

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, 5 February 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, 13 FEBRUARY 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 16 January 2014 - for approval (Pages 1 - 14)

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Site 6 Kirkton Drive, Raiths Industrial Estate - Hazardous substances consent to permit storage of 48 tonnes LPG (Pages 15 - 18)
Reference No – 131414
Planning application documents can be viewed here –
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=131414>

2.2 27 Hammerfield Avenue - Proposed rear extension (Pages 19 - 40)

Reference No – 131159

Planning application documents can be viewed here –

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=131159>

2.3 Land at West Huxterstone, Langstracht Kingswells - Erection of 97 residential properties and associated works (Pages 41 - 70)

Reference No – 130912

Planning application documents can be viewed here –

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=130912>

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

3.1 Bishops Court, 29 Albyn Place - Erection of extension to provide additional office accommodation and associated infrastructure works (Pages 71 - 92)

Reference No – 131464

Planning application documents can be viewed here –

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=131464>

OTHER REPORTS

4.1 Planning Digest (Pages 93 - 96)

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Martin Allan on 01224 523057 or email mallan@aberdeencity.gov.uk or Stephanie Dunsmuir on 01224 522503 or email sdunsmuir@aberdeencity.gov.uk

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 16 January 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Corall, Cormie, Donnelly (substituting for Councillor Lawrence), Grant, Greig, Jaffrey, MacGregor, Jean Morrison, 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=2878&Ver=4>

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 28 NOVEMBER 2013

1. The Committee had before it the minute of its previous meeting of 28 November 2013.

The Committee resolved:-

to approve the minute.

LOIRSTON, NIGG - 130892

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

That the Committee express a willingness to approve the application in respect of planning permission in principle for a proposed residential development of up to 1,067 houses, eight 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, but to withhold the issue of the consent document until the applicant had entered into a legal agreement with the Council to address (1) affordable housing provision; (2) developer contributions relating to:- community library, cultural facilities and services, education, healthcare, indoor and outdoor sporting facilities, outdoor recreation and core paths network; (3) Strategic Transport Fund contributions; and (4) contribution in lieu of mitigation of local roads network impact affecting Wellington Road, and 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' (MSC) application; (2) That 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 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; (3) That

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; (4) That 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; (5) That 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 to and approved by the planning authority in consultation with SEPA, once approved the agreed scheme shall be implemented in full; (6) That 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; (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; (8) That no development shall commence within a given phase until site specific Construction Environmental Management Plan(s) (CEMP(s)) have been submitted to 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

(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 AMSC, have been submitted to, and approved in writing by, the planning authority; (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 to 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; (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; and (ix) the sequence of demolition, development and provision of key elements (e.g. 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; (12) That 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 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
- 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; (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; (15) That no more than 300 houses on the application site shall be occupied unless a second 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; (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; (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; (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; (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; and (d) verification protocols to demonstrate compliance with the remediation plan; (20) That 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; (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*	Measurement Location	Site Standard
	Easting, Northing	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;

(22) That no development shall be undertaken within any phase unless the impact and significance of the construction and development works 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; (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; (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; (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; (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; (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; (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; (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; (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; (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; and (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.

The Committee was advised by Mr Tom Rogers, Team Leader (Roads Projects), that the new junction referred to for the proposed football stadium would be built by the developer and would not form part of the contribution required for local roads mitigation, which was for improvements to Wellington Road, the southbound junction and an additional lane on the northbound carriageway.

The Committee resolved:-

to approve the recommendation subject to the addition of a suitable condition to provide a form of mitigation in terms of the displacement of the breeding reed bunting.

DECLARATION OF INTEREST

The Vice Convener declared an interest in regard to the following item of business by virtue of a personal connection and considered that the nature of his interest required him to withdraw from the meeting and take no part in the deliberations thereon.

LAND ADJACENT TO 58 WHITEHALL PLACE - 131045

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

That the Committee approve the application in respect of planning permission for a proposed single dwelling house, including demolition of the existing garage and the

formation of a new driveway to the existing house, 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; (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; (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; and (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 response to questions, Mr Daniel Lewis, Development Management Manager, advised the Committee that the applicant was willing to remove the terrace and planter from the proposal and replace this with a flat roof if this was preferred by members.

The Convener moved, seconded by Councillor Cormie:-

That the application be approved in accordance with the recommendation contained within the report subject to the removal of the terrace and planter and replacement with a flat roof as proposed by the applicant.

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

That the application be refused on the grounds that the proposed development represented overdevelopment of the site; was not in keeping with the properties in the surrounding area; the quality of the materials proposed would be out of character with surrounding buildings; would result in a loss of on-street car parking; and would set an undesirable precedent for future development of a similar nature.

On a division, there voted:- for the motion (6) - the Convener; and Councillors Cormie, Donnelly, Grant, Jean Morrison and Townson; for the amendment (8) - Councillors Boulton, Corall, Greig, Jaffrey, MacGregor, Samarai, Jennifer Stewart and Thomson; absent from the division (1) - the Vice Convener.

The Committee resolved:-

to adopt the amendment.

In terms of Standing Order 36(3), the Convener indicated that he wished the foregoing decision to be referred to Council for decision and was supported

by Councillors Cormie, Donnelly, Grant and Morrison.

CULTER BURN, NORTH DEESIDE ROAD - 121787

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

That the Committee approve the application in respect of planning permission for the construction of a proposed hydro-electric power generation scheme, fish pass and access road, 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;
- (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;
- (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;
- (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;
- (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;
- (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;
- (7) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire

shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks; (8) That 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; (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; (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; (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; (12) That no development shall take place unless the mitigation measures as identified in the Environmental Statement have been implemented in their entirety; and (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.

The Committee resolved:-

- (i) to approve the recommendation; and
- (ii) to request the applicant to consider (1) working with the education authority to promote the benefits of the scheme in local schools; and (2) powering the scheme from underground rather than overhead.

15 UNION STREET - 131611

5. With reference to Article 8 of the minute of its meeting of 26 September 2013, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application in respect of planning permission for a change of use and conversion of the first to fourth floors of

the existing building to form 45 serviced apartments, and the installation of replacement windows and associated dormer windows and roof lights, but to withhold the issue of the consent document until the applicant had made payment to the Council to secure the identified developer contributions towards car club membership, and 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; (2) That the serviced apartments hereby granted planning permission shall not be occupied unless a noise assessment is carried out to confirm the effectiveness of the works and that the predicted sound reduction levels detailed in the Bureau Veritas noise assessment dated 26 June 2013 have been achieved and the assessment has been submitted to, and agreed in writing by the planning authority, in consultation with the Environmental Health Service; (3) That the property, inclusive of the serviced apartments and building access, shall be constructed in accordance with the recommended design described in the Bureau Veritas noise assessment dated 26 June 2013, or in accordance with an equivalent scheme to meet or specified noise reduction levels and 'inaudibility' criteria as may be agreed in writing by the planning authority; (4) That the serviced apartments hereby granted planning permission shall not be occupied unless details of a mechanical ventilation system drawing air from the roof of the building shall be provided for the apartments fronting Union Street to minimise exposure to potential exceedances of the national Air Quality Objectives has been submitted to, and agreed in writing by the planning authority, in consultation with the Environmental Health Service; (5) That following the first six months of the approved development being brought into use, details shall be submitted to the planning authority highlighting how the issues identified in the submitted Travel Plan have been achieved; and (6) That 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 Committee resolved:-

to approve the recommendations.

SOUTH ESPLANADE WEST - 131121

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

That the Committee approve the application in respect of 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) in regard to planning permission in principle granted for the construction of an extension to the boat club, along with an area of car parking and extended slipway (application reference 100453), 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; (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; (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; (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 of 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; and (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.

The Committee resolved:-

to approve the recommendation.

PINEWOOD, COUNTESSWELLS ROAD - 131027

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

That the Committee approve the application in respect of planning permission for matters specified in 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 down-taken drystone walling within the development) relating to planning permission in principle granted for a development comprising a 'proposed residential development and formation of access roundabout and access roads' on the Pinewood site (application reference A7/2178), 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; and (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 recommendation in the report be approved.

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

That the application be refused on the grounds that there was a lack of a sufficient water management plan in place for the area which could have a detrimental impact on existing amenity; that there were insufficient buffer zones; and that the method of tree management was inadequate.

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

The Committee resolved:-
to adopt the motion.

CROMER DENE, 469 NORTH DEESIDE ROAD - 131266

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

That the Committee approve the application in respect of planning permission for the construction of a four bedroom detached house within the grounds of the property, 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; (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; (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; (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; (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; and (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.

The Committee resolved:-

to approve the recommendation.

39/41 UNIVERSITY ROAD - 131212

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

That the Committee approve unconditionally the application in respect of planning permission to erect an extension to the rear elevation of the property involving replacement of the existing single storey annexe and widening the two storey element of the annexe.

The Committee resolved:-

to approve the recommendation.

3 AIRYHALL GARDENS - 131702

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

That the Committee approve unconditionally the application in respect of planning permission for an extension to an existing dormer window to the front elevation of the property.

The Committee resolved:-

to approve the recommendation.

PLANNING ENFORCEMENT ACTIVITY - EPI/13/261

11. The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which advised of the planning enforcement work that had been undertaken from 1 April to 30 September 2013.

The report recommended:-

that the Committee note the content of the report

The Committee resolved:-

- (i) to request officers to provide Councillor Jaffrey with an update regarding the enforcement case at 1 Jesmond Gardens, Bridge of Don; and
- (ii) otherwise to approve the recommendation.

- RAMSAY MILNE, Convener.

Planning Development Management Committee

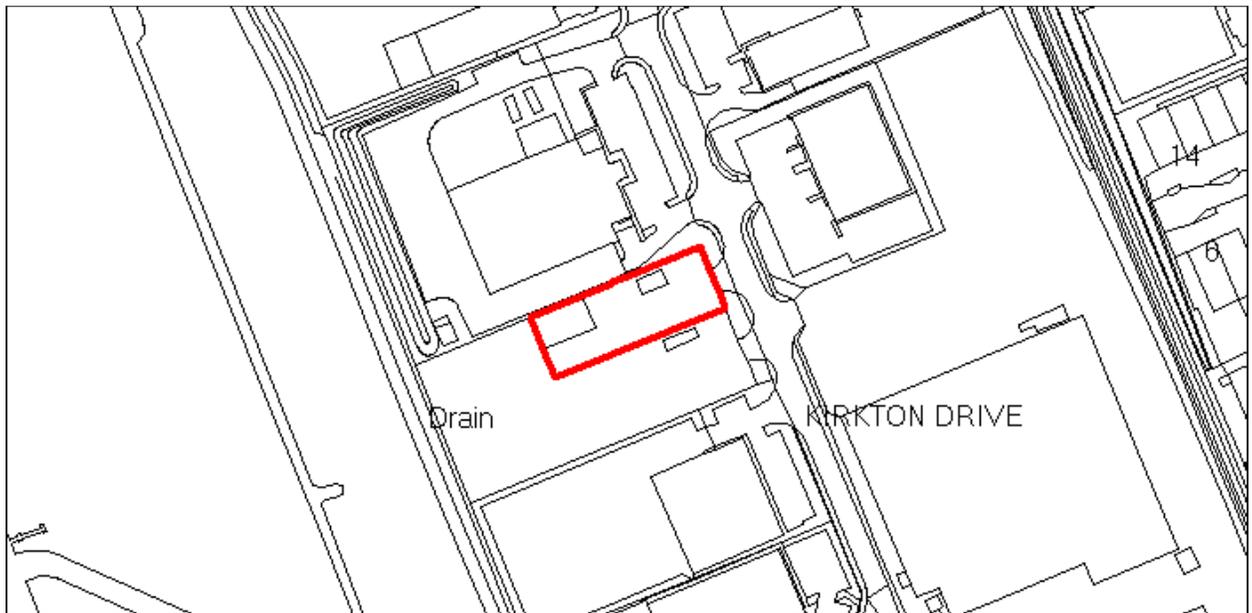
SITE 6 KIRKTON DRIVE, RAITHS INDUSTRIAL ESTATE

HAZARDOUS SUBSTANCES CONSENT TO PERMIT STORAGE OF 48 TONNES LPG

For: Johnston Gas Ltd

Application Type : Hazardous Substances Consent
Application Ref. : P131414
Application Date: 26/09/2013
Officer: Jane Forbes
Ward : Dyce/Bucksburn/Danestone(B Crockett/G Lawrence/N MacGregor/G Samarai)

Advert : Hazardous Substances
Advertised on: 2 August 2013
Committee Date: 13 February 2014
Community Council : No response received



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site is located along the south-western section of Kirkton Drive, Dyce within the Raiths Industrial Estate, with Aberdeen International Airport lying directly to the west. The site currently operates as an industrial yard for the storage and onward distribution of domestic propane (LPG) gas bottles and includes an office portacabin and associated car parking.

PROPOSAL

Hazardous substances consent is sought to permit the storage of 48 tonnes of liquefied propane gas (LPG) on site, and does not relate to associated development works which are dealt with by associated planning application (Ref: 130621) which is currently under consideration. The LPG would be either stored in several outside tanks (41 tonnes) or cylinders (7 tonnes) to a maximum of 48 tonnes. Under Schedule 1 of the Hazardous Substances (Scotland) Regulations 1993 (as amended) consent is required to store any quantity of LPG over 25 tonnes.

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?131414>

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

REASON FOR REFERRAL TO COMMITTEE

Applications for Hazardous Substances Consent fall outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No observations.

Environmental Health – No observations.

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

Scottish Environment Protection Agency – No objection and confirm the proposal falls below the threshold for which Control of Major Hazard Regulations (COMAH) apply.

Scottish Natural Heritage – No observations.

Aberdeenshire Council – No response.

Grampian Fire and Resucue Service – No response.

Scottish and Southern Energy – No objections.

Scotland Gas Networks – No response.

Health and Safety Executive – The Hazardous Installations Directorate assessed the application and concluded that the additional risks to the surrounding population arising from the proposed operations were so small that there were no significant reasons, on safety grounds, for refusing hazardous substances consent. On the advice of the Health and Safety Executive, a condition is to be applied clearly limiting the quantity of hazardous substances to be stored on site to that indicated on the application form and approved drawings.

REPRESENTATIONS

No representations have been received.

PLANNING POLICY

Aberdeen Local Development Plan

Policy B11 (Business and Industrial Land) - The site is located within an area zoned as B11. The expansion of existing concerns and development of new business and industrial uses will be permitted in principle within areas zoned for this purpose.

EVALUATION

The Planning (Hazardous Substances)(Scotland) Act 1997, Section 7(2) requires the planning authority, when determining an application for hazardous substances consent, to take into account the following factors, as well as any other relevant material considerations (a) any current or contemplated use of the land to which the application relates; (b) the way in which the land in the vicinity is being used or is likely to be used; (c) any planning permission that has been granted for development of the land in the vicinity; (d) the provisions of the development plan; and (e) any advice which the Health and Safety Executive have given in response to consultations.

The site lies within an area zoned for business and industrial use, and already operates as an industrial yard for the storage and onward distribution of domestic propane (LPG) gas bottles. Having taken into account the existing and proposed uses in this business and industrial area, which are predominantly for warehouses, workshops and to a lesser extent office buildings, it is considered that the proposal to increase the quantity of liquefied propane gas (LPG) stored on site would be compatible with existing uses and therefore compliant with Policy B11 (Business and Industrial Land) in the Aberdeen Local Development Plan.

The Health and Safety Executive have advised that the additional risk to the surrounding population arising from the proposed operations on site is so small that there are no significant reasons to refuse Hazardous Substances Consent on safety grounds. There are no residential properties within a distance of at least 500 metres from the site, and no proposed uses or planning permission granted but as yet not implemented, for any development in the surrounding area which could potentially cause conflict with storage of a hazardous substance on this site. Taking into account the requirements of the Planning (Hazardous Substances) (Scotland) Act 1997, as outlined above, it is considered that there

are no factors which would warrant refusal of hazardous substances consent. There would appear to be no other material considerations relevant to the determination of this application.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The application site is located within Raiths Industrial Estate, with no residential properties nearby, and no proposed uses or planning permissions granted for uses in the surrounding area which would likely be in conflict with the storage of this hazardous substance. It is therefore deemed that the proposal to store 48 tonnes of liquefied propane gas (LPG) on site would be in accordance with Policy BI1 (Business and Industrial Land) in the Aberdeen Local Development Plan.

The Health and Safety Executive have raised no objection to the proposal, and whilst requesting that a condition be applied to any consent granted, limiting the level of storage to that proposed, have stated there is no reason to refuse consent on safety grounds.

In conclusion, having taken into account the consultation response received from the Hazardous Installation Directorate of the Health and Safety Executive, the requirements of the Planning (Hazardous Substances) (Scotland) Act 1997, and with no other material considerations, it is considered that the proposed storage of 48 tonnes of liquefied propane gas (LPG) on site would be appropriate in this instance.

CONDITIONS

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

(1) The hazardous substance shall not be kept or used other than in accordance with the application particulars provided in the hazardous substances consent application form (revised as per email dated 19th December 2013), nor outside the areas marked for storage of the substance on the plan which formed part of the application (see Drawing No 9751/9000 Revision C: Proposed water main and site storage layout, dated 23 August 2013) - in order to ensure that the circumstances on site remain in line with those on which the assessment by the Health and Safety Executive was carried out.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

Agenda Item 2.2

Planning Development Management Committee

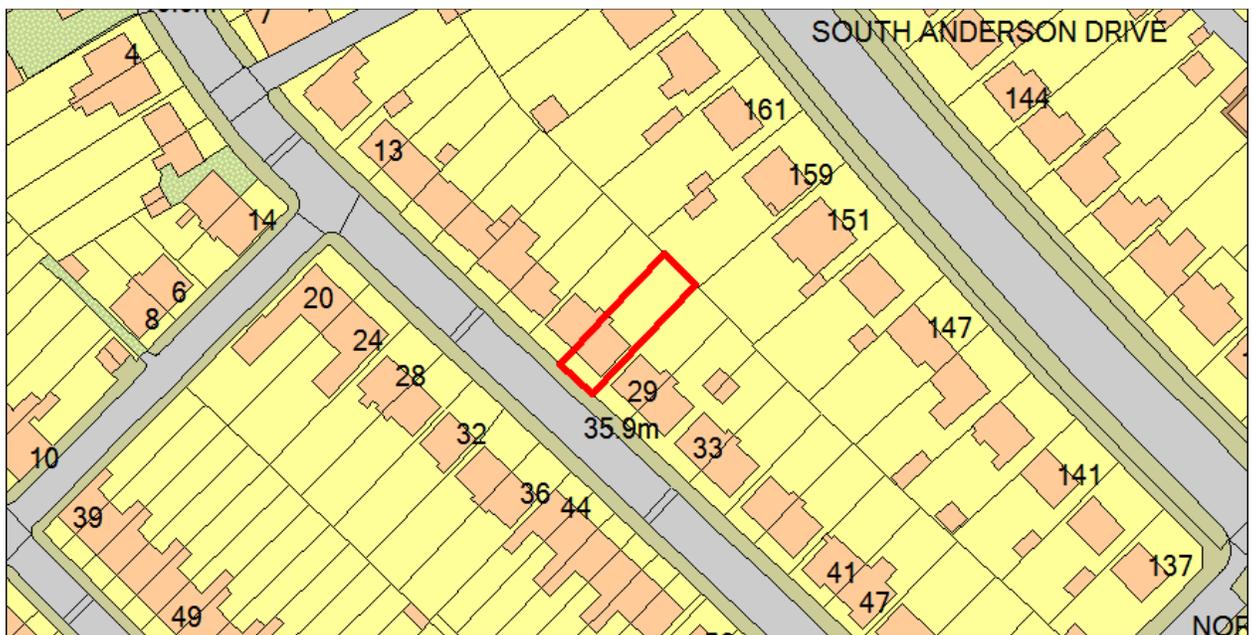
27 HAMMERFIELD AVENUE, ABERDEEN

PROPOSED REAR EXTENSION

For: Mr & Mrs A Cowie

Application Type : Detailed Planning Permission
Application Ref. : P131159
Application Date: 07/08/2013
Officer: Sheila Robertson
Ward : Airyhall/Broomhill/Garthdee (I Yuill/A Taylor/G Townson)

Advert :
Advertised on:
Committee Date: 13 February 2014
Community Council : No Community Council



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

The application site is located on the north eastern side of Hammerfield Avenue and is occupied by a 1.5 storey, semi detached dwelling house of traditional design and build, with a fully hipped roof. There is an original, single storey, lean to extension to the rear elevation housing an external store, 2m wide, extending 1.5m along the north eastern boundary and abutting an identical extension to the adjoining property at 27 Hammerfield Avenue. Current accommodation comprises a lounge, dining room, bedroom, kitchen and bathroom at ground floor level and 2 bedrooms and store at upper level. The plot extends to 311 sq.m with a current site coverage of 26%. The rear garden ground extends 20m from the rear elevation of the dwelling house; the north western boundary is screened by 1.8m high fencing; the rear garden slopes down by 0.5m towards the north eastern boundary which is screened by 1.6m high walls, while the south eastern boundary is screened by 2m high fencing and vegetation.

RELEVANT HISTORY

None

PROPOSAL

Planning permission is sought to erect an extension to the rear elevation, involving removal of the existing store, and extending across the entire rear elevation. A 5m section of the extension closest to the north western boundary would be 1.5 storey, with a pitched roof, while the remainder would be flat roofed. Eaves height would tie in with existing, while the roof ridge of the pitched roof would be 0.5m below the existing roof ridge. The extension would project 4m along the north western boundary, and be finished with horizontal and vertical larch cladding and a slated roof. The rear facing elevation would be extensively glazed with full height windows to both floors, with a narrow horizontal window to the south eastern elevation. Additional accommodation to be created would include a family room/kitchen to the ground floor and new bedroom at upper level.

The plans have been amended since originally submitted, following concerns regarding the design, which proposed an eaves height above existing, and a roof ridge height matching 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?131159>

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 10 letters of objection have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – Comments received. The proposal increases the number of bedrooms from 3 to 4, therefore requiring the provision of an additional off street parking space. However the property currently has no off street parking provision resulting in a shortfall of one parking space for this proposal. The applicant was requested to carry out a parking survey to ascertain whether Hammerfield Avenue has adequate capacity to accommodate an additional on street parking space. The survey results indicate that additional car parking demand could be accommodated within Hammerfield Avenue and the surrounding streets.

Environmental Health –No observations.

Community Council –No community council.

REPRESENTATIONS

10 letters of representation have been received, including 2 letters from neighbouring Community Councils, Craigiebuckler/Seafield and Ashley/Broomhill. 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.
- Design and materials are out of character.
- Lack of parking facilities.
- Loss of daylight/overshadowing.
- Loss of privacy.
- Lack of measurements on submitted plans.

Other concerns also included issues related to construction and devaluation of property values, however these are considered not to be material planning considerations.

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;
3. complies with Supplementary Guidance contained in the Householder Development Guidance relating to House Extension.

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.

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 increase by 28 sq. with a corresponding rise in site coverage to 35%, which is considered low and acceptable within the context of the surrounding area. Approximately 84% of the useable rear garden ground would be retained after development; therefore sufficient garden space would remain.

The extension has been designed to integrate with and complement the existing building in terms of design and roof profile. 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. The timber linings would likely weather over time to an ash grey, to blend with the existing granite. 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. The rear elevation of the dwelling house would not be readily visible from a public elevation, therefore the use of timber linings would not be considered detrimental to the surrounding area.

Policy H1 - Residential Areas

Supplementary Guidance – Householder Development Guide

House Extensions

Guidance relating to extensions to semi-detached properties state that the projection along a common boundary separating such properties should not exceed 4 metres. In this instance the projection of the proposed extension is fully compliant with policy.

General principles relating to extensions expect that they should be architecturally compatible in design and scale with the original house and surrounding area, materials should be complementary and the extension should not overwhelm or dominate the original form or appearance of the dwelling house, as noted above.

The extension is considered to be subservient to, and to integrate with and complement the existing building in terms of design, materials used for the external finishes and roof profile. Sufficient useable rear garden ground would be retained. In this instance the proposal is considered to generally meet the requirements of the above guidance.

No development should result in a situation where amenity is 'borrowed' from an adjacent property. Using the "45 degree rule" as set out in the British Research Establishment's Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice', calculations indicate no impact to the property at No 29 in terms of loss of daylight. Since daylight is ambient, calculations regarding loss of daylight to neighbouring properties are based only on impact to any facing windows, and are dependent upon distance and height of an extension. The rear elevation of the adjoining property to the north west is a mirror image of the applicant's property, with a windowless store projecting along the mutual boundary. Calculations indicate no windows to the rear of this property would be affected by loss of daylight. All other properties are well out with the area where windows could be impacted by loss of daylight.

Turning to the impact to adjacent properties in terms of overshadowing, the orientation of the proposed extension and its distance are determining factors. Calculations indicate overshadowing to No 29 would be negligible; only a 0.5 metre strip of the rear garden would be affected, extending 3 metres from the mutual boundary wall; any additional overshadowing being confined to a short period around midday during the winter months, and mainly affecting the roof of the external store. All other neighbouring properties would be unaffected by overshadowing due to the separation distance.

Objections relating to loss of privacy have been received on behalf of the owners of properties in South Anderson Drive, to the rear of the application property. A minimum separation distance of 18 metres is generally required between facing windows, if they are on the same plane and height, to ensure no loss of privacy. Since there is a minimum separation distance of 38m between the rear of these properties and the new windows of the proposed extension would neither directly face these windows nor be on the same plane, it is considered that no loss of privacy would occur. Overlooking of their gardens is not an issue as they are already overlooked by surrounding properties. Issues of overlooking were also raised in relation to 25 Hammerfield Avenue; however it is noted in this instance that no windows overlook that garden as they all face towards the rear of the applicants garden giving no opportunity to look back towards the objectors rear windows. The objectors immediate useable private garden space would be unaffected by the proposed extension as the rear garden of No 25 is already overlooked by neighbouring properties. There is sufficient screening to prevent any overlooking of the property to the south east from the ground floor window and the proposed roof lights offer little opportunity for overlooking. The proposed extension would not increase impact on the privacy or amenity of any neighbouring properties and existing residential amenity would therefore be maintained in compliance with policy.

The lack of off street parking provision has been addressed by the Roads Project Team; it is considered that sufficient on street parking space is available.

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. The concerns relating to size and scale have been addressed by the submission of plans reducing the height of the eaves and roof ridge. The submitted plans are drawn to an acceptable scale sufficient to allow a full evaluation. The Roads Project Team has provided no adverse comments in relation to the application following production of an on street parking survey conducted by the applicants. Objections relating to the lack of written measurements on the plans are unfounded since accurately scaled drawings have been submitted. Objections relating to devaluation of property prices and potential damage to mutual structures are considered not to be material considerations.

For these reasons it is considered that the proposals fully comply with the provisions of Policy D1, Policy H1 and the Supplementary Guidance of the Aberdeen Local Plan, and as such the application is recommended for approval. Given this policy position, it is not considered that the application would set an undesirable precedent for approval of similar applications

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The proposed extension complies with the Aberdeen Local Development Plan Policies D1 (Architecture and Placemaking) and H1 (Residential Areas), and the Supplementary Guidance contained in the Householder Development Guide. 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 in terms of overshadowing, loss of light or privacy or on the visual character of the surrounding area.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

Robert Vickers

From: [redacted] ken Eddie [redacted]
Sent: 06 September 2013 23:22
To: PI
Subject: Fwd: 131159 Application from Ashley Broomhill CC>

Begin forwarded message:

From
Subject: RE: 131159 Application from Ashley Broomhill CC>
Date: 6 September 2013 20:50:41 BST
To: "Ac02. [redacted] ken Eddie" [redacted]

This e-mail has come to Sheila Robertson, DUKE OF EDINBURGH'S AWARD DEVELOPMENT OFFICER!!
It is NOT for me

From: Ac02. [redacted] ken Eddie [redacted]
Sent: 06 September 2013 10:38
To: Sheila Robertson
Subject: 131159 Application from Ashley Broomhill CC>

Ashley Broomhill Community Council

Planning Officer

Ken Eddie
14 Ashley Gardens
Aberdeen
AB10 6EO
Tel: [redacted]
Email: [redacted]

Ashley Broomhill Community Council 5TH September 2013.

We were asked to support the objection to this development, This is out with our area due to lack of Community Councils cover for this person.

It was discussed,
The chair Mrs J. Buttler recommended that we add our objection.

Support Mrs Helen Ure 25 Hammerfield Avenue. Aberdeen.

For Ashley Broomhill C.C. Ken Eddie Planning Officer.

Application Reference: 131159

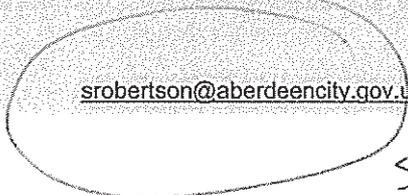
Local Authority Reference:

Proposal Description:	Proposed 2 storey rear extension
Application type:	Detailed Planning Permission

Ward:	<u>Airyhall/Broomhill/Garthdee (I Yuill/A Taylor/G Townson)</u>
Address:	27 Hammerfield Avenue Aberdeen Aberdeen City
Post code:	AB10 7FW
Easting:	392065
Northing:	804518

Status:	Pending
Date application received:	05/08/2013
Date application Registered:	07/08/2013
Date of expiry of period allowed for representations:	05/09/2013

Applicant:	Mr & Mrs A Cowie 27 Hammerfield Avenue Aberdeen Aberdeen City AB10 7FW
Agent:	
Officer:	Sheila Robertson
Officer Telephone Number:	01224 522224
Officer Email:	<u>srobertson@aberdeencity.gov.uk</u>



DATA file 5082013

Copy of Mrs Ure. letter.

I am writing to you as a matter of urgency concerning a proposed *two-storey residential development (with a window from the ground right up to the roofline)* currently at planning stage. Whilst the property concerned is a bungalow in Hammerfield Avenue, there will be an unprecedented and damaging effect in terms of the overlooking of gardens in South Anderson Drive (which face the rear of Hammerfield). Am I right in thinking that your Community Council is responsible for South Anderson Drive? If so, I wonder if you might consider objecting to the proposed development?

Unfortunately, time is running out for objections (deadline this Thursday, 5 Sept), so I'm sorry to present you with this at such short notice. I had hoped to raise the matter with Braehead/Mannofield Community

Council, but I gather it no longer exists. Thus I feel terribly unrepresented at a time when I am faced with severe loss of light and privacy (my bungalow is semi-detached with the neighbour applying to develop into their adjacent garden).

Unfortunately, the garden in South Anderson Drive most directly impacted (opposite the proposed development at 27 Hammerfield Avenue) is being sold at the moment and so I doubt that there will be an objection at such a time. I feel that an established resident would have been likely to object as the overlooking effect would be very great. This is why I felt that your Community Council might like to consider objecting to stop the setting of a drastic new overlooking precedent affecting South Anderson Drive properties.

I look forward to hearing from you.

Sincerely,

Helen Ure

Tel. (any time)

Email

Dear Mrs H. Ure.
5Th. September 2013.

I have looked at the paper work, this is a situation of one's right to develop with in the plot.

I feel that the councillor is the line to follow.
Normally one needs ten or more objection to the application.
The time factor also applies.

I will bring it up at the meeting tonight, We have power to add to the application if approved at the meeting.
This will be one month from time of our meeting. (5Th. Sept 2013)

Ken Eddie Planning Officer Ashley Broomhill Community Council.
Ashley Broomhill Community Council 5TH September 2013

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PI

From: william sell [REDACTED]
Sent: 04 September 2013 18:55
To: Sheila Robertson; john boylan; allan davidson; Robert Frost; PI
Subject: Planning Application Reference: 131159
Attachments: P1000676.JPG

Dear Ms Robertson,

Planning Application Reference: 131159

Type: Proposed 2 storey extension. Detailed Planning Permission.

Location: [REDACTED] 710

It has come to our attention that you are in receipt of the above referenced planning application.

Although it is in the area of a neighbouring, but dormant Community Council, we object to the proposed extension to the single storey, semi-detached bungalow which is the subject of the application for the following reasons:-

According to the architect's drawing, this is a double-storey extension to the rear of a single storey, semi-detached pre-war bungalow with a low level roof line. We have studied that drawing together with the attached photograph and are of the opinion that the construction of the proposed extension will be to the detriment of the adjoining property, 25 Hammerfield Avenue, because it will overlook that dwelling, causing the occupant(s) to be deprived of natural light and privacy.

Although the planned elevations are proportionate, there are no measurements annotated on the drawings. Therefore we submit that measurements are essential components of a planning application. Without them it is of little more value than a mere sketch and should not be used by Aberdeen City Council to decide the outcome of a planning application.

We also refer to Section BB150 of Drawing Ref: 100/02 which shows the depiction of a person standing upright in the upper storey of the proposed extension. This figure is shown standing in a room with steep lie-ins. We submit that this is not an accepted method of judging the dimensions of the room. For example, is the figure meant to represent an adult or a child? There is no indication of the height of the person that the figure is meant to represent.

It is our submission that the drawings lack the quality of clarity and fail to relate the height of the proposed extension to that of the adjoining property, 25 Hammerfield Avenue.

Finally we contend that if Aberdeen City Council permits this disproportionately tall extension to be built at the rear of 27 Hammerfield Avenue, a single storey semi-detached bungalow, a precedent will be created for granting similar planning applications for high level extensions to single storey, semi detached properties in the area of Craigiebuckler and Seafeld Community Council, much to the detriment of the natural light and privacy of those of our residents whose homes would be overlooked by such exceedingly elevated structures.

Yours sincerely

William Sell
Chairperson
Craigiebuckler and Seafield Community Council.

Planning & Sustainable Development	
Mail ID	
RECEIVED - 5 SEP 2013	
REPLY	/ /
Section	Officer

P&SD Letters of Representation		
Application Number: 13159		
RECEIVED - 5 SEP 2013		
Nor	Sou	MAp
Case Officer Initials: SR		
Date Acknowledged: 5-9-13		

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

25 Hammerfield Avenue
Aberdeen AB10 7FW

3 September 2013

To Whom It Concerns

Re Residential Planning Application No. 131159: 27 Hammerfield Avenue, Aberdeen City, AB10 7FW

I am writing to object to the above proposed double-storey extension to the house next door to me, to which my house (No. 25) is attached. The reasons are outlined below and photos are attached.

Deficiencies of the plans submitted

Unfortunately it is not possible to measure various elements of the proposed double-storey extension. The plans are deficient in terms of a number of critical elements (e.g. length of the extension, distance off my boundary, height of extension walls). My house number (25) does not even appear on the plan. The vital information necessary to make a proper assessment is therefore missing.

Design of extension

Having a straight gabled extension is out of character for this pair of small semi-detached bungalows (gables on the semis are all hipped).

Scale of extension

The side walls of the proposed extension at my boundary are higher than the applicants' existing house's walls. This is a very poor and unsympathetic design feature leading to a long, tall, blank wall facing my property.

As the large, two-storey extension is to the South East side of my property, and almost immediately adjacent, there will be a significant impact on the level of direct sunlight and daylight for my house and garden (which is currently open and sunny and constitutes the main asset of the house). Meanwhile, the extension design seeks to maximise the capturing of direct sunlight and daylight by having floor-to-ceiling glazing on the North East wall (and Velux rooflights). The applicant should be required to submit shadow diagrams for the present house and the extended house – for all seasons of the year.

Loss of privacy

The positioning of full-length and (almost) full-width windows on the upper floor of the proposed extension would totally invade the privacy of my garden (which is to the North West of the proposed extension). Dormers and upper-floor windows on most properties have limited outlook, with higher window-sill heights to reduce the effect of overlooking for adjacent properties. The proposed wide, full-height windows would impact unfairly on a very modest semi where the dormer windows face onto the public road, and rear Velux windows have limited overlooking potential.

Disposition of extensions

The positioning of the larger two-storey extension closest to my half of the semi block is very unsympathetic as it would result in loss of daylight/sunlight and loss of privacy, while the single-

storey element of the proposed extension is closer to a neighbouring property to the South East (which would not be impacted by a two-storey extension, certainly in terms of loss of daylight/sunlight, and possibly privacy).

A far less imposing and harmful extension for one half of an unaltered pair of traditional semi-detached houses would be to restrict the extension to one storey and to set it further away from the mutual dividing boundary of the two semis.

Construction concerns

I am very concerned that the physical integrity of my half of the block would be put at significant risk during such invasive building works. For example, the roof is shared, without any separating structure such as a ridgeline (see photos).

Conclusion

This proposal is both disproportionate and unprecedented, and thus not in character for the bungalows in this locale. The plans are both inaccurate (wrong house numbers) and deficient (no critical measurements). I ask that these plans should be rejected.

I would be most grateful for your comments on each of the material points made in this objection letter. I would also very much appreciate receiving confirmation that I will be formally notified of any further plans and/or amendments submitted in relation to this application, so that I have the opportunity to comment on them.

Thanking you for your attention.

Yours sincerely,

A black rectangular box redacting the signature of Helen Ure.

Helen Ure

Owner/Occupant, No. 25 Hammerfield Avenue, Aberdeen AB10 7FW.

Encs 2 photos are attached.



PI

From: [REDACTED]
Sent: 04 September 2013 20:33
To: PI
Subject: Fw: Planning Application ref.131159

From: [REDACTED]
Sent: Wednesday, September 04, 2013 8:23 PM
To: pi@aberdeencity.gov.uk
Subject: Fw: Planning Application ref.131159

From: [REDACTED]
Sent: Wednesday, September 04, 2013 8:06 PM
To: pi@aberdeencity.gov.uk
Subject: Planning Application ref.131159

Dear Sir/Madam

I wish to object to the proposed extension to No27 Hammerfield Avenue on the grounds that it will be extremely invasive, and definitely not neighbour-friendly. When one decides to buy a house, it is because the environment is important, both inside and out. We spend, probably, the largest amount of money that we will ever spend, based on what we see at the time of purchase. We, rightly expect that environment to remain like that, or as nearly like that, as not to matter. I do not think that it is putting it too strongly to suggest that a house-owner's human rights have a justified place here. Should planning permission be granted this will have significant implications for the neighbourhood.

Yours faithfully
Celia Hughes
6 Hammerfield Avenue
Aberdeen
AB10 7FX

PI

From: webmaster@aberdeencity.gov.uk
Sent: 02 September 2013 16:34
To: PI
Subject: Planning Comment for 131159

Comment for Planning Application 131159

Name : Mrs Marjory Rose

Address : 30 Hammerfield Avenue

Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : i feel strongly that 2 storey rear extensions should not be approved for one half of a semi-detached single storey dwelling on the grounds of significant loss of amenity to the other viz. light, outlook and privacy and a total overshadowing of the property. This could set a bad precedent.

5 HAMMERFIELD AVE
ABERDEEN

AB10 9FW.

3.9.13

PLANNING DEPT.

To Whom it May Concern.

I wish to object to the proposed extension at No 27. Hammerfield Ave although this does not affect me directly, in the near future there is a house in that vicinity coming on the market which I would be interested in purchasing but would now think twice.

I would think it would affect the selling price of No 25. & in the near vicinity, a ground floor extension yes at that height no

Yours faithfully

M. 13



Robert Vickers

From: [REDACTED]
Sent: 03 September 2013 17:56
To: PJ
Cc: [REDACTED]
Subject: Application number 131159

Dear Sir/Madam

I refer to the above planning application in respect of the dwelling at 27 Hammerfield Avenue, Aberdeen, a modest sized semi-detached dwelling.

Having viewed the plans and the area of development available to encompass said development, I wish to object on the following grounds:

Approval for such a large development would have a significant effect on the residential amenity of neighbours by reason of overlooking into the rear garden of number 25, loss of privacy to said occupier of number 25 and to the rear of those houses located on North Anderson Drive immediately opposite the proposed development. In addition the size of the proposed development would overshadow the rear of the dwelling at number 25 Hammerfield Avenue and would seriously reduce the amount of daylight available.

I would also object on the grounds that such an application represents a considerable surrender of rear garden space, and the consequent loss of open aspect of the area, which in turn impacts on the residential amenities of neighbouring owners.

yours faithfully

Ron Hughes
6 Hammerfield Avenue
Aberdeen
AB10 7FX

Planning Applications
Planning and Sustainable Development
Aberdeen City Council
Marischal College
Aberdeen

50 Newlands Crescent
Aberdeen
AB10 6LH

3rd September 2013

Dear Sir/Madam

Residential Planning Application
Application number 131159
27 Hammerfield Avenue, Aberdeen AB10 7FW

I am writing to object to the above development.

I am of the opinion that the height of the proposed extension is excessive, causing neighbouring properties to suffer loss of light and privacy. In addition, the design is not at all in keeping with the rest of the house nor the character of the neighbourhood.

I trust that you will take the above factors into account.

Yours sincerely

A black rectangular redaction box covering the signature of David J Swan.

David J Swan

19 Hammerfield Avenue
Oxenden
AB107 1W

2/9/13

Dear Sir / Madam,

I wish to register
an objection to the planning application made
by the recent purchasers of 27 Hammerfield Ave.
(two doors south of me) — for a large two-
storey development at the rear of their house,
with floor to ceiling windows upstairs
and a commanding view of the rear gardens
around (and consequent loss of daylight and
sunshine from the south).

These are very modest low-rise
steeply gabled dwellings — whose main asset
for the likes of me and others in the street
(no Community Council unfortunately) is a sunny
reclused garden. Such a large unsympathetic
development, built at the expense of the privacy
and amenity of neighbours seems disproportionate
and unfair — and can hardly be classed as
Domestic Improvement.

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

18 Roslin Terrace
Aberdeen
AB24 5LJ

02 September 2013

**RESIDENTIAL PLANNING APPLICATION NO: 131159 AT 27
HAMMERFIELD AVENUE, ABERDEEN AB10 7FW**

I wish to object to the above proposed development and outline my reasons below.

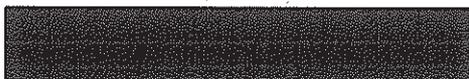
I ask that the following factors be taken into consideration:

- 1 The proposed extension is far too high and (1) blocks out light substantially from adjacent properties as well as (2) affecting privacy adversely and (3) standing out much too prominently.
- 2 It is completely unsympathetic to the area, which is a long-established residential area of traditional, mainly low-rise bungalows, in terms of scale and design.
- 3 There is no precedent for a development of this type in Hammerfield Avenue.
- 4 No lane access to the rear of the property nor garage space and limited on-street car parking would mean increasing the size of a property substantially without providing additional amenity and therefore to the detriment of neighbouring houses.

May I also point out that the plans appear to show the wrong house numbers.

Thank you for your attention.

Yours sincerely



Aldo Becci

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1. **On-site affordable housing provision;**
2. **Strategic Transport Fund contributions;**
3. **Developer contributions towards:**
 - **Off- Site affordable housing provision;**
 - **The upgrading of local education facilities;**
 - **The upgrading of local community and recreation facilities;**
 - **The upgrading of the local core path network; and**
 - **Local healthcare facilities.**
4. **Provision of a footpath along the southern side of the Langstracht between the application site and Fairley Road, then returning down Fairley Road, and the provision of a pedestrian crossing on Fairley Road near the junction with the Langstracht.**

DESCRIPTION

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

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

RELEVANT HISTORY

Site specific

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

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

Adjacent site to the west

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

PROPOSAL

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

Layout of the Development

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

Seven terraced houses would face onto the Lang Stract. An area of car parking is proposed around 1/3 of the way down the west side of the site. There are 4 blocks of terraced properties which lead down the eastern boundary and lead to five detached properties. Immediately to the south of these properties lies an area of open space, which would see existing levels reprofiled / levelled to be more useable, given the slope in the site at this point. A retaining wall would be put in place at the southern end as a result of these works. In the south-east corner of the site would be the 'back-to-back' terrace of affordable housing properties. Along the southern end of the site, there are three blocks of 3-storey townhouses and a block of 5no 2-storey terraced properties in the south-west corner. Opposite these properties lies car parking and green open space provision, towards the Den Burn. Adjacent to the western boundary, at the mid-point of the site, there are a mix of property types; 3no detached; 2 pairs of semi-detached; a terrace of 1 – 2-storey dwellings; three blocks of 3-storey townhouses and two terraces of 1 – 2-storey dwellings.

Proposed Houses

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

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

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

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

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

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

Affordable Housing

Twenty 'affordable housing' units are proposed to the south-east corner of the site. They would be single aspect 'back to back' 2-storey 2-bed properties, with no rear gardens.

Eight properties would have a north-south aspect whilst twelve units an east-west aspect and around 7m from the eastern boundary. Being located in the 'Den Burn' character area, the buildings would utilise the materials listed above.

Access

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

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

Open Space

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

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

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

Drainage

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

Proposed site boundary treatment

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

The boundary with 'Manse' and 'Braeside', would see a mixture of concrete retaining wall, post & wire fence and high hedge.

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

Supporting Documents

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

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

Supporting documents comprise the following:

Design and Access Statement;

Access Statement;

OP42: West Huxterstone Masterplan;

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

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

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

Flood Risk Assessment (Fairhurst, February 2013);

Energy Efficiency Statement;

Pre-Application Consultation Report; and

Transport Statement (Fairhurst, January 2013).

PRE-APPLICATION CONSULTATION

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

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

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

In addition, two public consultation events were held. The first on 26th March 2012 between 3 and 8pm.

The main issues raised from that event can be summarised as;

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

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

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

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

Alterations made to the proposal as a result of the consultation

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

REASON FOR REFERRAL TO COMMITTEE

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

CONSULTATIONS

Roads Projects Team – Car parking provision - no objections. Access onto Lang Stacht via an expanded 7.3m wide carriageway would accommodate emergency vehicles and allow up to 70 houses to be occupied, rather than the normal 50 units for a single 5.5m wide access road. The TA has been updated to show a n off-site footway and crossing on Langstracht / Fairley Road.

The provision of a 1.8m wide 'grasscrete' strip on to provide the extended width at sections of the internal road is acceptable. The 'swept path' analysis of vehicular movements is acceptable. Outstanding issues relating to DIA can be dealt with via a suspensive condition. In relation to the Strategic Transport Fund, the applicant has been made aware that a contribution is required.

Environmental Health – No comments.

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

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

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

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

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

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

1. The amount of houses proposed on the wider OP42 site would exceed the allocation in the Local Plan (being 146 v 120);
2. The 3-storey town houses are not in keeping with the masterplans aim to create a high quality village expansion that compliments the existing character of the area;
3. Kingswells Primary School will not be able to accommodate the number of children generated by the masterplan area before 2016, so careful phasing is required;
4. Object to the new access onto the Lang Stracht due to road safety fears and impact on the bus transit times;
5. The two cul-de-sacs have been provided to allow access to land under the ownership of Stewart Milne Homes, this is unacceptable;

6. The TA does not take account of 146 homes on the wider OP42 site as will be the case if both this and the application to the west are approved in their current forms;
7. The impact on the Green Space Network is unacceptable, especially where there is only a 10m wide provision; and
8. The SUDS provision (cellular attenuation system) is unacceptable as it will involve massive excavation, upheaval and destruction of the wetland area close to the Den Burn.

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

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

Transport Scotland – no objections.

REPRESENTATIONS

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

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

PLANNING POLICY

National Policy and Guidance

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

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

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

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

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

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

Strategic Policy

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

Aberdeen Local Development Plan

Policy LR1- Land Release Policy Part A

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

Policy I1 - Infrastructure Delivery and Developer Contributions

Where development, either individually or cumulatively, will place additional demands on community facilities or infrastructure necessitating new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such situations.

Policy T2 - Managing the Transport Impact of Development

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

Policy D1 - Architecture and Placemaking

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

Policy D2 - Design and Amenity

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

Policy D3 - Sustainable and Active Travel

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

Policy H3 - Density

All residential developments over one hectare must:

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

Policy H4 - Housing Mix

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

Policy H5 - Affordable Housing

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

Policy NE4 - Open Space Provision in New Development

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

Policy NE6 - Flooding and Drainage

Applications will be required to provide an assessment of flood risk in order to show that there would be no risk from flooding. A drainage impact assessment is also required for any development over 10 homes.

Policy NE9 - Access and Informal Recreation

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

Policy R7 - Low and Zero Carbon Buildings

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

Supplementary Guidance

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

EVALUATION

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

The Scottish Planning Policy, Designing Places, Designing Streets, other Planning Advice Notes, the Aberdeen Local Development Plan, Supplementary Guidance and the OP42: West Huxterstone Masterplan, are all relevant material considerations. The proposal constitutes a 'major' development, as defined in the 'Hierarchy of Development' Regulations. SPP sets out the Government's core principles that underpin the modernised planning system which seeks a plan-led system with a clear focus on the quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment. SPP also states that the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places, whilst protecting and enhancing the quality of the natural and built environment as an asset for that growth. It states that planning authorities should take a positive approach to development. It is in this context that the application requires to be assessed.

Principle of Residential Use

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

Design, Scale, Mix and Form of Development

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

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

ALDP Policy D1 (Architecture and Placemaking) seeks to ensure that all development is designed with due consideration to its context. With regards to the design of the houses, a simple design typical of Stewart Milne developments is proposed. Simplified finishes to exterior walls (smooth or drydash render) and roof finishes of grey coloured tile are generally proposed. In the sites immediate and wider context, it is considered that this approach is reflective of the limited design quality and therefore, on balance, generally acceptable. The distribution of housetypes would be spread throughout the site, with no size overly predominating in any particular location, and that approach is again very much in keeping with the surrounding context. Although it is noted that townhouses are not a housetype clearly represented in Kingswells.. It is considered that the introduction of 97 dwellings in this area is acceptable in terms of acceptable density and layout standards.

Although the site is on the periphery of Kingswells the layout of the site has sought to consider this fact, the topography of the site and the wider OP42 allocation. In respect to the wider Kingswells area, as discussed above, the design and form of development would generally reflect the prevailing design, character and pattern of development and in that regard the proposal is generally acceptable in terms of Policy D1, although not considered of a particularly high standard. Overall the layout and design of the application site is considered to comply with Policy D2 in relation to: public and private faces to development; making the most of natural sun/daylight; providing useable private gardens and other 'sitting out' areas; as well as designing out crime.

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

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

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

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

OP42, in line with Policy NE4 and the Supplementary Guidance on Open Space, discussions are ongoing in this regard.

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

Impact on Residential Character and Amenity

In general terms, the proposed development reflects general form and scale of development in the locality. Although split level, back-to-back and townhouses are not common. Notwithstanding this, it is considered that these properties are reflective of the site's topography. It is further considered that the layout and relationships with existing property would not have a significant impact on residential amenity, and would be mitigated by the proposed boundary treatments and site levels. Although a number of existing properties benefit from views south towards the Den Burn, such a matter is not a material planning consideration, and any impacts would be limited and acceptable in amenity terms. It is considered that the development would meet the objectives of the Structure Plan relating to Sustainable Mixed Communities.

Visual Impact of the Development

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

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

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

Traffic Impacts, Access Arrangements and Car Parking

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

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

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

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

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

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

Site Drainage and Flooding

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

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

School Capacity

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

Relevant planning matters raised by the community council

1. The allocation for 120 units in the Aberdeen Local Development Plan is indicative only and not an absolute figure. Assessment against relevant considerations indicates that 97 properties can be accommodated, the site to the west will be considered in a similar manner and could see some 150 units rather than 120 within the OP42 allocation. This is not contrary to Local Plan policies and meets with wider sustainable population growth objectives and Policy H3.
2. This issue has been addressed in the relevant section above.
3. This issue has been addressed in the relevant section above.
4. No objections have been received from Roads officers with regards to road safety. With respect to impact on bus services, the amount of vehicles using the Lang Stracht access and the frequency of buses is such that there is unlikely to be any detrimental impact on service quality.
5. It is considered that the road layout is acceptable, the future potential for access into unallocated landholdings is not a material consideration. No objections have been received from Roads officers.
6. A technical note was submitted, as an addendum to the TA, which took account of the additional 30 units proposed within the wider OP42 allocation, this demonstrated that associated traffic could be accommodated with negligible effect on the local road network.
7. The impact on the Green Space Network is considered generally in accordance with the approved Masterplan. Further, the plans have been amended to increase the minimum width of the southern Den Burn green space to 20m. Overall the proposals are considered acceptable.
8. The SUDS proposals have been evaluated by SEPA and the Council's Flooding and Roads Projects Teams. No objections have been received about the proposed cellular attenuation system. It is worth noting that a condition has been attached to secure a 'construction management plan' and 'site waste management plan' which would provide solutions to mitigate against any negative impact on the Den Burn corridor.

Relevant planning matters raised in written representations

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

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

Proposed legal agreement for developer contributions

A section 75 legal agreement can secure: (1) on-site provision of 20no affordable housing units; (2) contributions towards the 'Strategic Transport Fund';

(3) developer contributions towards: education facilities; community and recreation facilities; core path network links/improvements; local healthcare provision; and affordable housing; (4) provision of a footpath along Lang Stracht from the site returning down Fairley Road ending in a new drop kerb crossing. Such an agreement would see the proposals comply with ALDP Policies: I1 (Infrastructure Delivery and Developer Contributions) and H5 (Affordable Housing); and the Supplementary Guidance on 'Affordable Housing'.

Update

At the November Planning Development Management Committee, the decision was taken to approve this application in line with officer recommendation with the added stipulation that the section 75 legal agreement required affordable housing to be provided on a pro-rata as part of to the original 70 units built.

It is the Planning Authority's opinion that the proposed additional condition would not meet the 6 tests as contained within circular 1/2010 (Planning Agreements) which states that conditions should be necessary to make the development acceptable in planning terms; serve a planning purpose; related to the development to be permitted; fairly and reasonably relate in scale and kind to the development, and reasonable in all other respects. It is considered that the condition is not necessary to make the development acceptable, nor is it reasonable to insist that the necessary infrastructure required and building the affordable houses is required as to be delivered on a pro-rata basis and in advance of the programme of phasing which has been accepted by the Planning Authority.

In addition to the above, the condition has been causing concern during the discussions in relation to the s75 legal agreement. The applicant has advised that this requirement causes difficulties for the proper phasing of the site.

In order to deliver a pro-rata amount of on-site affordable housing as part of the first 70 units (70 units is 72% of the overall development), the applicant would have to construct 14.4 of the 20 units. This is physically impossible given that the 20 units are to be provided in two blocks of terraced 2 bedroom units – one block of 8 units and one of 12 units.

Furthermore, the location of the affordable housing makes it difficult to develop ahead of other parts of the site. Significant earthworks are required in order to properly access the affordable housing part of the site in the south east corner. Given the nature of the topography of the site, it can only be built out from north to south.

There are also Health & Safety implications of accelerating the construction of the affordable units. Should the affordable unit occupations be brought forward in the build programme this would mean that segregation of traffic would not be possible and in effect residents would have to travel through a building site to access their homes, which would cause a health and safety risk.

Lastly, it is worth noting that the affordable housing is being provided as National Housing Trust (NHT) in conjunction with the Council.

The agreement includes a longstop date by which the affordable housing must be provided on the site (April 2016). Although there is an agreement reached with Council officials on this, there are no guarantees that the affordable housing will be built by that date given the requirement of a link through to Fairley Road to facilitate more than 70 units being built and occupied on site.

RECOMMENDATION

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

- 1. On-site affordable housing provision;**
- 2. Strategic Transport Fund contributions;**
- 3. Developer contributions towards:**
 - **affordable housing;**
 - **education facilities;**
 - **community facilities and recreation;**
 - **core path network;**
 - **healthcare; and**
- 4. Provision of a footpath along Langstracht onto Fairley Road and ending in a drop kerb pedestrian crossing.**

REASONS FOR RECOMMENDATION

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

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

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

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

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

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

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

CONDITIONS

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

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

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

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

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

(5) Development shall not commence until a bird hazard management plan has been submitted to and approved in writing by Aberdeen City Council as Planning Authority. The submitted plan shall include details of the developer's commitment to managing the risk of attracting birds to the site during excavation activities, measures put in place for the safe dispersal of birds, and thereafter the such approved measures shall be implemented in full – to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds.

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

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

(8) that all planting, seeding and turfing comprised in the approved scheme of landscaping required by condition 7 shall be carried out in the first planting season following the completion of the 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 - in the interests of the amenity of the area.

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

(10) that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of Aberdeen City Council as Planning Authority;

any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" as soon as practicable - in order to preserve the character and visual amenity of the area.

(11) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned 'scheme of tree protection during development' required by condition 11 without the written consent of Aberdeen City Council as Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

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

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

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

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

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

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

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

INFORMATIVES

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

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

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

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

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

- no piling work shall be carried out; and
- no construction or demolition work shall take place outwith the hours of 7.00

am to 7.00 pm Mondays to Fridays; 9.00 am to 4.00 pm Saturdays; or at any time on Sundays; except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery]

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

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

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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

RESPONSE BY KINGSWELLS COMMUNITY COUNCIL (KCC)

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

1. Background

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

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

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

2. Number of homes

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

3. Types of homes

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

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

4. Educational provision

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

5. Road Access

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

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

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

involving both developers is unsatisfactory.

6. Provision for future development

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

7. Transport assessment

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

7. Green Space Network (GSN) and SUDS

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

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

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

Yours sincerely

Barrie Buchan
Chair
Kingswells Community Council

PI

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

Comment for Planning Application 130912

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

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : To whom it may concern,

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

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

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

Regards,

Mr and Reverend Neal and Alisa McDonald

PI

From: webmaster@aberdeencity.gov.uk
Sent: 02 July 2013 13:57
To: PI
Subject: Planning Comment for 130912

Comment for Planning Application 130912

Name : Andrew Wilson
Address : Mill Cottage
East Huxterstone
Kingswells
AB15 8PN

Telephone :

Email :

type :

Comment : Dear Sir or Madam,

My specific objection relates to the diminished level of strategic landscaping now presented when compared to that originally described in the Aberdeen City Masterplan, November 2012.

The undertaking to maintain a minimum 15m width along the development's eastern boundary as a shelter belt has not been upheld, despite the stated intention to do so.

In particular, the boundary area near plots 79, 80 and 81 features a pathway that is positioned in contact with the Mill Cottage boundary.

Yours sincerely,
Andrew Wilson

Agenda Item 3.1

Planning Development Management Committee

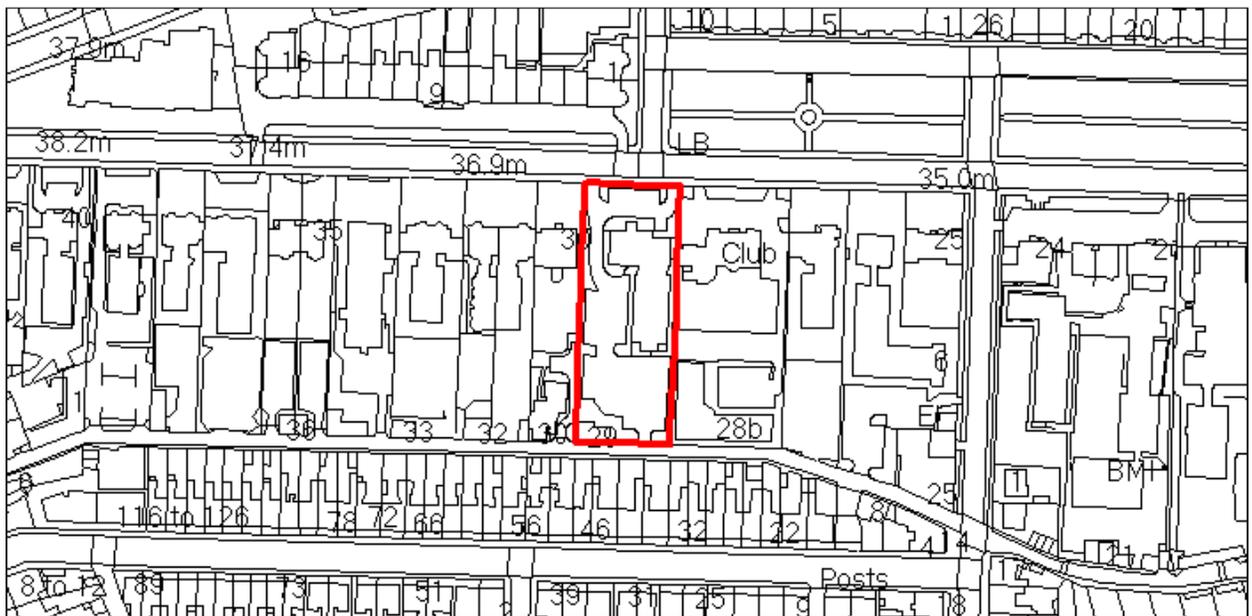
BISHOPS COURT, 29 ALBYN PLACE,
ABERDEEN

ERECTION OF EXTENSION TO PROVIDE
ADDITIONAL OFFICE ACCOMMODATION AND
ASSOCIATED INFRASTRUCTURE WORKS

For: Johnston Carmichael & Ribnort Ltd

Application Type : Detailed Planning Permission
Application Ref. : P131464
Application Date: 07/10/2013
Officer: Garfield Prentice
Ward : Hazlehead/Ashley/Queen's Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 23/10/2013
Committee Date: 13 February 2014
Community Council : No response
received



RECOMMENDATION:

Refuse

DESCRIPTION

The site is located on the south side of Albyn Place, to the west of its junction with Albyn Grove and opposite the junction with Prince Arthur Street. Albyn Place is characterised by large detached villas set in substantial grounds. Originally residential in use, the majority are now in commercial use. The site, which has an area of some 0.56 hectares, comprises a 1830s granite-built detached villa that has been converted to office use and which had a large 3 storey extension added in 2000. The property is a Category B listed building and is located within Conservation Area 4 (Albyn Place/Rubislaw). The original building is set near to the front of the site, in line with the buildings to the east and west. The site backs on to Albyn Lane, beyond which are residential properties fronting Stanley Street.

RELEVANT HISTORY

Planning permission and listed building consent were granted 1998 for the change of use of a private clubhouse and flat and the extension of the building to form offices.

PROPOSAL

Detailed planning permission is sought for the construction of a further extension to the building. A 3 storey extension was added to the original granite building in 2000. This proposal is for an extension to the southern end of that extension and would be 2 storeys high, comprising 466sqm of gross floorspace. The existing extension would be extended a further 17.5 metres. The new structure would be 11 metres high. It would be located approximately 3 metres off the side (east) boundary and 17.5 metres off the the rear (south) boundary. The design would replicate the extension. It's walls and roof would be finished in similar materials. The proposal would result in the loss of 10 parking spaces, taking to total number to 57 spaces. Two small trees next to the rear boundary would be removed.

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?131464>

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

Supporting Statement by Halliday Fraser Munro (agent for the applicant)

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because there are six or more objections to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – The site is located within the ‘Inner City’ zone of the parking standards, which allows a maximum of 1 space per 50sqm. Incorporating the existing building and proposed extension, this equates to a maximum provision of 39 spaces. It is noted that the proposal would result in the level of parking being reduced from 67 to 57 spaces, in excess of the maximum parking standard. This is acceptable given that the development would bring the parking levels closer to the required standard. It appears the current car park is well used and the development may increase the demand for on-street parking due to displacement and increased demand. The Controlled Parking Zone in the area would discourage general parking..

Environmental Health – No response received

Enterprise, Planning & Infrastructure (Flooding) - Clarification on the method of discharge of all surface water relating to the development and identification of the receiving sewer/watercourse are required.

Community Council – No response received

REPRESENTATIONS

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

1. The proposed extension would be detrimental to the character of the conservation area. It would extend further back than any other properties from 30-40 Albyn Place.
2. The extension would be visible from both Albyn Place and Albyn Lane and would sit higher than the neighbouring building at No.28.
3. Minimal consideration has been given to maintaining or enhancing a green garden aspect on the property.
4. The proximity of the proposal to the residential properties to rear on Stanley Street and thus the impact on the privacy of neighbours arising from more windows facing towards those residential properties.
5. The size, length and scale of the proposed extension
6. The external finishing materials
7. The removal of mature trees
8. There are already enough offices on Albyn Place and thus the development is not needed
9. The number of car parking spaces would be reduced for the existing occupier
10. The area is already busy “*with rogue parking*” which would be made worse by the proposal
11. The additional traffic and congestion arising from the development
12. Inadequate cycle facilities are proposed

PLANNING POLICY

National Policy and Guidance

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

Scottish Historic Environment Policy (SHEP) is a relevant material consideration.

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 D5- Built Heritage

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

Policy BI3 – West End Offices

In this area (shown on the Proposals Map), applications for change of use for office purposes will be given favourable consideration.

Supplementary Guidance

The Albyn Place/Rubislaw Conservation Area Appraisal is a relevant material consideration.

EVALUATION

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

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.

Impact on the Listed Building and the Character of Conservation Area

29 Albyn Place is a Category B listed building and is located within Conservation Area 4 (Albyn Place/ Rubislaw). It was built circa 1830 as a 2-storey, basement and attic, 3-bay classical house. Albyn Place was originally built on the lands of Rubislaw, owned by James Skene who commissioned Archibald Elliot to prepare a scheme for Aberdeen based on the New Town in Edinburgh.

Albyn Place is characterised by large detached villas set in substantial grounds. Originally residential in use, the majority are now in commercial use. Like its neighbours and many on this road 29 Albyn Place now has a large extension with car parking to the rear. A common rear building line has been established by these rear extensions that still give a sense of open space within the feu development. This is an important and defining characteristic of this part of the conservation area. In order to preserve the character of the conservation area, any development on this site must respect and reflect that character. The current proposal does neither.

The proposed rear addition to the existing rear extension would greatly increase development on this traditional early 19th century feu and would result in almost its entire eastern side being built up. This would have an adverse impact on the main listed building by eroding the open quality of the land to the rear of the existing rear extension and impact on 28 Albyn Place to the east, another category B listed building. The argument put forward by the applicant's agent in the Supporting Statement that the proposal "*represents a smaller scale version of what has already been permitted and successfully developed*" (Section 4.0) is not accepted nor accurate. The proposal would result in an already large extension being increased substantially. Its length would be increased by almost 50% giving an overall length of some 51 metres. It would also sit in an elevated position relative to Albyn Lane and thus be highly visible.

Whilst it is acknowledged that the use of car parking is not its original garden use, it nevertheless ensures there is a sense of openness and a break in development that is of value to the rear of Albyn Place as well as the residential terraced properties in Stanley Street. The proposal would set an undesirable precedent that is likely to encourage further rear development along Albyn Place. This would have a significant adverse impact on the listed buildings in the vicinity and also substantially undermine the character of Albyn Place and Rubislaw Conservation Area. The proposed development does not enhance either the listed building itself or the wider conservation area and thus does not accord with SPP, SHEP and Policy D5 of the local development plan.

Scale and Design of Extension

In addition to the above, whilst the design of the further addition to the existing extension generally replicates that extension, the incorporation of a hipped roof at its northern end results in an uneasy and uncomfortable relationship between both component parts. The additional structure also reads as a separate building abutting the existing extension rather than one continuous extension. Further, the scale and length of the extension would dominate the original building to an unacceptable level and would result in the overdevelopment of the site. The extension would also be substantially larger than any other extension/properties in the vicinity of the site. The proposal does not accord with Policy D1 of the local development plan. Addressing the design failings would not overcome the fundamental concern regarding the length of the resultant building and the detrimental impact it would have on the listed building and the character of the conservation area.

Access and Car Parking

The existing accesses off Albyn Place would remain and continue to be used. The number of car parking spaces on the site would be reduced from 67 to 57 spaces. The site is located within the 'Inner City' zone of the parking standards, which allows a maximum of 1 space per 50sqm. Incorporating the existing building and proposed extension, this equates to a maximum provision of 39 spaces. The reduction is acceptable given that the development would bring the parking levels closer to the required standard. It appears the current car park is well used and the development may increase the demand for on-street parking due to displacement and increased demand. However, the site lies within a Controlled Parking Zone which would discourage general parking in the surrounding streets.

Impact on Residential Amenity

The site backs on to Albyn Lane beyond which are the residential properties on Stanley Street. Whilst the proposed extension would result in the building being closer to those properties the separation distance would be sufficient to ensure there would be no significant impact on the amenity of the residents. The upper floor windows on the south elevation would result in some additional overlooking of rear gardens immediately behind the site. The window to window separation would be some 40 metres and thus privacy within the residential properties would be maintained.

Relevant Planning Matters Raised in Written Representations

The proposed extension would be detrimental to the character of the conservation area. It would extend further back than any other properties from 30-40 Albyn Place – this issue is addressed in the section 'Impact on the Listed Building and the Character of Conservation Area'

The extension would be visible from both Albyn Place and Albyn Lane and would sit higher than the neighbouring building at No.28 - this issue is in the section 'Impact on the Listed Building and the Character of Conservation Area'

Minimal consideration has been given to maintaining or enhancing a green garden aspect on the property – currently there is little landscaping on the site other than small areas at the front of the property, a couple of small trees next to the boundary with Albyn Lane and two matures at the front of the site. This has arisen due to the extensive areas of car parking on the site. The proposal's impact would be limited to the small trees being removed.

The proximity of the proposal to the residential properties to rear on Stanley Street and thus the impact on the privacy of neighbours arising from more windows facing towards those residential properties – this issue is addressed in the section 'Impact on Residential Amenity'.

The size, length and scale of the proposed extension – this issue has been addressed in the section ‘Scale and Design of the Extension’

The external finishing materials – the proposed external finishes would match the existing extension and in this regard the proposal is satisfactory

The removal of mature trees – there are two mature trees at the front of the site which would not be affected by the proposal. Two small trees next to the rear boundary would be lost.

There are already enough offices on Albyn Place and thus the development is not needed – this is not a relevant material consideration. Notwithstanding Albyn Place is located within the West End Office policy area (Policy B11) wherein office use is encouraged.

The number of car parking spaces would be reduced for the existing occupier – this issue is addressed in the section ‘Access and Car Parking’

The area is already busy “with rogue parking” which would be made worse by the proposal - this issue is addressed in the section ‘Access and Car Parking’

The additional traffic and congestion arising from the development – Given that the number of parking spaces would be reduced it would be reasonable to conclude that the level of traffic going to and from the site would be reduced by a commensurate amount.

Inadequate cycle facilities are proposed – No details of cycle facilities have been provided. However, this issue could be addressed by a condition to a planning permission, if Members are minded to approve the application.

Conclusion

The proposed development would have a significant adverse impact on the character of the conservation area and the setting of the listed buildings on the application site and the adjacent site, arising from the excessive length and design of the resultant building. The proposal, therefore, does not comply with SPP, SHEP and Policies D1 and D5 of the local development plan. Approval of the application would set a precedent for other similar proposals within the conservation area which would further erode its special character and amenity. Notwithstanding, if Members are minded to grant approve the proposal, conditions should be attached to the planning permission relating to the provision of cycle facilities and drainage facilities.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

That the proposal, if approved, would be detrimental to and thus not preserve or enhance the character of Conservation Area 4 (Albyn Place/ Rubislaw) and the setting of the Category B listed buildings on the site and the adjacent site due to the excessive length, the loss of the sense of open space within the feu and the inappropriate design of the extension and its relationship to the existing building, contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan.

That the proposal, if approved, would set an undesirable precedent for similar developments in Conservation Area 4 (Albyn Place/ Rubislaw) that would significantly adversely affect and undermine the special character of the area.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

Mr D Smith
13 Hosefield Avenue
Aberdeen
AB15 5NN

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

Dear Sirs,

Bishops Court, 29 Albyn Place, Aberdeen, AB10 1YL
Planning Application Ref No 131464

I refer to the above planning application and wish to lodge a formal objection thereto.

I work on Albyn Place and I am conscious of a number of recent / proposed developments in the vicinity. I have concern over the impact of this new development, particularly from a traffic / congestion point of view.

I look forward to receiving your response.

Yours Faithfully,

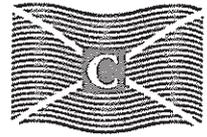


Daniel Smith
13 Hosefield Avenue

CLARKSON ENSHIP

70 St Clement Street, Aberdeen, AB11 5BD

Tel: [REDACTED] Fax: [REDACTED] Email: [REDACTED]



www.clarksons.com

11 November 2013

Mr G Prentice
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Mr Prentice

Planning Application Reference 131464
Bishop's Court - 29 Albyn Place, Aberdeen

I would be grateful if you would note my objection to the proposed extension to 29 Albyn Place.

I feel the materials being used in the proposals are sub-standard and alternatives should be considered. Additional landscaping should also be considered.

This is a formal objection.

Yours sincerely,

[REDACTED]
James Braid
Director

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 14 November 2013 17:18
To: PI
Subject: Planning Comment for 131464

Comment for Planning Application 131464

Name : Andrew Smith
Address : 26E Riverside Drive
Aberdeen
AB11 7DF

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Dear Sirs,

Application Reference: 131464

I write to object to the above application submitted on the 29th September 2013 by Halliday Fraser Munro in connection with a proposed extension to 29 Albyn Place.

I wish to object on the grounds that development of this site will reduce the number of parking spaces available to the existing occupier. This will result in an increased number of people with cars utilising on street parking in a location whereby there is already a high volume of cars parking.

Whilst I am sure that the plans submitted by HFM are likely to comply with current parking and building regulations, there should be some thought and discussion with regards to the practical implications that this application will have on nearby occupiers.

I work in the area and feel that this application will put a stress on an already bad parking situation.

Regards

Andrew

PI

From: webmaster@aberdeencity.gov.uk
Sent: 28 October 2013 19:33
To: PI
Subject: Planning Comment for 131464

Comment for Planning Application 131464

Name : Robert Laird
Address : 44 Stanley Street
Aberdeen
AB10 6UR

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I have reviewed the planning application for the proposed development at Bishop's Court. I am very concerned about the proximity of the proposed extension to the rear of the residential properties in Stanley Street. It is clear from the plans, and from observation of the site, that the planned extension would overlook the properties, and that (with the large number of planned windows) would look into the the back of the residential properties. One solution would be to reduce the height of the proposed extension. Another would be to reduce the number of windows looking directly onto the properties in Stanley Street by looking at alternative ways of providing light to these offices (perhaps locating service areas at the end of the building). Currently there are a number of mature trees which provide privacy. I see from the plans that these trees are to be removed, creating additional parking spaces. Given that the Council is promoting environmentally friendly and sustainable travel (such as car share, park and ride), surely leaving the trees and removing a few car parking spaces would make more sense? Bishop's Court is on the bus route for the airport and park and ride schemes. I think that the removal of the trees would change the character of Albyn Lane.

PI

From: [REDACTED]
Sent: 01 November 2013 20:26
To: PI
Subject: Application No: 131464 - Bishops Court

Application No: 131464

Bishops Court, 29 Albyn Place, Aberdeen, AB10 1YL

We object to the proposed application:

In summary the proposed extension will be detrimental to the character of the Conservation Area. Whereas the existing extension was discrete, mostly hidden from the front street view, did not extend deeper into the property than any of the other properties from 30-40 Albyn Place, had minimal south facing windows and the property maintained the original character of a large front house large open (garden) area and rear coach house, the proposed extension will be:

- A. Visibly evident not only from the front(Albyn Place) street view but also from the rear (Albyn Lane)
- B. For the rear Albyn Lane view it will sit higher than the neighbouring building at 28 Albyn place, (which is cited as a bad example in their application)
- C. the extension would sit significantly deeper into the block than properties at 30-39 Albyn Place
- D. Minimal consideration has been given to maintaining or enhancing a green garden aspect on the property (Already no. 29 has made the least effort of all the properties in Albyn Place to have any trees or greenery higher than the bordering fences.)

Consequently the original character would be greatly diminished.

Less consideration has been given to the privacy of the rear neighbours in Stanley St.

A. In their proposal they state:

3.0 Development Proposal

"..the reduced scale of the proposal also reflects the plot's southward sloping nature.."

The proposed floor levels match exactly the first existing extension and the Albyn lane end of the proposed building is **built up** to maintain this window level. Consequently it's window and roof line is higher than the neighbouring building at the rear of 28 Albyn place. (This very building at 28 Albyn Place they cite as one of the poor examples of recent extensions that have been a detriment to the character of the conservation area.)

I don't believe they have fully reduced the scale of the proposal to reflect the plots southward sloping nature.

B. This proposed extension will result in the buildings extending deeper into the rear of the block than the majority of blocks in Albyn Place nos. 30-39. You cannot simply compare plot area to built area as they have done in Section 5.0 Development. You must also look at the linear depth (N-S) of the built area versus the plot area as well, in order to conserve the Conservation Theme of these blocks. The character of these plots was a large house at the front, a large garden and coach house at the back. This character will be lost with the proposed extension.

Aberdeen City conservation Area Character Appraisals and Management Plan, Albyn Place and Rubislaw, July 2013, page 9, Conservation Area B

"Albyn Place was developed as a set of high quality houses set within their own large back gardens."

And on page 13

"The spaces between the buildings and the placement of the buildings within the plots are repeated, creating a regular flow."

As mentioned earlier the proposed extension will place no 29 "out of the flow" of the properties at nos. 30-40 Albyn Place.

C. The current layout of the old house and existing extension (built 2000) is barely seen from the front of the property. (i.e. if you draw a line from the front of the property grounds, at the border with no. 30 Albyn Place, through the back corner of the original old house and continue this line to the back wall, the line does not cross the existing extension. However the line would cut through the middle of the proposed extension. This diminishes the "look" of the original house/setting. (Don't forget that the roof line of this proposed extension sits higher than the rear extension at 28 Albyn Place.) This negative impact on the "street view" from Albyn Place would then be the most blatant of all the properties along this section of Albyn Place. (Needless to say it will be sitting obviously higher when viewed from Albyn Lane.)

D. Trees

Aberdeen City conservation Area Character Appraisals and Management Plan, Albyn Place and Rubislaw, July 2013, page 45 Trees

Trees are hugely important to the conservation area....

Already no. 29 has made the least effort to provide greenery and the aspect of a garden with the rear of the plot. If you look at no 37 Albyn Place, which has an extension to a similar depth into the property from Albyn Place as no 29, they have tall trees lining both side walls along the back of the plot, in fact most of the properties from 30-40 Albyn Place have taken efforts to use trees effectively to convey the original concept of a garden although the back plots are used for parking. There is not this "feeling" when you walk past the front or back of no. 29 Albyn Place. The plans do not show any proposed landscaping to soften the effect of the

proposed extension – or given the layout of no. 29 has this not been considered at all! It would even appear from the plans that what trees there are on the rear southern wall will be removed.

E. The design has minimal consideration for the privacy for the rear neighbours. As mentioned earlier, the proposed extension will maintain the same base level as the existing extension, it does not fully respect the sloping nature of the block, there will now be more windows on the end of the building facing the rear of the property and it would appear that the existing tree(s) on the rear boundary wall will also be removed.

Aberdeen City conservation Area Character Appraisals and Management Plan, Albyn Place and Rubislaw, July 2013, page 45 Trees .

Trees are hugely important to the conservation area....

Florence and Nick Low

42 Stanley St

Aberdeen AB10 6UR

Robert Vickers

From: Colin Ballantyne [REDACTED]
Sent: 14 November 2013 07:10
To: PI
Subject: FAO Planning Department

Objection to Planning ref: 131464

I email you to object to the above planning application for a property at Bishops Court 29 Albyn Place (planning reference number 131464). This was recently advertised in the Citizen paper.

I live within a quarter of a mile of this address and would contest that Albyn Place has already got plenty of offices. I therefore object on the basis this development is not needed. The area is already very busy with rogue parking and this will only make the issue of parking at my home worse.

Regards,


Colin Ballantyne

PI

From: webmaster@aberdeencity.gov.uk
Sent: 28 October 2013 18:55
To: PI
Subject: Planning Comment for 131464

Comment for Planning Application 131464

Name : William Parker-Jervis

Address : 44 Stanley Street

Aberdeen

AB10 6UR

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Given the proximity of the proposed extension building to the rear of the residential properties in Stanley Street, I would prefer that it were less tall and had fewer south facing windows. Although nominally only two stories tall the proposed building rises far above ground level at its southern end, and towers over the neighbouring two story building in the plot to the east of it. This is clearly visible in the drawings where the very apex of the existing, neighbouring roof is level with the upper story windows of the proposed building. By lowering the proposed extension such that it were at ground level at its southern end this overlooking of the Stanley Street residential properties would be greatly reduced. The same problem is made worse by the proposed removal of the trees along the Albyn Lane wall at the south of the site. These trees currently block the line of sight both to and from the Stanley Street houses and gardens to the existing building at 29 Albyn Place. Furthermore, the removal of those trees merely for the sake of one or two extra parking spaces seems contrary to any environmental agenda and should be resisted. Seen from Albyn Lane and the rear of Stanley Street the trees adjacent to the old cottage at 29A Albyn Lane (SW corner of proposed development site), are one of the few remaining traces of the original character of the lane along its northern side.

Robert Vickers

From: Andy Forbes [REDACTED]
Sent: 13 November 2013 19:53
To: PI
Subject: Johnston Carmichael Extension

I write to make representation with regard to planning reference number 131464 as advertised in the Citizen paper.

I note that this application is for additional office accommodation. I work nearby within the city centre and I would like you to note my objection to this on the basis that traffic within the city centre is already choked without more offices being added. BG group nearby have already added extra congestion & put more pressure on parking.

I trust that you will take my objection into consideration.

Regards

A Forbes
Laurel Wynd
Danestone
Aberdeen
AB22 8XX

Sent from my iPad

22 Kirk Brae Mews, Aberdeen, AB15 9QF

10 November 2013

Mr G Prentice
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

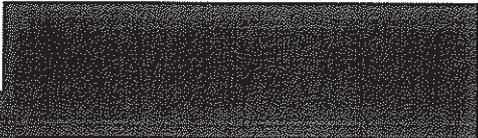
Dear Mr Prentice

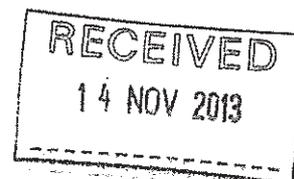
Extension to 29 Albyn Place, Aberdeen
Planning Application Reference 131464

I write to objection to the proposal to extend 29 Albyn Place on traffic grounds. Albyn Place is already an extremely busy road, and I use it on a regular basis, as my occupation as a private car hire driver, I therefore feel additional traffic is unwelcome.

I am uncertain as to when the period for comments expires but hopefully this letter of objection will be received in time.

Yours sincerely


Mr J Woodcock



Liathach
Woodcot Lane
Stonehaven
Aberdeenshire
AB39 2GJ

11th November, 2013

Mr G Prentice
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

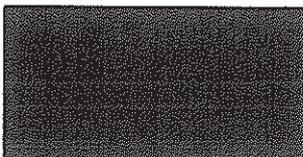
Dear Mr Prentice

**Planning Application Reference 131464
Extension to 29 Albyn Place, Aberdeen**

I have an interest in a property in Stanley Street and I wish the City Council to register my objection to the above planning application.

My concern with these proposals is in relation to the additional traffic that will be generated and its impact on Albyn Place. Albyn Place is already a busy arterial route, and whilst the proposals are for a small extension, I do feel they will create additional traffic. I also feel inadequate cycle facilities have been provided.

Yours sincerely



Ian Kerr

134 Stanley Street
Aberdeen AB10 6UQ

10th November, 2013

Mr G Prentice
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Mr Prentice

Planning Application Reference 131464
29 Albyn Place, Aberdeen

I currently reside at 134 Stanley Street and I wish the City Council to register my objection to the planning application to extend 29 Albyn Place.

I have concerns in relation to the materials being used in the extension, both in elevation and roof. It appears, for the elevations, the applicant wishes to use similar rough cast type material, as was historical used in the previous extension. It is my view that higher quality materials, perhaps with some granite, should be used as an alternative, to provide definition between this new extension and the existing building. The roof should in my view be clad with a contrasting material to the main extension.

Please regard this letter as a formal objection to this proposal.

Yours sincerely

A rectangular black box used to redact the signature of Christine S Kerr.

Christine S Kerr

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ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee	
DATE	13 February 2013	
LEAD HEAD OF SERVICE Margaret Bochel		DIRECTOR Gordon McIntosh
TITLE OF REPORT	Planning Digest	
REPORT NUMBER	EPI/14/018	

1. PURPOSE OF REPORT

- 1.1 To advise Committee about recent appeal decisions, recent updates in Scottish Government Planning Advice and other aspects of the planning service.

2. RECOMMENDATION

- 2.1 To note the outcome of the appeal decision.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from these appeal decisions.

4. OTHER IMPLICATIONS

- 4.1 The report is for information and does not have any implications for any legal, resource, personnel, property, equipment, sustainability and environmental, health and safety and/or policy implications and risks.

5. BACKGROUND/MAIN ISSUES

APPEAL UPHELD

34-36 ST PETER STREET – Demolition of existing buildings and redevelopment of site to provide student residential studio accommodation

Members may recall that, contrary to officer recommendation, the above planning application was refused by full Council at its meeting of 16th May 2013. The application had earlier been reported to the 21st March meeting of the Planning Development Management Committee, at which time members resolved to undertake a site visit.

At the 28th March site visit, a tied vote led the Convenor to exercise his casting vote in favour of the motion (for approval). The application was then referred to full Council under standing order 36(3). Members voted 24/19 that the application be refused on the grounds (1) that the proposed development, by reason of scale and massing, represented overdevelopment of the site; and (2) that there was insufficient car parking provision which would have an adverse impact on surrounding streets and residential amenity.

In summary, the Reporter concluded that the Council's arguments for refusing the proposal on the basis of inadequate parking provision were not persuasive, and that student accommodation development in general terms is compatible with the mixed use zoning of the area. It was considered that the proposed development would represent 'a significant improvement for the site in terms of its land use and building form and would be compatible with the neighbouring commercial and residential uses, as well as the properties they occupy'.

The Reporter was persuaded that the overall scale, massing and design of the proposal, whilst making efficient use of the site, is of an appropriate scale that has due regard to its setting, in accordance with Local Development Plan policies D1 and H3. He found also 'that the arguments put forward by objectors and the Council to the contrary are not well founded or compelling', and concluded that the proposed use and its built form would be compatible with the other neighbouring land uses and buildings – including the older and in some cases more traditional residential properties. In that context, the Reporter was not persuaded that the appeal proposal would be likely to have any significant adverse effects on the character or setting of Old Aberdeen Conservation Area, and rather that the form and finishes of the new block would represent a marked improvement on the current situation. The Reporter was minded to allow the appeal and grant planning permission subject to conditions, following the signing of a legal agreement between the appellant and the council under section 69 of the Local Government (Scotland) Act 1973, regarding a financial contribution towards the maintenance and enhancement of the Core Paths network. The Council and the appellant have since signed such an agreement, and permission has been granted accordingly.

The appeal decision can be viewed at

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?T=20>

APPEAL UPHELD SUBJECT TO SIGNING OF LEGAL AGREEMENT

Former Hilton Nursery School, Hilton Avenue, Aberdeen

Proposed demolition of former nursery school to be replaced with new residential accommodation comprising of 18 units offering a mix of semi-detached houses and cottage apartments with associated parking

Application Ref: P130224 / PPA-100-2049

Planning permission was refused by the Planning Development Management Committee on 18th July 2013, against officer recommendation. The proposal was considered by the committee to represent overdevelopment of the site, specifically in relation to the loss of trees; the lack of parking spaces; and the residential amenity that would be provided for the flats.

The reporter appointed to determine the appeal commented that the proposed houses would have generous rear gardens with a good level of privacy and security. They would also have adequate off-street parking and a north-south orientation. The proposed blocks of flats would have relatively small areas of communal amenity space; however, the development would provide a public face to the road and a private face to the rear amenity area. The relatively small areas of communal amenity space that are proposed would be private, secure and useable and would not be dominated by parking.

The vehicular access route to the rear of block A would pass within one metre of the windows and doors of two of the ground floor flats. This situation was found to be closer than what would be ideal, however the reporter considered that the number of vehicle movements, particularly at hours when residents of these flats would be most at risk from disturbance, is likely to be low. Vehicle speeds would also be low at this point, which would tend to reduce the likelihood of disturbance

In terms of the loss of trees, the reporter found that whilst there is tension with Policy NE5 (Trees and Woodland), subject to an appropriate landscaping scheme being agreed, which would incorporate replacement planting, the benefits of achieving an efficient and viable development scheme overcome the presumption in favour of retaining significant trees.

It was noted that Hilton Avenue is wide and straight with no parking restrictions. In the event that 20 spaces for the flats proved insufficient, the reporter was satisfied that the resultant additional on-street parking would not detract from the amenities of the area or from road safety.

In conclusion the reporter found that the loss of trees which would be required for the proposal to proceed is regrettable and would, in the case of those which have significance in the local townscape, be contrary to Local Development Plan Policy NE5. However, this harm is outweighed by the sustainable way in which the scheme would contribute to the city's housing requirement. Car parking and amenity space provision would be adequate and the development would make appropriate contributions to local infrastructure in accordance with development plan policy.

The reporter has therefore issued a notice of intention advising that he is minded to grant the appeal subject to ten conditions the signing of a section 75 legal agreement which would secure financial contributions towards affordable housing (in lieu of on-site provision), improvements towards community, sports and recreation facilities, library provision, the core path network and strategic transport fund. The applicant has indicated their willingness to pay the contributions. The Council and the applicant have 15 weeks in which to advise the Scottish Government Directorate of Planning and Environmental Appeals (DPEA) of the conclusion of the agreement. If, by the end of the 15 week period, written confirmation from the parties that this matter has been resolved has not been received, the reporter will consider whether planning permission should be refused or granted in the absence of such developer contributions.

The notice of intention document can be viewed by entering the Scottish Government appeal reference at <http://www.dpea.scotland.gov.uk/CaseSearch.aspx>.

6. IMPACT

The Scottish Government has stated that an effective planning service is fundamental to achieving its central purpose of sustainable economic growth. As such the information in this report relates to a number of Single Outcome Agreement Outcomes:

- 1 - We live in a Scotland that is the most attractive place for doing business in Europe;
- 2 - We realise our full economic potential with more and better employment opportunities for our people;
- 10 - We live in well-designed, sustainable places where we are able to access the amenities and services we need;
- 12 - We value and enjoy our built and natural environment and protect it and enhance it for future generations;
- 13 - We take pride in a strong, fair and inclusive national identity; and
- 15 - Our public services are high quality, continually improving, efficient and responsive to local people's needs.

Public – The report may be of interest to the development community and certain matters referred to in the report may be of interest to the wider community.

7. BACKGROUND PAPERS

None.

8. REPORT AUTHOR DETAILS

Margaret Bochel
Head of Planning and Sustainable Development
Mbochel@aberdeencity.gov.uk
01224 523133