

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 12 March 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, 20 MARCH 2014 at 10.00 am.**

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 13 February 2014 - for approval (Pages 1 - 6)
- 1.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 25 February 2014 - for approval (Pages 7 - 8)

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Fairley Road (Land to East of), Kingswells - Proposed construction of 46 units with associated access roads, drainage and SUDS storage (Pages 9 - 52)

Reference No – 130288

Planning application documents can be viewed here –

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130288>

- 2.2 Phases 2&3, Prime Four Business Park, Land to North of Phase 1 - Approval of matters specified in conditions (Pages 53 - 64)

Reference No – 131501

Planning Application Documents can be viewed here -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131501>

- 2.3 Site 17 Craigshaw Drive, West Tullos Industrial Estate - Erection of 3 storey office, a two and three storey office and associated parking (Pages 65 - 104)

Reference No - 131287

Planning application documents can be viewed here -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131287>

- 2.4 South Lasts Farm, Contlaw Road, Milltimber - Formation of access track (Pages 105 - 116)

Reference No - 131865

Planning Application Documents can be viewed here -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131865>

- 2.5 21 Forest Road (Land at rear) - Erection of 2 storey class 4 office building (Pages 117 - 162)

Reference No – 130934

Planning Application Documents can be viewed here -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130934>

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 2.6 Middleton Lodge (site adjacent to Station Road, Pitfodels) - Erection of 3 new detached dwelling houses (Pages 163 - 196)

Reference No – 131279

Planning application documents can be viewed here -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131279>

OTHER REPORTS

- 3.1 Conservation Area Character Appraisals and Management Plan – Pitfodels and Old Aberdeen (Pages 197 - 204)

Website Address: www.aberdeencity.gov.uk

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 13 February 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cameron (as substitute for Councillor Corall), Cormie, Grant, Greig, Lawrence, MacGregor, Jean Morrison MBE, Samarai, Jennifer Stewart, Stuart (as substitute for Councillor Jaffrey), 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=2879&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 16 JANUARY 2014

1. The Committee had before it the minute of its previous meeting of 16 January 2014.

The Committee resolved:-

to approve the minute.

SITE 6 KIRKTON DRIVE, RAITHS INDUSTRIAL ESTATE - 131414

2. 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 hazardous substances consent to permit the storage of 48 tonnes of liquefied propane gas (LPG) on site, subject to the following condition:-

(1) That 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.

The Committee resolved:-

to approve the recommendation.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

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27 HAMMERFIELD AVENUE - 131159

3. 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.

The Committee heard from Daniel Lewis, Development Management Manager, who advised that the original proposal had been amended since the application had first been submitted and referred to the fact that the incorrect property had been identified on the plan, however once this had been rectified, neighbour notification and the site visit by the planning officer had been carried out in terms of the correct procedure.

Councillor Boulton stated that she would not be content to make a recommendation for approval based on the information before Committee and moved as a procedural motion, seconded by Councillor Townson:-

That a site visit be undertaken to allow members the opportunity to visualise the size of the extension, and its impact in the context of the surrounding area.

On a division, there voted:- for the procedural motion (9) – the Vice Convener; and Councillors Boulton, Cameron, Greig, Jean Morrison MBE, Samarai, Jennifer Stewart, Thomson and Townson; against the procedural motion (6) – the Convener; and Councillors Cormie, Grant, Lawrence, MacGregor and Sandy Stuart.

The Committee resolved:-

to adopt the procedural motion, and therefore defer consideration of the application meantime to enable members to visit the site.

LAND AT WEST HUXTERSTONE, LANGSTRACHT KINGSWELLS - 130912

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

That the Committee express a willingness to approve the application in respect of planning permission for the erection of 97 residential dwellings and associated landscaping, open space, car parking, access road and SUDS, but to withhold the issue of the consent document until the applicant had entered into a legal agreement with the Council to secure (1) on-site affordable housing provision; (2) Strategic Transport Fund contributions; (3) developer contributions towards off-site affordable housing provision, upgrading of local education facilities, upgrading of local community and recreational facilities, upgrading of the local core path network, and local healthcare facilities; and (4) provision of a footpath along the southern side of the Langstracht between the application site and Fairley Road, returning down Fairley Road, and the provision of a

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pedestrian crossing on Fairley Road near the junction with the Langstracht, and 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

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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 maintainace, 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 timeous and future provision of play facilities at the site; (13) that no more than 70 of the hereby approved dwellinghouses shall be occupied unless the road and associated footways as shown on drawing 96333/1001 Rev P, connecting to the land to the west, have been constructed in full accordance with the hereby approved plans upto to the legal boundary of the application site, unless Aberdeen City Council as Planning Authority has given written consent for any variation - in the interests of ensuring pedestrian connectivity and facilitating a future vehicular link to the west of the site; (14) that no development shall take place unless the mitigation measures as

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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; (15) 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; (16) that lighting schemes required during construction phases or in association to the completed development shall be of a flat glass, full cut off design, mounted horizontally and shall ensure that there is no light spill above the horizontal - to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare; (17) that no development pursuant to the planning permission hereby approved shall take place unless a scheme of street and footpath lighting has been submitted to, and approved in writing by Aberdeen City Council as Planning Authority. No development shall be carried out unless in full accordance with the scheme of lighting approved in writing by the planning authority - in the interests of public safety and protecting wildlife; and (18) that none of the affordable housing units (plots 36-55) hereby granted planning permission shall be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by Aberdeen City Council as Planning Authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

The Committee resolved:-

to approve the recommendation.

BISHOPS COURT, 29 ALBYN PLACE - 131464

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

That the Committee **refuse** the application in respect of planning permission for the erection of a two storey extension to the southern end of the existing extension and associated infrastructure works to provide additional office accommodation on the following grounds:-

(1) 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

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Policy and Policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan; and
 (2) that the proposal, if approved, would set an undesirable precedent for similar developments in Conservation Area 4 that would significantly adversely affect and undermine the special character of the area.

Councillor Greig moved, seconded by the Convener:-

That the application be refused in accordance with the recommendation and grounds set out in the report.

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

That the application be approved in terms of economic development, as it would help local business; as the application was in a well established commercial area; as the proposal would not be visible from the street; and as there was a precedent in the area for extensions which extended beyond the building line.

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

The Committee resolved:-

to adopt the motion.

PLANNING DIGEST - EPI/14/018

6. The Committee had before it a report by the Head of Planning and Sustainable Development which advised members of recent appeal decisions, recent updates in Scottish Government Planning Advice and other aspects of the planning service.

The report recommended –

that Committee note the outcome of the appeals in relation to 34-36 St Peter Street, and the Former Hilton Nursery School.

The Committee resolved:-

to approve the recommendation.

- **RAMSAY MILNE, Convener**.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 25 February 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cormie, Greig, Lawrence, Jean Morrison MBE, Jennifer Stewart, Stuart (as substitute for Councillor Jaffrey), Thomson and Townson.

Also present as local member:- Councillor Yuill.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=2977&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

27 HAMMERFIELD AVENUE - 131159

1. With reference to article 3 of the minute of meeting of the Planning Development Management Committee of 13 February 2014, wherein it had been agreed to visit the site, 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.

The Committee members were addressed by the planning officer, following which the members asked detailed questions relating to the application to the officer in attendance.

The Committee was also addressed by Councillor Yuill as local member. Councillor Yuill acknowledged that the amendments to the plans had satisfied most of the objections raised, but requested that the Committee consider adding a suitable condition to improve screening to the east of the property, and further requested that the application be deferred to allow further discussions with the applicant on how the proposal could be amended to overcome the remaining objections.

The Convener noted the comments from Councillor Yuill but moved, seconded by Councillor Jean Morrison MBE:-

That the recommendation in the report be approved, subject to the addition of a suitable condition to improve screening to the rear of the property.

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

That the application be refused on the grounds of overdevelopment, loss of privacy and loss of light to neighbouring properties.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

25 February 2014

On a division, there voted:- for the motion (9) – the Convener; the Vice Convener; and Councillors Boulton, Cormie, Lawrence, Jean Morrison MBE, Sandy Stuart, Thomson and Townson; for the amendment (2) – Councillors Greig and Jennifer Stewart.

The Committee resolved:-

that the application be approved, subject to the addition of a suitable condition to improve screening to the rear of the property.

- **RAMSAY MILNE, Convener.**

Planning Development Management Committee

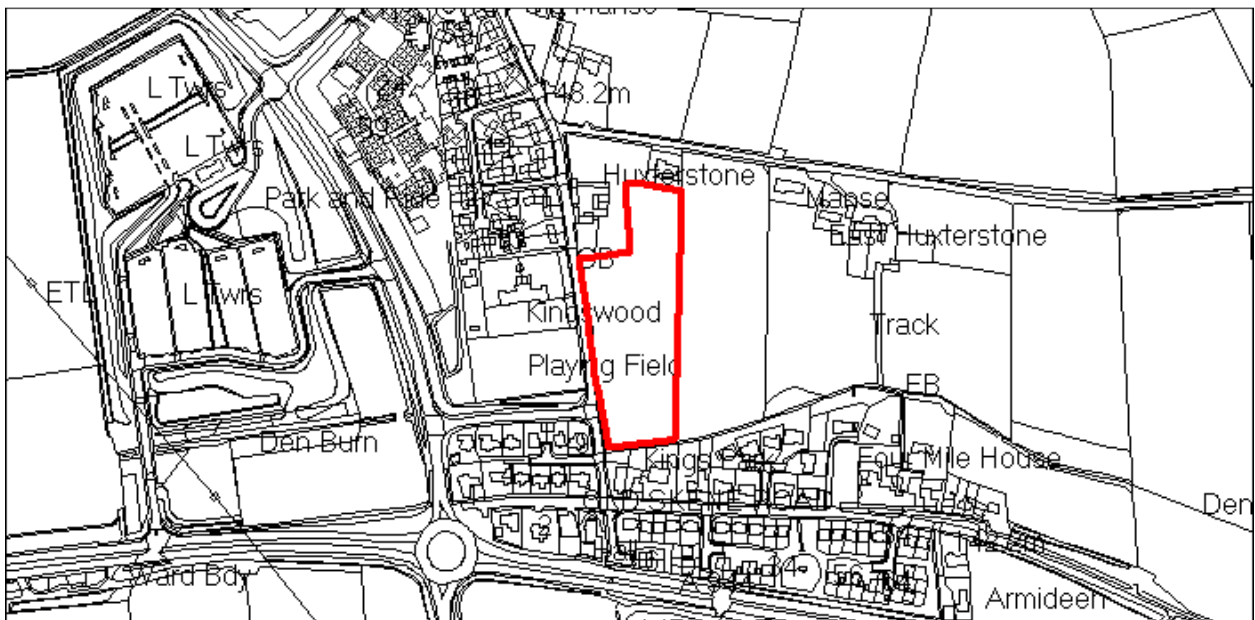
FAIRLEY ROAD (LAND TO EAST OF),
KINGSWELLS

PROPOSED CONSTRUCTION OF 7
DETACHED UNITS, 28 SEMI-DETACHED
UNITS AND 11 TERRACE HOUSES WITH
ASSOCIATED ACCESS ROADS, DRAINAGE
AND SUDS STORAGE

For: Dandara Group

Application Type : Detailed Planning Permission
Application Ref. : P130288
Application Date: 05/04/2013
Officer: Tommy Hart
Ward : Kingswells/Sheddocksley/Summerhill (L
Ironsides/S Delaney/D Cameron)

Advert : Can't notify neighbour(s)
Advertised on: 17/04/2013
Committee Date: 20/03/2014
Community Council : comments received



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;**
 - **healthcare; and**

4. Provision of a footpath along the western boundary of the application site on Fairley Road.

DESCRIPTION

The application site forms the western side of the West Husterstone Masterplan Area (OP42) which covers a total of around 6 hectares. The site itself extends to some 1.6ha and lies on the edge of the village of Kingswells, around 4 miles to the west of Aberdeen City Centre. The site comprises undeveloped agricultural land and slopes down from north to south. To the north is a 20-30 year old drydash finished bungalow 'Morven' fronting onto the Langstracht and a more traditional steading and farmhouse facing onto Fairley Road. Generally the boundary enclosures for these properties consists of hedging and low-level stone dyke walling. The land to the east of the site is currently undeveloped agricultural land and to the south lies the Den Burn. On the opposite side of Fairley Road, there are a number of 1960's style 2-storey semi-detached properties with a white harl and brick finish to the walls. The front boundary treatment for those properties is generally a 1m high wall and low-level hedges.

RELEVANT HISTORY

Site specific

Planning ref 120296 (Proposal of Application Notice) was submitted for consideration in February 2012. No further consultation was required.

Planning ref 130404 for the erection of a temporary sales cabin was approved conditionally by the Planning Development Management Committee in September 2013.

Planning ref 130405 for the erection of 3 non-illuminated hoardings and 2 flagpoles was approved conditionally under delegated powers in September 2013.

Site to the east

Planning ref 130912 for the erection of 97 dwellings, access roads, landscaping, drainage and SUDS was approved subject to satisfactory completion of a s75 Legal Agreement at the Planning Development Management Committee in January 2014.

PROPOSAL

Detailed planning permission is sought for the erection of 46 residential dwellings with associated access roads, drainage and SUDS.

Layout of the Development

The site is generally laid out in three rows of houses on a north-south axis. The properties to the west would face onto Fairley Road with the two other rows facing an internal access road. At the north-end of the site, there would be a group of thirteen properties surrounding a formal parking area. To the south of the site, an area of formal amenity space is shown along the Den Burn and would include SUDS tanks.

Proposed houses

Two-storey houses are proposed, namely: 2 detached four-bed properties; 5 detached three-bed; 25 semi-detached three bed; and 5 three-bed terraced properties.

The external finishes vary between two character areas - the nine properties facing onto Fairley Road being within the 'Fairley Road' character area and the remainder of the properties being within the 'central' character area. Finishes are generally in the order of white drydash render, dark grey roof tiles and white timber effect windows. Some properties would have timber front and garage doors, whilst others may have a more contemporary design approach. Accents of timber cladding are used sporadically throughout the site. The final details of the external finishes will be dealt with through a planning condition.

The houses on plots 9, 10 and 46 have a high-level window on the gable-ends which face onto the public road, thus breaking up and providing more interest to these prominent elevations.

Affordable Housing

Nine affordable units are proposed within the northern cul-de-sac. These would be 2-storey 2-bed mid-terraced properties finished externally to match the other properties within the 'central' character area.

Access

The main access point is from Fairley Road which is then to link with the adjacent site to the east. Pedestrian access is also proposed from Fairley Road and again links to the east.

Open Space

Some 0.288ha (2880sqm) of open space is proposed at the south end of the site beyond the access road.

Drainage

A SUDS tank is shown within the open space area to the south of the access road.

Proposed site boundary treatment

Existing drystone dykes will either be retained or rebuilt along the Fairley Road and eastern boundaries. A feature drystone dyke is proposed at the access to the site off Fairley Road. Hedging and 1.8m high fencing are proposed in other areas throughout the site.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130288>

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

Design Statement
Landscape Appraisal and Planting Schedule
Drainage Assessment for Kingswells
Ecological Appraisal (Northern Ecological Services, May 2012)
West Huxterstone Transport Assessment (Fairhurst, October 2012).

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 - The proposed parking is considered acceptable, as is the access to the site and driveways onto Fairley Road. A residential travel plan is required. The internal layout of the site is acceptable in terms of vehicular movement. Information is still required in relation to surface water treatment for the access road but this could be conditioned. In relation to the Strategic Transport Fund, the applicant has been made aware that a contribution is required.

Environmental Health – no comments received

Developer Contributions Team - a developer contributions package is required to mitigate the impact of the development, relating to: securing on-site affordable housing and contributions towards affordable housing; education facilities; community facilities; playing fields; library; and healthcare facilities.

Enterprise, Planning & Infrastructure (Flooding) - there were potential flooding issues associated with the proposal but following the removal of the houses on the southern side of the access road, there are no objections forthcoming. A condition is requested requiring a Drainage Impact Assessment to be submitted for approval prior to work commencing on site. Discussions are on-going in relation to mitigation of potential on-site flooding issues.

Education, Culture & Sport (Archaeology) - requests a condition be attached requesting the submission of a programme of archaeological work to be approved in advance of work taking place on site

Scottish Environment Protection Agency – no objection subject to a condition being applied requiring the submission of details of SUDS and a construction environmental management plan both to be submitted and approved before development can commence.

Community Council – Kingswells Community Council object to the application.

The reasons for objection can be summarised as;

1. The application fails to take account of the instructions of the Enterprise, Planning and Infrastructure Committee of 6th November with regards to: a) allowing for the possibility of two exits onto Fairley Road; b) instruct officers to look at a range of options for affordable housing rather than restrict to one type; c) phase the site development in conjunction with advice from the Education, Culture and Sport Service;
2. There is no acknowledgment of phasing in this application;
3. The primary school can only accommodate more pupils if house building at West Huxterstone is delayed until 2016 – developer contributions will not solve this issue;
4. The application fails to comply with the Masterplan guiding principles regarding open spaces;
5. The application fails to comply with the Masterplan with respect to lack of 'gateway' opportunity;
6. The application fails to comply with the Masterplan with respect to lack of homezones.

Transport Scotland – no objections

Police Scotland – in general, the site layout offers high levels of natural surveillance. However, the rear of properties can be vulnerable to theft, particularly where there is unobserved access and this should be taken into account.

Aberdeen International Airport - the proposed development does not conflict with safeguarding criteria, subject to condition relating to: measures to limit bird strike risk to Aberdeen Airport and submission of SUDS scheme. A requirement controlling the use of cranes can be included as an informative as can the requirement to ensure that the fabric design of dwellings is such that noise impact, from aircraft, on residential amenity levels is mitigated but bearing in mind that the site lies outwith the noise contours which would cause disturbance.

REPRESENTATIONS

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

1. A cul-de-sac is shown adjacent to the Stewart Milne application site where there should be a through-road;
2. No flood risk assessment has been submitted but it would appear that some houses would fall within the flood area and could not be constructed;
3. There are drainage issues at the south west corner of the site which will be made worse by the proposed development.

PLANNING POLICY

National Policy and Guidance

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

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.

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 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 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 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.

Supplementary Guidance

The Council's Supplementary Guidance "OP42: West Huxterstone Masterplan"; "Affordable Housing"; "Infrastructure and Developer Contributions Manual"; "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.

Principle of Residential Use

The Aberdeen Local Development Plan (ALDP) identifies the site as part of an Opportunity Site (OP42) within Part A of Land Release Policy LR1 with an indicative allocation of 120 units. 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 with the exception that this 'place' is not considered to be distinctive in that the general type of houses are not uncommon with many Dandara residential developments within Aberdeen. Notwithstanding, ALDP Policy D1 (Architecture and Placemaking) seeks to ensure that all development is designed with due consideration for its context.

This context is currently that of agricultural land with properties to the immediate north of the site being a mix of traditional steading and farm house, otherwise drydash render finished bungalows, 1½ and two storey properties are the common residential style. Otherwise there are a small number of more vernacular granite built properties in the locality. Although the proposal does not directly mimic these design types or styles, in respect to the the existing properties on Fairley Road, the proposed dwellinghouses in that character area would fit in comfortably, being predominantly 2-storey semi-detached properties with a white render finish, enclosed by dry stane dykes and low-level hedging, and are thus considered acceptable. In terms of site context, it is clear that the introduction of houses of a design and style, typical of Dandara, would not directly relate to the character of the locality, nor the buildings to the north, but when taken in the context of the wider Kingswells area, the design and form of development would generally respect the varying design and finish of dwellings, as well as the overall character and pattern of development. In this wider context (including what has been approved on the adjoining site to the east), it is considered that the approach taken is consistent and therefore acceptable in terms of ALDP Policy D1.

The layout of the development is generally in keeping with what is shown in the Masterplan as regards: access, landscaped areas and general plotting. An attempt has been made to ensure that the internal layout of the development is designed so as to give priority to pedestrians and cyclists, rather than motorised vehicles through the inclusion of 'homezone' design principles and a meandering internal road, in keeping with the thrust of 'Designing Streets'. Embedded in the design is a desire to ensure the development is a 'safe' place.

By virtue of the layout and design of the application site, as discussed above, it is also considered that the proposal complies with ALDP Policy D2 (Design and Amenity) in respect of: provision of public and private faces to the development; making the most of natural sun/daylight; providing useable private gardens and other 'sitting out' areas; and designing out crime.

Although the development falls below the threshold for ALDP Policy H4 (Housing Mix) to be a material consideration, it is worth noting that the proposal comprises a mix of 2 – 4 bedroom properties, which are 2-storeys in height and vary between terraced, semi and detached properties. It is considered that the proposed mix of properties throughout the site is varied.

With regards the affordable housing element, ALDP Policy H5 (Affordable Housing) and the supplementary guidance on the same seeks on-site provision of 25%. The application seeks to provide 9 units on-site (c.20%). The remaining 5% (2.5 units) would be addressed by way of a commuted sum to be included in the section 75 legal agreement.

Although the on-site provision is less than the stated policy target, the planning authority accepts the approach, and is in line with what relates to the site to the east. The location and design of the affordable units is also considered to fit comfortably with the rest of the development, in an attempt to avoid distinction between tenures. As such there are no conflicts with regards SPP, PAN 2/2012, the Council's Supplementary Guidance and Policy on Affordable Housing.

In terms of density, ALDP policy H3 (Density) seeks to ensure a minimum of 30 dwellings per hectare, which is net of any land not directly related to the housing. The development would provide 46 dwellings on an area of land of around 1.6ha in size, resulting in a gross density of 28.75. Taking account the open space provision of around 0.288ha, the net provision is around 35.06?, which is in line with policy requirements.

The useable open space extends to around 2880sqm (0.288ha) which is proportionately greater than the expectations for the site, as set out in policy NE4, the West Huxterstone Masterplan and the Supplementary Guidance on Open Space.

Impact on Residential Character and Amenity

The nearest residential properties lie to the immediate north of the site, which are 1 – 1 ½-storeys in height. The nearest property to 'Morven' would be around 22m away and the nearest property to the farmhouse at Wester Huxterstone around 30-35m to the south and south east. The physical separation, boundary treatment and drop in levels towards the south means that the new houses would have an acceptable impact on the amenity currently afforded to the residential dwellings closest to the application site. In terms of the residential character of the wider area, the proposed development reflects the general form and scale of development in the locality and is therefore acceptable.

Visual Impact of the Development

The application site is currently undeveloped and without any significant boundary screening, save for trees within the Den Burn corridor to the south and some low-level hedging and stone dykes. The site has a reasonable slope, rising around 5m in height from south to north. It is accepted that the development will have a substantial visual impact on the existing character of the area, given the site is currently open agricultural land, however it is allocated for development in the Aberdeen Local Development Plan and the Masterplan has a preference for residential development thereon. The site is prominent when viewed from Fairley Road and that vista will also see a change in character and feel. With respect to the wider area, it is not considered that there would be an unacceptably significant impact due in part to: topography; landscaping; existing buildings; and the design approach taken.

Traffic Impacts, Access Arrangements and Car Parking

A Transport Assessment (TA) was submitted in support of the application and was updated through discussions with the Roads Projects Team. Following a review of the junction modelling, it is considered that the application would not have any significant impact on the surrounding road network and so there are no objections from the Roads Projects Team in that respect.

In relation to vehicular access, this would be from a junction onto Fairley Road, which is considered adequate for the number of units proposed and there is no technical need for a second access.

Pedestrian access to the site would be from Fairley Road, at the main vehicular junction and also at the northern end of the site adjacent to the boundary of Wester Huxterstone farmhouse, which would link with the Kingswells Avenue to Old Skene Road core path. Pedestrian access to the east is proposed at two points: off the northern 'homezone'; and at the vehicular access link, to the adjacent approved development.

The car parking provision has been evaluated and is considered to be satisfactory.

Given the above, it is considered that there are no conflicts in relation to ALDP Policy T2 (Managing the Transport Impact of Development).

Site Drainage and Flooding

The drainage proposals submitted have been ratified by Roads and Flooding officers and no objections have been forthcoming. For the most part, the information provided is acceptable. However, some clarification relating to how the car parking and access roads will be treated can be dealt with as part of the suspensive condition requiring the submission of updated drainage proposals and via the RCC process.

With regards flooding, the plans originally proposed three houses on the southern side of the access road, within the Den Burn flood plain. The Council's 'flooding' team objected to that proposal on the basis that it could potentially increase flood risk at this section of the Den Burn. In order to allow the application to progress, the plans were amended to remove these properties and discussions are ongoing with a view to finding an acceptable solution. Any further future proposals for the development of this area will be assessed on their merits, taking account of the integrity and value of the open space, sense of place, overall design objectives and any other material considerations.

School Capacity

The indicative capacity of Kingswells Primary is 450 pupils with the current role at 441. Although this provides some capacity on paper, advice from ACC Education indicates that the school is full as a result of recent internal configuration changes which have impacted on non-teaching spaces (library and dining areas for example) which have been converted into teaching space. It is also considered that the potential for extension is limited. Notwithstanding, the development of site OP42 has historically been incorporated into the school role forecasts.

The capacity issues at Kingswells Primary, as set out above, could be mitigated via a developer contributions package to be used for the purposes of expanding Kingswells Primary or transporting children to another school and secured through the s75 legal agreement. A small developer contribution has been requested by the PG Team in respect of education.

The developer has indicated that the site would be built in phases: with 21 being before the end of 2014 and the remainder in 2015 which would help limit the scale of impact on the school and this is generally in line with the school forecasts.

Relevant planning matters raised by the community council

1. a) information has been provided which demonstrates that 2 access off Fairley Road could not be accommodated and this was confirmed by the Roads Project Team; b) the affordable units proposed on this part of the overall OP42 site differ in style and tenure from what was approved in the adjacent application for Stewart Milne, although it is accepted that they comprise 9 two bed mid-terraced properties; c) this has been dealt with in the school capacity section above.
2. Phasing is proposed and is discussed in the school capacity section above;
3. School capacity issues are discussed above;
4. The open space proposed is around 0.288ha in size which is in excess of what was expected for this portion of the OP42 site, as indicated within the approved Masterplan;
5. The plans have been updated to show a new drystone dyke at the entrance, which is considered to be in the spirit of the OP42 Masterplan 'gateway';
6. The submitted plans show 'homezone' areas within the application site, which are considered to be in the spirit of the OP42 Masterplan.

Relevant planning matters raised in written representations

In relation to the points raised in written representations; the following comments are raised;

1. The plans have been updated to show the internal road laid out such that it links with / adjoins the Stewart Milne application site and associated road network to the east;
2. A flood risk assessment has been submitted and assessed by the relevant officers. Subsequent to that, the plans have been amended to remove the houses from south of the access road;
3. A drainage impact assessment has been submitted in support of the application and a condition has been attached requiring the submission of detailed drainage details for the site and that these be agreed with the relevant technical officers.

Proposed legal agreement for developer contributions

A section 75 legal agreement can secure: (1) on-site provision of 9no affordable housing units; (2) contributions towards the 'Strategic Transport Fund'; (3) developer contributions towards: affordable housing; education facilities; community and recreation facilities; core path network links/improvements and local healthcare provision; (4) Provision of a footpath along the western boundary of the application site on Fairley Road. Such an agreement would see the proposals comply with ALDP Policies: I1 (Infrastructure Delivery and Developer Contributions), H5 (Affordable Housing) and the Supplementary Guidance on 'Affordable Housing'.

RECOMMENDATION

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

- 1. On-site affordable housing provision;**
- 2. Strategic Transport Fund contributions;**
- 3. Developer contributions towards:**
 - affordable housing;**
 - education facilities;**
 - community facilities and recreation;**
 - .healthcare; and**
- 4. Provision of a footpath along the western boundary of the application site on Fairley Road.**

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 the general principles and objectives of Scottish Government publications: 'Designing Places' and 'Designing Streets'.

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 in accordance with Aberdeen Local Development Plan (ALDP) Policy D1 (Architecture and Placemaking). The approach is also 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 is proposed and the density is in line with the requirements of ALDP Policy H3 (Density).

Access and parking arrangements have been agreed with the Council's Road Projects Team, as required by Supplementary Guidance on 'Transport and Access'. The site is easily accessible by foot and motorised vehicles and links would be afforded to the core path network in line with the requirements of ALDP Policy NE9 (Access and Informal Recreation).

Details of appropriate landscaping can be secured via condition, and open space provision exceeds the requirements of the OP42 West Huxterstone Masterplan, 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 ALDP 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 21 dwellinghouses (i.e. Phases 1 and 2 as shown on drawing no AOL_208 rev. C) hereby granted permission shall be occupied unless;
 - a. The new pedestrian footpath along the east side of Fairley Road has been provided and is available for use;
 - b. an RCC compliant road link and pedestrian footpath has been provided up to the eastern legal boundary of the application site as per Drawing No APL_205 rev H;
 - c. the open space provision to the south of the access road (as shown on Drawing No APL_205 rev H) is completed and laid out in accordance with drawing no APL_301 rev I, and the Fairley Road planting schedule Rev A (unless otherwords agreed in writing by the Planning Authority). The approved 'public open space' shall not thereafter be used for any purpose other than as public open space;
 - in the interests of amenity, pedestrian safety and in order to allow satisfactory vehicular access to the site to the east and ensure compliance with the West Huxterstone Masterplan.
2. That no more than 40 dwellinghouses hereby granted permission shall be occupied unless all pedestrian footpaths shown on Drawing No APL_205 rev H have been constructed up to the legal boundary of the application site and are available for use - in order to allow satisfactory pedestrian access to the site to the east and ensure compliance with the West Huxterstone Masterplan.
3. That plots 22 – 34 inclusive hereby approved shall not be occupied unless the car parking areas relative to those houses have been constructed, drained, laid-out and demarcated in accordance with Drawing No APL_205 rev H, 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.

4. 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.
5. That no development shall take place unless a bird hazard management plan has been submitted to and approved in writing by Aberdeen City Council as Planning Authority (in consultation with Aberdeen International Airport). 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 International Airport through the attraction of birds.
6. That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by 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 development shall take place unless a site specific Environmental Management Plan (EMP) must be submitted for the written approval of Aberdeen City Council as Planning Authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with such approved plan. Such plan must address the following: surface water management and pollution prevention; soils management; site waste management; and noise & dust management - in order to minimise the impacts of necessary demolition/construction works on the environment.
8. That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of the site boundary enclosure along the western side of the development hereby granted planning permission. The scheme shall include details of the 'drystone gateway' to the site. None of the buildings along the Fairley Road elevation (plots 1-9 inclusive) hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.
9. That no development shall take place unless further details of the render finishes to the walls of the dwellinghouses hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

10. That no development shall take place unless the mitigation measures as identified in the Northern Ecological Services report (report dated July 2012) have been implemented in their entirety - in the interests of safeguarding the fauna and habitats on-site.
11. That no development shall take place unless there has been submitted to and approved in writing a detailed Residential Transport Pack which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

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.

INFORMATIVES

Cranes:

This response applies to a maximum development height of 153m AOD. In the event that during construction, craneage 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 glazing, 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] - in the interests of residential amenity.

Lighting: 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.

Waste Management: A full site waste management plan for the processing of construction and demolition waste should be submitted to and approved in writing by the relevant authority (in this case SEPA) and no work shall be carried out unless in accordance with the approved plan unless the relevant 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.

Response from Kingswells Community Council

Planning Application 130288

Proposed Construction Of 10 Detached Units,

28 Semi-Detached Units and 11 Terrace Houses

with associated access roads, drainage and SUDS basin

1. Enterprise, Planning and Infrastructure Committee decision

The masterplan for this development went to Environment, Planning and Infrastructure Committee on the 6th November 2012. The committee decision was taken to try and resolve some of the contentious issues prior to a planning application. The Enterprise, Planning and Infrastructure Committee resolved:-

to approve the 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; and*
- (iii) phase the site development in conjunction with advice from the Education, Culture and Sport Service.”*

It is with real dissatisfaction and frustration that KCC have had no feedback on these issues, from developers or planning officials, since then. It appears that this decision has been ignored by the developers and their justifications for this planning application has been accepted and left unchallenged by ACC planners.

2. Application for 49 houses

This application is part of a Masterplan for a 120 home development and as such must contribute to the planning process as if it were a major planning application,

5.9 When considering the development of sites Aberdeen Local Development Plan Policy 11 – Infrastructure Delivery and Developer Contributions indicates that development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Developer contributions will be the subject of negotiation at the time any planning application is made. In this context, the cumulative effects of development of each site on the local community should also be considered.

Consequently, the development must contribute to Aberdeen’s stock of affordable housing and any other liabilities based on a proportion of the Master planned development.

3. Contravening the masterplan principles - Phasing of development

It is stated in the masterplan 9.0 *Phasing and delivery* that development should be phased as staggered building is crucial for adequate education provision. KCC suggested a phased plan which would see all children accommodated at Kingswells Primary School.

There is no acknowledgement of phasing in this application and, within the site; another separate planning application from Stewart Milne Group is still to be presented. It would be gross negligence if ACC allowed both developers to build simultaneously without constricts of a phased agreement.

4. Developer Gain will not resolve the problem of education provision

It is absolutely clear that Kingswells Primary School can only accommodate more children if house building at West Huxterstone is delayed until 2016 and is phased as demonstrated in our Masterplan response. We are now in a situation where normal methods to mitigate overcrowding will no longer work at Kingswells as the primary school building has now been extended into the original playground and there is no land available for further short-term or permanent extension. At Kingswells, future overcrowding cannot be simply solved through asking for developer contribution. Further house building at this time in Kingswells will severely compromise the quality of education for children in an already very large, constricted primary school.

5. Sewer

There is a sewer running parallel to Fairley Road. The development should take due account of the sewer.

6. Contravening the masterplan principles - open spaces

This planning application does not comply with the Masterplan - 4. Guidance Principles. There are no *“series of green spaces which will be linked by a network of landscaping / Landscaping and open space requirements will be accommodated in the overall layout, within which the general philosophy will be to create “streets” and “places” rather than “roads”.*”

7. Gateway Opportunity

The Master plan calls for the entrance from Fairley Road to incorporate a Gateway Opportunity. The current application makes no allowance.

The site is split further into character areas, as shown on Figure 18. The opportunity for ‘gateway features’ over and above those found on standard plots exist at a number of important corners/thresholds in the development. The masterplan indicates generic house footprints either side of these threshold-junctions which are generally symmetrical. The masterplan also indicates a variation in ground scape and the use of shared surfaces at these points. The perspectives which are positioned to indicate such locations, indicate these attributes (symmetry and groundscape), and also indicate that the low level front garden boundary treatment is continued around the corner to the rear garden and that windows in adjoining public rooms are shown on these corner elevations. All of these steps have been taken to both ‘turn corners’ and create a focus at these points as part of the syntax of the overall development. Each gateway will be formed by a paired symmetrical grouping of housetypes. They will be rendered in a contrasting finish and will have different contrasting roof and door colours at each location to emphasis them as a focal point within the setting of the overall development

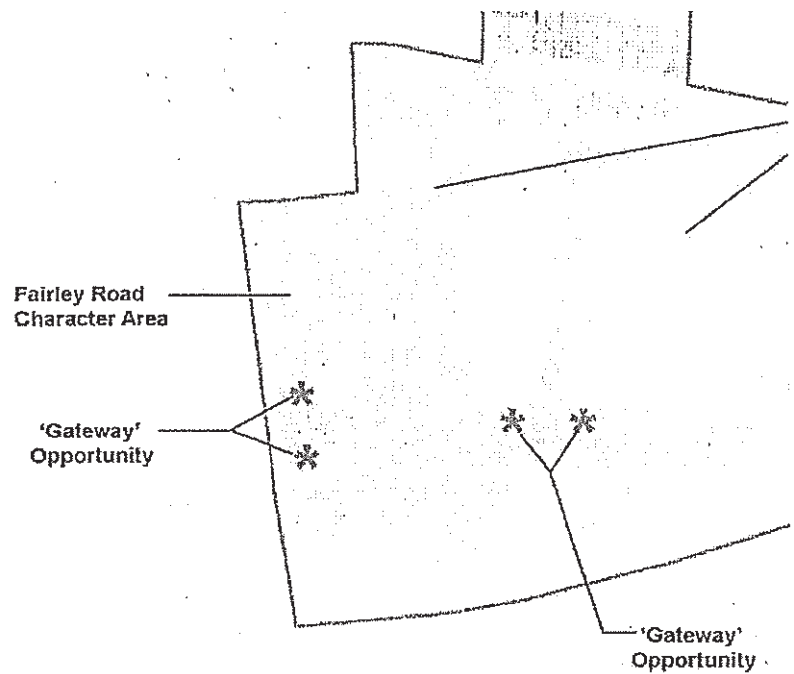


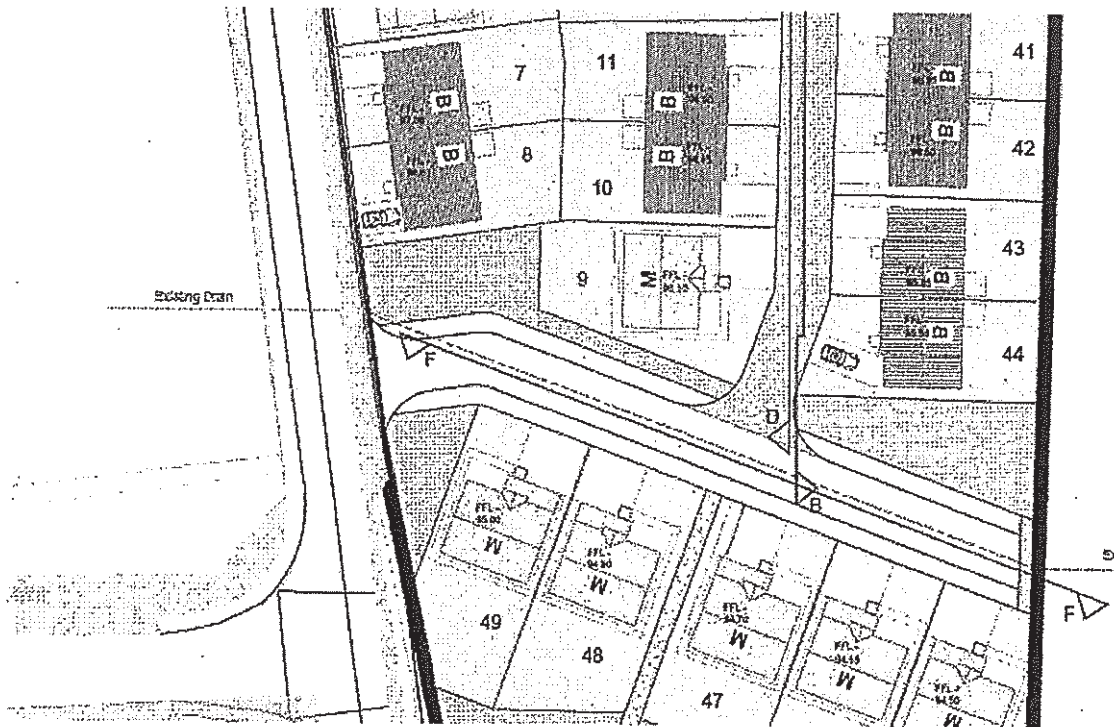
Figure 18: Character Areas

8. Home Zones

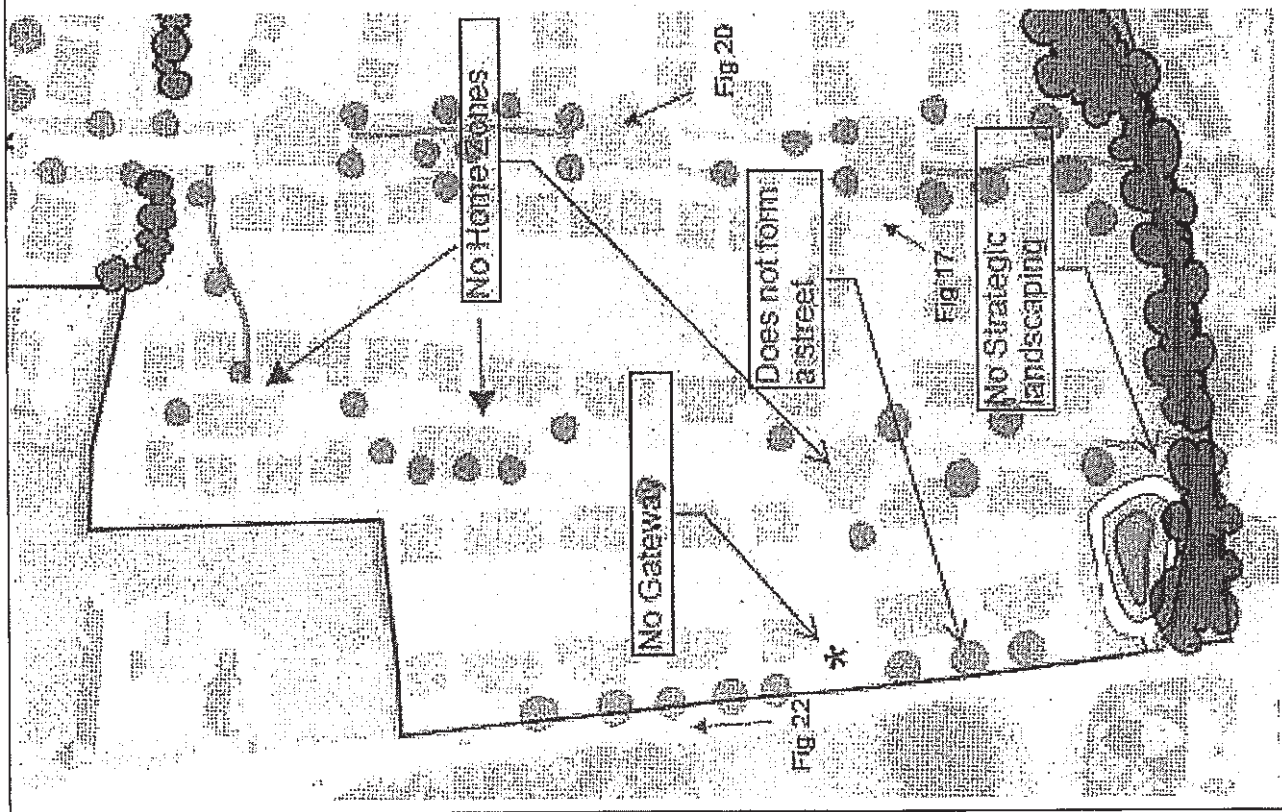
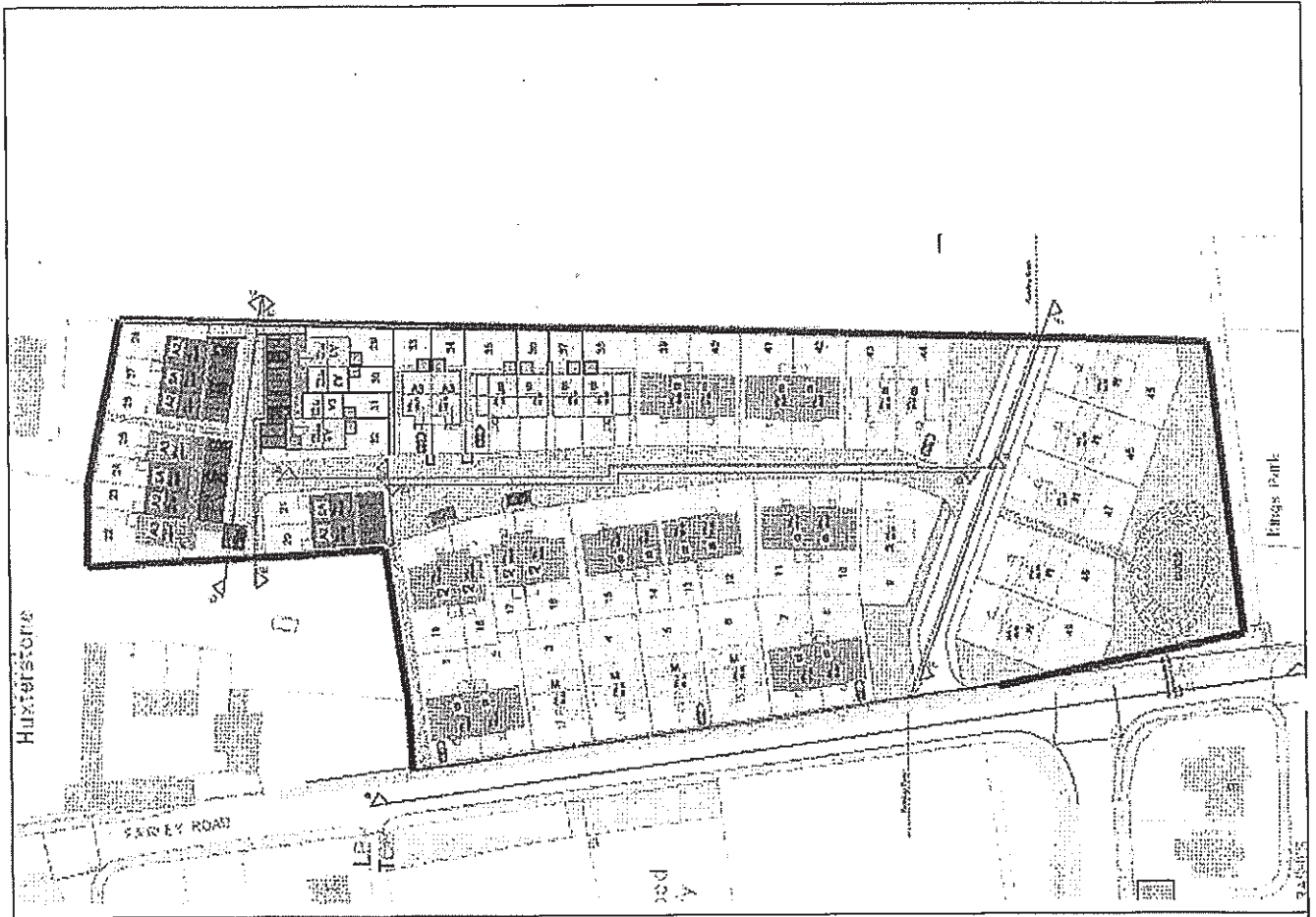
The Master plan calls for the roads within the development to incorporate home zones. The current application makes no allowance.

Fairley Road Character Area

The houses facing Fairley Road will be of a similar typology of those found elsewhere along the street as demonstrated in Figure 22. They will formally face the street and will utilise a simple palette of materials and detailing complemented, where practical, by rebuilt drystone dykes and formal tree planting forming their front gardens. The houses either side of this area's entrance will be selected to respond to the 'gateway' opportunity.



The home zones utilise areas of shared surfaces bounded by hedging. These areas in turn are defined by a series of terraced blocks which are arranged to formally demarcate a square. The house types entering these areas are laid out to be symmetrical and to frame that threshold. Such arrangements are illustrated on the indicative perspective of the eastern square and is an indication of the approach which will have to be adopted for these spaces.



9. Other aspects of the Master Plan that have been ignored

4.1 Guiding Principles

Through the site analysis and public consultation, proposals have developed and these are described in the following sections. The following principles have guided this Masterplan:

- Traditional villages are successful due to their use of both green and "urban" spaces. Such spaces assist the legibility of their community due to the association of streets with a sense of place.
- The development of the site will be based on a series of green spaces which will be linked by a network of landscaping. The southern edge of the site will enjoy clusters or strands of trees to create a more open "parkland" environment, whilst denser shelter belt planting will be utilised around the eastern perimeter of the site.
- Landscaping and open space requirements will be accommodated in the overall layout, within which the general philosophy will be to create "streets" and "places" rather than "roads".
- The "streets" and "places" created will be aligned with groups of housing. Building lines are an important consideration in the design of successful development and will ensure the creation of a "street".

4.2 First Thoughts

The initial analytical proposals for the site which were considered important to achieve the masterplan vision include the following and are demonstrated below and on page 11:

- Retention of the Den Burn and the Green Space Network along it to avoid the risk of flooding, to create and benefit from an attractive area and the creation of a landscaped SUDs basin towards the lower part of the site.
- Creation of a new shelter belt to the east of the site to provide appropriate screening of the development and to soften the development in terms of long distance views from the Lang Stracht and the A944.
- Enhancement of the buffers to the east of the site.
- Provision of an appropriate density of housing whilst retaining quality public green space.
- Creation of a series of linked public spaces lined with trees to allow green space to flow through the heart of the site.
- Creation of an easily accessible public green space to the south of the site.
- Principal vehicular access to the site to be provided from Fairley Road with a secondary vehicular access point from the Lang Stracht. Alternatively, consideration may be given to two access points from Fairley Road. Pedestrian and cycle access to be provided alongside vehicular accesses and through the landscaped area to the south of the site.
- Integration of the development within the context of Kingswells village by reinforcing the building lines with the surrounding developments along the Lang Stracht. The development should face outwards at these points.
- Reinforcement of the rural character of these interfaces by means of street side planting, front garden enclosures and in selected locations, hedges and stone dykes.
- The landscape framework will be supported by appropriately scaled and designed house types, which will be created using the established pattern of field boundaries, reflecting the character of Kingswells.

10. Conclusion

The planning application does not comply with the Masterplan. The application demonstrates how 49 homes can be squeezed into the space available without any regard to provide any community green space. This is a case of building houses – not communities.

The planning application does not adequately take account of the requirements of Environment, Planning and Infrastructure Committee on the 6th November 2012.

The comments made by KCC on the assessment of the second access from Fairly Road must be considered, and a fully independent assessment must be made. If the only reason for not proceeding with this option is that there will be less housing achievable then this is not adequate justification.

Kingswells Community Council request that this application is refused at this time.

Appendix 1

KCC comments on Fairhurst Access Statement

KCC comments are shown in red.

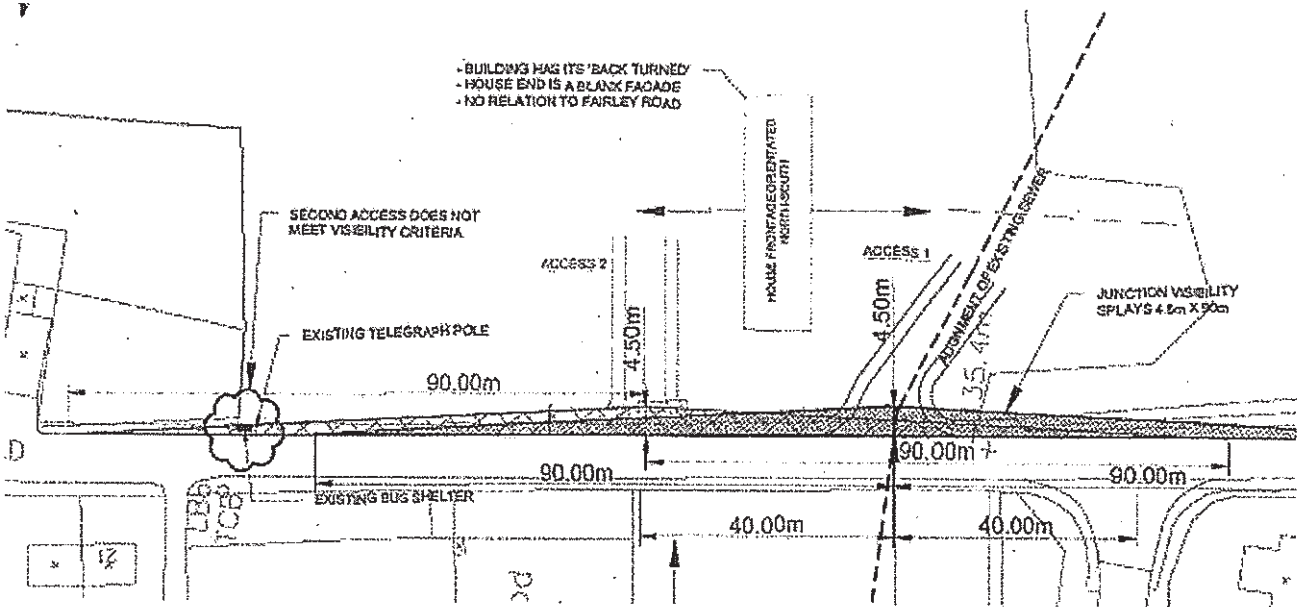
94412: West Huxterstone, Kingswells**Access Statement****1.1. Introduction**

- 1.1.1. This Access Statement has been prepared to summarise investigations into the feasibility of provision of two vehicular accesses to the West Huxterstone development site from Fairley Road.
- 1.1.2. The West Huxterstone site is identified in the Aberdeen Local Development Plan 2012 for the development of up to 120 houses.
- 1.1.3. Aberdeen City Council (ACC) Road Design Standards require a second point of vehicular access to be provided to a housing development if the total number of dwellings exceeds 100.

1.2. Vehicular Access from Fairley Road

- 1.2.1. ACC identifies a Road Hierarchy within guidance, which is designed to classify roads according to their principal purpose. Different classifications of road types identify differing standards applicable to key elements of road and access junction design. The principal matters requiring consideration when identifying suitable locations for the provision of development accesses are Junction Spacing and Visibility.
- 1.2.2. Fairley Road is identified as of Local Distributor Road status. A Local Distributor Road requires a minimum spacing between junctions of 40m, and a Visibility Splay of 90m by 4.5m. A Visibility Splay of 90m by 4.5m requires a driver to have uninterrupted view 90m to left and right from a point 4.5m back from the Give Way/Stop line at the junction.
- 1.2.3. ACC have a 'general presumption' against the provision of crossroads junctions which therefore precludes the provision of an access directly opposite to the connection from Fairley Road to C89 Kingswells Distributor Road. (This is not actually true. KCC have spoken to Roads Dept officials who have indicated that they have no problem with crossroads if they are engineered properly) The consequence of this is that the furthest south a junction can be located is at a point 40m north of the connector road. This junction location and indicative design is shown in blue on the Fairhurst Drawing 94412/8004 Revision A appended to this Access Statement. This location allows the provision of a junction which is compliant with design guidelines.

1.2.4. The location of the access junction 40m to the north of the existing Fairley Road/C89 connector road allows the access road to follow the alignment of the existing sewer, in accord with best practice in design. The sewer alignment is identified on the drawing.



(It is noted that the junction provided is less than 40m off the existing junction and has been re-orientated to provide a more advantageous design. The current speed limit in Fairley Road is 20mph and this is enforced using speed bumps. Consequently, the sight line requirements are less than stated by Fairhurst – this has been confirmed by ACC roads officials.)

- 1.2.5. In order to identify whether a second access could be provided, a point 40m north of the 'blue' junction has been identified, and Visibility Splays for this access have been identified and are shown in red on Drawing 94412/8004 RevA. The Visibility Splays cannot be provided as there is a visibility constraint to the north at the boundary wall of West Huxterstone Farm which cannot be mitigated. (KCC have verified that the sight line can be achieved see Appendix 2, and by reducing the site line requirement to suit 20mph speed limit would make it even more achievable.)
- 1.2.6. Drawing 94412/8004 Rev A identifies the implications of the provision of two access points from Fairley Road in terms of the orientation of housing which would result. Housing between the access points would require to face either north or south towards the access roads rather than west towards Fairley Road. Current National Policy contained in Designing Streets seeks to provide a 'street' feel, with the agreed Development Masterplan identifying housing facing out towards Fairley Road. (There is no requirement to change the orientation of any of the proposed homes. With the available house styles there are various options available to fill the space between access roads and comply with the requirements of the National Policy. If the relaxation on site distance is incorporated then this becomes easier. Referring to the excerpt from the proposed application – the application includes Plots 48 and 49 side on to Fairley Road and Plot 9 with its back to Fairley Road. This is in contravention of the National Policy)
- 1.2.7. The provision of a second access from Fairley Road would result in a very unattractive street scene which would not be in accord with Policy or the agreed Masterplan, with the sides of houses facing Fairley Road rather than house fronts. (See the comments on 1.2.6 – this is not the case. The application includes Plots 48 and 49 side onto Fairley Road – this is against National Policy)
- 1.2.8. The provision of two accesses to the West Huxterstone development from Fairley Road compliant with National Policy and Road Design Standards cannot be achieved. (This statement is not true. The preparation of this report has been half-hearted, with its primary aim to prove the option unviable [at any cost]. It employs double standards. In reality, it shows that if the same criteria were to be applied to the current application it would not be compliant with National Policy.)

Appendix 2

KCC Assessment of 2nd Entrance From Fairley Road

Current application

This site has historically been in the ownership of two joint developers; Graham Homes and Stewart Milne Homes Ltd (SMG).

To date, the original Masterplanning has been lead by Stewart Milne Homes Ltd on behalf of these two developers.

It appears that the west most 40% of the site has been sold on from Graham Homes to Danrara Development Group.

Given that change of ownership, evidence should be given that Dandara has accepted the conditions agreed in the Masterplanning process.

Planning submission

Dandara has now submitted an application for planning permission in respect of their share of the OP 42 development site; application 130288.

That submission shows 49 houses and relies on a WA Fairhurst Road Report.

The layout site plan shows one access to comply with 49 houses

Dandara submitted further reporting from WA Fairhurst such that there is no second access available to Fairley Road in terms of roads provision to comply with National Policy and Aberdeen City Council (ACC) Roads Design Standards.

Responses by Kingswells Community Council

The original site contains conditions identified by a Scottish Office Reporter;-

- No design of OP 42 such that access is made to the two further eastmost fields
- 120 houses maximum

Given that Kingswells has been identified as a village with substantial historic sites that evidence the area was carved out by the last ice age and that the Denburn forms topography that impacts into, and down through the City, the valley and Denburn must be preserved as seen now to continue and enhance the character and culture of Aberdeen.

OP 42 is a full development site of 120 maximum houses and must be treated on that basis despite two developers.

The developers are in partnership; they will share the assess/egress roads on the site albeit programmed and submitted at differing dates.

The WA Fairhurst 3 page Access Statement and accompanying drawing has been inspected and is herewith replied to in detailed terms. The general terms within that statement advise that a second access on site at Fairley Road is unachievable.

- Aberdeen City Council (ACC), Property & Technical Services Department, produced "Guidelines and Specifications for Roads within Residential and Industrial Developments" dated September 1998.

- That document is current and is referred to by WA Fairhurst in 1.1.3.
- ACC no longer holds that document as cast in stone; it is a reference only for basic layouts; lengths, areas, sight lines etc are to be assessed on individual circumstances.
- The drawing 94412/8004 A supplied by WA Fairhurst is inaccurate as follows and is referred to
 1. A cross over junction is possible and could be acceptable in certain circumstances. However in this case the main Westhill to Aberdeen sewer would preclude this on practical terms.
 2. The 40-metre distance from the centre line of the un-named road to the trunk sewer manhole is actually 37 metres. That would move the proposed access road south by 3 metres.
 3. The 40 metre length between the proposed access road and the "access 2" shown is not a definite requirement; it is a guideline measurement only in terms of the ACC document, and can be changed if circumstances dictate.
 4. The visibility splay shown towards the north from the "access 2" at 4.5 x 90 metres is again a guideline only. In this case measurements were taken from the centreline of "access 2" shown on the drawing north wise. A 90 metre point was established on the kerb going north, and a line established for a 4.5 x 90metre splay. It missed the dyke forming the feu at the north end by 300mm at the north side of the bus shelter. That line extending north did not also consider that the "access 2" shown could be moved 3 metres south given the trunk manhole sewer point already identified as incorrect.
 5. In terms of Fairley Road per say; assessment of the road is as it is found at the date of application; in this case the road incorporates a number of tarred and "permanent" traffic calming pillows. Further, while not a legally binding statement, there is 20 mile an hour numbers laid down within circles that advise that the road speed is now 20 miles per hour.
 6. In terms of the Guideline document and Table 6, the sight line splays are therefore capable of reduction.
 7. Given that, the road splays would be changed to 4.5 x 60 metres and accepted by ACC.

The result is, a second assess to Fairley Road is capable of being incorporated within the development of both the initial 45-house application and ultimately the 120-house development forming the OP Site 42.

That would negate the need to provide an access to the Lang Stracht and to preserve the east fields within the glacial valley again identified by the Reporter as of Historic importance.

Other matters

The Dandara site drawing APL_205 shows at the south end of the site, five houses in a somewhat constricted area.

That area is currently a natural wetland and course for the Denburn and that has to be preserved despite the SUDS pond shown on the drawing.

Planning Objection/Representation from Mr & Mrs McGrath, Morven, Kingswells, ABERDEEN

Proposed Development by Dandara Group at Fairley Road, Kingswells, Aberdeen

Application Number 130288

| | |
|------------------------------------|-------------|
| Planning & Sustainable Development | |
| Mail ID | 29183 |
| RECEIVED | 07 MAY 2013 |
| REPLY | / / |
| Section | DM |
| Officer | TOH |

Executive Summary

We object to the above application on the basis that it does not fully comply with the adopted Aberdeen Local Development Plan, undermines Aberdeen City Council's strategic intent to have balanced communities and will be detrimental in terms of amenity to the community and to the individual houses already within OP Site 42.

Our objections and concerns are listed in summary form here and grounds for our concerns are detailed in the following paper:-

1. The proposed development of two storey housing is outwith the character and previous planning guidance for housing within this area.
2. The plans fail to contain elevation documents that show the existing housing on the site, leading to insufficient information on the impact on the existing properties to enable planning officers and elected members to make a fully informed judgement.
3. Insufficient consideration is given to the sewage and surface water drainage systems of the existing properties resulting in unquantifiable risk and request that planning permission is withheld until this is fully resolved.
4. No information is given on how our rights to access to maintain our property (as documented in title deeds) will be provided, nor detail of lighting placement can be shared to give compliance with building regulations regarding heights and placement of street lighting relative to bedroom windows.
5. The plans do not contribute to the strategic planning intent of Aberdeen City Council to create balanced communities.
6. The plans will have an adverse impact on the ability of the school to adequately cope with an increased number of children.
7. There is a disproportionate density of housing relative to the total intended housing density for the whole OP Site 42 as described in the adopted Local Development Plan.
8. The plans fail to provide safe and attractive open spaces to encourage children to follow an active outdoor life.

We respectively request that members of the Planning Authority and elected members on the Committee give consideration to the following concerns.

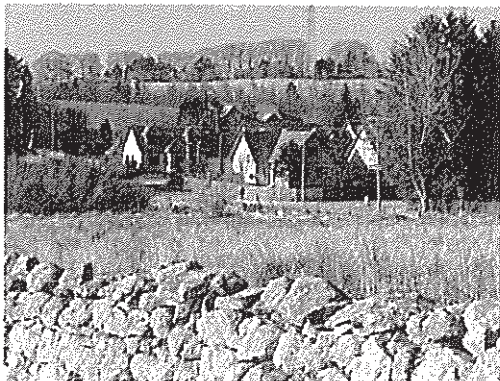
1. The Site Character-

The design statement clearly identifies the existing housing within the site as a 1½ storey traditional farmhouse and a bungalow (Morven).

It then draws attention to the two storey semi-detached properties on Fairley Road. These are to the north west of the site and at no point in a direct line with the site (as can be seen in the following photographs which are taken along the line of the hedge to the front of Wester Huxterstone).



The document fails to describe the houses to the south of the site which are the houses most visible to this development. To the south west is the small development of Whiterashes, and to the south



of the site the houses in John Arthur Court (off Old Skene Road) and more recently the very new houses built on Old Skene Road - all of which are 1½ storey cottage style houses.

Finally the houses to the North East of the site (The Manse, Burnside and the East Huxterstone Steadings) are also a combination of bungalows and 1½ storey buildings

During the masterplanning exercise the design team discussed the development as being of 1½ storey housing, and the final version of two storey houses was surprising.



We wish to object to the proposed development of two storey housing as being outwith the character and previous planning guidance for housing within this area.

2. The Proposed Site Layout (including Impact on the Existing Properties)

Lack of Information on Impact on properties already on the site - The Site Section Drawings A-A and C-C fail to show the existing houses of Wester Huxterstone and Morven. This makes it very difficult to fully comprehend the impact the new development will have on the amenity of the pre-existing houses. As the taller two storey houses are being built in front of the smaller single storey and 1½ storey houses it would seem essential to be aware of the relative heights to judge the impact on privacy, day light and the sky line when viewed from the Westhill Road. Should the plans proceed unamended, Morven will face directly onto the rear of the row of seven two-storey terraced houses. The bedroom windows of these houses could be level with the lounge, master bedroom and second bedroom windows of Morven. The south facing lounge window of Morven is in effect a glass wall. It is impossible without having elevation drawings that show the relative heights to know if we shall be forced to live with curtains drawn to achieve a degree of privacy. We request the plans be refused until detailed information on the impact on the existing properties is fully described to enable planning officers and elected members to make a fully informed judgement.

The sewer and surface water drainage for Wester Huxterstone and Morven run directly through the field and connect to the existing main sewer identified within the plans. To ensure these pipes can be repaired the house titles include irredeemable rights of access across the field for the purpose of maintenance and repair. Despite having sent this information to Ryden's to allow this to be considered within the planning proposals there is nothing within the document to indicate that these pipes will be protected, or included within the scheme. The present layout suggests that if the drainage for these two properties is not included within the scheme it will be impossible to repair any damage as the pipes will be below housing and our irredeemable rights of access will be meaningless. We object to the plans on the basis of risk to the sewage and surface water drainage systems of the existing properties and request that planning permission is withheld until

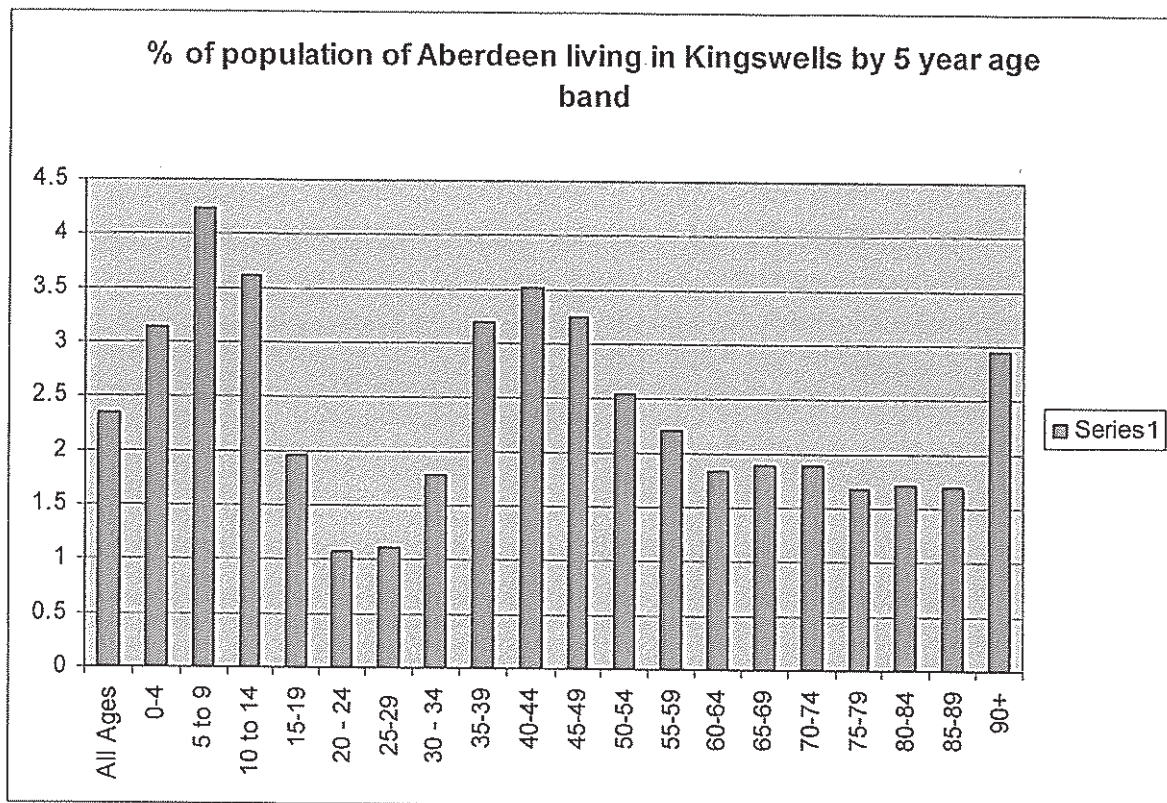
this is fully resolved. There is a secondary risk that our properties will not be able to be sold due to the impact on our property title deeds.

Water Supply – Subsequent to the development at Whiterashes there were difficulties with our water supply resulting in multiple failures of electric showers. Scottish Water investigated the situation and explained that as our water supply flows uphill from Wester Huxterstone there was insufficient water volume to maintain water pressure at peak times. This resulted in us having to invest in alternative showering facilities. The water volume to the house remains low and will deteriorate further unless new water supplies are brought to the area. We are aware that the Business Park has invested in additional piping to bring water to the area, but these plans seem to indicate an intention to use the existing water supply without increasing the infrastructure required to bring additional water capacity to Kingswells.

Property maintenance our present title also gives irredeemable rights of access to maintain our boundary fence, etc. This may be facilitated to an extent by the path shown between plots 25 and 26, but this path does not extend to the full length of our boundary. In the interest of preventing neighbour disputes over the maintenance of the long established cyprus hedging this path should be extended along the entire expanse of the hedge. We also note the police comments about this being a security risk and that the path should be protected by a secure gate. We would seek assurance that this would not obstruct us from maintaining the boundary hedge. In addition, we would be concerned if there was to be street lighting on the path as this would shine into the two south facing bedroom windows. We request that planning officers and elected members object to the plans until detailed information is provided on how access to maintain our property will be provided, and the detail of lighting placement can be shared to give compliance with building regulations regarding heights and placement of street lighting relative to bedroom windows.

Housing Mix – We object to the plans on the basis that they do not contribute to the strategic planning intent of Aberdeen City Council to create balanced communities.

Various planning documents issued by Aberdeen City and most recently the Aberdeen City and Shire Strategic Development Plan highlights the need to “create sustainable mixed communities and the associated infrastructure, which will meet the highest standards of urban and rural design for the needs of the whole population”. The 75+ population in Aberdeen City is expected to increase by 69% increase over the next 25 years (*General Register Office for Scotland Population Projections 2011*). Kingswells as a community is very underserved by housing suitable for the over 75 population. Aberdeen City Council website population estimates show the percentage of the Aberdeen Population living in Kingswells by age group to be above the average for all ages in the age groups 0-14 and 35 – 54, indicating that the community is well served with family housing. [The relatively high age 90+ population is due to the presence of a large nursing home.]



Many households face the choice of remaining in their 3-4 bedroomed family home, or leaving Kingswells to find appropriate pre-retirement/retirement housing elsewhere in the City. If this development is allowed to proceed on the basis of yet more family housing it is perpetuating this situation. Failure to encourage people to relocate to suitable accommodation to support their older years will result in continued dependency on care services rather than the strategy described in the Councils Joint Strategic Commissioning Plan of encouraging people to be able to remain safe, independent and self caring within their own homes. If private developers are not encouraged to contribute to the development of housing for all age groups and all levels of physical ability, the burden to provide such housing will fall on the Council and the cost of care on the Council and NHS.

There are people far more competent than ourselves to comment on the style of housing, but there is much to be learned from the existing Kingswells housing. Streets include a mixture of single, 1½ storey and two storey housing, set at different distances from the street, with a range of styles and sizes, enabling people of all ages to co-exist within a street. This development (like the most recent one on Old Skene Road) is by contrast very uniform and boring. We admit we are not experts, but were very surprised to see toilet accommodation being directly accessed off the cooking area of the kitchens.

Public Services – Schooling. One benefit to the City of encouraging this development to more closely reflect the need for a balanced community within Kingswells would be that it would reduce the constant upward pressure within Kingwells on pre-school and primary schooling, thus allowing

the present school to continue to meet the needs of all such children within the community. Should the school fail to accommodate additional children the Council will be faced with two high cost options i) conveying children to pre-school and primary school establishments elsewhere in the city, ii) building a new school. The first option not only brings significant recurring costs but as potentially it would affect children as young as 3 it seems inappropriate and would affect the ability of the children to be part of the village community and socialise with other children in Kingswells. Enabling relocation within Kingswells from pre-existing family housing to pre-retirement housing would vacate houses within the community for new families to move in to. These existing houses would be closer to the school and village centre facilities and reduce the traffic within the village as it would facilitate walking to school etc. We object to the plans on the basis of the impact they will have on the ability of the school to adequately cope with an increased number of children.

Public Amenity – Open Space and the health and safety of children. The total area of Opportunity Site 42 West Huxterstone was 6 hectares and the adopted Aberdeen Local Development Plan (February 2012) identified this as suitable for 120 houses. This site is 1.576 hectares of the total 6 hectares (26%) and the proposed plans are for 49 houses (41% of the 120 houses). This would indicate a degree of overcrowding relative to the spacing of the second phase, or a determination by the developers to exceed the 120 houses agreed within the Aberdeen Local Development Plan. This increased density has resulted in very small gardens for many of the houses, combined with a lack of play areas and open spaces other than the SUDS and small open space area around the Den burn. This end of Kingswells has very few accessible areas for children. The open space adjacent to Adventure Aberdeen (the previous primary school) is frequently flooded and unsuitable for play, it is also often used for dog exercise classes and by Adventure Aberdeen for classes. If allowed to proceed this will be the third family housing development within the community with no consequential investment in leisure or recreation spaces. We would like to raise an objection to the plans on the grounds of failing to provide sufficient open space (for what is intended as family housing) which may lead to children choosing to play around the SUDS and the burn with associated risk of harm or drowning. Another reason why the site should perhaps be targeted for an older age group. We object to the plans on the basis that there is a disproportionate density of housing relative to the total intended housing density for the whole OP Site 42 as described in the adopted Local Development Plan, and also due to the failure of the plans to create safe and attractive open spaces to encourage children to follow an active outdoor life.

We would wish to thank the officers and elected members of the planning authority for considering these concerns.

from: Jim Hepburn [REDACTED]
to: <pi@aberdeencity.gov.uk>
date: 20/04/2013 23:08
attachments: DSC_1670.JPG; DSC_1674.JPG; DSC_1680.JPG; DSC_1685.JPG; DSC_1676.JPG

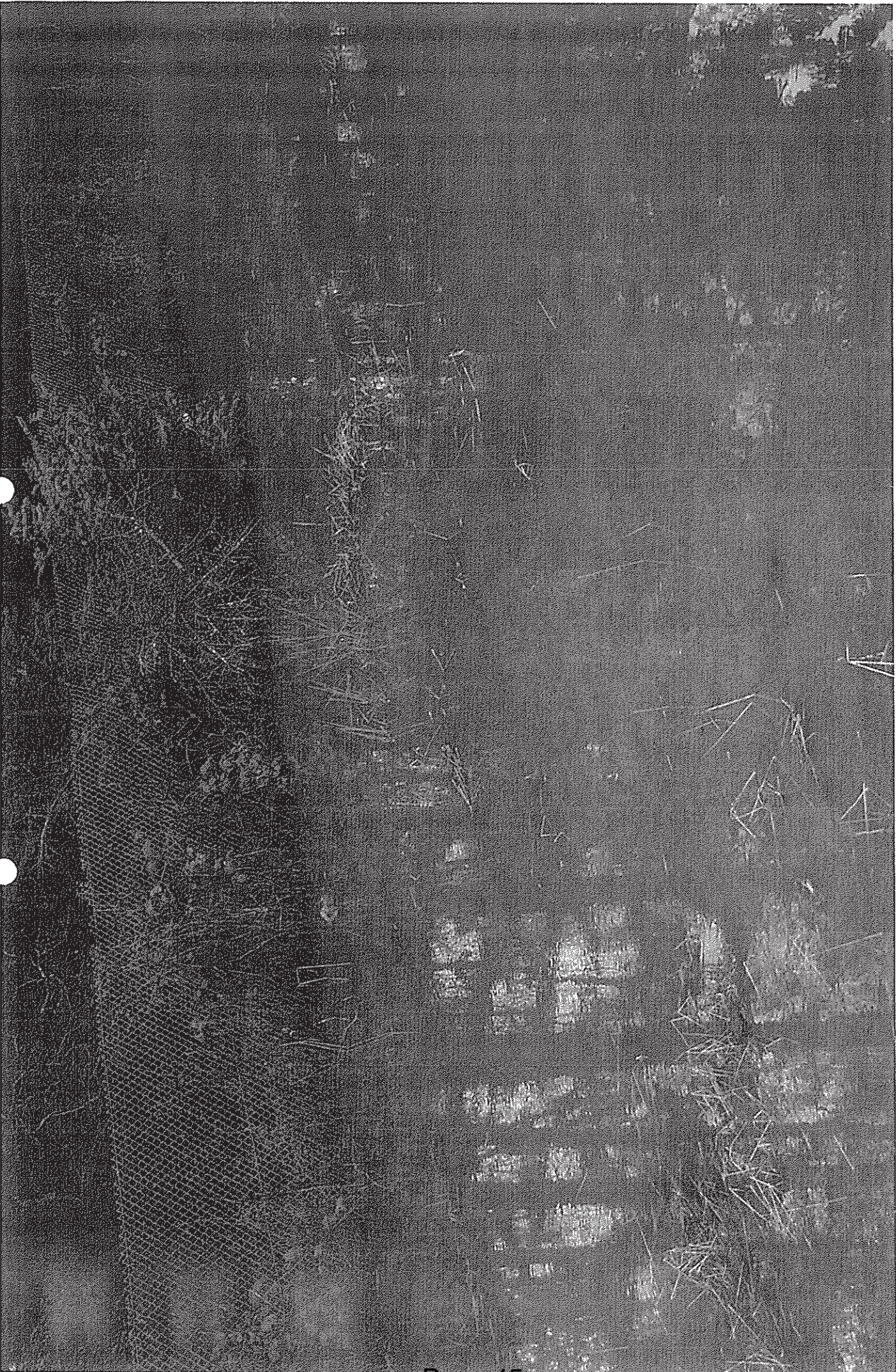
9 Whiterashes
Kingswells
AB15 8QE

Dear Sir / Madam,

Having received the Neighbour Notification Notice regarding Application Number 130288 for the development in Kingswells, I would like to draw your attention to the conditions we observe on a regular basis. The attached pictures were taken after heavy rainfall had passed and the water level had actually fallen a few inches. My concerns are for the condition of the proposed development site as, over the years, the lower end of the proposed site has been permanently waterlogged, so I am amazed to hear that this area is to be developed. A more personal concern is the effects development could have on my property. At the moment the land surrounding my property, although saturated, can just cope with the draining of rainwater. However, changes to the surrounding terrain may tip this delicate balance, therefore any changes or development will be monitored closely and those responsible will be held accountable.

J Hepburn











PI - Fwd: Re: West Huxterstone - Dandara

From: Tommy Hart
To: PI
Date: 19/04/2013 10:45
Subject: Fwd: Re: West Huxterstone - Dandara

Please log this as an objection for application 130288

ta

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

Tommy Hart
 Senior Planner (Development Management)

Planning and Sustainable Development | Enterprise, Planning and Infrastructure | Aberdeen City Council | Business Hub 4 |
 Ground Floor North | Marischal College | Aberdeen | AB10 1AB |
 Direct Dial: 01224 523126 | Fax: 01224 523180 | Switchboard: 08456 08 09 10
 Email: tomhart@aberdeencity.gov.uk | Website: www.aberdeencity.gov.uk/planningapplications

>>> Marianne McGowan [REDACTED] 19/04/2013 09:22 >>>
 Tommy

Can you treat as an objection meantime. Hopefully I can withdraw once the cul de sac has been amended.

Marianne

Marianne McGowan BA(Hons) MSc MRTPI
 Area Director - Strategic Land
 Stewart Milne Group

On 19 Apr 2013, at 08:54, "Tommy Hart" <TomHart@aberdeencity.gov.uk<<mailto:TomHart@aberdeencity.gov.uk>>>> wrote:

Marianne

Thanks for that. Have I to take this as an objection or just comments?

Tommy

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

Tommy Hart
 Senior Planner (Development Management)

Planning and Sustainable Development | Enterprise, Planning and Infrastructure | Aberdeen City Council | Business Hub 4 |

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Direct Dial: 01224 523126 | Fax: 01224 523180 | Switchboard: 08456 08 09 10
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www.aberdeencity.gov.uk/planningapplications<http://www.aberdeencity.gov.uk/planningapplications>

>>> Marianne McGowan [redacted] <mailto:[redacted]> > 18/04/2013 18:04 >>>
Tommy

I have seen that Dandara have lodged their planning application and would make the following points

- 1) Dandara have shown a cul-de-sac from their access point to the south of the site. This is not in the spirit of the masterplan which requires a connection through to the SMH portion of the site. I trust you will be seeking Dandara to amend this to take their road to the property boundary.
- 2) I note Dandara have not lodged a flood risk assessment for their part of the site. We have concluded ours and as a result I suspect that Dandara could not construct some of the houses south of their access road as it in the flood plain.

Happy to discuss.

Marianne

Marianne McGowan BA(Hons) MSc MRTPI | Area Director - Strategic Land Division
Stewart Milne Group
Osprey House, Mosscroft Avenue, Westhill, Aberdeen AB32 6JQ
Switchboard - [redacted]
Direct - [redacted]
Mobile - [redacted]
www.[redacted] blocked: [redacted]

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Stewart Milne Group Limited

Registered in Scotland No. SC057709

Registered office: Peregrine House, Mosscroft Avenue, Westhill Business Park, Westhill, Aberdeen AB32 6JQ United Kingdom

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Planning Development Management Committee

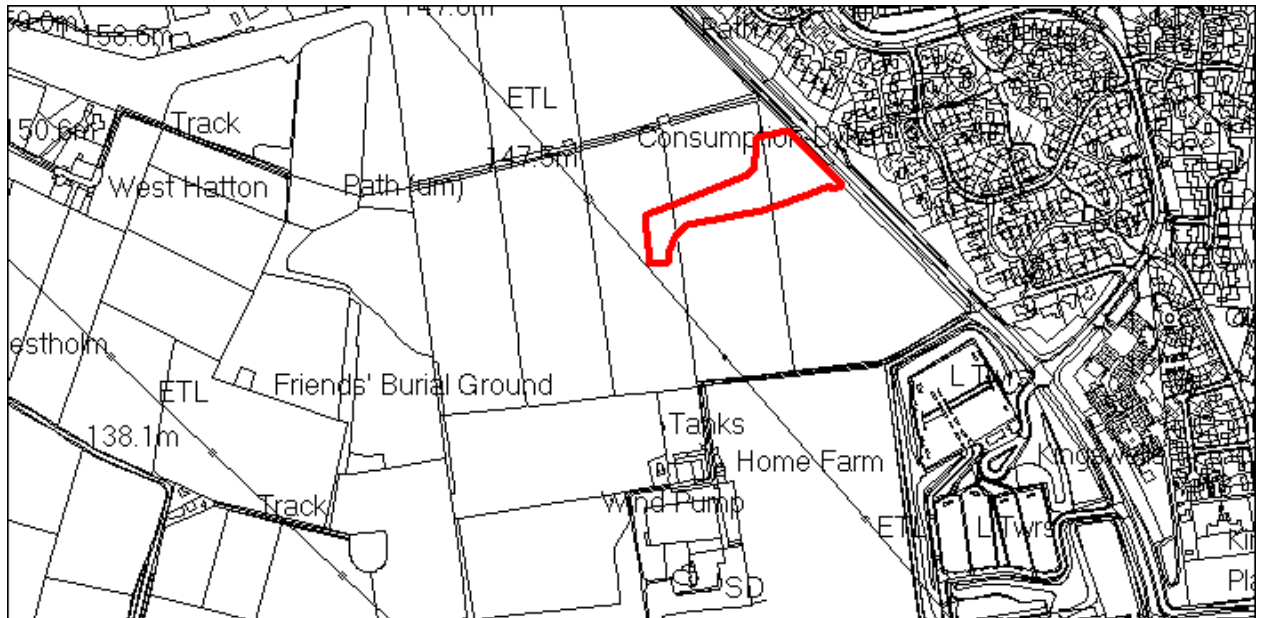
PHASES 2 & 3, PRIME FOUR BUSINESS
PARK, LAND TO NORTH OF PHASE 1

APPLICATION FOR APPROVAL OF MATTERS
SPECIFIED IN CONDITIONS-FORMULATION
OF LINK ROAD INCLUDING ASSOCIATED
LANDSCAPING AND DRAINAGE WORKS
PHASE 2/3, CONDITIONS 3 PART(I)ACCESS
AND (VII) LANDSCAPING OF PLANNING
PERMISSION IN PRINCIPLE P120649

For: Drum Kingswells Business Park Ltd

Application Type : Approval of Conditions for
Planning Permission in Principle
Application Ref. : P131501
Application Date: 14/10/2013
Officer: Tommy Hart
Ward : Kingswells/Sheddocksley/Summerhill (L
Ironsides/S Delaney/D Cameron)

Advert : Can't notify neighbour(s)
Advertised on: 30/10/2013
Committee Date:
Community Council : Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site sits within Phases 2 & 3 of the Prime Four Business Park, which extends to approximately 20 hectares some four miles west of Aberdeen city centre and two miles east of Westhill. The settlement of Kingswells lies to the east, on the opposite side of the C89 Kingswells Bypass.

Phases 2 and 3 of Prime Four was formally rolling agricultural grazing land. The application site itself is irregular in shape and broadly bounded as follows: to the north by greenfield land beyond the Kingswells Consumption Dyke, a Scheduled Ancient Monument and Category B Listed Building; to the east by the C89 Kingswells Bypass, with Kingswells village beyond; to the south by Phases 1 and 2 of the Prime Four Business Park and existing properties / businesses; and, to the west by greenfield land beyond the West Hatton Woods (an Ancient and Semi-Natural Woodland).

Work is underway in respect to Phases 1 and 2 of the business park with plots 1 - 6 currently at varying stages of construction.

RELEVANT HISTORY

A number of planning applications have been submitted in respect to Phase 1, 2 and 3 of Pime Four. With specific reference to Phases 2 and 3, the following:

- Planning ref 120649 for Planning Permission in Principle for Phase 2 & 3 was granted permission under delegated powers in November 2012 subject to a number of Conditions and a legal agreement.
- Planning ref 121756 for Approval of Matters Specified in Conditions relating to internal road layout (Phase 2) was granted permission subject to conditions in April 2013.
- Planning ref 121757 for Approval of Matters Specified in Conditions relating to plot 6 (Phase 2) was granted permission subject to conditions in April 2013.
- Planning ref 121758 for Approval of Matters Specified in Conditions relating to the landscaping of the 'Four Court' was granted permission subject to conditions in April 2013.
- Planning ref 121759 (Full Planning Permission) for erection of hotel and associated leisure facilities and car parking at plot 5 was approved conditionally (subject to Legal Agreement) by the Development Management Sub-Committee on 21st March 2013.
- Planning ref 130016 for Approval of Matters Specified in Conditions relating to the strategic landscaping of Phase 2 & 3 was approved subject to conditions in April 2013.
- Planning refs 131710 (Children's Nursery at plot 8), 131810 (Office at plot 11a), 140143 (Mixed use pavilions within the Four Court), 140144 (Office at plot 9) and 140145 (Office at plot 10) are currently under consideration.

PROPOSAL

This application seeks permission for the formation of a link road and associated landscaping and drainage works, by purifying the relevant parts of condition 3, attached to Planning Permission in Principle 120649, namely: (I) access & (VIII) landscaping.

The access road would be located within the 120m 'no build zone' associated to the Kingswells Consumption Dyke, as defined in the Development Framework.

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?131501>

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

Formation of C89 Link Road Transport Statement (January 2014)
Drainage Assessment, C89 Link Road (October 2013: Issue 2)

REASON FOR REFERRAL TO COMMITTEE

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

CONSULTATIONS

Roads Projects Team –there are no objections. Other outstanding minor design issues can be addressed at RCC stage. It is advised that the road is required to be open prior to the 60,409sqm class 4 use capacity being reached.

Environmental Health – no comments received.

Enterprise, Planning & Infrastructure (Flooding) – drainage proposals for Prime Four have already been agreed, which restricted run-off to 3.0l/s/ha during the critical ten year rainfall event. Provided there are no changes to the pre-agreed terms then there are no adverse comments.

Community Council – object to the application on the following grounds;

1. The proposed road was not included in the masterplan for Phases 2 or 3 of Prime Four and any access should nonetheless be from the A944;
2. The development would be within the "definitive no build zone of 120m" from the consumption dyke;
3. The proposed junction is a road safety hazard;
4. The proposed signalised junction would severely impact on the current congestion issues on the C89 and increase rat-running through Kingswells Village.

REPRESENTATIONS

No letters of representation have been received.

PLANNING POLICY

Aberdeen Local Development Plan

Policy LR1 - Land Release Policy Part A

Phase 1 release development: Employment 2007 – 2023; development on sites allocated in Phase one will be approved in principle.

Supplementary Guidance

A Development Framework establishing the principles for developing the overall business park and Masterplans for Phases 1, 2 and 3 were adopted as Supplementary Guidance in September 2011 and January 2013 respectively and are relevant material considerations.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that in determining a planning application, regard must be had to the Development Plan. Determination shall be made in accordance with the Plan unless material planning considerations indicate otherwise. The Development Plan consists of the Aberdeen City and Shire Structure Plan and the Aberdeen Local Development Plan.

Principle of Development

In terms of Policy LR1, within the Aberdeen Local Development Plan, the proposal is within site OP40 (West Hatton and Home Farm, Kingswells) a 2007-2023 release of employment land. Therefore the broad principle of employment related development has been established. Further to this Planning Permission in Principle has been granted (Planning ref 120649) and the broad land uses identified within the Development Framework and Masterplan for Phases 2 & 3.

The Masterplan and Development Framework acknowledge that the main access to the Prime Four Business Park is at the southern end onto the A944. The Transport Assessment (TA) which informed the Development Framework and Masterplan acknowledged that that access has a limited capacity (60,409sqm of Class 4 use) and that an additional vehicular access will be required to serve development beyond this figure, which could be taken from the east, south or west. The Development Framework and indicative Masterplan layout shows a possible future link to the east of Phase 2, to the immediate north of the Park and Ride site. Taking the above into account, the principle of the access has been recognised in the various associated documents which have informed the planning of the release and thus is acceptable and there is no conflict with ALDP Policy LR1, the Development Framework or Masterplan.

Condition 3 part I – access

Vehicular access to Phases 2 & 3 will be available from the north/south boulevard, which runs through Phase 1, accessed from the A944 and from the proposed access from the C89. Other than the now proposed junction and link road, the internal road network has already been approved (Ref: 121756) and is currently under construction. The Roads Project Team have no objections to the planning application but do highlight the requirement for an additional access to the Prime Four Business Park before the equivalent of 60,409 sqm of Class 4 use is operational.

Failure to provide an additional access point would restrict the amount of land which could be developed and go against the Development Framework, Masterplan and permissions granted. As discussed above the proposed access does not conflict with the Development Framework or Masterplan documents it is therefore considered that this condition 3 (I) should be purified.

Condition 3 part VIII-landscape

The key principles of the strategic landscaping have already been accepted through previous applications associated to Phases 1 and 2 and that appropriate mixture of soft and hard landscaping is to be continued here.

The southern side of the access road would be lined with a variety of trees: English Oak, Scots Pine, Norway Maple, Large Leaved Lime, Red Oak, Silver Birch and Rowan, which would be set in ground seeded as grass (wildflower meadow mix and amenity lawn). An area of woodland mix tree planting is also proposed along this southern side of the road, adjacent to the junction, and enhancing the visual quality of this access point.

On the northern side of the junction a SUDS basin and swale outlet is proposed, surrounded by a landscaped area to match 'the northern park' (130016). Hard landscaping includes the introduction of new dry stone dykes, which follow the line of the original field boundaries, as well as footpaths an access to the SUDS area.

It is considered that the proposed hard and soft landscaping complies with the principles set out in the Development Framework and Masterplan, and follow the guidance set out in the AMSC application 130016, which deals with strategic landscaping. It is therefore considered that this part (VII) of the condition should be purified.

Consumption Dyke "no build zone"

It is worth clarifying the issue surrounding the indicative "no build zone" which was set out in the Phase 2/3 Masterplan. The intent of the no build zone relates to buildings and other 'structures' of mass, rather than roads and paths. The new access road would help to define the green space network along its c.200m length at the north-eastern of Prime Four, and the proposed planting would enhance the landscape features at the northern end of the Business Park. At the western connection point with the approved internal road, the green space network is defined by the sealing end compound where overhead electricity lines coming from the north west are routed underground as they enter the "no build zone". Beyond that compound, to the west, the office within plot 11a is shown as being around 150m away from the consumption dyke. The SUDS basin and swale are shown as being landscaped in line with the strategic landscape plans and would fit in well with the green space network area to the north of the development.

As such it is not considered that there is any conflict with the Development Framework or Masterplan documents, relative to development within the "no build zone".

Relevant planning matters raised by Community Council

The issues raised by Kingswells Community Council have been addressed above and no objections have been received from the Roads Projects Team.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The plans and information submitted in relation to this Application for Approval of Matters specified in Conditions-Formulation of link road including associated landscaping and drainage works Phase 2/3, Conditions 3 part (i) Access and (vii) Landscaping of Planning Permission in Principle P120649

CONDITIONS

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

- (1) that no development shall take place unless samples of all hard landscaping materials (apart from the tarmac road covering) to be used in the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity and consistency throughout the Prime Four development.

- (2) that unless otherwise agreed in writing by the planning authority, all planting, seeding, turfing and other associated soft and hard landscape works, as well as the footpaths and cyclepaths all as comprised in approved drawing numbers OPEN_497_C89A_HS001 Rev. 00 or such other drawings as may subsequently be approved in writing for the purpose by the planning authority, shall be carried out in or before the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity and biodiversity of the area, the creation of new habitats and to ensure appropriate connectivity throughout the site.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

Application Reference: 131501

Local Authority Reference:

Proposal Description: Application for Approval of Matters specified in Conditions-Formulation of link road including associated landscaping and drainage works Phase 2/3, Conditions 3 part(i) Access and (vii) Landscaping of Planning Permission in Principle P120649

3 Corse Avenue
Kingswells,
Aberdeen,
AB15 8TL
11/11/13

Application type: Approval of Conditions for Planning Permission in Principle

Dear Sir,

Kingswells Community Council objects to the above planning application on the following grounds:

- The proposed access road was not included in the masterplan for Phases 2/3 of Prime Four and is therefore not competent.
- The proposed development would be within the area described in the masterplan as "the definitive no-build zone of 120 metres" (from the consumption dyke). The SUDS drainage basin and associated maintenance roadway is even within the delineated protection zone that extends 90 metres from the consumption dyke. These exclusion zones were included in the masterplan to create a sense of place, particularly in relation to the consumption dyke. The proposed development would detract from this. The only development permitted within the 120 metre zone should enhance the sense of place and help to screen the main development which is already very imposing.
- The agreed road access to Prime Four is via the A944 where much road improvement has been put in place to help mitigate the impact of traffic from the development. The masterplan does not identify where the additional access would be, but it was agreed that it would be either directly off the A944 or associated with the AWPR junction. Any additional access to the Prime Four site must be from the A944.
- The C89 was constructed on the contour of the landscape that forms a blind summit at the north-east corner of the park and ride site continuing north for a considerable distance. Traffic currently travels through the park & ride traffic lights at over 40-50 mph, and is speeding at 50-60 mph by the time it reaches the blind summit which is within 50 metres of the proposal. Consequently, the proposed site for a junction is not suitable in terms of safety.
- The two-lane carriageway at the proposed point of access becomes a four-lane carriageway incorporating deceleration lanes. While it does not show the fact on the application, it is clear that traffic lights will be introduced to afford priority to any vehicles (including commercial lorries) access to the site. The current traffic backs up as far as the Derbeth junction, and the proposed new junction would make matters significantly worse. It will also add further to the traffic rat-running through the Kingswells village.
- Any traffic assessment for the area must include traffic from the building of the Newhills Expansion.

The proposed access would create a dangerous junction, add to existing congestion and is contrary to approved master plan. Consequently, the application should be refused.

Yours faithfully,

Ian Cox
Secretary
Kingswells Community Council

Kingswells Community Council comments on the Traffic Assessment for the new access from C89 to the Prime Four site.

Planning Application 131501

The following table contains figures extracted from the Traffic Assessment. The extracts are attached at the end of this document.

| Row | Description | PM Base | PM Phase 3 | % Increase |
|-----|---|---------|------------|------------|
| 1 | Northern exit to P&R | 988 | 1518 | 53.6% |
| 2 | Northern exit to P&R without Prime 4 | | 1118 | 13.2% |
| 3 | Northern exit (total out) | | 504 | |
| 4 | Northern exit turning right | | 400 | |
| 5 | Park & Ride junction – turning left from Kingswells | 163 | 225 | |
| 6 | Roundabout from Park & Ride junction(KCC) | 1154 | 1745 | |
| 7 | ** Assumed from Fairly Road | 156 | 170 | |
| 8 | Roundabout from C89 | 1310 | 1915 | 46.2% |
| 9 | Roundabout from Westhill | 910 | 2065 | |
| 10 | Roundabout from Aberdeen | 1718 | 2132 | |
| 11 | South Exit (total out) | | 768 | |

Use of the proposed road

KCC has discussed the proposed road with ACC Roads Department and we were advised that the intended use of the road was to provide access to and from the north. Drum have provided similar assurances. Comparing rows 3 and 11 on the table shows that 40% of site traffic will access the north access, and 79% of that traffic will travel south and not north as advised by ACC.

The C89 in the PM peak has a constant stream of traffic from the north from 16:00 until 18:30 or even later on a bad night. Queuing from the roundabout often extends past the two most northern accesses into Kingswells. This frustrates drivers and results in rat-running through Kingswells.

The road improvements around Kingswells have concentrated on improving the traffic flows on the A944. Two dedicated right turn lanes into the Southern Entrance to cope with 60% of traffic, but the C89 is expected to absorb 40% of the additional traffic with a deceleration slip road.

Increased Use of C89

The increase in traffic on the C89 at the Park & Ride (P&R) is shown in row 1. It shows an increase of 54% from 988 to 1518 cars per hour. As described above the road is already heavily congested, and the increase is unacceptable.

The proposed road has a traffic-controlled junction and will have 400 vehicles/hour turning right. The current flow is 988. The proposed traffic from Prime 4 would require 30% of the signal time on the

junction. With the increased traffic expected in 2016 Prime 4 would require 26% of the signal time, and through traffic would increase by 13% (row 2), but would only have 74% of the signal time. This represents 50% increase in traffic to the north of the proposed junction. These figures ignore any right turning into the development.

Compare rows 8 and 9 to consider the traffic at the roundabout. Traffic on the C89 at the roundabout increases by 46% in 2016, and this is 93% of the traffic on the Westhill approach.

KCC objects to any proposals that would result in a 50% increase in congestion of the roads around Kingswells. We also object to the deliberate adverse loading of the single carriageway C89 rather than the dual carriageway of the A944, which was upgraded to cope with 2065 vehicles / hour. The single carriageway of the C89 is expected to cope with 1915 / hour with minor improvements.

KCC have not been consulted on this new access prior to this planning application, and find it unacceptable. Any improvements suit Prime 4 and ignore the major congestion to the north caused by this new access.

Rat-running

There is an apparent discrepancy in the figures provided, and this is assumed to be traffic from Fairley Road (see row 7, the difference between rows 8 and 6).

Traffic leaving Kingswells (rows 5 and 7) shows a current figure of 319 cars per hour, and projected figures of 395 / hour in 2016. The current population of Kingswells is circa 1,600 most of which will not be in Kingswells at PM peak. It is thus concluded that the bulk of these figures will be rat-runners.

Considering the 50% increase in traffic to the north of the proposed road, the current rat-running can only increase significantly.

KCC objects to any proposals which result in increased rat-running through Kingswells.

Other Comments

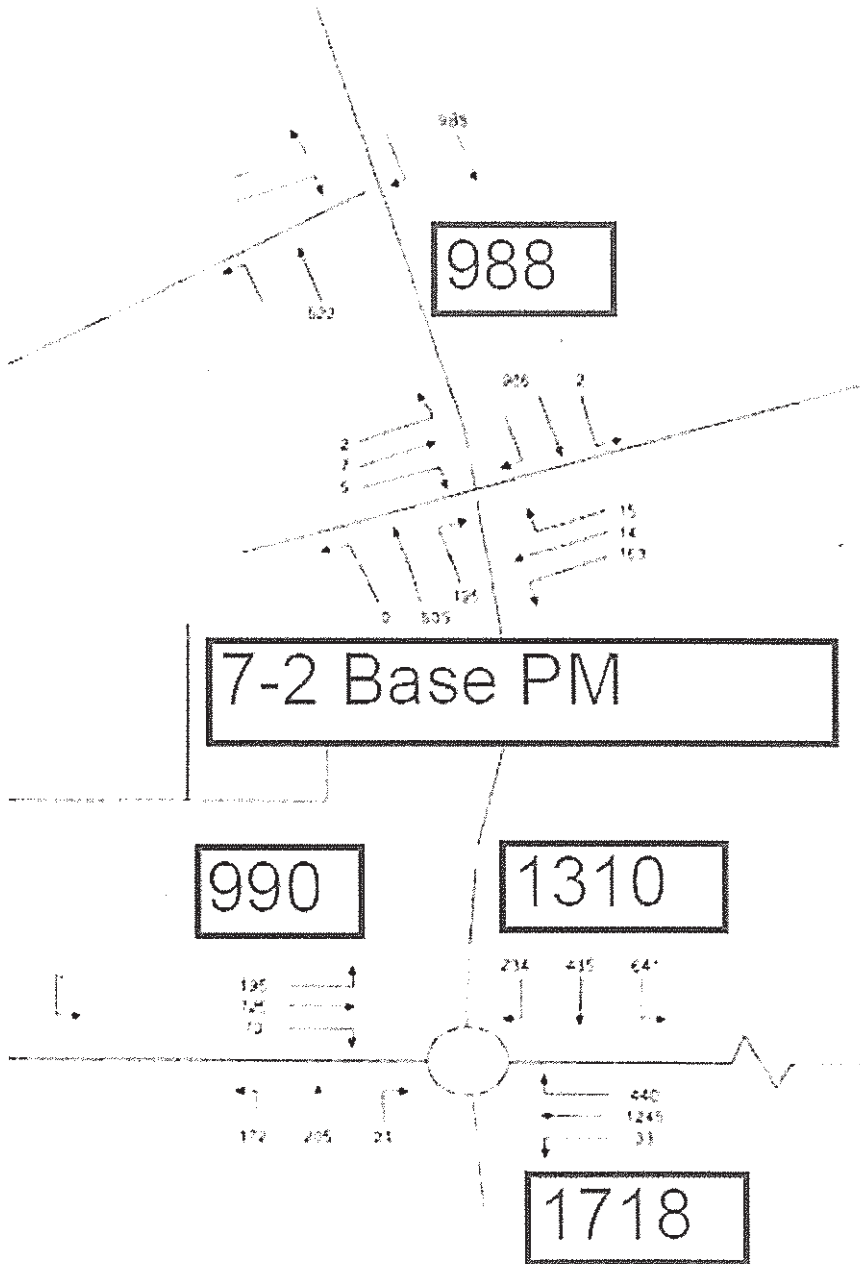
It is difficult to believe that no traffic is going between Maiden Craig and Prime 4 either at AM or PM

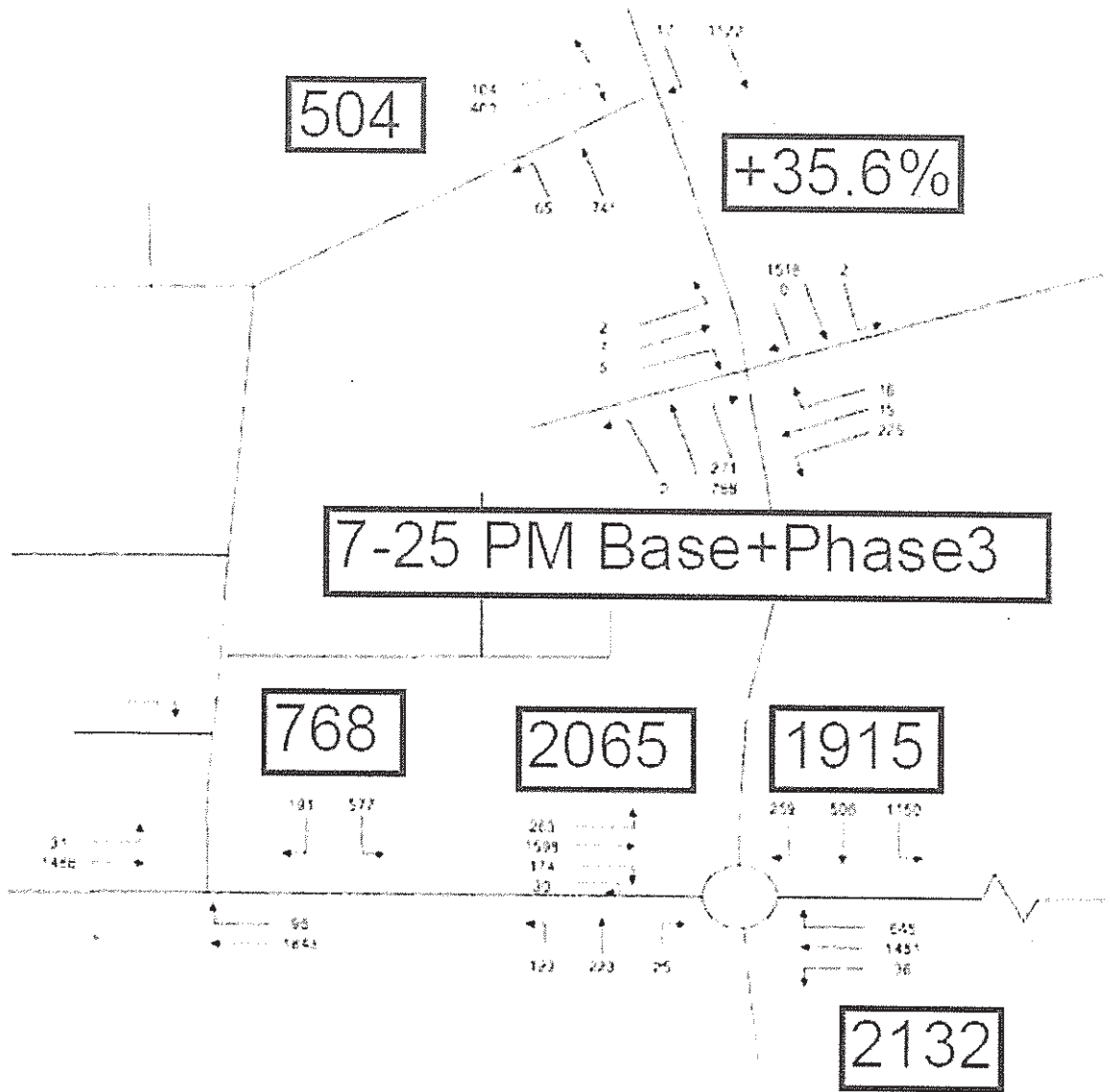
Conclusion

KCC considers the proposed access to be unacceptable, and an alternative access should be taken from the A944.

Extracts from Traffic Assessment

The figures in red are the total of the adjacent figures. The totals are used in the table.





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Planning Development Management Committee

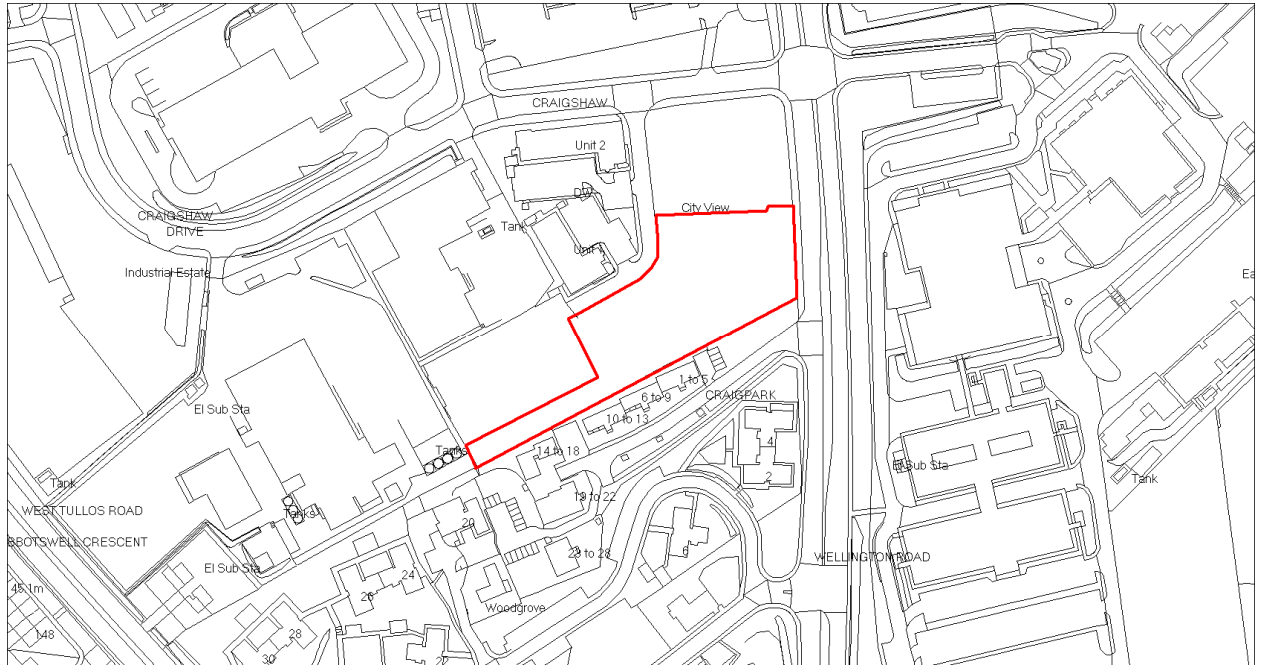
SITE 17 CRAIGSHAW DRIVE, WEST TULLOS
INDUSTRIAL ESTATE

ERECTION OF 1 NO.3 STOREY OFFICE, 1
NO.2 AND 3 STOREY OFFICE AND
ASSOCIATED PARKING

For: Knight Property Group

Application Type : Detailed Planning Permission
Application Ref. : P131287
Application Date: 30/08/2013
Officer: Jennifer Chalmers
Ward : Kincorth/Nigg/Cove (N Cooney/C
Mccaig/A Finlayson)

Advert :
Advertised on:
Committee Date: 20th March 2014
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions, but withhold issue of the consent document until such time as the applicant has entered into an appropriate agreement with the planning authority for the payment of developer contributions in relation to Core Paths and the Strategic Transport Fund

DESCRIPTION

The site is located at the junction with Craigshaw Drive and Wellington Road. The site covers an area of approximately 3208sqm with the boundary of the application site being approximately 2.8 metres from residential properties directly to the south. The application site forms a small section of a much wider site which formerly contained a workshop building with car parking and external yard area. The remainder of the site has 2 no recently completed the office buildings and a third office building which is currently being built.

RELEVANT HISTORY

P120200 – Conditional approval granted on 4th September 2012 for the 'Proposed demolition of existing car showrooms and workshops, and erection of 2 no office pavilions with associated car parking, landscaping and services (external plant, cycle compounds and bin stores)'.

P121778 – Conditional approval granted on 15th May 2013 for the 'Erection of new 3 storey office and associated parking'

PROPOSAL

Detailed planning permission is sought to erect 1 no three storey office block, 1 no predominantly 2 storey office block and associated car parking. This is an amended proposal to the original proposal which was initially for 2 no 3 storey buildings. These buildings would be located within the south and south eastern corner of the application site.

Building 4 would be 3 storeys, would run parallel to the eastern boundary and would be positioned approximately 8.4m off the application site boundary. There would be 40 car parking spaces immediately outside the building along with a further 16 car parking spaces within the wider application site. This building would have an overall gross footprint of 1740sqm. The main entrance would be on the western elevation. Air conditioning units and refuse compound located along the southern boundary.

Whilst Building 5 would be predominantly 2 storeys with a 3 storey feature tower located at the eastern end. The building would be positioned approximately 7.2m off the southern boundary to which it runs parallel. Building 5 would have an overall gross footprint of 2040sqm. The building would have 66 car parking spaces. Air conditioning and refuse compounds would be located within the car parking area to the north side of the building.

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?131287>

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

- Transport Assessment
- Drainage Assessment
- Environmental Report
- Planning Noise Assessment
- Planning Design Statement
- Planning Statement

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because there has been an objection from Nigg Community Council and has attracted more than 5 objections. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection subject to requested conditions

Environmental Health – In order to mitigate as far as practicable air quality impact it is recommended that a condition is attached requiring production of a Sustainable Travel Plan to minimise private vehicle use in relation to the proposal.

Developer Contributions Team - Core paths and Strategic Transport Fund contributions have been requested.

Enterprise, Planning & Infrastructure (Flooding) – Satisfied with the surface water drainage proposals for the development as per e-mail dated 17th October 2013.

Community Council – Nigg Community Council have objected to the original plans, the reasons for which are listed below. No revised comments were received for the amended plans.

1. The scale, height and layout on the application is in complete contrast on previous usage
2. The proximity of the proposed application will have a detrimental effect on neighbouring properties
3. The application will overlook, causing loss of privacy to neighbouring properties
4. The application will overshadow, causing loss of daylight to neighbouring properties
5. Lack of parking spaces will result in indiscriminate parking in nearby residential areas
6. Expected increase in traffic volume, will put extra pressure on an area which is currently under strain to cope at present

REPRESENTATIONS

7 letters of objection were received in relation to the initial proposal and 1 from a local councillor. The objections raised related to the following matters –

- 1 Amenity
- issues to the residential flats on Craig Park relating to impact on privacy due to the proximity of the proposed office building being too close especially window to window distance, loss of view, reduced daylight/sunlight, height of proposed building, overlooking
- 2 Ownership of the boundary between the application site and Craig Park
 - 3 Process of objection totally fake as plans appear to have already been approved in secret without consultation.
 - 4 Previous applications on the site have not been built to approved plans therefore how can residents expect the planning application for this application to be a true reflection of what is actually proposed.
 - 5 The ridge of the previous building is shown to be slightly lower than the proposed ridge line, however the previous buildings ridge line lay in a North/South direction whilst the proposed building is flat roofed and three storey's.
 - 6 The design of the proposed building would be ugly and obtrusive
 - 7 The roof will create a roosting spot for seagulls
 - 8 Does not provide enough parking spaces for the number of employees who will work there. Previous application on site has created problems with non residents parking on Craig Park.
 - 9 The junction between Abbotswell Road and Craigshaw has been modified with a right hand filter lane. This in turn now causes problems for traffic going in the opposite direction where the two lane approach to the roundabout at Abbotswell and the dual carriageway has been reduced in length and which is now more of a hazard. No mitigation has been provided for this application.
 - 10 Where are the environmental studies which justify further traffic pollution , how will this be mitigated?
 - 11 Land stolen from residents of Craig Park for construction of cycle path, there is no such cycle path, only the footpath has been widened using land which belongs to the residents.
 - 12 Application clearly amounts to major development but it has been drip-fed for approval in a piecemeal way. Such practice does raise understandable suspicions as to the transparency of the Planning process in this instance.
 - 13 Developer already issued Marketing Brochure on what will be available to lease on the site, before the application has gone before committee.

6 letters of objection were received after renotification as a result of amended plans being submitted. The objections raised related to the following matters –

1. Amenity issues to residents on Craig Park relating to overlooking, lack of daylight, distance between flats and proposed offices, loss of privacy,
2. Building should have been situated where car parking is proposed as would have less impact on residents.
3. Amended plans do not show increase in number of parking spaces and will lead to parking on Craig Park.
4. The new development will not be the specified distance from the actual boundary due to the removal of a boundary wall.
5. The construction of these office buildings is only going to add to the pollution problems on Wellington Road.
6. Developer has no right to claim land beyond original boundary.

7. Land has already been built up therefore in terms of a reduction in height is no compromise.
8. Developer already issued Marketing Brochure on what is available on the site showing all buildings and the original plans for the scheme were available before the first planning permission was given.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy

This policy states that planning authorities should promote the efficient use of land and buildings, directing development towards sites within existing settlements where possible to make effective use of existing infrastructure and service capacity and to reduce energy consumption. Redevelopment of urban and rural brownfield sites is preferred to development on greenfield sites.

The planning system should support economic development in all areas by:

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

High environmental quality can be an important component in attracting investment into an area and can provide important economic opportunities, for example through tourism and recreation. Planning authorities should therefore ensure that new development safeguards and enhances an area's environmental quality and, where relevant, should promote and support opportunities for environmental enhancement and regeneration. Previously developed land is a potential source of sites for new development and planning authorities should support and promote proposals to bring vacant or derelict land back into productive use for development or to create more attractive environments.

Aberdeen City and Shire Structure Plan

One of the Plan's core objectives is to provide an opportunity to encourage economic development and to create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries, while at the same time improving the essential strategic infrastructure necessary to allow the economy to grow over the long term.

Aberdeen Local Development Plan

Policy BI1 - Business and Industrial Land

This policy states that Aberdeen City Council will support the development of the business and industrial land allocations set out in this Plan. Industrial and business uses (Class 4 Business, Class 5 General Industrial and Class 6 Storage and Distribution) in these areas, including already developed land, shall be retained.

Where business and industrial areas are located beside residential areas we will restrict new planning permissions to Class 4 Business. Buffer zones will be required to separate these uses and safeguard residential amenity. Conditions may be imposed regarding noise, hours of operation and external storage.

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

Policy R7 - Low and Zero Carbon Buildings

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

Policy D1 - Architecture and Placemaking

In order to ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. 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 D3 - Sustainable and Active Travel

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

Policy I1 - Infrastructure Delivery and Developer Contributions

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed.

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

Policy T2 - Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and / or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review.

Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy NE6 – Flooding and Drainage

Development will not be permitted if:

1. it would increase the risk of flooding:-
 - (a) By reducing the ability of the functional flood plain to store and convey water;
 - (b) Through the discharge of additional surface water; or
 - (c) By harming flood defences.
2. it would be at risk itself from flooding
3. adequate provision is not made for access to waterbodies for maintenance

Supplementary Guidance

- Low Zero Carbon Buildings
- Transport and Accessibility
- Infrastructure and Developers Contribution Manual
- Open Space

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.

Scottish Planning Policy

In terms of Scottish Planning Policy, the application site is brownfield land and has been vacant for more than a year. The application was assessed in terms of the promotion of development in sustainable locations particularly in terms of accessibility and as explained below the site is easily accessible through different modes of transport. The proposals would also provide new employment opportunities and enhance local competitiveness within the surrounding area.

Principle of Development

In terms of policy within the local development plan, the principle of office development on this site accords with policy B11 as the land is zoned for such use as well as it fitting in well with the surrounding area and not impacting on the deliverability or viability of other surrounding uses. This proposal is also in accordance with both Scottish Planning Policy and the Aberdeen City and Shire Structure Plan as it would be bringing vacant land back into productive use for development.

Design

Both buildings would incorporate significant proportions of Kingspan aluminium cladding panels, commonly used in new buildings, especially in industrial estates or equal flat panel 'mini/microrib' cladding to main walls with vertical strip joints and feature stringcourse cills, colours to be mix of Greystone, and metallic silver or equivalent, as well as a feature granite rainscreen on walls adjacent the entrance area. The feature corner tower windows would be aluminium curtain wall panels with horizontally laid vertical cladding strip between on each elevation, tinted high performance glass with dark grey frames. The proposed structure is of a simple design with flat roof and would not be out of keeping given the surrounding environment of the industrial estate, which has a mix of different building types.

Building 4 would be 3 storeys high and be positioned parallel to Wellington Road. The south end of the building would be built into the north facing slope. This building would be the same height as the main part of Building 3 which would sit immediately to the north. There would be a retaining wall built around the eastern and southern boundary to the site which would mean that the south end of building 4 would be set approximately 3.6m below the pavement level of Wellington Road, whilst the north end would be level with the pavement. At its closest point, Building 4 would be approximately 7m from the boundary to the south, beyond which there is an area of soft landscaping consisting of trees and shrubs which is to a depth of approximately 4m.

The main section of Building 5 would be 2 storeys high whilst the eastern feature tower would be 3 storeys. This building would run parallel with the southern boundary to the site and would also be built into the slope with the base of the proposed building being approximately 3.8m below the ground level of the flats immediately to the south. The flats to the rear would be approximately 10m away from the proposed building. There would be a car park immediately to the north of the property and immediately to the west. The building would be positioned to the rear of the larger development site and would front into the wider development.

It is considered that the design and materials proposed for both Building 4 & 5 are acceptable and in keeping with the surrounding area.

Access, Traffic and Transport

In accordance with Policy T2, the applicants have submitted a Transport Assessment in support of the application. This has been evaluated by the Roads Projects Team and its conclusions are deemed to be satisfactory.

The access to the application site would be taken from the access road leading to the remainder of the site and which leads from Craigshaw Drive, as approved within planning application P120200.

The proposed car parking provision was assessed in relation to Aberdeen City Council's Supplementary Guidance on Transport and Accessibility. This states that offices should have 1 space per 30sqm within an outer city area which Craigshaw Drive is within. Given the proposed gross floor area, the proposed 122 car parking spaces is 4 spaces less than the maximum number of spaces that would be acceptable in line with this guidance.

A condition has been attached to ensure that a Sustainable Travel Plan is provided in line with Roads and Environmental Health comments.

Sustainable Travel

As previously mentioned a Transport Assessment was carried out in accordance with Policy T2 and looked at public transport, walking and cycling. The site has good accessibility to public transport and there is a frequent level of service via existing bus routes. A condition has been attached to ensure that a Travel Plan is provided. Sufficient onsite car parking has been provided, however a condition has been attached to ensure that cycle and motor cycle parking is provided and located in suitable locations within the site. This complies with Policy D3.

Flooding and Drainage

On submission of additional information relating to surface water drainage, the Flooding Engineer was satisfied with the surface water drainage proposals for the development.

A Drainage Impact Assessment was submitted and the roads engineer is satisfied with the proposals.

The proposal therefore complies with Policy NE6 as there would be no increased risk of flooding and not itself be at risk of flooding.

Amenity

Office Building 4 would be positioned to run parallel to Wellington Road and would be in line with Building 3 which is located immediately to the north of the proposed site of Building 4. To the south of the site there are large mature trees which provide an element of screening from Craig Park. This building would sit at a distance of approximately 40m from the nearest flat on Craig Park. Due to the mature landscaping and the distance from the existing flats it is not considered that there would be any direct impact on the amenity of the local residents. In relation to proximity to Wellington Road, Building 4 would sit 12m from the road verge, would be screened by trees and shrubs to a degree on the north approach into the city and would be built into the north facing slope thereby limiting its visual impact.

It is considered that there are two main issues that need addressing in relation to the Building 5. These relate to the height and form of the proposed building and the issue of overlooking into the residential flats on Craig Park.

Building 5 would be built on the same building line as the former workshop building which is approximately 10m from the existing flats on Craig Park and would parallel along this boundary. The main section of the proposed office building which would be immediately opposite the Craig Park flats would be approximately 1m lower than the ridge line of the former workshop building and approximately 1.6m higher than the former buildings eaves line. The 3 storey tower located at the eastern end of the building would be positioned across from a landscaped tree area. Drawing nos. L4502 rev C and L4503 rev A highlights the height differences between the two existing and proposed buildings, however it does show that there would be limited impact on nine of the ground floor windows within Craig Park which run from the eastern end of the building. It is recognised that the former building had a shallow pitched roof and a single storey section along the western side of the former building whilst the proposed office would have a flat roof. It is acknowledged that there would be an additional impact on 3 ground floor level windows at the Craig Park flats as previously there was no building in front of them. In terms of height it is considered that the proposed predominantly 2 storey office would have minimal impact on the residents of Craig Park, when compared to the height and form of the former workshop building.

One major difference between the former workshop building and the proposed office building is the proposal to have windows on the south elevation which would face towards the flats on Craig Park. Due to the difference in ground level between the application site and Craig Park, the top of the ground floor windows of the proposed office would be approximately 2.7m below the cill of the ground floor flats on Craig Park therefore there would be no overlooking involved at this level. At first floor level however, it was recognised that given the distance between the properties and the height of the proposed windows at first floor level being the same as the ground floor windows on Craig Park that there is a very real issue of overlooking. In order to address the issue of overlooking a condition has been attached requesting that obscure glass be installed on all first floor office windows on the 2 storey section of building in order to to mitigate any overlooking concerns. The applicant has indicated his agreement to such a condition.

In relation to daylight and sunlight, the proposed building is north of the flats on Craig Park, therefore there will be no impact on loss of sunlight to the existing flats. In relation to daylight a 25 degree line to the horizontal is drawn from the mid-point of affected windows. In this instance it shows that the proposed office development would not result in loss of daylight to the adjacent flats on Craig Park as shown on drawing no. L4503 rev A..

Other Matters Raised in Representations

The planning authority can only assess what is being applied for within a planning application and not possible future developments on the site.

In relation to the position of boundary lines and title deeds, these are not planning considerations. An applicant does not need to own the land in order to apply for planning permission, however the applicant would need control of the land in order to implement the development in full.

There is a hierarchy of developments which ensures that applications are dealt with in an appropriate way relating to their scale and complexity, allowing decisions to be taken at the most appropriate level. In general there are Major Developments and Local Developments. The threshold / criteria for an office within a Major Development is anything greater than 10,000sqm gross floor space of the building or the area of the site is or exceeds 2 hectares. All applications for such developments require consultation between developers and communities prior to making a planning application. However there is no such requirement for Local Developments. In this instance the applicant has divided the site up into a smaller application which the applicant is legally entitled to do.

A right to a view is not a planning consideration

Any planning application that is approved must be built in accordance with the approved plans.

Issues of seagulls roosting would be a management issue for the owners of the building.

Developer Contributions

In line with Policy I1, the developer contributions have been assessed based on a gross floor area (GFA) of the commercial premises plus 50% of hard standing and car parking (Gross External Area – GEA). The development in this instance would require a contribution towards Core Paths only.

A contribution towards the Strategic Transport Fund will also be required in order to contribute towards new and improved infrastructure within strategic growth areas. The contribution would be held and administered by NESTRANS and will only be available for delivering strategic transport projects within the area. The developer has agreed to pay both of these contributions.

Conclusion

The principle of an office development on this site accords with Policy BI1 and also the SPP and the City and Shire Development Plan, bringing a vacant brownfield site back into use.

It is considered that both Buildings 4 & 5 are acceptable as they would be of a similar size and scale to Building 1 & 2 which were previously approved. These would be no higher than the highest part of other buildings within the site and would have similar external finishes. There is sufficient onsite parking and cycle facilities and the site is accessible by a variety of travel modes, including public transport.

Having addressed the issues and concerns within letters of objection it is considered that the proposal would not have a detrimental impact on the character or amenity of the business and industrial area within which it is zoned or on the residential flats to the south of the site. The proposal accords with Policies BI1, R7, D1, D3, I1, T2, NE6 of the Aberdeen Local Development Plan, Scottish Planning Policy and the Aberdeen City and Shire Structure Plan.

RECOMMENDATION

Approve subject to conditions, but withhold issue of the consent document until such time as the applicant has entered into an appropriate agreement with the planning authority for the payment of developer contributions in relation to Core Paths and the Strategic Transport Fund

REASONS FOR RECOMMENDATION

The principle of an office development on this site accords with Policy BI1 (Business and Industrial Land) and also the Scottish Planning Policy (SPP) and the Aberdeen City and Aberdeenshire Structure Plan, bringing a vacant brownfield site back into use.

Building 4 would be of a similar size and scale to the previously approved buildings within the wider site whilst Building 5 would be 1 storey lower than all the other buildings within the wider site. Both buildings would be constructed using similar external finishes. Sufficient onsite parking and cycle facilities would be provided. The site is accessible by a variety of travel modes, including public transport.

The proposal would not have a detrimental impact on the business and industrial area or on the residential flats to the south of the site due to its distance and the proposed use.

The proposal accords with the Aberdeen Local Development Plan Policies D1 (Architecture and Placemaking) in relation to design, siting, scale, colour, materials and orientation, D3 (Sustainable and Active Travel) in relation to providing opportunities for sustainable and active travel, I1 (Infrastructure Delivery and Developer Contributions) where contributions have been requested in relation to Core Paths and the Strategic Transport Fund, T2 (Managing the Transport Impact of Development) whereby a Transport Assessment was carried out and a condition has been attached requesting the submission of a Travel Plan and also NE6 (Flooding and Drainage) as there is no risk of flooding or of being flooded.

It is concluded that this proposal demonstrates accordance with the relevant provisions of the Development Plan, and that no material considerations have been identified which are sufficient to warrant determination other than in accordance with that Development Plan.

CONDITIONS

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

(1) Notwithstanding the details shown on Drawing No. Ph3_502 rev D that no development in relation to Building 5 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 detailed scheme showing the windows at first floor level on the south facing elevation of the 2 storey section of building being fitted with obscure glass including details of the obscuration level - in the interests of protecting the privacy of adjoining residential properties.

(2) That neither of the office buildings hereby granted planning permission shall be occupied unless a scheme detailing motorcycle and cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(3) That the office buildings hereby granted planning permission shall not be occupied unless details for the provision of showers, lockers and changing facilities have been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said details - in association with the encouragement of more sustainable modes of travel.

(4) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, laid-out and demarcated in accordance with drawing No. L4501 rev C and drained in accordance with drawing Nos. 92218/2060 & 92218/2070 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(5) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan Nos 92218/2060 and 92218/2070 or such other plans as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(6) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and

details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(7) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

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

(9) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

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

Dr Margaret Bochel

Head of Planning and Sustainable Development.

N I G G C O M M U N I T Y C O U N C I L

A B E R D E E N

Dr. Maggie Bochel,
Head of Planning and Sustainable Development,
Aberdeen City Council,
Marischal College,
Broad Street,
Aberdeen.
AB10 1AB

14th October 2013

Subject :- **"Planning Application 131287"**
(site 17, Craigshaw Drive)

Dear Maggie,

Nigg Community Council wish to object to the above planning application.

We wish to question why, knowing the number of "Blocks" proposed for this site, the original application was not classed as a "Major Development" with one application.

Our objection are based as follows :-

The scale, height and layout on the application is in complete contrast on previous usage. The proximity of the proposed application will have a detrimental effect on neighbouring properties.

The application will overlook, causing loss of privacy to neighbouring properties.

The application will overshadow, causing loss of daylight to neighbouring properties.

Lack of parking spaces will result in indiscriminate parking in nearby residential areas.

Expected increase in traffic volume, will put extra pressure on an area which is currently under strain to cope at present.

I wish to make note, that to date, I have received no response to my email of 24th September, to Jennifer Chalmers, requesting a meeting to clarify matters which residents of Craig Park have raised in respect of the "Boundary" of the site, and the woodland bordering the site.

The above matters would give additional reason for objection if not addressed.

The above, shows clear reasons why a decision on this application should be refused or at least delayed until matters are resolved.

Yours faithful



Alan Strachan (chair)
for and on behalf of Nigg Community Council

Please reply to:

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

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

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

PI

From: webmaster@aberdeencity.gov.uk
Sent: 23 September 2013 17:04
To: PI
Subject: Planning Comment for 131287

Comment for Planning Application 131287

Name : Philip McDonnell
Address : 12 Craig Park
Aberdeen
AB12 3BD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wish to object to this planning consent in the strongest possible terms.

I am currently working overseas and found out about this from a third party.

The construction of these buildings will affect the quality of life on Craig park. The street used to be a quiet and respectable residential area. Now it is being blighted by commercial development and parking problems.

I understand the development is being put forward for planning piece by piece, despite the fact I have seen brochures marketing it as one development.

These buildings already seriously affect the standard of living on the street, the developers have no right to touch the land owned by Craig Park, yet this is the second time they have encroached on our land. we will not allow illegal possession of our land.

I also object in the strongest terms to this whole process.

1 Craigpark,
Nigg,
Aberdeen.
AB12 3BD.
9th September, 2013.

Dr M. Bochel,
Head of Planning and Sustainable Development,
Aberdeen City Council,
Planning and Sustainable Development,
Marischal College,
Broad Street,
Aberdeen. AB10 1AB.

Dear Dr Bochel,

**Application Number 131287.
Site 17 Craigshaw Drive,
West Tullos Industrial Estate, Aberdeen. AB12 3BD.
Erection of 2 No. 3 Storey Offices.**

Thank you for the Notice of the Application for planning permission of the above received on 6th September, 2013.

I visited the Aberdeen Planning Reception on the 6th September to inspect the proposed development.

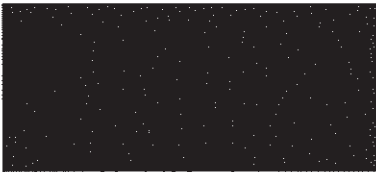
Firstly, I live on the ground floor flat that will be immediately behind one of the proposed block of flats. I must express concern about the proximity of this building as there will be a privacy problem for me as anyone in the office block will be able to look directly into my flat. Looking at the plans there will not be much of a gap between the office block and my flat.

Secondly, I think there is a boundary problem. Behind the flats at Craigpark there is wooden fence. I was told several years ago that this is not the boundary between this building development and Craigpark but a stone dyke which is eight feet beyond the wooden fence. I was told the mature trees would not be touched. If I have not been misinformed about the boundary these trees are within the property boundary of Craigpark and not the office development. Only the trees beyond the dyke would come under the jurisdiction of the Knight Property group. The trees are deciduous and will not provide any screening for the adjacent proposed office block immediately behind my flat.

Thirdly, I see the development is called 'City View Business Park'. Because of the office blocks in front of this proposed building, I can't see how they could have any view of the city of Aberdeen. Perhaps, they should consider putting this office block much further along and forward between the space of Quality Foods, Aberdeen and the second office building in this development and move the parking area to behind the Craigpark flats. This would make the development more private for the Craigpark residents.

I do not expect my concerns and objection to this development to be given much attention. However, so far there has been little or no consideration for the residents at Craigpark. We have been subjected to dirt, dust and noise. The noise at times has been unbearable. A few months ago the grinding of boulders etc went on until 7pm and slightly later. I did record the noise from my window if anyone would like to hear it.

Yours sincerely,

A large black rectangular redaction box covering the signature of Jean Abel.

Jean Abel (Miss).

Posted Recorded Delivery.

To:

Dr. Margaret Bochel
Aberdeen City Council
Planning and Sustainable Development
Enterprise, planning and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

From:

Michael Lockhart
2 Craig Park
Nigg
Aberdeen AB12 3BD

Date: 19th. September 2013

Planning Application: 131287, 17 Craigshaw Drive, West Tullos Industrial Estate, Aberdeen, AB12 3BE (Phase 3, Building number 5)

Dear Dr. Bochel,

I am writing to lodge my objection to the Phase 3, Building Number 5 proposals of the above noted planning application. I have objected to previous phases on this site in the hope that alternative proposals for the later phases would have been more considerably brought forward to lessen the effects on the residents of Craig Park. It was obvious from the marketing brochures sent out that the overall proposals for this site was a "done deal" and by your planning officers previous admission that it was less onerous for the developer to develop this site in phases rather than having to go through the required consultations had it been classed as a "major development" That aside, my objections to this planning application are as follows-

1. Building number 5 is too high, too close and overbearing on the dwellings in Craig Park and will have a seriously detrimental effect on the amenity of residents. The site Sections Plan shows the roof ridge line of the previous building being not much lower than the proposed building. The previous buildings ridge lay in a North/South direction, the proposed building lies in an East/ West direction and being a flat roofed construction three storeys high, there is no realistic comparison to the previous building. The proximity, design and size of this building will seriously impact the amenity and quality of life for the residents and is certainly a material consideration when considering this application.

2. Window to window distances do not meet the required standard. There are no proposals in the plans to alleviate the overbearing, overlooking effects of this building on the residents of Craig Park. Again, a material consideration for this application.
3. I object to the boundary lines shown in the plans, they do not conform to the title deeds of the owners of Craig Park and I have contacted my solicitor regarding this and will take matters further should I need to. The developers have already purloined a section of our woodland to enable them to comply with the planning condition for the provision of the cycle way on Wellington Road. This may be considered a civil matter but it is the responsibility of the developer to ascertain the site boundaries.
4. I object to the landscaping proposals, these trees belong to the residents of Craig Park; the developers should revisit their ownership of this strip of land. I am sure the residents of Craig Park would be willing to enter negotiations with them over this "Ransom Strip" to enable them to comply with this proposal.
5. I also object to the proposed parking on site, it does not provide enough parking spaces for the number of employees who will work there. I appreciate that the ethos is to travel to work by public transport but public transport is not currently adequate. We in Craig Park already suffer from the consequences of a lack of on-site parking with workers of nearby businesses parking their cars here and this lack of parking to be provided will again add to the loss of amenity of the residents of Craig Park.

The development of this site is to be welcomed but the lack of consideration and consultation with the residents of Craig Park has been unacceptable.

Please acknowledge receipt of this communication.

Yours sincerely,



Michael Lockhart

Cc'd to Nigg Community Council
Cc'd to x 3 Councillors
Cc'd to Maureen Watt MSP
Cc'd to the P&J
Cc'd Knight Property Group
Cc'd Ryden LLP

PI

From: Joanna Strathdee [REDACTED]
Sent: 24 September 2013 13:33
To: PI
Subject: Planning Application 131287
Attachments: Joannas objection.docx

Please find attached my objection to the above planning application.

Regards
Joanna Strathdee

2 Craig Park
Nigg
Aberdeen
AB12 3BD

21st September 2013

Dr. Margaret Bochel
Aberdeen City Council
Planning and Sustainable Development
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Planning Application: 131287, 17 Craigshaw Drive, West Tullos Industrial Estate, Aberdeen,
AB12 3BE (Phase 3, Building number 5)

Dear Dr. Bochel,

I am writing to lodge my objection to building number 5 of Phase 3 of this development. It is my understanding that bringing forward the site for development in this piecemeal fashion was to make it less onerous on the developer and this has led to a complete lack of consultation with the community and residents of Craig Park particularly.

I wish the following objections to be taken on board.

1. The site Sections Plan shows the roof ridge line of the previous building being not much lower than the proposed building. The previous buildings ridge lay in a North/South direction, the proposed building lies in an East/ West direction and being a flat roofed construction three storeys high, there is no realistic comparison to the previous building. The proximity, design and size of this building will seriously impact on the amenity and quality of life for the residents of Craig Park.
 2. The plans show that this building has no solid walls facing Craig Park and there are no proposals in the plans to alleviate the overlooking effects of this building on the residents of Craig Park. I feel the proximity of this building to the flats on Craig Park especially with regards to the window to window distance is unacceptable.
 3. The boundary lines shown in the plans do not seem to conform to the title deeds of the owners of Craig Park. This may be considered a civil matter but it is the responsibility of the developer to ascertain the site boundaries.
-

4. I object to the landscaping proposals, these trees belong to the residents of Craig Park; the developers should revisit their ownership of this strip of land. I am sure the residents of Craig Park would be willing to enter negotiations with them over this "Ransom Strip" to enable them to comply with this proposal. Either that or they should move this building further away from Craig Park.

5. The lack of parking to be provided is not nearly enough to accommodate the number of employees who will work there and will mean a loss of amenity and quality of life for us here in Craig Park. We have enjoyed trouble free residential parking for many years until recently. Workers of nearby businesses now park their cars here, it gets worse by the week. This lack of parking provision within the development site will only make things worse and this will be a huge loss of current quality of life and amenity for us.

I believe all of the above reasons are material considerations for objecting to this application.

Please acknowledge receipt of this communication.

Yours sincerely,

Joanna Strathdee
(Mrs Lockhart)

| | | |
|--------------------------------|-------|-----|
| P&SD Letters of Representation | | |
| Application Number: 131287 | | |
| RECEIVED 25 SEP 2013 | | |
| Nor | Sou ✓ | MAp |
| Case Officer Initials: JCH | | |
| Date Acknowledged: 26/9/13 | | |

PI

From: Jenni Paul [REDACTED]
Sent: 24 September 2013 14:02
To: PI
Subject: Objection to Planning App 131287
Attachments: Objection Planning Application 131287.docx

Good afternoon,

Please find attached my Objection to planning application 131287.

If you require any further information please do not hesitate to contact me.

Thanks and regards

Jennifer Paul

287 Hardgate
Aberdeen
AB10 6AH

22nd September 2013

Aberdeen City Council
Planning and Sustainable Development
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Planning Application: 131287

Dear Dr. Bochel,

I write to lodge my objection to building no 5 of Phase three of the above development. The size design and siting of this building will have a seriously detrimental impact on the amenity of the residents of Craig Park.

The site Sections Plan is showing that the ridge height of the previous building is almost as high as the proposal, I do not agree with this as the previous building had a roof ridge running North/South. This proposal is higher and does not have a sloping roof and lies in an East/West direction, even if the roof heights were the same, the fact that the proposal is for a 3 story flat roof building it will mean a loss of privacy for the residents. There would be overlooking from the glass windows of the proposed building and the proposed building will severely impact on light and sunshine reaching Craig Park. This will lead to damp, dank and dark living conditions.

I object to the landscaping proposals, the developers have not checked their boundary properly, the existing trees referred to belong to the residents of Craig Park and therefore should not be used as a landscaping buffer for this development. Given that the boundary is closer to the proposed building than is shown, the landscaping proposals are meaningless.

The lack of parking to be provided on site will seriously impact on the residents of Craig Park, I currently have problems parking when visiting relatives in Craig Park due to workers from nearby businesses parking their cars there. This is a new situation but worsens by the week, this proposal will only add to the problem.

Yours sincerely,
Jennifer Paul

PI

From: PAUL, Nicola (WGPSN) [REDACTED]
Sent: 24 September 2013 14:19
To: PI
Attachments: Letter-Nicola Paul.pdf

Please find my attached letter of objection regarding planning application No. 131287

Regards

Nicola Paul
Senior Structural Designer

Wood Group PSN
Zone 25 - Wellheads Crescent
Wellheads Industrial Estate, Dyce
Aberdeen, AB21 7GA

Telephone: +44 [REDACTED]
Website: [REDACTED]

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Registered Office: John Wood House, Greenwell Road, Aberdeen, AB12 3AX, United Kingdom

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Nicola Paul
Katoms Cottage
Kirkton of Rayne
Inverurie
Aberdeenshire
AB51 5AH

22nd September 2013

Aberdeen City Council
Planning and Sustainable Development
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Planning Application: 131287

Dear Dr. Bochel,

I write to object to the proposed building no 5, Phase 3 of this development on several grounds. While I support the redevelopment of this site, it appears to me to have been a very badly thought out development with no consultation or communication with community or the residents of Craig Park.

Building number 5 is to be a flat roof, 3 story construction with windows facing Craig Park, this will lead to a serious loss of amenity for residents. The proposed building by its proximity and siting to Craig Park could not be more intrusive and overbearing. The height of the proposed building with windows facing Craig Park will have an unacceptable detrimental effect on the residents.

The landscaping proposals are misleading and false.. The Southern boundary as shown on the plans is wrong, the trees referred to belong to the residents of Craig Park and should not have been included in any landscaping proposals. If these trees are required to provide a landscaping buffer for this development it goes without saying that this building is too close and too overbearing to Craig park to meet planning policy.

At present I have difficulty parking when visiting relatives and the lack of on site parking to accommodate the employees at this proposal will only worsen the situation, I object to the parking space proposals.

Yours sincerely,



NICOLA PAUL

PI

From: Jennifer Chalmers
Sent: 27 November 2013 08:58
To: PI
Cc: MembersEnquiries
Subject: FW: Cllr Neil Cooney: Objections to Planning Application: ME010658

Councillor Cooney has requested that the below e-mail be recorded as a Letter of Representation for Planning Application P131287.

Members Enquiries – please note that this has now been dealt with under ME010658.

Kind Regards
Jennifer

Jennifer Chalmers
Planning Trainee (Development Management)
Planning and Sustainable Development
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Direct Dial: [REDACTED]

E-Mail: [REDACTED]

It should be noted that the foregoing advice is without prejudice to the outcome of any detailed evaluation of the application carried out at the planning application stage that would be based on more detailed information and take into account the outcome of consultations and neighbour notifications. Pre-application advice does not in any way guarantee the outcome of a planning application and any financial or other commitments made prior to submission are at the applicant's risk.

From: MembersEnquiries
Sent: 22 November 2013 10:02
To: Gale Beattie
Cc: Neil Cooney
Subject: Cllr Neil Cooney: Objections to Planning Application: ME010658

Dear Gale,

Members' Enquiry Ref No. ME010658
Deadline Date for Response: 13 December 2013

Please find attached members' enquiry from Councillor Neil Cooney for action and response. Please respond directly to Councillor Cooney with a copy to [REDACTED] quoting the ref no. in your reply.

Thank you

Kind regards
Lynne

Tel: [REDACTED]

From: Neil Cooney
Sent: 21 November 2013 20:58
To: MembersEnquiries
Cc: [REDACTED]
Subject: Objections to Planning Application

P131287 Craigshaw Drive (site 17)

At this month's meeting of Nigg Community Council, a deputation of residents from Craig Park raised a series of concerns over the above application. I forward them to you, in summary, below.

1. This now clearly amounts to a major development but it has been drip-fed for approval in a piecemeal way. Such a practice does raise understandable suspicions as to the transparency of the Planning process in this instance.
2. The developer has already issued a Marketing Brochure on what will be available to lease on the site, before the application has gone before committee.
3. The main objections from the residents concern issues such as scale, height, shadowing and lay-out. There are claims that this is an over-development. There are also concerns from the available blueprints that the site will spread beyond the original footprint.
4. There are obvious concerns about the loss of view and the detriment to the quality of life of the residents. The perpetual floodlighting of the current phase of the development has caused genuine annoyance.
5. There are concerns about the shortfall in parking spaces. The surrounding area suffers from a shortage: workers from the commercial garages in Wellington road and from the Amec sites park wherever they can find a place among the residential streets. Already workers on this development site are using up precious parking spots and blocking residential access.
6. There are also concerns over increased traffic on Wellington Road where there are already huge air quality issues. Although the opening of the AWPR in 2018 will alleviate that issue, in the intervening 5 years, the plethora of developments in this area will undoubtedly have a cumulative effect on the Air Quality Management Plan.

No doubt the residents will submit their own individual objections as undoubtedly, will Nigg Community Council

Regards
Neil Cooney

| | | |
|--------------------------------|-----|-----|
| P&SD Letters of Representation | | |
| Application Number: | | |
| RECEIVED 27 NOV 2013 | | |
| Nor | Sou | MAp |
| Case Officer Initials: | | |
| Date Acknowledged: | | |

PI

From: webmaster@aberdeencity.gov.uk
Sent: 16 September 2013 08:53
To: PI
Subject: Planning Comment for 131287

Comment for Planning Application 131287

Name : Malcolm McDonnell

Address : 21 Craig Park

AB12 3BD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : A posted objection to this development, signed by the residents will follow this online representation. The contents of which are as follows:

The residents of Craig Park object in full to any further development of the City View site. Our objections are based on the following grounds:

1. The process of objection is totally fake and plans for this development appear to have already been approved in secret and without consultation. This is the biggest cause of complaint from the residents.
2. None of the points in our objection to Phase 2 were addressed, no traffic figures put forward, no study about the dire parking conditions in the area, no study on the environmental impact on the most polluted road in Scotland – Nothing!
3. The process is so evidently flawed that a number of residents have not even bothered to open the envelopes inviting such opportunity to object. (these are returned in this objection).
4. Planning permission for phase 2, was granted for a three storey building. The attached photograph shows the building as it now stands. By no stretch of the imagination can this be called a three storey building. It is very clearly four floors with a fifth roof section in the corner. This building is five storeys, what happened to the planning permission for three storeys?
We consider it quite reasonable to have this building reduced to three storeys as in the original planning permission.
5. As a result, how can we expect the planning application for phase 3 to be a true reflection of what is actually proposed?
The parking situation is not resolved. Craig Park is a private development, we will not allow non residents to park in our development. However, now the City View offices are in use, parking, (as predicted in our previous objections), has become a problem in the street. Again, where are the studies that justify the planning decisions?
7. The junction between Abbotswell Road and Craigshaw has been modified with a right hand filter lane. This in turn now causes problems for traffic going in the opposite direction where the two lane approach to the roundabout at Abbotswell and the dual carriageway has been reduced in length and which is now more of a hazard.
8. The ‘improvement’ to this junction was a mitigating factor in the planning application for Phase 1. There is no similar mitigation for phases 2 and 3 given that the increase in traffic was for Phase 1 consideration only. Further development has not been taken into account. Again, where are the traffic studies?
9. We have received no answer on our previous objection with respect to the level of pollution on Wellington Road. Wellington Road was already listed as the most polluted road in Scotland for diesel particulates, where are the environmental studies which justify further traffic pollution, how is this going to be mitigated?
10. Land has been stolen from the residents of Craig Park for the construction of a cycle path, there is no such cycle path, only the footpath has been widened using land which belongs to the residents. We do not approve the theft of this land.
11. The City View development has removed the fence boundary adjacent Craig Park. The original dividing wall was between two fences, one on the city view side and one on the Craig Park side. The developers have assumed ownership of the land on our side of the original wall. The trees belong to Craig Park, you have no right to grant any sort of planning permission on our land and no right to develop so close to a residential boundary.

12. We will not relinquish ownership of our land and therefore we require the developers to re-instate the dividing wall that they have destroyed.
13. This Phase 3 development is too close to our residential properties, the scale of the building will affect the lighting levels in our homes and gardens.
14. The design of the buildings already constructed is ugly and obtrusive and Phase 3 is likely to be similar.
15. These building will become a roosting spot for the seagulls, the fish factory adjacent it already attracts numerous gulls and the problem of seagulls blighting our buildings and cars will only get worse. Again, where are the environmental studies?
16. Finally, this is an absolute objection from ALL the residents of Craig Park, this development is ugly, intrusive, too close to residential property and it has an unacceptable detrimental effect on our health and standard of living.

Yours faithfully,
On behalf of all the residents so of Craig Park.

Malcolm McDonnell

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|--------------------------------|-----|-----|
| P&SD Letters of Representation | | |
| Application Number: 131287 | | |
| RECEIVED 16 SEP 2013 | | |
| Nor | Sou | MAp |
| Case Officer Initials: JCH | | |
| Date Acknowledged: 20-9-13 | | |

Dr Margaret Bochel
Aberdeen City Council
Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Business Hub 4
Ground Floor North
Marischal college
Broad Street
Aberdeen
AB10 1AB.

Dear Dr Bochel

Planning Ref 131287
City View Phase 3

I wish to register my objection to the above mentioned planning application on the following grounds:-

1. The amended height of this building does little to alleviate the overbearing influence and will have a detrimental impact on the amenity of the residents of the flats.
2. The distance between the flats and the proposed building has not altered and even with sympathetic glazing will fail to alleviate the overbearing nature and loss of privacy to the residents.
3. This building should have situated where the car parking has been installed where it would not have had such a detrimental impact on the residents.
4. The amended plans do not show any increase in the number of parking spaces provided for employees. This will lead to a substantial loss of amenity to the residents.

I would appreciate acknowledgement of this objection.

Regards

Jennifer Paul



To:
Dr. Margaret Bochel
Aberdeen City Council
Planning and Sustainable Development
Enterprise, planning and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

From:
Michael Lockhart
2 Craig Park
Nigg
Aberdeen AB12 3BD

Date: 30th January 2014

Subject: Planning Ref: 131287
Planning Application: 'City View' Phase 3

Dear Dr. Bochel,

I'd like to register my objection to the proposed development at Site 17 Craigshaw Drive
My objections are based on the following grounds:

1. The height of the proposed building is substantially higher than the building previously on site, it also had pitched roofs running downhill away from the flats, this proposed building lies adjacent to the blocks of flats on Craig Park and is a block, flat roofed design. This will severely impact on the amenity of the residents both in terms of overlooking and lack of daylight.
2. The distance between our properties is not sufficient, I note comments about sympathetic glazing but fail to see how this would alleviate the overlooking problem.
3. Why does this building have to be located in line with the existing flats in Craig Park. If building no 5 was located where the car park has been developed, it would have had very little impact on the residents of Craig Park.
4. Lack of sufficient parking spaces to accommodate the workforce in this development will only exacerbate the current parking problems we residents of Craig Park already suffer from employees of nearby businesses parking in the street outside our homes.

I'd appreciate a receipt for this objection

Yours sincerely,

Michael Lockhart

PI

From: webmaster@aberdeencity.gov.uk
Sent: 16 January 2014 16:21
To: PI
Subject: Planning Comment for 131287

Comment for Planning Application 131287

Name : Philip McDonnell
Address : 12 Craig Park,
Nigg,
Aberdeen
Ab123BD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : There are a number of reasons as to why I object to this Planning Application.

Firstly, the developers have laid claim to a strip of land that is located between Craig Park and the development area and demolished the boundary wall. Due to this, the new developments will not be the specified distance from the actual boundary.

Wellington road is already the most polluted road in Scotland and the additional traffic that will result from the construction of these office buildings is only going to add to the pollution problem as well as contributing to the congestion of peak time traffic.

Parking on Craig Park is already an issue with people other than residents using the private road to park during work hours. I do not believe the parking at the development site will be substantial enough to accommodate all those who will eventually use these buildings as a place of work.

PI

From: Joanna Strathdee [REDACTED]
Sent: 04 February 2014 00:20
To: PI
Subject: Planning ref 131287, City View development
Attachments: Jo Objection Craig park.doc

Please find attached my letter of objection to Planning Ref 131287.

regards
Joanna Strathdee
2 Craig Park
Nigg
Aberdeen
AB12 3BD

2 Craig park
Nigg
Aberdeen
AB12 3BD

3rd December 201

Dr Margaret Bochel
Aberdeen City Council
Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Business Hub 4
Ground Floor North
Marischal college
Broad Street
Aberdeen
AB10 1AB

Dear Dr Bochel

Planning Ref 131287
City View Phase 3

I wish to register my objection to the above mentioned planning application on the following grounds:-

1. The amended height of the proposed building is still substantially higher than the previous building on site. The overbearing block style of this building will have a detrimental effect on the amenity of the residents in the flats in Craig Park. The previous building with pitched roofs was orientated downhill from the flats, this proposed building lies adjacent to the flats and will in effect be a substantial loss of amenity of the residents.
2. The distance between the flats and the proposed building has not altered and even with sympathetic glazing will fail to alleviate the overbearing nature of this building.
3. Had this building been more sympathetically situated, i.e. where the car park has been created it would have had little impact on the residents, especially in a north south direction, why was this never considered?
4. The amended plans do not show any increase in the parking spaces provided for employees. Parking in Craig Park is already a problem with employees from nearby businesses parking in Craig park. I applaud the thinking that to supply fewer parking spaces will lead to people using public transport but the whole public transport system has to be improved before this can happen. People don't just travel from the city centre to this location, they travel from across the North East of Scotland.

5. I have not had any clarification on the boundary of the site which to my mind is still in question, do the trees belong to the developer?

I would appreciate acknowledgement of this objection.

Regards

Joanna Strathdee

| | | |
|--------------------------------|-----|-----|
| P&SD Letters of Representation | | |
| Application Number: 131287 | | |
| RECEIVED - 4 FEB 2014 | | |
| Nor | Sou | MAp |
| Case Officer Initials: JCL | | |
| Date Acknowledged: 7-2-14 | | |

PI

From: webmaster@aberdeencity.gov.uk
Sent: 16 January 2014 15:11
To: PI
Subject: Planning Comment for 131287

Comment for Planning Application 131287

Name : Malcolm McDonnell

Address : 19 Craig Park

Nigg

Aberdeen

AB12 3BD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wish to object to this amendment in the strongest possible terms, due to:

The outline drawing on the outside of the mailed material incorporates land owned by Craig Park. The residents of Craig Park will not give up this land.

I have approached the land registry of Scotland for details of ownership. Craig park is built on land originally belonging to the Church and was part of the church grounds, the old manse forms part of that development. I live in what used to be the Manse, therefore lay claim to the land originally belonging it which includes the trees and the boundary wall to the North of the Craig Park Properties.

The developer has no right to claim land beyond the originally boundary of the West Tullos industrial estate which was marked by a metal fence and is clearly shown in ordnance survey maps.

Additionally, the proposed building is much too close to our properties, the reduction in height goes a little way to improve the original plan but the structure will still dominate Craig Park and overshadow the residences.

Also, not one of our original objections have been answered - not a single one!

Our original objections to traffic, parking pollution, unauthorised construction of a cycle path, etc. ALL still stand.

Regards,

Malcolm

PI

From: webmaster@aberdeencity.gov.uk
Sent: 14 January 2014 22:46
To: PI
Subject: Planning Comment for 131287

Comment for Planning Application 131287

Name : Allen McIntosh
Address : 22 Craig Park
Nigg
Aberdeen
AB12 3BD

Telephone :

Email : [REDACTED]

type :

Comment : I object to this project in its entirety.

Reducing the height of the building will make no difference to the reduction in living quality for the residents in Craig Park with regard to buildings being built too close to residential buildings that have stood for over 20 years, blocking of a view of the city (spot the irony of the scheme name city view - because it is taking the view of the residents in Craig Park) and the parking problems that the increase in workforce will bring with the lack of parking to accommodate the workforce who will be there.

In addition to this, the scheme has built on the land belonging to Craig Park already at the end of the road, and in developing the "City View" complex, they have again been scraping land/ground belonging to the residents of Craig Park to use it as theirs. This cannot be allowed to happen.

There is something fundamentally wrong if this planning permission is granted. I am all for commerce and not stopping business developments from flourishing - there has to be consideration for other people and their lives though. In this case there has been no consideration for anyone other than the developers plans and profits - and although this planning permission has been put through in pieces, no doubt to get around the feeble council planning processes, the original plans for the scheme were available before the first planning permission was given in steps - and that included this next stage of the development.

If a planning application for the complete scheme had been made at the start for the complete complex that has been applied for in stages, in line with the shiny brochures for this complex that were available before any planning permission was granted, it would have been rejected. Funny then that despite objections from all the neighbours and residents nearby that every single planning permission application has been granted with no compromise or consideration at all for those who will be directly and adversely affected by it and who objected to it.

This change to the planning permission in terms of a reduction in height is no compromise though as the land has already been built up and the location of the proposed building as I understand it is going to be as close to some flats in Craig Park that they will be looking straight in to office windows and that is unacceptable.

In addition this, there are no specific details of the plans on this website or the planning permission document I received in the post - I am therefore unable to see exactly what is being done to lower my standard of living and that could well be a cover up of some kind.

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Planning Development Management Committee

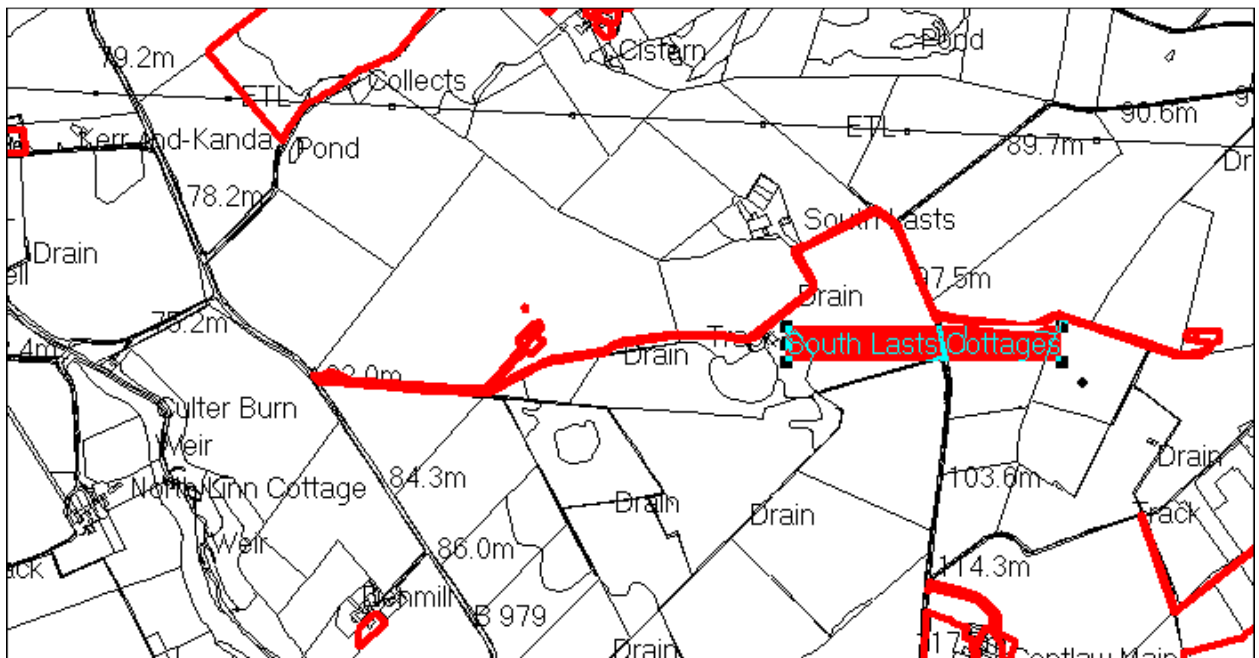
SOUTH LASTS FARM, CONTLAW ROAD,
MILLTIMBER

FORMATION OF ACCESS TRACK
ASSOCIATED WITH PLANNING APPLICATION
(REF 12/0166).

For: G & B Renewables Ltd

**Application Type : Detailed Planning
Permission**
Application Ref. : P131865
Application Date: 10/01/2014
Officer : Robert Forbes
**Ward : Lower Deeside (M Boulton/A Malone/M
Malik)**

**Advert : Can't notify
neighbour(s)**
Advertised on: 22/01/2014
Committee Date: 20 March 2014
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

This site comprises farmland and part of an existing access road located in open countryside about 2.5km north of Peterculter and 4 km south-west of Kingswells. Beans Hill lies approximately 1km to the east of the farm buildings, at a maximum elevation of 137m. South Lasts Farm site is currently accessed by a tarred private road, approximately 3m wide, leading north from the junction with the public road (Contlaw Road). The farm contains no rights of way or recreational paths. It is relatively devoid of natural vegetation or landscape features of special interest and is used as arable farmland and improved grassland. The field boundaries are generally defined by fencing / low drystone dykes. An area of mature / amenity deciduous woodland is located to the south of South Lasts Cottages and is designated as a Local Nature Conservation Site.

RELEVANT HISTORY

Conditional planning permission for erection of a wind turbine at South Lasts Farm was granted in 2012 (ref. 120166) and is currently being implemented on higher land approximately 750m to the east of South Lasts farmstead on the west flank of Beans Hill.

A subsequent planning application for erection of an additional wind turbine on land to the north of the site within the same farm unit has been submitted and awaits determination (ref. 131859).

PROPOSAL

Detailed planning permission is sought for the formation of an access track on existing farmland. The track would extend from the B979 to connect with the existing farm track about 660m to the east. Local widening of the existing tarred farm track to 4m is also proposed. Other than the junction with the B979, which would be tarred, the new track would be unsurfaced. Associated drainage, fencing and landscaping measures are also proposed.

The proposal has been amended to include mitigatory planting measures which have been requested in order to provide a degree of softening of the track and in order to integrate it with its landscape setting and to ensure ecological protection / enhancement measures.

Supporting Documents

All drawings and the supporting documents relating to this application, including ecology report, construction method statement and traffic route management plan can be viewed on the Council's website at:

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131865>

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

REASON FOR REFERRAL TO COMMITTEE

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

CONSULTATIONS

Roads Projects Team – No objection subject to conditions regarding surfacing of the junction of the proposed access road, safeguarding of proposed visibility splays and surface water drainage;

Environmental Health – No objection;

Enterprise, Planning & Infrastructure (Flooding) - No objection;

Education, Culture & Sport (Archaeology) – Request a condition to allow archaeological investigation;

Shell UK – No objection;

BP – No objection. Advise the applicant to contact them to ensure pipeline protection is ensured.

Community Council – Object on the basis of public road safety concerns relating to the use of the B979 access.

REPRESENTATIONS

None

PLANNING POLICY

National Policy and Guidance

The key priority of the Scottish Government is sustainable economic growth. Paragraphs 159 and 163 of SPP regarding green belts are relevant and state that:-

“The purpose of green belt designation in the development plan as part of the settlement strategy for an area is to:-

- direct planned growth to the most appropriate locations and support regeneration,
- protect and enhance the quality, character, landscape setting and identity of towns and cities, and
- protect and give access to open space within and around towns and cities.

Certain types and scales of development may be appropriate within a green belt, particularly where it will support diversification of the rural economy. These may include development associated with agriculture... and essential infrastructure such as ...electricity grid connections. “

Aberdeen Local Development Plan

Policy NE2 – Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal. The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:
 - a) the development is within the boundary of the existing activity.
 - b) the development is small-scale.
 - c) the intensity of activity is not significantly increased.
 - d) any proposed built construction is ancillary to what exists

Policy R8 - Renewable and Low Carbon Energy Developments

The development of renewable and low carbon energy schemes is supported and applications will be supported in principle if proposals:

1. Do not cause significant harm to the local environment, including landscape character and the character and appearance of listed buildings and conservation areas.
2. Do not negatively impact on air quality.
3. Do not negatively impact on tourism.
4. Do not have a significant adverse impact on the amenity of dwelling houses.

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 D3 - Sustainable and Active Travel

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

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

Policy D6 - Landscape

Development will not be acceptable unless it avoids:

1. significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it;
2. obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
3. disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
4. sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

Further guidance is available in our Supplementary Guidance: Landscape Strategy Part 2 – Landscape Guidelines.

Policy NE6 - Flooding and Drainage

Surface water drainage associated with development must:

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

Policy NE8 - Natural Heritage

Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy. These are International Designations, National Designations, Local Designations and European Protected Species and Species protected under the Wildlife and Countryside Act 1981.

In all cases of development at any location: -

1. Applicants should submit supporting evidence for any development that may have an adverse effect on a protected species demonstrating both the need for the development and that a full range of possible alternative courses of action has been properly examined and none found to acceptably meet the need identified.
2. An ecological assessment will be required for a development proposal on or likely to affect a nearby designated site or where there is evidence to suggest that a habitat or species of importance (including those identified in the UK and Local Biodiversity Action Plans) exists on the site.
3. No development will be permitted unless steps are taken to mitigate negative development impacts. All proposals that are likely to have a significant effect on the River Dee SAC will require an appropriate assessment which will include the assessment of a detailed construction method statement addressing possible impacts on Atlantic Salmon, Freshwater Pearl Mussel and Otter. Development proposals will only be approved where the appropriate assessment demonstrates that there will be no adverse affect on site integrity, except in situations of overriding public interest.
4. Natural heritage beyond the confines of designated sites should be protected and enhanced.
5. Where feasible, steps to prevent further fragmentation or isolation of habitats must be sought and opportunities to restore links which have been broken will be taken.
6. Measures will be taken, in proportion to the opportunities available, to enhance biodiversity through the creation and restoration of habitats and, where possible, incorporating existing habitats.
7. There will be a presumption against excessive engineering and culverting; natural treatments of floodplains and other water storage features will be preferred wherever possible; there will be a requirement to restore existing culverted or canalised water bodies where this is possible; and the inclusion of SUDS. Natural buffer strips will be created for the protection and enhancement of water bodies, including lochs, ponds, wetlands, rivers, tributaries, estuaries and the sea. Supplementary Guidance will be developed on buffer strips.

Policy NE9 – Access and Informal Recreation

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

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.

Development Plan Policy Compliance

The site lies within the green belt. Key objectives of this policy are maintenance of landscape character and provision of access to open space. Policy NE2 allows for development associated with existing activities subject to certain criteria. As regards these criteria, it is clear that the proposal is associated with the existing activity on the site, although it is required as a result of the approved wind turbine development. It satisfies the relevant criteria regarding being within the boundary of and being ancillary to the existing activity, and it would not significantly increase the intensity of agricultural activity there. As there is no definition in the local plan of what constitutes small scale development in the context of local green belt policy, this is essentially a matter of judgement. The improvement works to the existing track and the relatively short length of new track are considered to be small scale development given that they would occupy a small percentage of the farming unit and result in no increase in building footprint or external yardspace. The proposed new track would not adversely affect any existing core paths and would provide a new route for recreational access to Beans Hill. It therefore accords with the objectives of local plan policies NE2 and NE9. A condition is proposed in order to ensure that the proposed gate is installed to ensure appropriate recreational access and in order to minimise the use of the track by motor vehicles unrelated to the farm, in accordance with the expectations of local plan policies D3 and NE9. Conditions are also suggested in order to ensure implementation of the proposed ecological protection drainage and planting measures in accordance with the expectation of local plan policies NE6, NE8, D1 and D6 and with SPP. As the proposal would facilitate the erection of an approved wind turbine within the farming unit, it accords with the objectives of policy R8, which encourages wind energy development in principle, and there is no conflict with the relevant criteria.

Road / Public Safety Matters

Given that this proposal is not for the erection of a wind turbine, the concerns of the Community Council regarding the generation of exceptional loads on lorries along the B979 associated with the installation of the approved turbine are only indirectly relevant to this application.

Any traffic impact issues associated with the erection of the approved turbine can be addressed by the traffic route management plan which the Council's roads officers have accepted in relation to the approved wind turbine. It is noted that the proposed access and improvement works are required as the geometry / configuration of the existing track does not permit its use by exceptional loads. The current application seeks to provide suitable alternative access in order to construct the turbine tower. The Community Council note that the B979 carries a high a volume of heavy lorries and has a poor accident history. Whilst this may be the case, the proposal does not, in itself, result in a significant intensification of existing traffic flow on the local network. Other than construction traffic, motor vehicle movement would primarily be associated with the existing use of the farm. The Council's Roads Officers have no objection to the proposed access / track on safety grounds.

It is noted that the pipeline owners have no objection to the proposed track (which crosses their underground pipelines near to the B979). The detailed technical construction of the bridging points is a matter to be agreed between the relevant parties and does not require to be subject of condition.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

Subject to imposition of conditions, the proposal is considered to comply with the development plan policies NE2 – Green Belt, NE6 - Flooding and Drainage, NE8 - Natural Heritage, NE9 – Access and Informal Recreation, D1 - Architecture and Placemaking, D3 - Sustainable and Active Travel, D6 – Landscape, R8 - Renewable and Low Carbon Energy Developments and Scottish Planning Policy regarding green belt and does not result in any significant road / public safety impact.

CONDITIONS

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

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

(2) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be used unless the drainage has been installed in complete accordance with the said scheme.

For the avoidance of doubt, no surface water should drain onto the public road - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained without risk to public road safety.

(3) that all planting, seeding and fencing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(4) No development shall take place pursuant to this planning permission unless the approved construction method statement (dated 19/12/13) and the temporary ecological protection measures shown on drawing 108-025 have been implemented in full for the duration of works on the site - in order to prevent potential water pollution and ensure ecological protection.

(5) The track hereby approved shall not be used unless the proposed motor vehicle restriction gates have been installed in accordance with the approved details, or such other details as may be subsequently approved, and include provision for pedestrian / cycle / equestrian access - in the interest of road safety(minimisation of motor traffic movement at the junction with the B979) and provision of legitimate non motorised countryside access.

(6) The access road hereby approved shall not be used unless the first 20m of its length (as measures from the B979 junction) have been surfaced with bitmac, or other suitable bound surface, and the required visibility splays are maintained as shown on drawing no. SCT2114/P/JA/01 revA of the drawings hereby approved, or such other detailed drawing as may be approved - in the interest of public safety.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

CULTER COMMUNITY COUNCIL



St Quentin
18 Hillside Road
Peterculter
Aberdeenshire
AB14 0TX

14th February 2014

Mr Robert Forbes
Senior Planner (Enterprise, Planning & Infrastructure)
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen AB10 1AB

Dear Mr Forbes,

Planning Application P13/1865: formation of access track associated with Planning Application Ref. P12/0166 (1st wind turbine at South Lasts Farm).

The members of Culter Community Council (CCC) have already expressed deep concerns and strong objections to part of this access track with its entrance/exit on to Malcolm Road, Peterculter within their letters of objection to a second wind turbine and access track at South Lasts Farm (Planning Application (P13/1122 and its successor P13/1859). The members of CCC were therefore doubly concerned to find within this new application (P13/1865) a proposal to extend the access track beyond the 2nd turbine (to be situated some 400 metres off Malcolm Road) to as far as the now approved access route to the 1st wind turbine from Contlaw Road on to Bean's Hill (P12/0166) some 1.4 km distance from Malcolm Road. The Chairperson of CCC therefore asked me to write to you expressing the members deep concerns and objections and their reasons for them while our Planning Liaison Officer is indisposed. They are as follows:

- The members of CCC objected to the 1st turbine (P12/0166) but accepted its approval along with the route of its access track leading off Contlaw Road as being the most logical and least disruptive access to Bean's Hill, that is, it will avoid the use of B979, a strategic route in contributing to the vital flow of traffic around the city of Aberdeen
- Our overriding concerns and objections to **this** proposed new access track relate to the safety of the road users of Malcolm Road (B979) which we consider has not been properly and fully addressed.
- Physically the B979 is a typical narrow, winding, secondary road, without pavements and without speed limit on which HGVs have to pass each other with care. However for the last

25-30 years it has been in strategic use as the ‘unofficial Aberdeen Bypass’ since its junction with North Deeside Road (A93) at Milltimber Brae just east of Peterculter was moved some 100m and its steep gradient adjusted to allow HGVs to use it.

- Since then it has been heavily used by cars, vans and other goods vehicles of all sizes as well as by HGVs (10-12% of all the traffic using it, according to statistics gathered by consultants for the AWPR – Aberdeen Western Peripheral Route). Observations by members of CCC equated this to 10 -12 HGV trips **per hour** between early and late commuting times.
- Traffic can therefore skirt around the city more quickly and easily to access the large industrial/commercial estates to the north, (e.g. Dyce, around the Airport), west, (e.g. in and around Westhill) and south, (e.g. Tullos, Altens and Portlethen). This includes many cars with commuters who work on these estates since there are no suitable bus services to discourage the use of cars.
- The B979 also connects with other B routes as well as the A routes in and out of Aberdeen. This allows drivers of cars, vans, lorries and HGVs for business (or tourist) purposes the choice of moving very much further north (Peterhead, Fraserburgh), northwest (Inverness and beyond), west (the Cairngorm National Park) or to go south (including the continent) without entering the city.
- All of the above has resulted in the B979 becoming a strategic traffic route not a ‘Local’ or ‘rural’ B route with a steady stream of traffic moving along Malcolm Road at all hours.
- At commuting times the traffic is so heavy that queues, often over a mile long, regularly occur at pinch points such as the staggered junction of the B979 with the South Deeside Road (B9077) near the Milltimber Bridge over the River Dee; the Milltimber Brae (B979)/North Deeside Road (A93) junction to the east of Peterculter and the Malcolm Road (B979)/North Deeside Road (A93) junction at the west end of Peterculter
- The chosen site for this proposed new track to access both the first (approved) and proposed second turbine will join the strategic Aberdeen ‘bypass’ some 200/250m from the junction of the access road to the small North Lasts community but which, more importantly, serves Leith’s Sand and Gravel Quarry, well used by lorries transporting much needed construction material. This section of the B979, from the narrow one way bridge over the Ord Dam and Burn, round two fairly blind bends near the Quarry access road and the proposed new access track to as far south as the entrance to Denmill has been the scene of various, often serious, accidents in the past, at least one being fatal. To add the distraction of another junction for commercial purposes (as well as a massive turbine) at this point very much increases our concerns on the safety of this section of the present, much used, ‘Aberdeen Bypass’.
- The supporting documentation for the consented (first) turbine at South Lasts (which will stand at ~1.4 km distance from the B979) quoted a study (Schreuder, 1992) on two accidents “in the vicinity of wind turbines” which resulted in advice being given that “turbines should not be located in places where the driver needs to pay great attention.” It takes only one driver to be momentarily distracted to have or cause an accident. This could too easily happen on a road as busy as this one.

In the supporting document for this application for a new access track from to Malcolm road to the approved turbine on Bean’s Hill, the ‘Traffic Route Management Plan’ (TRMP) by consultants JMP on behalf of LOCOGEN LTD the members of CCC find that

- it is the result of a desktop study (p 2 para 1.13) based on “comparison of available map routes and by a site visit undertaken in August 2013.”
- It also states (p 2 para 1.12) that “Discussions are ongoing with Aberdeen City Council (ACC) Roads Department for the construction of the new simple priority junction with the B979 on which an agreement in principle has been reached and is now proceeding through the appropriate approval process”
- It further states (p 1 para 3) that their remit is to “define mechanisms for managing the construction related vehicular traffic” and also “the process for consultation with parties who may be affected by construction traffic” (but does not say who they are or how this consultation will be conducted)
- Adding that “in particular the TRMP will look at the management and mitigation of traffic impacts on the rural road network leading to the site.”

(From these four points which are made in the introduction (Chapter 1) the members of CCC began to question if the consultants were aware of the strategic part the B979 plays as the ‘unofficial Aberdeen Bypass’ from Stonehaven via Peterculter to Westhill and beyond and because it was a desktop study chose to treat it as a rural /local route as the maps would indicate.)

- In Chapter 2 analysis of the construction phase details, summarised in Table 2.1 (p 4) shows the total number of HGV trips, 229, which will be required and in Table 2.2 (p 5) how these will be phased over the three month construction period (141, 60, 28 respectively, including 7 abnormal loads for turbine delivery) which in the first month, “equating to an average of 8 trips per working day” may give a short term marginal increase in the number of HGVs already using Malcolm Road. CCC does notice however that there is no mention of what will happen to final construction waste and where it will be disposed of – onsite or off it.
- In Chapter 3, dealing with minimising and mitigation of construction traffic impacts, the report states that “the designated route for construction vehicles is envisioned as being via the A93 and the B979 route” (p 6 para 3.4).
- However “the reduced speed limit of 20mph proposed (p7 para 3.7) for all construction HGVs along the B979 from the A93 to the site” (of the junction for the proposed new access track) and “local residents will be welcome to report any speeding to the site manager” (p7 para 3.8) will not be welcomed by other users of this narrow, winding section of the B979 where overtaking is not readily practicable or safe. These other drivers will all have their own timetables and work schedules which they need to, and are expected to be adhered to by **their** employers. Frustrated drivers are more likely to have, or to cause, accidents. CCC must object to these proposals for a strategic traffic route in the interests of safety.

Bearing in mind the concerns and objections, with reasons, expressed above and the unique position of Malcolm road as part of the strategic but ‘unofficial Aberdeen Bypass’ – at least until the official bypass, the AWPR, is completed and in use by 2018 at the earliest – the members of CCC contend that the original approved access route via Contlaw Road to the approved turbine on Bean’s Hill should remain and the new entrance from Malcolm Road refused because;

- The original access track will avoid disruption to the strategic traffic flows around Aberdeen city by avoiding the use of the B979
- it is already stated (p 6 para 3.5) that “alternatively construction vehicles could be brought in using the existing farm access.” (This is because pinch points along the route have been identified (Chapter 4 p11 Fig. 4.1), discussed in more detail (pp 11, 12 paras 4.2 - 4.8) including their use for abnormal loads, and recommendations summarised in Table 6.1(p 29).

Other supporting documents show them and plans put in place for dealing with them, e.g. Pinch Point Location Plan and the 4 Pinch Point Swept Path Analyses).

The members of CCC further contend that part of the proposed new track could and should be used, in reverse as it were, through the farmyard and passing the steadings and cottages but only as far as the proposed 2nd turbine if it gains approval. This would:

- obviate the risks and costs of having to bridge the BP 36” oil pipeline and the Shell 20” gas pipeline and the involvement of these companies in the process as well as remove the disruption to traffic on Malcolm Road

Whatever route is finally chosen (A93+Contlaw Road? or A93+B979? or some other?) and, if given planning permission, the members of CCC approve the recommendation made (p 31 para 6.9 final bullet point) that a ‘test run should be made with a 25m Blade Trailer’ to ensure hazards and pinch points have been made passable and safe.

The A93 (North Deeside Road) is also a strategic route but outside the section where it converges with the B979 to pass through Peterculter it carries more expected levels of HGVs. At commuting times however it becomes one unending traffic queue with long stops at traffic lights. The members of CCC consider the best time for moving a convoy of seven abnormal loads anywhere around Aberdeen to reach the consented turbine site would be later on a light summer evening or very early on a summer Saturday or Sunday morning.

Since the consultants are also seeking to “define the process for consultation with parties who may be affected by construction traffic” (TRMP p 1 para 1.3) the members of CCC would welcome a short presentation on the proposals within the TRMP Report and to discuss how to minimise effects on our community.

Yours sincerely,

Lavina C Massie (Vice Chairperson) Culter Community Council

Cc: Councillors Boulton, Malik and Malone
Mr Iain Hamilton, Roads Engineer, ACC

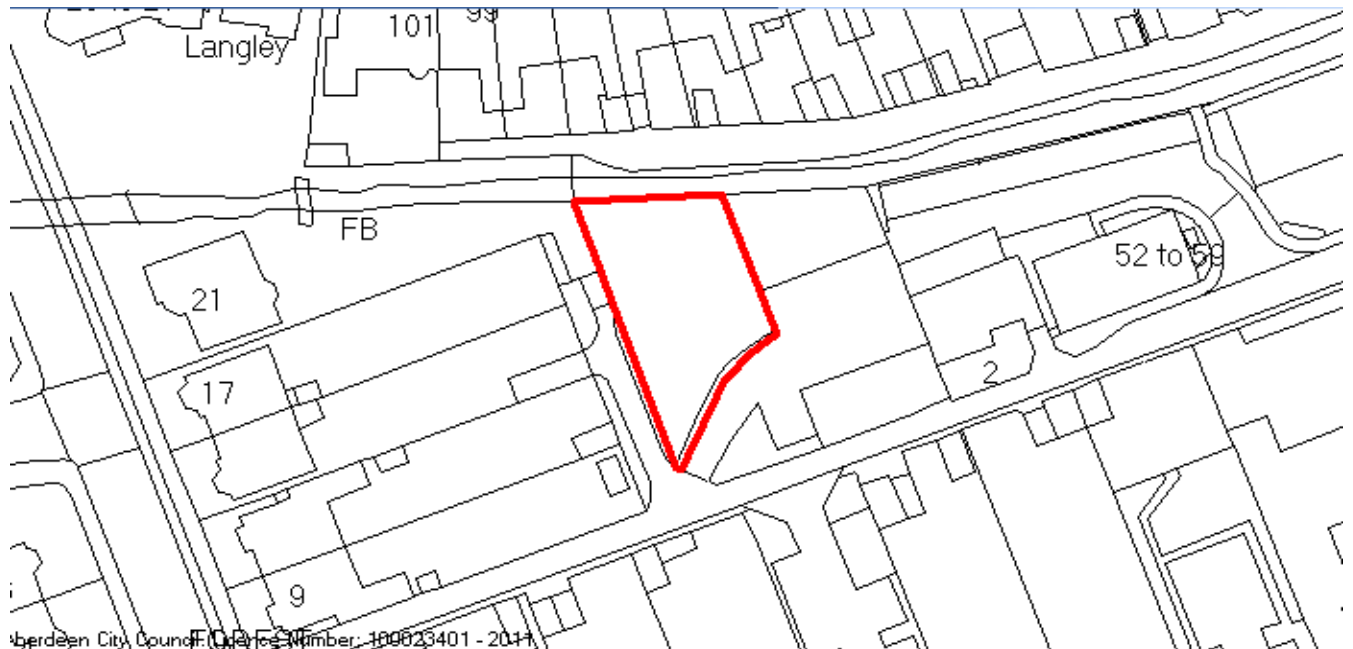
Planning Development Management Committee

21 FOREST ROAD (LAND AT REAR),
ABERDEEN

ERECT NEW 2 STOREY CLASS 4 OFFICE
BUILDING ON LAND TO THE REAR OF 21
FOREST ROAD ACCESSED FROM QUEENS
LANE NORTH

For: Mr Keith Douglas

| | |
|--|----------------------------------|
| Application Type : Detailed Planning Permission | Advert : Section 60/65 - Dev aff |
| Application Ref. : P130934 | LB/CA |
| Application Date: 26/06/2013 | Advertised on: 10/07/2013 |
| Officer: Tommy Hart | Committee Date: 20/03/2014 |
| Ward : Hazlehead/Ashley/Queen's Cross (M Greig/J Stewart/R Thomson/J Corall) | Community Council : Comments |



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site is a distinct area of ground remote from the main garden of 21 Forest Road which lies to the east of the residential property. The site is within a designated residential area which is bound by Queens Lane North and the adjacent West End Office Area to the south and east which is predominantly in office use.

The application site is accessed via a narrow walkway from the rear garden ground of the application property, is approximately 625sqm in size, sits around 1.5m below the level of Queens Lane North and is surrounded on all sides by a stone wall of varying heights. There are also some mature trees at the south-western corner of the site, with hedging along the south and east boundary. Outwith the site to the north, there are more mature trees which are adjacent to the Den Burn which flows east to west past the north end of the application site.

The site lies partially within the flood plain of the Den Burn and is within the Albyn Place/Rubislaw Conservation Area.

RELEVANT HISTORY

No relevant history for this site

PROPOSAL

This application seeks full planning permission for the erection of a class 4 office which would be set on 2 levels of accommodation, as well as associated car park and access.

The building would be 8.5m in height to the ridge, 8m wide and 19m long. It would face gable-on towards Queens Lane North, would be finished externally with Chinese granite, which would have double height windows installed on this southern elevation. On the east elevation, there would be five single half-dormers at first floor level and five large window openings on the ground floor which resemble the openings of a traditional coach-house. The walls would be finished externally with off-white render. There would be a small entrance lobby (3m wide x 2m deep) which would be glazed on three elevations and would have a curved standing seam roof coloured grey. The northern gable elevation would resemble the southern gable in respect to the large window opening although it would be finished externally with an off-white render. Very little of the west elevation would be seen of the building due to the retention of the existing boundary wall. There would be five rooflights introduced onto the roof which pitches west to east.

Site access would be taken off Queens Lane North (which is one-way eastwards at this section), immediately to the north of the access for 'the coach house' to the east. The access would slope down into the site where car parking would be provided for nine cars (including one disabled space). Four bicycles parking spaces would be provided to the front of the office adjacent to the disabled parking bay.

The boundary wall would be taken down and part re-built at a lower level within the radius of the new access. The road and car parking spaces would be laid with interlocking blocks of a porous nature. A soakaway would be provided within the site adjacent to the seven car parking spaces on the eastern side of the site.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130934>

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 Queens Cross and Harlaw Community Council have objected and also more than 5 objections have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – through discussions with the agent, issues relating to access and refuse collection have been resolved. The car parking provision is also acceptable and therefore there are no objection forthcoming.

Environmental Health – no objections to the principle of development but would ask that deliveries are restricted to certain hours which is covered by an informative.

Enterprise, Planning & Infrastructure (Flooding) - on receipt of a flood risk assessment of the site, the comments can be summarised as;

- Despite the indication of the 1 in 200 year flood plain encroaching the development area, we would also agree with the points outlined in the Flood Risk Assessment (FRA) particularly relating to the use of the Digital Terrain Model (DTM) for development of the SEPA flood model. It is highly unlikely that the DTM has accounted for the boundary wall or the difference in bank level along that particular section of the Denburn which will have a significant bearing on the flood envelope. Furthermore, on-going development of the flood alleviation scheme at Stronsay upstream of this location will further seek to improve on the current flooding situation particularly in the Fountainhall area. On this basis there are no objections to the development as officers consider it will not impact on the floodplain of the Denburn nor increase flood risk to the surrounding properties.
- A full drainage impact assessment must be submitted indicating all proposed SuDS measures.
- Given the importance of the rear (north) boundary wall and the intention to create an outlet from the SuDS system into the Denburn, a full structural investigation and report of the wall in order to assess its integrity should be submitted. This is to ascertain that any works will not result in a collapse of this wall into the Denburn, thereby increasing flood risk in the surrounding area. The report should be submitted to ACC Flooding for approval and include remedial action for any problems encountered.

Community Council – object to the application. The objections are summarised as;

1. the office use does not fit in with the surrounding residential zone;
2. the size and mass of the development, as well as the increase in traffic, would impact negatively on the amenity of the residential properties;
3. the office would overlook neighbouring properties and lead to a loss of privacy;
4. the office development would create a significant volume of vehicular traffic which would impact negatively on the existing network;
5. access would be an issue onto the narrow lane;
6. the building would impact negatively on the Conservation Area by virtue of increased density, loss of green space and loss or alteration to boundary wall.

REPRESENTATIONS

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

1. the development would impact negatively on the character of the conservation area;
2. there are safety concerns with regards access to the site off a one-way single lane;
3. the additional traffic would impact negatively on the surrounding area;
4. the development would be a source of light pollution;
5. the modern office building is not in keeping with the mostly residential area;
6. the development would lead to a loss of privacy into rear gardens;
7. the development would impact negatively on wildlife within the Den Burn;
8. the development would lead to a loss of amenity;
9. the applicant does not have the legal right to form an access over the lane;
10. the development would have a detrimental impact on parking in the area;
11. the loss of trees would impact negatively on the surrounding area;

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy is the statement of Government policy on land use planning and includes the Government's core principles for the operation of the planning system and concise subject planning policies. The detailed subject policy on Historic Environment (Conservation Areas) emphasises what is outlined in the Listed Buildings Act 1997.

Historic Scotland's Scottish Historic Environment Policy (SHEP) – the main principles of Historic Scotland's SHEP, in terms of Development Management, is to ensure that any development within a Conservation Area or relating to a Listed Building enhances or preserves the area or building – in other words, the proposed development should not have a detrimental impact on the character of the area or the building.

Aberdeen Local Development Plan

Policy D1 - Architecture and Placemaking

Proposals must be designed with due consideration for its context in terms of massing, scale, design and materials.

Policy D5 - Built Heritage

Proposals affecting Listed Buildings will only be permitted if they comply with Scottish Planning Policy

Policy H1 – Residential Areas

Non-residential development will be accepted within residential areas so long as there is no negative impact on the residential amenity of surrounding residents.

Policy NE5 – Trees and Woodlands

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

Policy NE6 – Flooding and Drainage

Development will not be permitted if it would increase the risk of flooding; it would be at harm of flooding; adequate provision is not made for access to waterbodies for maintenance; it would result in the construction of new or strengthened flood defences that would have a significant damaging effect on the natural heritage interests within or adjacent to the watercourse.

EVALUATION

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

Principle of Development

The application site lies within a residential area Aberdeen Local Development Plan (ALDP) Policy H1. Policy H1 allows for non-residential uses so long as they are considered complementary to residential use or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity. Similarly, the use should not have any negative impact on the conservation area.

In order to fully assess the impact on the surrounding residential area, the design, scale and form of the development, as well as the traffic/access issues need to be taken into consideration but it should be taken into account at the outset that Town and Country planning (Use Classes) (Scotland) Order 1997 states that Class 4 uses are can generally be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Design, Scale and form of development and impact on surrounding residential area and conservation area

In terms of ALDP Policy D1 (Architecture and Placemaking) the design of the building takes account of the context in that it resembles the adjacent property 'the coach house' and in that respect, the proposed building would be acceptable.

In terms of orientation, the building would face 'gable-on' towards and set back from Queens Lane North. This, and the narrowness of the gable both help to reduce the impact of the building from public viewpoints (i.e. the lane). It is acknowledged that the office would be substantially larger than the adjacent single garage. However, the building would be set on a lower level to help limit the height. The office would have a lower ridge level than the adjacent office within 'the coach house' and other residential and commercial buildings in the immediate vicinity. Given the context of the surrounding area, the height and overall massing of the office is not considered to have a significant impact on residential amenity. Being set on a lower level also helps to reduce the massing on the west elevation where the main part of the building that would be visible would be the roof. Although the building has a footprint of around 150sqm, this is not considered to be excessive given that around $\frac{3}{4}$ of the site would remain clear of buildings which is comparable to the surrounding area. The site is currently an extension to the garden ground of 21 Forest Road and is well screened on all sides by trees, buildings or boundary wall. Further, the site sits around 1.5m below the level of Queens Lane North. Notwithstanding the introduction of the office building, it is considered that the impact on the amenity of the surrounding area is neutral.

In terms of use of materials, the use of granite on the southern elevation and grey slates on the roof are in keeping with the surrounding residential properties and also 'the coach house' immediately to the east of the application site. In terms of the use of render on the other three elevations, this is considered to be compatible with other buildings in the nearby area and therefore acceptable.

Taking the above into consideration, the application is acceptable in terms of ALDP Policies D1 (Architecture and Placemaking) and H1 (Residential Areas).

The office would not be immediately adjacent to any residential properties (the nearest being around 45m to the west) and as such there would be little impact in terms of loss of sunlight or daylight given the distance to the surrounding buildings and length of rear gardens. Also, as the only west facing windows within the office would be roof lights and there would be no impact in terms of loss of privacy.

It is considered that the loss of this garden space would not impact negatively on the conservation area or residential area. The private garden is currently hidden from public view and offers little by way of visual amenity to the surrounding area and in that respect the loss of the space would have no negative bearing on the general public.

In terms of introducing a new 1 ½-storey building & car park and loss of some landscaping, it is acknowledged that there would be a change to the character of the conservation area but it is considered that this would have a neutral impact in terms of the visual amenity and therefore there is no conflict with SPP, Historic Scotland's SHEP or ALDP Policy D5 (Built Heritage).

Traffic impacts, access arrangements and car parking

In relation to access arrangements, the plans which were originally submitted were amended to show the access being moved further away from the un-named lane accessing Queens Lane North. Further, the existing wall is now proposed to be removed and a new wall built 2m to the east in order to provide adequate vehicular visibility and pedestrian access.

In terms of car parking and cycle parking, this is to the satisfaction of the Roads Project Team. No comments have been raised in respect to potential car parking outwith the site given that there would be adequate parking on-site. Further, it should be noted that the site is in close proximity to bus stops on Queens Road which could help to reduce the amount of people who travel to the office by car. A Green Travel Plan has been submitted for consideration and is considered acceptable. There is no conflict with ALDP Policy T2 (Managing the Transport Impact of Development).

Impact on trees

The application proposal would result in the loss of a small number of tree and hedges at the south-west corner of the site to make way for the new access point. Although the tree is fairly prominent in the streetscene, the loss of one tree is not considered to have a negative impact on the character of the surrounding area, especially given that the larger trees to the northern end of the site would still be readily visible from Queens Lane North. Notwithstanding, a condition requiring a landscape scheme to be submitted for approval ensures compliance with Aberdeen Local Development Plan Policy NE5 (Trees and Woodlands).

Flooding/drainage issues

Although the application site lies adjacent to the Den Burn, the flood risk assessment indicates that there is no historical flooding in the immediate area around the site. Due to the topography of the site and surrounding area, there was no flooding experienced during the localised flooding events around Fountainhall Road/Albert Lane/Carden Place area in August and December 2012. Although the site lies within the 1 in 200 year SEPA flood map, this map does not take account of the topography of the site or local area, or boundary walls. The plans had been updated to show the finished floor level of the building being increased to 600mm above the existing site levels and approximately 800mm above the level of the opposite bank which would provide additional protection during a 1 in 200 year event.

In terms of surface water drainage, a soakaway is to be provided in front of the proposed car parking spaces within the site. This drainage scheme has been designed to ensure that surface water is treated and attenuated before discharging into the Den Burn.

It is concluded that the flood risk of the site is negligible and therefore the plans do not conflict with ALDP Policy NE6 (Flooding and Drainage).

Relevant planning matters raised by the community council

The issues raised with respect to design, massing, overlooking, loss of amenity, loss of trees and impact on conservation area have been addressed in the *design, scale and form of development and impact on surrounding residential area and conservation area* section above.

The issues raised in respect to traffic have been addressed in the *traffic impacts, access arrangements and car parking* section above.

Relevant planning matters raised in written representations

The issues raised with respect to design, massing, overlooking, loss of amenity, light pollution and impact on conservation area have been addressed in the *design, scale and form of development and impact on surrounding residential area and conservation area* section above.

Although no ecological survey has been provided, it should be noted that the application site lies outwith the Den Burn Local Nature Conservation Site. It is considered that the development is unlikely to have any negative impact on the wildlife of the Den Burn.

The issues raised in respect to traffic have been addressed in the *traffic impacts, access arrangements and car parking* section above.

The issue raised regarding the legal right to form an access is not a planning matter and cannot be taken into account in the determination of the application.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed class 4 office is considered to fit in comfortably with the surrounding area in terms of design, overall massing, proportions, height and use of materials. By virtue of its position below the level of Queens Lane North and its orientation, the building would not be overly prominent. The application is acceptable in terms of Aberdeen Local Development Plan Policies D1 (Architecture and Placemaking) and H1 (Residential Areas). For the reasons above, it is considered that the building would not have a negative impact on the surrounding conservation area, and therefore there is no conflict with Scottish Planning Policy (Historic Environment), Historic Scotland's SHEP or Aberdeen Local Development Plan Policy D5 (Built Heritage).

In terms of traffic, access and car parking, the application site is close to a regular bus route, would provide adequate car parking on-site, and would provide an acceptable access into the site.

A travel plan has been accepted which would help to promote sustainable travel in line with Aberdeen Local Development Plan Policy T2 (Managing the Transport Impact of Development).

The minimal loss of trees is not considered to cause conflict with the surrounding area. A condition requiring a landscape scheme to be submitted for approval ensures compliance with Aberdeen Local Development Plan Policy NE5 (Trees and Woodlands).

A flood risk assessment has indicated that the flood risk of the site is negligible. A SUDS scheme has been accepted in principle although further details are required which will be secured via a planning condition. Notwithstanding, there are no conflicts with Aberdeen Local Development Plan Policy NE6 (Flooding and Drainage).

CONDITIONS

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

1. that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.
2. That no development shall take place unless a full structural investigation and report of the boundary wall has been submitted for the further written approval of the Planning Authority. Such report should include remedial action for any problems encountered - in order to assess its integrity and to ascertain that any works will not result in a collapse of this wall into the Den Burn, thereby increasing flood risk in the surrounding area
3. that no development shall take place unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

4. that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.
5. that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.
6. that no part of the development hereby approved shall be occupied unless the new granite wall, access and pedestrian footpath (as shown on drawing PL04 rev B and PL01 rev D) has been implemented in its entirety – in the interests of pedestrian and road safety
7. that no part of the development hereby approved shall be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.
8. On occupation of the premises, the Green Travel Plan (a stamped copy of which is attached to this permission) shall be implemented in its entirety. Within one month of occupation, the Planning Authority shall be notified of the Travel Plan Co-ordinator and what steps have been taken to implement the Green Travel Plan - in order to encourage more sustainable forms of travel to the development.

INFORMATIVES

1. In order to protect the occupant of the nearby residential properties from any noise nuisance caused by deliveries, and construction, such works works/deliveries should not occur:

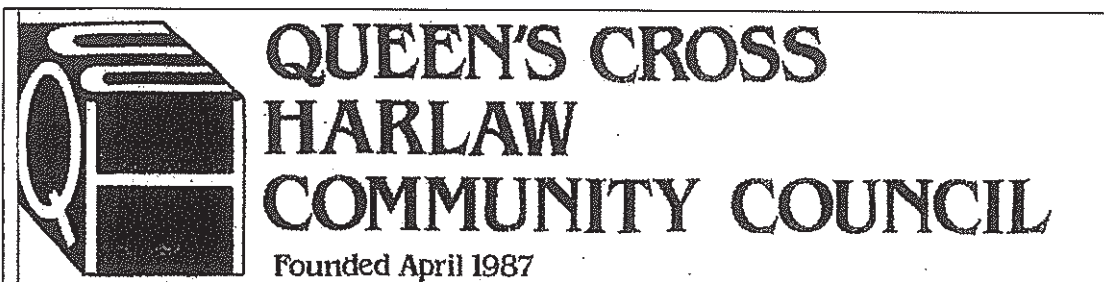
[a] out with the hours of 0700-1900 hours Monday to Friday inclusive; and

[b] Out with the hours of 0900-1600 hours on a Saturday.

[c] No works should be audible out with the site boundaries on a Sunday.

Dr Margaret Bochel

Head of Planning and Sustainable Development.



Andrew H.R. Goldie,
276 Union Grove,
Aberdeen AB10 6TQ
5th August 2013

Tel.: [REDACTED]

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

Application 130934: Proposed 2-Storey Office Development to Rear of 21 Forest Road.

Dear Mr Hart,

I am writing on behalf of Queen's Cross & Harlaw Community Council in connection with the above proposal. Following approaches from neighbours of the applicant and subsequent discussion within the Community Council, we consider the proposed development to be unsatisfactory in a number of areas, and wish to register objection accordingly.

Our comments are as follows:-

1. The site is located within a designated Residential Zone as documented within the Aberdeen City Local Development Plan; and as a commercial office development, it is inconceivable that the proposed development could be deemed 'complementary to residential use' as defined by published policy relating to such residential areas. Furthermore, the development would clearly have an adverse impact on residential amenity in several respects. Specifically,
 - The scale and mass of the development (the 3D images do not do justice to the proposed dimensions) would have an adverse impact on visual amenity for the area in general and for neighbouring properties in particular.

- The property would overlook neighbouring properties and gardens, and would therefore curtail existing privacy.
 - The development would inevitably generate a significant volume of commercial vehicular traffic which would generate additional noise and pollution, hereby impairing residential amenity [we note the absence of a traffic report for this planning application]. We are also of the view that the additional traffic would be in contention with existing traffic both in Queen's Lane North and in the proposed access via a private access lane for residential garages. Furthermore, there is a significant doubt regarding pedestrian safety, as the western end of Queen's Lane North is too narrow to support pavement access. The planning application is surprisingly scant in detail regarding site access proposals. However, following a site inspection, it seems likely that access would be hazardous for both pedestrians and vehicular traffic.
2. This property is located within a designated Conservation Area, and protection afforded by such status applies not only to individual properties, but also to rear garden areas and the open spaces between properties. What is proposed here is a substantial building on two storeys built on a green open space which contributes much to the general amenity of this valuable Conservation Area. From what can be gleaned from the plans as submitted, the proposed development would run counter to Conservation Area policy and principles in a number of ways. Specifically,
- It would result in an unacceptable increase in building density in a protected area.
 - It would destroy a green space that is important to the amenity of the Conservation Area.
 - It would require the loss of, or significant structural alteration to, protected stone boundary walls.
3. The Community Council has been furnished with a copy of the report commissioned by local residents from Mr Gordon MacCallum of Keppie Planning. We wholeheartedly agree with the points raised therein; and in particular the comments with respect to Policies H1 and D5 as documented in the Aberdeen City Local Development Plan.

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

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

Yours sincerely,

[REDACTED]

Planning Convenor,

Queen's Cross & Harlaw Community Council.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 02 August 2013 16:13
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : Catherine McKeever
Address : 9 Forest Road
Aberdeen
AB15 4DE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this application on the following grounds;

1. The site is within a Residential Area zoning where Policy H1 of the Aberdeen City Council adopted ALDP 2012 applies. This application is for an office development in a residential area and therefore does not conform to, and is contradicts, the 2012 Local Development Plan.

2. We and our neighbours in the area would suffer considerable lack of amenity due to the non-compatible nature of the proposed development. The traffic congestion caused by the attendance of 24-30 employees and their associated business services would create a significant disruption to the residential use of the area.

3. The safety considerations relating to a significant increase in vehicular movement in the relatively narrow access lane adjoining Queens Road North are sufficient to put ourselves and other families in the area at notable incremental risk.

4. The proposed development will create a dis-amenity by nature of overlooking existing residential properties and gardens.

5. The proposed development would necessitate the destruction of trees and green space which is further non-conforming with the Councils LDP2012 H1 policy.

6. We assert that the applicant does not have any legal right to take and form an access over the stretch of lane adjoining Queens Road North that services our garages and those of our neighbours.

7. The area around the proposed development is a Conservation Area. Paragraph 115 of the Scottish Planning Policy states that "planning permission should normally be refused for development within a Conservation area that fails to preserve or enhance the character or appearance of the area"; The proposed development comprehensively fails to either enhance or preserve the character of the area by virtue of its destruction of green space, its increase in congestion, its increase in safety risk, and its mis-amenity with surrounding residential use.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 05 August 2013 10:12
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : Ian Findlay

Address : 97 Beaconsfield Place

Aberdeen

AB15 4AD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment :

We would like to object to planning permission being granted for the proposed development referenced by the above application number for 21 Forest Road.

The proposed development sits in Aberdeen City Council Conservation Area No.4 which is designated as such to preserve and enhance the special character of the area, which clearly this proposal does not. Further to this trees in this area are also protected by the conservation area designation which this proposal may impact.

We believe that access to the site will be a potential safety concern to pedestrians and vehicles alike due to the single lane available for this purpose being suitable for access to garaging only. The proposal provides space for 25 workers with additional to visitors to the office creating quite a different flow of traffic in this area.

We also feel that the proposed development will be a source of light pollution.

130934

PI

From: Wilkes, Michael [redacted]
Sent: 29 July 2013 08:49
To: PI; Tommy Hart
Cc: Kim Thomas [redacted]; Jennifer Stewart
Subject: Planning Application at the rear of 21 Forest Road

Dear tom,

I live at 89 Beaconsfield Place close to the site of the Planning Application at the rear of 21 Forest Road.

I would like to bring to your attention the objection below that I have raised via the Aberdeen City website.

Kind regards

Mike

Objection

I object to this application, and so want to have it fully reviewed by the planning committee.

I am concerned about over development of the Queens Lane North.

This a road within the conservation area where residents are required to be mindful of the changes they make to their house, and adhere to strict planning laws, to ensure that the nature of the area is preserved. I do not think this application is in line with this thinking.

Queens Lane is, by design a service access, but now supports a significant number of new developments. I do think that this application takes into account the increase in traffic that it will bring.

The plan shows that the access to site, is narrow, and close to the end of Queens Lane North. This will further impact traffic flow and pedestrian safety in this area.

I am also concerned that the two storey building in the application is closer to the back of the houses on Beaconsfield Place than the existing new buildings. The new application may result in the gardens and rooms at the back of the houses on Beaconsfield Place being over looked. This will also increase the light pollution for residents on Beaconsfield Place.

Mike Wilkes
Lomond Development Manager
Europe E&P
BG Group | 28 Albyn Place | AB10 1YL
Tel [redacted]
Email [redacted]

BG Energy Holdings Limited
Registered in England & Wales No: 3763515 Registered address:

100 Thames Valley Park Drive
Reading, Berkshire RG6 1PT UK
Telephone: [REDACTED]
Website: [REDACTED]

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| | |
|--------------------------------|-------------|
| P&SD Letters of Representation | |
| Application Number: | 130934 |
| RECEIVED | 29 JUL 2013 |
| Nor | (Scu) MAp |
| Case Officer Initials: | TH |
| Date Acknowledged: | 31/07/13 |

PI

From: webmaster@aberdeencity.gov.uk
Sent: 29 July 2013 08:42
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : Michael Wilkes

Address : 89 Beaconsfield Place

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this application, and so want to have it fully review by the planning committee.

I am concerned about over development of the Queens Lane North.

As a road within the conservation area where residents are required to be mindful of the changes they make to their house, and adhere to strict planning laws, to ensure that the nature of the area is preserved. I do not think this application is in line with this thinking.

Queens Lane is by design a service access, but now supports a significant number of new developments. I do think that this application takes into account the increase in traffic that it will bring.

The plan shows that the access to site, is narrow, and close to the end of Queens Lane North. This will further impact traffic flow and pedestrian safety.

I am also concerned that the two storey building in the application is closer to the back of the houses on Beaconsfield Place than the existing new buildings. The new application may result in the gardens and rooms at the back of the houses on Beaconsfield Place being overlooked. This will also increase the light pollution for residents on Beaconsfield Place.

ROYAL MAIL SIGNED FOR

The Head of Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College, Broad Street
Aberdeen, AB10 1AB

Our Ref: JF/ND

18 July 2013

Email: [REDACTED]

Dear Dr M Bochel

**OBJECTION TO DETAILED PLANNING APPLICATION REFERENCE 130934
FOR THE ERECTION OF A NEW 2 STORY OFFICE BUILDING ON LAND TO
THE REAR OF 21 FOREST ROAD TO BE ACCESSED FROM QUEENS LANE
NORTH**

Edinburgh

Glasgow

Leeds

Dundee

Inverness

I write on behalf of Mr and Mrs Fyvie who reside at 17 Forest Road, Aberdeen and are in receipt of a neighbour notification in respect of the above application for Planning Permission. Having reviewed the application, I write to object to the proposed development on their behalf.

The application is for the development of a one and a half story office building located on ground to the rear of 21 Forest Road, Aberdeen. The proposed office building would comprise 218sqm with 9 car parking spaces including one disabled car parking space.

I have assessed the proposals against Development Plan policy as contained within the Aberdeen Local Development Plan 2012 (ALDP) and material considerations, as set out in Scottish Planning Policy (SPP). Having regard to these it is contended that the proposal is contrary to the ALDP and supplementary guidance for the reasons discussed below.

The ALDP identifies the site as lying within a residential area where ALDP policy H1 applies; it also lies within the Albyn Place and Rubislaw Conservation Area. ALDP policy H1 states that proposals for non residential uses within existing residential areas will be refused unless:

- they are considered complementary to residential use; or
- it is demonstrated that they would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

As the development would require the sub-division of a residential curtilage the development proposal also requires to be assessed against supplementary guidance The Sub-division of Residential Curtilages (March 2012) which it too lacks compliance with; whilst the guidance is specifically targeted at residential development it is applicable to other non residential types of development (paragraph 1.4).

The site is located to the rear of 17 Forest Road and lies immediately adjacent to the garage owned by this property. The lane, which provides rear access to the properties on Forrest Road and also the site itself, is a quiet lane leading onto Queens Lane North. Access to the site would be taken from the existing access at the junction of the lane and Queens Lane North. Queens Lane North is used as a service lane for properties on Queens Road and also provides access to residential properties at Dempsy Court. Queens Lane North would provide the sole access for both pedestrian and vehicular traffic for the development and also an office building at Inverden House.

The development of an office building in this location will undoubtedly increase traffic movements on Queens Lane North; which raises significant concerns and would, due to the narrow width of the lane and lack of pedestrian footpaths, pose a significant hazard to both pedestrians and vehicles using the lane. This is compounded by the fact that there are no footpath links for pedestrians to use to access the proposed office building; existing footpath links on the lane stop at Dempsy Court and are only located to the north of the lane. The Sub-division and Redevelopment of Residential Curtilages guidance recognises that it is not acceptable for pedestrians to have to walk on the carriageway of rear lanes to access developments or for pedestrians to share access with vehicles, as it results in the creation of a pedestrian safety hazard.

Due to the width of the lane at this location it is not considered possible for the instillation of foot paths to make the proposal acceptable in road safety terms. Consequently if approved the proposal would have a detrimental impact on both pedestrian and vehicular safety.

The site plan shows the proposed development facing a car park and not a street. Supplementary guidance advises that new development should have a frontage onto a public street as this is the predominant pattern of development in urban areas. Development that does not front onto the public street constitutes development that is alien to the residential area. Consequently the proposal lacks compliance with the guidance.

The proposed site plan shows little open space and as such, its density is out of character with the density of neighbouring buildings. Buildings within the local area have expansive areas of open space. The proposal is at odds with this and as a result fails to respect the relationship of existing buildings and their surrounding spaces. As a result development of the site would be alien to the existing pattern of development, character and density of development located in the area. Furthermore as the development proposed does not front a public street it would form backland development and set a precedent for similar unacceptable types of development.

As noted above, the application shows 9 car parking spaces. Whilst this is in excess of the requirement stated in supplementary guidance my client is concerned that the presence of an office in this location would increase car parking in the neighbouring area. Given the lack of footpath provision to the site employees/ visitors may, due to safety concerns, to rely on the private car to access the development.

The Den Burn lies on the northern boundary of the application site and in the absence of a Flood Risk Assessment my clients are concerned that the site may be at risk of flooding or may increase the risk of flooding to neighbouring properties. As the land is currently grass and is proposed to be developed which will affect surface water drainage. Consequently it is considered to lack compliance with ALDP policy NE6 Flooding and Drainage.

Whilst it is accepted that the proposed office building would lie adjacent to an existing office, it is considered that the intensification of office use in this location would conflict with residential amenity and impact on the ability of residents to enjoy their property.

To conclude it is evident that the proposal for the development of an office building in the ground to the rear of 21 Forest Road lacks compliance with ALDP policy H1 and supplementary guidance. If approved it would result in backland development alien to the character of the area which it is located. It would also create a pedestrian hazard. Consequently the development would, by virtue of increased

traffic movements and its detrimental impact on pedestrian safety, result in a use which is not compliant within a residential area.

For the reasons stated above my clients wish to object to this application and respectfully request that it is refused.

Yours sincerely



Natasha Douglas
MA (Hons) MRTPI
Planning Consultant

PI

From: webmaster@aberdeencity.gov.uk
Sent: 02 August 2013 16:10
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : James McKeever
Address : 9 Forest Road
Aberdeen AB15 4DE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this application on the following grounds:

1. The site is within a Residential Area zoning where Policy H1 of the Aberdeen City Council adopted ALDP 2012 applies. This application is for an office development in a residential area and therefore does not conform to, and is contradicts, the 2012 Local Development Plan.
2. We and our neighbours in the area would suffer considerable lack of amenity due to the non-compatible nature of the proposed development. The traffic congestion caused by the attendance of 24-30 employees and their associated business services would create a significant disruption to the residential use of the area.
3. The safety considerations relating to a significant increase in vehicular movement in the relatively narrow access lane adjoining Queens Road North are sufficient to put ourselves and other families in the area at notable incremental risk.
4. The proposed development will create a dis-amenity by nature of overlooking existing residential properties and gardens.
5. The proposed development would necessitate the destruction of trees and green space which is further non-conforming with the Councils LDP2012 H1 policy.
6. We assert that the applicant does not have any legal right to take and form an access over the stretch of lane adjoining Queens Road North that services our garages and those of our neighbours.
7. The area around the proposed development is a Conservation Area. Paragraph 115 of the Scottish Planning Policy states that "planning permission should normally be refused for development within a Conservation area that fails to preserve or enhance the character or appearance of the area." The proposed development comprehensively fails to either enhance or preserve the character of the area by virtue of its destruction of green space, its increase in congestion, its increase in safety risk, and its mis-amenity with surrounding residential use.

James McKeever

PI

From: McKeever, James [REDACTED]
Sent: 02 August 2013 16:19
To: PI
Cc: Jennifer Stewart; Cath McKeever
Subject: Objection to planning application 130934
Attachments: 2nd August letter to ACC v1.doc

Dear Sirs

Please find attached our letter detailing our objection to the Planning Application 130934 for the erection of a 2-Storey Office Building accessing Queens Lane North.

Sincerely

James and Catherine McKeever
9 Forest Road

Classifier Attachment List:

[2nd August letter to ACC v1.doc - Unclassified]

BG Energy Holdings Limited
Registered in England & Wales No: 3763515 Registered address:
100 Thames Valley Park Drive
Reading, Berkshire RG6 1PT UK
Telephone: [REDACTED]
Website: <http://www.BG-Group.com>

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James and Catherine McKeever
9 Forest Road
Aberdeen
AB15 4DE

2nd August 2013

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

For the attention of Mr Tommy Hart

Dear Sir,

**Planning Application 130934
Erection of a 2-Storey Office Building on land to the rear of 21 Forest Road,
accessed from Queens Lane North.**

We are writing as owners of 9 Forest Road to object to the application for Planning permission for a proposed development of a 2-storey office building on land to the rear of 21 Forest Road by Mr Keith Douglas.

Our property is accessed at the rear adjacent to and in conflict with the access of the proposed development.

I note that the latest date for receiving objections is 5th August 2013.

Our objections are based on the following;

1. The site is within a Residential Area zoning where Policy H1 of the Aberdeen City Council adopted ALDP 2012 applies. This application is for an office development in a residential area and therefore does not conform to, and is contradicts, the 2012 Local Development Plan.
2. We and our neighbours in the area would suffer considerable lack of amenity due to the non-compatible nature of the proposed development. The traffic congestion caused by the attendance of 24-30 employees and their associated business services would create a significant disruption to the residential use of the area.

3. The safety considerations relating to a significant increase in vehicular movement in the relatively narrow access lane adjoining Queens Road North are sufficient to put ourselves and other families in the area at notable incremental risk.
4. The proposed development will create a dis-amenity by nature of overlooking existing residential properties and gardens.
5. The proposed development would necessitate the destruction of trees and green space which is further non-conforming with the Councils LDP2012 H1 policy.
6. We assert that the applicant does not have any legal right to take and form an access over the stretch of lane adjoining Queens Road North that services our garages and those of our neighbours.
7. The area around the proposed development is a Conservation Area. Paragraph 115 of the Scottish Planning Policy states that "*planning permission should normally be refused for development within a Conservation area that fails to preserve or enhance the character or appearance of the area.*" The proposed development comprehensively fails to either enhance or preserve the character of the area by virtue of its destruction of green space, its increase in congestion, its increase in safety risk, and its mis-amenity with surrounding residential use.

We strongly object to the proposed development on these grounds, and encourage the Council to adhere to the Aberdeen Local Development Plan.

Yours Sincerely

James and Catherine McKeever
9 Forest Road

COPIED TO:

Councillor Jennifer Stewart

| | | |
|---|------------------------------|------------------------------|
| P&SD Letters of Representation | | |
| Application Number: 130934 | | |
| RECEIVED - 5 AUG 2013 | | |
| <input checked="" type="checkbox"/> NSP | <input type="checkbox"/> Sou | <input type="checkbox"/> MAp |
| Case Officer Initials: TH | | |
| Date Acknowledged: 6/08/13 | | |

17 July 2013

Our Ref: GMC / AMN / 213432

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

For the attention of Tommy Hart

Dear Sirs,

**Town & Country Planning Scotland Acts
Planning Application 13/0934
Erection of a 2-Storey Office Building on land to the rear of 21 Forest Road,
accessed from Queens Lane North
Objections of Mr & Mrs McKnight**

Keppie Planning have been instructed by Steven and Lesley McKnight who reside at 11 Forest Road, Aberdeen to object to the proposed development of a 2-storey office building on land to the rear of 21 Forest Road, by Mr Keith Douglas.

In this context, we note that the date for receiving objections is now 5th August 2013 and not the 19th July 2013, as previously indicated in the Council's website.

The statutory starting point, as the Council are aware, is the Development Plan, which in this case is confined to the Adopted Aberdeen City LDP 2012. The scale of this development does not raise any strategic policy issues.

Aberdeen City LDP Adopted 2012

This planning application requires being determined in accordance with Sections 25 and 37 of the Town & Country Planning Act and taking account of any adverse material considerations, of which there are many in this case.

Whilst the site is close to the West End Office Area zoning, it does not adjoin it and, is firmly and unambiguously, within a Residential Area zoning where Policy H1 applies.

The policy presumption in H1 is clearly for new residential development and housebuilder development and, therefore, this application, for a non-conforming use should fall at the first hurdle. The principle of an office development is contrary in terms to Local Plan Policy H1. An assessment against criteria 1 – 5 is therefore unnecessary and not relevant in this case.

The second part of H1 measures departures from residential issues and, in our balanced view set out below, the application fails the 2 tests outlined in this policy.

"Within existing residential areas, proposals for non-residential uses will be refused unless:

1. *they are considered complementary to residential use, or*
2. *it can be demonstrated that the use would cause no conflict with or any nuisance to, the enjoyment of existing residential amenity".*

Directors: W Baxter Allan Dip Tp MRTPI Gordon MacCallum Dip Tp MRTPI

160 West Regent Street • Glasgow G2 4RL •

Keppie Design Ltd. Registered in Scotland no 159423.

| | |
|------------------------------------|---------|
| Planning & Sustainable Development | |
| Mail ID | |
| RECEIVED 18 JUL 2013 | |
| www.keppiedesign.co.uk | |
| REPLY / | |
| Section | Officer |

In commenting on both criteria 1 and 2, we consider that:-

Due to the scale, massing and location of the proposed building and the access, parking and land-use change proposed, this development is clearly not compatible with the surrounding existing residential properties. The hours of operation, the nature of business during the day and early evening, the commuting traffic and delivery movements would, even if practicably achievable, create a conflict of activity and disfunctional sense of place at this locus.

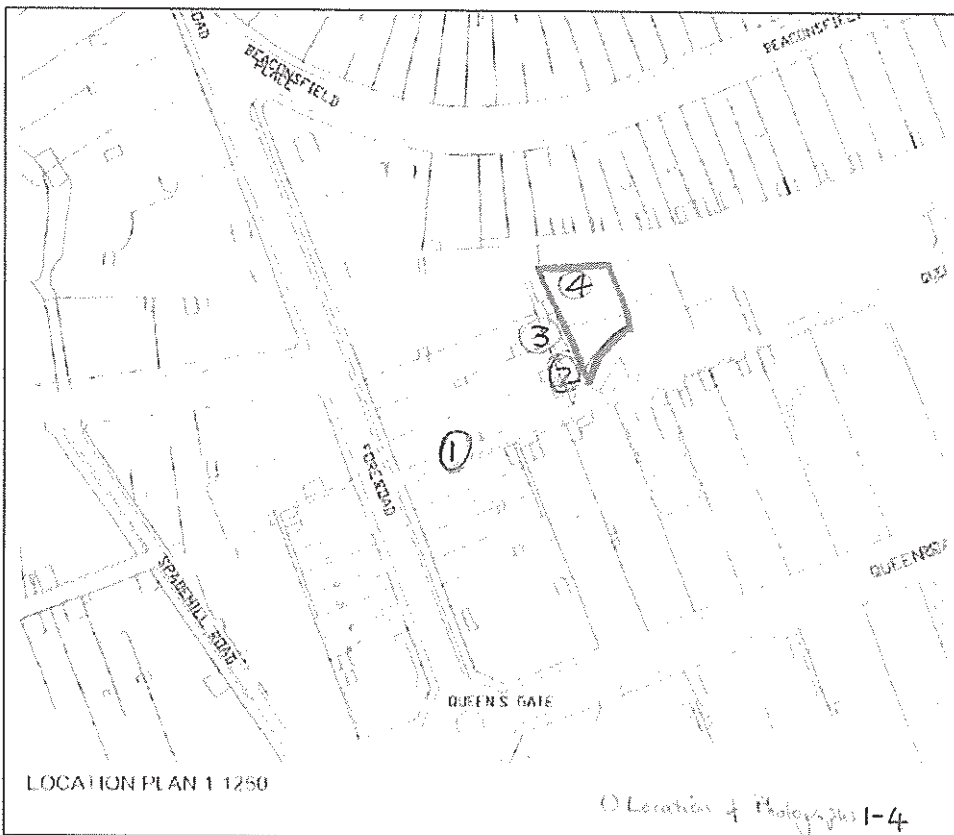
Simply put, this location is totally unsuitable in every practical way as an office location for between 24 – 30 employees (as set out in the plans attached to this application).

We note the applicant has not attempted to justify the proposal against Policy H1, as no supporting planning statement has been prepared, which is surprising being the proposal is contrary to the zoning preferences in the LDP. There are also no accompanying ecological or tree surveys, which is again surprising, given the wildlife interest in and around the site, and the number of mature trees, some of which will require to be felled.

This office development, which is in such close proximity to residential properties and private gardens on Forest road, will create a disamenity by nature of overlooking existing residential properties and gardens, and the use of the proposed access through Queens Lane North, a private residential lane. This will not only create a vehicle conflict at the point of entry but, a legal dispute relating to the ownership and access rights over this private stretch of lane, a point reviewed at a later juncture in this objection.

Amenity and Access Issues relating to H1

Access to Site



Queens Lane North is narrow and not capable of widening. The photograph below shows the access situation from Forest Road to the entry point to the site.



Photo 1 – One-Way Access from Forest Road

The entry point to the site is shown at photograph 2 which is directly through a stone wall and mature tree.



Photo 2 - Entry point to site

From the layout plan below, all delivery and refuse vehicles would require to reverse out of the development and only the 8 parked cars would be able to exit the office in a forward gear. In addition, the exit would be blind and conflict with the 6 residential garages currently serving the houses on Forest Road and the entrance to the house adjoining the site.

The impact of additional traffic generated by a business with 24 plus employees, deliveries and visitors will be a severe dis-amenity and potential hazard affecting road safety and significant additional movements along this one way lane effecting its entire length. Indeed any development of a similar scale on this site regardless of use would create a problem as simply the lane is not able or designed to absorb additional traffic.



Photo 3 - Vehicle conflict zone

There is further (although not strictly a planning matter, it is a material consideration) point relating to ownership and legal rights over the stretch of lane which services the houses on Forest Road but not number 21, which is owned by the applicant. It is asserted that Mr Douglas does not have any legal entitlement to take and form an access as he proposes.

Existing Situation

The northern part of the site is currently in garden use as shown from the photograph below. It is understood this is owned by Mr Douglas and it contains a number of mature trees and is currently a compatible neighbouring use within a residential area.



Photo 4 - Existing condition of application site

The remaining part of the site to the south is unkempt but contains a number of trees and wildlife habitat. It is not known who owns this area, however as it is contained within the stone walls, it currently is largely unseen from surrounding properties.

A burn separates the northern boundary of the application site from the housing to the north, which overlooks the site.

In summary, there is a clear policy presumption against the principle of this proposed development as evidenced by the applicant's failure to accord with Policy H1, as outlined above.

In this case the proposals are also deemed to be contrary to other policies in the LDP, notably in relation to the site's Conservation Area status and the place making of the scheme and its associated impact on amenity.

Policy DC5 – Built Heritage

The above policy advises that proposals affecting Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

Para 115 of the SPP states that "*planning permission should normally be refused for development within a Conservation area that fails to preserve or enhance the character or appearance of the area.*"

In this case, it is clear that the loss of existing mature trees, the shoe-horning of an office development and the associated access into what is a tight site, and the associated adverse impact upon the neighbouring residential amenity all combine to ensure this application fails to preserve or enhance the character or appearance of the area.

Indeed, the blank large rendered wall and roof plane towards the western elevation is totally dominating and a clear disamenity to residents, but also incongruous within the Conservation Area.

In such circumstances, it is incumbent on Aberdeen City Council to refuse consent for the additional reason of impact on the Conservation Area.

Other Matters

There is local evidence of significant bat activity in the area and it appears they roost/nest in the mature trees within the Conservation Area. In addition, other local wildlife considerations have certainly not been assessed by the applicant.

Conclusions

Drawing together all the planning arguments against this proposal and, notwithstanding the legal issues relating to rights of access and ownership, we strongly recommend that this application be refused for the following reasons.

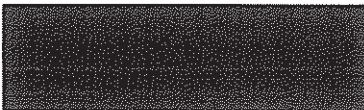
It is contrary to Policies H1 and D5 of the Adopted Aberdeen City Local Development Plan as:-

- It would create a development which is incompatible within a residential area as zoned in the LDP.
- It would create a non-conforming use which would create a clear disamenity to the existing properties, including increased noise, traffic, overlooking and a change in character.
- It will create traffic chaos and a danger at this access point.
- It intends to use a totally inadequate standard of private road for all servicing and accessing.
- There will be a loss of walls and removal of mature trees within the Conservation Area.
- There will be an increase of activity.
- The development will create a dominating building alien to existing forms of housing and gardens.
- The massing of the building will create a visual blight/blot due to the large rendered walls and roof plane.
- Some windows will overlook existing residential properties to the detriment of privacy.
- There is evidence of significant bat activity in the area, which has not been assessed, nor any other wildlife interest.

Recommendation

Taking account of all the enclosed, we firmly recommend that the application be refused as contrary to the LDP Policies H1 and D5. There can be no material considerations nor any evidence led by the applicant that would indicate any other decision can be made other than in accordance with the LDP position as Adopted by Aberdeen City Council so recently as February 2012.

Yours sincerely



Gordon MacCallum
Director

cc: Mr & Mrs S McKnight

PI

From: webmaster@aberdeencity.gov.uk
Sent: 02 July 2013 12:32
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : Lesley McKnight
Address : 11 Forest Road
Aberden
AB15 4DE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Dear sir

We strongly object to this application. Firstly, To our knowledge Mr Douglas does not own the land he wishes to erect the 2 storey office building. The neighbours and ourselves from No 9 to 17 have maintained the back lane leading to our garages accessed from Queens Lane North for several years. Secondly, Mr Douglas does not use the lane and therefore he will not be affected by the disruption this will cause. Thirdly, there is no access available to this proposed development apart from access from where our garages are placed just off the back lane. Fourthly, There is already a very large business extension at the rear of 20 Queens Road which will affect the flow of traffic and has already created disruption. This will bring greater traffic volume in a quiet residential area. Finally, we do not wish for another office building erected with in such close proximity and overlooking our property.

Regards
Lesley McKnight

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

Mr Jamie Burnett
13a Forest Road
Aberdeen
AB15 4DE

Dear Mr Hart,

I am writing to object to the following planning application:

| | | | |
|-------------------------------|--|---------------------------|------------|
| Registered Date: | 26/06/2013 | Case Officer: | Tommy Hart |
| Ward & Councillor: | Hazlehead/Ashley/Queen's Cross (M Greig/J Stewart/J Thomson/J Corall) | Telephone: | 522199 |
| Location: | 21 Forest Road, Aberdeen, AB15 4DE (Land at Rear) | | |
| Proposal: | Erect new 2 storey office building on land to the rear of 21 Forest Road accessed from Queens Lane North | | |
| Application No: | 130934 | | |
| Applicant | | Agent | |
| Mr Keith Douglas | | Cumming & Co | |
| 21 Forest Road (Land at Rear) | | Albion House 6 Castlehill | |
| Aberdeen | | Aberdeen | |
| AB15 4DE | | Aberdeen City | |
| | | AB11 5GJ | |

The following responses (A through D) detail my concerns with the proposed development. But in summary they can be reduced to the following issues:

Summary

1. The plans submitted make it impossible to accurately visualise this development as they give no indication of the building dimensions or what groundwork's will be undertaken;
2. It will be a modern office development out of keeping with the mostly residential conservation area that it will be situated in;
3. I am concerned about loss of privacy due to the development at the rear of my property and in the garden;
4. I am concerned that the development will have a negative impact upon the wildlife in the area and the water quality in the Den Burn;
5. I expect there to be serious access issues and an increase in the traffic density increasing the potential for accidents in the narrow Queens Lane North (no pavement) during and after construction;

A more in depth discussion on all these details is included in the sections below.

A. Construction Height / Design

It is unclear from the plans provided what the actual height this building will be and its visibility from my garden / property, which cannot be determined for the following reasons:

- i. The plot of land where the office will be situated is on a significant slope and I suspect ground works will be undertaken to level this. It is unclear if the lower ground level will be raised to do this (increasing apparent height) or the higher levels lowered to achieve this (reducing apparent height). There is no mention of how this will be achieved in the plans.
- ii. Further to this, the drawings cannot easily be used to determine the dimensions. There is what is called a "scale" on the drawing but there is no reference point for this (i.e. depending on how large I print the drawing changes the measured dimensions). In fact what is quoted as a "scale" is in fact actually a ratio. Furthermore the "scales" quoted on drawing PL02 are misleading. I think there is only one "scale" for this drawing, yet three are quoted.
- iii. There has recently been a large number of developments put up in the Queens Lane North Area (New build flats / Office extensions, etc) and feel the area is becoming over developed and becoming populated with buildings that are modern looking in nature and out of keeping with the more traditional original buildings in the area.

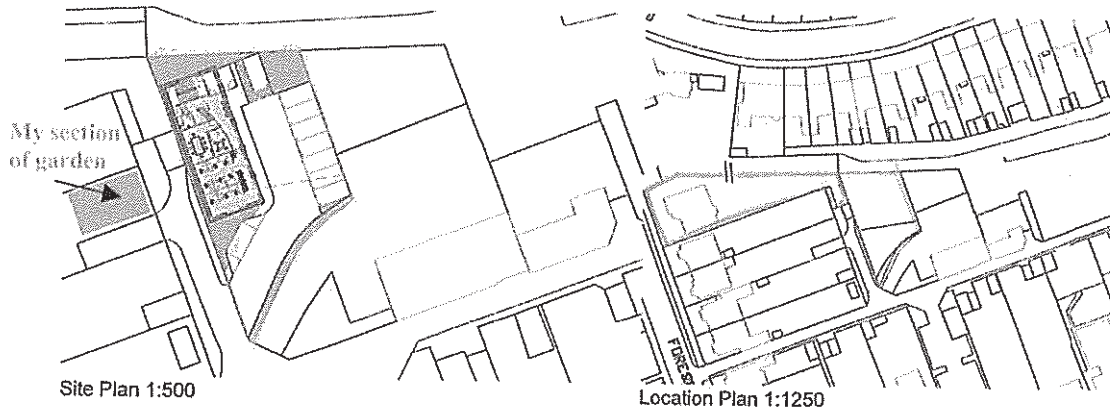
It is therefore impossible to accurately visualise how this potential future construction will appear from my property / grounds. This is a major concern for myself. However, what is proposed is a two storey office block; realistically it will be significantly higher than similar structures (garages) in the vicinity which are single storey.

Furthermore, this is predominately a residential zone within a conservation area. The addition of a modern office premises into the area I feel would be out of keeping. I think it will result in a significant change in the ambience in the surrounding area potentially making my section of garden feel hemmed in and overlooked.

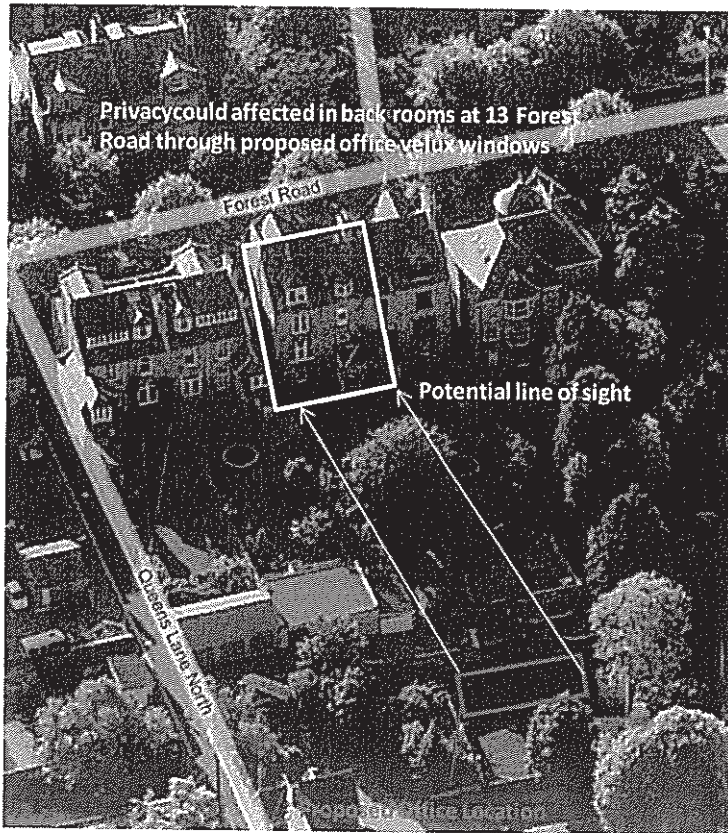
B. Loss of Privacy

I am concerned that the proposed will result in a loss of privacy, for the following reasons:

- i. There will be 5 off velux windows directly over looking my section of garden (which will be the closest to the development);



- ii. These windows will also allow a direct line of sight into the rear windows of our property. Presently there are no other properties with a direct line of sight in the vicinity.



C. Environmental Issues.

- i. I am not aware of where the water run-off drains from the development will be routed to but I do know there is a constant problem with drainage on Forest Road / Rubislaw Den South Road. When it rains heavily this system tends to back up resulting in significant water accumulation across the roads and junction. This is probably a result of the road drainage system being at a bottom of a slope and its proximity to the Den burn which we presume it drains into (like the location for the proposed new office similar slope and same proximity to Den burn which it may drain into). I feel there is the potential for this to happen at this proposed new development. If it does occur I suspect we would be subjected to recovery works / maintenance happening on regular basis (this has happened at least 2-3 times to business at low points close to the Den burn on Queens lane North in the last 2 years i.e. Dizzys Bar and surrounding businesses).
- ii. I am concerned that there will be damage to the large beech tree in my garden as a result of carrying out any ground works. I suspect that the routes for the trees will extend into the ground where the proposed office will be and could be damaged as a result of ground works.
- iii. I am concerned that the building works will have a negative impact on the wildlife that use the area that the office will be built on (currently half managed / half unmanaged land) and the wild life that use the ground at my property, which includes, wood pigeons, foxes, squirrels and bats (a European Protected Species).
- iv. There is a concern that construction activities (run-off) from the site will have an adverse effect on the den burn water quality.

D. Access / Disruption

The proposed location of the construction is in a difficult to access location and congested. I am concerned that during the proposed buildings construction and through its life time could create problems:

- i. The proximity of the proposed office location is very close to a large number of residential dwellings who will likely be subjected to an extended period of construction noise.
- ii. Access for large construction vehicles will be particularly difficult and given the narrow nature of the lanes that provide access, the size of these construction vehicles and the amount of foot traffic (commutes and school children) down these lanes at peak times. There will be a raised possibility of an accident during this time, bearing in mind that there are actually no pavements on the access lanes in the vicinity.
- iii. If the development is built then the density of traffic will increase during peak times too (i.e. workers, clients and service traffic to the new building).
- iv. The access to the garages of existing owners could be complicated by ingress and egress from the office given the narrowness of the lanes and the proposed entry point to the office (off the rear lane that accesses the garages).
- v. Further to this the difficult access will make access of emergency vehicles (i.e. fire engines / ambulances) more problematic.
- vi. It is noted that there are around 24 desk spaces (excluding clients), and 8 parking spaces. It is expected that in reality there will be a requirement for much more than 8 parking spaces. Given that the surrounding area is permit / paid parking I think the temptation for people using the building will be to double park in the office car park (restricting emergency access) and / or use the garage access lane, also restricting access, especially for the garage owners.

It is expected that this development will create unwanted disruption during and after construction, increase the traffic density and risk of an accident during peak times and due to its difficult access create problems for people using the rear lanes potentially restricting resident's access and emergency vehicles.

Best Regards,

Mr Jamie Burnett (13a Forest Road)

| | | |
|--------------------------------|-----|-----|
| P&SD Letters of Representation | | |
| Application Number: 130934 | | |
| RECEIVED - 5 AUG 2013 | | |
| Nor | Sou | MAp |
| Case Officer Initials: TH | | |
| Date Acknowledged: 6/08/13 | | |

PI

From: webmaster@aberdeencity.gov.uk
Sent: 02 July 2013 11:46
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : Iain Smith Solicitors LLP
Address : 18 Queens Road
Aberdeen
AB15 4ZT

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : On behalf of the firm of ISS LLP I object to the proposed development on the following grounds; 1. overdevelopment of the feu 2. destruction of urban green space 3. Access to and egress from the site is dangerous having regard to present gateway and also with ref. the current volume of pedestrian and vehicular traffic using the lane with a one way system in operation.
4. Lack of parking.
5. There is a substantial development ongoing at the rear of no 20 QR.....this when complete will add to the congestion and danger to pedestrians and other road users...Queens Lane North cannot handle any more pedestrian and vehicular traffic.

From: Steve O'Hara [REDACTED]
Sent: 30 July 2013 11:09
To: PI
Subject: Planning Application at the rear of 21 Forest Road

Good morning

I am writing to object to a planning application for a new two storey office development to be built at the rear of 21 Forest Road.

I am a resident at 85 Beaconsfield Place and am already very concerned at the amount of development in what is a residential and conversation area.

A key safety concern for myself as a mother of two young children who walk to and from nursery and school is pedestrian safety. It is already an issue when walking round Forest Road and crossing the road at Queens Lane North. There is also the ongoing problem for residents where Beaconsfield Place is used as a shortcut for many commuters - which is very evident in the state of our road compared to other streets in the West End where there is not the same volume of commuter traffic.

Regards
Gillian O'Hara

A. C. MORRISON & RICHARDS

ADVOCATES IN ABERDEEN, NOTARIES PUBLIC, SOLICITORS and ESTATE AGENTS

Our Ref: MAF/FM

18 Bon-Accord Crescent,
Aberdeen AB11 6XY
Telephone: (01224) 573321

FAX: [REDACTED]
DOCUMENT EXCHANGE: DX ABS0
THE LEGAL POST: LP-48 ABERDEEN 1

Your Ref:

Date: 16th July 2013

The Director,
Planning & Sustainable Development,
Marischal College,
Broad Street,
ABERDEEN,
AB10 1AB.

ENTERPRISE PLANNING AND
INFRASTRUCTURE
RECEIVED
18 JUL 2013

Dear Sirs,

**T W GIBSON'S TRUST
PLANNING APPLICATION 130934
PROPOSED DEVELOPMENT AT REAR OF 21 FOREST ROAD,
ABERDEEN**

We refer to the Application for Planning Permission for the proposed development at the rear of 21 Forest Road, Aberdeen.

On behalf of and as instructed by our clients, The Trustees of T.W. Gibson's Trust, proprietors of number 18 Queens Road, Aberdeen, we hereby object to this application on the following grounds:-

1. Overdevelopment of the site with a 2 storey office block with the only access being from Queens Lane North.
2. Significant increase in traffic in this narrow back lane, exacerbating existing traffic problems, to the detriment of neighbouring proprietors.
3. Potential safety hazards associated with increased traffic.
4. Development of a green urban space, which should be preserved.

Kindly acknowledge receipt of this letter.

Yours faithfully,

[REDACTED SIGNATURE]

PI

From: Paul Dawson [REDACTED]
Sent: 29 July 2013 12:21
To: PI
Subject: Planning application 21 forest road re 130934

Paul Dawson 27 forest road ab154de

Dear head of planning I am e mailing you today regards the planning application at 21 forest road ref 130934 I want to put an objection to this on the grounds as follows this area is a conservation area also this is a residential area by allowing people to build two storey office blocks in their back gardens is setting a very bad example to a very beautiful and important part of our city also looking at the access from the property is very tight were is all the cars going to get parked . Queens lane north is a one way street with no pavements for pedestrians safety. If you look at the properties on queens road a number of them have developments going on behind them causing major over development and traffic problems their is already a row of garages beside the development making this access even worst and dangerous for the residents . Hope we can see sense on this one many thanks paul Dawson

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 11 July 2013 22:12
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : Michael Wilson
Address : 95 Beaconsfield Place
Aberdeen
AB15 4AD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Having lived in our home for nearly 25 years I was shocked when I received notification of the proposed plans for offices.

Since its inception the area in question has always been a green area combining both grass areas and dense trees.(A previous owner used it as a vegetable garden)

We have already lost the bat population when the flats were built on the previous Grampian Television Buildings.

The lane is almost unique in Aberdeen where the general public can walk up the side of the Denburn and see a variety of wildlife.

The proposed site is a haven for all kinds of wildlife,with it's combination of trees and green areas.Its destruction would mean the loss of this amenity and the present inhabitants will I presume move to the private area of the Denburn whose access is limited to the rich and few who reside on Rublislaw Den.

On a personal note myself and neighbours will have lost the total privacy this open space provided.

We will now have the office windows looking directly onto our back gardens.

note. with interest, the applicant had a garage built in such a way that it completely screens the proposed offices from his own garden.

Whilst I am not an engineer I do not know what effect the new buildings will have on the local flood protection scheme.

The Denburn has burst its banks twice in the past 5 years at this point and Dizzy's has installed expensive flood prevention measures because of recent floods they have suffered.

In conclusion I object to the development as it would substantially change the local environment purely so that one individual can make a financial gain.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 02 August 2013 09:54
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : William Brebner
Address : 23 Forest Road
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I would object to this development on the following basis:

The development is in a conservation area.

Precedent is being set for office's in a residential area.

The area has already been subjected to overdevelopment with the erection of houses on this "green site"; It will have a serious impact on the parking in surrounding streets

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Planning Development Management Committee

MIDDLETON LODGE (SITE ADJ. TO, STATION ROAD, PITFODELS)

ERECTION OF 3 NEW DETACHED DWELLING HOUSES

For: Mr Eric Yule

Application Type : Planning Permission in Principle

Application Ref. : P131279

Application Date: 30/08/2013

Officer: Paul Williamson

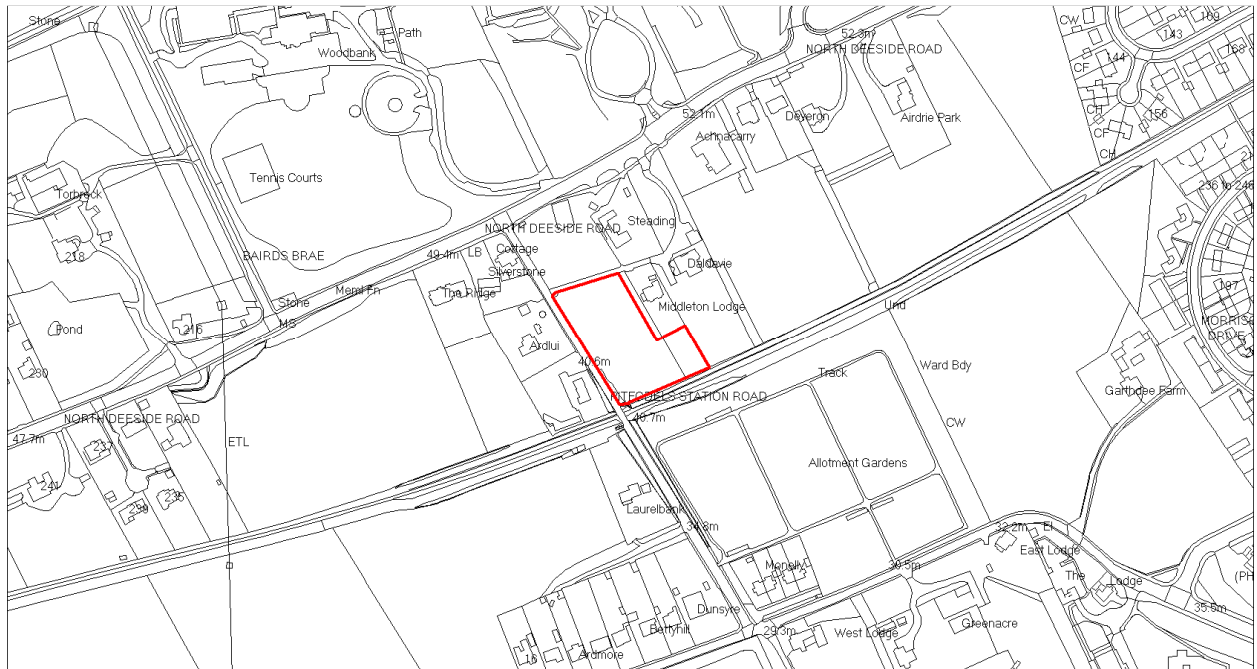
Ward : Lower Deeside (M Boulton/A Malone/M Malik)

Advert : Dev. Plan Departure

Advertised on: 11/09/2013

Committee Date: 20 March 2014

Community Council : No Community Council



RECOMMENDATION:

Refuse

DESCRIPTION

The site to which this application relates was previously garden ground associated with a nearby residential dwelling, Daldavie. The land was regularly maintained and laid out as a 'pitch and putt' golf practice area for the owners own use. The site extends to 5262 square metres, and is located within the boundary of the Lower Deeside/Pitfodells Conservation Area.

A number of dwelling houses surround the application site to the north, west, east, while on the opposite side of the former Deeside Line to the south are a number of allotment gardens.

A number of trees are located within the site, although predominantly along the western boundary of the site, with two particularly notable trees towards the south east corner of the site.

A 1.8 metre high granite rubble wall forms the boundary to the west of the site, adjacent to Pitfodells Station Road. The northern boundary is formed by a low 0.4 metre high granite rubble wall, with a private access serving Middleton Lodge and Daldavie beyond. The eastern boundary is formed by a 2 metre high mature hedge, while the southern boundary is formed by 4 metre high leylandii hedging.

RELEVANT HISTORY

July 1986 – A proposal (Ref: 842676) for the erection of two dwelling houses was refused on the same site on 8 July 1986 for the following reasons:

- (1) that the site lies within an area of Green Belt where there is an embargo on all new development except such as may be required in connection with agriculture, horticulture or other recognised countryside activities;
- (2) that the applicant is unable to adduce an local need for the dwellinghouses;
- (3) that the proposal would be contrary to the provisions of the Lower Deeside Local Plan as adopted by the Council;
- (4) that the proposal would be prejudicial to public safety by reason of the increase in traffic on the roads in the immediate vicinity of the site which are neither designed for nor capable of carrying any additional traffic; and
- (5) that approval of the application would create an undesirable precedent for application of a similar nature.

PROPOSAL

Planning Permission in Principle is sought for the erection of three dwelling houses on site. The indicative layout shows the three dwellings on a north/south alignment, with a shared access drive serving the site, from close to the junction of the private access to the north, and Pitfodells Station Road immediately to the west. The plan also indicates that there would be 1 no. 5 bedroomed dwelling over 1 ½ storeys, with an integral double garage. The remaining 2 no. dwellings would also have 5 bedrooms, albeit over two full storeys, each with a detached double garage.

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?131279>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the application has been the subject of six or more timeous letters of representation that express objection or concern about the proposal thus representing a significant level of opposition to a local development proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads ProjectsTeam – The proposal could result in serious road safety concerns as the development would intensify the use of a junction with limited visibility. In addition, there are concerns at the lack of adequate pedestrian access facilities, and for the circulations of refuse vehicles.

Environmental Health – No observations.

Enterprise, Planning & Infrastructure (Flooding) – The culverted Auchenyell Burn is located in the development area. Full surface water drainage proposals detailing the proposed method of the discharge of surface water are also required.

Archaeology - A condition requiring the implementation of a full programme of archaeological work would be required should planning permission be granted.

Community Council – No comments received.

REPRESENTATIONS

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

- 1) the application site is within an established area of Green Belt;
- 2) impact on the Lower Deeside/Pitfodels Conservation Area;
- 3) impact of design through the use of kit houses;
- 4) road safety concerns;
- 5) potential impact on privacy on loss of sublight;
- 6) over-development of the site would be out of keeping with the character of the area;
- 7) proposal is contrary to development plan policy and Scottish Planning Policy (SPP);
- 8) potential loss of original features such as boundary walling;
- 9) loss of mature trees;
- 10) previous refusal of planning permission for the same type of the development on this site;

- 11) potential impacts on wildlife including protected species; and,
- 12) impact on Pitfodels Special Character Area.

In addition, an objection was also received from the neighbouring Cults Bieldside and Milltimber Community Council. After initial comments, the Community Council subsequently revised their position to strongly object to the proposal on the grounds of: the location within established Green Belt; the designation as a Conservation Area; the planning history of the site, and potential road safety concerns. However, the application site actually falls outwith the boundary of Cults Bieldside and Milltimber Community Council, hence why their submission is being treated as a representation.

PLANNING POLICY

National Policy and Guidance

SPP is clear in identifying that the purpose of green belt designation in the development plan as part of the settlement strategy for an area is to:

- direct planned growth to the most appropriate locations and support regeneration,
- protect and enhance the quality, character, landscape setting and identity of towns and cities, and
- protect and give access to open space within and around towns and cities.

It further advises that where a proposal would not normally be consistent with green belt policy, it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available. Development in a designated green belt should be of a high design quality and a suitable scale and form.

Aberdeen City and Shire Structure Plan

The extant Structure Plan contains objectives in respect of encouraging economic growth, and ensuring that new development maintains and improves the region's important built, natural and cultural assets. There is also a further objective for development to be accessible.

Aberdeen Local Development Plan

Policy NE2 – Green Belt: no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:

- a) the development is within the boundary of the existing activity;
- b) the development is small scale;
- c) the intensity of activity is not significantly increased; and,
- d) any proposed built construction is ancillary to what exists.

Policy NE5 – Trees and Woodlands: There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity.

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 D5 – Built Heritage: Proposals affecting Conservations Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

Supplementary Guidance

Transport and Accessibility: states that the document examines a number of transport and accessibility issues that may have to be considered as part of a planning application. Specific guidance is provided for standards for accessibility and public transport services; access and permeability; parking standards; and, parking in Conservation Areas.

Other Relevant Material Considerations

None

EVALUATION

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

Principle of Residential Development

Scottish Planning Policy (SPP) is clear in identifying that the aim of green belt is to direct planned growth to the most appropriate location, and to protect and enhance the quality, character and setting of towns and cities. In this instance, while adjacent to existing residential properties, the site is located within the wider Green Belt. As such, the allowance of further residential development in this location may have a detrimental impact on the character of the landscape setting of this part of the green belt, which would be contrary to the advice within paragraph 163 of SPP which states: “the cumulative erosion of a green belt’s integrity through the granting of individual planning permissions should be avoided”. In any case, it is considered that sufficient land for housing has been allocated through the Aberdeen Local Development Plan, thus negating the need to cater for further greenfield releases. This includes just shy of 12,000 new greenfield dwellings in the period up to 2016, and any additional releases could undermine the delivery of those sites.

On a related consideration are the principles of policies NE2 - Green Belt and NE1 - Green Space Network. The wider aim of the green belt has already been addressed, although the Local Development Plan does provide specific criteria for acceptable development in the Green Belt. In this instance, the proposal does not meet any of the defined criteria for acceptable development in such an area, and is therefore deemed to be contrary to Policy NE2.

Layout, Access and Design

The character of this part of Pitfodels, which comprises large homes in sizeable grounds, is acknowledged. However as noted above, the general principle of development on site cannot be established against Scottish Planning Policy nor the Local Development Plan Policy as it relates to Green Belt locations. Therefore even though the general character of the area would be reflected through the scale and density of development proposed, as the principle cannot be accepted, there is little merit in considering the design elements of the proposal further. Notwithstanding, for applications within Conservation Areas, there is a requirement to submit a Design Statement with planning application. As this application is for Planning Permission in Principle, such a statement would merely have set out some general design principles for the development against the local context. However, given the lack of such a submission, it has not been possible to fully assess the proposals against Policy D1 of the Local Development Plan.

Drainage

In terms of foul drainage, the application form notes that the development would connect into the public drainage network. This would generally be acceptable, and surface water drainage proposals could ultimately be adequately addressed through a suspensive planning condition.

Roads and Access

In this instance, the existing means of access at this location has very poor visibility. As such the intensification of its use led the Roads Engineer to advise that it would likely result in serious road safety issues, hence their objection to this application. Further concerns were also raised by the Roads Engineer in respect of the provision of adequate pedestrian access facilities, and the ability of refuse vehicles to service the site. While a suggestion has been made to relocate the access further south in order to create adequate visibility, this would necessitate the partial demolition of the boundary wall, which adds to the character of the Lower Deeside/Pitfodels Conservation Area, which would raise separate planning concerns. Ample car parking could in theory be provided, within each of the proposed plots.

Impact on the Lower Deeside/Pitfodels Conservation Area

As noted above, the site is located within the Lower Deeside/Pitfodels Conservation Area. As such, it is necessary to assess the impact of the proposed development upon whether to proposals preserve and enhance the character or appearance of the Conservation Area. In this instance, given the long established character of large dwellings, set within sizeable grounds, it is not considered that the resultant development would neither preserve or enhance the surrounding area. The sub-division of this space which was associated with an adjacent dwelling, could set a precedent for development which would incrementally erode the character of the area and the reasons for which it was made a Conservation Area. As such the proposal is considered to be contrary to Policy D5 of the Adopted Local Development Plan.

Trees

A number of mature trees are present within the application site. Unfortunately, no tree survey has accompanied this application. However, given that the principle of the development has not been established, it was not considered necessary to press the applicant for a submission.

Notwithstanding, the dwelling house itself could have an impact upon the existing trees particularly alongside Pitfodels Station Road, and to the South East of the site where one large specimen is present. Had the application been accompanied by a Tree Survey to British Standards, it would have given an indication as to whether the footprint of the proposed dwellings, and any associated areas of hardstanding would have had any detriment to the existing protected trees. However, the principle of development has not been established at this time. Therefore at this time, it has not been proven that there would be no detriment to the existing trees, and would therefore be contrary to Policy NE5 of the Adopted Local Development Plan.

Letters of representation

The following matters were raised within the letter of representation, which have not already been addressed above:

5) Potential impact on privacy on loss of sunlight

As this application is for planning permission in principle, the plans submitted are indicative. Notwithstanding, the detail provided shows one of the dwellings being sited a mere 5 metres from the boundary with the adjacent property Middleton Lodge. Such close proximity would not accord with the Supplementary Guidance on the Subdivision and Redevelopment of Residential Curtilages, and could in theory have an impact on privacy and sunlight. There is in theory, scope to site the respective dwellings further to the west within each plot, which could reduce such concerns. Such detailed consideration would normally be made at the time of an application for Matters Specified in Conditions, or a Detailed Planning Application. However, as highlighted above, the principle of development has not been established in this location.

10) Previous refusal of planning permission for the same type of the development on this site

While the previous site history is noted, it relates to a proposal from 28 years ago, and a Local Plan long since superseded. As such, detailed consideration must be given in this instance to the policies of the extant development plan, its associated supplementary guidance, and any other material planning considerations.

11) Potential impacts on wildlife including protected species

In this instance, while concerns have been raised over the potential impacts on wildlife and protected species, the site is not covered by any specific designations or habitat, which would necessitate a walkover survey to have been undertaken.

Summary

In summary, the proposal to create three additional dwelling houses is considered to be contrary to the principles of Green Belt policy, in that the proposal could result in the loss of character, or landscape setting of the area, and could lead to a precedent for similar development proposals which cumulatively would be to the detriment of the wider Green Belt of Aberdeen City. Furthermore, the proposal would neither preserve or enhance the character of the Lower Deeside/Pitfodells Conservation Area, and would also result in a road safety hazard.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1) That the site lies within the Green Belt which is defined to protect and enhance the landscape setting and identity of urban areas and in which there is a presumption against most kinds of development with only limited exceptions. The proposed development does not comply with any of the specified exceptions to the presumption against development within the Green Belt and therefore does not comply with Policy NE2 Green Belt of the Aberdeen Local Development Plan 2012. If permitted, this application would create a precedent for more, similar developments to the further detriment of the objectives of the Green Belt policy, when sufficient land has been identified for greenfield housing through the development plan.

2) The application is deficient in information in respect of a design statement and tree survey. It is therefore not possible to make a full assessment of the implications of the development on the Lower Deeside/Pitfodels Conservation Area, and the potential loss of existing trees on site. As such it has not been possible to ascertain whether the proposal complies with Policies D1 Architecture and Placemaking, D5 Built Heritage, and NE5 Trees and Woodlands of the Aberdeen Local Development Plan 2012.

3) The application as currently submitted could result in a road safety hazard due to the intensification of use of a sub-standard access point which also has poor pedestrian linkages to the surrounding area.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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

4 October 2013

Dear Mr Williamson,

Planning Application 131279: Erection of 3 new houses in site adjacent to Middleton Lodge, Pitfodels Station Road

I am writing on behalf of the Cults Bieldside and Milltimber Community Council (CBMCC) to submit our changed opinion on the proposed building of 3 new houses in the grounds of Middleton Lodge, Pitfodels Station Road, Cults. Residents in the Pitfodels area have made us aware of some of the facts around the planning application, in particular that the owner of Middleton Lodge is not the owner of the land proposed for development nor behind the proposal as was implied by the Planning website entry. Looking again at the details around the application, the Community Council strongly objects to the houses being built on the grounds that;

1. The building is proposed on established greenbelt
2. The land is a designated conservation area.
3. There is a history of applications for development on this land which have all been denied.
4. Potential road safety concerns through increasing construction and residential traffic onto Pitfodels Station Road. To enable access of construction traffic to and from the site would require significant modifications to the road and introduce accident risks.

While each application is reviewed solely on its merits, we are concerned about the setting of precedents for building on greenbelt and conservation area land. We believe that previous applications have been denied for good reasons and see no justification for the current application to be approved.

Yours sincerely,

Peter Roberts

Peter Roberts
Planning Liaison Officer

Copy to: Councillor Marie Boulton, Councillor Aileen Malone, Councillor Tauqeer Malik

PI

From: webmaster@aberdeencity.gov.uk
Sent: 24 September 2013 17:52
To: PI
Subject: Planning Comment for 131279

Comment for Planning Application 131279

Name : Nicholas Dalgarno
Address : Daldavie
Pitfodels Station Road
Cults
Aberdeen
AB15 9PJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : The proposed site borders the south west edge of our property which we purchased from the Applicant last year. I would object to the application for the following reasons:

- 1) our garden would be overlooked by one building which could impact our amenity (eg loss of sunlight etc) not to mention that of our immediate neighbour on the east side of our property who borders the whole site and would be overlooked by all 3 proposed properties
- 2) the land is currently vacant and can only be accessed from either a) Station Road which is a narrow road over a small bridge with only one lane access at a time and b) the private lane leading from Station Road to our property. We believe that the proposed developmnet would add an unreasonable level of traffic to either access way not to mention likely damage to the lane. It is also worth noting that the access to the lane is close to the junction on to Station Road and that is already a difficult/semi-blind junction so there would be additional safety concerns
- 3) we believe that putting 3 dwelling houses on to the site would be a significant over-development of a relatively small site and would be out of keeping with the other properties in the immediate vicinity
- 4) It is worth noting that when we bought the property from Mr Yule, he indicated that he may wish to build a "small bungalow" on the ground (which he had retained from the previous Daldavie title) for his future use. Depending on the location of such a bungalow on the site and the enforcement of suitable access/repair arrangements we would not necessarily object to such a development.

7th September 2013

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

Fir Cottage/Silverstone
Pitfodells Station Road,
Aberdeen
AB15 9PJ

Proposed Development at:

Middleton Lodge(Site Adj. To Station Road, Pitfodells, Aberdeen AB15 9PJ

Application No: 131279 Notice dated 4th September 2013 Applicant: Mr Eric Yule

Planning Officer: Paul Williamson

Dear Sir,

Proposed : the erection of 3 new detached dwelling houses

I write in connection with the above planning application. I have examined the proposed plans and know the area well as I have lived 40 years adjacent to the site. I wish to object strongly to the development of these houses in this location and list my objections as follows:

Pitfodells is a Special Character Area as stated in the Pitfodells Conservation Area Report (2002) (enc copies of Conservation area Boundary and maintenance of character) and any development proposals should be considered very carefully as infilling would ruin the character of the area while an estate development would completely overwhelm it and should not be accepted. I would also ask what has happened to the non urban conservation area status?

The status of the access road onto Pitfodells Station Road also the North Deeside Road and Garthdee Road will have a huge impact on the now overwhelming volume of traffic. I enclose 3.10 noting the existing road network is very constrained . With the large modern development at Garthdee under construction it is unknown what impact this will also have on Pitfodells Station Road. There should be a further independent consultation and risk assessment along with the Police and I would call for a count of the current traffic and speed which has enormously increased since Pitfodells Station Road has been resurfaced in the last six months. This causes an unacceptable risk to all who reside here and also the large number of pedestrians who walk in an already dangerous road which is limited in pavements. As residents who chose to live in the last area of Green Belt and conservation, the whole nature of the Special Character Area will be lost forever.

The application states that these will be New detached dwelling houses of KIT construction and again all the houses in the area have large gardens and are of a multitude of one off buildings ,most being cottage and large old style traditional build to be sympathetic to the area. The proposed houses would be built some five feet from the boundary of a lovely traditional family house swamping the character and open countryside views it now has and has had for over a hundred years. This property was a family home which Mr Eric Yule developed for one of his sons many years ago and sold on whilst he was still residing in Daldavie (House next door), again a large traditional house in which Mr & Mrs Yule reside for over 30 years with his family, which he sold on a year ago and it is currently being developed.

This proposed development is purely for financial gain with no consideration for the now residents or the nature of the area which as keepers of our **special area** we are prepared to stand up and fight for it. Once the **unique area of Pitfodels** is compromised we can never replace it. The overdevelopment of a green field (**not as stated on the plans as Grassed Garden**) which is teeming with wildlife, a family of deer and a family of foxes, bats and other birdlife is currently enjoyed by all in this **conservation area** will be lost forever.

As I will be going on a long holiday in the next week I must ask you to inform me of all information by email [REDACTED] as to when the planning committee will be sitting to decide on what the outcome of our objections will be. I do feel that this compromises my case not being in the country whilst this upsetting development is discussed and only hope I can be kept fully up to date. My fellow residents I am sure will wish to formally attend and speak at any committee meeting to discuss the proposed development and if I am in the country at the time I would wish to speak on my families behalf as owner of Fir Cottage and Silverstone in Station Road, Pitfodels. (My husband's family and I have lived in this area since 1948)

A Personal note:

I have known Mr and the late Mrs Yule for over 30 years. I feel that having stood together whilst the controversial Western Peripheral route was fought by all Pitfodels residents on numerous occasions over the years and also the impact of traffic on our family lives, he would be sympathetic to our conservation area. Their family objection to breaking the green belt was so important to them whilst residing here and all the fellow residents are shocked at his particularly ill-considered development application to devastate our lives and our beautiful character green area. I would hope that when considering the proposed application the committee will take into account the community as a whole and not the financial interests of an individual.

Yours faithfully

[REDACTED]

Lesley Little

3 CONSERVATION AREA BOUNDARY AND MAINTENANCE OF CHARACTER

3.1 The statutory definition of the reasons for designating a conservation area given in the introduction, suggests that listed buildings, other distinctive buildings of historic or architectural merit, the wooded policies and grounds in which the buildings sit, and Scheduled Ancient Monuments, are the main features which should be used to define the boundaries.

3.2 There are a number of built elements which it is important to conserve, restore, or enhance - especially the Castle and motte of Pitfodells and the "many imposing small 'country houses' or large mansion style houses, along with their "spacious garden layouts and the generous planting of trees". These comprise a group close to the River Dee - comprising Norwood Hall, Drumgarth and Inchgarth, and another to the north of the North Deeside Road sub-divided into two groups north and south of the narrow, tree lined, Rocklands Road/Airyhall Road. Further to the south-west is a smaller group of buildings comprising Fairview House and St Devenick's Bridge.

3.3 The survey indicated that, in addition to the buildings, it is the theme of structural tree planting between and around them, along driveways and boundaries, and their relationship to the more open spaces which makes the character of the overall area so distinctive.

3.4 By contrast with the denser urban areas east and west of Pitfodells another important element that it highlights is the sense of place that is gained by the available views from the North Deeside Road across undeveloped fields to the wider valley landscape of the River Dee. New buildings within that area might tend to obstruct attractive views of the lower areas near to the river, and of the valley itself, which help to give the area a sense of place.

3.5 Since many open spaces in this area do not have significant tree cover except along some field boundaries new buildings would tend to be very visible until new planting had become established. They would also be unable to mirror the parkland setting for which a large part of the conservation area has become recognised. To users of the North Deeside Road and the Old Deeside Line Walkway development here may

also lead to the physical or visual coalescence of the urban areas on either side of it.

* 3.6 The 'Landscape Strategy Part 1 - Maintenance of Landscape Setting' report approved by the Policy and Strategic Development Committee in 2001, identifies the area south of the North Deeside Road, and between it and the river, as an area of local landscape significance. It therefore helps to support the existing designation of green belt to the southern part of the Pitfodells area. The green belt policies of the local plan will apply to control development that might otherwise affect landscape setting.

3.7 An area to the south-west has more modern buildings many with little distinctive character. They are more characteristic of and relate to the settlement of Cults, rather than to Pitfodells and may have been originally included in the conservation area more by default than on merit. It is proposed, therefore, that the conservation area boundary be redrawn to omit this area. ✓

3.8 The 'Memorandum of Guidance on Listed Buildings and Conservation Areas' 1993 published by Historic Scotland indicates that development need not be within the curtilage of a listed building or even within the conservation area itself to affect its setting. Developments which can block or restrict important elements or views or generally change the visual setting may also have adverse effects. With this in mind it is not intended to amend the existing conservation area boundaries in other places.

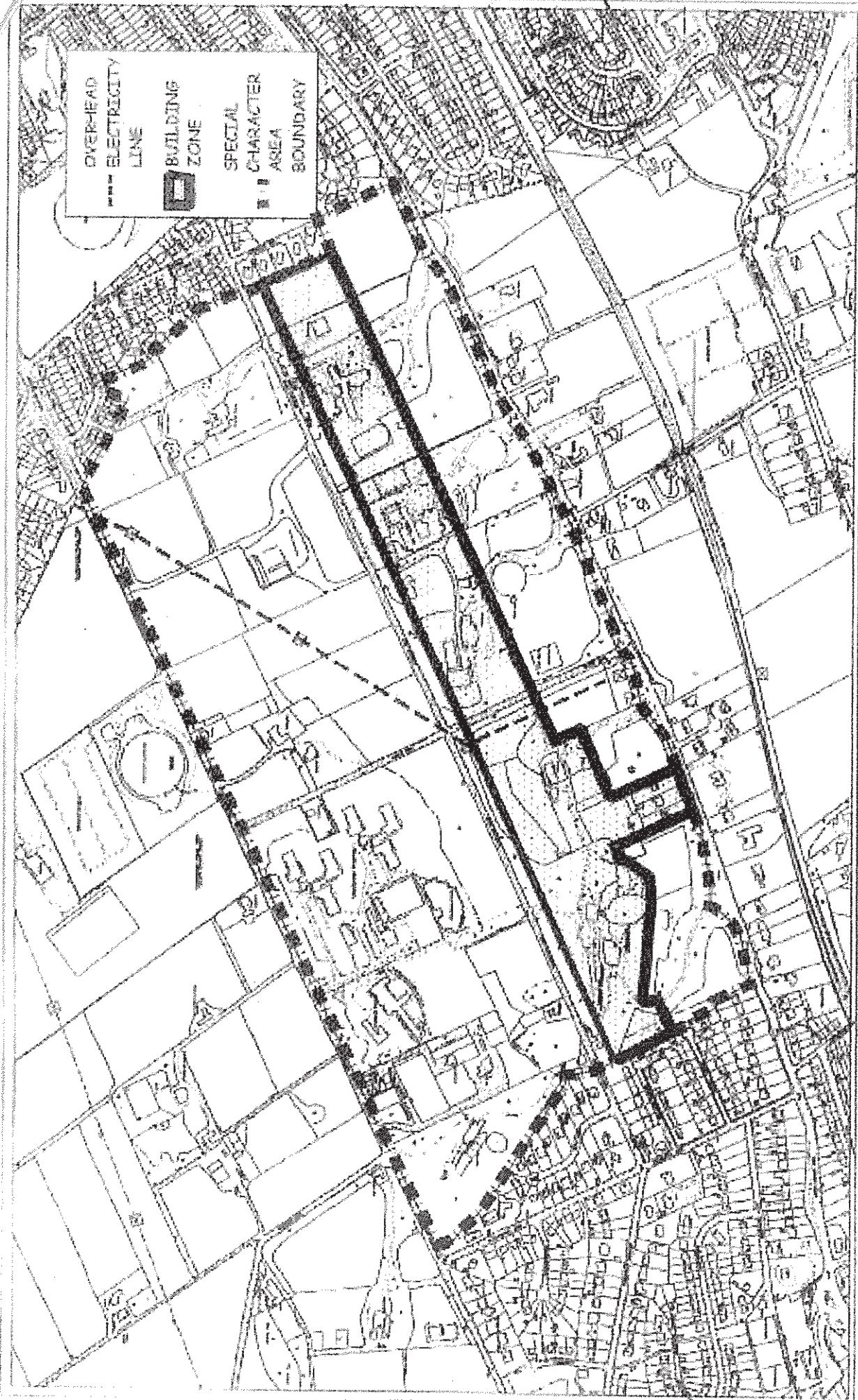
3.9 The boundary of the Pitfodells Conservation Area is amended to that shown on Fig. 1. Within this area permission will be required for all proposals where the character or appearance of the building, the buildings setting, or the general area may be materially affected. This will include small house extensions, stone cleaning, satellite dishes, replacement doors and windows, demolition of walls and felling or pruning of trees. Staff in the Masterplanning, Design and Conservation team in Planning and Sustainable Development are available to advise on these matters.

3.10 Whilst it is necessary to apply strict controls in order to protect the special landscape character of the area it is appreciated that development should not be completely stifled. Before significant changes are put forward, however, owners and developers should be aware that the requirements listed below will need to be met. In particular it should be noted that the existing road network within the Pitfodels area is very constrained and developments of any significant size may need associated road improvements to be carried out beyond the sites themselves. Assessments will need to be simultaneously carried out to show that they themselves will not have a significant impact on the environmental quality of the conservation area.

PITFODELS CONSERVATION AREA GUIDANCE NOTE 1

All development proposals will normally require that -

- a) Supporting information shall be provided in the form of a comprehensive survey and assessment of buildings, walls and other enclosures, materials, pedestrian and vehicular access, traffic generation and parking, ground levels, landscape, trees, other vegetation and open spaces;
- b) Vehicular access shall be by means of existing arrangements. Upgrading may be permitted dependant on any associated environmental impacts being shown to be minimal. No new accesses shall be permitted unless and except where (i) it replaces another substandard one which shall subsequently be permanently closed off, (ii) it conforms to road safety and traffic standards, and (iii) will result in no loss of existing sound trees;
- c) Removal of existing sound trees will not be allowed except in exceptional circumstances with the written approval of the Council, and then only where adequate arrangements can be made for compensatory replacement planting around or in the same place;
- d) No developments shall commence unless a satisfactory landscape and management plan has been submitted and approved by the Council;
- e) Only high quality designs for buildings, materials and external spaces will be acceptable.
- f) Development will only be permitted where service arrangements for gas, electricity, water and other utilities can be made without any permanent loss or damage to existing trees, walls or local amenity.
- g) Boundary enclosures shall comprise good quality walls, fences trees or hedges that correspond with local or traditional character. Larch Lap style fencing will not be permitted.



PITFODELS CONSERVATION AREA APPRAISAL

Fig. 2

SCALE 0 100 200 300 400 500 Metres

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PI

From: Grace-Derek_Bain [REDACTED]
Sent: 23 September 2013 12:14
To: PI
Subject: Planning application No 131279
Attachments: Planning objection Appl. no. 131279.doc

Dear Sir

We wish to object to the erection of three detached houses as detailed in Planning application No 131279 and have listed our reasons in the attached letter.

Please acknowledge receipt of this message and letter of objection. Thank you.

Dr Derek Bain and Mrs Grace Bain

Middleton Steading
North Deeside Road
Pitfodels, Cults
Aberdeen
AB15 9PL

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

23 September 2013

Dear Sir/Madam

Planning Application No. 131279

We write concerning the above application for planning permission as we live at Middleton Steading, close to the proposed development.

Firstly, the notice received stated that it is proposed to erect three detached dwelling houses at a site adjacent to Middleton Lodge and on the plan, the area on which the houses would be erected is described as "grassed garden". This gives the impression that the owners of Middleton Lodge wish houses to be erected on a garden adjacent to their home. This is very misleading as the area concerned is a grassy field, not a garden, and the applicant is not the owner of Middleton Lodge. The notice, therefore, does not describe the application correctly.

We wish to object strongly to this development for several reasons:

- 1) The area on which the development is proposed is located in Green Belt and in the Pitfodels Conservation Area. Part of the Pitfodels Conservation Area has been redesignated a Special Character Area thereby removing restrictions for building, but this area is **north** of the North Deeside Road, whereas the proposed development is **south** of the North Deeside Road and restrictions have not been removed. Consequently, this area is still subject to Green Belt/Conservation Area regulations and no development should be allowed in the proposed area. The erection of three houses would affect the landscape setting of the area, have a negative visual impact and adversely affect the character of the neighbourhood.
- 2) Erection of the house in the south-east corner of the site would entail felling of several very mature trees. In 1999, we applied for permission (Ref. No 99/1132) to erect a garage at Middleton Steading, near to the proposed development and in the Pitfodels Conservation Area. This application was refused because "the development if implemented would adversely affect the health and would likely lead to the loss of the adjacent trees which are protected by tree preservation order No 8 and which make a valuable contribution to the character of Conservation Area 10 (Lower Deeside-Pitfodels) and if damaged, removed or lost would adversely affect the character and amenity of the Conservation Area and \Green Belt which is contrary to the Development Plan." Our proposal did not involve the felling of any trees so clearly the

felling of several mature trees in the proposed development would seriously affect the character and amenity of the Conservation Area and Green Belt. The Strategic Overview and Management Plan published by Aberdeen City Council in 2013 states (page 17) "It is important to retain existing mature trees as they add to the amenity value of the conservation areas".

- 3) As stated (3.10) in Aberdeen City Council's Appraisal of Pitfodels Conservation Area 10 "The existing road network within the Pitfodels area is very constrained." Pitfodels Station Road is a very busy narrow road and access and egress of vehicles from the proposed development via the very narrow lane would be very difficult and dangerous and exacerbate an already difficult road safety situation.

For the above reasons, we hope and trust that this application will be rejected.

Yours faithfully

Dr Derek C Bain and Mrs Grace M Bain

| P&SD Letters of Representation | | |
|--------------------------------|-------|-----|
| Application Number: 131279 | | |
| RECEIVED 24 SEP 2013 | | |
| Nor | Sou ✓ | MAp |
| Case Officer Initials: LAD | | |
| Date Acknowledged: 25/9/13 | | |

Aberdeen City Council
Planning and Sustainable Development
Marischal College
Broad Street
Aberdeen
AB101AB

Ardlui
Pitfodels Station Road
Aberdeen
AB159PJ

16 September 2013

Dear Sir

**PROPOSED DEVELOPMENT AT MIDDLETON LODGE
APPLICATION NO. 131279**

With reference to the above application for planning, we wish to object to this proposed development for the following reasons: -

- 1) Our principal concern is one of safety for both pedestrians and vehicular traffic on what is, in effect, a rural road. We have been resident at our current address since 2004 when there was already a significant risk factor because of heavy traffic flows from commuters and super-store shoppers. We worked with the ACC Roads Department and the problem was partially addressed by the installation of traffic calming measures. However, officials recognise that there continues to be significant safety problems with 'sight lines' at house exits on Pitfodels Station Road and at both ends of the road at the North Deeside Road and Garthdee Road.


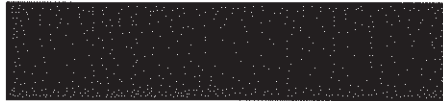
Since 2004, the Robert Gordon University has been relocated to the area and the David Lloyd Sports Centre has been opened. As a result, road and pedestrian traffic has increased significantly. This has been exacerbated by the decision to build the RGU crèche for a large number of children at the western end of the RGU site with its entrance near a dangerous corner, close to the bottom of Pitfodels Station Road. This will be further exacerbated with the development of a large number of dwellings being built in the so-called Den of Pitfodels.

The recent occupation of a single house, namely, Pitfodels Station House, next to us, brought with it four resident cars and associated visitor traffic. Three additional large houses in the proposed development with associated residents' and visitors' vehicles will bring an increased need to access, egress and cross traffic flows on an already busy and potentially dangerous road, using what is, in effect, a single traffic lane for entrance and exit onto Pitfodels Station Road. We would therefore suggest that an independent Risk Assessment be undertaken before any part of this proposal is considered.

- 2) Our second concern relates to the built environment. Pitfodels is an ancient settlement dating back to Pictish times and is wisely designated a non-urban Conservation area. In the last 200 years, it has been developed with a sympathetic understanding of the area and its environment. It typically has individual dwellings set in land, which encourages and supports a large and wide variety of wildlife. The development of three large Stewart Milne-type kit houses would do nothing to enhance the area or benefit the community. Indeed, such a development would substantially detract from and alter forever, the character of the area.

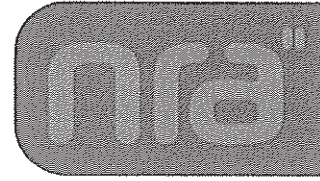
We would both like to attend the Planning Meeting, which deals with this proposal and therefore wish to be kept informed of the date, time and place of this meeting.

Yours faithfully

A large black rectangular redaction box covering the signature of the first individual.A large black rectangular redaction box covering the signature of the second individual.

F and L Hartnett

neil rothnie architects



3120/nar

16th September 2013

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

Dear Sir

**Proposed Erection of 3no. Dwellings, Middleton Lodge Site adjacent to Station Road Pitfodels, Aberdeen
AB15 9PJ
Ref 131279**

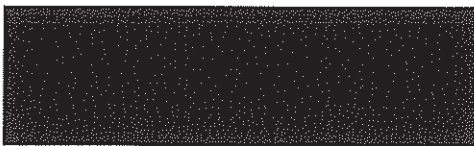
We write to lodge an objection to the above application.

The site is within an area zoned as Green Belt which is covered by Policy NE2. This policy states that 'no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal'. The policy further identifies 4no. exceptions, none of which these proposals would meet.

This particular policy is well established and we have no knowledge of any other residential development which has been given approval within a Green Belt area.

We also note that no application has been made for this site or area to be re-zoned or to be included in the forthcoming Local development Plan.

Yours faithfully



Neil Rothnie
Neil Rothnie Architects Ltd.

Cc client

ARCHITECTS AND DESIGN CONSULTANTS

NEIL ROTHNIE ARCHITECTS LTD . 116 ROSEMOUNT PLACE . ABERDEEN . AB25 2YW
E-mail Address to be confirmed

Registered in Scotland No. SC436939
Registered Office : 116 Rosemount Place Aberdeen AB25 2YW

Paul Williamson

From: Sylvia Gove [REDACTED]
Sent: 17 September 2013 15:24
To: Paul Williamson
Subject: Application reference 131279

For the attention of Paul Williamson

I am writing in connection with the above planning application, I wish to object strongly to the development in this location.

The proposed erection of new 3 detached dwelling houses is within the Pitfodels Conservation Area.

There would also be an impact on wildlife for example deer are often seen in this area.

S Gove

Your ref:

Our ref: KZS.M11019.1001



TODS MURRAY LLP
SOLICITORS

Sent by email and Royal Mail

PaWilliamson@aberdeencity.gov.uk
Mr Paul Williamson
Aberdeen City Council
Ground Floor
Marischal College
Broad Street
Aberdeen
AB10 1AB

ACKNOWLEDGED ON
25 SEP 2013
VIA EMAIL !

24 September 2013

Dear Mr Williamson

Objection to Planning Application – 131279 – Middleton Lodge, Station Road, Pitfodels, Aberdeen, AB15 9PJ

1 Background

- 1.1 We act for Martin and Ellen McKenzie, ("our client") who own and occupy Middleton Lodge, Pitfodels. Their house is immediately adjoining the site where a proposal has been lodged to obtain planning permission in principle ("PPP), (not full planning permission) for 3 dwelling houses to be built. Whilst the application is for a PPP we are of the view that the development, given the designations and the extent to which it is contrary to local development management policy, requires the highest level of scrutiny at this PPP stage.
- 1.2 The application site is referred to as a "grassed garden" in the application lodged and our client would like it to be noted that in order for it to constitute a garden it implies that the development is somehow linked to the client's existing residence – this is misleading.
- 1.3 The application site is incorrectly referred to as "Middleton Lodge." This incorrect reference has caused to create confusion as lay members of the public will be of the view that it is an application being made by our clients as an addition to the existing residence. That is not the case and this discrepancy resulted in no neighbour notification being served on our client. Whilst this has been remedied in terms of the correct notification subsequently being sent by Aberdeen Council we want to highlight the scope for confusion and flag this site is a "new residential development" in the greenbelt area and not an extension of any existing residential development.

Edinburgh Quay 133 Fountainbridge Edinburgh EH3 9AG

Tel [REDACTED] Fax [REDACTED] DX ED58

Also at: 33 Bothwell Street Glasgow G2 6NL Tel [REDACTED] Fax [REDACTED] Glasgow Central

Email [REDACTED]

www [REDACTED]

- 1.4 As part of the neighbour notification process our client would like to take this opportunity to make their grounds of objection known and to highlight many issues making this proposed development contrary to planning policy within the development management system.

2 Greenbelt/ Greenfield Area Designation

- 2.1 The Landscape Strategy Part 1 – Maintenance of Landscape Setting identifies the area south of the North Deeside Road, and between it and the river, as an area of local landscape significance. It therefore helps to support the existing designation of green belt to the southern part of the Pitfodels area. The green belt policies of the local plan will therefore apply to control development that might otherwise affect landscape setting.
- 2.2 As the area falls within the designated green belt area rather than being zoned for housing development the proposed application cannot be approved. The local development and Scottish Planning Policy, ("SPP") is clear on the aims of having such area designation.
- 2.3 At paragraph 3.65 of the Aberdeen City Local Plan it is stipulated that the aim of the green belt is to maintain the identity of Aberdeen and the communities within and around the city by defining their physical boundaries clearly, avoiding coalescence and urban sprawl, maintaining the landscape setting and providing access to open space.
- 2.4 SPP at paragraph 159 clearly states that green belt designation should provide clarity and certainty on where development will and will not take place. The green belt policy in terms of development plan and SPP works in that it directs planned growth to the most appropriate location, supports regeneration and creates certainty. To grant permission for the proposed development would be contrary to a leading concept within the development management system.
- 2.5 Whilst Policy NE2 within the Aberdeen Local Development Plan does permit some limited development within greenbelt area there is clear criteria of which **all** must be satisfied. We are of the view that many of the criteria are not satisfied such as the development failing to meet the objective of being small scale, being ancillary to what already exists (based on fact there is no existing building), and the intensity of activity not being significantly increased. In terms of the increase in activity, our client has major reservations in terms of the additional vehicular access to be taken on to Pitfodels Station Road as there will be sight visibility issues which must be of concern to the roads department. Such issues cannot be overcome unless original feature walls are removed – such removal being contrary to planning policy given the area designation.

3 Conservation Area Designation

- 3.1 The proposed development does not respect the fact that the site is located within a recognised conservation area. Policy D5 within the Aberdeen Local Development Plan is clear that any proposals affecting conservation areas will only be permitted if such proposals comply with SPP. There is no

discretion in this regard and where a proposed development does not accord with SPP the application must be refused. The proposed development fails in many respects to accord with SPP as highlighted throughout this correspondence.

- 3.2 Policy D5 within the Aberdeen Local Development Plan goes on to state that planning permission for development that would have an adverse effect on the character or setting of a site will be refused unless the objectives of designation and the overall integrity and character of the designated area will not be compromised or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, economic and strategic benefit of national importance. Neither of these conditions is satisfied to allow therefore the application must be refused.
- 3.3 It should be considered that the original physical features at the site such as original walls require to be maintained in such a conservation area. The proposed development will not allow such original features to be retained therefore the application must be refused.

4 Open Space

- 4.1 Within policy H1 of the Aberdeen Local Development Plan where existing residential areas and new residential development are being discussed (rather than green belt area as is the case for this proposed residential development) regard to open space is considered as high priority in assessing whether additional development can take place. The policy states amongst other pre requisites that development shall only be permitted if it does not have an unacceptable impact on the character or the amenity of the surrounding area and where it does not result in the loss of valuable and valued areas of open space.
- 4.2 In terms of the Pitfodels, Conservation Area 10 Appraisal, specifically section 3 there is further reference made to the importance of open space as follows - "that in addition to existing buildings, it is the theme of structural tree planting between and around them, along driveways and boundaries, and their relationship to the open spaces and the views they create across existing undeveloped fields which makes the character of the overall area so distinctive. This is an important element that establishes Pitfodels as having a "sense of place."
- 4.3 It is also recognised that new buildings within the area might tend to obstruct views which help to give the area its sense of place. We are of the view that the proposed development falls foul of these policies.
- 4.4 Many open spaces in the Pitfodels area do not have significant tree cover except along some field boundaries. New buildings would tend to be very visible. New planting would be unable to mirror the parkland setting for which

a large part of the conservation area has become recognised, leading to physical or visual coalescence with the urban areas on either side.

- 4.5 In summary the proposal will remove forever, a significant "open space" from the Conservation Area. Any development will further detract from the "character" of the area, encouraging additional development within the adjacent open areas leading to in an urban merger between Mannofield and Cults.
- 4.6 The proposed development will undermine the guidance within the current Policy where the council have recognised the need to maintain boundaries and limit development within the Conservation Area. Any granting of permission within the area for residential dwellings would set a precedent for future development and this would be firmly against established planning policy

5 Traffic Management Issues

- 5.1 The proposed development is located adjacent to Station Road, Pitfodels where traffic has increased over the recent years to become the busiest minor road connecting the North Deeside Road with Garthdee and developments South East of Pitfodels.
- 5.2 It is highlighted in the Pitfodels Conservation Area 10 Appraisal the existing road network within the Pitfodels area is very constrained and developments of any significant size may need associated road improvements to be carried out beyond the sites themselves. Assessments will need to be simultaneously carried out to show that they themselves will not have a significant impact on the environmental quality of the conservation area. There is no demonstration that any such impacts have been assessed and the roads department would presumably have some comment to make in this regard.
- 5.3 We would like to flag that our client is concerned that vehicular access is proposed via the service road that currently provides access to 4 other properties (both vehicular & pedestrian). This will place additional congestion and traffic risk on an access point that has extremely poor visibility and has no pedestrian walkway. A full risk assessment of the current volume of traffic and pedestrian use would be appropriate, and indeed necessarily must be completed to ensure that any proposed development observes road safety and traffic standards.
- 5.4 Recent road modifications, (i.e. the installation of traffic lights & calming measures) have had a negative effect on the overall safety of the road with "transitory users" focusing on the status of the "green lights" rather than

checking speed and watching for the emergence of local residents either in vehicles or on foot from residence access points.

- 5.5 The site requires access via an existing service road where visibility is hindered by existing walls and hedges. The applicant is aware of the issues, having previously installed mirrors when a resident of Pitfodels, to enable sight of vehicles and pedestrians that could not be seen from the service road entrance.

6 Environmental Considerations

- 6.1 As already flagged the proposed site is in a conservation area and is also designated as Green Belt. Additionally, it is adjacent to a recognised Green Space Network and this leads to other policies within the Aberdeen Local Development Plan being applicable. In this regards Policy NE1 – Green Space Network states that the council will protect, promote *and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.*
- 6.2 Our client would like to highlight there is significant wildlife in the area including a family of deer (a fawn born within the site itself in 2013), foxes, pheasants, buzzards, rabbits and bats. As an example, bats traverse the site in the evening at an elevation as low as a few feet and any proposed dwellings will have an adverse impact on the ability to breed unhindered.
- 6.3 The proposal will result in the removal of mature trees and replaced with new buildings with no obvious tree replacement plan. Current policy is "Removal of existing sound trees will not be allowed except in exceptional circumstances". Whilst we appreciate that this is an application relating to a PPP given the designations and the special setting and character of the development site it is a concern that no landscape and management plan has been considered.
- 6.4 The SPP at paragraph 126 refers to "a strategic approach to natural heritage in which wildlife sites and corridors, landscape features, watercourses, and areas of open space are linked together in integrated habitat networks can make an important contribution the maintenance and enhancement of biodiversity". The proposed development will have a significant impact on the current wildlife and landscape environment within the area. Green space policy encourages the linkage of recognised greenspace networks with existing green belt to ensure that wildlife corridors are maintained and encouraged. Based on environmental considerations as contained within SPP the application should be refused.

7 Local Development Precedent

7.1 A review of historical planning applications in the Deeside area demonstrates the Aberdeen Planning Department's stance regarding the type of planning approved versus those refused. Of those applications listed in the planning website, a total of 64 applications were refused within the Lower Deeside area from 1984 to 2013. Overall the applications refused were for the following reasons:

- a) Change of land use to residential;
- b) Requests to build a new house within an existing garden;
- c) Replacement houses that were not in keeping with existing character.

7.2 More specifically, refusals of note that pertain to this application are:

a) **Previous application for development on same site as the applicant.**

Application: 842676, Denis Christie, 55 Fountainhall Road, Aberdeen, Dec 1984.

Request: To erect 2 dwellinghouses within a site lying between north Deeside road and the disused Deeside railway line.

Refused: No information available from website, believed to be Green belt and access issues.

b) **Application by a neighbour on an adjacent site.**

Application: 991087, Mr & Mrs D. Bain, Middleton Steading, July 1999.

Request: to replace an existing garage.

Refused: Refused on the basis of possible damage to tree root system.

7.3 There is no known case of a similar planning application being approved anywhere in the Lower Deeside area, with applications within the Pitfodels Conservation area being assessed against a more stringent planning policy.

8 Design/ Amenity

8.1 Whilst we are firmly of the view that the current proposal should be refused planning permission based on the reasoning provided above, namely due to current designations, setting of the site, former precedence and environmental considerations we would highlight policies D2 within the Aberdeen Local Development Plan as further reasons why the proposed development should not be granted PPP. This is further reiterated as one of the core principles within paragraph 8 of the SPP as follows "There should be a clear focus on the quality of outcomes, with due attention given to the

sustainable use of land, good design and the protection and enhancement of the built and natural environment."

9 Suspected unauthorised development

- 9.1 We would also flag as a matter of importance that there is various development of sheds at the proposed site which our client informs us does not have the benefit of planning permission. Can you confirm that the planning authority is aware of such development and shall be taking enforcement action under the Town & Country Planning (Scotland) Act 1997?
- 9.2 Please inform Tods Murray (acting on behalf of the client) of any progress with this application including any proposed alterations to the scheme as this proposal shall have a detrimental impact on our client.

PP.

[REDACTED]

Kishwar Sarwar
Senior Associate - Planning and Environmental
Tods Murray LLP

Direct Dial:

Email [REDACTED]

Cc: -

Councillor Marie Boulton
Depute Leader of the Council
[REDACTED]

Councillor M Taugeer Malik
[REDACTED]

Councillor Aileen Malone
[REDACTED]

Robert Vickers

From: Lynne Parkinson [REDACTED]
Sent: 16 September 2013 16:09
To: PI
Subject: Proposed development at Middleton Lodge

P131279

Dear Sir/Madam,

I am writing with regards to the proposed development of 3 new detached dwelling houses on the grounds of Middleton Lodge, Pitfodels Station road.

I have strong objections and serious concerns regarding the proposed development.

My first area of concern regards the infrastructure of the area surrounding Pitfodels Station Road. As a resident on Pitfodels Station Road I am only too aware of the existing strain placed upon the road as it struggles to cope with the current flow of traffic. In the absence of increased infrastructure, this issue is shortly set to become exacerbated by the development of 'Pitfodels Den', adding an additional 15 or so homes to the area. I firmly believe that Pitfodels Station Road, which is in constant need of repair, can not cope with the erection of further homes such as that proposed on Middleton Lodge.

My second area of concern regards the extensive wildlife seen around Pitfodels Station Road. This is an area of natural beauty and home to a large variety of wildlife including red squirrels, foxes and numerous deer all of which inhabit the surrounding area. Concerning red squirrels in particular, recent sightings of this animal is an encouraging suggestion of the return of Scotland's endangered native squirrel to the Cults area. Building additional residence on the site of Middleton Lodge could jeopardise this revival and will reduce the territory available to the abundant wildlife that make the Pitfodels area so special.

Best regards

Lynne and Robin Parkinson
Laurebank
Pitfodels Station Road
AB15 9RX

Robert Vickers

From: Sheena Wallace [REDACTED]
Sent: 25 September 2013 12:15
To: PI
Subject: PLANNING APPLICATION NUMBER 131279 - OBJECTION
Attachments: Planning Application No 131279 Objection.pdf

Importance: High

Dear Sirs

Please find attached a letter of objection to Planning Application Number 131279.

I would be grateful if you would confirm receipt of this email.

Yours faithfully
S Wallace
Middleton of Pitfodells, North Deeside Road, Aberdeen AB15 9PL
Telephone: [REDACTED]

Middleton of Pitfodels
North Deeside Road
ABERDEEN
AB15 9PL

23 September 2013

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

Dear Sirs

| | |
|-------------------------|--|
| Application Number | 131279 |
| Proposed Development at | Middleton Lodge (site adj. to, Station Road, Pitfodels, Aberdeen AB15 9PJ |
| Description of proposal | Erection of 3 new detached dwelling houses |
| Applicant details | Mr Eric Yule |

We wish to object to the above planning application for the following reasons:

'Significant detrimental change to the character of the area', which is Green Belt within a conservation area, ie. The Pitfodels Special Character Area would be detrimentally affected. Scottish Historic Environment Policy quotes conservation areas as "areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance."

Architecturally 'kit houses' do not fit with the character of the area, the properties in the area being individual in their appearance and construction.

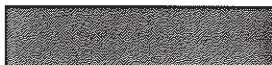
The speed and volume of traffic on Pitfodels Station Road has increased significantly in recent years and speed bumps have not helped the situation with many drivers simply ignoring them.

Another consideration is the detrimental effect that allowing more traffic on to Pitfodels Station Road will have and the additional risk created at the junctions with Garthdee Road and North Deeside Road. Perhaps a re-analysis of traffic volumes on Pitfodels Station Road should be undertaken?

In a letter, signed by Dr Margaret Bochel, Head of Planning and Sustainable Development, dated 24 September 2012 granting an application for a shed on this site it stated as one of the reasons for approval that "The development will barely be visible from a public road and will not have a negative impact on the setting of the Conservation Area or the Green Belt." The same cannot be said for this development of three large detached houses. It should also be pointed out that the land is not, and never has been, a garden as noted on the plan submitted by Mr Yule.

We would appreciate being advised on the date and time of the planning committee meeting so that we can be present.

Yours faithfully



Mr and Mrs S Wallace

ABERDEEN CITY COUNCIL

| | |
|-----------------|---|
| COMMITTEE | Planning Development Management Committee |
| DATE | 20 March 2014 |
| DIRECTOR | Gordon McIntosh |
| TITLE OF REPORT | Conservation Area Character Appraisals and Management Plan – Pitfodels and Old Aberdeen |

1 PURPOSE OF REPORT

- 1.1 This report outlines two character appraisals and management proposals for Old Aberdeen and Pitfodels Conservation Areas as a basis for public consultation.
- 1.2 The proposed boundary alterations and guidance affecting Old Aberdeen Conservation Area is contained in Appendix 1. The draft character appraisals for Old Aberdeen and Pitfodels Conservation Areas can be viewed in their entirety on the following link:

www.aberdeencity.gov.uk/masterplanning

2 RECOMMENDATION(S)

It is recommended that the Committee:

- (a) Approve the draft Old Aberdeen and Pitfodels Conservation Area Character Appraisals, together with the proposed boundary amendments and guidance to Old Aberdeen Conservation Area as set out in Appendix 1, as a basis for a six week consultation period;
- (b) Agree that, following completion of the public consultation, any comments received and subsequent amendments to the document be presented to a future meeting of this Committee.

2.1 Definition

‘Interim Planning Advice’ – this specifies that the Conservation Area Character Appraisals and Management Plan is in the public domain and, as such, it becomes a material consideration in the determination of any planning application.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report. Any publication and consultation costs can be met through existing budgets.

4 OTHER IMPLICATIONS

- 4.1 There are no known legal, resource, personnel, property, equipment, sustainability and environmental, health and safety policy implications arising from this report. Section 63 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires proposals affecting a conservation area to be the subject of a public meeting in the area concerned.

5 BACKGROUND / MAIN ISSUES

- 5.1 Conservation areas are defined in legislation as being “*an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*” (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997). Conservation area designation embraces the quality and interest of an area as a whole, rather than individual buildings within it.
- 5.2 Under current legislation, conservation area designation automatically brings the following works under planning control:
- Demolition of buildings;
 - Removal of, or works to, trees;
 - Development involving small house extensions, roof alterations, stone cleaning or painting of the exterior, provision of hard surfaces and additional control over satellite dishes; and
 - Minor works that are “permitted development” elsewhere such as replacement windows and doors
- 5.3 The *Conservation Area Character Appraisals and Management Plan* was approved as Interim Planning Advice by the Development Management Sub-Committee on 18 July 2013. The document contains an overarching Management Plan that applies to all conservation areas in the City and character appraisals for six individual conservation areas. The final agreed character appraisals for Old Aberdeen and Pitfodells, together with the specific guidance and boundary changes for Old Aberdeen (Appendix 1), will be added to this document. Footdee and Rosemount and Westburn Conservation Areas will be similarly appraised to complete the document, which is intended to be adopted as Supplementary Guidance as part of the Aberdeen Local Development Plan review. It is proposed that Union Street Conservation Area be appraised separately as part of the City Centre masterplan process.
- 5.4 The *Aberdeen Local Development Plan 2012* commits the Council to producing conservation area character appraisals in order to support the built heritage planning policies, specifically Policy D4 – *Aberdeen’s Granite Heritage* and D5 – *Built Heritage*. Conservation area character appraisals define and evaluate key attributes such as buildings, streets, views and open space that contribute towards the areas’ special architectural and historic interest. As such, they provide supporting background information and are useful tools in assessing the impact of

development on the character of a conservation area, as well as often being of general interest to the public.

Consultation

- 5.3 When first preparing character appraisals for Old Aberdeen and Pitfodells Conservation Areas we carried out an initial scoping consultation with local ward members; Community Councils; Aberdeen and Robert Gordon Universities and Old Aberdeen Heritage Society. There was little comment in relation to Pitfodells however, a lively interest was shown in Old Aberdeen. We made presentations to the Community Council and the Heritage Society and met Aberdeen University Estates about the character appraisal process. This early engagement highlighted issues and aspirations in Old Aberdeen, which has informed the preparation of the character appraisal.
- 5.4 The Conservation Area Character Appraisals will be the subject to public consultation and subsequently amended in light of the feedback received before being put before the Committee for final approval as Interim Planning Advice. The relevant Community Councils, heritage groups and the general public will be consulted on the document through the Council's web site; public libraries and Marischal College. Given the timing of Easter, we propose that six weeks be allowed for public consultation. As required by legislation, a public meeting will be held in Old Aberdeen to outline the proposed boundary changes. This is not required for Pitfodells Conservation Area as no boundary alterations or specific guidance is being proposed.

6 IMPACT

- 6.3 The proposal contributes to the Single Outcome Priorities 10: *We live in well-designed, sustainable places where we are able to access the amenities and services we need* and 12: *We value and enjoy our built and natural environment and protect it and enhance it for future generations.*
- 6.4 The proposal contributes to Smarter Aberdeen's aspiration of *Smarter Environment – Natural Resources* – providing an attractive streetscape.
- 6.5 The proposal contributes to the EP & I Directorate Priority 3: *Protect and enhance our high quality natural and built environment* and to the Planning and Sustainable Development Operational Priority PSD3: *Protect and enhance our heritage and high quality built environment.*

7 MANAGEMENT OF RISK

There are no known risks arising from this report.

8 BACKGROUND PAPERS

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
<http://www.legislation.gov.uk/ukpga/1997/9/contents>

Scottish Government's Planning Advice Note 71: Conservation Area Management
<http://www.scotland.gov.uk/Publications/2004/12/20450/49052>

Aberdeen Local Development Plan (2012)
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=42278&sID=9484>

Conservation Area Character Appraisals and Management Plan Interim Planning Advice
http://www.aberdeencity.gov.uk/planning_environment/planning/conservation/pla_conservation_areas.asp

9 REPORT AUTHOR DETAILS

Bridget Turnbull
Senior Planner – Masterplanning, Design & Conservation



01224 (52) 3953



bturnbull@aberdeencity.gov.uk

Proposed alterations to Old Aberdeen Conservation Area

It is proposed that the Conservation Area boundary will be extended to include five new additions (Plan 1):

A land north of the River Don including parts of Balgownie Road, and the private access road to Kettock's Mill, Seaton Cottage and Glenseaton Lodge.

The riverside setting to the north of the river Don is an extension of that to the south, which is already within the Conservation Area. In many ways, it is a better example of the riverside's historic character as it has been largely undeveloped. There are also significant views from this area across the river to the Cathedral and Seaton Park. Two listed buildings are located within the proposed extension - Glenseaton Lodge (Category B Listed) and 79 Balgownie Road (Glover House) (Category B Listed). Tree Preservation Order 65, located on Balgownie Road and Thomas Glover Place, is also within this proposed extension. The 1993 Old Aberdeen Conservation Area Report identified this area for inclusion in the Conservation Area.

Addresses affected: Glenseaton Lodge; Kettock's Mill and Seaton Cottage

B 68-70 (even) and Old Aberdeen House, Dunbar Street; 3-8 (inc) St Machar Place

Old Aberdeen House on Dunbar Street is an imposing, austere turn of the twentieth century granite building designed as a school and set in a limited former playground now used for parking. It has a strong boundary treatment of granite wall and railings. 3-8 St Machar Place comprises six largely unaltered inter war semi-detached houses laid out in a semi-circle. They are typical examples of suburban development associated with the building of the new inner ring road of St Machar Drive in the 1930s.

Addresses affected: 68-70 (even) and Old Aberdeen House, Dunbar Street; 3-8 (inc) St Machar Place

C 7 – 17 (odd) University Road

This is a group of six flatted properties whose design reads as three Victorian terraced houses. They are the only houses on University Road that are not already included in the Conservation Area and it is unclear why they were not included in the original designation. The 1993 Old Aberdeen Conservation Area Report identified them for inclusion and they still make a positive contribution, providing completeness to University Road.

Addresses affected: 7-17 (odd) University Road

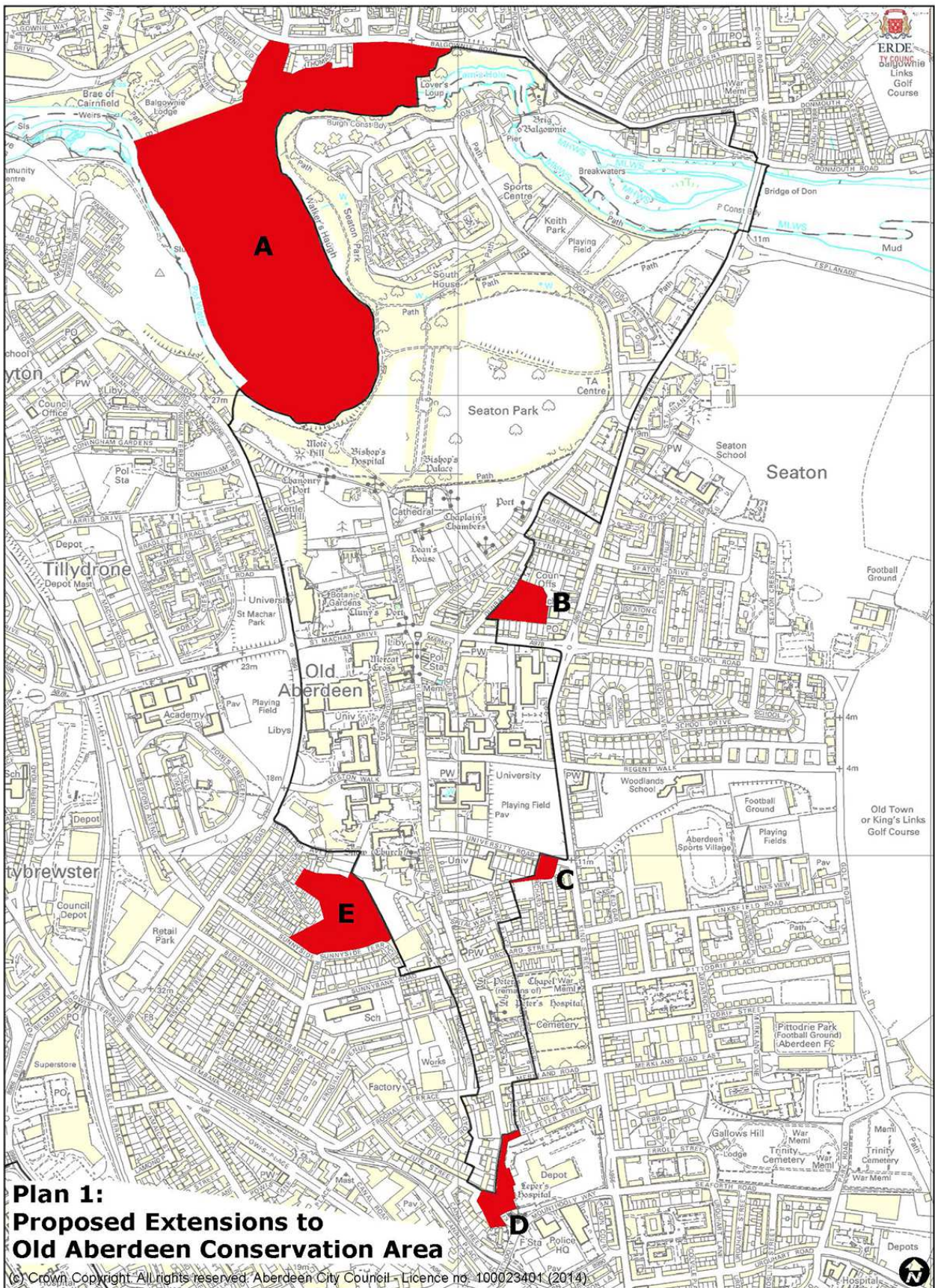
D 9 – 21 (odd); 40 – 54 (even) King's Crescent and the western boundary wall of the bus depot on King's Crescent and 1 Jute Street

These groupings of buildings to either side of King's Crescent mark the transition from the 20th century development of Mounthooly. The area's character changes noticeably at this point, which this proposed extension recognises. 17-21 King's Crescent and 1 Jute Street are category B listed residential terrace built in a traditional Victorian style in 1875, but of concrete making these buildings highly unusual. The bus depot's granite wall on the east side of King's Crescent is a strong linear feature, reflecting the walls on the western side. The 1993 Old Aberdeen Conservation Area Report identified most of this area for inclusion and it still makes a positive contribution to the Conservation Area.

Addresses affected: 1 Jute Street; 9 – 21 (odd) and 40 – 54 (even) King's Crescent and bus depot

E Sunnybank Park

Sunnybank Park adjoins the Conservation Area to the west of Firhill Road, a path that is clearly marked on 1828 map by John Wood, as is Firhill Well. Firhill Place lies within the Conservation Area and a path in front of these properties links College Bounds to Sunnybank Park to the west. The park adds much to the contemporary character of the Conservation Area, providing valuable public open space, as well as being of historic importance in its own right.



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