment to provide character areas responding to context, ensuring a high quality palette of materials, use of street trees and boundary treatments), (vii) ensuring implementation of the key structural elements including the connections to the A956, the Primary Street, Loirston Square, the new Primary School and Lochside and Gateway Open Space areas, (viii) protection of trees and protected species, (ix) the sequence of demolition, development and provision of key elements (eg open space, commercial elements, roads, footpaths, etc.) within each phase to ensure that development within the phase is implemented in a planned and co-ordinated manner; unless the planning authority has given written consent for a variation. - in the interests of ensuring that the adopted Development Framework and Design and Access Statement for the site and the Planning permission in principle is translated into the creation of a high quality sustainable mixed use community on the ground.

(12) No development shall take place within a given phase until the applicant has secured the implementation of a programme of archaeological work relating to that phase in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority via a formal application for MSC. Any programme of archaeological work will include all necessary post-excavation and publication work.

(13) that no development pursuant to this planning permission in principle shall commence on site unless a scheme for the provision of a site for Gypsies and Travellers on the site or on the larger OP77 site, in accordance with Aberdeen City Council's adopted 'Gypsy and Traveller Sites' Supplementary Guidance has been submitted to and approved in writing by the planning authority, by means of approval of a formal Approval of Matters Specified in Conditions (AMSC) application or a formal Planning Application, including as a minimum the following Details

- the location and area of land to be set aside for the site, number of pitches and means of pedestrian and vehicular access
- a timescale for its delivery and
- a mechanism to ensure that delivery will happen in this timescale;

No more than 500 residential units on the application site shall be occupied unless any scheme for the provision of a Gypsy and Travellers site thereby approved by the planning authority has been implemented, unless the planning authority has given written approval for a variation - in order to meet the requirements of Policy H7 of the Aberdeen Local Development Plan.

(14) That no individual development plot shall be occupied unless an access junction has been implemented and is fully operational to the finalised agreed layout in accordance with drawing number TP058/SK/101 or TP058/SK/100 or such other drawing as may subsequently be approved in writing for the purpose by the planning authority - in order to ensure that the development can be adequately accessed on first occupation.

(15) that no more than 300 houses on the application site shall be occupied unless a 2nd access junction has been implemented and is fully operational to the fully agreed layout in accordance with drawing number TP058/SK/101 or TP058/SK/100 or such other drawing as may subsequently be approved in writing for the purpose by the planning authority - in order to ensure that the progression of development is accompanied by acceptable means of access.

(16) that no development pursuant to this planning permission shall take place within any given phase until such time as further formal application has been made detailing cycle routes and facilities within that phase of the proposed development, incorporating direct links to existing off-road paths and/or on-road links via suitable on and off road paths, providing direct routes to the access points for the site - in order to promote sustainable travel and ensure compliance with policy D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

(17) that no development pursuant to any phase within this planning permission shall take place until such time as further formal application has been made identifying safe routes to schools within the proposed development - in order to promote sustainable travel and ensure compliance with policy D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

(18) That no development within any phase shall be undertaken until such time as further details demonstrating a layout capable of accommodating a bus service, and incorporating proposals for the appropriate restriction of traffic on Redmoss Road to allow only walking, cycling and public transport, have been submitted to the planning authority via a formal application for MSC, and that such details have been approved by that authority and thereafter implemented in full - in order to promote sustainable travel, minimise travel by private car, and to ensure that the proposal does not contribute to congestion of the local roads network.

(19) that no development within any phase pursuant to this grant of planning permission in principle shall be undertaken until a scheme addressing any significant risks from contamination to the site from adjacent former land use (Charleston Landfill) has been submitted to and approved by the planning authority via a formal application for MSC.

The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include: a) an investigation to determine the nature and extent of contamination b) a site-specific risk assessment c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed d) verification protocols to demonstrate compliance with the remediation plan

(20) No development within any phase pursuant to this grant of Planning Permission in Principle shall take place unless an appropriate drainage impact assessment, including results and calculations of 1 in 10, 1 in 30 and 1 in 200

year sensitivity tests and a full investigation and report of all watercourses within the vicinity of the site and the impact which the development shall have on the existing drainage network, has been submitted to the planning authority and subsequently approved via a formal application for MSC - in order to ensure that the proposal complies with policy NE6 (Flooding and Drainage) of the Aberdeen Local Development Plan.

(21) That no development within any phase shall take place until a scheme addressing the following matters within that phase has been submitted to and approved by the planning authority via a formal application for MSC, and that thereafter any recommended mitigation measures have been fully implemented. Those requirements are;

(i) Taking cognisance of the Scottish Government's Planning Advice Note 1/2011, Planning and Noise, a scheme for protecting the proposed dwellings from road traffic noise shall be determined and agreed with the Environmental Health and Planning Services such that external noise levels do not exceed LAeq 16hr 55dB during the day time period 0700-2300 in any rear garden areas. The road traffic noise levels should be determined in accordance with the principals set out in "Calculation of Road Traffic Noise" (CRTN), DoT Welsh Office, HMSO, 1988.

(ii) The internal noise level, assessed with windows closed, within any dwelling shall not exceed the WHO Community Noise Guideline Value of LAeq 30dB within bedrooms for the night time period 2300-0700 and LAeq 55dBA within outdoor living areas.

(iii) The internal noise level, assessed with windows closed, within any dwellings or noise sensitive building shall not exceed Noise Rating Curve 35 between the hours of 0700 and 2200 and Noise Rating Curve NR 25 at all other times to protect the occupants from fixed plant such as fans, chimneys, ventilation exhausts and inlets associated with existing industrial premises or associated with the completed development.

(iv) No development shall take place within any phase until the applicant undertakes a survey to determine the impact of noise, from business premises in the locality of that phase, on the development using the principles set out in British Standard BS 4142:1997 – Method for Rating Industrial Noise affecting Mixed Residential and Industrial Areas, or a method agreed by the Environmental Health and Planning Services. The survey shall be submitted to and approved by the Environmental Health and Planning Services via a formal application for MSC and shall identify 1) the maximum Rating Levels, and 2) the minimum Background Noise Level to which any part of the development will be exposed. If the maximum Rating Levels exceed those set out below then a scheme for protecting the proposed dwelling(s) from industrial noise shall be included as part of the noise survey with no dwelling being constructed at any location at which the Rating Levels cannot be met.

Open site/external* Easting, Northing)	Measurement Location	Site Standard	
		Rating Level (LAr,Tr)	dB
		Day / Night	
393651,801909		45.1 / 36.1	

*These Rating Noise Levels are based on existing background noise levels at the proposed Loirston site presented in AECOM Noise and Vibration Assessment carried out for the Environmental Statement dated June 2013 for the proposed mixed use development (Section 11.1). If it can be satisfactorily demonstrated that at a particular location the existing background noise level, excluding, existing industrial noise, is greater than LA90,T40.1 and LA90,T31.1 for the day and night time periods, respectively, then, with agreement with the local authority, these background noise levels could be used to derive Rating Levels that should not be exceeded (i.e., background noise level plus 5dB).

The assessment should take into consideration existing industrial noise / services noise and consented developments in the vicinity of the proposed development, which includes the proposed Balmoral Business Park.

Reason: In order to ensure that the proposed development is not exposed to excessive noise levels from the various sources in the surrounding area.

(22) That no development shall be undertaken within any phase unless the impact and significance of the Construction and Development Works within on air quality within that phase in the vicinity of sensitive receptors have been assessed and determined in accordance with the Institute of Air Quality Management: Guidance on the Assessment of the Impact of Construction on Air Quality and the Determination of their Significance, December 2011 and Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites, and a Dust Management Plan, detailing the dust mitigation measures and controls, responsibilities and any proposed monitoring regime has been submitted to and approved by the planning authority via a formal application for MSC, in consultation with the Council's Environmental Health Service prior to the commencement of any demolition or construction works - in order to ensure that the impact of construction works on air quality are fully considered and that appropriate mitigation measures are in place prior to works commencing.

(23) that no development within any phase shall take place unless a further formal application for MSC, detailing a scheme for external lighting of pedestrian/cycle routes within that phase has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of public safety.

(24) That no development within any of the respective phases of the development granted planning permission in principle shall take place unless a scheme detailing cycle storage provision for development within that phase has been submitted to, and approved in writing by the planning authority by way of a formal application for MSC, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(25) 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 strategic landscape masterplan for the entire site, which shall be in the form of a formal application for MSC and shall include appropriate Arboricultural Impact Assessments detailing all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area and to ensure compliance with policy NE5 (Trees and Woodland) of the Aberdeen Local Development Plan.

(26) that all planting, seeding and turfing comprised in the approved scheme of landscaping for any phase of the development shall be carried out in the first planting season following the completion of that phase of 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.

(27) that no development within any phase shall take place unless any scheme for the protection of all trees to be retained on the site within that phase of construction works, approved by the planning authority in connection with condition 25, has been implemented – in order to ensure adequate protection for the trees on site during the construction of the development.

(28) 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.

(29) 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.

(30) that no development pursuant to any given phase of the planning permission in principle hereby granted shall be undertaken until such time as the further approval of the planning authority has been sought and granted, via a formal application for MSC, in relation to the long-term management and maintenance of open space within that phase of the development - in order to ensure that provision is made for appropriate long-term care for areas of open space and in order to maintain the landscape amenity of the development.

(31) that no buildings within any respective phase of the development hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to the planning authority via a formal application and subsequently approved by that 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'.

(32) that no development within any respective phase of the development hereby approved shall be commenced unless full details of the design and external finishing of buildings contained within that phase, expanding upon the design elements of the phase-specific masterplan to be submitted and approved in connection with condition 11, has been submitted to and approved in writing by the planning authority by way of a formal application for MSC – in order to ensure that the external treatment, finishes and appearance of buildings with respective phases are detailed in full, and to ensure compliance with policy 1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

that the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 10 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows;

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

(i) the expiration of 10 years from the date of this grant of planning permission in principle;

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

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

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

INFORMATIVE 1: that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the

development to which the permission relates is begun before that expiration - - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 2: For the avoidance of doubt, the term 'phase' within any condition shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

NIGG COMMUNITY COUNCIL

ABERDEEN

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

Planning & Sustainable Development	
Mail ID	
RECEIVED	19 AUG 2013
REPLY	
Section	
	Officer

16th August 2013

Subject :- Planning Application in Principal-103892 130892
Hermiston Securities, Loirston, Nigg

Dear Sirs,

Nigg Community Council wish to respond to the above application.

Some of the points below were previously raised at various consultation events, and were included in our response to the "Loirston Framework" which preceded this application but continue to be of concern to the local community.

The documents submitted in support of the Application in Principal, contain several mistakes, oversights, conflicts and errors which deem this application incomplete and therefor should be rejected.

Matters of note :-

Design and Access Statement

- (pge 13) Conflict between "Flood Risk Statement" - Water Fluctuation Levels.
- (pge 21) Error, between map and actual area covered in the "Tree Survey and Tree Management Statement, June 2013.
- (pge 44) Misleading, to state "Roads Infrastructure cannot avoid part of the LNCS Western edge. Goes against ACC's "Nature Conservation Strategy 2010 - 2015"
- (pge 50) Error, Dev. Block G2 & G3 is not identified on associated map.
" Error, Density for Block A7, differs between pages 49 and 50.
- (pge 53) Oversight, Lack of info. regarding the adverse effect the drainage of the proposed development will have on the River Dee SACS.
- (pge 10) Mistake, not to specify / indicate projected completion date. Against ACC's Masterplan Process - "A Guide for Developers - July 2010, requiring a "Feasibility Appraisal"

Transport Assessment

- (pge 22) Mistake to state, that no increase in traffic flow is predicted between 2013 and 2016 despite three ongoing developments all of which adjoin the A956.

Cont.

Please reply to -

Mr. Alan Strachan
Chairman
Nigg Community Council
18, Redross Road,
Nigg, Aberdeen
AB12 3JN

Mr. James Brownhill
Vice Chairman
Nigg Community Council
The Lodge, Charleston
Nigg, Aberdeen
AB12 3LL

Mrs. Jenny Gall
Secretary
Nigg Community Council
Lochinch Cottage, Charleston
Nigg, Aberdeen
AB12 3LL

Nigg Community Council considers, the Land Use and Density, appears to be more suited for an urban area, rather than a rural development and recommends:

Buildings throughout the Development, especially adjacent to Loirston Loch, should be limited to a maximum of 3 storeys.

The residential density for any development block should be limited to a maximum of 55 units per hectare. No development blocks should be in the higher residential density of 55-85 units per hectare category.

The number of residential units in the Loirston Development should be reduced to the original intention of 1200 units.

Nigg Community Council suggest, that the LNCS and its boundary, should be fully recognised and that no buildings, roads nor car parking should encroach the LNCS in any way.

We are concerned, that a fully protected footpath marked "Right of Way", is being replaced by a path that is, by name, merely "aspirational". We recommend, that full legal protection be given to any alternative to the Existing Right of Way, and that any such protected alternative be established before the Existing Right of Way is removed.

We recommend greater consideration be given to incorporating Core Paths with Green Corridors rather than the road network.

We call for an effective, direct and continuous Green Corridor link, between the northern end of the Loirston Loch LNCS and Kincorth Hill LNR. This would include a minimum of road crossings, obtained by making some roads cul-de-sacs, thus allowing the desired corridor links as uninterrupted as possible.

A greater commitment to keeping the Loirston Loch LNCS and Kincorth Hill LNR Green Corridors as "natural" as possible and devoid of wildlife-threatening features such as "play areas".

We feel the quoted 30 metre "Buffer Zone" around the Loch is too small and should be extended to 50 metres.

Redmoss Road, through the existing Redmoss Estate, is too narrow and should not be considered suitable as a bus thoroughfare.

Road closure or severe traffic calming measures, should be effected on Redmoss Road between the existing Redmoss estate and the Loirston Development to ensure that congestion at the junction of Redmoss Road and West Tullos Road is not further exacerbated.

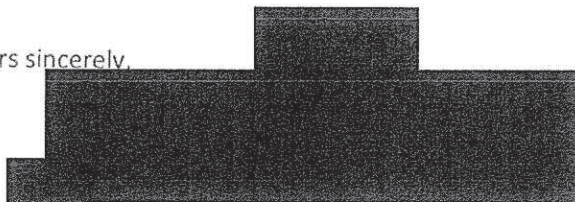
Existing Interpretation Centre should remain.

As there is no legal requirement for a developer to provide an area suitable for a Gypsy / Travellers Temp Halting Site, the provision of a site in this application, should be removed.

Cont.

I trust that these comments from "Nigg Community Council", will be taken into account, and shows clear grounds as to why this application in principal, should be rejected at the next Planning Committee meeting.

Yours sincerely,



Alan Strachan (chair)

for and on behalf of Nigg Community Council

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 21 July 2013 08:02
To: PI
Subject: Planning Comment for 130892

Comment for Planning Application 130892

Name : Mrs Y. Trew
Address : 44C Baxter Street
Tory
Aberdeen

Telephone : CO [REDACTED]

Email : [REDACTED]

type :

Comment : My position regarding this development, is that I object to the development, in principle only because of the possible location of the traveller site location either adjacent to my families property and/or their neighbours.

The reason I object is that in the last six years they have had travellers park/reside outside or near to our family home on a number of occasions which were supervised by the council. On all occasions we have all felt:

a) Threatened and intimidated, as they have invaded our privacy and have located themselves very close to or immediately opposite our home and created a disturbance (in response to which we have had to call the police) and we have witnesses fights between rival families.

b) Insecure, as they as they had stolen items off our property, which have been found on their site when they vacated the site and left the rubbish behind them so we were concerned at leaving the property.

c) Disgusted, as they have left unacceptable levels of human excrement and refuse behind them. Which because of its location I have had to handle as the council would not remove it.

d) Disturbed and concerned about our families safety, as they passed our house on numerous occasions and at speed also conducted their business at all hours of the day and the night.

e) Inconvenienced as at the time they encamped near our house they parked so close to our front door and double parked that I had to move my own car from my front door.

f) Inconvenienced as when we were building the house the builder would not return to site until the travellers were removed.

g) Ignored by the police and public officials as we have tried to have the travellers moved on.

h) Victimised, as their rights seem to be put ahead of the fair minded silent majority of the community who have also rights.

i) Fear/Risk as we have had a gang of travellers intimidate us for a number of weeks and my elderly father-in-law and mother-in-law felt at risk every time they left the property. This fear was also felt by my elderly neighbours.

j) Resentment as we have tried to build and better our lives (and those of our family) in our family property and we are intending looking after my wife's father and mother in their old age and we have extended our property to facilitate this, however they feel insecure and un-happy at the thought of having to live next to traveller encampment and want them to be happy in their retirement and not afraid.

k) Concerned about our families safety, as they passed our house on numerous occasions at speed.

Lastly All travellers my father in - law has spoke to do not want to be normalised (in the polite sense), they are happy being / residing not in the city but farer away from urban areas and un-scrutinised in appears to defy logic the insistence of traveller sites within the city when they do not want to live a conventional existence.

Thanks and Best Regards

Mrs Y. Trew
44c Baxter Street,
Tory,
Aberdeen

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 14 July 2013 20:57
To: PI
Subject: Planning Comment for 130892

Comment for Planning Application 130892

Name : Mr D. Stewart
Address : Bloo Hoose
Charleston, Nigg
Aberdeen
AB123LL

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Letter Of Objection

Dear Sir or Madam,

Thanks for your letter of notification re application No 130892 dated 26/06/13.

My position regarding this development, is that I object to the development, in principle only because of the possible location of the traveller site location either adjacent to my property and/or my neighbours.

The reason I object is that in the last six years we have had travellers park/reside outside or near to our home on a number of occasions which were supervised by the council. On all occasions we have felt:

- a) Threatened and intimidated, as they have invaded our privacy and have located themselves very close to or immediately opposite our home and created a disturbance (in response to which we have had to call the police) and we have witnesses fights between rival families.
 - b) Insecure, as they as they had stolen items off our property, which have been found on their site when they vacated the site and left the rubbish behind them so we were concerned at leaving the property.
 - c) Disgusted, as they have left unacceptable levels of human excrement and refuse behind them. Which because of its location I have had to handle as the council would not remove it.
 - d) Disturbed and concerned about our families safety, as they passed our house on numerous occasions and at speed also conducted their business at all hours of the day and the night.
 - e) Inconvenienced as at the time they encamped near our house they parked so close to our front door and double parked that I had to move my own car from my front door.
 - f) Inconvenienced as when the we were building our house the builder would not return to site until the travellers were removed and this resulted in considerable extra expense to myself.
 - g) Ignored by the police and public officials as we have tried to have the travellers moved on.
 - h) Victimized, as their rights seem to be put ahead of the fair minded silent majority of the community who have also rights.
 - i) Fear/Risk as we have had a gang of travellers intimidate us for a number of weeks and my elderly father-in-law and mother-in-law felt at risk every time they left the property. This fear was also felt by my elderly neighbours.
 - j) Resentment as we have tried to build and better our lives (and those of our family) in our property and we are intending looking after my wife's father and mother in their old age and we have extended our property to facilitate this, however they feel insecure and un-happy at the thought of having to live next to traveller encampment and want them to be happy in their retirement and not afraid.
 - k) Concerned about our families safety, as they passed our house on numerous occasions at speed.
- Lastly All travellers I have spoke to do not want to be normalised (in the polite sense), they are happy being / residing not in the city but farer away from urban areas and unscrutinised in appears to defy logic the insistence of traveller sites within thje city when they do not want to live a conventional existence.

I would welcome the opportunity to put my view forward to the council if possible when the opportunity arises. I can be contacted at the address listed or alternatively on [REDACTED]

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 21 July 2013 07:59
To: PI
Subject: Planning Comment for 130892

Comment for Planning Application 130892

Name : Mr . H. Noble
Address : Co Bloo Hoose
Charleston,
Nigg
Aberdeen
AB123LL

Telephone : co [REDACTED]

Email : [REDACTED]

type :

Comment : My position regarding this development, is that I object to the development, in principle only because of the possible location of the traveller site location either adjacent to my son in laws property and/or their neighbours.

The reason I object is that in the last six year they have had travellers park/reside outside or near to our home on a number of occasions which were supervised by the council. On all occasions they/we have felt:

- a) Threatened and intimidated, as they have invaded our privacy and have located themselves very close to or immediately opposite our home and created a disturbance (in response to which we have had to call the police) and we have witnesses fights between rival families.
 - b) Insecure, as they as they had stolen items off our property, which have been found on their site when they vacated the site and left the rubbish behind them so we were concerned at leaving the property.
 - c) Disgusted, as they have left unacceptable levels of human excrement and refuse behind them. Which because of its location I have had to handle as the council would not remove it.
 - d) Disturbed, as they passed our house on numerous occasions and at speed also conducted their business at all hours of the day and the night.
 - e) Inconvenienced as at the time they encamped near our house they parked so close to our front door and double parked that I had to move my car from the front door.
 - f) Inconvenienced as when the builder was modifying their house the builder would not return to site until the travellers were removed and this resulted in considerable inconvenience to myself as we had to guard trhe house in this situation which was unsecure.
 - g) Ignored by the police and public officials as we all tried to have the travellers moved on.
 - h) Victimised, as their rights seem to be put ahead of the fair minded silent majority of the community who have also rights.
 - i) Fear/Risk as we have had a gang of travellers intimidate us for a number of weeks as I have a heart condition and feel at risk in the property. This fear was also felt by our friend Mrs Doris Troupe an elderly neighbour and other neighbours in the vicinity.
 - j) Resentment as our family have tried to build and better our lives (and those of our family in their property) and they are intending looking after us in our old age and they have extended their property to facilitate this, however we feel insecure and un-happy at the thought of having to live next to traveller encampment and want them to be happy in our retirement and not afraid.
 - k) Concerned about our families safety, as they passed the house on numerous occasions at speed.
- Lastly All travellers I have spoke to do not want to be normalised (in the polite sense), they are happy being / residing not in the city but farer away from urban areas and unscrutinised in appears to defy logic the insistence of traveller sites within thje city when they do not want to live a conventional existence.

Thanks and Best Regards

The Lodge
Charleston
Nigg
Aberdeen AB12 3LL

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

Date 15th July 2013

Planning Application 130892 Hermiston Securities, Loirston Nigg.

Dear Sirs

Having received a Neighbourhood Notification for the subject planning application in principle (PPIP) I would like to make the following representations:

Design and Access Statement - documentation errors and conflicts

- 1 Pg 19 Section 1.2.1, gives "development of the site will be completed over a xx period". The figure "xx" is not informative and should render the document incomplete
- 2 Maps on pages 3, 19, 31, 35, 47, 49 and elsewhere do not include a key for the orange-hatched, red-line bordered areas to the southwest corner of the site (large area) and to the north east end of Loirston Loch (small area).
- 3 Pg 21 Section 2.6.4. Tree and Woodland Survey (and source document Tree Survey and Tree Management Statement June 2013) Map of Areas Surveyed outlines in red the coverage areas of the various woodlands and shelter belts. Area 2b, as outlined on the Area map, is not representative of the actual full area of trees planted which in fact covers the rectangle bounded by Area 3, Area 4 and Area 2a and completely surrounds area 2c. This is a gross misinterpretation by the Tree Survey.
- 4 Pg 50 table 4.5.3 Development Block Requirements lists Block G2 & G3 but the associated map pg 49 shows no such numbered blocks.
- 5 Pg 50 table 4.5.3 Development Block Requirements lists Block A7 as "Medium" density but the associated map pg 49 colour codes Block A7 as dark orange "High" density.
- 6 Pg 49 Land Use and Density Map includes area G1 colour coded pink and given in the key as "existing residential and employment". This area is outwith the boundary of the subject PPIP and should not be referenced or keyed.
- 7 Pg 44 Section 4.3.16 Junction and Road Alignment with regard to Loirston Loch LNCS – Text and Habitat Survey Map used is out of date showing areas in the southwest corner of the LNCS as "SI" (plain and orange/purple stripes) equating to "Poor Semi Improved Grassland" whereas this area has been planted and exists as "Woodland Mixed Plantation". This information is in conflict with the very recent Tree Survey Document findings particularly area 2a.
- 8 Pg 13 Section 1.3.6 13 states Loirston Loch water level "can fluctuate by as much as 900m" (0.9 m) but this is in direct conflict with Section 4.7.2 pg 54 Flood Risk which gives "water level fluctuationto be of the order of 0.3m".
- 9 Pg 57 Section Masterplan – The Masterplan only covers developer-defined "Phase 1" which includes only 750 homes (rather than the 1067 homes of the PPIP.) The Masterplan for this PPIP is thus incomplete.
- 10 Pg 57 Section Masterplan – The Masterplan fails to provide and sort of time scale or dates, in accordance with Aberdeen City Council's document "The Aberdeen Masterplan Process – A Guide for Developers – July 2010" which requires a "Feasibility Appraisal" that includes "when development will be delivered". Thus the Masterplan is incomplete.

cont

Design and Access Statement – personal representations

- 11 Pg 36 Section 4.3.2 Core Paths, the existing established Right of Way also labelled as Aspirational Path 3 (AP3) linking Wellington Road (A956) to Redmoss Road is part of the historical cultural heritage of the site and should be retained for eternity. It should not be replaced by a path of lower protection as shown by the orange labelled "Proposed Alternative to Aspirational Core Path".
- 12 Pg 44 Section 4.3.16 Junction and Road Alignment with regard to Loirston Loch LNCS and Pg 75 5.12.5 Loirston Loch LNCS - LNCS boundaries have recently been assessed and defined and the LNCS area should be fully respected for what it is and should not be degraded by the inclusion of roads, road junctions and cycleways. It is unacceptable for the PPIP say the "roads infrastructure cannot avoid part of the LNCS western edge". The plan contravenes Aberdeen City Council's NATURE CONSERVATION STRATEGY 2010-2015 where the "overall aim" is *'To protect, preserve, enhance and promote Aberdeen City's natural heritage for the benefit of our biodiversity, citizens and visitors for current and future generations'*.
- 13 Pg 48, 49, 50 Land Use and Density – Building heights of five storeys abutting the Loirston Lochside is totally out of character for the wider, rural area in general where existing buildings within and for many miles around the PPIP area mainly are no more than two storeys high.
- 14 Pg 49, 50 Land Use and Density and Pg 4 Introduction and Structure – In this PPIP the building density of 1067 homes over 81.69 hectares (pg4) is disproportionately high for the whole OP77 development of 1500 homes.
- 15 Pg 50 Section 4.5 Land Use and Density – "Higher Density" of around "55-85 units./ hectare" are out of character with the current and planned rural setting of Loirston Loch LNCS
- 16 Pg 75 5.12.5 Design Principles bullet point four – the discussed "buffer zone" for disturbance around the lochside has in the past been quoted as 50metres and thus 30metres is not acceptable.
- 17 Pg 52 Section 4.5.10 Existing Structures (retention) – These buildings are part of the Cultural Heritage of the area, the Interpretation Centre has in the past been part financed by the oil industry and these three buildings should be retained. A more definite and detailed alternative is needed in the PPIP and should not wait till the "detailed proposals evolve".
- 18 Pgs 53, 54 Drainage and Document Drainage and Flood Risk Statement – No recognition is given that drainage from the PPIP area, mainly into the Leggart Burn, ultimately flows into the Special Area of Conservation (SAC) of the River Dee. No evidence is given as to the effects of the Loirston Development on this SAC.
- 19 Pg 73 Section 5.12 Key Open Spaces – The Green Corridors linking Loirston Loch LNCS with Kincorth Hill Nature Reserve are too narrow (L7, L10), too cluttered (playground L5) or non continuous (L17) to achieve "integration (of the Loch/Hill) into the proposed Masterplan (section 5.12.2)". The corridors as shown will fail to allow biodiversity and linkage between the Hill and the Loirston Loch LNCS contravening Aberdeen City Council's NATURE CONSERVATION STRATEGY 2010-2015 where the "overall aim" is *'To protect, preserve, enhance and promote Aberdeen City's natural heritage for the benefit of our biodiversity, citizens and visitors for current and future generations'*.
- 20 Pg 92 Section 5.12 .20 L16Redmoss Landscape - Buffer, shown as only one planted tree width, is too narrow to be an effective barrier.
- 21 Pg 52 Section 4.5.7 Gypsy and Travellers Site – It is welcomed that integration of a permanent halting site or similar for Gypsy/Travellers into the area covered by this PPIP and a developing settled community has been recognised as difficult to locate. A site outwith the area and more acceptable to all parties should be located and funded. As such "Potential Gypsy/Traveller's sites should be removed from the PPIP (mainly map Pg 49 and Table page 50)

Transport Assessment

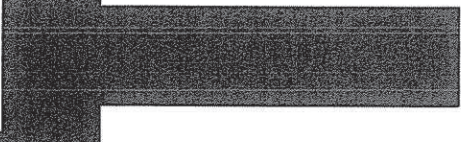
- 22 Page 22 Section 4, Aspirational Path 3 (AP3) linking Wellington Road (A956) to Redmoss Road is part of the historical cultural heritage of the site and should be retained for eternity. It should not be replaced by a path of lower or no protection.

cont


- 23 Page 42 Section 6.9, 6.10, 6.11, 6.16 and associated flow diagrams accounts for no growth/increase in A956 Wellington Road for the period 2013-2016 and yet (Section 6.13) recognises three Committed developments affecting the A956, development which are already underway and will certainly add to the A956 traffic flow during the period 2013-2016. It is unrealistic to delay any traffic growth to the year 2016. This traffic flow prediction should be re-analysed.

I look forward to your response to my representations above.

Yours faithfully



James Brownhill



Gavin Evans

130892

From: GEORGE URQUHART [REDACTED]
Sent: 31 July 2013 10:48
To: Gavin Evans
Subject: Re: Objection to planning application at Loirston Loch

Hi Gavin,
Appologies for the mistake, it is application P30892 that I meant
Thanks & regards
George Urquhart

From: Gavin Evans <GEvans@aberdeencity.gov.uk>
To: [REDACTED]
Sent: Wednesday, 31 July 2013, 9:35
Subject: Objection to planning application at Loirston Loch
Hello Mr Urquhart,

Thank you for your recent email regarding the above. I note that you refer to application 121437, which was an application for a formal 'Scoping Opinion' under the relevant Environmental Impact Assessment regulations, submitted in October of last year. It appears most likely that your desire is to make representation regarding the current planning application, reference P130892, and I would be grateful if you could confirm this by return, in order that I may instruct our admin team to treat your email as an objection to the current proposal. Without such confirmation, the matters raised will not be taken into account in the planning authority's assessment of the current proposal, so I would be grateful for your early response.

Thanks and regards,

Gavin

We are always trying to improve the quality of customer service that we provide and would like to know your views on the service you have received to help us learn what we need to do better. With this in mind we would appreciate it if you could take a few moments to fill in our short feedback form by clicking on <http://www.aberdeencity.gov.uk/customerfeedback> and selecting Development Management (Planning Applications Team). Many thanks.

Gavin Evans
Senior Planner
(Development Management)

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

Email Gevans@aberdeencity.gov.uk
Direct Dial 01224 522871
Switchboard 08456 08 09 10

Robert Vickers

From: GEORGE URQUHART [REDACTED]
Sent: 19 July 2013 15:08
To: PI
Subject: Fw: Objection to Planning Application

----- Forwarded Message -----

From: GEORGE URQUHART [REDACTED]
To: "GEvans@aberdeencity.gov.uk" <GEvans@aberdeencity.gov.uk>
Sent: Friday, 19 July 2013, 14:11
Subject: Fw: Objection to Planning Application

Planning & Sustainable Development	
Mail ID	29649
RECEIVED	31 JUL 2013
REPLY	
Section	DM
Office	GLB

----- Forwarded Message -----

From: GEORGE URQUHART [REDACTED]
To: [REDACTED]
Sent: Friday, 19 July 2013, 14:06
Subject: Objection to Planning Application

OBJECTION TO APPLICATION BY HERMISTON SECURITIES FOR OVER 1500 HOUSES AT LORISTON LOCH

APPLICATON NUMBER 121437

When I was convenor of Arts & Recreation the City Council set up the Loiriston Recreation area to protect this district wildlife site of scientific interest. It is a Nature Conservancy area meeting all the criteria required as the councils's notice board on the site clearly states. it must be protected from development. At the heart of the L.R.A. is the Lochinch Interpretation Centre base to the Ranger Service who do such a wonderful job of teaching children about taking care of the environment. This facility was restored by volunteers from BP with large grants from the Countryside Project and others, it must be protected at all costs

Given the widespread development all pver this area it is vital this last green space is safe guarded for all Aberdeens's citizens. As a dog walker I have used the core public footpaths over 10,000 times in the last 12 years, as a former director of Scottish Rights of Way (now Scotways) I would maintain that the core public footpaths that criss cross tis area are essential part of the citizens right to roam. The tree belts are part of Woodlands in and about town; the drystane dykes including a consumption dyke part of our heritage. All in all I would respectfully request all elected members have a civic duty to save L.R.A from any development.

Moving on to Hermistons proposals, only someone who does not know this area would think of building ugly four storey blocks on land that floods on a regular basis, there is no road structure to begin to cope with this development. Redmoss Road has the worst most dangerous access on to West Tullos Road and floods in periods of heavy rain near the Old Cove Road.

For all the above I would request Councillors,(the City Council owning most of this land) reject this whole proposal

George Urquhart
10 Arbroath Way
Kincorth

Your Ref: 130892 - Gavin Evans
Our Ref: ABE/1056/00076/EFB/VB

Union Plaza
1 Union Wynd
Aberdeen
AB10 1DQ

T [REDACTED]
F [REDACTED]
E [REDACTED]
[REDACTED]

www.burnesspaul.com

Head of Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Aberdeen

**Burness Paull
& Williamson**

24 July 2013

Dear Madam

**ABERDEEN FOOTBALL CLUB
REPRESENTATIONS ON APPLICATION REFERENCE 130892, LOIRSTON, NIGG
HERMISTON SECURITIES LIMITED**

We are instructed by Aberdeen Football Club to submit representations on the application by Hermiston Securities Limited for planning permission in principle for a proposed residential development of up to 1067 houses, 8 hectares of employment land including commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities. The Council's website indicates that representations on the application are invited until 24 July, although we note that the deadline for representations on the Environmental Statement in support of the application was advertised as 30 July. This letter is submitted timeously and requires to be taken into account in determining the application.

As you are aware, the Council issued a willingness to approve the Club's application reference P101299 for a new stadium at Loirston, subject to completion of a s75 agreement. The draft agreement is with the Council, and has been since late summer 2012 when the Council took a decision as landlord not to grant consent for the proposed redevelopment by Cove Rangers of Calder Park. The Calder Park proposals are separate from the stadium application, but are connected in terms of providing training facilities and parking which could be used by the Club.

Aberdeen Edinburgh Glasgow

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VAT registration number GB 115 0905 48

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

Loirston remains the Club's preferred location for the new stadium, particularly in light of the time, effort and cost which has been incurred in progressing the planning application for the site. The Club welcomes, therefore, the recognition of the proposed stadium in the Hermiston application layout plans, but they wish to draw your attention to the following issues:

- 1 The Hermiston application includes the stadium site within the redline of the application and within the proposed Masterplan. This is in accordance with the Local Development Plan and the Development Framework which identified the new stadium as an integral part of the land release. Indeed, it can be argued that it is the anchor for the residential, employment and community facilities. The Masterplan identifies the Civic Space (Loirston Square) to which reference is made in the s75 agreement for the stadium, but neither the application nor the Masterplan demonstrates clearly how the stadium will connect in practice with the wider development. The Masterplan does not show the principal and secondary accesses for the stadium, the internal access routes or the parking provision. Rather, the stadium detail is "coloured out" giving the impression that it is separate from the rest of the development. We feel it is vitally important to clearly show in the Masterplan how the new stadium integrates with the wider development. This should cover the stadium position, main and secondary access routes, car parking provision and landscaping and this detail should be clearly shown on the Masterplan.
- 2 The redline boundary and the area set aside for the stadium site is not correct. On page 18 of the Design & Access Statement there are two plans which show the redline of the application site reference P101299 and an amended redline boundary based on discussions between Hermiston Securities and the Club related to a revised parking layout which reallocated 3.23 acres of parking to Calder Park. Whilst discussions had taken place on this possible reallocation of car parking provision, nothing had been finally agreed and planning permission had not been granted by the Council for the change in the location of the parking. With the refusal of landlord's consent for the Cove Rangers development proposals on Calder Park site, it is assumed that the reallocation of parking will not be possible and the Hermiston application and Masterplan should reflect the boundaries of the stadium site as shown in application reference P101299. The stadium site should extend to 23.93 acres.
- 3 The information provided in the Traffic Impact Assessment with regard to the new access junction on Wellington Road (Northern Site Access), does not appear to take account of the requirements of the wider development and of the new stadium. The Club would expect this proposed new access junction to take cognizance of the new stadium main access requirements as part of the requirements for the overall development of the Masterplan area. This is in line with the comments made above, that the stadium should be clearly shown as part of the overall development. The Club has had lengthy dialogue with the Council Transportation team over the design of the access junction for the stadium site and the layout had been revised to meet the appropriate adoptable standards including drainage, lighting, bollards, etc.

The Design & Access Statement indicates that discussions are ongoing over the land deal required to enable the stadium site to proceed. The Club welcomes the applicant's willingness to progress matters, but advises that there has been no contact from Hermiston or the Council, as joint venture partners, since January 2013. The Executive Vice Chairman of the Club wrote to the Council earlier this month to seek clarification of the position on the stadium. This will hopefully lead to further dialogue. It is also hoped that discussions with the applicant will resume in light of the submission of the current application.

Kindly acknowledge safe receipt.

Yours sincerely

[REDACTED] *RP* [REDACTED]
Elaine Farquharson-Black
Partner
Planning Division
Burness Paull & Williamsons LLP

T: +44 (0) [REDACTED]

E: [REDACTED]

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 28 June 2013 12:47
To: PI
Subject: Planning Comment for 130892

Comment for Planning Application 130892

Name : Mary Mckimmie

Address : Straloch

Charleston

Nigg

Aberdeen

AB12 3LN

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Has anyone looked into the affect this has on local people living in this area, it is unfair that we have lived here for over 25 years and no.upgrade to our roads or sewage works, we still have septic tanks in our back gardens, calor gas tanks etc.

The slip road past Optima factory is now used as a rat run by drivers trying to avoid the traffic lights, this is becoming dangerous for us to try and enter our house, as you cannot see when turning into the road that cars are coming at up the slip road.

why are all these new houses being build and no upgrade to the existing houses already in the area.

Mary McKimie

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 11 July 2013 08:54
To: PI
Subject: Planning Comment for 130892

Comment for Planning Application 130892

Name : Michael Gordon
Address : 20 Lochinch Gardens
Cove#Aberdeen
AB12 3RG

Telephone [REDACTED]

Email [REDACTED]

type :

Comment : Whilst the area may be re-zoned, the site is, in my view, overdeveloped for the following reasons.

Loirston Loch is the only natural freshwater loch available to the public and wildlife within city.

The development would have a deleterious effect on indigenous and migratory wildlife and affect Kincorth Nature Reserve.

The area provides not only valuable recreational area but is also an important educational resource. It maintains the landscaping setting of the city.

Development of the area has been considered to be significantly contrary to Planning Policy of the Aberdeen Local Plan by virtue of being a major development on an undeveloped site within the Green Belt. Such development would conflict with other policies in the Structure Plan which are designed, for example, to ensure sustainable development and the quality of the environment.

A scaled back plan, retaining considerably more existing ground adjacent to the loch, and retaining more of the existing mature trees, would be more in keeping with the interests of Aberdeen City.

PI

From: Scott Gall [REDACTED]
Sent: 15 July 2013 20:54
To: PI
Subject: OP77 Loirston Development

Planning & Sustainable Development,
Enterprise, planning and Infrastructure,
Aberdeen City Council,

Planning Application 130892 Hermiston Securities, Loirston Nigg.

Dear Sirs

Having received a Neighbourhood Notification for the subject planning application in principle (PPIP) I would like to make the following representations regarding:

The area marked B 3 between the south west end of Loirston Loch and Old Stonehaven Road, this area is marked on the map as 'Loirston Country Park' and most of this area still is the 'Deer Park' complete with 'Fallow Deer' owned by Aberdeen City, about three years ago the deer park was planted with mixed woodland trees, except for a central patch of mature trees (same age as the surrounding shelter belt) and a diagonal strip underneath and beside the overhead electric power supply line which for safety was left unplanted.

These young trees are now well established with an average of approximately two meters height, where is the justification for the destruction of the deer park and this recently established plantation ?.

I also object to the width of the protected area surrounding the loch, I think there should be a wider clear area in order to leave approach access for migrating birds (geese etc.) that use the loch as a rest stop.

Currently there is no buildings / houses in this area over two floors high, and to plan for a new development with three, four, and five story buildings in a country lochside setting is not giving due regard to the natural beauty of this area, and should be reassessed.

Yours sincerely

Alfred Gall
Lochinch Cottage Nigg
Aberdeen
AB12 3LL

17.7.13

REF = 130 892

LOIRSTON Nigg

Rose Battage,
Nigg,
Aberdeen,
AB12 3LL

Dear Sir/Madam,

Sorry to see these plans are on the go again taking most of the green space. It's important to me, my family, and I'm sure most folks living in this area, the walkers, joggers and cyclists too.

As for traffic there are so many vehicles at the present time here, especially at commuted times. I can't see how the roads would cope with any more for the quantity of houses alone averaging two cars possibly more per household without all the commercial vehicles.

As for the primary school it would be dangerous and a great distance for some pupils attending with all the traffic

at all.

The possibility of travelling folk, I
dread to think, we have had plenty
experience of their invasions, some of their
 rubbish still remains from their last
visit. Unbelievable what they've got up to
over the years.

Well I hope we will be left with
the much needed green space and the
country park so near the town. The
wild life seems to be completely forgotten,
the swans, the fishing that goes on,
even the possibility of potters etc. All
these for people to enjoy. A shame
if we lose that.

Yours faithfully

[Redacted signature]

Mrs. D. Troup
Rose Cottage
Nigg
Aberdeen
AB12 3LL

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Planning Development Management Committee

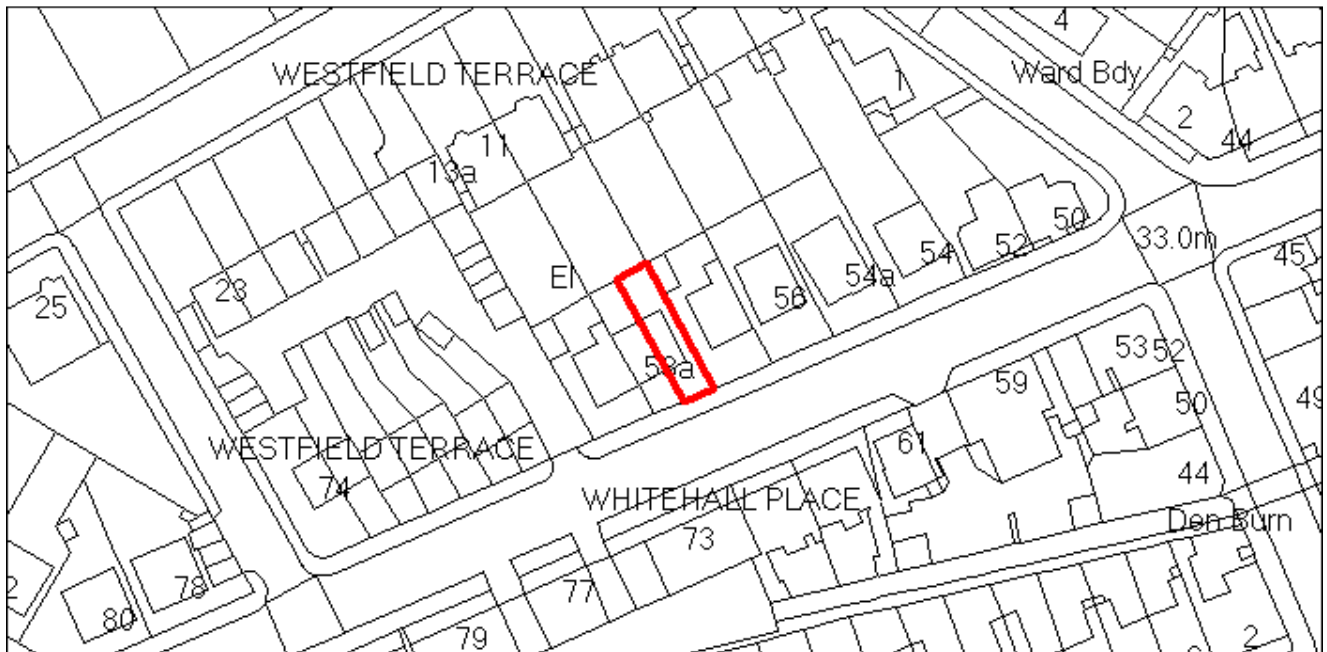
LAND ADJACENT TO 58 WHITEHALL PLACE,
ABERDEEN

PROPOSED SINGLE DWELLING HOUSE
INCLUDING DEMOLITION OF EXISTING
GARAGE AND FORMATION OF NEW
DRIVEWAY TO EXISTING HOUSE

For: Rubislaw Estates

Application Type : Detailed Planning Permission
Application Ref. : P131045
Application Date: 11/07/2013
Officer: Gavin Clark
Ward : Hazlehead/Ashley/Queen's Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert : Can't notify neighbour(s)
Advertised on: 14/08/2013
Committee Date: 16 January 2014
Community Council : Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The site is located within the grounds of a dwellinghouse at 58 Whitehall Place, which is located on the northern side of Whitehall Place, approximately 80m from its junction with Albert Street and Craigie Loanings. The existing dwelling on site is a detached two storey dwelling set within a large plot, which is constructed of facing brick, render, timber and tiles. There are two single garages on site, one to the side of the dwellinghouse and one to the rear, the garage which sits adjacent to 58A Whitehall Place would be removed to make way for the proposed dwellinghouse. The site is generally flat in nature, with the existing access located in the south-west corner of the site.

The application property is bounded by residential properties on all sides. The property to the immediate west is two and a half storeys in height and to the east by the two storey host dwellinghouse. The site is bounded by a four storey flatted development to the south and a one and a half storey dwellinghouse on Westfield Terrace to the north. The surrounding area is residential in nature and has a mixture of single storey, one and a half storey, two storey dwellinghouses and three and four storey flatted properties. The surrounding properties are of a variety of design styles.

RELEVANT HISTORY

Planning Permission (Ref: 90/1617) was approved in October 1990 for the erection of a garage.

On an adjacent site (58A Whitehall Place), planning permission (Ref: 94/1002) was refused by Planning Committee in September 1994 for the erection of a dwellinghouse, this was followed by Planning Application (Ref: 94/2388), which was approved by Planning Committee in January 1995 for the erection of a dwellinghouse. This application was not implemented. Planning Permission (Ref: 96/0035) was refused by Planning Committee in March 1996 for the construction of a dwellinghouse, this was followed by Planning Application (Ref: 96/1223), which was approved by Planning Committee in August 1996. This application was implemented.

PROPOSAL

Detailed planning permission is sought for the construction of a three storey three bedroom dwellinghouse within the grounds of the property at 58 Whitehall Place. The proposed house would be located to the west of the existing dwellinghouse and would adjoin a two storey dwellinghouse at 58A Whitehall Place. This would effectively create a small terrace of three dwellings. The house would include a kitchen, toilet and lounge of the ground floor, two bedrooms and a steam room on the first floor and a master bedroom with an en-suite and a small roof terrace on the second floor. The roof terrace would be accessed from the French doors on the top floor. The house would be of a contemporary design.

A variety of materials would be used in the construction of the dwellinghouse including granite cladding to the front elevation, zinc cladding to the third floor,

metal clad timber windows and patio doors, granite cope to the proposed chimney, a metal clad timber rooflights, a smooth render finish on the eastern elevation and metal clad rainwater goods throughout. The property would be bounded to the front and side by a timber fence. The property would have a flat roof, with a small roof terrace located to the front of the building. Whilst the dwellinghouse is three storeys in height it would sit at a lower ridge height than the two storey properties on either side (excluding the chimney – which would be located on the east elevation).

Access would be via a new driveway to the south of the site, with access taken from Whitehall Place, a new driveway would also be created for the host dwellinghouse and would sit to the immediate east. Two parking spaces would be provided to the front of the dwellinghouse. Waste facilities would be located to the rear of the dwellinghouse, and would be accessed via a gate to the rear of the dwellinghouse.

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?131045>

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 Planning Development Management Committee because Rosemount and Mile End Community Council have objected to the application. In addition, 22 letters of representation have been received. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – have advised their satisfaction with the proposal, subject to appropriate conditions in relation to the proposed driveway and informatives in relation to the proposed access and the removal of an off-street parking space. The response will be discussed in greater detail later in this report.

Environmental Health – no observations

Enterprise, Planning & Infrastructure (Flooding) – no observations

Community Council – Rosemount and Mile End Community have objected to the application for the following reasons:

1. The style and character of the proposed dwellinghouse is out of keeping with the properties in the surrounding area;

2. The materials proposed by the developer (including zinc) are not common to local architecture, would be visually intrusive and would be out of character with surrounding buildings;
3. The proposed flat roof does not complement the usual 30/35 degree pitched roof, which is common in surrounding properties;
4. The proposal would be considered as over-development, as detailed within the Supplementary Planning Guidance on Sub-Division and Re-Development of Residential Curtilages; and
5. The proposed development would have a detrimental effect on road safety and loss of on-street parking.

In conclusion they advised that the size, scale, style and character of the dwelling is of a major concern and that it would constitute overdevelopment of this particular site. A further letter of representation was received from Queen's Cross and Harlaw Community Council, whose boundary splits Whitehall Place; their response will be covered in the representation section of this report.

REPRESENTATIONS

22 letters of objection have been received. A number of these letters came from properties which are not located in the immediate vicinity of the application site. The objections raised relate to the following matters –

1. The proposed development fails to accord with within the Supplementary Planning Guidance on Sub-Division and Re-Development of Residential Curtilages – which includes privacy, overshadowing, privacy and overdevelopment;
2. The proposed development will have a detrimental effect on road safety, pedestrian safety, and on-street car parking;
3. The materials proposed by the developer (including zinc) are not common to local architecture, would be visually intrusive and would be out of character with surrounding buildings;
4. The proposal is out of keeping with the character and appearance of properties in the surrounding area;
5. The proposed flat roof does not complement the usual 30/35 degree pitched roof, which is common in surrounding properties;
6. The height of the proposed dwelling exceeds the height of the ridge of the properties at 58A and 60 Whitehall Place and the massing of the building by virtue of its stepped flat roof form, creates a visual barrier to the existing roofscape;

7. The proposal would set an undesirable precedent for future development of a similar nature;
8. The proposal fails to accord with the Aberdeen Local Development Plan;
9. Request for a site visit to be undertaken should members be inclined to approve the application; and
10. Errors relating to the submitted drawings.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP): Paragraph 115 of SPP highlights the importance of Conservation Areas, stating that these are areas of special architectural or historic interest, the character or appearance of which is desirable to preserve or enhance. It further states that a proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves the character or appearance. Planning permission should normally be refused for development within a Conservation Area that fails to preserve or enhance the character or appearance of the area.

Aberdeen Local Development Plan

Policy D1: Architecture and Placemaking: states that, too 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: sets out a series of criteria for new development, intended to ensure that an appropriate level of amenity can be secured for residents of both that new development and neighbouring land and buildings.

Policy D5: Built Heritage: states that proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

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

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

Policy 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.

Policy R7: Low and Zero Carbon Buildings: states that all new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technologies to reduce the predicted carbon dioxide emissions by at least 15% below the 2007 building standards. This percentage requirement will be increased as specified in Supplementary Guidance.

Supplementary Guidance

Low and Zero Carbon Buildings

Sub-Division and Re-Development of Residential Curtilages

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 site is located within an area designated as residential in the Aberdeen Local Development Plan, which advises that proposals for new residential development will be approved in principle provided the criteria specified in Policy H1 (Residential Areas) (i.e. the proposal does not constitute overdevelopment, does not have an unacceptable impact on the character or amenity of the surrounding area and complies with the SPG on curtilage splits).

The proposal could constitute overdevelopment, given that it covers over 42% of the existing plot (compared to 40% at 58A Whitehall Place), however, for the reasons mentioned elsewhere in this report the level of development is

considered to be at an acceptable level. Whilst it is noted that the contemporary design of the dwellinghouse is dramatically different from what is found in the locale, the proposal would have a negligible impact on the surrounding area. For reasons mentioned elsewhere in this evaluation the proposal is considered to broadly comply with the Supplementary Guidance on Sub-Division and Re-Development of Residential Curtilages. The proposal is therefore broadly complies with the terms of Policy H1 of the ALDP.

Policy D1 (Architecture and Placemaking, Policy D5 (Built Heritage) and Supplementary Guidance

The proposed dwellinghouse would be of a modern design and includes a variety of materials including granite, zinc and timber elements. The surrounding area is characterised by a variety of design types including granite and rendered buildings, as well as traditional design types, and more modern architectural styles. Whilst it is noted that the proposed dwellinghouse would be significantly different to those properties in the surrounding area it is considered that given the variety of design types within the immediate vicinity a modern design could be accepted in this instance. The site itself is relatively small in nature, with density and overdevelopment issues being discussed later in this section. However, given the size of other plots within the surrounding area, and in particular the adjacent plot, it is considered that a dwellinghouse of this size on this plot could be accepted. The scale and height of the dwellinghouse is smaller than those that sit in the surrounding area, despite being three storeys in height, and it is therefore considered to be of an appropriate scale for the site and surrounding area.

The proposal is located within the Rosemount and Westburn Conservation Area. Whilst the proposed dwellinghouse is of a contemporary design it is considered that it would have a negligible impact on the character of the Conservation Area, therefore being in general accordance with Policy D5 (Built Heritage) of the ALDP given the variety of architectural styles and tree lined streets in the surrounding area. For the same reasons the proposal would also accord with Scottish Planning Policy (SPP) due to the proposals neutral impact on the character and appearance of the conservation area.

In terms of the Supplementary Planning Guidance on Sub-Division and Re-Development of Residential Curtilages a number of factors need to be considered including privacy, residential amenity, daylighting, sunlight, design and materials, density, pattern and scale of development, pedestrian/vehicular safety and car parking and precedent in the surrounding area.

Privacy: In terms of privacy, there should be a minimum separation distance of 18m between the windows of existing and proposed habitable rooms. In this instance there is a significant distance and elevational change between the rear elevation and the properties on Westfield Terrace. In addition there would be a minimum separation distance of approximately 24m between the property and the flatted dwellings opposite. The levels provided are considered to be acceptable, and would result in a minimal impact on these properties.

The guidance also advises that any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellinghouse. This would not be the case, as the property would look directly over its own garden ground. This section of guidance is more relevant to flatted properties.

Amenity Space: In terms of amenity space, the proposal would have a public face to the street and would have a private face to an enclosed garden area.

Rear gardens of more than 2 storeys should have garden lengths of at least 11m. Garden grounds should also be conveniently located immediately adjoining residential properties, should be a single block in size, have a layout suitable for sitting out and also provide an acceptable level of privacy and amenity.

It should be noted that the property does not provide a rear garden ground of 11m (the distance between the rear of the property and the rear boundary of the site is approximately 7.7m). The properties on the northern side of Whitehall Place are characterised by small rear garden grounds, which range in size from 7.7m to 8.6m. Given the size of the rear garden grounds in this area, it is considered that this section of the guidance could be relaxed in this instance.

Design and Materials: The guidance states that high quality contemporary or modern design that enhances the appearance of the area, or that provides an attractive contrast to surrounding buildings will be encouraged where appropriate. It is clear that the proposed dwellinghouse would contrast with the properties in the surrounding area both in terms of design and materials. However, the contrast would result in a contemporary addition which would have an acceptable impact on the character and appearance of the area and is therefore considered to compliant with guidance in this instance.

Density, Pattern and Scale of Development: A number of properties in the surrounding area have been constructed on relatively small plot sizes, particularly the adjacent property, which was constructed on a similar sized site in the 1990s.

The SPG states that densities higher than 33% will only be allowed where similar densities are characteristic of development in the surrounding area. This is considered to be the case in a number of plots in the surrounding area (in particular those on the northern side of Whitehall Place from 54A to 60, whilst some of these have a plot coverage less than 33%, the surrounding plots have a higher level of development (between 31% and 42%), and for this reason this section of the SPG can be relaxed for this application. The proposed dwellinghouse would have a plot size of 122 sqm, whereas the adjacent plot (58A) sits on a plot measuring 120 sqm (and covers 40% of the plot). Other plots on the northern side of Whitehall Place vary in size between approximately 235 sqm and 277 sqm.

The proposed dwellinghouse would not sit forward of the established building line of dwellinghouses in the surrounding area. The scale and massing of the dwellinghouse is also considered to be of an acceptable level. Although three storeys in height, the dwellinghouse would also sit at a lower level than the existing dwellinghouse, due to the size of the site, it is considered appropriate to remove permitted development rights in this instance, should planning permission be granted.

Trees and Garden Ground: The loss of garden ground is not considered to be a contentious issue in this instance, as an acceptable level of garden ground will remain with the existing property and will be provided with the new dwellinghouse.

Pedestrian/Vehicular Safety and Car Parking: Acceptable levels of parking are to be provided to both the existing and proposed dwellinghouses. On-site parking is also considered to be of an acceptable level, and in accordance with the relevant

roads standards. Safe sightlines would also be provided and the driveway would be 5m in length.

Precedent: It is not considered that an undesirable precedent for future development would be set by granting permission on this site. Sites in the surrounding area have been developed previously, and the proposal would not have a harmful effect on the character or amenity of the immediate area, or wider city.

Every application needs to be considered on its own merits and site specific circumstances vary so much other issues may be relevant to individual planning applications. Issues have been highlighted in this section which shows that the application does not fully accord with the guidance as set out in the SPG; however given the properties located in the surrounding area, and the design of the proposed dwellinghouse, it is considered that the proposal broadly accords with the terms of the SPG.

In conclusion, the proposal is considered to generally accord with the terms of Policy D1 (Architecture and Placemaking), D5 (Built Heritage) and the associated Supplementary Planning Guidance on the Aberdeen Local Development Plan.

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 have been achieved.

The development also has a public face as it fronts onto Whitehall Place; in addition, the residents of the property will have an enclosed rear garden ground, which would be of an adequate size. The development would not be dominated by hard standing, with only the driveway to the front being covered as such, additionally; appropriate views and sunlight will be afforded to the property. As a result of the above the proposal is considered to accord with Policy D2 (Design and Amenity) of the ALDP.

Access Arrangements and Car Parking

The Roads Projects Team has advised that an adequate number of parking spaces have been provided within the site. They have also advised that a

driveway measuring 5m x 5m must be provided within the curtilage of the dwellinghouse. The applicants have submitted documentation which indicates that this would be achievable, and a condition will be inserted ensuring that an appropriate driveway and parking area is provided. The gate must not project at any time onto the footway, the submitted drawings clearly show that this will not be the case, but a condition to this effect will also be inserted.

The applicants will also need to contact the Council's Road Maintenance Unit in relation to the construction of a new footway crossing/driveway and to discuss an amendment to the existing Traffic Regulation Order (TRO) due to the removal of one on-street parking bay. Both of these points will be confirmed via informative.

To conclude, the Council's Roads Projects Team have no objection to the application.

The application site also sits within close proximity of the city centre, and close to services/public transportation services on Albert Street, some 85m to the east. The proposal is considered to accord with the principles of Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan.

Design Review Panel

The planning application, due to its contemporary nature and number of representations received, was presented to the Aberdeen City and Shire Design Review Panel on the 9th September 2013.

The Panel members were unanimous in their agreement that, whilst the proposed design of the house was clearly dramatically different from the rest of the street, it is a sophisticated design which would be a positive addition and lifts what is otherwise a relatively ordinary street where there already exists a mix of architectural styles. It was also observed that the rooms and spaces inside the house are also likely to be of a high quality.

The panel considered that the house would fit well with street and the adjacent houses, both in terms of height, scale and design.

One member praised the rectilinear design of the building and thought it was a refreshing addition to the pitched line of other roofs in the terrace. Another member noted that although the eaves were stepped up compared to the adjacent house, this was in-keeping with an already existing trend of stepped eaves in the street.

The following comments were also made with regard to the proposal's relationship to the existing street scene:

- Acknowledge the attempt to create a 'bookend'; however the upper floors appear quite bulky; consider setting the zinc third storey further back away from the parapet so it is less visually dominant, whilst still achieving the appearance of a 'dormer'.
- Potential privacy issues given the homes on the opposite side of the street are 3-storey tenements; however the presenting team confirmed that this is unlikely to be an issue given the width of the street.
- Concerns that the hard standing driveway at the front of the property may create a precedent for the loss of other front gardens; however there are already examples of front spaces being used for car parking elsewhere in the street. The project team also pointed out that the driveway will be designed as an attractive feature.
- The Panel were satisfied that zinc is an acceptable material to use for flat roofs and that there would not be any structural problems with the windows going right to the edge of the building.

- The project team confirmed the building would have a high level of air tightness, have a mechanical ventilation system and be constructed using high performance timber kit.

The Panel concluded that this is a well-designed proposal which is, whilst being dramatically different from the other houses on the street, a positive contribution to the street scene.

Policy R7 (Low/ Zero Carbon Buildings) and Low and Zero Carbon Buildings SPG

The application does not include any details to demonstrate how Low and Zero Carbon Generating Technologies will be incorporated into the residential 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. Facilities are to be provided to the rear of the dwellinghouse, with access to the front of the site provided via a gate accessing the rear of the property. The location of these facilities is considered to be acceptable. The proposal is therefore considered to be compliant with Policy R6 (Waste Management Requirements for New Development) and its associated Supplementary Guidance – Waste Management.

Relevant Planning Matters Raised by the Community Council and in Written Representations

The matters shown in points 1-10, as highlighted in the "representations" section of this report, which also covered the issues raised by Rosemount and Mile End Community Council, can be addressed as follows:

- 1) The proposed development has been assessed in great detail, and it concluded that whilst the development did not accord with all elements of the supplementary planning guidance, it was considered to be an acceptable form of development in terms of privacy, overshadowing, privacy, overdevelopment and parking.
- 2) The proposal has been fully assessed by colleagues in the Roads Projects Team, who have advised their general satisfaction with the proposal, subject to the insertion of conditions and informative. The level of parking provided is acceptable. Indiscriminate parking in nearby locations may take place, but is not something that can be controlled by the Planning Authority. Pedestrian safety and access entrance has also been assessed as acceptable.
- 3) It has been noted elsewhere in this report that the proposed materials would be significantly different to any other property in the surrounding area, however those materials proposed are considered to be acceptable.

The design, whilst contrasting with properties in the surrounding area, is considered appropriate, as outlined through the discussions at the Design Review Panel.

- 4) For the reasons mentioned elsewhere in this report, the proposal is not considered to be out of keeping with properties in the surrounding area.
- 5) The flat roof proposal is considered to be acceptable in this instance. There are a number of properties elsewhere in the city which have utilised such aspects of design, and whilst there are none in the immediate locale, the design of the proposal is considered acceptable.
- 6) The scale and height of the dwellinghouse is considered to be acceptable. The proposal would sit lower (excluding the chimney) than the properties on either side, and significantly lower than the flats across the road. The massing of the building is also considered to be acceptable.
- 7) For the reasons mentioned in this report, it is not considered that the proposal would set an undesirable precedent for future development;
- 8) For the reasons mentioned in this report, the proposal is considered to accord with the terms of the Aberdeen Local Development Plan;
- 9) It would be up to the members of the Planning Development Management Committee to decide whether a site visit should be undertaken on the application; and
- 10) The errors in the original submitted drawings have been rectified.

Conclusion

In summary, the proposed dwellinghouse relates to the curtilage of an existing detached dwellinghouse, which is located within a well-established 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 this policy. Whilst the proposal in theory could constitute overdevelopment, the density of development is considered acceptable in light of the surrounding pattern of development. The proposal is also considered to be consistent with the terms of Policy D1 (Architecture and Placemaking), Policy D5

(Built Heritage), Scottish Planning Policy and associated Supplementary Planning Guidance. The Council's Roads Projects Team and other consultees have found the proposal to be acceptable, subject to appropriate conditions. For the reasons mentioned in this report the proposal is considered to be consistent with all other policies of the ALDP and its associated supplementary planning guidance. The proposal is therefore recommended for conditional approval.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed development is considered to be generally consistent with the terms of Policy H1 of the Aberdeen Local Development Plan, and provides an appropriate design, scale and form of development, in accordance with Policies D1 (Architecture and Placemaking) and D2 (Design and Density). The proposal, whilst not wholly in accordance, is considered to be acceptable given the circumstances of the development in terms of the Supplementary Planning Guidance in relation to the Sub-Division and Re-Development of Residential Curtilages. The proposal is also considered to have a negligible impact on the character and appearance of the Conservation Area, according with Scottish Planning Policy (SPP), and Policy D5 (Built Heritage). The proposal has been assessed by the Roads Projects Team, who have advised that appropriate levels of parking and access have been provided. In addition, appropriate waste provision has been provided in line with Policy R6 (Waste Management Requirements for New Developments) and 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 drawing No. 1004 (Revision A) 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 notwithstanding the provisions of Class 1, Class 2 and Class 3 of the Schedule to the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or any order amending, revoking or re-enacting that Order, no enlargement, improvement or other alteration to the dwellinghouse shall be undertaken without an express grant of planning permission from the Planning Authority - in the interests of visual amenity.

(3) 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'.

(4) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and

thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

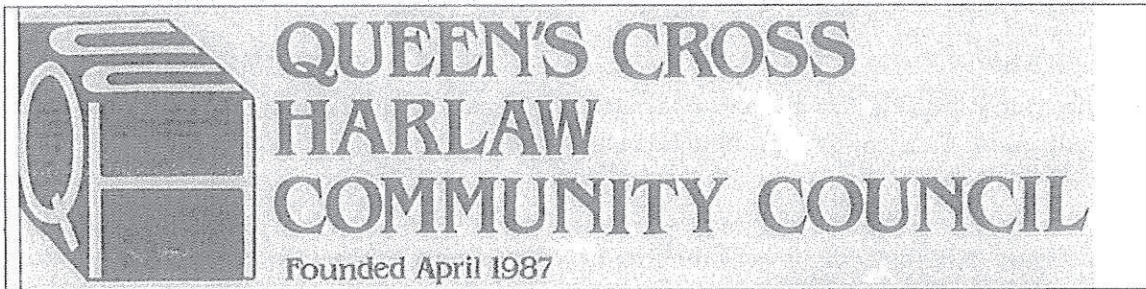
INFORMATIVES

Vehicular access to the site will be constructed by Aberdeen City Council. The applicant is responsible for all costs involved in construction of a footway crossing and should be advised to contact the Road Network Maintenance Unit (Tel 01224 241500) at least 6 weeks prior to any work starting on site, after planning permission has been granted to arrange for a detailed estimate for the cost of the works.

The proposed access would be formed on Whitehall Place where pay and display parking exists this proposal would result in removal of one parking bay. The amendment of the existing Traffic Regulation Order (TRO), revision of Road signs and carriageway surfacing may be required for the new access proposal and the applicant should be advised to contact Douglas Ritchie (Tel 01224 538055) with regard to this issue. The TRO process would take on the average 12 months to complete and it is advisable for the applicant to start the process as soon as possible.

Dr Margaret Bochel

Head of Planning and Sustainable Development.



██████████
██████████
28th August 2013

Tel.: ██████████

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

Application 131045: Proposal for 3-Storey Residence at 58 Whitehall Place.

Dear Mr Clark,

I am writing on behalf of Queen's Cross & Harlaw Community Council in connection with the above proposal. The site lies on the boundary between our Community Council and adjacent Rosemount and Mile-End Community Council; and we are writing in response to concerns expressed to us by residents on both sides of the boundary.

Following careful consideration of this planning application within the Community Council, we consider the proposal to be unsatisfactory in a number of areas, and wish to register objection accordingly.

Our comments are summarised as follows:-

1. What is proposed is a three-storey building in an ultra-modern, flat-roof design, finished in modern materials such as zinc and glass. While we welcome modern design and materials in a suitable setting, we are of the view that what is proposed would provide a stark, visual clash in this particular location where the other buildings in the street conform to traditional pitched-roof designs and are finished in traditional materials. In short, what is proposed would be incongruous in terms of architectural style and materials, and would impair the visual amenity of the area.
2. The foot-print of the proposed building would clearly exceed the recommended plot-ratio limits (33%) by a considerable margin, and we

therefore consider the proposal to be a gross over-development of this particular site.

3. There are serious issues of over-looking and privacy with this planning application. The proposed build would over-look the adjacent residence (no. 58A) resulting in a loss of privacy in both the master bedroom and private rear garden of the neighbouring property. This is unacceptable.
4. We agree with the comments of the Roads Development Control Engineer; namely, that provision of further, lowered-pavement vehicular access, in addition to existing access, would cause a safety hazard to pedestrians. We also agree that the resultant loss of existing on-street parking would have a further adverse impact on local amenity.
5. Our understanding is that this development would involve the splitting of a feu and the sub-division and redevelopment of a residential curtilage. Our understanding of policy relating to such matters (as documented in Supplementary Guidance to the adopted Aberdeen City Local Development Plan) is that in such circumstances, a presumption against the granting of planning approval will apply. The application should therefore be refused as a matter of policy.

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

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

Yours sincerely,

[Redacted Signature]

Planning Convenor,

Queen's Cross & Harlaw Community Council.

P&SD Letters of Representation	
Application Number:	131045
RECEIVED - 2 SEP 2013	
Ncr	Sou MAp
Case Officer Initials:	GAC
Date Acknowledged:	3/09/13.

58A Whitehall Place,
Aberdeen,
AB25 2PJ.

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

21st August 2013

Dear Sir,

Letter of representation against the proposal to build a new house and demolish the garage at 58 Whitehall Place, Aberdeen - Application Number 131045:

We acknowledge receipt of the Notice, application number 131045, served on us as notifiable neighbours in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. Having viewed the drawings submitted by the applicant's architects, we have concerns that the proposals fail to comply with the Supplementary Guidance to the Aberdeen Local Development Plan and the criteria against which the application should be assessed.

- 1) Contrary to 3.5 of the Guidance, a rear window to an open plan 2nd floor bedroom will look directly over and into the private amenity space which is our garden behind 58A Whitehall Place.
- 2) Contrary to 3.7 of the Guidance, the depth of rear garden afforded by the proposed design falls significantly below the 11 metres specified as that required for a house of more than 2 storeys. According to the proposed site layout plan, the depth even fails to meet the minimum of 9 metres required for a 2 storey dwelling.
- 3) Because of the size of the proposed development and the limited area of the site being acquired by the developer, the percentage of the site proposed to be built-on will be nearer 42% than the 33% restriction quoted in 5.2 of the Supplementary Guidance.

We should also like to make representations that the proposed development will have a detrimental effect on road safety and on-street car parking. As stated in the comments from Roads Development Control as a Statutory Consultee, increasing the number of consecutive pavement crossings to three will create more hazardous conditions for pedestrians, greatly increasing the risk of conflict between them and vehicles manoeuvring to enter or leave driveways. The addition of another house in this position will also increase the likelihood of vehicles exiting the 2 existing driveways, not being able to manoeuvre to the side and having to potentially reverse directly out into

the often very busy Whitehall Place. In the 8 years we have lived here, it is noticeable how much more traffic utilises this street as an alternative to Carden Place, to travel in and out of town and to drop off and pick up children at nearby schools.

Again, to the detriment of local amenity, the loss of another two on-street parking spaces in order to create a pavement crossing would have a significant effect on the already under pressure parking opportunities. This has also been negatively commented on by the Engineer from Roads Development Control.

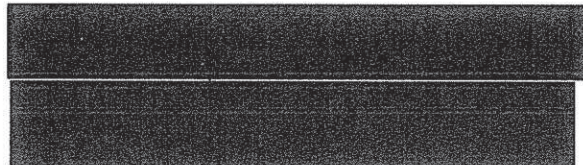
From an aesthetic standpoint, we object strongly to the proposed development firstly on the grounds that the proposals are starkly different from the style of houses existing in this part of Whitehall Place and detrimental to the character of the area. The proposed design utilises the materials, zinc, smooth polymer render, polished granite and glass in a curtain walling context. All of these finishes are alien to this street and utilised in the form indicated by the proposed elevations, diminish any style and character the existing properties have.

Because of its flat roofed form, the proposed design doesn't complement and contrast the traditional 30 and 35 degree pitched roofs of the other houses in the street. It ignores them and far from acting as a "bookend" to the 3 house terrace it would create, as described in the designer's Design Statement, it would spoil a perfectly acceptable city-scape.

We also have concerns that the height of the proposed structure exceeds the height of the ridge of the properties at 58A and 60 Whitehall Place which is contrary to the Supplementary Guidance to the Local Development Plan and the massing of the building by virtue of its stepped flat roof form, creates a visual barrier to the existing roofscape as one looks West from Albert Street.

On a site elsewhere, as part of a terrace of similarly designed properties utilising these modern materials and forms, I would applaud the design but my wife and I feel the design is wholly inappropriate in this location.

Yours faithfully,

A large rectangular area of the document is redacted with a solid black box, obscuring the names of the signatories.

Derek and Fiona McWilliam.

Robert Vickers

From: [REDACTED]
Sent: 26 August 2013 14:28
To: PI
Subject: Planning Application 131045

M Stuart
52 Queens Highlands
Aberdeen
AB15 4AR

RE : PLANNING APPLICATION 58 WHITEHALL PLACE, ABERDEEN - Reference Number 131045

As a resident of the west end of Aberdeen and a person brought up in Osborne Place, I should like to object to the application for Planning Permission to demolish a garage and build a 3 storey town house in the garden of 58 Whitehall Place. The style of house proposed is totally out of character and alien to the existing residential landscape of traditional pitched roofed houses. It is flat roofed and employs materials not echoed anywhere else in the street and ignores existing styles. It conflicts with the Council's guide to the Local Development Plan in terms of rear garden size and plot ratio and surely must be regarded as overdevelopment of the site. I object to the proposed development in the strongest terms.

Regards,

Moray Stuart
Senior Architectural Technologist
Property
Transportation & Infrastructure
Woodhill House
Westburn Road
Aberdeen AB16 5GB

[REDACTED]
* [REDACTED]
; www.aberdeenshire.gov.uk

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www.aberdeenshire.gov.uk

Robert Vickers

From: Alexander McPherson [REDACTED]
Sent: 26 August 2013 16:14
To: PI
Subject: 58 Whitehall Place Planning Application

Reference Number 131045:

Application for Planning Permission to Demolish a Garage and Build a New House in the Garden of 58 WHITEHALL PLACE, ABERDEEN -

Although I live in Cottage Brae, I was brought up in the Albert Street area and spent my childhood around Craigie Loanings and Whitehall Place. I have visited the Planning website and looked at the proposals for the above new house. I would be very sorry to see such different and visually awkward building built in this area of mostly traditionally built houses and tenements. This monstrosity owes nothing to the styles and materials of the existing properties. It ignores all the pitched roofed houses and spoils the continuity of that side of Whitehall Place by virtue of it being flat roofed and clad in zinc! It is totally inappropriate for the proposed site and in my opinion looks too big for the area of land indicated in the site layout plan. Are you sure it complies with the Local Development Plan? There must be issues regarding privacy and light which make the building unacceptable in such close proximity to the existing house at 58A. I notice the proposal includes a terrace at 2nd floor level. Surely this is unacceptable when the roof windows of the existing house are so close?

From the parking point of view, I would imagine the already difficult parking problem will be detrimentally affected as more parking spaces are sacrificed to provide yet another pavement crossing. I would also be concerned for the safety of children and elderly people because they already run the gauntlet of cars arriving and leaving from the drives of existing houses. Another house will increase the likelihood of an accident.

I object to the proposed application in the strongest terms and would insist the Planning Officers consider my representations in their assessment of the submitted designs.

Sandy McPherson
3 Cottage Brae
Aberdeen
AB10 6DG

Robert Vickers

From: [REDACTED] on behalf of Nick NA
[REDACTED]
Sent: 25 August 2013 14:12
To: PI; gaclark@aberdeenvity.gov.uk
Cc: Jennifer Stewart
Subject: Objection to Planning Application at 58 Whitehall Place Aberdeen

131045

To whom this may concern,

I wish to express my opposition to this planning application. I feel it is not appropriate to carry out such work in the area, and will lead to both a shortage of parking spaces and an increase in traffic, in addition to being an increased risk to pedestrians - particularly children from the local school.

As a resident with a private car park, I am concerned that surrounding buildings would find themselves using our car park without permission. We only have a very limited number of spaces as things currently stand, and to introduce another large number of vehicles to the area would be detrimental in this respect. There are barely enough on-street spaces to accommodate those living in the area at present, so I feel it is a legitimate concern that there would not be sufficient space and this may spill over and affect our building.

Due to Whitehall Place serving place for a school, and being a morning route into town from Queens Cross, I feel the construction would result in an irreversible increase in traffic both during the build period and beyond. I selected this location for my flat because it is generally a quiet area - with regard to both noise and traffic level - but I strongly believe the outlined project would hugely compromise this.

Please take my and other local residents' concerns into consideration. I do not feel this project would bring any value to the area, and hope that you can understand and appreciate my reasons for objecting.

Kind regards,

Nick Atkinson
77C Whitehall Place

PI

From: webmaster@aberdeencity.gov.uk
Sent: 04 August 2013 20:47
To: PI
Subject: Planning Comment for 131045

Comment for Planning Application 131045

Name : Derek McWilliam
Address : 58A Whitehall Place
Aberdeen
AB25 2PJ

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

Comment : My wife and I have been on holiday and have only recently received the Planning Notice in connection with the proposed development. I will submit our formal objections to these proposals before the expiry of the statutory period but I must make you aware immediately that the address of the proposed development is incorrectly recorded in the Planning Application as 58A Whitehall Place. That is the address of our home, determined by Aberdeen City Council 10 years ago when our house was completed. The use of 58A as the address by the applicant's agent has confused neighbours who have assumed that I am the applicant and am applying to extend our house. Firstly does this invalidate the application and secondly can I insist the neighbour notification process be redone so that all those notified are fully aware of the significance of the proposed development and that this is a substantial new property by a property developer and not an extension to our house?

Planning & Sustainable Development	
Mail ID	29476
RECEIVED	- 6 AUG 2013
REPLY	06 / 08 / 13
Section	AS7
Officer	DR

PI

From: scott warrander [REDACTED]
Sent: 27 August 2013 12:54
To: PI
Subject: Planning Application Reference Number 131045

Planning Application Reference Number 131045: The demolition of a garage and the construction of a new house at 58 Whitehall Place Aberdeen.

Dear Sir,

I would like to object to the application for Planning Permission for a new house at 58 Whitehall Place. I know this area of Aberdeen very well having lived close-by as a student. Although not grand, the properties in this area have a charm that would be spoilt by the addition of such a garishly modern building. The fact that it has no pitched roof seems to cause it to clash with the existing buildings and whilst contrast is not necessarily a bad thing, this proposed design is not sympathetic at all and seems to offend the functional simplicity of the houses nearby. I am a Building Surveyor and totally familiar with Architects' drawings. I have examined the proposed site layout plan and compared proposals to your own Council's Guidance to the Local Development Plan. I would say the proposals fail to comply in that the rear garden is too small. I can appreciate where a larger front garden can be provided that a compromise can be agreed but the site indicated is so small that the plot ratio of 33% cannot be met. The proposal must I would assume, be regarded as overdevelopment of the site.

I see from the drawings particularly the cross sections that the design incorporates a terrace at 2nd floor level. This would cause a serious loss of privacy to the family living next door, since their roof windows are less than two metres away from the edge of this terrace. There would also be a shading of their rear garden and overlooking from the upper windows of the proposed building. This again, is contrary to your own guidance!

Apart from these serious issues, the addition of this building and its pavement crossing access would reduce on-street parking in an area where demand is high. It would also increase the risk to pedestrians who use this pavement in great numbers. There is a large elderly population in this area and this street is used by large numbers of pupils travelling to the Grammar School, located along the street. I notice in the comments from Roads that they are content that 2 off street parking spaces are being provided. I do not feel that 2 cars can be parked in this site whilst still providing safe access to the front door. A wheelchair will not pass between two cars of an average size placed in the drive of this proposed house. I also notice Roads have reservations about the addition of another pavement crossing on the grounds of pedestrian safety!

In conclusion, I object to the proposals for the reasons I have given and I would like my comments taken into account in Planning's consideration of the application.

Regards,

Scott Warrander

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 20 August 2013 10:13
To: PI
Subject: Planning Comment for 131045

Comment for Planning Application 131045

Name : Neil Casey
Address : Ground floor right
67 Whitehall Place
AB25 2PD

Telephone :

Email : 

type :

Comment : I object to planning application 131045 on the grounds of safety - both entering and leaving the proposed site will be a risk to oncoming traffic - and also parking. The street is also very limited on parking spaces for residents.

Robert Vickers

From: [REDACTED]
Sent: 26 August 2013 15:26
To: PI
Subject: Planning Objection

Application for Planning Permission to Demolish a Garage and Build a New House in the Garden of 58 WHITEHALL PLACE, ABERDEEN - Reference Number 131045:

As a resident of the Aberdeen, I wish to object to the proposal to build a house in the garden of 58 Whitehall Place. In my opinion the site is too small and building a 3 storey house of the type shown in the Planning website is detrimental to the overall appearance of the street. In another location amongst equally modern housing, the design might sit nicely but certainly not here. I feel sorry for the people who live next to this property as they will suffer loss of privacy and definitely shading of their garden as the new house is bigger than the property it will abut. The addition of another house will also make it more dangerous for the school children and elderly of the area to use the pavement in this area as yet more cars struggle out on to the very busy Whitehall Place. I've also had a look at the Local Development Plan and I am pretty sure that these proposals are contrary to both the plot ratio figure of 33% and the minimum rear garden figure of 11 metres. This must be overdevelopment of the site.

I therefore object strongly to the proposals submitted for Planning Permission.

Regards,

Mike Bruce
Senior Quantity Surveyor Technician
Property & Facilities Management
Infrastructure Services
Aberdeenshire Council

Mon, Tue, Fri

Tel: [REDACTED]
Fax: [REDACTED]
www.aberdeenshire.gov.uk

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www.aberdeenshire.gov.uk

PI

From: webmaster@aberdeencity.gov.uk
Sent: 15 August 2013 00:08
To: PI
Subject: Planning Comment for 131045

Comment for Planning Application 131045

Name : Dr Richard Taylor
Address : 60 Whitehall Place
ABERDEEN
AB25 2PJ

Telephone :

Email : [REDACTED]

type :

Comment : Having considered the plans in detail, we feel that the design of this building is out of keeping with the surrounding properties in terms of materials and symmetry and proportion and regrettably we would like to notify you of our objection to the application as it stands. We object also, that the addition of a property to another two properties of very different style, is wholly detrimental to the overall look and harmony of the buildings as originally constructed. We also regrettably object on the basis that private gardens, driveway conversions of this nature may set a precedent for other applications to develop similar small spaces in existing residential property to be sold for housing or business development in the area.

Robert Vickers

From: karin forrest [REDACTED]
Sent: 26 August 2013 18:01
To: PI
Subject: Rejection of planning application

Dear gavin,

I am writing to you with regards to the planning application at 58 Whitehall place. This application is not in keeping with the area and is an area which is over developed already.

I also have concerns about the height of the building which will overlook all other properties front, back and sides and will take away people's privacy. The balcony will also look into neighbour's gardens, houses and bedrooms which again is a privacy issue to people who have lived in the area for many years.

Finally, the parking in Whitehall place is bad enough without another driveway taking up space. This is also dangerous for reversing out of these driveways as it is a busy road.

I hope you take on board these issues when making a decision.

Karin Forrest
Aberdeen City resident

Sent from Yahoo! Mail on Android

Robert Vickers

From: Fiona McWilliam [REDACTED]
Sent: 25 August 2013 19:17
To: PI
Subject: Planning Application 131045

Dear Mr Clark

I am writing to you about the planning application reference 131045. I am 86 years old and am registered blind. I am also in failing health and frequently have to use a wheelchair which my Occupational Therapist has provided. I have dictated this letter to my daughter as I am unable to see to write anymore.

My family lives in Whitehall Place and often invite me down to their house for meals and to spend time with my grand-children. Parking close enough to the house is often problematic as it is such a busy road, and this makes it difficult for me to gain access easily to my daughter's home. The proposed house will take away more parking spaces, and also make the pavement even more hazardous for me to negotiate, as it would mean three immediately consecutive driveways with cars crossing them to get in and out. There are many elderly people actually living in this road, and the pavements on that side of the street are already quite uneven. I know lots of Robert Gordon's College pupils use this route to school and it would make the pavement even more dangerous for them, too. Even though my vision is limited, the drawing of the proposed house has been shown to me on a large computer screen and I am horrified that such an outlandish design would even be considered in the west end of Aberdeen. It is completely out of keeping and would be more suited to a new build estate or overlooking water - I would not want to be in the flats opposite with someone outside in their balcony looking at me. I therefore submit my objections to you about this development. Many thanks for your attention to this matter.

Yours sincerely,

Irene Clark,
5C Thomson Street,
Aberdeen.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 26 August 2013 17:28
To: PI
Subject: Planning Comment for 131045

Comment for Planning Application 131045

Name : Maureen Milne
Address : 5 parade Mews
Stocket Parade

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I was looking at the plans for this new development and noticed that the house next to it has been misrepresented. There is no indication on the plan that there are windows in the roof of the adjacent building. The balcony on the proposed new development would be invasive to the privacy of the current owner of the adjacent property. I also believe that the frontage of the building is inconsistent with the area, no other property in the street has a balcony.

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Planning Development Management Committee

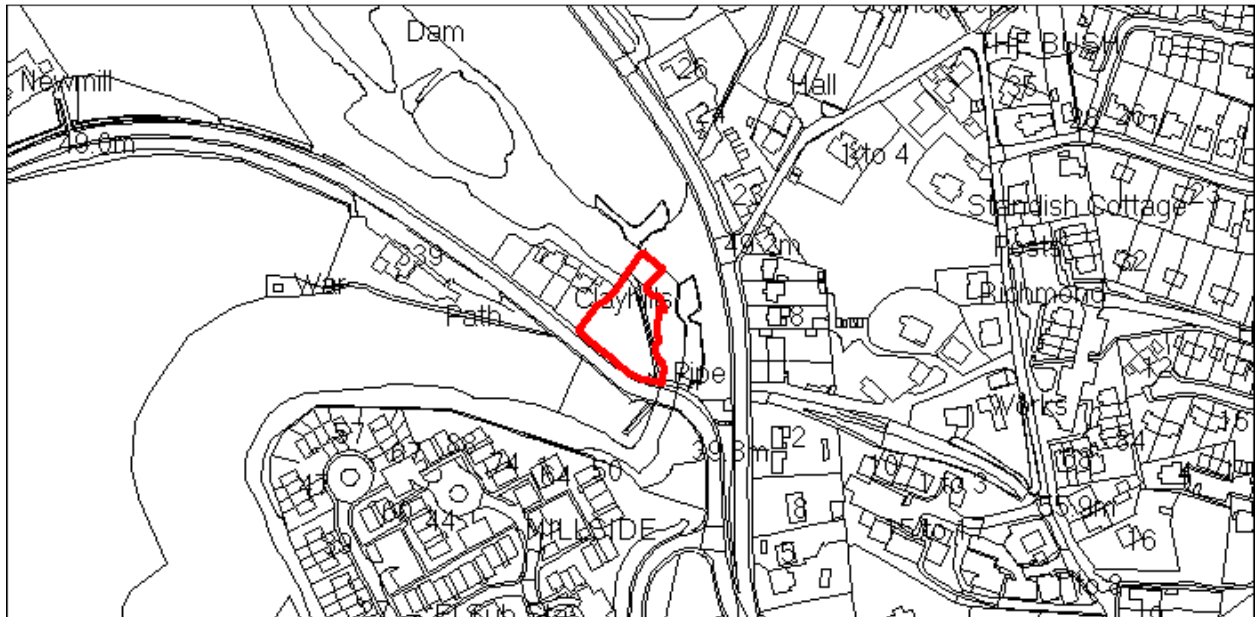
CULTER BURN, NORTH DEESIDE ROAD,
PETERCULTER

CONSTRUCTION OF PROPOSED HYDRO-
ELECTRIC POWER GENERATION SCHEME,
FISH PASS AND ACCESS ROAD.

For: Gordon Investment Corporation Limited

Application Type : Detailed Planning Permission
Application Ref. : P121787
Application Date: 08/01/2013
Officer: Tommy Hart
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Can't notify neighbour(s)
Advertised on: 16/01/2013
Committee Date: 16/01/2013
Community Council : Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site is situated on the Culter Burn, to the immediate north of the bridge on the A93 North Deeside Road at the eastern extremity of Peterculter, and forms part of the OP134 Opportunity Site as identified in the Aberdeen Local Development Plan. The site covers an area of around 0.4 acres in size and is centred around an historic 5m high dam with a weir that was constructed for the former Culter Paper Mill, which lies within the River Dee Special Area of Conservation (SAC). The dam structure, weir, sluice gate & channel, and mill lade which runs from the dam towards the former paper mill site to the south are still present on site and are in a derelict state.

The site is down a steeply incised gorge of the Culter Burn, is heavily vegetated with naturally established mature and semi-mature trees, shrubs and tall weeds, grasses and wildflowers. It has a wild and unkempt appearance. The nearest features of note are the Rob Roy statue which stands on an elevated position on the opposite bank of the gorge and the A93 road bridge which crosses over the burn.

RELEVANT HISTORY

There is no history relevant to this application site.

PROPOSAL

Detailed planning permission is sought for the construction of a hydro-electric scheme which will comprise the following key components:

- A hydro-electric 'Archimedes Screw' powered turbine situated within a 54m² power house building of Aberdeen granite and slate roof construction;
- A fish pass attached to the existing weir face;
- A new vehicular site access track leading off the A93 North Deeside Road;
- New intake and tail race (outflow) channels on Culter Burn; and
- Areas of new planting of native trees and shrubs.

The power house compound, turbine and fish pass

The power house would be finished externally with Aberdeen Granite, would have a slate pitched roof and timber doors, and be approximately 4m high x 4.5m wide x 3.5m long. It would sit at the top of the existing dam on the western bank of the river. To the immediate north of the power house would be an inlet which would be around 3m x 4m in size and would have a mesh cover.

The Archimedes screw would be contained within a c. 14m long steel box channel with a mesh cover which exists the power house on the south elevation following the dam. Some bank alterations are proposed to accommodate the nose of the screw which would protrude approximately 3.5m past the southern end of the dam and the outlet.

The 'Alaskan A Denil' fish pass would abut the Archimedes Screw outflow structure and would be attached to the existing weir face alongside and immediately adjacent to the hydro channel on the inner side of the burn. The fish pass would be around 14m long and around 580mm in width and would start around 1.8m to the immediate north of the top of the dam and finish in line with the Archimedes Screw outlet.

Vehicular Access

A new access track is proposed leading off the A93, around 5m to the immediate south east of the boundary wall of Clayhills Cottages. The access track would be supported on a rock fill embankment structure constructed of gabion baskets. As part of the new access, a locked gate would be placed across the new entrance to the site off the footpath that runs parallel to the A93.

Landscaping

The trees on site are covered by Tree Preservation Order TPO 80. In the construction phase, it is proposed to remove 17 trees and to install tree protection measures such as geogrid across the root zone and tree protection fences to protect the surviving trees from damage.

It is proposed to replace the lost trees with a variety of native shrubs and trees as detailed within the tree survey report. The remainder of the area that has been cleared of vegetation will be allowed to naturally re-establish around the new planting to return the site to a natural appearance.

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?121787>

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

Environmental Statement;
Flood Risk Assessment;
Fish Pass Design;
Extended Phase 1 and Protected Species Survey;
Fish Monitoring report;
The River Dee Trust Culter Restoration Feasibility Study;
Culter Dam Fish Pass Options;
Archimedes Screw Turbine – assessment of three leading edge profiles;
Transport Statement;
Design and Access Statement.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because the application been subject to an Environmental Impact Assessment. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – no objections (copy of final comments appended to the end of the report).

Environmental Health – request the incusion of a condition to restrict working hours on-site

Enterprise, Planning & Infrastructure (Flooding) - no comments received

Education, Culture & Sport (Archaeology) – requests a condition to require the submission of a programme of archaeological works to be agreed prior to commencement of works on site.

Scottish Environment Protection Agency – no objections on flood risk grounds. There is still some outstanding information in relation to Fish Ecology but this can be controlled through the ‘CAR’ Licence.

Scottish Natural Heritage – no objection so long as conditions are attached in relation to the requirement for detailed design and fitting of the screens has been approved by SNH and SEPA; and the submission and approval of an environmental management plan. The outstanding information can be dealt with through the ‘CAR’ Licence.

Historic Scotland – no objections

Community Council – Culter Community Council do not object to the application but raised some concerns relating to;

1. Lack of information on how the generated power will reach the National Grid;
2. Access to the site;
3. Loss of trees;
4. Lack of information relating to security of the building;
5. The location of the ‘temporary’ fish pass;
6. Lack of information relating to timing of silt removal;
7. Lack of information relating to noise levels during operation of the turbine;
8. Storage of construction materials and equipment;
9. Inconsistencies in relation to habitat survey and drawing 901 Rev 2;
10. Issues relating to soil storage on site not being available;
11. Timing of works taking account of species ‘calanders’.

Dee District Salmon Fishery Board – no objections to the application on the basis that the more detailed information required can be dealt with through the ‘CAR’ License.

Police Scotland - no observations

Transport Scotland – no observations

REPRESENTATIONS

One letter of objection has been received. The objections raised relate to noise levels associated with the proposal.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) is the statement of Government policy on land use planning and includes the Government’s core principles for the operation of the planning system and concise subject planning policies. The subject planning policies relating climate change to landscape and natural heritage are relevant material considerations.

Aberdeen City and Shire Structure Plan

The Structure Plan objective relating to sustainable development and climate change is applicable.

Aberdeen Local Development Plan

Policy LR1: Land Release Policy Part A

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

Policy D1: Architecture and Placemaking

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

Policy D6: Landscape

Development should avoid significant adverse impacts upon existing landscape elements which contribute to local amenity.

Policy NE5: Trees and Woodland

There is a presumption against all activities and development that will result in the loss of established trees that contribute significantly to nature conservation, landscape character or local amenity.

Policy NE6: Flooding and Drainage

Development will not be permitted if it would increase the risk of flooding, reduce the functional flood plain or would itself be at risk from flooding.

Policy NE8: Natural Heritage

Any development that has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria within SPP.

Policy R7: Low and Zero Carbon Buildings

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

Policy R8: Renewable and Low Carbon Energy Developments

the development of renewable and low carbon energy schemes is supported and applications will be supported in principle subject to the criteria set in the policy.

Supplementary Guidance

The supplementary guidance Low and Zero Carbon Buildings, and Trees and Woodlands are relevant material considerations.

Other relevant considerations

The application site forms part of Opportunity Site OP134 which is capable of accommodating 19 homes, a hydro electric scheme, fish pass, football pitch, changing facilities, car park and new pathway.

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.

An Environmental Statement (ES) was required as the development falls within Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011. An ES has to identify the likely environmental effects of a project through the study and analysis of individual issues, predicting and assessing the projected impacts and proposing measures to mitigate the effects. Before determining the application the Council must take into consideration the information contained in the ES, including any further information, any comments made by the consultation bodies and any representations from members of the public about environmental issues. The ES is submitted in support of the planning application but it is not part of the application itself. However, provided it serves a planning purpose, any information from the environmental impact assessment process may be material and considered alongside the provisions of the development plan. Where alternative approaches to development have been considered, the applicant is required to include in the ES an outline of the main alternatives and the main reasons for his choice. The Regulations do not expressly require an applicant to study alternative proposals and/or locations and thus the planning application must be considered in terms of the merits of the proposal and not on the merits of potential alternatives, although the existence of other feasible alternatives can be a material consideration.

Adequacy of the Environmental Statement

Before considering the merits of the proposed development it is appropriate to comment on the ES submitted in support of the application. There is no statutory provision as to the form of an ES but it must contain the information specified in Part II and such relevant information in Part I of Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 as is reasonably required to assess the effects of the project and which the developer can reasonably be required to compile. Whilst every ES should provide a full factual description of the development, the emphasis of Schedule 4 is on the 'main' or 'significant' environmental effects to which the development is likely to give rise. An ES must comply with the requirements of the Regulations, but it is important that it is prepared on a realistic basis and without unnecessary elaboration. It is for the Council to satisfy itself on the adequacy of the ES. If it is deemed to be inadequate, then the application can be determined only by refusal. In order to establish the adequacy of the ES it has been assessed using the review package Lee N, Colley R, Bonde J and Simpson J (1999) "Reviewing the Quality of Environmental Statements and Environmental Appraisals". This involves a detailed and systematic appraisal of the content of the ES and is a widely recognised methodology. The appraisal concluded that the main environmental effects of the development have been considered sufficiently and that despite some omissions, overall the ES can be considered to be satisfactory, thus meeting the requirements of the Regulations.

Table summarising EIA findings

Topic	Impact
Socio-Economic	Some jobs will be created during the construction and decommissioning phases. There may be some impact on local 'amenity' by virtue of noise/dust/traffic issues during these phases although not during operation.
Landscape and Visual Impact	In terms of visual impact, the development would not be highly visible given its location. The loss of existing landscaping will be dealt with through replacement planting which will help to minimise the visual impact of the proposal.
Lighting Impact Assessment	It is considered that the lighting afforded to the proposal would have negligible impact on the surrounding area.
Transport and Access	No significant issues have been raised in relation to transport and access. A traffic management plan and environmental management plan would ensure that appropriate measures are enforced.
Drainage	The impact of surface water run-off is considered to be negligible. Nonetheless, mitigation measures will be required to be put in place.
Ecology	Overall it is considered that the development will have a positive impact on biodiversity in particular the enhancement of the Culter Burn for otter, freshwater pearl mussel and migratory fish. The adverse impacts of the proposal are considered to be of only minor significance post mitigation and the positive effects are considered to significantly outweigh the negative aspects of the proposal.
Land Quality	During the construction phase, there is likely to be a high risk of significant pollution incidents which will need to be mitigated against. In terms of the operational phase, it is considered that the development will have a minor overall impact subject to mitigation being implemented.
Archaeology	Notwithstanding that the development would cut through the existing lade, this has been recorded through

	consultation with ACC Archaeologists. The loss of part of the lad and sluice gate structures are regarded as minor negative impacts of the development.
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Principle of Development

The principle of development has already been accepted with the site being included in the Opportunity Site OP134 allocation in the Aberdeen Local Development Plan. That being said, the application does not conflict with ALDP Policy LR1. However, the acceptance of the principle alone is not sufficient to determine this application.

Design, Scale and Form of Development

In terms of built form of development, the proposals consist of a power house, a fish pass and Archimedes Screw ‘housing channel’.

As suggested above, the power house has quite a small footprint and is single – storey in height and in that respect it is considered that the size and scale of that part of the development is acceptable. Further, when taking account of the proposed materials, it is considered that the overall design of the building would fit in well within its context adjacent to the dam and is acceptable in terms of ALDP Policy D1.

Visual Impact of the Development

Views of the application site are limited by virtue of its location within the deep gorge which is heavily landscaped. The proposed development includes removing a number of trees in order to provide for the access road and the new power house. Whilst the immediate area of the site would obviously undergo significant change as a result of the proposals, the change brought about to the surrounding landscape would be no more than slight as the development would generally be seen in the same context as the river gorge and would partially replace elements of the unsightly components of the mill lade.

The main areas which will provide views into the site are from the A93 North Deeside Road bridge; Malcolm Road to the east of the Burn; and from Clayhills Cottages which lie to the west of the site. In terms of views from the bridge, currently drivers cannot view the application site and this will remain the same and so there is no visual impact in that respect. Pedestrians, on the otherhand, are able to experience views of the gorge and the dam although these views are somewhat detracted by the derelict mill lade structure. The main impact that will occur is the loss of trees, which will open up the views to the dam and the new power house. The improved view towards the dam are considered a visual gain due to the removal of the unsightly derelict structures. In time the new tree planting will help to limit the impact of the new buildings adjacent to the Burn.

Malcolm Road lies to the east of the application site on an elevated position. There is also an area of mature woodland between these houses and the application site. It is considered that there is unlikely to be any visual impact here.

From Clayhills Cottages, the current north view of the derelict sluice and mill lade

would be replaced with the roof of the power house and the new 'hydro channels'. As there are no trees to be removed within the direct line of sight between the houses and the power house/dam, it is considered that any visual impact would be minimal. Further, it is considered that the removal of derelict elements of the existing structure and introduction of additional tree planting would be a visual gain.

It is considered that the proposal is acceptable in relation to ALDP Policy D6 and the objectives of SPP in relation to landscaping by virtue of the lack of public view of the site and also the proposed replacement planting.

Ecology

The proposed development would result in the loss of a small area of habitat from the south western bank of the Culter Burn immediately downstream of the dam. However, this will allow a new Archimedes Screw turbine hydropower plant to be developed within this area, which will also create a fish pass on the inside face of the hydro channel on the existing Culter Dam weir which will remain in-situ. An access road will also be built between the housing of the new hydro power unit and the adjacent A93 road for construction and maintenance. The loss of trees for the access road is unavoidable and is necessary for the development to go ahead. In order to limit the impact replacement planting is proposed. Given the existing light pollution from the road and surrounding houses, it is not considered that the presence of one security light will have a significant impact on local wildlife. The potential wider impact would include otter, freshwater pearl mussel and salmonid fish.

Fish (Atlantic Salmon)

Currently, the dam restricts the movement of fish up-stream. The migratory fish are one of the species that afford the River Dee its SAC status and the presence of a fish pass on the dam would enhance the possibility of extending the SAC into the Culter Burn catchment with enhanced habitat for the other SAC designate species of otter and freshwater pearl mussel.

The River Dee Trust feasibility options report has highlighted the importance of placing a fish pass on the Culter Dam to allow for successful upstream migration of salmonids. The fish pass is designed to allow fish with a minimum body length of 250mm to ascend the pass in low flow conditions whilst fish of over 300mm able to ascend in most flow conditions. The easement of the Culter Dam for migratory fish would allow access to habitat that would currently produce an estimated 493 returning adult salmon each year (River Dee Trust, 2009), in addition to enhancing the productivity of migratory sea trout to areas that are currently inaccessible to them.

The Alaskan A Denil fish pass design will allow migratory salmonid fish, currently unable to move up the Culter Burn catchment beyond the existing dam, to increase their habitat range and re-establish the natural populations upstream. This is first and most important element of the River Dee Trust's strategy to remove five recognised obstacles and re-establish the natural habitat of the Culter Burn catchment and is a primary environmental benefit of the development.

The applicant has also committed to provide an automated fish counter within the fish pass to allow monitoring of its effectiveness.

Freshwater Pearl Mussels

The impact of the proposed development is likely to be both positive and negative. The negative impacts relate to the potential of in-stream works causing silt release or other forms of pollution which could impact on downstream populations within the SAC. The benefits of the proposals are the incorporation of a fish pass, potentially allowing the colonisation of the upstream reaches of the Culter Burn by the species, an area which has been inaccessible to migratory salmonids which support the larval stage of the animal for two centuries.

Freshwater pearl mussel are considered to be of high sensitivity given the status of the local population as being of regional conservation significance. Pearl mussels are a long lived, pollution intolerant species which have low recruitment rates and as such have only a limited ability to absorb change.

The magnitude of the potential effects is considered to be high in that the post development character of the Culter Burn, considered to be within the zone of influence of the proposals, will be substantially altered as a functional habitat. The proposals will allow access to an additional 73km of watercourse to salmonid fish which carry freshwater pearl mussel glochidia and therefore could allow the colonisation of the habitats in the upper reaches. This is considered to be a positive impact of the proposals.

Overall, there is considered to be an effect of major positive significance as a result of the proposals on the local population of freshwater pearl mussels, which are linked to the River Dee SAC where freshwater pearl mussels are a primary reason for designation.

Otters

The proposed development would have a minor negative impact on otters. During the construction phase, there is the potential of harm, loss of 'lying-up areas' and disturbance to foraging areas. However, in the long-term, the inclusion of the fish pass is likely to increase the habitat quality upstream for otters due to the increased foraging opportunities. Otters are listed on the River Dee SAC designation and the increase in habitat quality is likely to lead to an improvement in the SAC population as the Culter Burn lies within the same system as the River Dee and otter populations are likely to be interlinked.

An Extended Phase 1 Survey was undertaken in mid June 2010 during which habitats present within the survey area and adjacent land were recorded and the potential of the site to support protected species was assessed. This identified a requirement for further detailed species-specific surveys for freshwater pearl mussel, otter, badger, bats and red squirrel, which was undertaken during the 2012 survey season.

Culter Burn Local Nature Conservation Site (LNCS)

The magnitude of effects on this area is considered to be minor as there will be limited temporary effects on the habitats, but the long term benefits of the scheme to the reach of the Culter Burn within this LNCS. Overall the significance

of effects is considered to be moderate/minor adverse but during construction only. The temporary loss of the habitats to the development is not considered to have an adverse impact on the LNCS. There will not be any reduction in the area of the Culter Burn which will be dammed by the weir and therefore there are not considered to be any significant impacts on these habitats or the wildlife that resides within them. The proposals will help to ensure the longevity of these habitats through the maintenance of the dam in the long term.

River Dee SAC

The sensitivity of the effects of the proposals on the SAC is considered to be high as the site is of national conservation value. The short term effects of the development process are likely to result in some limited silt release and risks low level pollution. The long term effects however are considered to be highly beneficial to the SAC, and its qualifying features, as it will open up a large area to Atlantic Salmon and Freshwater Pearl Mussel, as well as increasing the foraging quality of this area for Otters. Overall, the short term effects of the proposals are considered to be of moderate adverse significance, whilst the significance of the long term effects are concluded to be major and beneficial.

In conclusion, it is considered that the development is acceptable with regards to the provisions of ALDP Policy NE8 and the objectives of SPP in relation to natural heritage.

Carbon reductions

In terms of carbon reduction, although no information has been submitted with regards to the building, it should be noted that the hydro electric turbine will generate 430MWh per annum of renewable electrical energy, saving 233 tonnes of carbon emissions per annum, the electrical energy generated being integrated into the national grid. The proposal is considered to comply with ALDP Policy R8 and be in line with the requirements of the Structure Plan objectives relating to climate change. No information has been submitted with regards the carbon reductions of the power house. Notwithstanding that this issue is dealt with at Building Warrant stage, a planning condition is recommended requiring details to be submitted demonstrating compliance with Planning Policy.

Impact on trees

A tree survey was submitted in support of the scheme. It identified that seventeen out of twenty eight trees surveyed would need to be removed for the development or access track. These trees are predominantly 'C' category cherry, sycamore and scots pine trees although there are a few category 'B' trees which also are proposed for felling – cherry, hawthorn and scots pine. The heights of the trees proposed to be removed vary in height between three and sixteen metres. In order to mitigate the loss of the trees, a suitable condition is proposed in relation to a landscaping scheme for the development site which would provide conformity with ALDP Policy NE5 and associated supplementary guidance.

Traffic Impacts, Access Arrangements and Car Parking

The site currently has no access so it is proposed to create an access from the A93 to enable delivery of materials during the construction phase and allow for infrequent maintenance access during the operational phase of the development.

Roads officials have no adverse comments with respect to the principle of the access but have pointed out that the line taken to measure the splay is not correct although this does not change their stance. The correct visibility splay information would have to be dealt with through the Roads Constuction Consent (RCC) and therefore an informative has been attached to draw the developers attention to the need to update the plans at that time.

During the construction phase of the development, there would be additional traffic on the A93 and nearby Malcolm Road and Roads Officials consider that there is likely to be minimal impact on the capacity of the local network in respect to the additional HGV's. The developer has agreed to the implementation of at Traffic Management Plan, which would include mitigation measures, and this should help to keep delays on the local network to a minimum.

In relation to the operational phase of the development, given that there would only be the requirement for occasional maintenance visits the impact on the local road network is considered to be negligible.

There would be adequate car parking on-site during the operational phase of the development.

In summary, it is unlikely that the development would have any significant impact on the the local road network, the access arrangements and car parking on-site are considered to be acceptable.

Drainage

Surface water run-off from the roof of the pump house does not require a formal rainwater collection system and will discharge naturally into the surrounding area which will ultimately fall to the Culter Burn. Proposed surface water run-off from the access road would be collected by carrier drainage ditches/swales that will be planted up with appropriate vegetation to provide natural cleansing of surface water run-off. The drainage ditches/swales will discharge either directly into the Culter Burn or naturally infiltrate into the granular strata of the floodplain through soakaway systems adjacent the Culter Burn to be determined at detailed design stage. There is considered to be no conflict with ALDP Policy NE6.

Impact on Residential Amenity

The nearest residential properties are Clayhill Cottages which are on an elevated position (road level) above and some 15m to the west of the application site. It is considered that the development would have limited impact on the existing residential amenity afforded to these properties. There would be little traffic into the site, being manned remotely predominantly, and the only illumination is for the entrance door which the lighting impact assessment shows would be positioned and designed in such a way as to ensure that only the immediate entrance area of the power house would be lit so as not to cause any nuisance to the residential properties. With regards to noise, no assessment was submitted nor formally requested. Notwithstanding, a planning condition could be attached to ensure adequate mitigation is put in place to safeguard the residential amenity of the nearby residential properties.

Relevant planning matters raised by the Community Council

1. *Lack of information on how the generated power will reach the National Grid* – this does not form part of the planning application and therefore does not need to be considered;
2. *Access to the site* – this issue has been dealt with above in the ‘traffic’ section;
3. *Loss of trees* – this issue has been dealt with in the ‘impact on trees’ section above;
4. *Lack of information relating to security of the building* – the issue of security is not a material planning consideration;
5. *The location of the ‘temporary’ fish pass* – the plans have been updated after consultation with SEPA and SNH to remove the temporary fish pass;
6. *Lack of information relating to timing of silt removal* – this information was not required as part of the Environmental Statement and will form part of the documentation of the CAR License which will be made to SEPA;
7. *Lack of information relating to noise levels during operation of the turbine* – this information was not required as part of the Environmental Statement and the Environmental Health team did not request any information in that regard.
8. *Storage of construction materials and equipment* – this information will be included within the Construction Management Plan and CAR License information;
9. *Inconsistencies in relation to habitat survey and drawing 901 Rev 2* – these have been duly updated;
10. *Issues relating to soil storage on site not being available* – the text has been amended; all soil will be removed from site rather than stored on-site;
11. *Timing of works taking account of species ‘calanders’* – this was raised by SEPA and SNH and the timing have to be agreed with them prior to any development taking place on site.

Relevant planning matters raised in written representations

1. *Noise* – this issue has been dealt with in the relevant section above.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposal has been accepted in principle within the Aberdeen Local Development Plan through its inclusion in the OP134 Opportunity Site allocation.

Although the proposal would include the removal of a number of trees which form part of TPO 80, this is considered necessary in order to permit development and would be mitigated against with the introduction of replacement planting in conformity with Aberdeen Local Development Plan Policy NE5 (Trees and Woodlands) and the Supplementary Guidance *Trees and Woodlands*.

The building and associated works are considered to be small-scale and would have limited impact on the surrounding landscaped area, in line with the requirements Scottish Planning Policy SPP and the Aberdeen Local Development Plan Policy D6 (Landscape).

In relation to ecology, although it is recognised that there would likely be some small-scale impact in the short term of the River Dee Special Area of Conservation (SAC), Local Nature Conservation Site (LNCS) and protected species such as Otter and Freshwater Pearl Mussel, the long-term benefits of the proposal would allow up-stream migration of fish which currently cannot pass the dam. The proposal also allows for an additional 73km of watercourse which provides the opportunity for colonisation of Freshwater Pearl habitats further upstream. Lastly, the proposals provide the opportunity for Otters to forage further upstream. It is considered that the development is acceptable with regards to the provisions of ALDP Policy NE8 (Natural Heritage) and the objectives of SPP in relation to natural heritage.

Bringing this development on stream would also help with the Government's aspirations in relation to renewable energy given that excess electricity would be fed back into the National Grid, which goes some way to meeting the requirements of SPP and Structure Plan objectives relating to climate change and renewable energy.

CONDITIONS

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

1. that prior to any work commencing on site, details of a traffic management plan shall be submitted for the further written approval of the Planning Authority. The plan shall include, but will not be restricted to, details of a 'banksman' and restricting the times of access to the site and after approval the plan shall be implemented in full once work commences on site - in the interests of road safety
2. 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.
3. that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing

- for the purpose by the planning authority - in the interests of the amenity of the area.
4. that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.
 5. that no part of the development hereby approved shall come into use unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.
 6. 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.
 7. that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.
 8. that no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.
 9. that no development shall take place on site (including site preparation) unless the detailed design and fitting of the screen for the proposed hydro scheme have been submitted to, and approved in writing by the Planning Authority in consultation with SNH and SEPA and thereafter the scheme shall be implemented in full accordance with the approved plans - in order to prevent harm to salmon and otter of the River Dee Special Area of Conservation

10. that prior to the commencement of the development, a full site specific construction environmental management plan shall be submitted for the written approval of the planning authority and all construction work shall be carried out in accordance with the approved plan. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS. Such statement shall be implemented in full for the duration of works on the site and no construction work shall take place prior to the written approval of the said plan - in order to control pollution of air, land and water during the course of construction of the development.
11. that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.
12. that no development shall take place unless the mitigation measures as identified in the Environmental Statement have been implemented in their entirety - in the interests of safeguarding the fauna and habitats on-site.
13. that no development pursuant to this planning permission shall take place nor shall the development come into use 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 come into use unless the said measures have been implemented in full - in the interests of residential amenity.

INFORMATIVES

1. that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:
 - (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
 - (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
 - (c) at any time on Sundays,except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

CULTER COMMUNITY COUNCIL



3, Station Brae
Peterculter
Aberdeen
AB14 0PX

22nd February 2013

Mr Tommy Hart
Local Development Plan Team
Enterprise, Planning and Infrastructure, Aberdeen City Council
Business Hub 4, Ground Floor North
Marischal College,
Broad Street
Aberdeen
AB10 1AB

Dear Mr Hart,

Culter Burn. Construction of proposed hydro-electric power generation scheme, fish-pass and access road. Application Ref: P121787

We recognize that, in general, planning policies have been adhered to in this application. However, we would like to draw your attention to the following concerns about inaccuracies, omissions and incomplete information that require clarification before we could fully support this scheme.

Connection to National Grid

1 No indication is given of the method and structure by which the generated power will reach the National Grid. This information is essential, as the scheme will be built on bedrock within a constricted heavily wooded site. Routes of cables and any pylons must be indicated.

Access and Road Safety

2 During construction, access to the site from the A93 (North Deeside Road) will present significant difficulties and seriously compromise traffic flow and safety. The conclusion in the Environmental Impact Statement on p106 is highly questionable:

"No significant issues are likely in terms of accidents and safety, disruption and driver delay; fear, intimidation and pedestrian/cyclist amenity; or severance during the construction and operational phases of the proposed development."

3 The steeply sloping nature of the site means that no heavy construction equipment will be able to be on site until the access road has been created after the stated 3 months. There will be nowhere on site for storage of materials and equipment, or for safe parking of vehicles of any sort. The lay-by and parking area in front of Borsalino Restaurant is privately owned and maintained and is not to be used.

4 Initial construction will have to be carried out from the roadside. This means that there will be one-way traffic flow over the bridge for a considerable time.

5 Following the completion of the access road, safety issues persist. The junction of the access road with the A93 is adjacent to a narrow bridge near a significant bend. Any lorry entering or leaving the site will need to swing right across both sides of the A93. A planning and contractual condition must be that no deliveries can be made during commuting hours.

6 The proposal also states that construction traffic will use Malcolm Road and the A93. The right turn at Malcolm Rd, towards the site, is difficult and dangerous in a car, let alone a 20 tonne truck. The return from the site back up Malcolm Rd is practically impossible in a lorry.

Inaccuracies and omissions in information provided

7 The photomontages in Appendix A do not match the *Tree Protection and Management Drawing PBD-1209-TP*. The photos are misleading, as they show a backdrop of trees behind the proposed access road, which is actually made up of the canopy of the trees that are being removed. The gable of 264 Clayhills Cottage will be significantly more exposed. Additionally, the large Cherry (No. 12) on the boundary of 264 Clayhills Cottages may suffer root damage and die. The Scots Pine (No. 25) is a central feature of the gorge and is to be removed, which would be detrimental to the visual impact of the gorge.

8 Additionally, there appears to be a contradiction to the proposed tree removal in Appendix B on p 4 of *An Extended Phase 1 & Protected Species Survey* where it states that "The developer has indicated that the design of the hydro scheme will not require any trees to be felled" with reference to loss of bat roosts.

9 The site *Sections Drawing No. 901 Rev 2* is titled "Temporary Access Road". Is there a separate plan for a permanent access road proposal? We also note that it has a gradient of 1: 4.13, which is very steep for heavy construction lorries. There also seems to be no adequate provision for turning of larger vehicles, nor any form of safety barrier at the foot of the access road above the river.

10 Table 10.1 (p 83 *Environmental Impact Statement*) "Construction Phase Pollution Mitigation Measures" appears to be a generic document with little or no reference to the particular problems of this restricted site, e.g. under movement and storage of soils it states "soil to be stored on site a minimum of 10m distance from the river edge." It is not clear where this soil could be stored.

Security

10 There is no reference to security of the installation after construction. Presumably it will not be possible to prevent the public from entering this area, without a significant fence all along the boundary wall on the A93.

Existing Structures

11 The existing concrete lade is unsightly. Although the pipe within it is being removed, it would provide a better environmental improvement to remove the lade completely, back as far as the bridge. The ground could then be naturally reclaimed as riverbank.

The Fish Pass

12 We understand that it is advisable for the fish pass to be located adjacent to the area of maximum flow, which in this case is beside the new Archimedes Screw and not beside the opposite bank. This should be considered in more detail.

Silt Removal

12 We understand that significant extensive silt removal will be required in the entire "lake" area above the dam to facilitate fish migration. Silt has been building up behind the dam since the mid-1980s. Previously, the silt was flushed out annually using the sluice gate in the centre of the dam. This gate was concreted up when the mill closed. The proposal states (p 85) that "a silt-management plan should be prepared for the operational phase of the works in accordance with the best practice advice given in the *SEPA (2010) Sediment Management Guide*". No indication is given as to how silt will be removed and how the entire area is accessed for that removal either during construction or particularly during operational use. We draw attention to the fact that the only time suitable for sediment removal appears to be in August and September (p 85).

However, the timing for silt removal of August/September would be a disaster for the downstream fisheries whose prime clients are fishing at this time until mid October with the prolific Autumn run in progress and fish 'filling up' the lower reaches and spawning areas. We are then into salmon spawning up to the end of November/ early December. Our local expert strongly recommends that any silt removal be timed such that spawning is past and before the spring runs start to build in late January. Brown trout in the systems upstream of the Dam are also spawning from October onwards but generally in higher, silt-free areas. The real 'window' of opportunity is right across the Christmas & New Year holiday period. This requires DSC and Fisheries confirmation and 'buy-in'. Commercially for developer, this timing is the most unattractive, with potentially low and difficult access, high water, bad weather, short days and long holidays.

13 A possible attractive low impact alternative would be in the salmon fishing 'low' season of April/ early May, but avoiding the smolt migration and build-up of the sea-trout run (again DSC & Fisheries input essential). There are likely to be lower water levels, easier access, longer working hours and fewer holidays. The coarse fish (pike, perch, minnows, sticklebacks and the like) and our resident toads, frogs, newts and lizards plus birds (especially waterfowl in this location – not mentioned in the impact assessment which was likely done outside nesting time) and mammals in and around the water courses spawn/ lay eggs/ have young at this time, so there will be collateral damage but probably less 'high profile' than any impact on the salmon and trout fishing.

Noise

We can find no details of noise levels during the operation of the turbine. This is of concern to local residents. Information regarding this should be provided. Environmental Health have made standard comments about noise during construction. We are concerned about the use of any blasting/vibration equipment on granite bedrock, which we have been advised can directly damage surrounding structures.

In summary, we are in support of this scheme with the reservations listed above. However, we remain extremely concerned for the long-term implications for the local development of Peterculter, particularly with reference to plans associated with this scheme, for further housing in the Green Belt.

Philippa Matthew

Chair and Planning Sub-Committee
Culter Community Council
Cc. Councillors Boulton, Malone and Malik

Rev2: Addition of detailed notes regarding timing of silt removal.

PI - Re: Culter Burn Hydro-Electric Power Scheme and Fish Pass

From: Philippa Matthew [REDACTED]
To: Tommy Hart <TomHart@aberdeencity.gov.uk>
Date: 22/02/2013 09:08
Subject: Re: Culter Burn Hydro-Electric Power Scheme and Fish Pass
Attachments: CCCcommentsHydroSchemeRev2.doc

Please find attached Revision 2 of the Culter Community Council response. Please delete the previous submission.

Many thanks
 Philippa

On 22 February 2013 08:54, Philippa Matthew [REDACTED] wrote:

Heaven preserve me from souls who don't check who they are replying to!
 On reflection, I will just cut and paste this into our response, as it is useful information for the development. I'll do that now and resubmit.
 Sorry about the confusion
 Philippa

On 22 February 2013 07:46, Tommy Hart <TomHart@aberdeencity.gov.uk> wrote:

Phillipa
 is this to be included in the CCC response? If so can you update and resubmit.
 Many thanks
 Tommy
 Tommy Hart
 Senior Planner (Development Management)

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

Direct Dial: 01224 523126 | Fax: 01224 523180 | Switchboard: 08456 08 09 10

Email: tomhart@aberdeencity.gov.uk | Website:

www.aberdeencity.gov.uk/planningapplications

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

By clicking on <http://www.aberdeencity.gov.uk/customerfeedback> selecting Development Management (Planning Applications Team) and filling out the online feedback form, you will be helping us learn what we need to do better.

>>> David Wakefield [REDACTED] 21/02/2013 17:11 >>>

Philippa,

Many thanks for this excellent response crafted after our meeting on Monday in collaboration with Judy.

My only comment is that the timing for silt removal of August/ September would be a disaster for the downstream fisheries whose prime clients are fishing at this time until mid October with the prolific

Autumn run in progress and fish 'filling up' the lower reaches and spawning areas. We are then into salmon spawning up to the end of November/ early December. I strongly recommend that any silt removal be timed such that spawning is past and before the spring runs start to build late January. Brown trout in the systems upstream of the Dam are also spawning from October onwards but generally in higher, silt-free areas. The real 'window' of opportunity is right across the Christmas & New Year holiday period but we must get DSC and Fisheries confirmation and 'buy-in' and of course commercially for developer the this timing is commercially most unattractive with potentially low and difficult access, high water, bad weather, short days and long holidays!

A possible attractive low impact alternative would be in the salmon fishing 'low' season of April/ early May but avoiding the smolt migration and build-up of the sea-trout run (again DSC & Fisheries input essential). We are likely to have lower water levels, easier access, longer working hours and fewer holidays! The coarse fish (pike, perch, minnows, sticklebacks and the like) and our resident toads, frogs, newts and lizards plus birds (especially waterfowl in this location – not mentioned in the impact assessment which was likely done outside nesting time) and mammals in and around the water courses spawn/ lay eggs/ have young at this time so there will be collateral damage but probably less 'high profile' than any impact on the posh 'big-bucks' earning denizens of our environment.

I salute your and Judy's consummate professionalism and analytical skills – we are indeed in 'safe' hands planning review wise for the moment.

David

From: Philippa Matthew [REDACTED]
Sent: 21 February 2013 09:32
To: Tommy Hart
Cc: Lavina Massie; Judy Dack; David Wakefield; Marie Boulton; Aileen Malone; mmalik@aberdeencity.gov.uk
Subject: Culter Burn Hydro-Electric Power Scheme and Fish Pass

Dear Tommy,

Please find attached comments from Culter Community Council.

Kind Regards

Philippa

Chair

Culter Community Council

[REDACTED]

PI - Planning Application Reference Number 121787

From: Natalie Croft [REDACTED]
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
Date: 21/02/2013 10:01
Subject: Planning Application Reference Number 121787
Attachments: SKMBT_C22013022110260.pdf

Dear Sirs

We refer to the above planning application and now enclose letter on behalf of our client for consideration. We note that comments are now closed however when we were originally advised by our client to review the planning application the planning section of your website was down and therefore we were unaware of the closing date for comments. We would there for be obliged if you would consider our clients comments in line with the above planning application.

Yours faithfully,

andersonbain LLP

Solicitors & Estate Agents



Registered Office:- 6, 8 & 10 Thistle Street, Aberdeen AB10 1XZ

3 Aberdeen 1 dx AB 36

pi@aberdeencity.gov.uk
Development Management
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen

Our Ref: AB10 1AB

Your Ref:

Date:

SB/NC

21 February 2013

Dear Sirs

Planning Application Reference Number: 121787

We refer to the above planning application and write on behalf of Mrs McAleese the owner of number 264 North Deeside Road, Peterculter. Our client would like it noted that she lives in close proximity to the proposed planning site and that she has not received any information on the level of noise the hydro pass will create and is concerned that this will have an effect on the personal enjoyment of her property.

We would therefore like to note our client's objection until further information can be provided on the decibel measurements of the proposed development.

Yours faithfully

STUART M. BAIN
Partner & Member
andersonbain LLP
Email -

Members:
Peter D. Anderson
Stuart M. Bain
Robin J. Leith
Calum I. Bell
Kevin W. Rattray
Scott Allan



Property Managers:
Mary McDonald
Audrey Pope
Cara Campbell
Morag Reaper
Leasing Manager:
Colin Pope

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Planning Development Management Committee

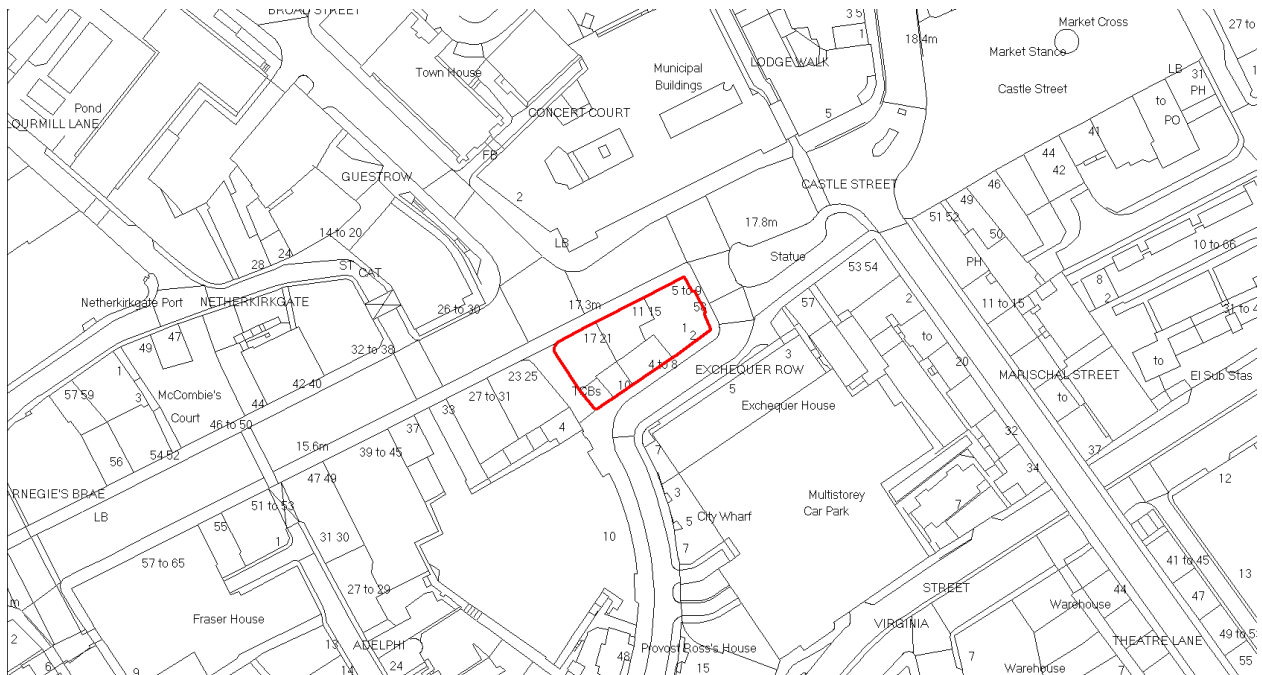
15 UNION STREET, ABERDEEN

CHANGE OF USE/CONVERSION OF FIRST TO FOURTH FLOORS TO FORM 45 SERVICED APARTMENTS, REPLACEMENT WINDOWS AND ASSOCIATED DORMER WINDOWS AND ROOF LIGHTS

For: Marketn Ltd

Application Type : Detailed Planning Permission
Application Ref. : P131611
Application Date: 14/11/2013
Officer: Gavin Clark
Ward : George Street/Harbour (A May/J Morrison/N Morrison)

Advert :
Advertised on:
Committee Date: 16 January 2014
Community Council : No response received



RECOMMENDATION:

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has made payment to the Council to secure the identified developer contributions towards car club membership.

DESCRIPTION

The site is located at the eastern extremity of Union Street opposite the Town House. 15 Union Street forms part of a 5 storey terrace of buildings, designed by the renowned local architect Archibald Simpson and erected over time to create a unified whole named the Union Buildings, of which the most celebrated section was the Athenaeum. In 1973 a serious fire resulted in the loss of the roof and most of the interior. As a result, most of the interior is relatively new, although some original timber floors on the west end of the building are reported to remain, whilst the mansard roof is totally new. The previous roof had a shallow pitch and would have been largely unseen from ground level. The building was originally listed as Category A, but was re-classified by Historic Scotland in 2007 to Category B. The site is located within the Union Street Conservation Area.

The upper floors of the building are currently vacant, although work is currently under way in relation to the internal fit out and replacement windows/ dormers. On the ground floor are two public houses, "The Athenaeum" facing onto Union Street and "Henry's Bar" facing Exchequer Row. There are also two shop units (one presently vacant) facing onto Union Street. In the basement is a licensed entertainment venue/night club known as "Snafu".

RELEVANT HISTORY

An application seeking planning permission (Ref: 130946) for the change of use/ conversion of the first to fourth floors to form 40 serviced apartments and replacement windows and associated dormer windows and rooflights was approved by the Planning Development Management Committee on the 26th September 2013. The current application seeks an amendment to this application to allow provision for 45 no. serviced apartments.

An application seeking planning permission (Ref: A8/1173) for the conversion of all of the upper floors of the building to form 41 flats was lodged with the Council in July 2008. The proposal was subsequently amended to delete the proposed first floor flats, reducing the number to 30 flats. The application was considered by the Planning Committee on 18 June 2009 when it was resolved *"to approve the application, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into appropriate arrangements with the City Council for making the planning gain contribution negotiated between the two parties and for the provision of affordable housing"*. This application was formally withdrawn in September 2013.

An application seeking listed building consent (Ref: A8/1172) for the conversion works to the second, third and fourth floors of the building was also lodged with the Council in July 2008. This application was approved conditionally on 1st July 2011. This proposal is currently being implemented.

An application seeking planning permission (Ref: P101518) for the change of use and conversion of the first floor of the building from office use to form 11 residential flats was withdrawn by the applicant on 3rd May 2011 prior to the application being determined.

An application seeking listed building consent (Ref: P101521) for alterations to form 11 flats at the first floor level was approved under delegated powers on the 30th June 2011.

PROPOSAL

The proposal seeks detailed planning permission for the change of use/ conversion of the first to fourth floors to form 45 serviced apartments, replacement windows and associated dormer windows/ roof lights, much of this work is currently being implemented under a previous permission.

The proposal is for serviced apartments, which the applicant has advised will be operated in association with the Aberdeen Douglas Hotel, which is located nearby on Market Street. The application is not for residential flats as has previously been applied for, or as mentioned in the letters of representation.

The apartments are to be laid out over the first to fourth floors. The first floor will accommodate 11 apartments, two of which are to have two bedrooms. The second floor will have 13 one bed roomed apartments, the third floor 12 one bed roomed apartments and the fourth floor 9 one bed roomed apartments.

The existing windows are currently being replaced, except for the curved window on the corner of Union Street and Ship Row and the large double height windows on the east elevation, which is to be retained. The other existing windows are to be replaced with timber sash and case double glazed units, with the frames to be of a matching profile. In addition, two new dormers and 3 conservation style roof windows (behind the existing pediment) will be located on the Union Street elevation, a new conservation style roof window (behind the existing pediment) will be located on the Ship Row elevation and two new conservation style roof windows will be located behind the existing pediment on the Castle Street elevation. These alterations have previously been granted Listed Building Consent (Ref: A8/1172) and Detailed Planning Permission (Ref 130946). These works are currently underway, with many of the alterations, including the installation of dormer windows already taking place.

In terms of refuse, bin storage is to be located to the rear of the property, on Exchequer Row.

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?131045>

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 as 7 letters of representation have been received. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – note that the applicant plans to change the use of the existing premise to a 45 room serviced apartment.

Normally the applicant would be required to provide 28 parking spaces. No off-street parking is proposed as part of the development. However, they note that the surrounding area is subject to a controlled parking zone, and this will act to discourage indiscriminate parking. Furthermore the proposed development has adequate accessibility to public transport. They have also confirmed that no part of the development will be eligible for a parking permit.

I note that the applicant has provided two long stay cycles parking for this proposed development. They have considered this number acceptable, given that there is little room to accommodate further cycle parking on either the ground or basement level. A condition will be inserted to ensure this is implemented.

They have also noted that sustainable transport measures in Travel Plan include car club discussions. I would advise that the developer should instigate discussions with the car club and relevant officers within the council. These discussions took place with both the previous application, and the amended proposal, with appropriate contributions agreed and paid prior to implementation.

In conclusion, they have no objection to the proposal, subject to appropriate conditions.

Environmental Health – have no objection to the proposal, provided the same conditions are inserted to those of Planning Application Ref: 130946). A more detailed assessment of their response is contained within this report.

Developer Contributions Team – no further contributions are required, as there is to be no increase in floor area.

Enterprise, Planning & Infrastructure (Flooding) - no observations

Community Council – no response received.

REPRESENTATIONS

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

1. The amenity of the residents of the application subjects would be significantly impacted upon by noise emitting from the bar and nightclub – and the applicants are unable to protect the residents of the application subjects from noise emitting from the ground and basement premises;
2. Noise measurements contained in the Noise Assessment will have to be reviewed by Environmental Health – but Section 4.14 advises that music from the nightclub is clearly audible on the first floor, reaching up to 69.9dB in some places. Section 4.15 refers to it being approximately 38dB above the inaudibility criteria; Difficult to achieve the noise levels set out in the submitted Noise Assessment;
3. Due to the shared access from the fire door of the nightclub into the central stairwell of the building the application fails to comply with the Supplementary Guidance on Harmony of Uses;
4. The proposal conflicts with the presumption in favour of retaining and developing commercial uses within the City Centre Business Zone;
5. Given the present demand for city centre office space, the applicant has not justified the need to depart from the current permitted use of the upper floor of the building as office premises;
6. The applicants are unable to carry out the proposals and recommendations in their noise assessment, as they do not own, or have rights of access over much of the property required to mitigate against noise;
7. Conflicting land use within the building is likely to result in future complaints to Environmental Health;
8. The proposed development will generate additional traffic in an area with very little parking, or stopping off, and will cause a hazard to road users through vehicles parking nearby the premises;
9. The proposed development does not include any car parking provision, and will therefore lead to additional pressure on car parking in the surrounding streets;
10. Noise measurements contained in the Noise Assessment will have to be reviewed by Environmental Health – but Section 4.14 advises that music from the nightclub is clearly audible on the first floor, reaching up to 69.9dB in some places. Section 4.15 refers to it being approximately 38dB above the inaudibility criteria; it is therefore difficult to achieve the noise levels set out in the submitted Noise Assessment;
11. Potential damage to businesses on ground and basement floors;

12. The proposed application will not secure residential amenity, and the application fails to comply with the Supplementary Guidance on Harmony of Uses;
13. The noise report submitted with the application relates to a different development/ layout;
14. The applicant has erected a wall on the ground floor which has since been removed, however the noise assessment which makes reference to the wall, or future requirement for a wall, should be reviewed in this context;
15. The current ground floor layout does not correspond with the layout plans submitted with the application; and
16. The Council is currently consulting on draft Supplementary Guidance for Serviced Apartments; the application is therefore premature until such a time as the guidance is in place.

PLANNING POLICY

National Planning Guidance

Scottish Planning Policy: Paragraph 33 states that “*the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places*”

Paragraph 80 states that “*Planning Authorities should promote the efficient use of land and buildings, directing developments towards sites within existing settlements where possible to make effective use of existing infrastructure and service capacity and to reduce energy consumption*”.

Paragraph 111 states that “*in most cases, the historic environment can accommodate change which is informed and sensitively managed, and can be adapted to accommodate new uses whilst retaining its special character*” and “*the aim should be to find an economic use that is viable over the long-term with minimal impact on its special architectural and historic interest of the building or area*”. Paragraph 113 advises that “*change to a listed building should be managed to protect its special interest whilst enabling it to remain in active use*”.

Scottish Historic Environment Policy (SHEP): Paragraph 3.48 advises that “*where a proposal involves alteration or adaption which will sustain or enhance the beneficial use of the building and does not adversely affect the special interest of the building, consent should normally be granted*”.

Aberdeen Local Development Plan

Policy C2: City Centre Business Zone and Union Street: states proposals to use basement and upper floor levels for retail, residential and other appropriate purposes will be encouraged in principle.

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 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.

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 arrangements for monitoring, enforcement and review.

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 addressing that contribution.

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.

Policy D5: Built Heritage: states that proposals affecting Listed Buildings or Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

Supplementary Guidance

Infrastructure and Developer Contributions Manual

Transport and Accessibility

Harmony of Uses

Technical Advice Note: The Repair and Replacement of Windows and Doors

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 forms part of the Union Buildings and is located within the City Centre Business Zone. Policy C2 “City Centre Business Zone and Union Street” states that proposals to use basement and upper floor levels for retail, residential, and other appropriate purposes will be encouraged in principle. This is on the basis that any proposal provides an appropriate level of amenity to such developments.

The proposal is for serviced apartments, which the applicant has advised will be operated in association with the Aberdeen Douglas Hotel. The application is not for residential flats as has previously been applied for or and the use of serviced apartments has already been supported under application Ref: 130946.

The proposal is considered to be compliant with the uses in the surrounding area and would bring a redundant building back into use. It is considered that the an acceptable level of amenity can be achieved, as indicated in the submitted noise assessment, furthermore, a condition ensuring that an acceptable level of amenity could be met is recommended. The proposal is therefore considered to be compliant with this section of policy.

Design:

As had previously been mentioned the proposal includes a number of alterations including the replacement of a number of windows and doors, as well as the inclusion of additional dormers and roof windows. These alterations have previously been the subject to an application for listed building consent and detailed planning permission on all four floors (Ref: 101521, 130946 and A8/1172) and are presently being implemented. The design, materials and style are acceptable. Subsequently, the proposal is considered to accord with Policy D1 “Architecture and Placemaking” and the relevant Technical Advice Note: The Repair and Replacement of Windows and Doors.

Noise:

As was detailed in the previous submission, the applicants have submitted an amended noise assessment along with the application. A previous application associated with the site (Ref: A8/1173) recommended that the first floor be used as a buffer zone with no flats to be built. The current application recommends mitigation measures to allow permission for the first floor of the property to be used as serviced apartments.

Noise measurements were undertaken on the 23rd and 31st May 2013, measurements were made throughout the first to fourth floors when the club was operational. The report noted that noise from the club increased after midnight.

Access to the club and to the Athenaeum was not granted, so a level difference could not be established.

The report concluded that, following an upgrade in the Snafu sound system noise levels have increased by about 8dB on the first floor since the previous noise assessment in 2009. Noise levels on the 2nd to 4th floors have remained at similar levels.

The report has recommended that the current 6mm sash glazing is to be kept and a secondary 4mm sash with a 100mm air gap is to be added. The proposed system, according to relevant guidance, will provide an adequate sound reduction, and thus the internal noise levels should meet the Council's requirements.

It is noted that it is imperative that improvements are made to the Snafu fire door and fire escape route. The report recommends that the existing fire door is upgraded and the fire escape is partitioned off such that the access to the serviced apartments above is in a separate part of the building. The applicants have submitted amended plans which show that the fire door to Snafu will be partitioned off, which will help minimise potential noise from the basement floor. A further recommendation is to provide absorptive material to the central staircase to minimise noise transmission.

A "box in box" construction is recommended on all floors and based on a jack up floor system. The report advises that this system is capable of achieving the "inaudibility" criteria for all floors, should it be installed, for all floors assuming a 1" floating floor air gap is adopted in line with recommendation.

Some of the submitted letters of representation made comment with regards to possible noise complaints arising from any future residents. The Council's Supplementary Guidance on Harmony of Uses acknowledges that liquor licence premises (three of the properties below are bars) can cause conflict between different uses, which may give cause for concern. Noise nuisance can arise from both within and out with liquor licence premises and may be generated by playing music from sound systems and juke boxes, deliveries and ground of people etc.

The greatest potential impact on amenity in the area is presently created by the nightclub in the basement although there is also noisy activity such as karaoke nights in the café/ bars on the ground floor, and this could potentially be intensified. Whilst it is fortunate that the noisiest activity is in the basement and, therefore, furthest away from the proposed serviced apartments, the licensed premises on the ground floor could potentially be a source of nuisance for any apartments on the first floor immediately above.

Notwithstanding the above, the proposal has been assessed fully by the Council's Environmental Health Officers, who are satisfied that "box within a box" construction method and the recommended measures identified in the noise impact assessment will lessen the predicted noise levels to an acceptable extent.

A further noise assessment would be undertaken prior to habitation of the building to ensure that the inaudibility as described within the Noise Impact

Assessment had been met. The proposal is therefore considered to comply with the Supplementary Planning Guidance Note.

Roads/ Car Club Membership:

Policy T2 of the ALDP states that new developments will need to demonstrate that sufficient measures have been undertaken to minimise traffic generated. In this respect a Travel Plan was submitted with the application.

The submitted Travel Plan has advised that the site is well served by bus routes, rail routes and an NCP pay and display car park, in which the applicant has agreed reduced rates for potential occupants. Information would be provided to all occupants.

The document concluded that the location is within the City Centre, close by the existing public transport and rail network, and that the development is located close to various pay and display car parks in the city, should occupants travel to Aberdeen or hire a car during the day.

The applicant has also agreed to enter into an agreement to provide car club memberships. A proportion of this was paid and agreed in association with the previous permission. Agreement has also been reached over a figure for the additional five apartments, which will be paid prior to issuing the planning consent. This will provide occupiers of the apartments with memberships and vouchers to allow access to vehicles located throughout the city. The applicant, as part of the required payment, will also provide partial funding for a new car to be located on Marischal Street.

In terms of cycle parking, provision for two cycles would be provided within the curtilage of the property and refuse detailing has been adequately dealt with, the proposal is therefore considered to accord with Policies T2 and D3 of the Aberdeen Local Development Plan and the relevant Supplementary Guidance on Transport and Accessibility.

Developer Contributions:

The Council's Supplementary Guidance in relation to Infrastructure and Developer Contributions and Policy I1 of the ALDP states that development should be supported by the infrastructure and developer contributions necessary to support the proposed development.

Payment has previously been made, and as there is no increase in overall floor area no further contributions will be required. The proposal is considered to accord with Policy I1 of the Aberdeen Local Development Plan and it related Supplementary Planning Guidance on Infrastructure and Developer Contributions Manual.

Letters of Representation:

Twelve letters of representation have been received, which addressed a number of issues including noise, residential amenity and traffic impact. These issues are summarised and addressed as follows:

1. The amenity of the residents of the application subjects would be significantly impacted upon by noise emitting from the bar and nightclub – and the applicants are unable to protect the residents of the application subjects from noise emitting from the ground and basement premises.
2. Noise measurements contained in the Noise Assessment will have to be reviewed by Environmental Health – but Section 4.14 advises that music from the nightclub is clearly audible on the first floor, reaching up to 69.9dB in some places. Section 4.15 refers to it being approximately 38dB above the inaudibility criteria; Difficult to achieve the noise levels set out in the submitted Noise Assessment.

Response: The proposal has been assessed by the colleagues in Environmental Health, who have advised their satisfaction with the findings of the submitted Noise Impact Assessment. They feel that an acceptable level amenity can be achieved for the users of the serviced apartments. A condition to the consent ensuring construction in accordance with the submitted assessment is recommended. In addition, a further assessment will be requested on completion of the works to ensure construction in accordance with the findings, and to ensure an acceptable level of amenity can be provided.

3. Due to the shared access from the fire door of the nightclub into the central stairwell of the building the application fails to comply with the Supplementary Guidance on Harmony of Uses.

Response: The submitted noise assessment highlighted the fire escape/ central stairwell as a major noise constraint. As a result the applicants have submitted a drawing showing the fire escape partitioned off from the reception area of the building. As a result the proposal is considered acceptable.

4. The proposal conflicts with the presumption in favour of retaining and developing commercial uses within the City Centre Business Zone;
5. Given the present demand for city centre office space, the applicant has not justified the need to depart from the current permitted use of the upper floor of the building as office premises.

Response: Policy C2 “City Centre Business Zone and Union Street” states that proposals to use basement and upper floor levels for retail, residential and other appropriate purposes will be encouraged in principle.

6. The applicants are unable to carry out the proposals and recommendations in their noise assessment, as they do not own, or have rights of access over much of the property required to mitigate against noise”

Response: Issues in relation to land / property ownership and rights of access are a legal matter between the owners of the properties. This is not a material planning consideration. Notwithstanding, co-operation may be required between other owners in relation to measures identified in the noise assessment, in order to comply with the recommended conditions and thus to permit the occupation of the development.

7. The application relates to Floors 1-4. A previous application (A8/1173) for floors 1-4 was submitted in 2008, and although this was not granted the Council made it clear that consent would not be approved on the first floor. The Noise Assessment states that in relation to the first floor, even if mitigation measures were all achieved "it is difficult to say whether the appropriate noise criteria could be met

Response: The above application was submitted by another applicant. A further noise assessment has been submitted, which has concluded that satisfactory noise levels can be achieved.

8. Conflicting land use within the building is likely to result in future complaints to Environmental Health

Response: Whilst complaints could be received from occupiers of the serviced apartments, Environmental Health are satisfied with the findings of the Noise Assessment, and have requested the submission of a further noise assessment upon completion of the works on site.

9. The proposed development will generate additional traffic in an area with very little parking, or stopping off, and will cause a hazard to road users through vehicles parking nearby the premises

10. The proposed development does not include any car parking provision, and will therefore lead to additional pressure on car parking in the surrounding streets;

Response: The proposal has been assessed by colleagues in the Roads Projects Team, who have raised no objections to the proposal. In addition, cycle parking facilities will be provided within the properties, and membership of a car club has been agreed with the applicants. These matters are likely to lessen any impact on the transport network.

11. Shared access to the fire door at street level with the nightclub within the basement. Due to this shared access from the fire door of the nightclub into the central stairwell of the building the application fails to comply with the Supplementary Guidance on Harmony of Uses"

The applicant has indicated sole ownership of this area, and has submitted an amended ground floor plan, which shows an additional access into the basement level, which will allow access in the event of a fire, and will also help minimise any potential noise impacts, the proposal is therefore considered to accord with the Supplementary Guidance.

12. Potential damage to businesses on ground and basement floors

Response: The proposal will be subject to a further noise assessment, which will ensure that any impact on the public house/ nightclub would be minimal.

13. The noise report submitted with the application relates to a different development/ layout;

Response: This issue has now been resolved, and an amended Noise Report has been submitted.

14. The applicant has erected a wall on the ground floor which has since been removed, however the noise assessment which makes reference to the wall, or future requirement for a wall, should be reviewed in this context;

Response: Works on site will have to be carried out in accordance with the submitted plans. The noise assessment and plans submitted appear to accord.

15. The current ground floor layout does not correspond with the layout plans submitted with the application; and

Response: The floor plans are acceptable.

16. The Council is currently consulting on draft Supplementary Guidance for Serviced Apartments; the application is therefore premature until such a time as the guidance is in place.

Response: At present the above SPG is in its draft stage. The principle of serviced apartments has already been established on this site. It is not considered premature to grant an additional five serviced apartments on this site.

Other Material Planning Considerations:

The proposal is also considered to accord with the principles set out in both Scottish Planning Policy, and Scottish Historic Environment Policy (SHEP). The proposals are considered to be appropriate given the central location of the site and its relationship with surrounding uses. The current proposals would also see the upper floors of a prominent building on Union Street being brought back into use, and in turn help enhance the listed building. As a result of the above, the proposal is also considered to be in accordance with SHEP. There are no other material planning considerations which would warrant refusal of planning permission.

Conclusion:

In conclusion, although it is acknowledged that it would be challenging to achieve a reasonable level of amenity within the serviced apartments, the submitted noise assessment, along with comments from Environmental Health have indicated that there is a technical solution to ensure the required levels can be achieved.

The recommendation is, therefore, to approve the application, subject to conditions, with the consent document being withheld until the developer contribution in relation to core paths and car club memberships have been met.

RECOMMENDATION

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has made payment to the Council to secure the identified developer contributions towards car club membership.

REASONS FOR RECOMMENDATION

The proposal is considered to be an acceptable form of development that would bring an unused building back into use. The principle of development has already been established via previous permission 130946. Following the submission of the Noise Assessment, it is considered that an acceptable level of amenity would be provided to the proposed users and Environmental Health Officers are satisfied with these findings. This can be controlled via planning condition. The bringing back into full use of redundant or underused floor space in the upper floors will help to ensure the long term commercial viability of the building. Subject to agreements with regards to car club membership the Council's Roads Projects Team has no objection to the proposed development.

The proposal is therefore considered to accord with Scottish Planning Policy (SPP), Scottish Historic Environment Policy (SHEP), Policies C2 "City Centre Business Zone and Union Street", Policy I1 "Infrastructure Delivery and Developer Contributions", Policy T2 "Managing the Transport Impact of Development", D1 "Architecture and Placemaking", D3 "Sustainable and Active Travel" and D5 "Built Heritage. The proposal is also considered to accord with the relevant Supplementary Planning Guidance. There are no material planning considerations which would warrant refusal of planning permission.

CONDITIONS

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

(1) That the serviced apartments hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on drawing no. L(20)051B have been provided - in the interests of encouraging more sustainable modes of travel.

(2) That the serviced apartments hereby granted planning permission shall not be occupied unless a noise assessment is carried to confirm the effectiveness of the works and that the predicted sound reduction levels detailed in the Bureau Veritas noise assessment dated 26 June 2013 have been achieved and the assessment has been submitted to, and agreed in writing by the Planning Authority, in consultation with the Environmental Health Service - in order to preserve the amenity of the occupiers of the serviced apartments.

(3) The property, inclusive of the serviced apartments and building access, shall be constructed in accordance with the recommended design described in the Bureau Veritas noise assessment dated 26 June 2013, or in accordance with an

equivalent scheme to meet or specified noise reduction levels and 'inaudibility' criteria as may be agreed in writing by the Planning Authority - in the interests of residential amenity.

(4) That the serviced apartments hereby granted planning permission shall not be occupied unless details of a mechanical ventilation system drawing air from the roof of the building shall be provided for the apartments fronting Union Street to minimise exposure to potential exceedances of the national Air Quality Objectives has been submitted to, and agreed in writing by the Planning Authority, in consultation with the Environmental Health Service - in order to preserve the amenity of the occupiers of the serviced apartments.

(5) That following the first 6 months of the approved development being brought into use, details shall be submitted to the Planning Authority highlighting how the issues identified in the submitted Travel Plan have been achieved - in order to encourage more sustainable forms of travel to the development.

(6) Not any one of the serviced apartments hereby approved shall be occupied for a period in excess of 90 days in any one calendar year by any one family, individual or group. - The development has insufficient amenity space for permanent occupancy as a residential unit and no parking provision, and has not been assessed as residential development. It is therefore considered expedient to control occupancy.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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PLANNING APPLICATION REFERENCE: 131611

CHANGE OF USE/CONVERSION OF FIRST TO FOURTH FLOORS TO FORM 45 SERVICED APARTMENTS AND REPLACEMENT WINDOWS AND ASSOCIATED DORMER WINDOWS AND ROOF LIGHTS

at

UNION BUILDINGS, THE ATHENAEUM, 15 UNION STREET, ABERDEEN

We act for Gordon Investment Corporation Limited, owners of The Athenaeum Bar and the nightclub premises currently known as "Snafu", forming the basement and ground floor of the building known as Union Buildings, 1 – 15 Union Street, Aberdeen.

An application has been submitted by Keppie Design and Planning on behalf of Markten Limited for the change of use/conversion of the first to fourth floors to form 45 serviced apartments and replacement windows and associated dormer windows and roof lights at Union Buildings, The Athenaeum, 15 Union Street, Aberdeen.

This follows on from a previous application submitted in respect of the subjects under the Council's reference 130946, which we previously objected to, and which was ultimately approved by the Council.

Our clients **object** to the current application for all the reasons contained in our previous objection (a copy of which is annexed) together with the following additional reasons:

- The Noise Report submitted with the application relates to a different development / layout
- The applicant has erected a wall on the ground floor which has since been removed, however any noise assessment which makes reference to the wall, or a future requirement for a wall, should be reviewed in this context.
- The current ground floor layout does not correspond with the layout plans submitted with planning application reference 131611. Therefore, any proposed changes are not accurately represented in the planning application.
- The Council is currently consulting on draft Supplementary Guidance for Serviced Apartments running from 13 November to 11 December 2013. The Application is therefore premature until such time as this guidance is in place.

1 Noise Report

- 1.1 The main issue in relation to the application is the control of noise, primarily noise from the licensed premises on the ground floor and basement, and how this would impact on the amenity of occupiers of the serviced apartments.
- 1.2 The Applicants seek to provide comfort by submitting a Noise Impact Assessment prepared by Bureau Veritas.
- 1.3 The Noise Impact Assessment was prepared by Bureau Veritas in relation to a different development with a different layout. Therefore the value of the Noise Impact Assessment submitted with the application should be disregarded.

- 1.4 Without an up to date Noise Assessment based on the current application and layout, the applicants are unable to demonstrate that the occupiers of the application subjects will be protected from noise emanating from the ground and basement premises.

2 Noise Containment Works

- 2.1 The applicant has recently erected a wall on the ground floor of the building, seeking to provide separation between the bar and nightclub, and the stairwell leading to the proposed apartments.
- 2.2 Due to ownership issues, the applicant was not entitled to erect this wall, and our clients liaised with the applicant over its removal. It has since been removed. The applicant advised our client directly that they would remove the wall and replace it with double doors once they have secured planning consent.
- 2.3 As the wall has been removed, any noise assessment which makes reference to the wall, or a future requirement for a wall, should be reviewed in this context. Our client's concern is that this wall may be temporarily reinstated, given that the applicant has building warrant approval, and that any future noise assessment may be carried out with this wall in place, and therefore give a false measurement.
- 2.4 The application should not be approved on the basis of the potential existence of this temporary wall.
- 2.5 In the event that the application is approved, then any obligations in respect of noise should take account of the removal of this temporary wall.
- 2.6 Our client has concerns about the independence of a noise assessment instructed and paid for by the applicant, and the potential for lack of independence that arises from this. Our client feels it is important to have the noise assessment independently verified, or for an independent noise assessment to be carried out, at appropriate times of operating hours, to give a true reflection and accurate readings.

3 Supplementary Guidance on Serviced Apartments

- 3.1 On 12 November 2013 the Council's Enterprise, Strategic Planning and Infrastructure Committee approved a recommendation that the draft Serviced Apartments Supplementary Guidance be released for a four week consultation running from 13 November to 11 December 2013.
- 3.2 Given the Council is in the process of preparing and adopting Supplementary Guidance in respect of Serviced Apartments, it would appear premature to consider the current application prior to such supplementary guidance being adopted.

4 Conclusion

- 4.1 We reiterate the key issue here is that the application is likely to lead to conflicting land use within the building, increasing the likelihood of future complaints to environmental health.
- 4.2 Against the above background, and the lack of supporting noise reports in respect of the current application, we would therefore respectfully request that the current application is refused.

Ledingham Chalmers LLP

Agents for Gordons Inns Limited

04 December 2013

Annexations:-

1. Objection to Planning Application 130946 dated 07 August 2013

PLANNING APPLICATION REFERENCE: 130946

CHANGE OF USE/CONVERSION OF FIRST TO FOURTH FLOORS TO FORM 40 SERVICED APARTMENTS AND REPLACEMENT WINDOWS AND ASSOCIATED DORMER WINDOWS AND ROOF LIGHTS

at

UNION BUILDINGS, THE ATHENAEUM, 15 UNION STREET, ABERDEEN

We act for Gordon Inns Limited, owners The Athenaeum Bar and the nightclub premises currently known as "Snafu", forming the basement and ground floor of the building known as Union Buildings, 1 – 15 Union Street, Aberdeen.

Our clients object to the application which has been submitted by Keppie Design and Planning on behalf of Markten Limited for the change of use/conversion of the first to fourth floors to form 40 serviced apartments and replacement windows and associated dormer windows and roof lights at Union Buildings, The Athenaeum, 15 Union Street, Aberdeen for the following reasons:

- The amenity of residents of the application subjects would be significantly impacted upon by the noise emitting from the bar and nightclub.
- The proposal conflicts with the presumption in favour of retaining and developing commercial uses within the City Centre Business Zone.
- Due to the shared access from the fire door of the nightclub into the central stairwell of the building the application fails to comply with the Supplementary Guidance on Harmony of Uses
- The proposals in the application will not secure residential amenity, and the application fails to comply with the Supplementary Guidance on Harmony of Uses
- The applicants are unable to carry out the proposals and recommendations in their noise assessment, as they do not own, or have rights of access over much of the property required to mitigate against noise.
- The application is for Floors 1-4. A previous application (A8/1173) for floors 1-4 was submitted in 2008, and although this was not granted, the Council made it very clear that consent would not be approved on the first floor. The applicant's own noise assessment states that in relation to the first floor, even if mitigation measures were all achieved "it is difficult to say whether the appropriate noise criteria could be met".
- Conflicting land use within the building is likely to result in future complaints to environmental health.
- The proposed development will generate additional traffic in an area with very little parking, or stopping-off, and will cause a hazard to road users through vehicles parking nearby the premises.
- The proposed development does not include any car parking provision, and will therefore lead to additional pressure on car parking in the surrounding streets.

1 Background

- 1.1 The Union Buildings, of which the Athenaeum forms part, have operated as a bar and restaurant for over 200 years.
- 1.2 In 1973, the building was destroyed by fire, and reconstructed internally, retaining the original granite facade, but supported by a steel superstructure.
- 1.3 The building is therefore of "non-traditional" construction.
- 1.4 As such, noise emanates through the steel pillars and beams in the building in a way that it might not in a traditional granite and timber property.
- 1.5 The upper floors of the building have historically been used as office premises. Given the nature of the operating hours of a bar and nightclub, and the operating hours of an office, there has been little or no conflict in use arising out of the operations of the bar and nightclub.
- 1.6 Any change to permit serviced apartments – effectively residential accommodation – in the upper floors will result in a real and significant conflict in use, primarily through the noise generated from the bar and nightclub.
- 1.7 Despite the proposals in the application to mitigate against noise, our clients do not believe the applicant is capable of mitigating noise levels to the extent required to protect residential amenity within the building.

2 Noise

- 2.1 The applicants acknowledge in Clause 3.4 of the Supporting Planning Statement that the main issue in relation to the previous applications, and which also applies in respect of this application, is the control of noise, including noise from the licensed premises on the ground floor and basement.
- 2.2 Their view is that this is dealt with effectively in terms of the Noise Impact Assessment prepared by Bureau Veritas.
- 2.3 The applicants acknowledge that conversion to residential use is dependent on the appropriate levels of amenity being provided to the residents of such developments.
- 2.4 If the application was approved, and the upper floors converted to serviced apartments or residential accommodation, the amenity of those residents would be significantly impacted upon by the noise emitting from the bar and nightclub.
- 2.5 It is therefore our clients' view that the applicants are unable to protect the residents of the application subjects from the noise emitting from the ground and basement premises.

3 Harmony of Uses

- 3.1 The City Council's Supplementary Guidance on Harmony of Uses – Residential, Licensed Premises and Commercial Uses published in March 2012 is particularly relevant to this application. In the section headed "Liquor Licensed Premises" this acknowledges that there are potential conflicts between liquor licensed premises and housing in the city centre.

- 3.2 Within the City Centre Business Zone areas there is a presumption in favour of retaining and developing commercial uses. This is to avoid the potential conflict.
- 3.3 The SG also provides, under the heading "Living/ Working Above or Below a Business" that *"Living and/ or working above or below a business can prove to be a challenge as both possess potential conflicts between the appropriate and necessary functions of a thriving commercial area and residential uses. The challenge is to reduce any conflict to a minimum through careful siting and design of new residential properties and new licensed or noisy activities and premises and through the Local Development Plan to attract commercial and employment uses to contribute to the vitality of the City."*
- 3.4 Given the present demand for quality city centre office space, the applicant has not justified the need to depart from the current permitted use of the upper floors of the building as office premises.

4 Shared Access

- 4.1 The fire doors for the nightclub on the basement floor lead to the central stairwell of 15 Union Street.
- 4.2 The Supplementary Guidance on Harmony of Uses states that applications for residential conversions will be refused where there is a common or shared access with licensed premises or other use detrimental to residential amenity.
- 4.3 The restriction on shared access is not just due to the potential for interaction between users of the bar and nightclub, and residential dwellers, but for multiple reasons, including, as detailed in the next section, the potential for the transmission of noise.
- 4.4 It is clear from the applicant's Noise Assessment that the central staircase is a key transmitter of noise.
- 4.5 There is no discretion in the Supplementary guidance, and therefore the Council should follow the guidance and refuse the application.

5 Noise Assessment

- 5.1 The Supplementary Guidance on Harmony of Uses requires a Noise Impact Assessment to be prepared in respect of residential developments in the city centre.
- 5.2 It states that *"Proposals for new residential developments or conversion of existing premises to residential use will only be allowed in parts of the City Centre where a suitable residential amenity will be secured"*
- 5.3 Applications for residential conversions will be refused where (a) suitable residential amenity cannot be achieved or maintained, or (b) the proposed development is within the same built structure as a public house unless a noise assessment has been submitted by a suitably qualified consultant prior to determination of any planning application that demonstrates that adequate noise attenuation can be achieved.

- 5.4 The onus is therefore on the applicant to demonstrate that adequate noise attenuation can be achieved.
- 5.5 The noise assessment makes reference to the previous application reference A8/1173. This application was not granted, however it was clear that the Council was not prepared to consider the change of use of the first floor of the premises, and that this should create a "buffer zone" between the bar and nightclub, and any residential accommodation.
- 5.6 A draft condition which was proposed in respect of that application required the applicant to detail all measures necessary to ensure satisfactory noise attenuation for the building, dealing with noise emanating from...the nightclub and public house...which measures shall include...a "box within a box" internal construction within the residential flats..."
- 5.7 The Noise Assessment in respect of the current application looks at additional mitigation measures, in order to bring into residential use the first floor of the building.
- 5.8 However, the premise of the Noise Assessment (at 2.4) is that users of serviced apartments will be less likely to complain about noise than purchasers of residential dwellings.
- 5.9 The assessment of nuisance does not take account of whether the complainer is a tenant, short term occupier or owner. Also, despite the applicant referring to the use as serviced apartments, the premises may be used for long term residential accommodation.
- 5.10 Therefore, this assumption in the Noise Assessment that serviced apartment users are less likely to complain about noise should be given no weight.
- 5.11 The noise measurements contained in the Noise Assessment will have to be reviewed by the Council's environmental health team for their own comments. However, section 4.14 advises that music from the nightclub is clearly audible on the first floor, reaching up to 69.9dB in some places. Section 4.15 refers to is as being approximately 38dB above the inaudibility criteria.
- 5.12 Noise levels in the 2nd and 3rd floors also reach well in to the mid 50s dB, with the 4th floor close to 60 dB.

6 Compliance with Requirements of Noise Assessment

- 6.1 The Noise Assessment, at Section 5.3 acknowledges that it will prove to be very difficult to fully isolate the entertainment noise.
- 6.2 As it is clear that a significant amount of noise is transmitted from the bar and nightclub rather than the street, it is our view that the proposals in respect of glazing will do little to reduce the noise impact internally.
- 6.3 Section 5.9 of the Noise Assessment states that "it is imperative that improvements are made to the fire door and fire escape route" and recommends partitioning off the fire escape route.
- 6.4 However, this part of the property is not owned by the applicants, and is not within their control to carry out such works. Furthermore, given this is a fire escape, serving not only the nightclub but also the upper floor premises, the

proposals to partition off the fire escape may not comply with building regulations.

- 6.5 The Noise Assessment also proposes further noise reduction measures including replacement of the nightclub fire door, introduction of absorptive materials on the basement floor and fire escape area, and the blocking up of the store cupboard.
- 6.6 Additionally, it proposes isolating the speakers within the nightclub.
- 6.7 The applicants are unable to carry out the proposals and recommendations in their noise assessment, as they do not own, or have rights of access over such parts of the property required to mitigate against noise.
- 6.8 Section 5.10 of the Noise Assessment suggests that if these activities could be undertaken, it could reduce noise levels by up to 40 – 50 dB within the entrance foyer area. There is no suggestion, however, that this would reduce noise levels within other parts of the upper floors, where noise is transmitted directly through the structural walls and steel frame of the building.

7 Buffer Zone

- 7.1 Bureau Veritas, in their preparation of the Noise Assessment and recommendations advise at Section 5.14 that it was their recommendation to keep the first floor as a buffer zone. However they have been pressed into amending their position by the applicants, hence the unrealistic, and impossible to achieve, mitigation measures. Clearly, if these were considered effective, Bureau Veritas would not have made the statement they did in section 5.14.
- 7.2 Bureau Veritas go on to state that even if the applicants were to incorporate "box within a box" construction on the first floor, it is difficult to say whether the appropriate noise criteria could be met.
- 7.3 Given the high risk of future complaints to Environmental Health, and the uncertainty of the acceptability of even the most significant mitigation measure, (including several proposals relating to property not owned by the applicants), it is unlikely that appropriate conditions could be drafted in a way that would provide adequate protection to residential occupiers, or satisfy the planning authority or Environmental Health.
- 7.4 Therefore the application should be refused.

8 Additional Noise Comments

- 8.1 The noise assessment carried out by Bureau Veritas suggests that the nightclub has upgraded its sound system since 2008, resulting in higher readings when the assessment was undertaken in 2013 compared to 2008. Our clients have advised that the entertainment system has not been upgraded since 2008, and therefore if there has been any change in the noise readings over that time, we would question the accuracy of the previous, and most recent noise assessments.
- 8.2 There is no suggestion that the noise readings taken at the property reflect an accurate position as to the maximum noise output likely to be experienced. Assessments were only carried out on two dates (23rd and 31st May 2013).

Bureau Veritas advise that on 23rd May there was an "acoustic performance" within the bar. This may therefore not have been a typical level of noise, and does not necessarily reflect the maximum noise levels likely to be experienced. If noise levels are generated above that in the sample period of the noise assessment, then any mitigation based on these levels may not be sufficient to protect the residents.

- 8.3 The noise assessment gives the impression that the previous application (A8/1173) was approved by the Council. The application was not approved and no decision notice was issued. Therefore any reference to "conditions" attaching to the previous application are misleading.

9 Environmental Health

- 9.1 Any complaint in relation to noise by a future resident or occupier in the upper floors will result in the involvement of the local authority's environmental health team, who have a statutory duty to investigate.
- 9.2 The responsibility for noise rests with the emitter, and therefore, by permitting a conflicting land use, it is the owners of the bar and nightclub who are most likely to be prejudiced, through the service of a noise abatement notice.
- 9.3 The responsibility will then fall on the bar and nightclub to mitigate against noise, under threat of prosecution for breach of the noise abatement notice.
- 9.4 It is neither sensible nor in accordance with policy to permit such conflicting land use within the building, where it is so likely to result in complaints to environmental health.

10 Transport

- 10.1 Policy T2 of the LDP requires any development to demonstrate that sufficient measures have been taken to minimise the traffic generated.
- 10.2 The present application does not include a Transport Statement from the Applicants, and given the size of the proposed development, it is unlikely one will be required.
- 10.3 As a result, neither we, nor the Council are able to review a statistical analysis of additional traffic movements as a result of the proposed development.
- 10.4 The Travel Plan prepared by Cameron & Ross does not deal with the question of additional traffic generated.
- 10.5 Exchequer Row, to the rear of the premises, is a narrow cobbled street, lined on both sides by double yellow lines. Whether used as residential apartments, or letting apartments, the proposal would inevitably create additional pressure on the road network, to the detriment of vehicles on Exchequer Row.
- 10.6 The proposed development should therefore be refused on the grounds that the road network is not designed to cope with the additional traffic, dropping off and setting down that would result from the creation of 40 residential apartments.

11 Car Parking

- 11.1 Policy T2 also deals with Car Parking, stating that Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility.
- 11.2 The Council's Supplementary Guidance on Transport and Accessibility adopted in March 2012 provides "maximum" car parking requirements for city centre residential developments of 1.5 allocated spaces per dwelling (up to 3 bedrooms).
- 11.3 If the premises are to be treated as a hotel, then the Supplementary guidance provides for 0.6 spaces per bedroom.
- 11.4 Although these are given as "maximum" standards, these are designed to discourage car use. However, failure to provide car parking in line with these figures would lead to a significant overspill from the development into the neighbouring streets.
- 11.5 Within all zones where development proposals include parking provision that is less than the guidelines for that Zone, developers will be expected to provide suitable alternatives such as bus permits and membership to car clubs. The application proposes that the applicant, *"through the existing serviced apartments and Douglas Hotel, have agreed reduced rates with the NCP site. This will allow residents of the apartments to have reduced rates available should this be required"*. There is no evidence to suggest this is an agreed, long term arrangement, and given the commercial interests of the parties, is likely to be unsustainable, particularly in the event of either property changing hands.
- 11.6 In the absence of sufficient car parking spaces within the development, the application should be refused on the grounds of the impact on car parking in the surrounding streets.

12 Additional Comments

- 12.1 The Supporting Planning Statement submitted with the application gives the impression at Clauses 3.1 and 3.2 that the previous applications for the change of use to residential apartments (P101521 and A8/1172) were approved. Note these were listed building consents, and only considered the application from the perspective of the impact on the listed building, and did not consider the planning merits of the application.

13 Conclusion

- 13.1 Against the above background we would therefore respectfully request that the current application is refused.

Ledingham Chalmers LLP

Agents for Gordons Inns Limited

07 August 2013

P&SD Letters of Representation		
Application Number: 13/611		
RECEIVED - 5 DEC 2013		
Nor <input checked="" type="checkbox"/>	Sou <input type="checkbox"/>	MAp <input type="checkbox"/>
Case Officer Initials: GC		
Date Acknowledged: 09/12/13		

GAC

PI

From: webmaster@aberdeencity.gov.uk
Sent: 04 December 2013 15:21
To: PI
Subject: Planning Comment for 131611

Comment for Planning Application 131611
Name : Lindsey Pereira
Address : 7 Kelsey Crescent
Cherry Hinton
Cambridge
CB1 9XS

Telephone :
Email : [REDACTED]

type :
Comment :
I wish to object to planning application 131611 on the following grounds:

- • The Noise Report submitted with the application relates to a different development / layout
- • The applicant has erected a wall on the ground floor which has since been removed, however any noise assessment which makes reference to the wall, or a future requirement for a wall, should be reviewed in this context.
- • The current ground floor layout does not correspond with the layout plans submitted with planning application reference 131611. Therefore, any proposed changes are not accurately represented in the planning application.
- • The Council is currently consulting on draft Supplementary Guidance for Serviced Apartments running from 13 November to 11 December 2013. The Application is therefore premature until such time as this guidance is in place.
- • The applicants are unable to carry out the proposals and recommendations in their noise assessment, as they do not own, or have rights of access over much of the property required to mitigate against noise.
- • Conflicting land use within the building is likely to result in future complaints to environmental health.


GAC

PI

From: webmaster@aberdeencity.gov.uk
Sent: 04 December 2013 15:11
To: PI
Subject: Planning Comment for 131611

Comment for Planning Application 131611

Name : Tracy Gordon
Address : 8 Linnet Lane
Aigburth
Liverpool
L17 3BG

Telephone :
Email : 
type :

Comment :

I wish to object to planning application 131611 on the following grounds:

- • The Noise Report submitted with the application relates to a different development / layout
- • The applicant has erected a wall on the ground floor which has since been removed, however any noise assessment which makes reference to the wall, or a future requirement for a wall, should be reviewed in this context.
- • The current ground floor layout does not correspond with the layout plans submitted with planning application reference 131611. Therefore, any proposed changes are not accurately represented in the planning application.
- • The Council is currently consulting on draft Supplementary Guidance for Serviced Apartments running from 13 November to 11 December 2013. The Application is therefore premature until such time as this guidance is in place.
- • The applicants are unable to carry out the proposals and recommendations in their noise assessment, as they do not own, or have rights of access over much of the property required to mitigate against noise.
- • Conflicting land use within the building is likely to result in future complaints to environmental health.

GAC

PI

From: webmaster@aberdeencity.gov.uk
Sent: 04 December 2013 15:17
To: PI
Subject: Planning Comment for 131611

Comment for Planning Application 131611

Name : Patrick Pereira
Address : 7 Kelsey Crescent
Cherry Hinton
Cambridge
CB1 9XS

Telephone :

Email : 

type :

Comment :

I wish to object to planning application 131611 on the following grounds:

- • The Noise Report submitted with the application relates to a different development / layout
- • The applicant has erected a wall on the ground floor which has since been removed, however any noise assessment which makes reference to the wall, or a future requirement for a wall, should be reviewed in this context.
- • The current ground floor layout does not correspond with the layout plans submitted with planning application reference 131611. Therefore, any proposed changes are not accurately represented in the planning application.
- • The Council is currently consulting on draft Supplementary Guidance for Serviced Apartments running from 13 November to 11 December 2013. The Application is therefore premature until such time as this guidance is in place.
- • The applicants are unable to carry out the proposals and recommendations in their noise assessment, as they do not own, or have rights of access over much of the property required to mitigate against noise.
- • Conflicting land use within the building is likely to result in future complaints to environmental health.

GAC

PI

From: webmaster@aberdeencity.gov.uk
Sent: 06 December 2013 16:38
To: PI
Subject: Planning Comment for 131611

Comment for Planning Application 131611

Name : steve morris
Address : c/o Snafu nightclub
58 Castle Street
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : As per previous comments on previous applications regarding this re-development, my concerns are noise issues from my businesses (Snafu Nightclub and The Athenaeum Bar) on the basement level and ground level of the property.

The noise assessments carried out previously by Bureau Veritas state that:

the close proximity of the first floor to club Snafu and The Athenaeum Bar means that it will prove very difficult to fully isolate the entertainment noise.

Conflicting land use within the building is likely to result in future complaints to environmental health as the communal staircase on the ground level of the development acts as the main fire escape route from the basement nightclub premises.

Whilst I am all for some form of development within this building i must ensure all measures required with regards to the noise assessment are carried out effectively.

SAC

PI

From: webmaster@aberdeencity.gov.uk
Sent: 04 December 2013 14:34
To: PI
Subject: Planning Comment for 131611

Comment for Planning Application 131611

Name : Fraser Gordon
Address : 10 Cults Avenue
Aberdeen
AB15 9RS

Telephone :

Email : [REDACTED]

type :

Comment : I wish to object to planning application 131611 on the following grounds:

• The Noise Report submitted with the application relates to a different development / layout

• The applicant has erected a wall on the ground floor which has since been removed, however any noise assessment which makes reference to the wall, or a future requirement for a wall, should be reviewed in this context.

• The current ground floor layout does not correspond with the layout plans submitted with planning application reference 131611. Therefore, any proposed changes are not accurately represented in the planning application.

• The Council is currently consulting on draft Supplementary Guidance for Serviced Apartments running from 13 November to 11 December 2013. The Application is therefore premature until such time as this guidance is in place.

• The applicants are unable to carry out the proposals and recommendations in their noise assessment, as they do not own, or have rights of access over much of the property required to mitigate against noise.

• Conflicting land use within the building is likely to result in future complaints to environmental health.

GAZ

PI

From: webmaster@aberdeencity.gov.uk
Sent: 04 December 2013 14:43
To: PI
Subject: Planning Comment for 131611

Comment for Planning Application 131611

Name : Alastair Gordon
Address : 40 Springfield Road
Aberdeen
AB15 7RR

Telephone :

Email : [REDACTED]

type :

Comment : I wish to object to planning application 131611 on the following grounds:

• The Noise Report submitted with the application relates to a different development / layout

• The applicant has erected a wall on the ground floor which has since been removed, however any noise assessment which makes reference to the wall, or a future requirement for a wall, should be reviewed in this context.

• The current ground floor layout does not correspond with the layout plans submitted with planning application reference 131611. Therefore, any proposed changes are not accurately represented in the planning application.

• The Council is currently consulting on draft Supplementary Guidance for Serviced Apartments running from 13 November to 11 December 2013. The Application is therefore premature until such time as this guidance is in place.

• The applicants are unable to carry out the proposals and recommendations in their noise assessment, as they do not own, or have rights of access over much of the property required to mitigate against noise.

• Conflicting land use within the building is likely to result in future complaints to environmental health.

GAC

PI

From: webmaster@aberdeencity.gov.uk
Sent: 04 December 2013 15:04
To: PI
Subject: Planning Comment for 131611

Comment for Planning Application 131611

Name : Christine Gordon
Address : 40 Springfield Road
Aberdeen
AB15 7RR

Telephone :

Email : 

type :

Comment :

I wish to object to planning application 131611 on the following grounds:

• The Noise Report submitted with the application relates to a different development / layout

• The applicant has erected a wall on the ground floor which has since been removed, however any noise assessment which makes reference to the wall, or a future requirement for a wall, should be reviewed in this context.

• The current ground floor layout does not correspond with the layout plans submitted with planning application reference 131611. Therefore, any proposed changes are not accurately represented in the planning application.

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• The applicants are unable to carry out the proposals and recommendations in their noise assessment, as they do not own, or have rights of access over much of the property required to mitigate against noise.

• Conflicting land use within the building is likely to result in future complaints to environmental health.

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Planning Development Management Committee

SOUTH ESPLANADE WEST, ABERDEEN

APPROVAL OF MATTERS SPECIFIED IN CONDITION 2 (METHOD OF CONSTRUCTION, TREE PROTECTION, RE-SITING OF PLAY EQUIPMENT, LOW AND ZERO CARBON EQUIPMENT, GREEN TRAVEL PLAN AND MATERIALS & FINISHING) RELATING TO P100453 PLANNING PERMISSION IN PRINCIPLE.

For: Aberdeen Schools Rowing Association

Application Type : Approval of Conditions for Planning Permission in Principle

Application Ref. : P131121

Application Date: 30/07/2013

Officer: Gavin Evans

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

Advert : Can't notify neighbour(s)

Advertised on: 04/09/2013

Committee Date: 16 January 2014

Community Council : No response received



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site is located on the southern banks of the River Dee, just to the north of the Queen Elizabeth Bridge and the road junction of the A956. At present the site, which extends to around 1300sqm, comprises the existing Aberdeen Schools Rowing Association building and an area of open green space which includes items of play equipment from the public playpark to the north.

There are several rowing-related organisations located on this particular stretch of the river, with the Aberdeen Boat Club around 90m to the north, the Aberdeen University Boat Club boathouse to immediately to the south of the application site, and the Robert Gordon University boathouse around 30m to the south, immediately adjacent to the Queen Elizabeth Bridge. To the north of the application site is a grassed area of open space, incorporating trees and a children's playpark.

RELEVANT HISTORY

Planning Permission in Principle (PPiP) was granted for the construction of an extension to the boat club, along with an area of car parking an extended slipway, in November 2010, via application P100453. The extension would result in the creation of around 660sqm of new floorspace, incorporating additional boat bay and launch bay space at ground floor level and the creation of a gymnasium and ergo room within the upper floor.

PROPOSAL

This application seeks approval in relation to the matters specified in condition 2 of the Planning Permission in Principle. This condition states that the further approval of the planning authority will be required in relation to the following matters;

- Method of construction
- Tree protection measures
- Re-siting of play equipment to adjacent ground
- Incorporation of appropriate Low and Zero Carbon Generating Technologies
- Provision of a Green Travel Plan
- Details of materials and finishes

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?131121>

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 more than 5 representations were received by the planning authority. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection.

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) – No observations

Community Council – No response.

REPRESENTATIONS

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

1. Removal of green space and play park, understood to be green belt land
2. Removal of trees
3. Impact on wildlife
4. Existing parking problems would be exacerbated by the development
5. Traffic safety – additional traffic will lead to congestion, potentially resulting in accidents involving heavy goods vehicles
6. Building is not consistent with its surroundings, resulting in impact on a special area of conservation – *relates to habitat and species, not built environment*
7. No site notice was displayed – a requirement where development proposals may affect a conservation area.
8. Impact on residents' views
9. Loss of natural sunlight
10. Property devaluation
11. Noise and disturbance arising from construction and future use

PLANNING POLICY

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.

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.

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.

NE3: Urban Green Space

Permission will not be granted to use or redevelop any parks, playing fields, sports pitches, etc for uses other than recreation or sport unless alternative provision is made. Development will only be acceptable where there is no significant loss to the landscape character and amenity of the site and adjoining areas; public access is either maintained or enhanced; the site is of no significant wildlife or heritage value; there is no loss of established or mature trees; and any replacement green space is readily accessible and of an equivalent quality.

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.

Supplementary Guidance

The Council's published supplementary planning guidance on 'Transport & Accessibility' is of relevance. The Council's supplementary guidance in relation to Low and Zero Carbon Buildings sets out that the requirement for LZC generating technologies will not apply to the extension of existing buildings.

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.

Construction methodology

Whilst consultation with Scottish Natural Heritage at the Planning Permission in Principle stage had established that it was unlikely the works would have any significant effect on the River Dee Special Area of Conservation (SAC), it was deemed advisable to require the applicant to provide further information detailing what steps would be taken to minimise that risk. The information provided by the applicant sets out that a principal contractor will, on appointment, provide a final scheme to this effect, but for the purposes of addressing this condition, the applicants' submissions provide details of those matters which the principal contractor must include within such a scheme. These include measures to minimise discharge of silt; appropriate locations for concrete mixing and washing areas away from the watercourse; appropriate storage of oil, fuels and chemicals; appropriate waste management practices; and procedures in the event of any environmental incident. The submissions made are considered to be sufficient to demonstrate that appropriate consideration has been given to construction practices adjacent to the river, and as such the terms of the condition have been met.

Tree Protection

When the initial application for Planning Permission in Principle was considered, it was understood that the building would not necessitate the removal of any trees, however it has become apparent that a total of 4 trees must be removed to facilitate the extension to the ASRA boathouse. These include one larger mature specimen at the north-eastern corner of the site, immediately adjacent to the

road. That tree makes a notable contribution to the character of the area, however it is understood that its removal is necessary for the consent to be implemented. In mitigation for these tree removals, the applicant has committed to the planting of 2 new trees for every tree to be removed, equating to a total of 8 new trees across the remaining open space to the north. While the loss of existing trees is regrettable, this proposal would allow for the expansion of the existing sporting facility whilst retaining play equipment and significant tree cover on the adjoining open space, which remains of a meaningful size. Replacement planting is currently indicative, pending a detailed site survey, however the intention is that new specimens are sited as close as possible to the position of the trees removed. Any replacement specimens should be of an appropriate size and stage of maturity to provide mitigation so far as is possible for the loss of existing mature specimens.

Re-siting of play equipment

It is noted that Aberdeen City Council have partly relinquished a lease held on an area of ground adjacent to the existing boathouse, in order to allow for the extension to be built. Existing play equipment within that area would be re-sited elsewhere on the land retained by ACC, and a separate legal agreement between ACC and ASRA addresses this matter. It is understood that, during construction, contractors would look to site a temporary compound on the adjacent land. All works for the removal and re-siting of the equipment would be met by the applicant through that agreement, though it should be stressed that the agreement is a private agreement between the parties and not an agreement under section 75 of the planning act. The information supplied, however, is sufficient for the purposes of this application in demonstrating that measures have been taken to ensure that the existing play equipment will be provided in an alternative location in the adjoining area. A further condition, requiring works to be carried out in accordance with those submissions, or as otherwise deemed appropriate by the planning authority, will be necessary, however the terms of condition 2 part (iii) are considered to have been satisfied.

Low and Zero Carbon compliance

The applicants highlight that extensions to existing buildings are not obliged to meet the terms of ACC's supplementary guidance on Low and Zero Carbon Buildings. This is accepted, and it is considered that part (iv) of the condition has been satisfied.

Green Travel Plan

The details of a Green Travel Plan have been agreed with the Council's Roads Projects Team. This plan demonstrates measures to encourage car-sharing, promote more sustainable means of travel and reduce the transport impact of the development. The submitted Green Travel Plan is considered to be acceptable and to meet the intended aims of condition 2 part (v).

Details of materials / finishes

A schedule of materials provided in connection with condition 2 part (vi) sets out that profiled cladding in 'ocean blue' (walls) and 'goosewing grey' (roof) would be utilised, matching the finishes of the existing boathouse building. The extended building would be in three parts, with the eastern section being a mirror image of the existing boat house, with a linking section between formed in matching materials with a similar pitched roof. The submissions are considered to be

sufficient to demonstrate that the proposal would demonstrate due regard for its context, with the extension being entirely complementary to the existing building. Taking this into account, it is concluded that the proposal satisfies the terms of policy D1 (Architecture and Placemaking) of the ALDP and the terms of condition 2 part (vi).

Matters raised in representations

The application site is zoned as Urban Green Space in the Aberdeen Local Development Plan (ALDP). Within such areas, provision is made for development relating to recreational and sporting uses. Whilst an area of open space would be built upon, it is the case that a significant proportion of that open space would be retained. Consultation with the relevant statutory bodies has established that there is no significant risk of adverse impact on the qualifying interests of the River Dee Special Area of Conservation (SAC), namely populations of Atlantic salmon, otter and fresh-water pearl mussel that it supports. This was established at the PPIP stage and is not for consideration through this current application, which relates specifically to the matters specified in condition 2 of that previous approval.

Similarly, car parking, road safety matters, loss of daylight and disturbance arising from construction are matters which relate to the principle of the development, which has already been established and are not relevant to consideration of the current application.

The building has been designed to replicate the styling of the existing boat house, with the result that the extended building would appear as one entity rather than an original building and a visually distinct extension. This is considered to demonstrate due regard for its context, and as such the design of the extension is considered to be acceptable. Reference is made to the building being out of character with this Special Area of Conservation, however that designation applies to internationally important habitats or threatened species.

Reference is made in representations to a failure to display a notice on the site, however that is a requirement which applies to Conservation Areas. The current site does not lie within any designated Conservation Area. The loss of existing trees is acknowledged, and has been addressed in greater detail earlier in this report.

Summary

In summary, it is considered that this proposal demonstrates an appropriate construction methodology to minimise the potential for adverse impact on the River Dee Special Area of Conservation (SAC) and incorporates an appropriate indicative scheme for the re-siting of play equipment on the adjoining open space. Materials and finishes are consistent with those of the existing building, demonstrating due regard for context as required by policy D1 (Architecture and Placemaking) of the ALDP. The applicant has demonstrated that the Council's policy in relation to Low and Zero Carbon buildings does not apply to this proposal as it represents the extension of an existing building. An appropriate Green Travel Plan has been submitted, demonstrating measures to promote sustainable travel to the satisfaction of the Council's Roads Projects Team. Means of tree protection are acceptable and, whilst it is acknowledged that previously unforeseen tree removals will be necessary to implement the consent,

appropriate replacement planting has been secured in mitigation. On this basis, it is considered that the submitted materials satisfy the terms of condition 2 of the Planning Permission in Principle, and demonstrate sufficient accordance with policies T2 (Managing the Transport Impact of Development), D1 (Architecture and Placemaking), D3 (Sustainable Travel), NE1 (Green Space Network), NE5 (Trees and Woodlands) and the relevant 'Transport and Accessibility' supplementary guidance document. There is conflict with Policy NE3, which states that development on areas of Urban Green Space will be permitted only where there is no loss of established or mature trees, however the granting of Planning Permission in Principle has already established the siting of a building in this location, and this cannot be revisited in assessment of this proposal. On balance, the nature of the extended use and the replacement planting proposed are considered to warrant removal of the trees in question. Conditions are necessary in order to secure implementation of the approved details.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposal demonstrates an appropriate construction methodology to minimise potential for adverse impact on the River Dee Special Area of Conservation and incorporates an appropriate scheme for the re-siting of play equipment on the adjoining area of open space. Materials and finishes are consistent with those of the existing building, demonstrating due regard for the context of the development, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan (ALDP). Policy and guidance relating to the provision of Low and Zero Carbon generating technologies is not applicable to the extension of existing buildings. The submitted Green Travel Plan has been accepted by the Council's Roads Projects Team for the purposes of promoting sustainable travel. Whilst existing trees would be affected by the development, the principle of a building on this site has been previously established through the granting of Planning Permission in Principle. Mitigation is provided in the form of replacement planting at a rate of 2 new trees for each existing specimen to be lost, with new specimens to be of an appropriate size and stage of maturity. Appropriate means of protection are proposed for those existing trees to be retained. The proposal therefore demonstrates adequate regard for policies T2 (Managing the Transport Impact of Development), D1 (Architecture and Placemaking), D3 (Sustainable Travel), NE1 (Green Space Network), NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan (ALDP) and the associated 'Transport and Accessibility' supplementary guidance document.

CONDITIONS

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

(1) That development shall take place in accordance with the approved construction methodology, or other such site-specific methodology as has been submitted to, and approved in writing by the planning authority for this purpose -

in order to minimise risk of any adverse impact on the River Dee Special Area of Conservation.

(2) That no development shall take place unless the tree protection measures set out in drawing L002-revA, or such other drawing as has been approved in writing by the planning authority for this purpose, have been fully implemented - in the interests of protecting those trees to be retained near to areas of construction.

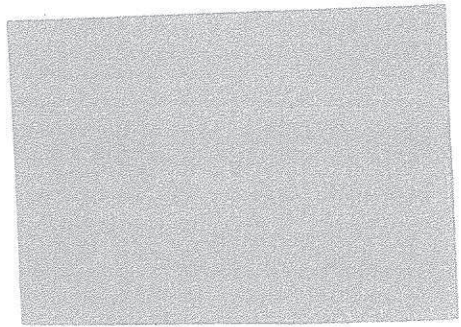
(3) That the approved building shall not be occupied unless play equipment has been re-sited in accordance with drawings L-001 and L-002-revA, or such other drawings as may be approved for this purpose by the planning authority - in order to ensure that the adjoining area of open space retains its value as a community resource.

(4) that no development relating to this grant of planning permission shall be undertaken until such time as full details of appropriate replacement planting, incorporating 2 trees in place each specimen to be removed and including details of locations, species, size and stage of maturity of planting, have been submitted to and agreed in writing by the planning authority, and that thereafter the agreed replacement planting shall be implemented in full - in mitigation for the loss of existing trees within and adjacent to the application site.

(5) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

Dr Margaret Bochel

Head of Planning and Sustainable Development.



23rd August 2013

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

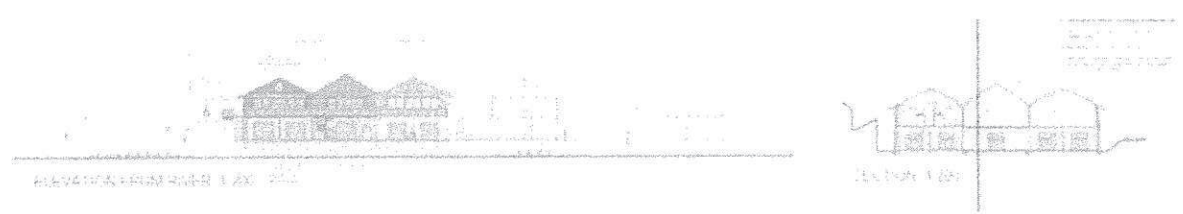
For attention of planning officer,

RE: Planning Application 131121: South Esplanade West, Aberdeen

We wish to make you aware of a number of strong objections that we have with regard to the proposed development of an additional property on open space to the side of Esplanade West, Aberdeen with an application number referenced above. [REDACTED] the proposed development, we are of the view that the proposed development will have a serious impact on our standard of living. Our specific objections are as follows:

1. OVERDEVELOPMENT ON SPECIAL AREA OF CONSERVATION

Planning Application 131121 classes the building as an extension but in fact the **Site Elevation Plan** shows that it will treble in size, creating an industrial site appearance on the special conservation area. This, including the colour of the original building and the extensions, is out of character and does not blend in with the surrounding area.



Construction Method Statement, Schedule of External Materials: It clearly specifies the building materials to be used in the car park are concrete slab and vehicle guardrails with galvanized steel finish. That is not in character with the surrounding area.

There are already three facilities for the rowing associations on this conservation site, excluding the boat club house.

2. IMPACT ON AMENITY (PLAY PARK)

This is the only open space beside the river for families to enjoy the view, walk dogs, feed the ducks, geese and swans and allow their children to play safely.

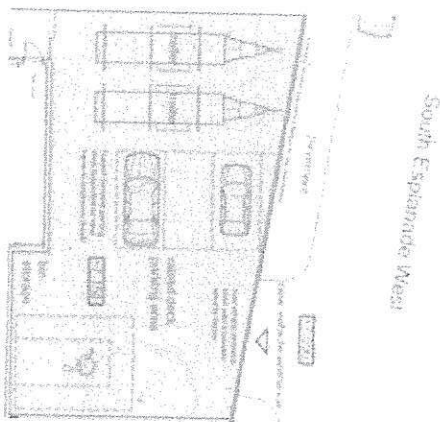
This is a small **Green Belt** area in Torry that is widely used by the Torry community of all age groups. The play park has been used faithfully since the 1950's and it is still as popular as it was then.

Planning Application 131121 states that the swings are to be removed and reinstated on a new site which has not been specified or confirmed. Also the climbing frame will either be protected or removed. Both these amenities are important to the children of the area.

Relocation of Play Equipment Ref. P100453: There is no statement specifying the time schedule of the relocation of the play equipment.

3. INCREASED GENERATION OF TRAFFIC

South Esplanade West is a one way street. Increased traffic on an already busy road will affect the safety of the public, especially children. There is very limited parking on the street and this would increase as would traffic from drop offs increasing safety issues.



The opening from the new proposed car park as shown in the **Indicative Site Establishment Layout** of the **Site Plan** will take away vital parking space for the public and local residents.

The car park is also so small that it will not have a significant impact on the South Esplanade street parking as the opening will take away two car park spaces.

4. DAMAGING NATURAL WILDLIFE ECOSYSTEM

The disruption of the construction would affect the swans, geese and ducks who inhabit this area as their natural ecosystem and that would affect the environment i.e. breeding and habitat by destroying their natural environment.

Indicative Site Establishment Layout of the **Site Plan** clearly shows the removal of four trees, which will also affect the local nesting birds. Torry is an urban area with very few green areas that the public can safely access beside the river where they can feed numerous varieties of wildlife. If the swans, geese, ducks and birds move from the area, then the children won't be able to interact with feeding and observing natural wildlife.

5. REMOVAL OF TREES

As previously stated, the proposed **Site Plan** shows the four trees that are being permanently removed. Aberdeen City has the fewest number of trees in comparison with other cities in Scotland.

Planning and Environment, Aberdeen City Council states that trees are of vital importance to the world for many reasons. Amongst other things they screen eyesores, frame views and form landscapes. Trees have significant environmental value, produce a habitat for many species and help provide us with cleaner, filtered air, shade in the summer and warmth in the winter.



Aberdeen Local Development Plan, Supplementary

Guidance, Trees and Woodlands states that Trees make an important contribution to the quality and attractiveness of an urban environment. Areas of the city with large numbers of trees are associated with a high quality of life and affluence. The retention of trees in an urban environment is fundamental to making the city an appealing place to live and work. The presence of trees contributes to the character, cultural and natural heritage and attractiveness of an area. For this reason **the Council is committed to protecting trees where there is a threat of damage or removal.** The importance of trees cannot be underestimated in modern life. The retention of mature, healthy

trees on a new development site can add social, environmental and economic value to the site. Trees provide an instant maturity and can increase property prices. **They can also add anywhere between 5 – 18% to the value of a commercial and residential property.**



The trees on the picture are two of the four to be removed.

6. NO SITE NOTICE

Aberdeen Council, Planning Constraints, Conservation Areas, Paragraph 2: Once an area is designated a Conservation Area, the Council has a duty to advertise proposals that may affect it, **BY SITE NOTICE** and in the local press, so that public opinion can be obtained. Applications for 'outline' planning permission may often not be appropriate as full information as to the impact of a proposal may be required in order to properly assess the scheme.

We spoke with several members of the public using the play park and no-one was aware that the planning application for an extension of the Aberdeen Schools Rowing Association premises had been submitted.

7. RESIDENTS' VIEWS

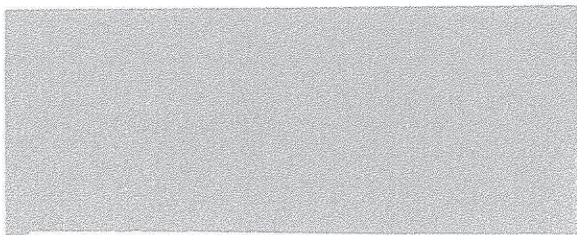
The construction of the 12 metre high extension will be erected directly in front of the only two residential houses on the South Esplanade West.

This will cause:

- a lack of natural sunlight
- devaluation of the property
- total loss the river view (sitting rooms and bedrooms will now face the back of tin sheds and car park)
- increased noise from construction and future activities
- increased traffic
- decrease of residential parking
- due to the fact that this is a recreational facility, traffic and noise will be present seven days a week including evenings

In conclusion, we would be grateful if the council would take our objections into consideration when deciding this application. We would welcome the opportunity to meet with a representative of the planning department at our home to illustrate our objections at first hand.

Yours Sincerely,



From: webmaster@aberdeencity.gov.uk
Sent: 21 August 2013 21:06
To: PI
Subject: Planning Comment for 131121

Comment for Planning Application 131121

[REDACTED]

[REDACTED]

type :

Comment : I have several reasons for objecting to this planning application.

1/ Green area: I feel that this development would be taking away a large piece of well used play park and picnic area for local people. There is not enough green space at this end of Torry as it is for people to relax and enjoy when the weather permits.

2/ Wildlife: the proposal to remove at least 4 trees from the area which will also impact on the wildlife in the area.

3/ Parking: it would mean that the parking which is very limited at the moment for local people will be even worse. When the children are in the boat club at the moment it seems that every child is dropped off and picked up with a car that can lead to over 20 cars at a time (most illegally parked on double yellow lines) parked near the current boathouse. It has not been uncommon for me to have to go try and find a driver that has blocked my drive and I have been unable to get out of or in my drive due to the vehicle blockage. If the proposed development goes ahead that will lead to more parking problems and less space to park as a result of the car park being built for trailers. This along with the new proposed office block across from the site will make the area unmanageable for parking and traffic flow.

4/ Traffic: is an issue as this is a busy road with a lot of HGV lorries transporting goods to the docks and cars coming off the roundabout at high speed after coming down from Wellington Road. If more people are stopping to drop off kids and they cannot get parked at either side of the road due to the increase numbers they will block the road entirely and I am sure this will cause accidents as drivers will not expect the traffic to be at a standstill. I am unsure how cars and trailers are going to safely enter and exit the car park without causing major disruptions and risk to them and other drivers due to the shape of the road and visibility being blocked by cars parked on the road. We have had issues when entering our drive with traffic coming off the roundabout at high speed and not expecting cars to be stopping, this is with clear visibility as no vehicles should be parked to block their view as we indicate and turn in. Daily there seems to be traffic from the boathouses that turn and go back up the street the wrong way (street 1 way) and I can see this only getting worse if there are blockages / delays and people get frustrated and turn round heading for the roundabout.

5/ Kids: With the traffic issues stated above and increase in kids crossing a busy street where cars will be parked at either side of the road (as this happens now when kids being picked up and dropped off even when it is not supposed to happen) it is only a matter of time before someone gets knocked down.

I understand it would be nice to have the gym next to the current boathouse but it is far from a necessity and as such this could be built elsewhere where there would not be the risks that this development would cause. At my current employment I was reviewing risk assessments today and I am thinking if a proper risk assessment was done on this the probability and severity of risk would be high and I cannot see what mitigating measures could be put in place to reduce the risk significantly with regards to traffic and pedestrians.

I would have submitted photos of how busy the area is when the children are here but unfortunately the notice was submitted during the school holidays when it is quiet and the club is not busy.

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Agenda Item 2.6

Planning Development Management Committee

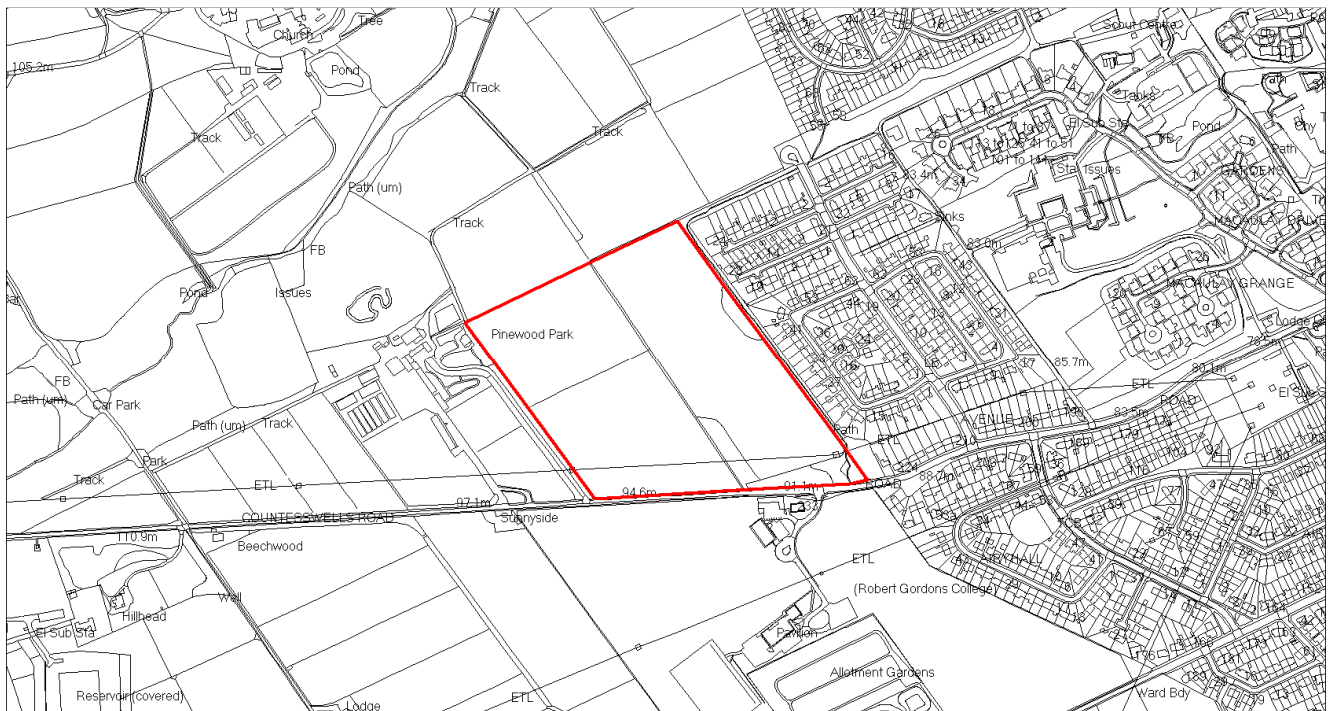
PINEWOOD, COUNTESSWELLS ROAD,
ABERDEEN

PINEWOOD RESIDENTIAL DEVELOPMENT
APPROVAL OF CONDITIONS 2, 3, 6, 7, 9 AND
10 OF PLANNING APPLICATION REF A7/2178

For: Dandara Ltd

Application Type : Approval of Conditions for
Planning Permission in Principle
Application Ref. : P131027
Application Date: 11/07/2013
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: 24/07/2013
Committee Date: 16 January 2014
Community Council : No response
received



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 conditions 2 (open space); 3 (landscaping); 6 (construction method statement relating to surface water treatment); 7 (method statement relating to construction access); 9 (phasing programme); and 10 (scheme for use of duntaken drystone walling within 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?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 Sub-committee because 9 letters of representation have been received in relation to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – Notes the proposal to use of French drainage to deal with surface water run-off during construction, and that the Council's Flooding team have expressed satisfaction with the arrangement proposed. No objection stage to the proposal.

Environmental Health – No observations to make.

Enterprise, Planning & Infrastructure (Flooding) – No objection. State that the proposals are sufficient provided the French drains are maintained properly during construction.

Community Council – No response received.

REPRESENTATIONS

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

1. Removal of trees (specifically 86-116) is excessive.
2. Concern is expressed over the presence of a Core Path route between existing housing and new housing within the development site, with this route being identified as a source of concern in relation to reduced safety and privacy.
3. The land in question is particularly prone to flooding due to its poor drainage. Has this historic flooding been taken into account?
4. Is the drainage scheme proposed sufficient to ensure that the site can be adequately drained?
5. The site is understood to be part of Aberdeen's Green Belt
6. It appears that no survey was carried out in relation to wildlife using the area
7. Queries whether local schools can cope with additional pupils
8. Increased roads congestion
9. Conflict of interest for ACC as owners of the land
10. Too many houses are proposed on the site
11. Objects to Countesswells Avenue being used to access the development
12. Concern over proximity of trees to houses in Zone F and resultant pressure for pruning/removal

13. No details of how the proposal will meet the aims of the Water Framework Directive.
14. Objection to access being taken via Hazledene Road
15. Removal of green space used for recreational purposes
16. Queries whether land for road improvements will translate into an increased price for the site, reflecting additional land included.

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.

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.

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.

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.

Open space and Landscaping

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 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. 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, 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 relatively 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, detailing the measure 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 policies 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) of the ALDP.

Surface Water treatment during construction phase

A scheme detailing the use of French drainage, involving the use of a series of trenches arranged in a herringbone pattern across the site. This approach has been accepted by the Council's Roads Projects and Flood Prevention teams as an appropriate temporary measure during construction and prior to the final implementation of the previously agreed scheme of sustainable urban drainage.

Construction access

The applicant's submissions in relation to condition 7 indicate that the spine road leading from Countesswells Avenue to Countesswells Road will be constructed at the outset, initially with a temporary surface finish, with the road surfacing being completed as each phase progresses. The route of construction traffic is shown as being from Countesswells Road, running northwards to a temporary site compound, located between zones A and B of the Hazledene site, on an area which will form part of the open space for the development. In taking access via Countesswells Road, undue disruption to the existing residential area in and around Countesswells Avenue would be avoided. This is considered to be satisfactory as a means of mitigating impact arising from construction traffic. It is noted that the detailed arrangements relating to any construction access are controlled by separate roads legislation, and are not a matter for consideration through this application.

Phasing programme

The details of phasing shown by the applicant indicate that Zone H of the Hazledene site would be the first phase of development, followed by Zone A, to the north of the Hazledene site and ultimately accessed via Hazledene Road. Phases 3 and 4 would incorporate the remainder of the Hazledene sites (Zones B and C) and the entirety of the Pinewood site (Zones D, E, F, G). As noted previously, it is the developer's intention to commence works on the main spine road immediately, with a temporary surface used during construction. The final surfacing and specification of the road would be completed in sections as construction on each phase is completed. Similarly, open space and landscaping will be carried out phase-by-phase following conclusion of the built development in each respective phase. The information submitted is sufficient to conclude that each phase of the development will be accompanied by the appropriate roads and open space/landscaping for that phase.

Drystone walling

The submitted plans demonstrate the location of existing drystone walls, and detail the extent of any dountakings and the location of any new walls to be formed using those dountakings. Within the Pinewood site, existing drystone walls would be retained and made good along the eastern and western boundaries. Similarly, an existing dry stone wall running north-to-south along an existing field boundary at the centre of the site would be predominantly retained and made good, to form part of the landscaped area running along the eastern side of the main spine road formed. Along the southern boundary, a section would be retained and made good to the eastern side of the new roundabout

junction with Countesswells Road, but at the site of the new junction and further west, walls would be taken down, with the materials utilised in the formation of new drystone walls at selected locations through the site, enclosing prominent areas such as foot/cycle routes and accessed to secondary streets off the main spine road. The extensive retentions and re-siting works proposed will assist in creating a sense of place and in embedding the development in its surroundings. Taking these matters into account, it is considered that the proposals are acceptable, and demonstrate due regard for their context, making a positive contribution to the setting of the proposed housing development, as required by policy D1 (Architecture and Placemaking) of the ALDP.

Matters raised in representations

It is noted that Planning Permission in Principle has been granted for this site, and so necessary roads infrastructure improvements, developer contributions and affordable housing have been established. As this application relates specifically to those matters specified in certain conditions, the planning authority's assessment will be limited to those matters and will not revisit matters previously addressed.

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 Countesswells Avenue 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 brief. It is not appropriate for the principle of access via Countesswells Avenue to be revisited through assessment of this application. Access to the Hazledene site being taken via Hazledene Road has been considered through a separate application, ref P130994, relating to Zone A, and is also of no relevance to assessment of the current proposal.

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 applicable to the Pinewood and site, nor the adjoining Hazledene site.

The Council's sale of the Pinewood and Hazledene sites is of no relevance in assessing the planning merits of this development proposal. Whilst there is provision in planning legislation for notification of applications to Scottish Ministers where a proposal involves Council interest and is significantly contrary to the development plan, that further procedure is not applicable in this instance.

The scale of development on the site and its arrangement have been established through approval of the layout in application P131055, balancing the efficient use of the site with appropriate provision of landscaping, open space and private gardens of appropriate size. Trees along the western boundary are acknowledged, and the retention of these trees, which lie outwith the application site, is of benefit to the woodland character of the site. Nevertheless, the

arboricultural impact of the proposal has been assessed, and this application extends only so far as assessing the new landscaping proposed and the means of protecting existing trees during construction.

No wildlife/habitat surveys are required in relation to matters specified in the conditions for which approval is sought.

Long-term drainage proposals have been previously agreed for the development, and minor changes to reflect changes to the layout do not warrant fresh application. Temporary measures to address surface water drainage during the construction phase have been provided and have been assessed as being sufficient for that temporary purpose by the Council's Roads Projects and Flood Prevention teams.

The Core Path route outwith the application site and adjacent to its eastern boundary is not relevant to any of the conditions for which approval is sought. That route provides north-south pedestrian access from Hazlehead Road to Countesswells Road.

The extent of tree removals is not considered to be excessive, particularly given the condition of many of the specimens on site. As many existing trees within the site are in poor condition, with little viable scope for long-term retention, it is concluded that those trees can be readily replaced through the wider landscaping of the development site.

Summary

Taking account of the points raised above, it is concluded that the submissions made have satisfactorily addressed the matters specified in conditions attached to the grant of Planning Permission in Principle (PPiP) ref A7/2178 in relation to the provision of open space, appropriate landscaping of the site, the means of access during construction and the means of ensuring surface water is adequately drained during construction and prior to operation of the final scheme of sustainable urban drainage. The submissions demonstrate accordance with the relevant provisions of the development plan in terms of policy D1 (Architecture and Placemaking), NE4 (Open Space) and NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The submitted documents detail an appropriate means of landscaping of the site and the provision of appropriate open space, along with measures for the long-term management and maintenance of those areas. The majority of dry-stone walling throughout the site would be retained and made good, with downtakings from any removals utilised in the construction of new boundary enclosures in prominent positions across the site, including adjacent to new pedestrian/cycle routes. The means of access during construction will ensure that there is no undue impact on the surrounding community. Appropriate measures for the management of surface water drainage have been proposed. A scheme of

phasing demonstrates that roads infrastructure and open space provision will be delivered phase-by-phase as construction is completed. The proposals made are considered to demonstrate accordance with the relevant provisions of the development plan, policies T2 (Managing the Transport Impact of Development), D1 (Architecture and Placemaking), D6 (Landscape), NE4 (Open Space) and NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan. No material considerations have been identified that would warrant determination other than in accordance with the Development Plan.

CONDITIONS

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

(1) that 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.

Your ref. 130820/130983/130994/131027

24th 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



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. [REDACTED] 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.



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 tarmac paving 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.

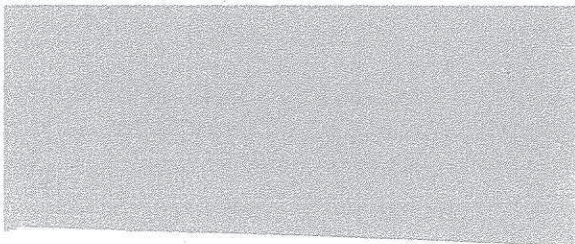
Given the amount of marshy land in this area and the network of underground springs, along with the excesses of water which prevail along the Hazledene roadways and paths it remains questionable whether enough research into the impact of the water throughout this site is fully understood in terms of 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".

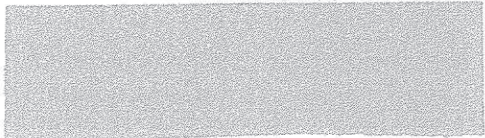
Improvement of the quality of life in such a development seeking to align with the Local Plan, applies to existing householders as well as to the new development of homes proposed.



PI

From: webmaster@aberdeencity.gov.uk
Sent: 06 August 2013 11:19
To: PI
Subject: Planning Comment for 131027

Comment for Planning Application 131027



Telephone :

Email :

type :

Comment : I would like to comment on the removal of the trees 86-116 as per existing tree layout diagram. I feel that this is an excessive amount of trees to be removed 24 for what amounts to 2 houses. It is also not clear from the diagram which of the trees in the whole diagram have protection status and which of those are being proposed to be eliminated. Rather what we have is the amount to be retained.

131027

Robert Vickers

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.

[REDACTED]
Sent from my iPad

Gavin Evans

From: Gavin Evans
Sent: 01 August 2013 15:14
To: [REDACTED]
Subject: Hazledene and Pinewood development site

Dear Sir/Madam,

Thank you for your recent email regarding the development proposed at Pinewood and Hazledene. You may be aware that there are a number of current applications relating to these sites, covering various parts of the respective sites and various different issues. I note that your email does not specify a planning application reference number or particular details which might identify a specific application. If your comments are intended to relate to a specific application, I would be grateful if you could advise accordingly in order that we may best direct your representation.

Many thanks,

Gavin Evans

We are always trying to improve the quality of customer service that we provide and would like to know your views on the service you have received to help us learn what we need to do better. With this in mind we would appreciate it if you could take a few moments to fill in our short feedback form by clicking on <http://www.aberdeencity.gov.uk/customerfeedback> and selecting Development Management (Planning Applications Team). Many thanks.

Gavin Evans
Senior Planner
(Development Management)

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

Email Gevans@aberdeencity.gov.uk
Direct Dial 01224 522871
Switchboard 08456 08 09 10

From: webmaster@aberdeencity.gov.uk
Sent: 29 July 2013 22:30
To: PI
Subject: Planning Comment for 131027

Comment for Planning Application 131027

[REDACTED]
[REDACTED]
type :

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?

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.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 29 July 2013 11:10
To: PI
Subject: Planning Comment for 131027

Comment for Planning Application 131027

Telephone :
[REDACTED]

Comment : I wish to object to this application, not only are there too many houses being proposed, but this estate will have a serious impact on existing roads and amenities, there is already severe traffic delays and disruption on the main road, Countesswells Road, traffic regularly backed up to the avenue from Springfield road, and this site was always an open belt.


The proposed access road, of Countesswells Avenue was created and designed (cira 1960) only for the houses it already serves, more houses will increase traffic on this avenue, causing more noise and safety issues. Originally the only new road was to open from this site onto Countesswells road, at a new roundabout, yet this seems to have been ignored by the developers, hopefully the city council will hold firm against the developers but if this application goes ahead there should only be access via the new road to Countesswells road.

Countesswells Avenue already feeds approx 182 houses and I feel it is unfair that existing residents should be exposed to even more traffic and noise, I hope the city council ensures the developer adheres to the original access road, fit for 2013, but as often happens developers seem to get change things to their own way. The existing bus terminus would easily serve these new houses if they unfortunately go ahead without the need to open Countesswells Avenue to traffic.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 16 July 2013 12:45
To: PI
Subject: Planning Comment for 131027

Comment for Planning Application 131027



Telephone :

Email 

type :

Comment : I have just been made aware of the change to the original application by Dandara for access to the new Pinewood development.

Assurances have always been given that there would be no access from Hazledene Road and I object to the new scheme as it will substantially increase traffic flow as well as remove an area of green parkland which is used by me and large numbers of other people for recreational purposes.

In addition, Craigiebucker Avenue and Woodburn Gardens will also be used as quick access to the development and become a rat run. This is particularly worrying as Walker Dam Wildlife Preservation area is at the bottom of our street and cars already drive too fast and endanger the ducks and other wildlife.

Finally, with the agreement to build a waste re-cycling centre close by which in itself will greatly increase traffic at Hazlehead roundabout and down Queens Road, a further development for more vehicles will only add to the congestion in what is already a very busy route.

From: webmaster@aberdeencity.gov.uk
Sent: 15 July 2013 16:29
To: PI
Subject: Planning Comment for 131027

Comment for Planning Application 131027

[Redacted]

[Redacted]

Type:

Comment : In zone a there is access to hazel dense road This is not on the planning application,planning officers have assured us,insisted in fact that this will not be allowed .

Any change to the original site should require a resubmission of site to tender Dandara had surveyed this road before they purchased the site,I spoke to someone in planning at the time and they said it would cost to much. If they have to widen the road will a site plan and purchase of any extra land they require be forthcoming? What is the legal departments view on this change of the site plan?

PI

From: webmaster@aberdeencity.gov.uk
Sent: 25 July 2013 13:33
To: PI
Subject: Planning Comment for 131027

Comment for Planning Application 131027

[Redacted]

[Redacted]

type :

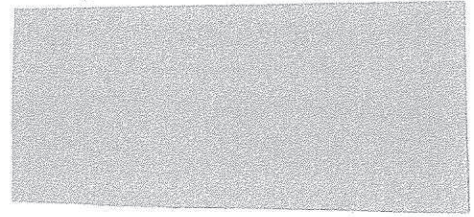
Comment : Zone F proposes buildings to be situated very close to existing beech trees outwith their site. There is no safety corridor! Our house is 30m from these same trees and regularly gets hit with twigs. Branches fall in our garden and a few years ago the top boughs of a whole tree landed in our garden. If the development is approved in this form these trees will be subject to ruthless tree surgery by the worried owners of the new properties who will cut first and ask later once tree is disfigured.

The application gives no indication of how it satisfies Controlled Activity Regulations of Waterframework Directive in zone F. It shows a building over the wetland which forms the catchment for the Buckler Burn. This feeds a pond in the James Hutton Institute grounds and another in Johnston Gardens.

* 130963 130820

130994

131027



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

29th July 2013

Dear Sirs

Hazledene and Pinewood Development at Hazlehead.

Further to your Notices^y on the above development I wish to express my objection to the pathway proposed at the rear boundary wall to my property.

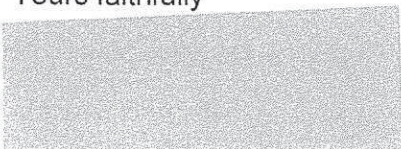
I am an elderly retired woman living on my own, and I am presently suffering ill health. You will understand that my awareness of my vulnerability is increased all the more with this proposed development, and I am anxious that you heed my request that the authorities ensure my privacy and security are 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



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Planning Development Management Committee

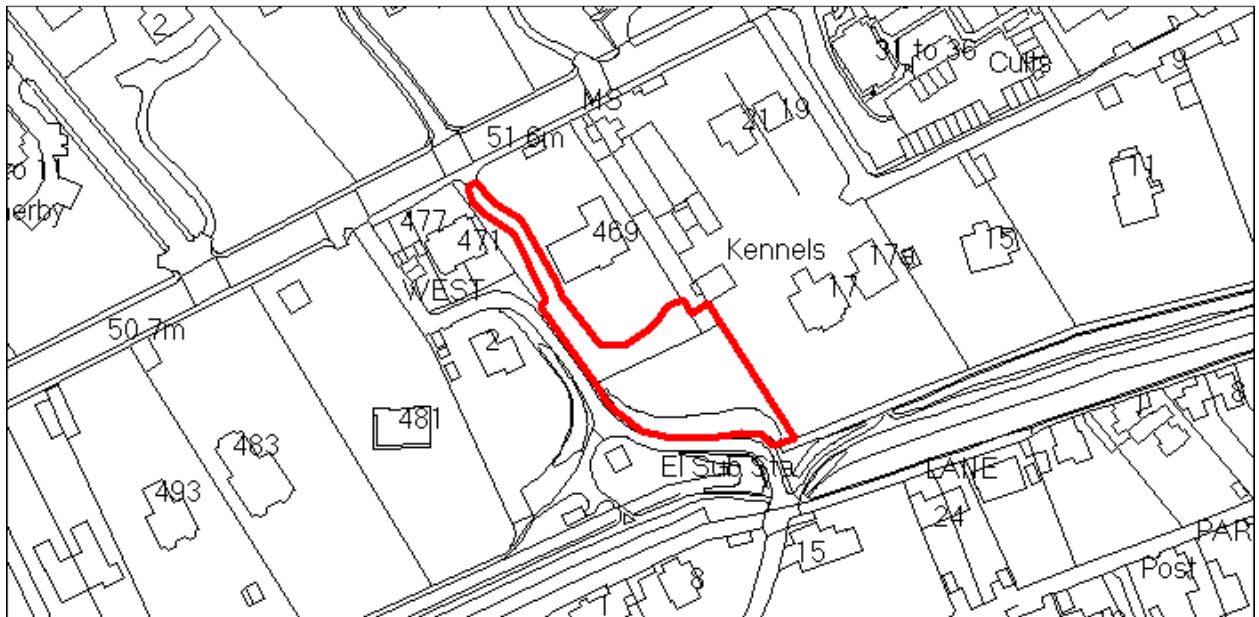
CROMER DENE, 469 NORTH DEESIDE ROAD,
CULTS

ERECTION OF NEW HOUSE

For: Mr Alex Cameron

Application Type : Detailed Planning Permission
Application Ref. : P131266
Application Date: 27/08/2013
Officer: Garfield Prentice
Ward : Lower Deeside (M Boulton/A Malone/M Malik)

Advert :
Advertised on:
Committee Date: 16 January 2014
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The site is within the grounds of the house at 469 North Deeside Road, which is located on the south site of the street, close to its junction with West Cults Road. No. 469 is a detached bungalow set within generous grounds, which generally slope down from North Deeside Road to the rear of the site, the gradient steepening considerably towards the rear boundary. There is an overall drop in levels of some 14 metres. The existing house sits in the northern third of the plot. There are numerous trees along the west boundary and near to the southern boundary. The trees are protected by Tree Preservation Order No.142. The existing access is located in the north west corner of the plot and leads to a driveway running close to the west boundary.

The application site is bounded to the west and south by West Cults Road. To the west are 2 and 3 storey blocks of flats fronting North Deeside Road and a large detached house fronting West Cults Road. To the south and across West Cults Road is the former Deeside Railway Line, which is now a public footpath and cycleway and a designated Local Nature Conservation Site. To the east are boarding kennels and the associated house, accessed from Cults Avenue. To the north and across North Deeside Road are residential properties.

RELEVANT HISTORY

Planning permission for a house on the site (application A2/1066) was refused in 2002 on the grounds of the adverse impact on amenity, being contrary to the relevant guidelines due to the eventual thinning or removal of prominent mature trees to the detriment of the area and the setting of an undesirable precedent. However, that decision was overturned at appeal in March 2003. Thus planning permission was granted for the house. Some works were carried out on forming the extended driveway prior to the planning permission expiring and thus the permission now remains valid indefinitely.

PROPOSAL

Detailed planning permission is sought for the construction of a four bedroom detached house within the grounds of the property at 469 North Deeside Road. The proposed house would be located to the rear of and approximately 27 metres from the existing house and would be constructed close to the east boundary. The house would be on two levels taking advantage of the slope on the site. The north elevation would be single storey in appearance and the south elevation would be two storey. The house would be of contemporary design. The walls would be finished predominantly in a mix of granite and smooth concrete render, with small areas of cedar cladding on the south elevation. There would be extensive areas of glazing on the south and west elevations. The pitched roof would be finished in plain concrete tiles. A flat roofed garage would be attached to the north side of the house. A large balcony would be provided on the south elevation.

Access would be via the existing driveway, which would be extended southwards and then eastwards to the new garage.

The proposal requires six trees to be felled, these being of a variety of species including Hazel, Holly and Whitebeam. The trees are generally 7-9 metres high and are located in the centre of the plot in the area where the extended driveway would be constructed. The large, mature trees close to the site boundaries would be retained. Details of tree protection measures have been provided by the applicant. These are contained in the Tree Report.

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?131266>

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

Tree Report

Drainage proposals

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because adverse comments have been made by Cults, Bielside and Milltimber Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection to the proposal. Adequate parking would be provided. It is noted that vehicular access would be taken from an existing access. The driveway must be internally drained with no surface water discharging to the public road.

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) - Full surface water drainage proposals are required. Any proposed SUDS techniques should include design calculations and drawings. Subsequent details provided by the applicant are satisfactory.

Community Council – Cults Bielside and Milltimber Community Council has no objection to a house being built on the site as the proposal appears to meet the guidelines set out in the supplementary guidance The Subdivision and Redevelopment of Residential Curtilages. However, the Community Council expresses concern about the setting of a precedent and emphasises that this application should be reviewed solely on its specific merits. There are also concerns with the proposal, which the Community Council requests are addressed through conditions – retention of trees, construction being via the main driveway and the access to the house utilising the existing driveway.

REPRESENTATIONS

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

1. A previous refusal of planning permission on the site
2. The impact on amenity of neighbours (sunlight and shadowing)
3. The design, size and height of the house
4. The impact of the proposal on trees
5. Although the site has a Tree Preservation Order on it, several trees have been removed and topped
6. Proximity to the boundary
7. The impact on the character of the area
8. No information has been provided with regard to excavation works necessary due to the substantial drop in site levels and the impact on the driveway
9. Insufficient details on drawings to establish the height of the house
10. Concerns regarding the neighbour notification process, specifically the timing of the issue of notices
11. The proposed house would be next to boarding kennels that would affect the residents, which could result in complaints that would impact on the business
12. Issues regarding title restriction against development of the site

PLANNING POLICY

Aberdeen Local Development Plan

Policy D1- Architecture and Placemaking

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

Policy H1 – Residential Areas

Within existing residential areas proposals for new residential development will be approved in principle if it (1) does not constitute over development; (2) does not have an unacceptable impact on the character or amenity of the surrounding area; (3) does not result in the loss of valuable and valued areas of open space; and (4) complies with supplementary guidance on curtilage splits.

Policy NE5 – Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of or damage to established trees that contribute significantly to nature conservation, landscape character or local amenity.

Policy R7 – Low and Zero Carbon Buildings

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

Supplementary Guidance

The supplementary guidance The Subdivision and Redevelopment of Residential Curtilages, Low and Zero Carbon Buildings, and Trees and Woodlands are relevant material considerations.

Other Relevant Material Considerations

The previous planning permission, which was granted on appeal and remains valid indefinitely, is a relevant material consideration 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.

Principle of the development

The site is located within an area designated as 'Residential' in the local development plan wherein proposals for new residential development will be approved in principle provided the criteria specified in Policy H1 are satisfactorily met. Importantly in this case is the previous planning permission granted on appeal for a house on the site, which remains valid indefinitely. This has arisen because works commenced on forming the extension to the existing driveway prior to the expiry of the planning permission. As a result, that original permission could still be implemented whether or not the current proposal is approved. The principle of a house on the site has therefore been established. Accordingly, the application falls to be considered in terms of the details of the proposal with particular regard to the criteria specified in Policy H1 and the supplementary guidance The Subdivision and Redevelopment of Residential Curtilages (density and pattern of development, design, amenity space, privacy, daylight/sunlight, trees, access and car parking).

Density and Pattern of Development

The construction of a new dwelling within an established area would potentially affect the overall density and pattern of development of the surrounding area, the acceptability of which will be dependent on the general form of development in the locality. Consideration must also be given to the effect the dwelling may have on the character of the area formed by the intricate relationship between buildings and their surrounding spaces created by gardens and other features. New dwellings should be designed to respect this relationship.

North Deeside Road is generally characterised by detached houses of a variety of styles and sizes set within quite generous plots. To the west of West Cults Road, houses tend to be located well back from North Deeside Road, forming a regular pattern. The properties are orientated to face to south. The pattern of development to the east of West Cults Road differs in that there is no discernable pattern. There are a couple of houses, a boarding kennels business and a number of 3 storey blocks of flats located close to North Deeside Road with large detached houses to the south of these. Whilst the proposed plot size for the new house would be smaller than for the majority of other houses in the vicinity of the

site, as noted above, the principle of a house on the site has been established. Notwithstanding, given the character of the area to the east of West Cults Road, a house on this site would not be detrimental to the character and visual amenity of the area. The proposal would not represent an overdevelopment of the site. Thus, in terms of resultant density and the pattern of development, the proposal is acceptable and in this regard complies with Policy H1 and the supplementary guidance on subdividing residential curtilages.

Design, Scale and Form of Development

The proposed house would be of contemporary design and would include granite on part of the walls. Whilst the prevailing character in the area is one of granite houses, there are a number of properties finished in other materials, such as Fyfestone and render. The proposed house, which would be partly screened by mature trees and vegetation within the site, would not adversely affect the character of the area. Indeed, the quality of the design is such that there would be a positive impact. The design has been influenced by the contours of the site and would sit comfortably in that context. It also makes most of the southerly aspect of the site by including large areas of glazing on the south elevation, in particular at the south west corner of the building. The scale and height of the house would not be unduly high or large and would be appropriate for the site and the surrounding area. Although the amount of usable garden ground would be compromised to some extent by the gradient and the presence of the large trees, this would be compensated for by the provision of a large balcony on the south elevation. It is considered that in this regard the proposal complies with Policy D1 of the local development plan.

No details have been provided in relation to the incorporation of low and zero carbon generating technologies, as required by Policy R7 and the associated supplementary guidance. However, this matter can be satisfactorily addressed through the application of a condition to the planning permission.

Visual Impact of the Development

Given the characteristics of the site, the existence of numerous large trees along the boundary and the relationship to adjacent properties and to West Cults Road, the visual impact of the proposed house on the surrounding area would be limited. In this regard there would be no adverse impact.

Impact on Residential Amenity

The design of the proposed house, its position and orientation on the site and the presence of trees and other vegetation along the boundaries mean that there would be no loss of privacy for any nearby residents. The location of the house would be such that the impact on sunlight reaching adjacent properties would not be compromised to any significant extent. A shadow would cast across part of the garden of the property to the east during the afternoon and thus there would be some impact on the amenity of the residents of that property. A shadow would also be cast across part of the garden of the existing house at No.469 for part of the morning. However, weight needs to be given to fact that the existing planning

permission on the site could be implemented with a similar impact occurring and thus it would not be reasonable or justifiable to refuse this application for that reason. There would be no measurable impact the amount of daylight reaching any adjacent houses. The level of activity and noise associated with one house would be such that there would be a negligible impact on the amenity of the neighbours. In this regard the proposal complies with Policy H1 and the supplementary guidance on subdividing residential curtilages.

Access Arrangements and Car Parking

It is proposed to use the existing access from North Deeside Road that serves the existing house at No.469. The driveway would be extended to serve the new house. This arrangement is acceptable. Garaging for two cars would be provided together with additional parking space next to the house. This would be sufficient for a development of the scale proposed. In this regard the proposal complies with the supplementary guidance on subdividing residential curtilages.

Impact on Trees and Ecology

The proposed development would require six trees to be felled. The trees are located in the central part of the site and are typically 7-9 metres high. The large mature trees close to the periphery of the site would be retained. It is those trees that are important to the character and amenity of the area. The house would be positioned to avoid impacting on the large trees. However, given the height and size of those trees and the proximity of the house to them, there would be the potential for pressure to have the trees pruned to allow more sunlight into the house and site once the house is occupied. Notwithstanding, that relationship and potential impact was accepted by the Reporter in granting the appeal in 2003 and thus it would not be reasonable to refuse the application on that basis. Furthermore, the trees are subject to a Tree Preservation Order and accordingly works to the trees, in terms of pruning, topping or felling would require the written consent of the Council. An acceptable scheme for the protection of the trees during construction has been provided by the applicant. The proposal is considered to comply with Policy NE5 of the local development plan and associated supplementary guidance.

Although the site lies within an area, centred on the former Deeside Line, that is identified as a potential bat habitat, the proposal does not involve the removal or alteration of any buildings or the felling of any of the significant trees on the site. Further, there are no recorded sightings of bats on or in the vicinity of this site. As a result there is unlikely to be an impact on bats or their habitat. Accordingly, it was considered not to be necessary in this case to require the submission of a bat survey.

The proposal would have no impact on the nearby Local Nature Conservation Site.

Relevant Planning matters raised by the Community Council

The setting of a precedent – All planning applications are required to be assessed

and determined on their individual planning merits. Approval of this application would not set a precedent for other proposals in the surrounding area.

Concerns relating the retention of trees, construction being via the main driveway and the access to the house utilising the existing driveway, all of which should be subject to conditions- It is not necessary to apply a condition for the retention of trees given that the trees are subject to a Tree Preservation Order and thus the removal of any of the trees, other than those identified as part of this application, would require the written consent of the Council. Those trees to be retained would be protected during construction works. Construction vehicles would by necessity need to use the existing access and driveway. Given the topography of the site, the almost continuous line of trees on the boundary next to West Cults Cults and the difference in levels between the site and that road there is no other viable or realistic option. The same constraints would apply after the house would be occupied. In addition, given the changes of levels that would be required to form an access from West Cults Road, a further planning permission would be needed for such works. For these reasons, it is considered not to be necessary to apply conditions to the planning permission.

Relevant Planning Matters Raised in Written Representations

A previous refusal of planning permission on the site – as stated earlier in this report there is valid planning permission for a house on the site, which was granted on appeal.

The impact on amenity of neighbours (sunlight and shadowing) – This issue has been addressed under the relevant section above.

The design, size and height of the house – These issues have been addressed under the relevant section above.

The impact of the proposal on trees – This issue has been addressed under the relevant section above.

Although the site has a Tree Preservation Order on it, several trees have been removed and topped – Consent to carry out tree works on the site was approved in 2009. The approved works involved removing branches and/or crown thinning of a number of trees (applications P091185 and P091186).

Proximity to the boundary – the position of the proposed house on the site is acceptable in terms of protecting the large trees, the limited impact character and visual amenity of the area and the small impact on residential amenity

The impact on the character of the area – This issue has been addressed in the evaluation above.

No information has been provided with regard to excavation works necessary due to the substantial drop in site levels and the impact on the driveway – A condition is recommended requiring details of the routing of services to be provided in order to ensure that adequate protection would be afforded to the

trees on the site. It is not normal practice to require specific and precise construction details as part of a planning permission. The construction of the house would require to meet the all relevant Buildings Regulations.

Insufficient details on drawings to establish the height of the house – The drawings submitted in support of the application are accurately scaled drawings with sufficient details to fully describe the development.

Concerns regarding the neighbour notification process, specifically the timing of the issue of notices – Neighbour notification was carried out in complete accordance with legislative procedures.

The proposed house would be next to boarding kennels that would affect the residents, which could result in complaints that would impact on the business - The principle of a house on the site has already been established. The original consent could be implemented and thus a house occupied on the site whether or not the current proposal is approved. The business appears to operate and coexist comfortably with residential use, given that there are existing residential properties in close proximity to the kennels.

Issues regarding title restriction against development of the site – This is not a relevant planning consideration.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed development complies with the Aberdeen Local Development Plan, in particular Policy H1 (Residential Areas), in that it satisfies the criteria listed in the policy, Policy D1 (Architectural and Placemaking) due to the quality of the design of the house and Policy NE5 (Trees and Woodlands) in that the important, protected trees on the site would be retained. The proposal also satisfies the criteria listed in the Council's supplementary guidance The Subdivision and Redevelopment of Residential Curtilages. Furthermore, the principle of a house on the site has already been established through the previous grant of planning permission. The house plot would be of sufficient size to accommodate the proposed dwelling. The general character, density and pattern of development in the area would be respected and maintained. There would be no significant impact on residential amenity. The proposal does not raise any road safety or public safety concerns.

CONDITIONS

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

(1) that no development shall take place unless the scheme for the protection of all trees to be retained on the site during construction works as described in the

Tree Report by Astell Associates dated 24 October 2013 (reference NDR4-1310-TR) and shown on the drawing appended to the report (drawing no. NDR4-1310-TP) has been implemented in full and thereafter shall remain in place for the duration of the construction works - 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.

(3) 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.

(4) that all trees shown on drawing no. NDR4-1310-LS appended to the Tree Report by Astell Associates dated 24 October 2013 (reference NDR4-1310-TR) shall be planted 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 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'.

(6) that no development shall take place unless there has been submitted to and agreed in writing by the planning authority a detailed scheme for the provision of services for the house, including the routing of the services – in order to afford adequate protection for the protected trees on the site.

Dr Margaret Bochel
Head of Planning and Sustainable Development.



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

30 September 2013

Dear Mr Prentice,

Planning Application 131266: Erection of new house in grounds of 469 North Deeside Road

I am writing on behalf of the Cults Bielside and Milltimber Community Council (CBMCC) to share our views on the proposed building of a new house in the grounds of 469 North Deeside Road, Cults. The Community Council has no objections to the house being built as it appears to meet the guidelines set out in the Supplementary Guidance: Subdivision and Redevelopment of Residential Curtilages March 2012. We are concerned about the setting of precedents and would note that this application is viewed solely on its merits, with any future subdivision of curtilages being subject to a stand-alone review. We have a few concerns with the plan for 469 N Deeside Road which we hope will be addressed through conditions as part of the granting of planning permission;

- a) The retention of tree presence around the boundaries as shown in the site plan, now and in the future, to maintain privacy with surrounding properties and the Deeside railway line.
- b) The access for construction will be through the main driveway of 469 North Deeside Road and will not impact resident access along West Cults Road.
- c) New house occupant driveway access will be through 469 North Deeside Road.

Yours sincerely,

Peter Roberts

Peter Roberts
Planning Liaison Officer

Copy to: Councillor Marie Boulton, Councillor Aileen Malone, Councillor Tauqeer Malik

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 19 September 2013 11:15
To: PI
Subject: Planning Comment for 131266

Comment for Planning Application 131266

Name : Mrs Carolyn Armstrong

Address : 17 South Avenue

Aberdeen

AB159LQ

Telephone :

Email :

type :

Comment : I wish to place an objection to the proposed planning application for a new build, application number 131266, 469 North Deeside Road, Cults, Aberdeen, AB159LQ.

The reasons for this are many and varied but include, Past History, Impact on amenity, Design, Compatibility with business next door, proximity to border, Affect on Tree Preservation order, change of character to site, Height of new build with no point of reference available, Past refusal by Aberdeen City Council with no change in the reasons given then, no information on excavation works required due to substantial drop on site of ground level, Impact on driveway drop and implications for excavation, affect on trees, Design, size of development, loss of amenity to neighbours, affect on boarding animals directly on boundary, recent removal of trees and severe lopping of trees, under order that have already taken place, exterior look with wood cladding and plain walls not in keeping with granite homes in line, loss of visual amenity to east of proposal, impact of shadowing and sunlight, to name a few. I intend to submit more detailing by e-mail but due to the reduced timescale to view the plans online, only made available on the 12th September and the inability to have questions answered by an officer, I will send these in due course and feel this should not be seen as detrimental to my points being addressed as it is still not possible for me to work out the exact height as no reference is made on the plans as to which starting depth is used in relation to the eastern neighbouring properties and the impact of this.

As we have been superior titledeed holders we held discussions with Mr Tully on his application and as he has now sold the area with supposed planning permission in place, the new proposals are not what we had agreed with him and in light of these discussions we had legally agreed to remove the hold we had on his grounds if he were applying for a 3 bed on the site and placed a minimum of 10m from our boundary so as not to affect the running of our continuing business directly next door.

This very different proposal has clearly severe implications on this and our trust in Mr Tully to work with us on his ability to build somewhere on the site that would be acceptable. We are extremely annoyed at the changes in proposals which we feel very strongly affect both our residence and that of our business. I would hope that these lists of points, along with a more detailed explanation will be noted and considered in your deliberations.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 19 September 2013 10:31
To: PI
Subject: Planning Comment for 131266

Comment for Planning Application 131266

Name : Douglas Armstrong
Address : West Cults Lodge
17 South Avenue
Cults
Aberdeen
AB15 9LQ

Telephone :

Email :

type :

Comment : REF 131266

WE WISH TO OBJECT TO THE ABOVE APPLICATION.

FIRSTLY WE TAKE ISSUE WITH THE NOTICE RECEIVED 29TH AUGUST FOR THE APPLICATION AND THAT THE FACT THAT THE DRAWINGS WERE NOT ABLE TO BE SEEN ON LINE FOR THIS DEVELOPMENT OF NEW HOUSE UNTIL 12TH SEPT WHICH CERTAINLY REDUCED THE AMOUNT OF TIME TO OBJECT.

THIS CAUSED US TIME TO SUBMIT THE OBJECTION AND OUR CONSULTANTS.

THE PROPOSED HOUSE IS NEXT DOOR TO OUR BOARDING KENNELS WHICH WILL AFFECT THE RESIDENTS.

WE HAVE ENSURED THAT THE KENNEL BUSINESS TRIES TO REDUCE THE NOISE ELEMENT WITH VARIOUS METHODS TO SATISFACTORILY EFFECT THIS OVER THE YEARS TO THE SATISFACTION OF ALL NEIGHBOURING PROPERTIES BUT A NEW DEVELOPMENT WILL CAUSE MORE PROBLEMS WITH A NEW OWNER WHICH WE DO NOT WANT TO HAPPEN. WE HAVE BEEN IN BUSINESS FOR A LONG TIME AND DO NOT WANT TO CLOSE THE BUSINESS FROM FUTURE COMPLAINTS.

WE HAVE DISCUSSED THE KENNEL AREA AND DID SUBMIT PLANS OURSELVES TO THE COUNCIL TO CHANGE THE KENNEL AREA AND GARAGE AREA INTO A HOUSES. THIS WAS WITHDRWN BEFORE THE MEETING BUT WERE TOLD THAT IN PRINCIPAL IT WOULD BE ACCEPTABLE IF CHANGES WERE MADE.

WITH REGARD TO THE APPLICATION FOR THE NEW HOUSE WE NOTE THAT SEVERAL TREES HAVE BEEN REMOVED AND TOPPED AND THE SITE HAD A TREE PRESERVATION ORDER SERVED ON IT BUT THE TREES WERE REMOVED AND TOPPED RECENTLY. THIS IS NOT ACCEPTABLE TO US.

PLEASE NOTE THAT THIS OBJECTION WILL BE REINFORCED BY AN INTIMATION WITH MORE OBJECTIONS RELATING TO THE PROPOSED DEVELOPMENT RELATING TO PREVIOUS APPLICATIONS , SUPERIOR TITTLE AGAINST DEVELOPMENT OF THE SITE AND BACKGROUND INFO.

YOURS FAITHFULLY,
DOUGLAS ARMSTRONG

19TH SEPTEMBER 2013

CAN YOU PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL TO 

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Agenda Item 2.8

Planning Development Management Committee

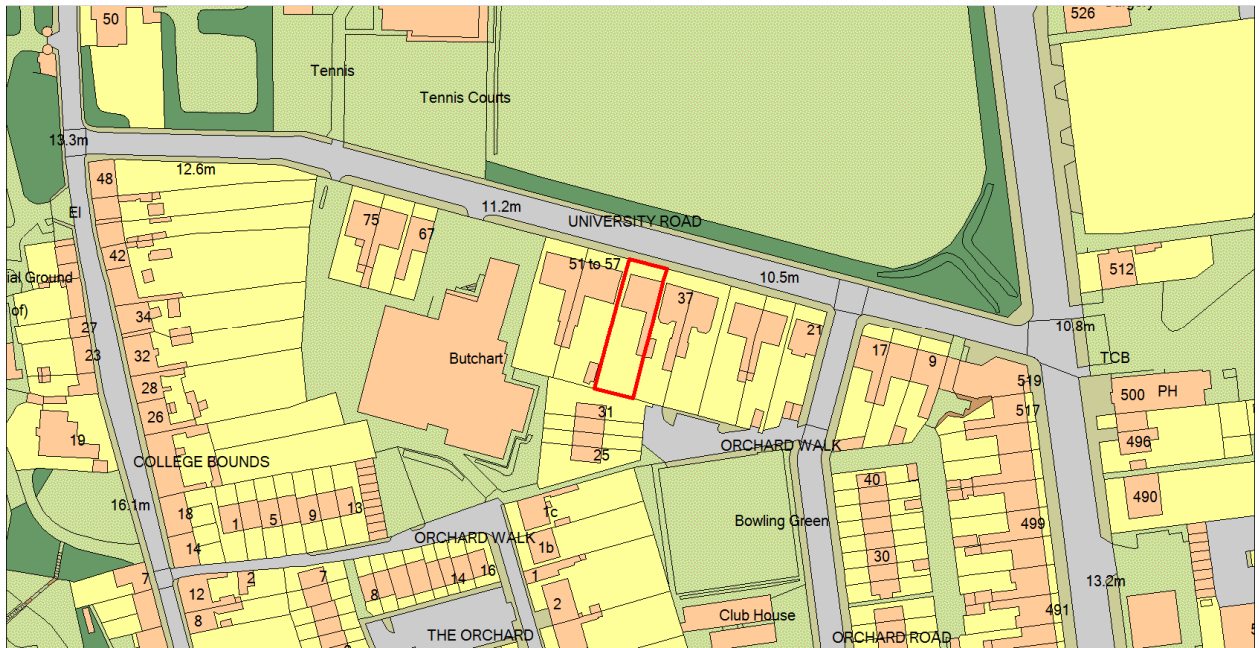
39/41 UNIVERSITY ROAD, ABERDEEN

EXTENSION OF PROPERTY TO REAR

For: Mr Michael McFadyen

Application Type : Detailed Planning Permission
Application Ref : P131212
Application Date : 15/08/2013
Officer: Sheila Robertson
Ward : Tillydrone/Seaton/Old Aberdeen
(J Noble/R Milne/R Grant)

Advert: Section 60/65 - Dev aff LB/CA
Advertised on: 18/09/2013
Committee Date: 16 January 2014
Community Council : Comments received



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

The application site is located on the south side of University Road, opposite the University of Aberdeen Kings Pavilion playing fields, within the Old Aberdeen/Balgownie Conservation Area, and is occupied by a 2.5 storey, detached dwelling house of traditional design and build, divided into 3 flats, all in the same ownership. The application refers to both the ground and first floor flats. No 39, on the ground floor, comprises a lounge, 4 bedrooms, kitchen and bathroom, and is accessed from the front of the property. It has a current HMO (Houses in Multiple Occupancy) licence for 5 people. No 41 occupies the upper floor, comprises 4 bedrooms, lounge, kitchen and 2 bathrooms with a current HMO for 5 residents. This flat has recently been sub divided to provide a self-contained flat within the attic space, comprising 3 bedrooms, living area/kitchen and bathroom. Both upper flats share an access to the side elevation of the property.

To the rear, there is an original annexe, 2.5m wide and extending 11.5m along the eastern boundary. The first 4m section of the annexe is 2 storeys, and accommodates the ground floor flat's kitchen and a bedroom for the upper flat. The walls are rendered with a lean to slate roof running west – east, and joining the rear elevation of the building immediately below eaves height. There is a single window at both ground and upper floor level on the rear facing elevation. Thereafter the annexe is single storey and used for communal storage, built of bricks with a slated lean to roof 2.6m in height running north-south, and abutting an outhouse of identical height within the rear garden of the neighbouring property to the north. The back wall of the neighbours' outbuilding extends 3m beyond the end of the applicant's annexe.

The plot extends to 530 sq.m. with a current built site coverage of 28%. The rear garden ground extends 27m from the rear elevation of the dwelling house, the rear garden boundary to the north is screened by the neighbours annexe and 1.8m high walls, while the southern and western boundaries are screened by 1.6m and 1.8m high walls respectively.

The site is located within controlled parking zone RR, where parking is restricted to permit holders only between 1000 and 1600, Monday to Friday.

RELEVANT HISTORY

130023 – Planning permission was granted on 1/03/13 to subdivide the upper flat to provide a third flat within the building at attic level and involving the formation of 3 pitched roof dormer windows to the front elevation and a box dormer window to the rear.

PROPOSAL

Planning permission is sought to erect an extension to the rear elevation involving replacement of the existing single storey annexe and widening the 2 storey element of the annexe. The finished extension would project 14m along the northern boundary (2.5m longer than existing) and the width would be increased by 2.8m to 4.65m, as would the width of the upper section of the annexe. The single storey extension would be finished in brick to emulate the materials of the existing annexe, with the rear facing elevation fully glazed, 2 high level windows and a full height window to the western elevation, and 3 rooflights

to the eastern roof elevation. The roof would be pitched and slated with a maximum height of 3.7m (1.1m higher than existing). The single storey extension would create a new bedroom/en suite shower room and kitchen/dining room within the ground floor flat. The 2 storey section of the annexe would be extended westwards to match the width of the new ground floor extension, and provide an additional bedroom for the first floor flat. Materials to include render and slate to match existing, with 2 high level windows and 2 rooflights to the rear facing elevation and a glazed wall to the western facing elevation at ground floor level. A new basement would be created below the ground level of the new extension and part of the rear garden, to provide a home cinema, gymnasium, store and bike store. The basement level would be linked to the ground floor by an internal staircase with a staircase up to the rear garden. Daylight to this area would be provided by 8 rooflights embedded in an area of timber decking surrounding the new extension. The extension would result in the ground floor flat providing 5 bedrooms (one ensuite), lounge, kitchen/diner and bathroom while the upper flat would provide a 5 bedrooms, lounge, kitchen and two shower rooms. The basement accommodation would be communal for both flats .

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?131212>

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

REASON FOR REFERRAL TO COMMITTEE

The Community Council has objected to the proposed application as well as 6 letters of representation having been received from notified neighbours and Aberdeen Heritage Society, therefore, in terms of the Council's Scheme of Delegation, the application is required to be determined by the Development Management Sub-committee.

CONSULTATIONS

Roads Project Team –No observations.

Environmental Health –No observations

Community Council – Comments received:The Community Council objects to the application on the grounds of overdevelopment; the application will increase the bedroom capacity to 13, which, since some of the bedrooms appear to be double, could result in 20 persons sharing 5 toilets in a cramped space. Such development is inappropriate for a domestic property and will destroy the option of conversion to family use. The subterranean living room seems undesirable. While applauding the provision of a bicycle store, carrying bikes up and down stairs could lead to a trip hazard.

REPRESENTATIONS

7 letters of representation have been received, including one from the Old Aberdeen Community Council. The material planning considerations raised in objection are summarised below:

- Overdevelopment of site and development is out of character with surrounding area.
- Size and scale is not of domestic proportions.

- Design and materials are out of character.
- Lack of parking facilities and impact on local amenities.
- Reduction of garden space.
- Loss of daylight to ground floor flat.

PLANNING POLICY

Aberdeen Local Development Plan

Policy D1 - Architecture and Placemaking

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

Policy CF1 – Existing Community Sites and Facilities

Any proposals for new development, whether or not for community use recognised in the designation, will be opposed if a likely result would be significant erosion of the character of the area, or the vitality of the local community.

Supplementary Guidance

Dwelling extensions

Other Material Planning Considerations

Historic Scotland – ‘Scottish Historic Environment Policy’ which states that the planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area when determining applications.

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 Aberdeen Local Development Plan is of specific relevance in determining the application in terms of the associated Supplementary Guidance relating to House Extensions. Consideration should also be given as to whether the design and location of the proposed extension complies with Policies D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan, its impact on the existing character and appearance of the surrounding neighbourhood, residential amenity and the setting of a precedent.

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 existing use of the property is domestic, although a HMO (House in Multiple Occupancy) licence for 5 people has been granted to both the ground and first floor flats. A HMO licence may be required if more than 3 unrelated people live in a dwelling house and share bathroom/kitchen, however this is not a planning issue. In planning terms, a change of use is required when 6 or more unrelated people occupy a flat or dwelling house, in which case planning permission will be required to change the use from domestic to hostel/hotel. Both flats currently hold a HMO licence for 5 people, below the threshold before planning permission is required to change the use of each flat from domestic. There is no indication as to whether the newly created flat will be subject to an application for an HMO licence.

The site is located within an area that is zoned for existing community sites and facilities, specifically higher education and research uses associated with the University of Aberdeen. Residential uses are spread throughout the university campus, and University Road is predominantly residential. It is therefore considered that the principle of the extension to the dwelling house would be acceptable within this area. Such accommodation is consistent with the character of the area and would not conflict with the aims of Policy CF1.

The proposed extension is considered to comply with the relevant policies and guidance for the following reasons:

Aberdeen Local Development Plan

Policy D1 - Architecture and Placemaking

- The extension, following development, would be subservient to the original dwelling house, and its scale, mass and proportions are considered acceptable in relation to the existing building and plot size. The external footprint of the dwelling house would rise by 36.24sq. a 24% increase with a corresponding rise of 6.7% in site coverage to 34.7%, which is considered low and acceptable within the context of the surrounding area. Approximately 79% of the useable rear garden ground would be retained after development; therefore sufficient garden space would remain. Although the increase in the internal floor space would be higher than that of the footprint, the bulk of the increase in accommodation would be underground and not visible.
- The extension has been designed to integrate with and complement the existing building in terms of design, roof profile and materials used for the external finishes, which match existing. The proposal introduces an extension of contemporary design to a traditional building and demonstrates due regard for its context through use of appropriate scale, materials and design. The local plan promotes well-proportioned and contemporary architecture as an alternative to a poor imitation of existing architecture. There are a variety of house styles and scales within the immediate area, many have been altered or extended to the rear since original, and the extension is considered neither to compromise existing architectural consistency nor to impact detrimentally on residential character and visual amenity, thereby preserving the character of the Conservation Area.
- The new extension would not be readily visible from a public elevation. Part of the upper section may be visible from Orchard Walk, which serves a row of 4 terraced properties to the rear and terminates in a turning space 5m to the

north east of the applicants rear garden boundary, however it is unlikely that the remainder of the extension would be visible from any elevation. It is therefore considered that the location of the extension would result in minimal visual intrusion when viewed from a public elevation.

Supplementary Guidance – Householder Development Guide

House Extensions

- The guidance relating to extensions to detached properties is not specific about size of extension. Extensions relating to such properties are determined on a site specific basis in terms of impact to residential character and amenity.
- General principles expect that extensions should be architecturally compatible in design and scale with the original house and surrounding area, materials should be complimentary and any development should not overwhelm or dominate the original form or appearance of the dwelling house. The extension is considered to integrate with and complement the existing building in terms of design, roof profile, height and materials used for the external finishes, and is acceptable in the context of the existing building and surrounding properties. The proposed extension is considered to blend with the existing architectural character of the dwelling house and would have no impact on the visual amenity of the streetscape, not being readily visible from a public viewpoint. In this instance the proposal is considered to generally meet the requirements of the above guidance.
- The extension is considered not to increase the potential for further overlooking of neighbouring properties and gardens than exists at present. The glazed rear elevation would face towards the front garden and blank gable of the property at 31 Orchard Walk, to the immediate south west. There is sufficient boundary treatment to ensure no overlooking of this property. The windows facing the property to the north west are mainly high level, and there is sufficient boundary screening to prevent overlooking. Current residential amenity will therefore be retained.
- No development should result in a situation where amenity is 'borrowed' from an adjacent property. There is sufficient distance between the proposed extension and the property to the north west to ensure no additional loss of daylight or overshadowing than exists at present. The extension would be completely screened by the neighbour's annexe to the east. Calculations indicate that the extension to the 2 storey section of the annexe would have no impact to neighbouring properties in terms of overshadowing or loss of daylight. Although calculations indicate a slight loss of daylight, from the extension at upper level, to a ground floor bedroom window of No 39, this property is in the ownership of the applicant. Calculations further indicate that the potential loss of daylight would not be unduly onerous and partially offset by the orientation of the rear elevation, which faces south.

Additional Guidance

Historic Scotland – 'Scottish Historic Environment Policy'

The property lies within the Old Aberdeen Conservation Area and Scottish Historic Environment Policy (SHEP) must be referred to in determination of the application. SHEP states that the planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area when determining applications. The proposed extension is considered to be of suitable scale, materials and design, is not readily visible from a public elevation and therefore there would be no unduly intrusive impact on the visual character of the conservation area, thereby preserving its existing character.

With regard to the objections, those related to size, scale, design and impact to the character of the area and residential amenity have been addressed. With regard to the remaining objections, the site lies within a controlled parking area, which allows residents to obtain parking permits for day time parking. The Roads Project Team has provided no adverse comments in relation to the application, since the increase in accommodation would not require additional parking provision. Similarly no comments have been received from Environmental Health regarding any potential impact on local services. Approval of this application would not necessarily result in a rise in similar applications nor set a precedent for approval of applications of a similar nature since every application is determined on its own merits. Building standards will ensure that all regulations are met, and that the property will be safe. Any concerns regarding the number of occupants within the entire building would be addressed by any future HMO application that may be submitted, or by a separate planning application for change of use, should the number of inhabitants within any flat rise to 6 or above.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The proposed extension complies with the Aberdeen Local Development Plan Policies D1 (Architecture and Placemaking) and CF1 – Existing Community Sites and Facilities, and the Supplementary Guidance relating to House Extensions. The extension is of suitable scale, design and materials for its location, would not have any adverse impact on residential character or amenity of neighbouring properties or on the visual character of the surrounding area. The character of the Conservation Area would be preserved, in compliance with Scottish Historic Environment Policy'

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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Sheila Robertson

From: PI
Sent: 05 September 2013 09:50
To: Sheila Robertson
Subject: FW: 131212 39-41 University Rd – Extension of property to rear

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

From: [REDACTED]
Sent: 05 September 2013 08:26
To: PI
Cc: webadmin
Subject: 131212 39-41 University Rd – Extension of property to rear

131212 39-41 University Rd – Extension of property to rear

The Old Aberdeen Community Council would like to object to this planning application on the basis of gross overdevelopment.

This application will increase bedroom capacity to 13 bedrooms, most of which are identified as doubles – there could be 20 persons sharing 5 toilets in this cramped space?

A development of this size is inappropriate for a domestic property and will destroy any option for future reconversion to family use.

We are concerned about the subterranean living room which seems undesirable, but would particularly point out that a cycle store is included in the basement. While we applaud the inclusion of a cycle store, the need to carry the bikes up and down stairs – an awkward load – is quite likely to lead to trips and falls and consequent injury and we encourage the Planning Department to reject this aspect of the application.

Dewi Morgan
On behalf of Old Aberdeen Community Council

39 University Road
Aberdeen
AB24 3DR

7th September 2013

To whomever it may concern,

Application Number: 131212
39/41 University Road, Aberdeen, AB24 3DR

I am writing with regard to the proposed planning application for 39/41 University Road. With reference to the effect the proposed plans would have on a conservation area, I explain my objection to the plans and the proposed development of the site.

Effect on a Conservation Area

The area on which the proposed plans are based is in a conservation area. There has already been a significant amount of development on the site. It does not appear that the further plans can be justified. A great deal of the garden space is also being built upon, reducing the amount of green space. The footprint of the proposed development also appears to be quite large – perhaps out of proportion to the existing buildings.

It is also concerning that there has been so much development already on the site. With the proposed plans it can be considered that perhaps the site itself is being over-developed given its size, particularly as the area is a conservation area.

For the reasons given above, this letter expresses my objection to the plans and the proposed development of the site.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Emily Kidd
Tenant – 39 University Road



OLD ABERDEEN HERITAGE SOCIETY

Planning Reception
Aberdeen City Council
Marischal College
Aberdeen

62 Buckie Road
Bridge of Don
Aberdeen
AB22 8DN

11th Sept 2013

Dear Sirs,

39/41 University Road – Old Aberdeen Conservation Area
Application for extension to rear Ref No 131212

The Society wishes to register a firm objection to the above application on the following grounds:-

The addition of an extension of these proportions is not acceptable at the rear of a traditional granite building in the Conservation Area. Taking up most of the length of the garden ground, it would change the character of the rear view of the University Road houses, as seen from Orchard Walk, which runs alongside the rear gardens. The character of these houses generally allows small extensions such as appear in such roads, but the proposed extension is far beyond the proportions acceptable for a house in the Conservation Area, as it is not in keeping with the traditional pattern.

This proposal represents gross overdevelopment of the site, increasing the capacity to 10 bedrooms (plus home cinema and gymnasium), which would obviously attract not only more people to live in this space, but increase the number of cars likely to be owned by the tenants, which would exacerbate an already serious problem with parking in the area, and so have an adverse impact on surrounding streets and residential amenity.

The design of the extension, and the materials used, are completely out of keeping with the granite building at 39/41, and the rest of University Road. It is our view that its design shows no respect for, and is, in fact, detrimental to the character of the Conservation Area.

Yours faithfully,

pp. Graeme Stephen - for Old Aberdeen Heritage Society

Address: 73 University Road
Aberdeen
AB24 3DR

7th September 2013

To whomever it may concern,

Application Number: 131212
39/41 University Road, Aberdeen, AB24 3DR

I am writing with regard to the proposed planning application for 39/41 University Road to express my concern and objection towards the proposed development of the site. Under the following headings I express my concern in terms of the considerations the planning committee will be taking into account.

Impact on Amenity

There will be 11 individuals (minimum) living on the site (39 and 41 University Road and the new development above the properties). It can be argued that the expansion, accommodation further people cannot be justified in terms of the supply of local amenities such as rubbish collection, storage of waste etc.

The extension also appears to be a completely new addressed property in its own right as opposed to an addition to the existing buildings. This would therefore have more of an affect on local amenities than just a simple extension to an existing building.

Also, given the size of the proposed extension, it appears likely that there would be an affect on the access to natural light the existing building, particularly 39 University Road would have.

Impact on Access/Parking

With regard to parking, there will be three flats after the completion of the current development occurring above 39/41 University Road. Will there be enough space for parking, particularly during busy periods with an expansion to the existing property. In addition, there does not appear to be any vehicular access to the property, which would have a severe impact on access. This would be the case no only for access during construction, but also for emergency vehicle access after completion.

Access to the property also only appears to be available from the side of the property alongside 39 University Road. Would this be sufficient given that

there is no rear access to the property not just for after the building may be completed but during the construction.

Design

The design of the building appears to be significantly out of keeping with the surrounding area. In addition, although the plans have been submitted as part of a "detailed application" they do not appear to be altogether that detailed. Is this sufficient given the nature of the application? Is the agent a qualified architect given the fact that these are meant to be detailed plans and do not appear to be conclusive?

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The area on which the proposed plans are based is in a conservation area. There has already been a significant amount of development on the site. It does not appear that the further plans can be justified. A great deal of the garden space is also being built upon, reducing the amount of green space. The footprint of the proposed development also appears to be quite large – perhaps out of proportion to the existing buildings.

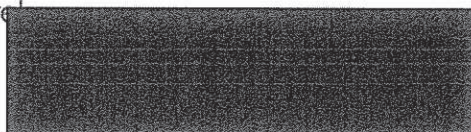
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Precedent

At present, no such extension has been built on existing properties. It can be argued that by doing this, a precedent for similar development could be set for neighbouring properties.

For the reasons given above, this letter expresses my objection to the plans and the proposed development of the site.

Yours sincerely



ASIGAIL WORKMASTER

39 University Road
Aberdeen
AB24 3DR

Telephone: [REDACTED]

7th September 2013

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Emma Read
Tenant – 39 University Road

Address 23 University Road
AB24 3DR Aberdeen

7th September 2013

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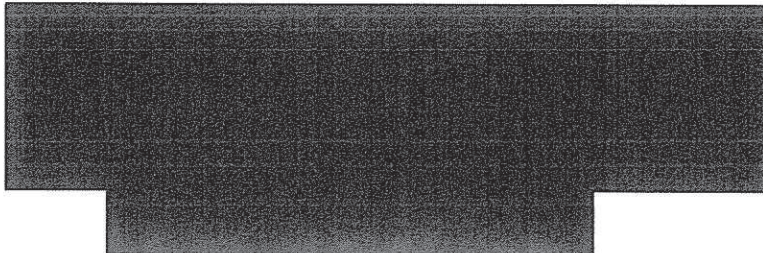
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A large, solid black rectangular redaction box covering the signature and name of the sender.

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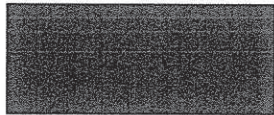
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Yours sincerely,



CAROLINE GOULDIE

47 University Road

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Agenda Item 2.9

Planning Development Management Committee

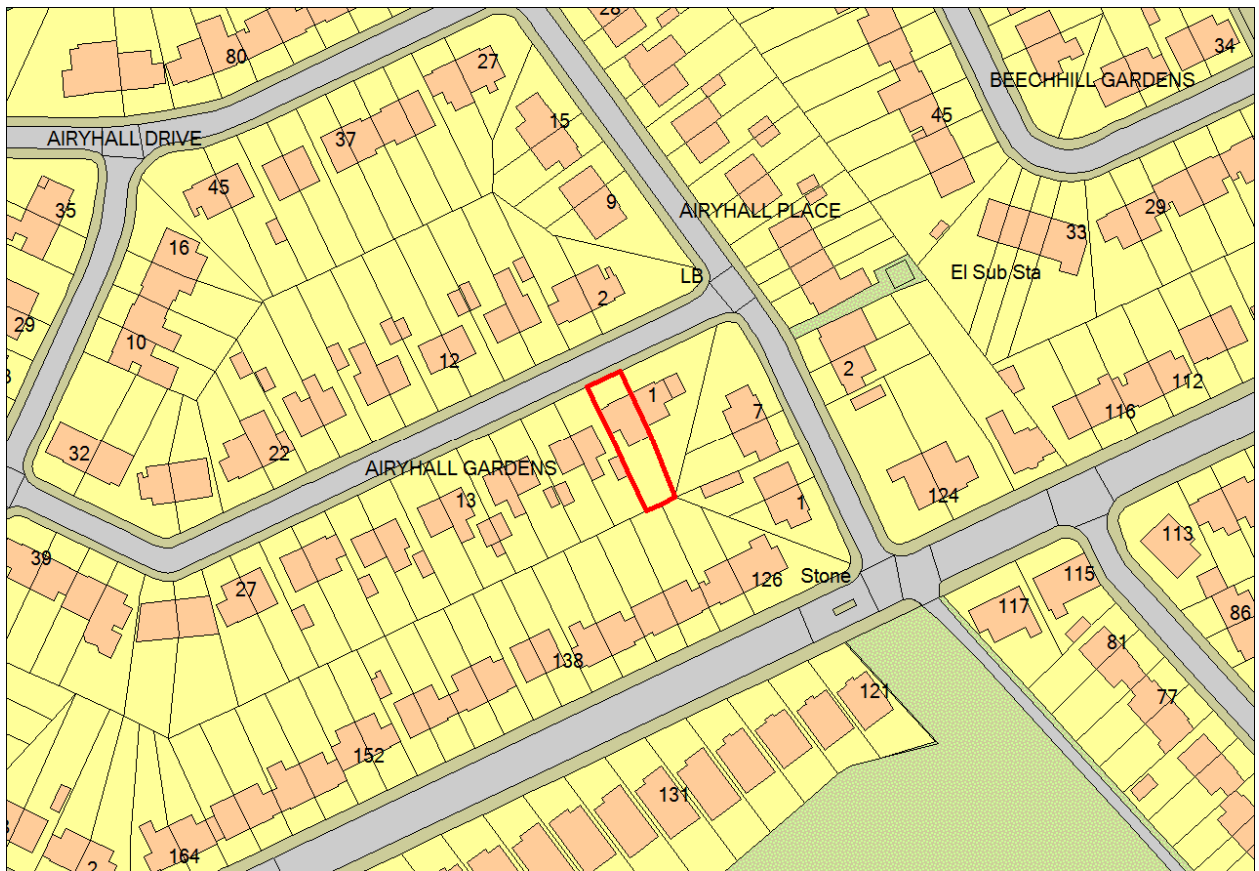
3 AIRYHALL GARDENS, ABERDEEN

EXTENSION TO EXISTING DORMER WINDOW
TO FRONT ELEVATION

For: Mr Phil Taylor

Application Type : Detailed Planning Permission
Application Ref. : P131702
Application Date : 21/11/2013
Officer : Sheila Robertson
Ward : Airyhall/Broomhill/Garthdee (I Yuill/A
Taylor/G Townson)

Advert :
Advertised on:
Committee Date: 16 January 2014
Community Council : No comments



RECOMMENDATION: Approve Unconditionally

DESCRIPTION

The application site is located on the south side of Airyhall Gardens, close to the junction with Airyhall Place, and comprises a 1.5 storey, semi detached dwellinghouse with a fully hipped roof. There is a single flat roofed dormer window to both the front and side elevations, finished with red/brown roof tiles. The surrounding area is characterised by a variety of 1.5 storey semi detached properties, with a range of scales and types of dormer windows to the principle elevations.

RELEVANT HISTORY

None

PROPOSAL

Planning permission is sought to extend the dormer window to the principle elevation, by a further 1.2m to provide more internal headroom within an existing bedroom. All materials to match existing.

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?131702>

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 because the applicant is related to an elected member of the Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – No observations.

Environmental Health –No observations.

Community Council –No comments received.

REPRESENTATIONS

None received.

PLANNING POLICY

Aberdeen Local Development Plan

Policy D1 - Architecture and Placemaking

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

Policy H1 - Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

1. does not constitute over development;
2. does not have an unacceptable impact on the character or amenity of the surrounding area; and
3. complies with Supplementary Guidance contained in the Householder Development Guide.

Supplementary guidance

Roof extensions and dormer design.

EVALUATION

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

The main issue in determining the application is whether or not the proposal complies with the relevant policies, and, if not, whether there are any reasons which outweigh policy, for example the presence of similar extensions in the immediate area.

The proposed extension results in a dormer that meets requirements in terms of design and scale, window location, and ratio of glazing to solid infill. The extension will replicate the design of the original dormer and is therefore considered to be fully compliant with the supplementary guidance relating to dormer design.

The resultant dormer would integrate well with the style of the existing dwelling house, would not result in visual clutter on the roof and would have no impact on the architectural consistency of the existing dwelling house. There are a large variety of dormer windows with the immediate area, the proposal would not be out of character with surrounding properties in terms of design and would have no impact on the visual character of the streetscape in compliance with Policy D1 and the supplementary guidance. There will be no additional overlooking or loss of privacy to neighbouring properties than exists at present. Current residential amenity will therefore be retained in compliance with Policy H1.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The proposed dormer extension results in a dormer that complies with the relevant guidance, being of suitable scale, design and materials. The extension would integrate well with the existing dormer and dwelling house, would have no impact on residential character and amenity, nor on the visual character of the streetscape in compliance with Policy D1 (Architecture and Placemaking), Policy

H1 (Residential) and the Supplementary Guidance relating to Dormer Design in the Aberdeen Local Development Plan.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

COMMITTEE Development Management Sub-Committee

DATE 16th January 2014

DIRECTOR: Gordon McIntosh

TITLE OF REPORT: Planning Enforcement Activity – April to Septemeber 2013

REPORT NUMBER EPI/13/261

1. PURPOSE OF REPORT

- 1.1 To inform Members of the planning enforcement work that has been undertaken by the Planning and Sustainable Development Service from 1st April 2013 to 30th September 2013.

2. RECOMMENDATION

- 2.1 That Members note the contents of this report.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no specific implications for revenue and capital budgets, priority based budgeting, or state aid arising from consideration of this report. Some cost may be incurred if direct action to secure compliance with an enforcement notice is necessary. This can generally be accommodated within existing budgets. Actions outwith budget parameters will trigger a specific report being submitted to Committee to seek authorisation or other instructions.

4. OTHER IMPLICATIONS

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

5. REPORT

- 5.1 This report provides the regular 6 monthly update for the Development Management Sub-Committee on the enforcement work that has been pursued by the Development Management Section. The previous report, which was presented to the Development Management Sub-Committee in June 2013, advised of the enforcement work that had been pursued by the Development Management Section for the 6 months up to 31st March 2013.
- 5.2 This report identifies all cases which have been investigated in the period from 1st April 2013 to 30th September 2013 with a view to determining whether or not a breach of planning control has taken place and whether it is expedient to take enforcement action. It details those cases that have been resolved and updates those cases that were under investigation prior to April 2013 and those that have required formal enforcement action. The attached spreadsheets provide a summary of the complaint / breach and an update of the current status and any related action.
- 5.3 It is evident that a number of cases have been resolved through negotiation and discussion, without recourse to formal enforcement action. In a number of circumstances, particularly where householders are concerned, the breaches are relatively minor and may have taken place because the parties were unaware of the requirement of the need for first obtaining planning permission. In many cases, the submission of a planning application and eventual grant of planning permission has resolved the situation.
- 5.4 A total of 104 new cases have been investigated since the last report. The majority (67) have been resolved without recourse to formal action by the approval of a retrospective planning application, by informal negotiation, or were found not to constitute a breach of planning control. The remainder (37 cases) are still under investigation and may require formal enforcement action if negotiation proves unsuccessful and if there is found to be a breach of planning control which has resulted in significant disamenity or threat to public safety. No enforcement notices have been served during the current reporting period.
- 5.5 It is a continuing trend that a significant proportion of complaints received are of a relatively minor nature and are frequently householder related cases (approximately half of all complaints). As these cases often do not relate to properties in conservation areas or involve protected trees, and often do not raise issues of public amenity or public safety concern, they are likely to be of lower priority in terms of consideration of possible enforcement action. However, these cases can give rise to very strong feelings between those affected, often taking up a good deal of officers' time in investigating / resolving a dispute.
- 5.6 The commitment of the Scottish Government to ensuring sustainable economic growth places increased emphasis on considering the economic implications of enforcement activity at this time. Factors such as

employment retention and creation are therefore of increased weight in considering whether, in any given situation, it is expedient to take enforcement activity. There is also increased need at this time to ensure that burdens imposed on developers in terms of planning conditions and planning obligations / legal agreements are proportionate and reasonable.

- 5.7 A significant issue within the reporting period is the scale of major development, often greenfield, which is currently ongoing within the City. This has placed a significant burden on the role of planning enforcement given that such applications are often subject to numerous conditions / legal obligations which require post approval monitoring / action. A recurring issue with many of these sites is the commencement of development in advance of all the relevant conditions having been purified within the required timeframe, or in the case of approval of planning permission in principle, all the relevant applications for approval of matters specified in condition having been granted. Bearing in mind the need to be proportionate and reasonable, the general approach of the service in these circumstances has been to try and resolve the relevant matter by negotiation with the developer, rather than by use of formal enforcement powers. However, in cases raising potentially serious environmental / amenity impacts, it may be necessary to use such powers.
- 5.8 During the reporting period, a number of significant breaches in relation to listed buildings having been identified. At the Category A listed former St Margaret's Convent on the Spital, significant damage to / removal of the original internal fabric of this building has taken place, without the necessary listed building consent having been granted. The building has also been identified as being at serious risk of loss due to the absence of any active end use and due to serious structural issues on site. In July, a meeting took place with the owner of the building and Historic Scotland in attempt to resolve the breach of control and identify a way forward. Future monitoring by the Council and ongoing discussions regarding repairs and future use are required.
- 5.9 The deteriorating condition of the nationally important complex of former mill buildings at Broadford Works is a continuing area of concern. In light of the recent planning appeal relating to redevelopment of the site and ongoing discussions between the Council and the landowner in relation to the need for a legal obligation, no formal enforcement action has been undertaken. However, given the potential risk of loss of these buildings and their major historic / architectural importance, monitoring and review of this position is required. Depending on the outcome of the undetermined planning appeal (currently suspended) and future action by the owner to arrest the decline in the fabric of the building, future enforcement action may be required. However, given the potential financial implications of this for the Council, significant intervention (e.g. compulsory purchase, or action beyond making the buildings wind and watertight), would be likely to be subject of a separate report to Committee.
- 5.10 Within the reporting period, enforcement liaison / monitoring work has continued in relation to The Green THI project. A number of significant physical enhancements of buildings have recently progressed within this

area as the project approaches physical completion. However, a number of enforcement notices relating to signage on listed buildings on Market Street remain to be complied with and, following recent appeal decisions, may require direct action to resolve.

- 5.11 The following table provides a summary of the enforcement caseload since the previous report and divides the cases into new and those included in the previous report.

<i>New Cases – 1st April 2013 to 31st September 2013</i>	<i>Cases resolved</i>	<i>67</i>
<i>New Cases - 1st April 2013 to 31st September 2013</i>	<i>Under investigation or being negotiated</i>	<i>37</i>
<i>Update of cases from previous reports</i>	<i>Cases resolved and/or closed</i>	<i>24</i>
<i>Update of cases from previous reports</i>	<i>Being negotiated, awaiting planning application/appeal decisions, or referred for enforcement.</i>	<i>21</i>
<i>Enforcement Notices served</i>		<i>0</i>
<i>Enforcement Notices in process of being prepared</i>		<i>2</i>

- 5.12 An Enforcement Charter, which is a statutory requirement arising from implementation of the 2006 Planning (Scotland) Act, was adopted by the Council in June 2009. This helps to explain the role of the planning enforcement team to the public, as well as setting priorities in terms of delivery of the planning enforcement service. Enforcement activity, including reporting, reflects the recommendations made within the Charter. A particular emerging issue which may be addressed in a future review of the Charter is the need to prioritise cases given the limited resources available to the service in investigating / pursuing enforcement action.

- 5.13 Following the Scottish Government's review of householder permitted development rights, implemented in February 2012, their related review of non householder permitted development remains to be completed. It is anticipated that these changes may reduce the enforcement burden on local authorities, by removal of the need for planning permission for certain development. It is hoped that this will allow increased time to be devoted to enforcement complaints which are considered to be of higher priority. However, it is likely that significant time will still be required to investigate alleged breaches of planning control as that is a statutory requirement. It is evident that notwithstanding the reforms to householder permitted development rights, significant officer time is spent investigating and responding to alleged planning breaches related to householder development. It remains to be seen if the reform of non householder permitted development will actually simplify the effect of existing legislation and avoid imposing additional complexity on officers in terms of determining whether development is permitted, or avoiding additional enforcement burdens for which no fee would be forthcoming (e.g. where development is only permitted subject to certain conditions imposed by the regulations).

6. SERVICE & COMMUNITY IMPACT

- 6.1 Corporate - The enforcement of planning control links to the Council's core value that "Aberdeen City Council will strive to enhance the high quality of life within the City" and corporate objectives that "Aberdeen City Council will continually review, update and enforce the Aberdeen Local Plan in order to maintain the balance between development pressures and the need to conserve and enhance the City's natural environment." The report relates to the Single Outcome Agreement 12 "we value and enjoy our built and natural environment and protect it and enhance it for future generations."
- 6.2 Public - The Corporate Best Practice Guide on Human Rights and Equalities will be adhered to when deemed necessary to take enforcement action. There is no requirement for Equalities or Human Rights Impact Assessment in this case.

7. BACKGROUND PAPERS

Relevant planning appeal decisions / letters issued within the relevant period and referred to above are available at the following weblinks :-

<http://www.dpea.scotland.gov.uk/Documents/qA323852/A5943524.pdf>
(Broadford Works)

<http://www.dpea.scotland.gov.uk/Documents/qA344951/A5956368.pdf>
(47-53 Market Street)

<http://www.dpea.scotland.gov.uk/Documents/qA353169/A6484041.pdf>
(47-53 Market Street)

<http://www.dpea.scotland.gov.uk/Documents/qA353178/A6483987.pdf>
(21 Market Street)

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

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

8. REPORT AUTHOR DETAILS

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

Current Ward Index and Councillors

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

Registered Enforcement Cases - April 2012 - September 2012

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

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

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

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

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

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

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

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

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

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

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

Resolved Cases From Previous Report - July 2012

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

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

161-163 Queens Road (McColl's Shop)	10	Unauthorised fascia sign & signboards	Formal request issued to shop owners March 2011 asking for an application to be submitted seeking the required retrospective permission for the fascia sign and for the majority of the signboards currently displayed on the front elevation of the shop to be removed. Application submitted by shop owners May 2011 (Ref.110601) refused June 2011. Advert Enforcement Notice asking for unauthorised signboards to be removed served March 2012. Notice fully complied with April 2012. No further action.
137 Gairn Terrace	12	Height & size of new extension to rear of property not as approved. (Ref. P110328)	Site inspection established that finished size & height of new extension near mutual boundary does not accord with the approved plans. Property owner formally asked [March 2012] to submit a new planning application. New application lodged May 2012 (Ref.120726) approved unconditionally August 2012. Resolved.
11 Marine Terrace Ferryhill	12	Various works carried out to Cat. (B) Listed Building property in Conservation Area without formal consent.	Site visit confirmed installation of unauthorised windows doors to rear of property. Agreement reached with agent acting on behalf of owner re. type/design of replacement windows & doors thought to be acceptable to resolve planning breach. Formal application seeking required consent for agreed type/design of windows & doors now lodged April 2012 (Ref. P120503) approved unconditionally June 2012. Resolved.
Hareness Road [Altens Lorry Park]	13	Unauthorised large building/store erected to south side of lorry park without planning consent	Site owner contacted March 2012 and asked to submit a formal planning application seeking retrospective planning consent for the new structure/store. Formal planning application submitted May 2012 and approved by DM Sub-Committee July 2012. No further action.

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

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

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

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

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

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