

# 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, 16 July 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, 24 JULY 2014 at 10.00 am.**

JANE G. MACEACHRAN  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

**Members Please Note That All Letters Of Representation, Including Those Not In The Report Pack, Are Available To View In The Members' Library**

### **MINUTES OF PREVIOUS MEETINGS**

- 1.1 Minute of Meeting of the Planning Development Management Committee of 19 June 2014 - for approval (Pages 1 - 8)
- 1.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 10 June 2014 - for approval (Pages 9 - 10)
- 1.3 Minute of Meeting of the Planning Development Management Committee (Visits) of 26 June 2014 - for approval (Pages 11 - 14)

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

## **WHERE THE RECOMMENDATION IS DEFER FOR A PUBLIC HEARING**

- 2.1 Former St Nicholas House, Broad Street - 140698 (Pages 15 - 76)  
Reference No – 140698  
Planning application documents can be viewed here –  
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140698>

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

- 2.2 Site 94-102 Hareness Road, Altens Industrial Estate - 140229 (Pages 77 - 96)  
Reference No – 140229  
Planning application documents can be viewed here –  
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140229>
- 2.3 Land At Charleston Road, Cove - 140494 (Pages 97 - 108)  
Reference No – 140494  
Planning application documents can be viewed here –  
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140494>
- 2.4 The Chester Hotel, 59-63 Queen's Road, Aberdeen - 140259 (Pages 109 - 146)  
Reference No – 140259  
Planning application documents can be viewed here –  
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140259>
- 2.5 39 King's Crescent, Aberdeen - 140715 (Pages 147 - 166)  
Reference No – 140715  
Planning application documents can be viewed here –  
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140715>
- 2.6 27 Whitehall Terrace, Aberdeen - 140440 (Pages 167 - 214)  
Reference No – 140440  
Planning application documents can be viewed here –  
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140440>
- 2.7 13 Devonshire Road, Aberdeen - 140515 (Pages 215 - 226)  
Reference No – 140515  
Planning application documents can be viewed here –  
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140515>

- 2.8 Site 17 Peterseat Drive and site 49 Minto Avenue, Altens Industrial Estate - 140028 (Pages 227 - 236)  
Reference No – 140028  
Planning application documents can be viewed here –  
<http://planning.aberdeency.gov.uk/PlanningDetail.asp?ref=140028>

### **OTHER REPORTS**

- 3.1 Planning Digest (Pages 237 - 240)
- 3.2 Conservation Areas - Cove Bay; Old Aberdeen and Pitfodels (Pages 241 - 380)

Website Address: [www.aberdeency.gov.uk](http://www.aberdeency.gov.uk)

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 19 June 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Corall, Cormie, Donnelly (as substitute for Councillor Grant from article 5), Grant (to article 4), Greig, Jaffrey, Lawrence, MacGregor, Thomson, Townson, Young (as substitute for Councillor Jean Morrison MBE) and Yuill (as substitute for Councillor Jennifer Stewart).

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2883&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.**

### ORDER OF AGENDA

1. The Convener advised the Committee that item 2.4 (Former Royal Cornhill Hospital, Berryden Road – reference 130381) had been withdrawn from the agenda.

### MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 28 MAY 2014

2. The Committee had before it the minute of its previous meeting of 28 May 2014.

#### **The Committee resolved:-**

to approve the minute as a correct record.

### LAND TO NORTH OF HOPETOUN GRANGE - 140153

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

That the Committee express a willingness to approve the application for a partial amendment to planning application reference 130029 in respect of the land to the north of Hopetoun Grange, to allow for an additional 20 units and a change of house types, but to withhold the issue of the consent document until an amended legal agreement between the applicant and the Council has been secured identifying developer contributions towards primary education, community facilities, sports and recreation, core path networks and the strategic transport fund, subject to the following conditions:-

- (1) that the hereby approved development shall not be occupied unless the lane to the west of the site, between the A96 and the southern boundary of plots

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22/23, as shown hatched on drawing number DL002-85 Rev c and dated 12 March 2013, is upgraded to an adoptable standard for pedestrians and cyclists. Notwithstanding that the phasing of construction on site may impact on when safe access and use of the path by pedestrians may be available, details of the proposed upgrading work to the path must nevertheless be submitted to and approved by the planning authority, and the upgrading work must be completed prior to any residential unit being occupied - in order to ensure that the proposed development offers access to more sustainable forms of travel to and from the development; (2) that no part of the development hereby approved shall be occupied unless a schedule of work relating to upgrading of bus shelters, seating, lighting, timetable information and boarding kerbs for bus stops on the A96 and on Scattie Park has been submitted to and approved by the planning authority, and subsequently the upgrading work has been implemented prior to the occupancy of any residential unit implemented - in order to encourage more sustainable forms of travel to and from the development; (3) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission, which scheme shall include no boundary enclosure above a maximum height of 1 metre being permitted to the front of any residential unit within the development hereby approved. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety, as it relates to that building - in order to preserve the amenity of the neighbourhood and in the interests of road and public safety; (4) that no construction work pursuant to the planning permission hereby approved shall be undertaken by crane or scaffolding of a height greater than 9.2 metres above ground level without prior consultation and approval of Aberdeen International Airport - in order to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport; (5) that there shall be no means of direct vehicular access from the application site to the trunk road (A96). Pedestrian access to the trunk road shall be restricted to the pedestrian / cycle path immediately to the west of the site - to minimise interference with the safety and free flow of the traffic on the trunk road; (6) that the applicant shall liaise with Transport Scotland, and its Operating Company, in regard to the timing, traffic management and standard of construction required for the pipeline crossing under the trunk road (A96) - to minimise interference with the safety and free flow of the traffic on the trunk road; (7) that no development shall take place unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - 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'; (8) that no development hereby approved shall be carried out unless there has

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been submitted to and approved in writing 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; (9) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

**INFORMATIVE**

Environmental Services have provided confirmation that a noise assessment submitted by the developer was sufficient to purify Condition 2 of the previous planning application (Ref 130029), and on that basis they have raised no objection to this new proposal, however they would recommend the installation of attenuation trickle vents in the bedroom of all properties across the 3.3ha site in order to reduce the impact of aircraft noise.

Members asked questions in relation to the effect on school capacity where there was an increase to the number of houses proposed as part of such developments, and officers advised that the developer contribution team discussed proposals with the Education, Culture and Sport Service in order to come to an arrangement on any contributions required to mitigate these additional properties. The Committee requested that future reports include a statement from the Education, Culture and Sport Service on any capacity issues as a result of an application.

At this juncture, Councillor Lawrence stated that he felt that the proposed development could have an impact on one of the adjacent properties and requested that the Committee undertake a site visit.

**The Committee resolved:-**

- (i) to request that future planning application reports contain a statement from the Education, Culture and Sport Service on any capacity issues caused by the application; and
- (ii) to defer consideration of the application until a site visit had been undertaken.

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**ABERDEEN AIRPORT SPORTS AND SOCIAL CLUB, FARBURN TERRACE, DYCE  
- 140209**

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

That the Committee approve the application in respect of the erection of a helicopter hangar at Aberdeen Airport Sports and Social Club, Farburn Terrace, Dyce, subject to the following conditions:-

(1) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. B219 004 Rev B of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic; (2) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No B9917 100, or such other plan as may subsequently be approved in writing by the planning authority for the purpose, have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained; (3) that development shall not commence until a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of any flat/shallow pitched/green roofs which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with the Advice Note 8 'Potential Bird Hazards from Building Design'. The Bird Hazard Management Plan shall be implemented, as approved, on completion of the development and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the planning authority - it is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport; (4) that no development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development; (5) that the maximum development height shall be 70.183m AOD. In the event that during construction, cranes or scaffolding is required, then their use must be subject to separate consultation with Aberdeen International Airport (AIA). The applicant should ensure that the requirements of the British Standard Code of Practice for the safe use of cranes is adhered to, and for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome - in the interests of the safe movement of aircraft and the



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operation of Aberdeen Airport; and (6) that no development shall take place unless a scheme for proposed external lighting has been submitted to and approved in writing. Thereafter the agreed scheme shall be implemented in accordance with the details as so agreed - in order to ensure safe movement of aircraft and the operation of Aberdeen Airport.

**The Committee resolved:-**

to approve the application, subject to the conditions set out in the report.

**Councillor Townson declared a non pecuniary interest in the following item as his two children were students at Robert Gordon University, but did not consider that the nature of his interest required him to withdraw from the meeting.**

**RIVERSIDE EAST BUILDING, GARTHDEE ROAD, GARTHDEE CAMPUS - 140573**

**5.** 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 a variation of condition 33 of planning reference P091761 in relation to the implementation of an extension to the Garthdee controlled parking zone, subject to the following conditions:-

(1) Unless otherwise agreed in writing by the Planning Authority, a scheme for the extension of the Garthdee Controlled Parking Zone (CPZ) to include the uncontrolled area bounded by Auchinyell Road, Garthdee Road, and the A90 South Anderson Drive shall be submitted to and approved in writing by the local planning authority. The agreed CPZ Scheme shall thereafter be implemented in full within 30 months of the date of occupation of the development (which was 21 May 2013), and all costs associated with the promotion of the extension shall be borne by the applicant; (2) that on full implementation of the car parking provision as shown on the approved development layout the site operators shall prepare and have agreed with the local planning authority a revised Parking Monitoring Policy, the recommendations of which shall be applied to agreed Green Travel Plan for the campus - to ensure the efficient operation of on site parking provision; (3) that prior to the completion of the development hereby approved the developers shall prepare a scheme of additional traffic calming measures within the campus which shall be agreed with the local planning authority and the agreed scheme implemented prior to the occupation of the development - in the interests of the safety of all road users and to restrict vehicle speeds within the campus; (4) that following completion of the development hereby approved the developers shall undertake a review of the junction safety requirements with regard to the operation of the site exit onto Garthdee Road. Such a review shall be carried out annually and the recommendations of the review shall be implemented as agreed with the local

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planning authority. Should, within a 5 year period following the opening of the development, the review indicate a requirement for a traffic light controlled junction at this location, the necessary works shall be carried out by and all costs borne by the site operator to the requirements of the local planning authority - in the interests of traffic safety; and (5) that no part of the development shall be occupied unless a financial contribution towards the provision of park and ride facilities to the south of Aberdeen has been paid to Transport Scotland Trunk Road Network Management Directorate. The value of this contribution shall be agreed in writing with the planning authority in consultation with Transport Scotland Trunk Road Network Management Directorate – to ensure that the safety and free flow of traffic on the trunk road is not diminished.

The Committee heard from Mr Andrew Smith, Traffic Engineering Manager, in relation to the history of the Garthdee controlled parking zone. Mr Smith advised that the delay to the scheme had been on the basis of the results of the informal consultation with local residents. Due to the level of concern raised, the Enterprise, Planning and Infrastructure Committee had agreed in January 2013 that further monitoring of the car parking situation in Garthdee be undertaken.

Councillor Yuill requested an addendum to the conditions outlined in the report, namely:-

that the issuing of the consent document be withheld until a further legal agreement was in place which required the Robert Gordon University to meet the costs of the implementation of the controlled parking zone, including the costs of the permits.

Dr Bochel advised the Committee that this was not a legitimate planning concern and would therefore be open to challenge.

Finally, the Convener advised the Committee that this would be the last Planning Development Management Committee attended by Mr Smith, as he was shortly to retire from the Council. The Committee thanked Mr Smith for his hard work over the years, and wished him well in his retirement.

**The Committee resolved:-**

to approve the application, subject to the conditions set out in the report.

**FRIENDVILLE, GREAT WESTERN ROAD - 140359**

**6.** 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 a change of use to the property Friendville, Great Western Road, to an events / function facility with associated guest accommodation, on the grounds that:-

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(1) the proposal fails to comply with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan in that the proposed use would have an unacceptable impact on the enjoyment of existing residential amenity as the proposed use would result in an increase in noise disturbance, an unacceptable increase in the number of people accessing the premises and a significant increase in vehicular movements both within the site and in the surrounding area; and

(2) the proposal fails to accord with Policy T2 (Managing the Transport Impact of Development) and its associated Supplementary Planning Guidance (Transport and Accessibility) in that insufficient levels of car parking would be provided within the existing car parking area, and the proposal would have an unacceptable impact on Thorngrove Avenue and the surrounding road network, including the potential for overspill parking.

**The Committee resolved:-**

to refuse the application.

**21 UNION STREET - 140273**

7. 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 the change of use of 21 Union Street from Class 1 retail to a hot food takeaway (sui generis) and the installation of a flue, on the following grounds:-

That the proposal fails to accord with Policy C2 (City Centre Business Zone and Union Street) of the Aberdeen Local Plan, and its associated Supplementary Planning Guidance Notes on Union Street Frontages and Harmony of Uses in that the proposal would see a reduction of class 1 uses in the Union Street area to 61%, below the recommended Sector H percentage of 65%, and there are no material considerations, or significant improvements proposed to the shop frontage which would merit departing from policy.

**The Committee resolved:-**

to refuse the application.

**- RAMSAY MILNE, Convener**

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 10 June 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Cormie, Donnelly (as substitute for Councillor Boulton), Greig, Jaffrey, Lawrence, MacGregor, Jean Morrison MBE, Thomson and Townson.

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=3403&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.**

### **4 WESTFIELD TERRACE, ABERDEEN - 131777**

1. With reference to article 7 of the minute of the meeting of the Planning Development Management Committee of 28 May 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 refuse the application in respect of planning permission to erect a two storey dwellinghouse within the garden ground, with alterations to the boundary wall.

The reasons for refusal were as follows:-

(1) That the site lies within garden ground associated with an existing dwelling house. As the proposal is considered to have an unacceptable impact on the character of the surrounding area which comprises large dwellings set within generous curtilages, the proposed development does not comply with Policy H1 – Residential Areas of the Local Development Plan, nor the associated Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages. If permitted, the application would create a precedent for more, similar developments to the further detriment of the character of the surrounding area;

(2) That the proposal, by nature of its form and siting, relationship to other buildings, and the loss of trees, would not protect and enhance the character and appearance of the Rosemount / Westburn conservation area, and would therefore be contrary to Policy D5 of the Aberdeen Local Development Plan; and

(3) That the proposal would result in the loss of a number of existing trees which add to the character and amenity of the area, therefore being contrary to Policy NE5 of the Aberdeen Local Development Plan.

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10 June 2014

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 Convener moved, seconded by Councillor Jean Morrison MBE:-

That the recommendation be approved, and the application refused for the reasons specified in the report.

Councillor Thomson moved as an amendment, seconded by Councillor Greig:-

That the application be approved, subject to conditions in relation to the replacement of removed trees, as well as vehicular exit and entrance from the site, as it did not constitute over-development of the site; there had been similar development at neighbouring properties; there was no impact on neighbouring properties in terms of the loss of light or privacy; there would be minor impact from traffic to the new property; and the proposed design and materials would be sympathetic to the conservation area.

On a division, there voted:- for the motion (6) – the Convener; the Vice Convener; and Councillors Cormie, Jaffrey, Lawrence and Jean Morrison, MBE; for the amendment (5) – Councillors Donnelly, Greig, MacGregor, Thomson and Townson.

**The Committee resolved:-**

to adopt the motion.

- **RAMSAY MILNE, Convener**.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 26 June 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Corall, Cormie, Greig, Jaffrey, Lawrence, MacGregor and Thomson.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=2980&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.**

### DECLARATION OF INTEREST

**At this juncture, Councillor Lawrence declared an interest as a local member for the Ward. He explained that in terms of the Code of Conduct he wished to make representations on behalf of his constituents, following which he would take no further part in the proceedings. Councillor Lawrence spoke prior to the Committee members formalising their position on the application.**

### HOPETOUN GRANGE, LAND TO THE NORTH OF - 130029

1. With reference to article 3 of the minute of the meeting of the Planning Development Management Committee of 19<sup>th</sup> June 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 express a willingness to approve the application for a partial amendment to planning application reference 130029 in respect of the land to the north of Hopetoun Grange, to allow for an additional 20 units and a change of house types, but to withhold the issue of the consent document until an amended legal agreement between the applicant and the Council has been secured identifying developer contributions towards primary education, community facilities, sports and recreation, core path networks and the strategic transport fund, subject to the following conditions:-

(1) that the hereby approved development shall not be occupied unless the lane to the west of the site, between the A96 and the southern boundary of plots 22/23, as shown hatched on drawing number DL002-85 Rev c and dated 12 March 2013, is upgraded to an adoptable standard for pedestrians and cyclists. Notwithstanding that the phasing of construction on site may impact on when safe access and use of the path by pedestrians may be available, details of the

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proposed upgrading work to the path must nevertheless be submitted to and approved by the planning authority, and the upgrading work must be completed prior to any residential unit being occupied - in order to ensure that the proposed development offers access to more sustainable forms of travel to and from the development; (2) that no part of the development hereby approved shall be occupied unless a schedule of work relating to upgrading of bus shelters, seating, lighting, timetable information and boarding kerbs for bus stops on the A96 and on Sc lattie Park has been submitted to and approved by the planning authority, and subsequently the upgrading work has been implemented prior to the occupancy of any residential unit implemented - in order to encourage more sustainable forms of travel to and from the development; (3) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission, which scheme shall include no boundary enclosure above a maximum height of 1 metre being permitted to the front of any residential unit within the development hereby approved. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety, as it relates to that building - in order to preserve the amenity of the neighbourhood and in the interests of road and public safety; (4) that no construction work pursuant to the planning permission hereby approved shall be undertaken by crane or scaffolding of a height greater than 9.2 metres above ground level without prior consultation and approval of Aberdeen International Airport - in order to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport; (5) that there shall be no means of direct vehicular access from the application site to the trunk road (A96). Pedestrian access to the trunk road shall be restricted to the pedestrian / cycle path immediately to the west of the site - to minimise interference with the safety and free flow of the traffic on the trunk road; (6) that the applicant shall liaise with Transport Scotland, and its Operating Company, in regard to the timing, traffic management and standard of construction required for the pipeline crossing under the trunk road (A96) - to minimise interference with the safety and free flow of the traffic on the trunk road; (7) that no development shall take place unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - 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'; (8) that no development hereby approved shall be carried out unless there has been submitted to and approved in writing 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



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

**INFORMATIVE**

Environmental Services have provided confirmation that a noise assessment submitted by the developer was sufficient to purify Condition 2 of the previous planning application (Ref 130029), and on that basis they have raised no objection to this new proposal, however they would recommend the installation of attenuation trickle vents in the bedroom of all properties across the 3.3ha site in order to reduce the impact of aircraft noise.

Members at their meeting on the 19<sup>th</sup> of June had asked questions in relation to the effect on school capacity where there was an increase to the number of houses proposed as part of such developments, and officers advised that the developer contribution team discussed proposals with the Education, Culture and Sport Service in order to come to an arrangement on any contributions required to mitigate these additional properties. The Committee requested that future reports include a statement from the Education, Culture and Sport Service on any capacity issues as a result of an application.

At their meeting on the 19<sup>th</sup> of June, Councillor Lawrence stated that he felt that the proposed development could have an impact on one of the adjacent properties and requested that the Committee undertake a site visit.

The Committee Members were shown around the plots in question and it was explained by the Planning Officer in attendance that the developer had put forward an alternative option for members to consider. The alternative option proposed on site was for a 4 bedroomed house rather than a 5 bedroomed house nearest to the boundary of the site with the houses on Hopcroft Drive. This option meant that the boundary of the site was further away from the residents in Hopcroft Drive.

The Committee Members visited properties at Hopcroft Drive and asked detailed questions of the Planning Officer in attendance relating to the site and the alternative option.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**

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**The Committee resolved:-**

- (i) to approve the alternative option (decreasing the size of the house nearest the boundary with Hopecroft Drive from a 5 bedroomed to a 4 bedroomed house);  
and
  - (ii) to otherwise approve the application with conditions, as detailed in the report.
- **RAMSAY MILNE, Convener**

## Planning Development Management Committee

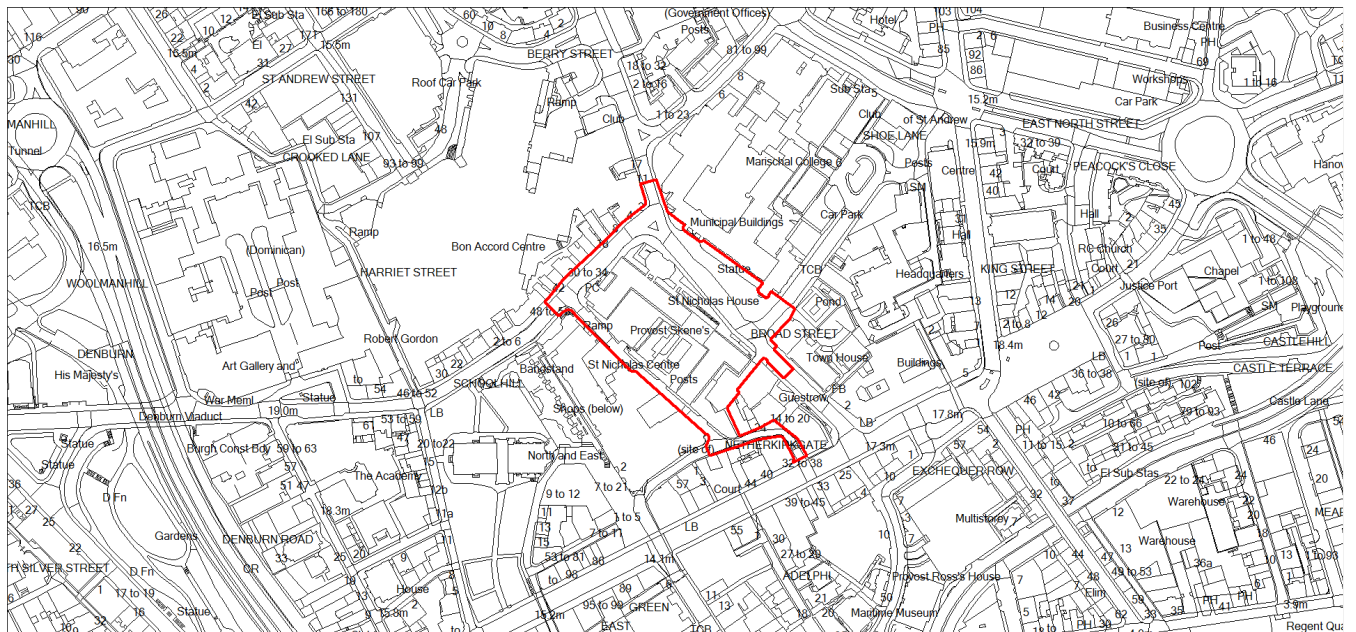
FORMER ST.NICHOLAS HOUSE, BROAD STREET, ABERDEEN

MIXED USE DEVELOPMENT INCLUDING OFFICE, HOTEL, RETAIL, RESTAURANT, LEISURE, CIVIC SPACE INCLUDING CAR PARKING, ACCESS, LANDSCAPING, INFRASTRUCTURE AND PUBLIC REALM IMPROVEMENTS

For: Muse Developments Ltd

Application Type : Detailed Planning Permission  
Application Ref. : P140698  
Application Date: 13/05/2014  
Officer: Gavin Evans  
Ward : George Street/Harbour (A Morrison/N Morrison)

Advert : Section 60/65 - Dev aff  
LB/CA  
Advertised on: 28/05/2014  
Committee Date: 24/07/14  
Community Council : Comments



**RECOMMENDATION: Defer for Public Hearing**

## **DESCRIPTION**

The proposed development relates to the Council's former HQ, St Nicholas House, along with the section of Broad Street between Upperkirkgate and Queen Street.

Broad Street runs north-west from the eastern end of Union Street, providing connection to Upperkirkgate and Gallowgate. To the west lie the Bon-Accord and St Nicholas shopping centres, with the Kirk of St Nicholas, Robert Gordon's College and Aberdeen Art Gallery beyond. On the northern side of Broad Street lies the category 'A' listed Marischal College, which was extensively renovated to act as the Council's HQ from 2011.

The St Nicholas House site and the adjacent St Nicholas Shopping Centre are excluded from the Union Street Conservation Area, which surrounds them on all sides. The Conservation Area incorporates the eastern side of Broad Street, the northern side of Upperkirkgate, the southern side of Upperkirkgate and the land to the west of the St Nicholas Centre. The northern side of Upperkirkgate is characterised by a series of townhouses, between 3 and 4 ½ storeys, the majority of which are listed (category 'B' and 'C').

St Nicholas House was a building of modernist design comprising a 14 storey tower and a long, 3 storey wing projecting along its Broad Street frontage and wrapping around onto Upperkirkgate. The tower was sited opposite Broad Street's junction with Queen Street. Flourmill Lane runs to the rear and gave access to basement car parking. A pedestrian path, under the projecting 3-storey wing, allowed for access through from Broad Street to Flourmill Lane, passing a landscaped area in front of the category 'A' listed Provost Skene's House, originally dating from the 16<sup>th</sup> century, which lies at the centre of the site and is considered a rare surviving example of the early burgh architecture. At time of writing St Nicholas House is in the final stages of demolition, opening up previously obscured views of Provost Skene's House and Marischal College.

## **RELEVANT HISTORY**

A Proposal of Application Notice (PoAN), ref P131473 ,was submitted to the Council on 7th October 2013 for a, *'Mixed use development including office, hotel, retail, restaurants, leisure, civic space including car parking, access, landscaping, infrastructure and public realm improvements'*.

An Environmental Impact Assessment (EIA) screening opinion request was submitted in 2013 by CBRE on behalf of Muse Developments, to determine whether or not an Environmental Statement (ES) would be required for a, *"Mixed use development including office, hotel, retail, restaurants, leisure, civic space, car parking, access, landscaping, infrastructure and public realm improvements"*. Aberdeen City Council confirmed in November 2013 that an ES would not be required.

A separate application for Listed Building Consent, ref P140755, has been lodged with the Council. This seeks consent for the following works:

*'removal of steps and balustrade to front of Provost Skene House, re-profile and renew surface finishes between the balustrade and Provost Skene House and re-location of stone arch'.*

This application is pending determination at the time of writing.

## **PROPOSAL**

Detailed planning permission is sought for a mixed use development including the following: office, hotel, retail, restaurant and leisure uses; civic space; car parking; access routes; landscaping; other infrastructure; and public realm improvements.

The development essentially involves: the formation of three new buildings (two office and one a hotel) surrounding Provost Skene's House; an area of public open space laid out via the pedestrianisation of Broad Street; a new garden space around Provost Skene's House; and a covered courtyard space enclosed by the northernmost of the two office buildings. The siting of buildings and the presence of pends allow for a pedestrian route, running south-east to north-west, which is loosely based on the historic Guestrow route. Two below-ground levels, accessed via Flourmill Lane, would accommodate 250 car parking spaces.

16,264sqm of office floorspace would be provided, along with 2,193sqm of retail (class 1) and restaurants (class 3), and a 4-star hotel (125 bedrooms). Service laybys would be formed in Flourmill Lane, though it is proposed to allow servicing via the Broad Street frontage during certain hours.

The Broad Street frontage would be defined by the two office buildings, between which a break in the frontage would allow for access to and views of Provost Skene's House, which would be set within an area of public open space. Additional accesses are provided via 'pends' off Broad Street into both office buildings. Ground floors within the office buildings are set back behind a colonnade along the Broad Street frontage, which is intended to provide shelter. The majority of ground-level floorspace within these buildings would be in retail and leisure use, including restaurants, the only exception being reception spaces for the offices above.

Office 02, to the south-eastern corner of the site, would achieve a height of 27.75m above ground level to its rooftop (7 storeys) plus rooftop plant above, with the massing of the building broken up at several points by setting upper floor accommodation back from the building's footprint. This is particularly evident in the division separating the two office buildings, where office 02 presents 5 storeys to the internal pedestrian route, with 6<sup>th</sup> and 7<sup>th</sup> floor accommodation set further back.

Office 01 occupies the northern end of the site, enclosing a central covered atrium space on all sides and presenting frontage to Broad Street, Upperkirkgate

and Flourmill Lane, as well as providing the immediate backdrop to Provost Skene's House. This building varies in height due to both the fall in ground levels between Broad Street and Flourmill Lane and the top 2 floors of accommodation being set back from the building frontage in places, but achieves a height of 24.75m (6 storeys) plus rooftop plant above, along with a further lower floor level providing a retail unit at the corner of Upperkirkgate and Flourmill Lane.

The proposed hotel building, L-shaped in plan and providing accommodation across 7 above-ground floors, would be sited in the south-western corner of the site, adjacent to the junction of Flourmill Lane and Upperkirkgate. It would achieve an overall height of 23.7m to roof level, plus plant above, reflecting the lower floor-to-ceiling height of the hotel building. Pedestrian access from the Netherkirkgate end of Flourmill Lane to Broad Street would be provided via the formation of new pedestrian steps. Stepped access is also shown between Flourmill Lane and the area around Provost Skene's House.

The elevations of the two office buildings are to be principally finished with granite cladding and glazed curtain walling, with the massing of the buildings broken up through the varied use of these materials. A random window pattern is shown in granite-clad sections. Ground floor levels feature a greater proportion of glazing, reflecting the presence of retail, restaurants and reception areas. The hotel building would be finished in a ceramic granite cladding, with a more regular window pattern.

Proposals for the composition of the pedestrianised civic space involve granite paving, with sculpted benches and seating edges also in granite. The edges of the pedestrianised space, at Queen Street and Upperkirkgate, are defined by similar benches. Trees, uplift in evenings, would be sited at the Queen Street end of the space, intended to form a strong edge and shelter the space. A series of lawns, both at ground and elevated levels, would sit within this space. A water feature and external seating are also indicated.

## **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?ref=140698>

- Pedestrian Level Wind Microclimate Assessment
- Design and Access Statement
- Noise Impact Assessment
- Planning Statement
- Pre-Application Consultation (PAC) Report and appendices
- Desk-based Archaeological Assessment
- Sustainability and Low Carbon Development Statement
- Heritage Statement
- Public Realm Strategy

- Landscape Surface Finishes Plan
- Phase 1 Habitat Survey
- Transport Assessment
- Travel Plan
- Drainage Assessment

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

### **PRE-APPLICATION CONSULTATION**

The proposed development has been the subject of pre-application consultation, as required for applications falling within the category of 'major developments', defined in the relevant 'Hierarchy of Development' Regulations. The extensive consultation undertaken has exceeded the minimum statutory requirements, and has included the following;

- Three separate public events, held at Aberdeen Art Gallery in October 2013, December 2013 and April 2014;
- Advertisement in local newspapers (Evening Express and Press and Journal) 7 days ahead of each public event;
- Invitations sent to key consultees and interested parties two weeks in advance of first event;
- After each event, exhibition materials were put on display at Marischal College's main reception;
- Sessions at local schools and colleges to coincide with the first public event;
- An exhibition bus visiting local communities, coinciding with the first public event; and
- Dedicated website at [www.marischalsquare.co.uk](http://www.marischalsquare.co.uk)

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

The application has been referred to the Planning Development Management Committee because it has been the subject of more than 20 objections, and is a development in which the Council has a financial interest, due to its ownership of the St Nicholas House site. These factors trigger a report to Committee to seek a decision on whether or not a public hearing should be held.

### **CONSULTATIONS**

**Roads Projects Team** – A response has been provided in relation to the submitted Transport Assessment (TA). This advises that the TA does not contain sufficient information to allow a conclusion to be reached on the impact of the development. A full response, including details of necessary contributions towards the Strategic Transport Fund, is to be provided under separate cover.

Further information or revision is sought in the following areas:

- Provision of accessible through routes
- Appropriate design of junctions
- Capacity and design of replacement bus timing points and coach drop-off area
- Arrangements for servicing of the development, including arrangements in the event that the development comes forward in advance of the pedestrianisation of Broad St
- Access/barrier arrangements at the proposed car park access
- Arrangements for the managing of car parking spaces within the development
- Consideration of existing cycle facilities and proposals for infrastructure necessary to support the development (including off-site)
- Pedestrian signposting
- Traffic modelling exercises and results
- Information required in relation to construction plan, including phasing, network changes, temporary TROs etc.

**Environmental Health** – No objection to the redevelopment of the former St Nicholas House site, however advise that comments relating to pedestrianisation of Broad Street will be provided separately.

Air Quality - Note that the development and its associated traffic would have a negligible impact on air quality. States that the development represents a 'medium' risk to human health as a result of dust emissions associated with the construction phase, however appropriate mitigation measures can reduce emissions so that impact would be negligible.

Notes that the main air quality concern arises from traffic displaced as a result of the pedestrianisation of Broad Street. Identifies increases in NO<sub>2</sub> and PM<sub>10</sub> concentrations at West North Street and King Street, where current air quality objectives are already significantly exceeded. Whilst the submitted assessment identifies both beneficial change and detrimental change for certain properties, it ultimately concludes that overall impact would be negligible. It is noted, however, that this assessment did not make reference to detrimental change occurring at locations where levels already exceed air quality objectives.

Noise – Notes potential to cause noise nuisance from building services and plant, deliveries, traffic, amplified music and patrons visiting the development. Noise from building services and fixed plant can be controlled by appropriate building design and deliveries by restricting their timings. Retail units, restaurants and cafes as proposed are likely to play only background music, and would not be expected to open late at night, and on that basis amplified music is not envisaged to cause nuisance. Impact arising from additional roads traffic and patrons of the development are considered to be insignificant.

Advise that a noise assessment will be required to determine the effect of the re-routing of traffic on noise levels at parts of Kings Street and Union Street, which



are currently Candidate Noise Management Areas (CNMAs), and being considered as potential Noise Management Areas (NMAs).

Odours – Restaurant and hotel uses are identified as being likely to give rise to cooking odours. It is therefore requested that suitable filtrated extraction systems be incorporated as part of the design and that any terminal point be at the highest part of the buildings.

**Developer Contributions Team** – Given the extensive public realm works included within the proposed development, and the benefits attributable to the redevelopment of the site, it has not been considered appropriate to seek additional financial contributions towards core path network or public realm improvements.

Highlights requirements for developments to make a fair and proportionate contribution to the Strategic Transport Fund, which ensures the delivery of a package of road and public transport interventions where the cumulative impact of new development is likely to cause increased congestion. This site is liable for contributions to the STF, with the exact level of contribution to be determined through consultation with the Council's Roads Projects Team.

**Enterprise, Planning & Infrastructure (Flooding)** - No comments provided Scottish Water have no objections to the application.

Notes that attenuation volumes designed are acceptable to ACC, however as the receiving combined sewer is owned by Scottish Water, it is appropriate to seek their approval. Notes that the proposal does not include the expected level of treatment for roof water but, as the system discharges to a Scottish Water combined sewer, concludes that it is for Scottish Water to determine whether they will accept this arrangement.

**Education, Culture & Sport (Archaeology)** – Recommend that a condition, requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

**Scottish Environment Protection Agency** – No objection. Encourage the use of Sustainable Urban Drainage Systems (SUDS) rather than discharging surface water to a combined sewer. Recommend consultation with Scottish Water to establish that there is available capacity in the public sewer for surface water run-off from the development. Recommend a condition, requiring submission and agreement of a site-specific Construction Method Statement.

**Scottish Water** – No response received at time of writing.

**Historic Scotland** – No objection. Express satisfaction that the proposed development would not have any significant adverse impact on the setting of Provost Skene's House, Marischal College and Greyfriar's Church. Indeed, state that the setting of these listed buildings and the wider setting of the Conservation Area can be positively transformed by the proposed development.

Generally content that the development would sit comfortably in the existing setting, and are pleased that the scheme seeks to better integrate Provost Skene's House with intimate vistas and connections, notably from Broad Street. Would welcome further discussion of the treatment for the proposed Provost Skene's House gardens. Note that a separate response will be provided in response to LBC application P140755 concerning relocation of the arch and wall. Would welcome clarification of the proposals for the public space/pedestrian lane at the immediate rear/north of Provost Skene's house in terms of any works directly impacting on the building and landscape surfacing/street furniture and lighting.

As a separate matter to the current applications, HS would welcome clarification from ACC on its intentions for the re-opening of Provost Skene's House and any associated proposed works.

**Architecture and Design Scotland (A+DS)** – A+DS have provided feedback to the design team via 3 separate workshop sessions, held in August 2013, January 2014 and May 2014 respectively. In their most recent project appraisal report, issued June 2014, the panel summarised as follows:

- The scheme generally appears to have evolved positively throughout the workshop series. Generally the designs as submitted as part of the planning application have the potential to form the basis of a good scheme, within the commercial constraints of the project. However, there are still specific areas of the designs that the Panel felt could be developed further and which would benefit from further refinement. These were generally felt to be more detailed aspects of the scheme, and which the applicants asserted could be dealt with during the next stage of design development. Based on the forum workshop process carried out to date, and on the assumption that the issues discussed at the workshop and as set out in the full form of A+DS's response will be addressed, A+DS find the project to be 'well considered and supported'.

**Aberdeen City and Shire Design Review Panel** – The local Design Review Panel considered the proposal in December 2013, though it should be noted that the proposal has changed since that time. The Panel was generally supportive of the proposal as a whole, but noted that there was insufficient detail available regarding proposals for traffic management. The need for consideration of microclimate was highlighted, with particular emphasis on the effects of wind on the pedestrian environment. The main points highlighted in relation to the design merits of the proposal were as follows:

- Views between Schoolhill and Marischal College should be maximised.
- Pedestrianisation of Broad Street was questioned, and the impact this would have on bus routes and traffic movements requires to be fully assessed and appropriately managed.

- Active uses within the development were welcomed, and the use of individual entrances to shops was encouraged to maximise the extent of active frontages.
- Attracting people to the development was highlighted as a challenge. The purpose of the 'Guestrow' route was questioned and, with modification, was identified as a potential way to attract footfall into the development.
- Effects of wind should be assessed to ensure there are not significant adverse effects on pedestrian environment.

**Community Council** – The local City Centre Community Council objects to the proposed development in its current form, making the following observations;

- Highlights the desire for less buildings and a greater area of open space, expressed by many at consultation events;
- Acknowledges that the land was sold as a development site and accepts the scale of the civic space to be provided;
- Nevertheless retains reservations about the traffic management implications of Broad Street's pedestrianisation;
- Sees merit in the provision of much needed hotel rooms.
- Accepts that demand for office space appears to be for 'new build' rather than conversion of existing buildings, such as those on Union Street, but expresses disappointment at this situation.
- Identifies the gardens around Provost Skene's House as potentially creating a nice, quiet space, but states reservation about the size/scale of the development, particularly along the Upperkirkgate frontage.
- Supportive of 24-hour access through the development, on the understanding that appropriate security measures will be in place.
- Understands that Provost Skene's House would be visible through gaps in the layout, but would be keen to see the main opening made larger. Any loss of commercial floorspace could be made up via an increase in height on the Union St side of the development.
- Would like to see more detail on how spaces could be enlivened, for example through the use of coloured lighting and water features.
- The scale of the development is much greater than had been first thought, and insufficient consideration has been given to the treatment of the proposed civic space.

## **REPRESENTATIONS**

43 letters of representation have been received. The points raised relate to the following matters –

### Consultation

- Views expressed at consultation events have been ignored
- Muse have either over-stated the level of public representation or failed to make all comments publicly available

### Parking, traffic & accessibility

- Car parking within the site is insufficient to serve the proposed development
- Where will visitors to the area park?
- Traffic modelling suggests gridlocking within the network
- The submitted Transport Assessment has not adequately taken account of the impact of the proposed closure of Broad Street on the wider city centre
- Access and parking arrangements for hotel are queried
- Access to the Bon-Accord Centre car park and vehicle access to the John Lewis store would be made more difficult and routes more convoluted
- Disabled car parking on Queen Street is some distance from the square - the disabled car park which existed opposite M&S should be reinstated
- Journey times will be increased by the pedestrianisation of Broad Street, making existing city centre retail premises less accessible
- Potential impact on pedestrian movement between the Bon Accord and St Nicholas Centres

### Pedestrianisation

- Pedestrianisation of Broad Street will cause traffic congestion elsewhere
- Disruption to public transport routes and increased journey times
- Concern over how the proposal will affect Police Scotland operations from Queen Street
- The pedestrianisation proposal appears to be premature to a full assessment of the alternative options to achieve similar objectives, and also to an agreed City Centre Masterplan

### Design proposals

- Blocks views of Marischal College and Provost Skene's House and acts as a barrier between the two historic buildings
- Design is unsympathetic to its surroundings
- This proposal repeats the mistakes of St Nicholas House
- The proposal represents overdevelopment of the site
- The design, scale, height and massing of buildings remains excessive
- These proposals do nothing to promote the city as a tourist attraction
- Buildings should have more curves to reflect the waves of the sea
- Support for a tall, iconic building
- Buildings should incorporate rooftop activity (e.g. cafés and restaurants)
- Queries whether the water feature in front of Provost Skene's House will remain (sculpture designed by Thomas Bayliss Huxley Jones – currently understood to be in storage per ACC Structure Trail publication)
- Concern over treatment of Flourmill Lane (retained purely as a service lane, rather than introducing linkages with the aim of introducing active frontages and enhancement of this environment in future)
- The layout is well-considered, but less successful in elevation
- Building heights are too uniform, giving a bulky appearance to the whole
- Elevations are like those of any number of other buildings in Scotland
- Building heights should be increased to reduce footprint, open up the site and allow for more green space

- Buildings will cast Broad St into shade for long periods
- The proposed development will ruin the city's skyline

#### Impacts arising from the proposed development

- Potential impact on existing retail premises - Union Street, George Street etc.
- The opening hours of any cafes/bars should be restricted
- There is no 'need' for new retail uses or hotel – existing vacancies on Union Street suggest that there is no market for additional retail.
- Demolition works have breached noise restrictions – assurances are sought regarding the control of noise during construction
- Re-routing of traffic will have adverse impacts on air quality and will cause noise pollution
- The height of new buildings will create a canyon effect between the development and Marischal College, funnelling wind to uncomfortable levels
- ACC's own STAG appraisal has failed to adequately assess noise and air quality considerations
- Limited mitigation measures are proposed to address impact of diversions

#### Suggestions for alternative proposals

- The site should be laid out as a largely open civic plaza/civic green space
- Any new open space should incorporate a fountain, statues, benches, flowers etc
- Union Street buildings should be restored and rents made affordable to encourage shops to be located on the main street

#### Other

- The Council/developer's primary motivation is money
- Money was wasted on consultation as a decision has already been made
- The plans were very difficult to view online due to the size of files
- Arrangements for viewing plans at Marischal College were poor
- Assurances are sought that the integrity and professionalism of the planning service has not been compromised by the Council's interest in the site
- Councillors urged not to vote along party-political lines
- It was understood that the site is held in the 'common good'

## **PLANNING POLICY**

### **National Policy and Guidance**

#### Scottish Planning Policy (SPP)

SPP sets out national planning policies for operation of the planning system and for the development and use of land. Principal policies relating to sustainability and placemaking are of relevance, as are subject policies including those on the promotion of town centres; supporting business and employment; and valuing the

historic environment. SPP also sets out policy principles in relation to promoting sustainable transport and active travel, and facilitating the transition to a low carbon economy.

### Creating Places

This is the Scottish Government's policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design.

### Designing Streets

A Scottish Government policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance.

### Scottish Historic Environment Policy (SHEP)

This sets out Scottish Ministers' policies for the historic environment, and complements Scottish Planning Policy. Underlines the requirements of section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that the planning authority, in determining any application for planning permission for development that affects a listed building or its setting, is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

### **Aberdeen City and Shire Strategic Development Plan (SDP) 2014**

The SDP sets out a series of key objectives for the growth of the City and Aberdeenshire. The SDPA recognises the importance of the City Centre as an asset, and highlights that its regeneration is vital for the economic future of the area, stating a need to attract more major office developments to the city centre. It is also stated that there needs to be a strong focus on improving the quality of the city centre's shopping, leisure, commercial and residential environment, with partial pedestrianisation of Union Street having an important role.

A stated objective of the plan is provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries. This must be balanced against another key objective to make sure new development maintains and improves the region's important built, natural and cultural assets.

The SDPA sets targets for major employment and service developments in strategic growth areas to show that they are easy to access by walking, cycling or using public transport, and Travel Plans for such developments should reduce the need for people to use cars.

### **Aberdeen Local Development Plan**

#### C1: City Centre Development – Regional Centre

Development within the City Centre must contribute towards the delivery of the vision for the City Centre as a regional centre as expressed in the City Centre Development Framework. As such, the City Centre is the preferred location for

retail, commercial and leisure development serving a city-wide or regional market.

Proposals for new retail, commercial, leisure and other city centre uses shall be located in accordance with the sequential approach referred to in the Retailing section of the plan and in the relevant 'Hierarchy of Centres' supplementary guidance.

#### C2: City Centre Business Zone and Union Street

The City Centre Business Zone is the preferred location for major retail developments, as defined in policy RT1. Policy C2 seeks to encourage the retention of existing retail uses within the City Centre Business Zone, and in instances where it has been satisfactorily demonstrated that there is a lack of demand for continued retail use, new uses must enhance or adequately maintain daytime vitality and an active street frontage. Proposals to use basement and upper floor levels for retail, residential and other uses compatible with a city centre location will be encouraged in principle.

#### 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

#### T2: Transport impact of development

Policy T2 requires that new developments demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed thresholds set out in the associated 'Transport and Accessibility' Supplementary Guidance. Maximum car parking standards are set out in the associated supplementary guidance.

#### D1: Architecture and Placemaking

Policy D1 sets out that, 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. It also notes that landmark or high buildings should respect the heights and scale of their surroundings, the urban topography and the city's skyline, and should aim to preserve or enhance important views.

#### D3: Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and

existing developments will prioritise transport modes in the following order – walking, cycling, public transport, car and other motorised vehicles.

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

#### D5: Built Heritage

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy. In relation to development affecting archaeological resources, further details are set out in the 'Archaeology and Planning' supplementary guidance document.

#### D6: Landscape

Development will not be acceptable unless it avoids;

- significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it.
- obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways, and particularly from the main city approaches.

#### RT1: Sequential Approach and Retail Impact

All retail, commercial, leisure and other development appropriate to town centres should be located in accordance with the hierarchy and sequential approach as set out below and detailed in the 'Hierarchy of Retail Centres' supplementary guidance.

Tier 1 – Regional Centre

Tier 2 – Town centres

Tier 3 – District centres

Tier 4 – Neighbourhood centres

Retail Parks

Proposals serving a catchment area that is city-wide or larger shall be located in the City Centre, preferably in the City Centre Business Zone.

Proposals serving a catchment area of a size similar to that of a town centre or district centre shall be located in a town centre or a district centre, but may also be located in the City Centre Business Zone.

#### NE3: Urban Green Space



Permission will not be granted to use or redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation or sport, unless an equivalent and equally convenient and accessible area for public access is laid out and made available in the locality by the applicant for urban green space purposes. In all cases, development will only be acceptable provided that:

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

Note - Only larger areas of Urban Green Space are zoned as NE3 on Proposals Map

#### NE6: Flooding and Drainage

Where more than 100sqm of floorspace is proposed, developers will be required to submit a Drainage Impact Assessment. Further detail is contained in the relevant 'Drainage Impact Assessments' supplementary guidance. Surface water drainage associated with development must:

1. be the most appropriate available in terms of Sustainable Urban Drainage Systems principles; and
2. avoid flooding and pollution both during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided, and private wastewater systems in sewered areas will not be permitted.

#### 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 ALDP 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.

#### NE10: Air Quality

Applications for development which has the potential to have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and can be agreed with the Planning Authority. Such planning applications should be accompanied by an assessment of the likely impact of development on air quality and any mitigation measures proposed. Attention is drawn to the associated 'Air Quality' supplementary guidance.

#### R6: Waste Management Requirements for New Development

Details of storage facilities and means of collection must be included as part of any application for development which would generate waste. Further details are set out in the 'Waste Management' supplementary guidance.

#### R7: Low and Zero Carbon Buildings

States that all new buildings must install low and zero-carbon generating technologies to reduce their predicted carbon dioxide emissions by at least 15% below the levels required by the 2007 building standards. Further guidance, including exceptions and routes to achieving 'deemed compliance' is set out in the associated 'Low and Zero Carbon Buildings' supplementary guidance.

### **Supplementary Guidance**

City Centre Development Framework  
Transport and Accessibility  
Archaeology and Planning  
Hierarchy of Retail Centres  
Drainage Impact Assessments  
Air Quality  
Waste Management  
Low and Zero Carbon Buildings  
Aberdeen City and Shire Design Review Panel

### **Other Relevant Material Considerations**

The Bon-Accord Quarter Masterplan, whilst not carried forward as supplementary guidance to the current Local Development Plan, provided guidance on the scope for the redevelopment of this area of the City Centre. The City Centre Development framework makes reference to the Bon-Accord Quarter Masterplan.

### **HEARING GUIDELINES**

Under 38A (4) of the Planning Act, the planning authority may decided to hold a hearing for any development not covered by the mandatory requirements and to give the applicant and any other person an opportunity of appearing before and being heard by the committee. In June 2010 the Council agreed guidelines on 'When to hold public hearings in relation to planning applications'. The circumstances in which it is appropriate to hold a public hearing prior to determination of a planning application (where a pre-determination hearing is not statutory) are: where the application has been the subject of more than 20 objections; and, the Council has a financial interest; and / or, the application is a departure from the development plan.

This proposal has attracted a total of 43 objections, and therefore clearly exceeds the threshold stated in the first of these criteria.

The Council is the owner of the St Nicholas House site, and is a Joint Venture Partner in the proposed Marischal Square development, and therefore has a direct financial interest in the outcome of the application.

The combination of these two factors alone is sufficient to trigger a requirement for this report, the purpose of which is to establish whether officers consider a public hearing should be held and to make a recommendation to members accordingly. No recommendation is being made at this time in respect of the determination of the application. A later report will be presented to a future committee making such a recommendation.

Turning to consideration of whether the proposal represents a departure from the Development Plan, it is recognised that the St Nicholas House site is identified as an 'Opportunity Site' in the Aberdeen Local Development Plan. Its designation, OP118, does not specify the type of use or development envisaged on the site, simply stating that the site would become vacant on the City Council's departure to Marischal College and noting that the site lies within the area identified in the Aberdeen Local Development Plan (ALDP) as the City Centre Business Zone.

Within the designated City Centre Business Zone (CCBZ), policy C2 of the ALDP is applicable. Policy C2 identifies the CCBZ as the preferred location for major retail developments and encourages the retention of existing retail uses by stating restrictions on changes of use from retail (Class 1 of the Use Classes Order) to any other use.

Policy C1 (City Centre Development – Regional Centre) stipulates that development within the City Centre must contribute towards the delivery of the vision for the City Centre as a major regional centre, as expressed in the City Centre Development Framework. The policy identifies the City Centre as the preferred location for retail, commercial and leisure developments serving a city-wide or regional market.

The proposed development comprises offices, retail, restaurants and leisure uses which is consistent with policy C2's encouragement for the siting of retail, leisure and commercial uses within the City Centre. The location of retail use at the scale proposed in this City Centre location is consistent with the sequential test set out at policy RT1 (Sequential Approach and Retail Impact), which aims to ensure that new retail uses are located within existing retail centres appropriate to their catchment.

Taking these matters into account, it is concluded that the proposal does not represent a departure from the Development Plan in principle, having had regard to its zoning and the nature of the proposed uses, and that detailed assessment of the finer details will establish whether there are any areas of conflict with policy. For the purposes of this report, the proposal is not considered to represent a departure from the Development Plan.

The Council's established hearing guidelines state that the issues which require to be addressed in determining whether a hearing should be held will *include 'whether the development plan policy is up to date and relevant to the matters raised, and whether these matters are material planning considerations.'*

The Aberdeen Local Development Plan, adopted in February of 2012, and the Aberdeen City and Shire Strategic Development Plan, which came into effect on 28<sup>th</sup> March 2014, collectively constitute the development plan against which applications for planning permission will be considered. At this time the development plan is considered to provide an up-to-date and relevant policy framework for the determination of this planning application.

The representations received raise a wide range of issues, including the massing, scale and architectural composition of the proposed buildings; the implications of Broad Street's closure for congestion on the surrounding road network, air quality and noise pollution; the relationship between the proposals and the surrounding listed buildings, notably Provost Skene's House and Marischal College; and the potentially adverse impact on the viability of existing retail uses. These are all relevant planning considerations and relate to areas covered by the development plan.

Given the significant level of objection and the nature of the matters raised, it is considered that the most appropriate manner of addressing these concerns is to convene a hearing at which all parties will have an opportunity to state their views in front of the elected members of the Planning Development Management Committee. A recommended date of 29<sup>th</sup> August this year has been set aside for such a Hearing, subject to Committee agreement. Following any hearing a further detailed report will be prepared to allow full consideration of the proposals by a subsequent committee.

## **RECOMMENDATION**

### **Defer for Public Hearing**

## **REASONS FOR RECOMMENDATION**

This application relates to land currently owned by Aberdeen City Council, and has attracted a significant body of public representation, which raises a wide range of material planning considerations, relevant to the planning authority's consideration of the proposal against the Development Plan (Aberdeen Local Development Plan and Aberdeen City and Shire Strategic Development Plan).

**Dr Margaret Bochel**  
Head of Planning and Sustainable Development.

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ROSEMOUNT & MILE-END COMMUNITY COUNCIL

15 April 2014.

Head of Planning & Infrastructure  
Planning & Infrastructure  
Strategic Leadership  
Aberdeen City Council  
Marischal College  
Broad Street  
Aberdeen AB10 1AB

Dear Sir/Madam,

MARISCHAL SQUARE MASTERPLAN.

On behalf of the Rosemount & Mile-End Community Council the following observations & comments are submitted for consideration when final decisions are made by the City Council.

- 1) To make Broad Street into a pedestrian area will cause traffic congestion with a knock on effect throughout the surrounding area, especially if bus stops are relocated to Upperkirkgate. The city centre is already seriously congested & such a proposal will only add further gridlock & frustration.
- 2) Has Police Scotland response going north from the Queen Street HQ been taken into consideration from both efficiency & safety to the public ?
- 3) Disabled parking on Queen Street is some distance from the Square.
- 4) What are the arrangements for the proposed hotel in terms of traffic access & parking ?
- 5) Where are the car parks for the general public who wish to visit this area ?
- 6) Where is the traffic especially buses being re routed to if Broad Street becomes "Pedestrian Only " ?

These are general points which require to be researched in some depth as if any of these proposals are likely to be adopted & introduced the consequences could be catastrophic.

The views of the R&MECC with regard to Marischal Square is that :-

- a) It should be left as an open space with a minimum number of new buildings & those being no more than two storeys high & Broad Street remaining as it is.
- b) There is no requirement for a hotel in these plans or area..
- c) There is no need for additional shopping malls/arcades
- d) Any cafe/bar (s) should have restricted hours for closure ( i.e. Midnight) to avoid adding further disorder to the city centre.

Finally, the foregoing views expressed by the members of the Rosemount & Mile-End Community Council are not isolated in the public domain at large within the City. WHY does the City Council & Councillors not LISTEN & TAKE ACOUNT OF PUBLIC OPINION any more ??

It appears that yes we have been given the opportunity of public consultations but they prove to have little purpose, limited impact & indeed costly, when the minds of the elected members are already made up.

Yours faithfully,



(G A Duncan)

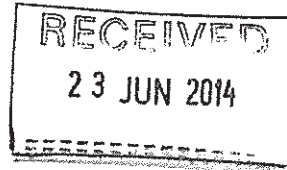
Rosemount & Mile-End Community Council.

P&SD Letters of Representation		
Application Number:		
RECEIVED 22 MAY 2014		
Nor	Sou	MAp
Case Officer Initials:		
Date Acknowledged:		



20<sup>th</sup> June 2014

**Mr Gavin Evans**  
Enterprise, Planning and Infrastructure  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB



Dear Sir

**PLANNING APPLICATION – 140698**  
**FORMER ST. NICHOLAS HOUSE, BROAD STREET, ABERDEEN**

**REPRESENTATION ON BEHALF OF JOHN LEWIS**

I write on behalf of John Lewis in relation to the proposed redevelopment of the former St. Nicholas House, Broad Street, by Muse Developments Ltd (App reference 140698).

This representation follows the John Lewis Store Manager having already raised his concerns with Aberdeen City Council. In addition, John Lewis has also been in discussion with F&C REIT who, as we understand, share concerns regarding this proposed development.

John Lewis have traded from their department store on George Street, Aberdeen since 1989, and have a strong link with the long-established Bon Accord and St. Nicholas Centres, with John Lewis subletting their rooftop to the Bon Accord Centre for additional parking and a pedestrian bridge link between Centre and the John Lewis store. Stocking over 350,000 lines over four storeys, John Lewis are the largest retailer in the city centre and represent a significant trade draw to customers visiting the city centre and generate notable 'cross visitation' custom to other retailers in the centre.

As a department store with such a range of lines, John Lewis retail a vast array of larger, 'bulkier' goods, including electrical goods, furniture and furnishings, and also operate a very successful 'click and collect' service from the store. As such, easy vehicular access to their store and the Bon Accord Centre car park is fundamental to John Lewis's retail strategy and success in the city. Indeed, John Lewis are made aware from customer feedback that easy access (or even just the perception of easy access) is fundamental to their choice of shopping destination. The Council will also be fully aware of John Lewis's proposed upgrades to their Customer Collect service at their Aberdeen store, with the proposed installation of new customer bays and new store entrance, resulting in improved customer service, and a further investment in the city centre of circa £800,000.

John Lewis are supportive of city centre investment in Aberdeen and therefore is reluctant to object to this application, however, on their behalf, we would like to raise significant concerns regarding the details of the proposed development and their potential impact upon the customer access to the Bon Accord Centre car park and, by extension, vehicle access to the John Lewis store. These concerns are outlined below.

#### **The Proposed Development**

We understand that the proposals entail mixed use development including office, hotel, retail, restaurant, leisure, civic space including car parking, access, landscaping, infrastructure and public realm improvements, including private parking provision, all at the former St. Nicholas House site, between Flourmill Lane and Upperkirkgate, including Provost Skene's House and incorporating Broad Street.

It is noted that a key feature of these proposals is the proposed pedestrianisation of part of Broad Street, from Queen Street to Upperkirkgate, and the associated creating of a civic square between the development site and Marischal College.

It is also noted that the pedestrianisation of Broad Street has been a long-held Council ambition for a number of years, having been included in the Bon Accord Quarter Masterplan (2006), the Aberdeen City Centre Development Framework (2012), the Aberdeen City Council/Ryden sales particulars for the site and also having been subject of a full Council decision in March 2014 – all of which precede the submission of Muse Developments' application - to progress with the option of "full pedestrianisation" of Broad Street. As such, it could be seen that this aspect of the proposed development is as much, if not more, a proposal by Aberdeen City Council as it is a proposal by Muse Developments as part of the redevelopment scheme.

### Impact of Pedestrianisation of Broad Street

We have reviewed the supporting information provided with the planning application, and specifically our transport advisors (JMP Consultants Ltd) have reviewed the Transport Assessment. A Review Note by JMP is enclosed with this application, and this should be read in conjunction with this representation.

Based upon the information provided by the Bon Accord Centre, it is estimated that the Loch Street Car Park receives 650,000 car visits per year, whilst the Harriet Street Car Park receives 350,000 car visits per year, totalling some circa 1 million car visits per year to the car parks that provide customer parking for the John Lewis store.

It is also estimated that the closure of Broad Street will impact upon 13% of the total usage of these two car parks i.e. 130,000 car visits per annum, with these trips originating from the south of the city and approaching the car parks via Broad Street.

This closure of Broad will require alternative routes to be found for those customers using these car parks, and the general associated dispersal of traffic around the city will result in increased congestion at alternative junctions, and therefore alternative routes to the car parks will also increase the journey times for customers. We have attached a plan which highlights potential alternative routes for those customers, including a longer and more convoluted route via Main Street North, and a route via Union Terrace which will be more convoluted and subject of increased traffic and journey times.

In addition to highlight a number of failings in the Transport Assessment submitted with the Marischal Square planning application, JMP's Review Note raises a number of significant concerns specifically in relation to the impact of the pedestrianisation of Broad Street upon customer vehicular access to the John Lewis store and the Bon Accord Centre, including:

- Suggestion that the number of vehicles visiting the Marischal Square development will far outstrip the car parking levels proposed, with overspill traffic diverting to the Bon Accord Centre and the surrounding network;
- Reference to a number of test models showing instability, and that *"this instability manifests itself as gridlocking within the model network whereby the model network cannot complete their trip due to network congestion"*;
- The closure of Broad Street will result in vehicles re-routing either via Union Terrace and Schoolhill or via West North Street, representing a diversion of 1 mile per diverted vehicle (in each direction);
- There will be a 26% increase in journey times on the Eastbound carriageway of Schoolhill and 23% on the westbound carriageway in the AM peak period as a result of Broad Street closure;
- There will be a 22% increase in journey times on the Eastbound carriageway of Schoolhill and 45% on the westbound carriageway in the PM peak period as a result of Broad Street closure;

- As Schoolhill is proposed to be the main route serving the Bon Accord Centre, it is clear existing patrons of John Lewis and the Bon Accord Centre will be significantly adversely affected by the closure of Broad Street;
- Other than the relocation of one variable message sign, no measures are proposed to mitigate against the above-noted diversion impacts;
- The Council's own STAG Appraisal has failed to adequately assess Noise and Air Quality considerations, which calls the reporting and options appraised into serious question.

This impact on traffic routes and journey times will have a significant impact upon the customer experience of those visiting John Lewis by car, and could discourage them from visiting the stores and choosing to shop elsewhere. Indeed, even if they were to continue to shop at the John Lewis store, this will be accompanied by increased congestion, longer journey times and a poorer customer experience, and would also be to the disbenefit of all users of the city centre.

Overall, it is anticipated that the proposals by Muse to pedestrianise Broad Street will significantly impact upon car travel to the car parks servicing John Lewis and increase congestion and journey times through the city centre. It is considered to be a very real possibility that this will have an adverse impact upon the retail performance of the John Lewis store and therefore have an adverse impact upon the vitality and viability of the city centre, contrary to well-established local and national planning policy.

Indeed, it is considered that the Transport Assessment has insufficiently taken into account the impact of the proposed closure of Broad Street upon the wider city centre, and specifically the vehicular access to the city's largest retailer, and the long-established retail destinations at the Bon Accord and St. Nicholas Centres. We trust that the Council will seek to remedy this during the assessment of the planning application, or indeed undertake their own wider study, in advance of making any determination on this planning application.

#### Policy position

With regards to the issue raised above, it is clear that there is tension between the proposed development at the former St Nicholas House, including the pedestrianisation of Broad Street, and both the letter and the spirit of both local and national planning policy relating to town centres and retail/commercial development.

As a mixed-use development including office, hotel, retail, restaurant, leisure and civic space within the City Centre Business Zone, it is noted that the proposals generally accord with Policies C1 and C2 of the Local Development Plan. However, the supporting 'Spatial Strategy' text in the Local Development Plan clearly places an emphasis on "*the maintenance of a vibrant city centre*"...and where "*it is vital for the future prosperity of Aberdeen that the City Centre is enhanced and promoted as a safe, attractive, accessible and well connected place...*" [emphasis added]. As is outlined above, it is considered that the impact of the pedestrianisation of Broad Street is that it will likely reduce the vibrancy of the city centre, and reduce the accessibility, particularly for car users accessing existing, and currently vibrant, retail destinations, including the John Lewis store.

In addition, Policy RT1 advises that "*in all cases, proposals shall not detract significantly from the vitality or viability of any first, second, third or fourth tier retail location...*". As above, whilst it is located itself in the same first tier location, it is considered that the closure of Broad Street will detract significantly from the vitality and viability of the city centre. As such, it is considered that the proposed development creates tension with Policy RT1.

In addition to the above provisions from the Local Development Plan, and in a similar vein, national planning policy, as set out in Scottish Planning Policy (February 2010), highlights the importance of accessibility, vibrancy and vitality in city centres. Para 54 advises that "*To be identified as a town centre, a diverse mix of uses and attributes, including a high level of accessibility should be provided*". Para 59 advises that "*Examples of vitality and viability indicators include...physical structure of the centre, including opportunities and constraints, and its accessibility...*" As above, it

is considered that there will be an adverse impact upon the accessibility of the John Lewis store car parks as a result of the closure of Broad Street.

#### Conclusions

As outlined above, John Lewis are supportive of city centre investment in Aberdeen and are therefore reluctant to object to this application, however, they do have significant concerns regarding the details of the proposed development, particularly that of the closure of Broad Street, and its impacts upon the wider city centre network. It has been demonstrated by JMP's Review Note (enclosed) that the pedestrianisation of Broad Street will have a significant adverse effect upon customer vehicular access to John Lewis and the Bon Accord Centre.

As such, we would recommend that Muse Developments, and indeed Aberdeen City Council, remove the proposal to pedestrianise Broad Street from the Marischal Square proposals, given the significant adverse impact it will have on the local road network.

Should, for whatever reason, the applicant persist with the proposed pedestrianisation of Broad Street, then it is absolutely incumbent upon the Council as planning authority to ensure that additional studies are undertaken, and appropriate mitigation measures put in place, to ensure that there is no such significant adverse impact upon the surrounding city centre road network, and particularly the impact upon customers accessing the John Lewis store (the city's largest retailer) and the Bon Accord Centre by car. If the applicants fail to demonstrate this, then we trust that Aberdeen City Council, as planning authority, will have no option other than recommending refusal of the application.

I trust all of the above is in order. Should you wish to discuss any of the above or require any further information, please don't hesitate to contact me.

Yours sincerely,



Chris Mitchell  
Associate

Enc    JMP Review Note  
      Potential Alternative Routes Plan

cc    Stephen Wright / Hannah Chapman            John Lewis Partnership (by email)

## Review Note

Date 16 June 2014

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Job No/ Name SCT3883

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Subject Marischal Square Development

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### Introduction

JMP Consultants has reviewed the transportation implications associated with the proposed Marischal Square Development (Aberdeen Council Reference: 140698) on behalf of our joint clients John Lewis and F&C Reit.

The intention of this review is to inform our client's representations to Aberdeen City Council in relation to the submitted planning application.

A Transport Assessment (prepared by Fairhurst and dated April 2014) was submitted with the planning application. This has been reviewed to understand the proposed transport implications of the development along with the Aberdeen City Council Committee Report of 5<sup>th</sup> March relating to the Broad Street Civic Square Assessment which are relevant to the pending planning application. The SIAS report "Aberdeen City Centre: Broad Street Testing Report February 2014" has been reviewed in relation to the pedestrianisation of Broad Street along with the "Broad Street Civic Square: Main Transportation Study" which informed the 5 March ACC Committee to discuss the Broad Street Proposals. It is noted that the Fairhurst TA relies on the outcomes of the reports highlighted above.

### Overview of Proposals and Transport Interventions

It is noted that the proposed development consists of the following land uses:

- 19,680m<sup>2</sup> GFA of Office
- 2,397m<sup>2</sup> GFA of Retail / Restaurants
- 125 Bedroom Hotel
- 5,314m<sup>2</sup> of Public Realm Space

As part of the development, it is noted that there will be the provision of 250 car parking spaces to cater for the needs of the proposed development. A key part of the development proposal is the pedestrianisation of Broad Street along the development frontage which is intended to improve pedestrian accessibility.

It is understood that the pedestrianisation of Broad Street is a Council objective and it is understood that the proposals are at the early stages of consultation with regard to the promotion of new Traffic Regulation Orders that would be necessary to affect the change. The section of Broad Street proposed for pedestrianisation falls within the planning application red line boundary.

### Trip Generation

The transport assessment indicates that the proposed development will generate 480 and 475 vehicle trips in the AM and PM peak periods which is a significant increase on base traffic levels.

These vehicle movements will largely be focussed on the proposed development access point to the car park which will be via Flourmill Lane with the generated traffic subsequently routed via Upper Kirkgate.

### **Proposed Car Parking**

It is noted that a total of 250 office-related car parking spaces are proposed as part of the proposed development although the trip generation levels suggest that the number of vehicles that will be visiting the development far outstrip the car parking that will be provided on site. The Transport Assessment suggests that this overspill car parking activity will divert to the nearby Bon Accord Centre. This would appear to be an unsatisfactory way of planning for the transport needs of a new development. We would have thought that with a limit on car parking on site, the Transport Assessment and Travel Plan would have come forward with a strategy to improve the accessibility of the site by sustainable transport modes to the point where there was not a need to rely on the infrastructure external to the site to accommodate its transport and parking requirements.

### **Impact on Public Bus Services**

The TA states that a total of 14 public bus services (both directions) would need to be re-routed from Broad Street if it is pedestrianised. It is understood that these services would be re-routed via Upper Kirkgate where new bus stop infrastructure would be required to accommodate the services. From the "Broad Street Civic Square: Main Transportation Study" which informed the 5 March ACC Committee to discuss the Broad Street Proposals, it is understood that there are concerns over the provision of this information. The TA states that the standard bus bay lengths cannot be provided due to geometric constraints and it is only possible to provide a lay-by on the east-bound carriageway.

In a situation where a large proportion of the existing Broad Street traffic is being re-routed via Upper Kirkgate, it is concerning that sub-standard facilities will be provided on a corridor where there is a recognition of increased journey times for vehicles using the route. Marischal Square traffic will also be focussed on this corridor. We fail to see how such a scenario is improving accessibility by bus to this City Centre Area.

### **Pedestrianisation of Broad Street**

We note that a STAG appraisal has been undertaken as part of Aberdeen City Council's consideration of Broad Street. On review of the work that has been undertaken, we would comment that Environmental Impacts such as Noise and Air Quality do not appear to have been assessed adequately within the appraisal process. In a situation where Broad Street sits close to an Air Quality Management Area and Candidate Noise Management Areas, it is difficult to understand why such impacts have not been assessed. If these effects had been scored negatively, then the ultimate scoring would have been altered and to the point of changing the final comparison of the options appraised.

The information provided within the TA report refers to the current SIAS report "Aberdeen City Centre: Broad Street Testing Report February 2014 which was produced on behalf of Aberdeen City Council to explore the options around the pedestrianisation of Broad Street. Of particular concern is the statement within that report:

*"to assist with the accommodation of this traffic demand increase, the modelling has included peak spreading measures and a review of all traffic signal timing in the network. Even with these measures, the model has shown some level of instability in the 2017 Reference Case Model and subsequent test models. This instability manifests itself as traffic gridlocking within the model network whereby the modelled network cannot complete their trip due to network congestion".*

The above statement suggests that due to the levels of traffic within the modelled area, the model is not providing reliable results. This is of significant concern if this is the basis upon which key decisions about the effectiveness of traffic management measures and development impacts are being based.

Also of concern is the reference within this report to the potential future pedestrianisation of a section of Union Street which we understand is an option being considered by Aberdeen City Council as well as a section of Market Street. Such a move would again significantly impact upon traffic management within the City Centre and until these City Centre Traffic Management Plans are known, it is difficult to see how new development will fit within this framework and complement existing developments. The proposals would therefore appear to be premature until such time as the City Centre changes are fully understood and assessed.

#### **Direct Impact on Vehicular Access to Bon Accord Centre and John Lewis Facilities**

The Bon Accord Centre is an established shopping centre and travel patterns to the development are well known. There are currently estimated to be over 1m vehicle entries into the car parks associated with the development (Loch Street car park – 950 spaces and Harriet Street car park – 350 spaces). Of these vehicles, it is estimated that one third approach from the south of the city and access via a route that includes Broad Street.

If Broad Street is pedestrianised then vehicles (travelling from the south of the City) will require to re-route via other less-direct routes in order to access the Bon Accord Centre Car Parks. A review of the available routes would indicate that vehicles from the south wishing to access the Car Parks would now need to re-route via Union Terrace and Schoolhill or via West North Street. This represents a diversion of 1 mile per diverted vehicle (in each direction).

The re-routing of traffic along Schoolhill will mean that the majority of traffic will now encounter the smaller Harriet Street Car Park (350 spaces) first rather than the Loch Street Car Park (950 spaces) which increases the potential for operational difficulties at the smaller parking facility. There are also concerns over a potential increase in traffic flows along Littlejohn Street and Mealmarket Street in the context of vehicles heading away from the Bon Accord Shopping Centre.

The Fairhurst TA contains telling results at Tables 8-3 and 8-4 which show that there will be a 26% increase in journey time on the Eastbound carriageway of Schoolhill and a 23% increase on the Westbound carriageway in the AM peak Period as a result of Broad Street and Marischal Square impacts. The impacts are exacerbated in the PM peak with a 45% increase in journey times on the westbound carriageway and a 22% increase in the eastbound carriageway. As Schoolhill is proposed to be the main route serving the Bon Accord Centre (as a result of the proposals), it is clear that access to this area for existing patrons of the Bon Accord Centre will be significantly affected.

It is noted that no mitigation measures are proposed with regard to the above diversion impacts with the exception of relocating one variable message sign. It is noted that reference is made to assessment work undertaken by others but the TA also states that the assessment work is on-going. Again this suggests that a decision on the proposed development would be premature until such matters are concluded.

It is of significant concern that the impact of change has not yet been fully established and it would be incumbent on this development to present a full picture of not just the impact of the new development in terms of increased trip generation in the area but to also fully understand the impact on the surrounding road network that the pedestrianisation of Broad Street will bring about along with other ACC intended City Centre schemes (Union Street / Market Street).

## Summary

- It is noted that the proposed Transport Assessment seeks to demonstrate that the proposed closure of Broad Street is intended to improve pedestrian accessibility to the area. However, the proposed development proposes maximum car parking standards and generates in excess of 470 vehicle trips onto the network. In these circumstances, there would appear to be a disconnect between trying to improve pedestrian accessibility in the area and the trip generation / parking characteristics associated with the development. The same can be said of accessibility by bus where the proposal is to relocate the buses to sub-standard facilities on Upper Kirkgate while also increasing bus journey times.
- The level of impacts identified on Schoolhill are high in terms of the increased journey times associated with vehicles accessing the Bon Accord Shopping Centre. It is concerning that there is a general recognition of these impacts in the submitted Transport Assessment but no form of mitigation is proposed to address these impacts which will be felt most by customers of the Shopping Centre.
- It would appear that the development "as presented" is reliant on the closure of Broad Street as all traffic assessment work has been based on Broad Street being pedestrianised along the development frontage. It is noted that the pedestrianisation of Broad Street will require to be the subject of a separate consultation exercise and TRO process before it can be implemented. This being the case, there is no guarantee that the proposals will be successful. In these circumstances, consideration should have been given to the scenario where the proposals to pedestrianise Broad Street are not successful. This could have been addressed through the presentation of a sensitivity test where Broad Street is assumed to operate as per the existing situation.
- The submitted Transport Assessment does not appear to take account of any AWPR impacts on City Centre traffic patterns and only seeks to look at the impact of pedestrianising Broad Street. Aberdeen City Council has plans (at early consultation stage) to look at pedestrianising parts of Union Street and Market Street. Such proposals could potentially have a major impact on the assessment work that has been undertaken to date for the Marischal Square Development. It is therefore considered that a decision on the submitted proposals is premature until the impact of these other City Centre changes are understood and the traffic impacts fully assessed.
- We would consider that the work undertaken to date for the Marischal Square Development is incomplete. There is no true evaluation of traffic impacts in the City Centre associated with Aberdeen City Council's aspirations for pedestrianising City Centre Streets and the submitted Transport Assessment does not demonstrate that the impacts of the proposed and the pedestrianisation of Broad Street can be mitigated to an acceptable level. The result of this is that John Lewis and the Bon Accord Centre (and its tenants) are faced with the prospect that customer access by vehicle will be significantly affected.
- Based on the above review, it is concluded that a planning decision based on the information currently available would be inappropriate and premature until the consequences of the proposed traffic management measures are fully established.



**GVA James Barr**

**COPY FOR YOUR  
INFORMATION**



Ref: AM07

23 June 2014

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

206 St Vincent Street  
Glasgow G2 5SG

[gva.co.uk/scotland](http://gva.co.uk/scotland)

Direct Line: 0141 305 6306

Dear Sir

**PLANNING APPLICATION REFERENCE 140698  
FORMER ST NICHOLAS HOUSE, BROAD STREET, ABERDEEN, AB10 1GY**

**REPRESENTATION BY F&C REIT**

On behalf of our client F&C REIT, we hereby submit the following representation to planning application reference 140698 at Former St Nicholas House, Broad Street, Aberdeen, AB10 1GY.

**Background to F&C REIT**

Our client, F&C REIT Asset Management, is the asset manager of Bon Accord and St Nicholas Shopping Centres in Aberdeen. They also own approximately 20 smaller properties situated on Schoolhill, Upperkirkgate, George Street and St Andrews Street in Aberdeen City Centre.

The two centres were acquired in November 2013. Clients of F&C REIT collectively invested [REDACTED] in the commercial property sector of Aberdeen during 2013 having been attracted by the strong growth projections for the city and the region. Bon Accord and St Nicholas shopping centres have played a pivotal role in prime retail provision in the city during the last 25 years, and have an annual footfall of [REDACTED] per annum. F&C REIT intends that this role should continue and be enhanced.

**Proposals**

Having reviewed the planning application documents as available on the Aberdeen City Council's website, planning application reference 140698, we understand that the proposed scheme is for the redevelopment of land on the former St Nicholas House site, between Flourmill Lane and Upperkirkgate, including the Provost Skene's House and incorporating Broad Street to meet Marischal College. The proposals are for a mixed use development

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incorporating a range of uses including retail, hotel, leisure, restaurant and leisure use. We also understand that the proposals include car parking; however this will be for private use for the office facilities.

F&C strongly support economic development within the city centre that aids the Council's objectives within policies C1 and C2 of the Aberdeen Local Development Plan (ALDP), for retail use within the City Centre Business Zone. The proposals include the redevelopment and regeneration of a key site within the city centre and therefore the uses proposed can enhance this location.

F&C REIT have held discussions with John Lewis (JL) regarding these representations. We know JL also strongly support investment within the city centre but share significant concerns around the proposals, specifically the pedestrianisation of Broad Street and the transport impacts that this will create. These concerns are addressed below in further detail.

#### **Pedestrianisation of Broad Street**

We note from the supporting plans and documents, that the proposal includes the pedestrianisation of part of Broad Street as part of the civic square, subject to the successful promotion of a Traffic Regulation Order (TRO).

Whilst F&C REIT support the inclusion of an amenity space as part of the Muse proposals, our client **strongly objects** to the proposals to pedestrianise Broad Street. This objection primarily arises from their interests at Harriet Street and Loch Street car parks, as well as concerns around potential impact on pedestrian accessibility to both Bon Accord and St Nicholas centres.

F&C REIT and JL instructed JMP to review the transport implications of the application proposals. JMP's Review Note (enclosed) raises significant concerns in relation to the impact of vehicle access to the Bon Accord Centre and associated car parks, as well as John Lewis.

JMP's review estimates 1 million vehicle entries per annum into the Harriet Street and Loch Street car parks and of these vehicles it is estimated that one third approach from the south of the city. Accordingly the pedestrianisation of Broad Street will result in traffic from the south of Broad Street (eg. Union Street, Market Street, etc) having to divert further away from the city centre to access these car parks.

This diversion has been estimated by our client's traffic consultants to have a significant impact on those arriving by car from the south of Broad Street. In order to access the car parks, these vehicles will need to take a longer and more complicated route of access than currently required. Our client is concerned that this could have a significant impact on cars accessing their car parks, which in turn will impact considerably upon associated footfall within their centres. This is extremely concerning considering our clients future ambitions to enhance their assets at this location through further investment, as well as maintaining Bon Accord and St Nicholas centres as the prime focal point for retail provision in this part of the

city, which in turn supports investment and growth in nearby shopping streets such as Union Street.

In addition to this, there will be a similar issue for buses which will need to be redirected if they can no longer access north-south via Broad Street. It is considered that access for buses from the south may be drawn away from Union Street and that this will impact on potential footfall within the city centre retail core.

Further to this, JMP's Review Note states that proposed bus stop infrastructure along Upperkirkgate may be considered substandard in size and layout on a corridor where traffic volume and journey time will already be significantly increased by the proposals. This will only increase journey length and difficulty in access along Upperkirkgate.

This proposal could be compounded further by the Council's aspirations to achieve a part-pedestrianised Union Street in the future. Furthermore the Council's Transportation Study for Broad Street hints at other possible future measures such as restricting private vehicle access to Market Street which would compound the current proposals significantly.

Our clients also have concerns in relation to the proposed increase in journey times on Schoolhill resulting from the proposed pedestrianisation of Broad Street, as suggested within the Fairhurst Transport Assessment submitted as part of the submitted application. This assessment suggests a 26% increase in journey times eastbound and 23% westbound in the AM peak, and a 22% increase in journey times eastbound and 45% westbound in the PM peak, as a result of the Broad Street closure. It is clear therefore that access along Schoolhill to our clients car parks will be significantly affected, having a detrimental impact on customer experience and potentially discouraging visiting both our clients assets, John Lewis and other city centre stores.

Additionally this potential increase in traffic along Upperkirkgate and onto Schoolhill (as a result of not being able to drive along Broad Street) may potentially cause increased safety issues for pedestrians crossing between Bon Accord and St Nicholas centres, leading to a loss of permeability and accessibility across this desire line, that is one of the busiest crossings in Aberdeen city centre.

Pedestrian movement in and around the Bon Accord and St Nicholas Shopping Centres is monitored and analysed by F&C REIT. They are able to quantify that about 20 million pedestrians per annum cross the road between the two centres at Schoolhill / Upperkirkgate. This makes this part of the city centre very significant in terms of pedestrian usage but also in the wider image of Aberdeen as a place to visit and enjoy as a pedestrian.

It is difficult to envisage similar pedestrian usage of Broad Street, even if pedestrianisation goes ahead. Yet increased traffic along Schoolhill / Upperkirkgate could significantly affect permeability and pedestrian movement using this busy crossing between the two centres.

As a result of impacts on air quality in the same location it will also make this space less attractive to use from the perspective of pedestrians and cyclists. We would question the

compatibility of this outcome with the Council's Transport Strategy. We note that First Bus (one of the main public transport operators in the city has also publicly raised concerns on these proposals).

We quote from the Broad Street Civic Square Main Transportation Study (as presented to Aberdeen City Council March 2014; section 5.4.1) which states:

*"Due to the issues being experienced through the traffic modelling process, it has **not been possible within the timescales of this report to model air quality changes and to fully determine the impacts of the options.**" (our emphasis)*

In our view, the transport assessment submitted within the application does not sufficiently take into account the potential impact on the wider city centre of the pedestrianisation of this route and the impact this could have on footfall to other retail areas within the city centre.

We quote again from the Main Transportation Study (as presented to Aberdeen City Council March 2014; section 3) which states:

*"The re-routing of the....bus services would increase the frequency of buses on these routes and would impact on traffic flows and servicing/deliveries of existing businesses along these routes"*

It is our client's opinion that the civic square could be successfully created to enhance the amenity of this area, without the requirement to fully pedestrianise Broad Street at this location. We would question whether the assessment undertaken has fully appraised the potential alternatives to full exclusion of vehicular traffic from Broad Street.

We are also aware of the Council's proposed City Centre Masterplan which is due to be commissioned in summer 2014. We would suggest that this would be the opportunity to review these strategic proposals for vehicle and pedestrian movement across the heart of the city centre rather than via a stand-alone planning application for Marischal Square.

## Summary

Our client wishes to **object** to the Marischal Square planning application in so far as it includes the proposed pedestrianisation of Broad Street, for the following reasons:

- The pedestrianisation proposal appears to be premature to a full assessment of all the alternative options to achieve similar objectives.
- The proposal also seems premature to an agreed City Centre Masterplan the process for which has now commenced;
- The potential impact on the pedestrian environment at Schoolhill / Upperkirkgate does not appear to have been fully assessed;
- The potential impact on users of the Bon Accord and St Nicholas Centre and the proposed investment in improving these city centre facilities;

We look forward to confirmation of the receipt of this letter and would ask to be kept informed of the progress of this application.

Meanwhile should you have any queries or wish to discuss the above, please do contact me.

Yours faithfully



ALASDAIR MORRISON MA (Hons) DipTP MRTPI  
Associate  
For and on behalf of GVA James Barr

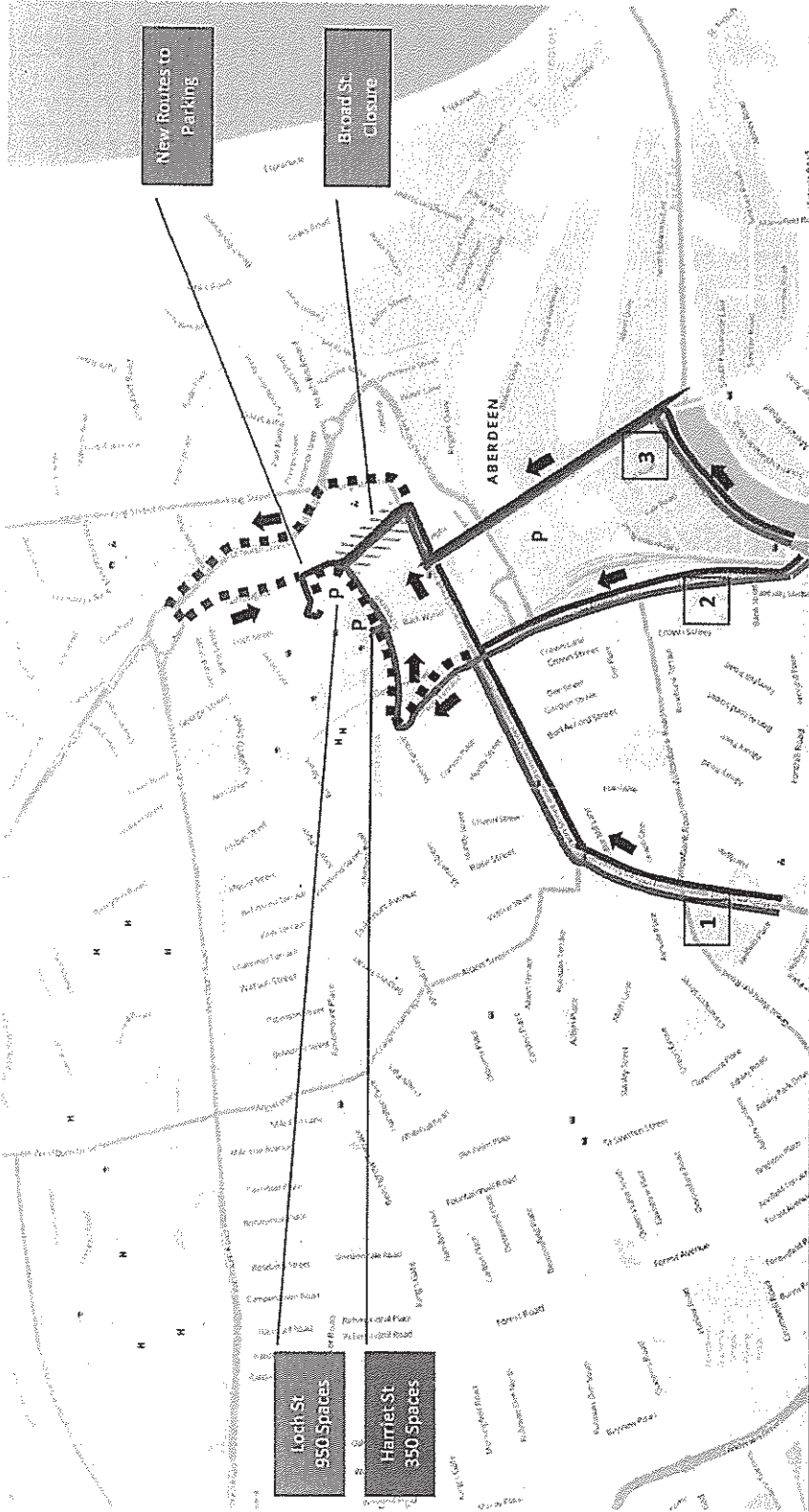
Enc

cc Margaret Bochel Head of Planning; ACC  
Joanne Wilkes and Spencer Gower F&C REIT

GVA James Barr

[gva.co.uk/scotland](http://gva.co.uk/scotland)

Pedestrianisation of Broad Street, Aberdeen



- Total entries are 1 Million per year. (350,000 Harriet St., 650,000 Loch St.)
- 1/3 of traffic approach from South of City.
- All vehicle access to Loch St from South will need to travel extra 1 mile (dotted line via West North St.) 70,000 vehicles.
- Traffic to Harriet St from South via Harbour will also travel extra mile. (58,000 vehicles)
- Loch St becomes first car park reached after diversion via West North St.
- Increased traffic wishing to use Loch St will use Schoolhill.

Ref Planning Application 140698  
Development Management  
Enterprise, Planning and Infrastructure  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

5 Harlaw Terrace  
Aberdeen  
AB15 4YU

Tel [REDACTED]

22<sup>nd</sup> June, 2014

Dear Sir,

Subject : Objection Planning Application Ref 140698 Marischal Square Development

I wish to object to the Planning Application for the new development of Marischal Square.

I am particularly concerned that the shops planned for the new development will draw customers from the already struggling Union Street shops to the further detriment of Union Street. Hence the amenities of the area would be diminished by the facilities being planned for Marischal Square.

I object to the changes in the plans for the frontage of Provost Skene's House which shows the Historic Arch, stairs and walls have been removed. Thus again detracting from the amenity and attraction of this important area in the centre of Aberdeen.

I would strongly recommend the architects are asked to rethink the plans but this time giving a stronger emphasis on the desires of the people of Aberdeen and indeed the tourists to this fine city who would be enthused by having a large open square where they could sit and admire the beauty of Provost Skene's House and Marischal College.

Regards,

[REDACTED]

Kathleen Hutcheon

Ref Planning Application 140698  
 Development Management  
 Enterprise, Planning and Infrastructure  
 Aberdeen City Council  
 Business Hub 4  
 Marischal College  
 Broad Street  
 Aberdeen  
 AB10 1AB

5 Harlaw Terrace  
 Aberdeen  
 AB15 4YU

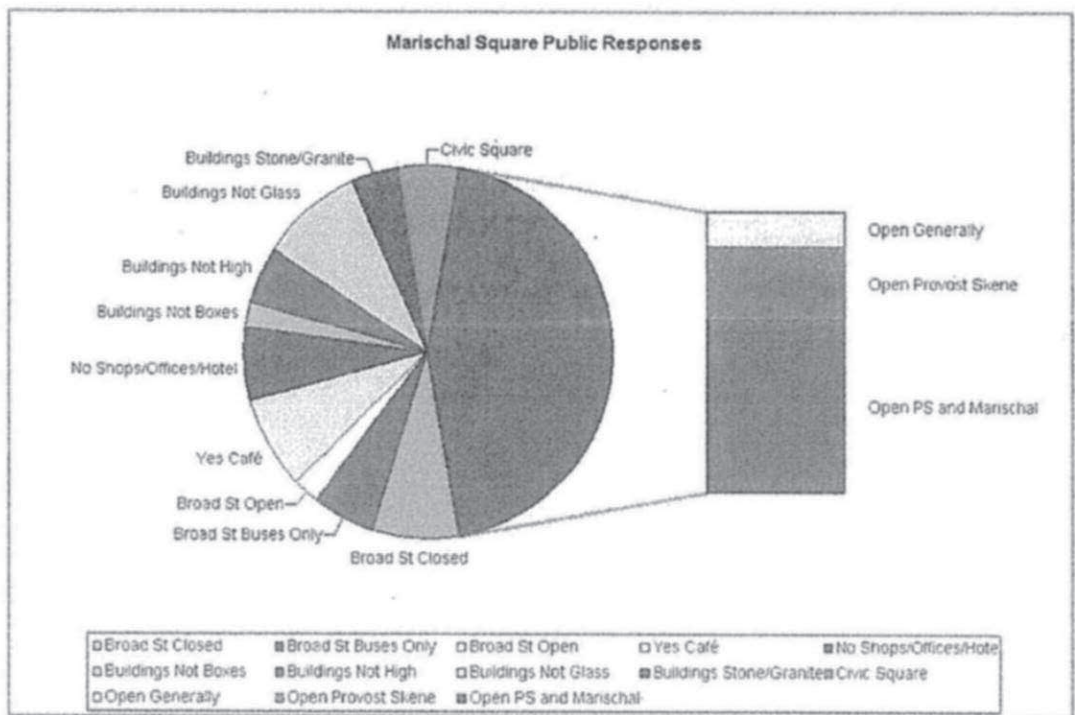
Tel 01224319891

22<sup>nd</sup> June, 2014

Dear Sir,

Subject : Objection Planning Application Ref 140698 Marischal Square Development

I wish to object to the Planning Application for the new development of Marischal Square. I am concerned that the Planners of this new development completely missed an opportunity of utilising the magnificent views available of Marischal College and the historic interest generated by Provost Skene's House. Even with a little thought and using buildings of varying heights the views of Marischal College and Provost Skene's House could be created. This cannot be beyond the wit of architects to design. The present design is not compatible with the character of the area and of the city centre of which it will become a significant part. With less than major changes the large building on the corner of Marischal Square nearest Union Street could be repositioned (turned clockwise) and hence create a much larger civic square which the people of Aberdeen strongly desire. I did an analysis of the Phase 1 Public responses and the chart below shows the result of my review of the feedback from the public who attended the Exhibitions.



One can see immediately the main desire for Aberdonians who saw the Public Exhibitions is for an open civic square where they can view Marischal Square and Provost Skene's House. This is not what is being developed.

Despite Councillor W Young stating to the P&J (date 27/5/14) that "Some people who have responded have misunderstood what the consultation was about." I would suggest they are very clear what they want and that is for the council who are representing the people of Aberdeen to take action to



ensure the plans for Marischal Square are implemented in accordance with their wishes and not those of the developers MUSE.

I would also note that the feedback on these plans has been difficult to obtain. For example the Phase 11 public feedback was only available at the end of May despite repeated requests for these and yet the fact that the report is dated December 2013. Also MUSE have stated that 4000 comments have been made by the public although only 1100 have been made public. The other 2900 have not been made available despite repeated requests for their release.

MUSE also state on their website at

<http://www.marischalsquare.co.uk/index.php/proposals/initial-exhibition/provost-skenes-house>

"Provost Skene's House will be at the heart of the Marischal Square project.

The role and setting of Provost Skene's House will be given special consideration in the new development. It will be protected from the demolition then re-opened at an appropriate time. Money is being set aside for conservation work."

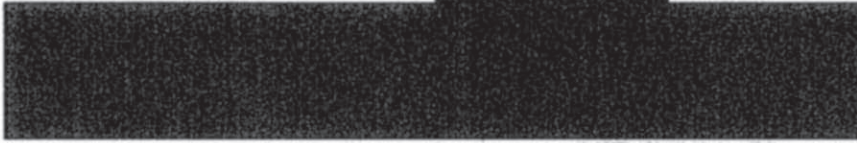
We now see in these plans (and those of Ref 140755) that the money being set aside appears to be for removal of the Historic Arch and other parts of the frontage of Provost Skene's House. I strongly object to this which seems to be consistent with MUSE planners attitude to denude Central Aberdeen anything of character, which includes the magnificent view of Marischal College from afar.

Thus I would suggest the information and feedback available for this significant project for Central Aberdeen has been poor and to some extent misleading.

The changes suggested above would not fundamentally endanger the financial agreements and contracts which appear to be the motivating criteria for the design which has been created.

I would strongly recommend the architects are asked to rethink the plans but this time giving a stronger emphasis on the desires of the people of Aberdeen for a design in keeping with the character of Aberdeen and providing a large open square where views of Marischal College and Provost Skene's House can be seen clearly without squinting through an alleyway between new mainly glass buildings. This would also be appreciated by the tourists to this fine city who would be enthused by the views created by the changes suggested above

Regards,



Ken Hutcheon

PASC Letters of Representation	
Apparition Number: 140698	
RECEIVED 24 JUN 2014	
NET	SOU
Case Officer: P:Rae	MAC
Date Acknowledged: 3-7-14	

3 Springbank Place,  
Aberdeen AB11

Dear Sir/Madam,

Marischal Square development: Planning Reference 140698

I am concerned that the proposed development would lead to a loss of amenity and is out of character with the historic area in which it is to be sited, and that criticisms made during earlier stages of the planning process have been ignored. In particular:

1. The height of the proposed new development will mean that Marischal College itself would be overshadowed, thus making it impossible for visitors to appreciate a key part of Aberdeen's heritage;
2. More generally, it is necessary to ensure that the site is developed in such a way that it complements the architectural gems that it will adjoin. An open square would be the most obvious way to achieve this: this suggestion has been made, so it is sad to see it being ignored;
3. The current plan is for yet more retail shopping facilities, yet the city centre already has an over-supply of retail space. Union Street is blighted by pawnbrokers and money-lenders, betting shops and charity outlets, since Aberdeen simply cannot support enough legitimate retail businesses to use all the space available for them. Creating yet more retail space while there is under-used capacity in George Street and Union Street would be insane, both financially and in terms of planning. The most probable consequence would be further decline in the city centre, more un-let premises and of course an increased deficit for the city council;
4. I am also concerned that the plans do not include provision for the many bus services that currently use Broad Street to enter and leave the city centre. Any disruption to these services could easily cause severe congestion, leading to extreme and irreversible blight in the city centre.

In sum, the proposed development would squander a great opportunity. This site represents the heart of Aberdeen, and could so easily enrich the lives of residents and attract substantial numbers of visitors. Insensitive development, as planned, can only be described as criminal irresponsibility.

I trust that this objection will lead to a change in direction.

Yours faithfully,

J. David Reece (Dr.)

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

Queens Cross/Harlaw Community Council  
 c/o Ken Hutcheon  
 5 Harlaw Terrace  
 Aberdeen  
 AB15 4YU

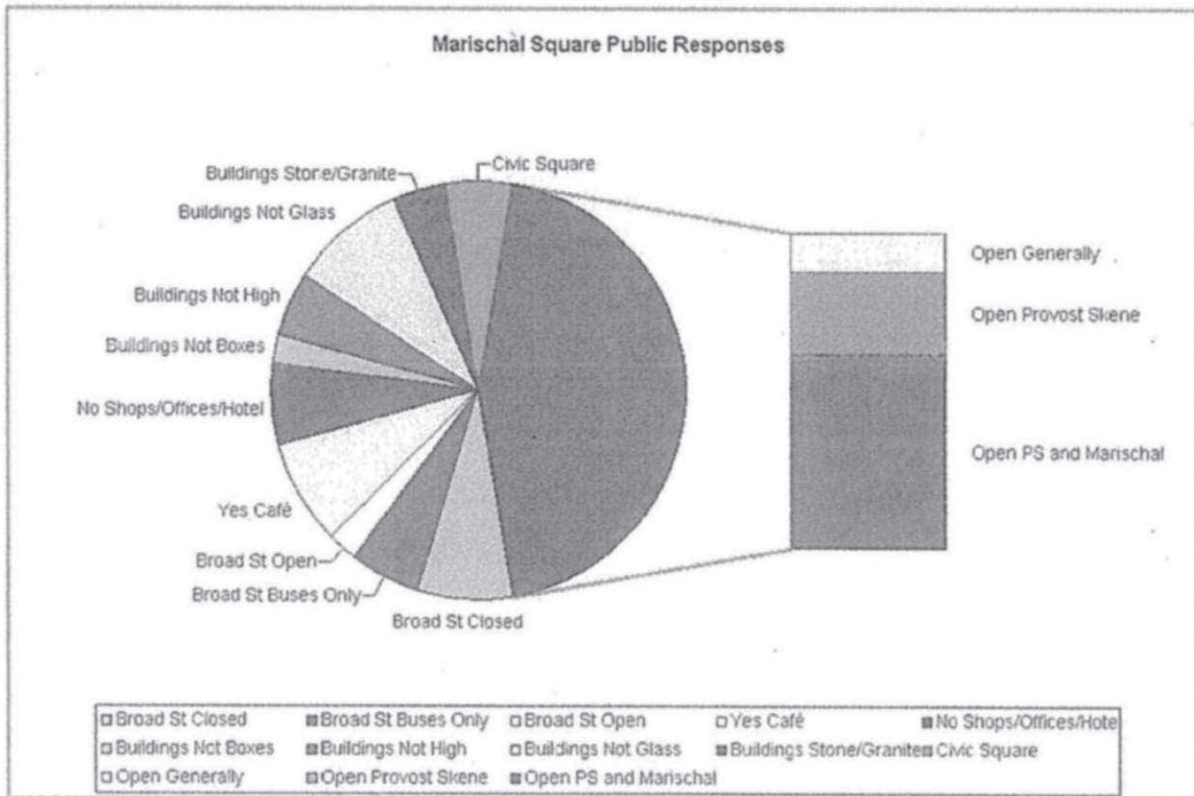
22nd June 2014

Dear Sir,

Subject : Marischal Square Planning Application Ref 140698  
 Objection on behalf of Queens Cross/Harlaw Community Council

We wish to object to the Planning Application for the new development of Marischal Square. As a Community Council our main concern is to ensure that the comments and objections of the citizens of Aberdeen have been taken into account. Unfortunately this does not seem to be the case.

One of our members (Mr Ken Hutcheon) has analysed the responses which were made public from the Phase 1 exhibitions and his chart is given below.



One can see immediately the main desire for Aberdonians who saw the Public Exhibitions is for an open civic square where they can view Marischal Square and Provost Skene's House. This is not what is being developed.

Our members are concerned that the shops planned for the new development will draw customers from the already struggling Union Street shops to the further detriment of Union Street.

It would seem that the Planners of this new development completely missed the opportunity of utilising the magnificent views available of Marischal College and the historic interest generated by Provost Skene's House. Even with a little thought and using buildings of varying heights the views

of Marischal College and Provost Skene's house could be created. This cannot be beyond the wit of architects to design.

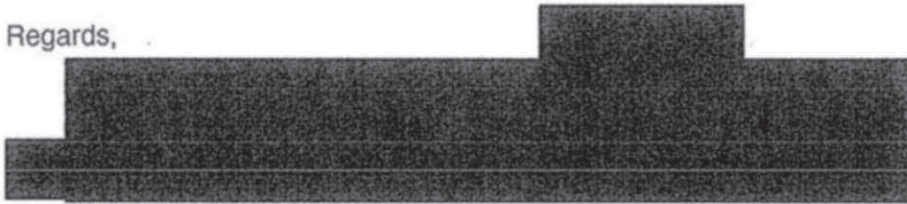
Also with less than major changes the large building on the corner of Marischal Square nearest Union Street could be repositioned (turned clockwise) and hence create a much larger civic square which the people of Aberdeen strongly desire.

The present design obliterates the perspective and character of the area and further detracts from the attraction the city centre.

The changes suggested would not appear to fundamentally endanger the financial agreements and contracts which appear to be the motivating criteria for the design.

We would strongly recommend the architects are asked to rethink the plans but this time giving a stronger emphasis on the desires of the people of Aberdeen and indeed the tourists to this fine city who would be enthused by the views created by the changes suggested above.

Regards,



Ken Hutcheon on behalf of Queens Cross/Harlaw Community Council

P&SD Letters of Representation	
Application Number:	140 698
RECEIVED	24 JUN 2014
No.	104
Case Officer Initials	ECC
Date Acknowledged	10-7-14

## Aberdeen Civic Society

### Comments on Marischal Square Development, Broad Street, Aberdeen

The committee of Aberdeen Civic Society has studied the proposals for the re-development of St Nicholas House by MUSE under planning application number 140698.

The Civic Society is disappointed with the proposals for the site, which sits in one of the most important and prominent parts of the city. Other cities in the UK seem to have an ability to add value and to build on existing heritage, but in Aberdeen we seem to struggle despite having inherited from previous generations some of the most beautiful buildings in the world that are built with the most wonderful materials in the world.

Aberdeen City Council made a great job of bringing back into use Marischal College; and this is an example of what can be achieved should there be a desire. However, the proposals for the re-development of the St Nicholas House site are, sadly, a different story. The council retains an involvement with the MUSE proposals for the re-development of St Nicholas House as owner of the site. It is therefore a key player in determining what happens to it. Unfortunately it appears to us that someone in a decision making capacity has been influenced by the financial projections of what could be achieved by increasing development density rather than making decisions based on what is good for such an important site in the centre of Aberdeen.

The proposals that are being brought forward should respect the existing buildings of Marischal College, Provost Skene's House and the street elevation of Upperkirkgate – but they do not. Crucially the proposals do not even respect adopted council policies for the development of the site, policies that have been through thorough and extensive public scrutiny at a time before detailed proposals were on the table for consideration.

Despite all of the prior public engagement and consultation over a great many years we feel let down at this late stage in the process for the re-development of the site. We are therefore disappointed that in making our objections known we have to point out to the council that so much of it fails to comply with their own existing and adopted policies.

We have the following detailed comments:

#### Scale of Development

Despite adjustments having been made as the application went through its pre-application public consultation phase, we feel that the overall density, massing and scale of the development is overpowering bearing in mind the site's important location and compared with its surroundings. Our comments relate specifically to the box-like appearance that is probably 3 storeys too high and lacking the variation and interest that is so characteristic of Aberdeen's existing skyline. The whole development needs to be more human in scale and properly take its place and setting from the buildings that are around it; the elevations, form, density, scale and massing of Marischal College and Upperkirkgate – buildings that tend to punctuate the skyline of Aberdeen rather than flatten it with large horizontal roof structures.

The following Policies and Supplementary Planning Guidance should be referred to in this context:

- Aberdeen Local Development Plan adopted in 2012
- Aberdeen City Centre Development Framework
- The Bon Accord Quarter Aberdeen Masterplan

Details of specific policies and paragraphs are in Appendix 1 to this submission.

In the light of these policies and supplementary guidance, which have been through extensive and wide reaching prior public engagement, it is hard to believe that the heights of buildings proposed in the application comply with existing policy. It is even harder to understand how professional people can describe in words such as "slightly" when comparing the heights of the new buildings to those of the Broad Street elevation of Marischal College and the listed buildings of Provost Skene's House and Upperkirkgate. How can it be that the applicants architect (Halliday Fraser Munro) and heritage advisers (Hurd Rolland) say in application reports that the building heights are only "slightly" higher than adjacent buildings, when in fact they are probably closer to double the height.

#### **Flourmill Lane**

The Civic Society has concerns about the height of buildings and uninteresting street level approach taken to the design of new buildings on Flourmill Lane. The opportunity of this development to improve the pedestrian experience in Flourmill Lane has not been taken, it being relegated to a delivery or service area flanked by extremely tall buildings. More could be made of access to Provost Skene's House from Flourmill Lane.

#### **Pedestrianisation of Broad Street**

We remain to be convinced that the pedestrianisation of Broad Street is beneficial to the traffic flows in Aberdeen. Increased usage of Union Terrace, Schoolhill and Upperkirkgate for bus traffic will only diminish the pedestrian experience on these streets, which at the moment is relatively pleasant.

#### **Glazing**

Much glass has been used as a building material in the proposals. If this is retained, having it mirrored will at least provide a reflection of some of Aberdeen's historic architecture from adjacent buildings.

#### **Summary**

We do not have a problem with the principle of development on this site but feel that the existing proposals do little to enhance and celebrate its historic surroundings. We have grave concerns about the scale and bulk of the proposed design. We feel that more could be done to improve Flourmill Lane and access to Provost Skene's House. We remain to be convinced about the pedestrianisation of Broad Street.

We would appreciate it if these points are taken into consideration in the council and Scottish Government's decision making on this proposal.

## Appendix 1

### Relevant Policies and Supplementary Planning Guidance

#### Aberdeen Local Development Plan adopted in 2012

- i) Section 3.21 says that  
*"The skyline contributes significantly to the character of the City. Tall or large scale buildings can add to and positively enhance the identity of the City if well designed. However, they can have a detrimental effect if due consideration is not given to their context, form and massing."*
- ii) Policy D1 - Architecture and Placemaking says  
*"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. To ensure that there is a consistent approach to high quality development throughout the City with an emphasis on creating quality places, the Aberdeen Masterplanning Process Supplementary Guidance will be applied. The level of detail required will be appropriate to the scale and sensitivity of the site. The full scope will be agreed with us prior to commencement. Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City's skyline and aim to preserve or enhance important views."*
- iii) Policy D6 – Landscape says  
*"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;..."*

Adopted Supplementary Guidance is also relevant and needs to be taken into account when considering the bulkiness, massing, scale and shape of the new development when compared to some of the adjacent historic and landmark buildings.

#### Aberdeen City Centre Development Framework

- i) On page 9 section 1.4 **Where do we want to go?** says  
*"The City Centre has a strong character with uniformity of materials and styles, reflected in its granite buildings, the grand nature of Union Street and smaller intimate streets and public spaces just off the main thoroughfare. Much of the City Centre falls within designated Conservation Areas and it has a large concentration of listed buildings. Understanding what is of value, protecting and improving the built fabric is vital within the City Centre. The City needs quality design solutions. All development must make a contribution to the wider context of the City."*

- ii) On p17 section 2.4.4 **Buildings** says  
*"A variety of building periods and styles contribute to the character of the City Centre, ranging from St Nicholas Kirk, 16th century Provost Ross and Skene's houses to 20th century shopping centres and civic buildings. The 19th century planned streets are lined in the main by fine granite buildings of 4 or 5 storeys. A variety of public buildings, from St Nicholas Kirk through to St Nicholas House punctuate the skyline. The dominant architectural style can be described broadly as classical or neo-classical. Notable landmark buildings include the Town House, the Salvation Army Citadel and the spires of Marischal College, St Nicholas Kirk, and Triple Kirks, as well as the Schoolhill domes of the Art Gallery, His Majesty's Theatre, City Library and St Marks. These landmarks contribute to the legibility to the City Centre and aid navigation. They are often seen as a visual symbol of Aberdeen."*
- iii) On p24 section 3.5 **Tall or Large Buildings and the City's Skyline** says  
*"Tall or large scale buildings can add to, and positively enhance, the identity of the City and its skyline if well designed. However, they can have a detrimental effect if due consideration is not given to their context. The definition of a "tall building" is one that exceeds the general height of its surrounding context. A "large building" may not breach the skyline, but may be viewed as bulky and at odds with its surroundings from strategic locations. In certain circumstances as little as an additional storey height may set a development proposal out of context. It is not expected that there will be a presumption against tall buildings, indeed the City Centre is the right place for such buildings, but they should respect the height and scale of their surroundings, the urban topography and the City's skyline and aim to preserve or enhance important vistas. Further Supplementary Guidance will be prepared as part of the Aberdeen Local Development Plan to support a Tall or Large Buildings Policy."*
- iv) On p32 section 3.6.12 **Broad Street** says  
*"Broad Street is flanked by the contrasting forms of Marischal College to the east, and the tower block of St Nicholas House to its west. The Bon Accord Masterplan considered this area to be the civic heart of the City with the redevelopment of St Nicholas House site, the formation of a civic square in front of Marischal College, a new courtyard to the north of Provost Skene's house and new pedestrian linkages between Marischal College and St Nicholas Kirk being key to improving the potential of this area. Further information on this can be found in section 4.2 the Civic Quarter. The formation of a civic square is crucial in providing an appropriate setting for the new City Council Headquarters at Marischal College. Uses around the square would include retail, restaurants, offices, residential, hotel, cultural and civic, creating a genuine, economically sustainable mixed use neighbourhood within the City Centre. These uses around the square must create live frontages and activities at all times of the day and evening, resulting in a successful, positive and usable public space."*
- v) On p34 section 3.9 **Corners** talks about how to use corners in design and give a new development a sense of place which is another characteristic of Aberdeen,  
*"Turning a corner on urban blocks in the City Centre has often been seen as a cause for architectural celebration. Whether flamboyant turrets or simple chamfers, corners have traditionally been a focus for finely detailed masonry work, interesting and unique*



*features. Successful contemporary examples of this are few and far between, but should be encouraged to promote a sense of identity in any new development."*

#### The Bon Accord Quarter Aberdeen Masterplan

- i) There is a key message contained in the note on p2 about the scale of any development proposed for the Bon Accord Quarter, a message obviously felt necessary to reinforce in view of the public engagement that took place at the time:

*"Note:*

*Illustrations and artists impressions within this document are intended to be studies of spaces and building massing. They are not intended to represent specific architectural proposals. Following the principles established in this Masterplan, there will be further design studies of architecture and urban spaces within the context of individual planning applications."*

- ii) On p5 there is a question posed with an answer:

*"?: The Masterplan needs to ensure that shopping centres integrate fully with their surroundings, that there is permeability within the city and that development is of an appropriate scale"*

*"In creating new public route connecting Marischal College with St Nicholas Kirk, the masterplan integrates the shopping centres more strongly with the public realm. In addition the new footbridge across Schoolhill enables easy accessibility between the upper levels of the city, from the new Civic Square to St Nicholas Centre and the Bon Accord Centre.*

*The scale of proposals is commensurate with a thriving modern city centre. There is demand from retailers and their customers for larger modern shop and urban environments with good transport connections and car parking. In all, proposals will increase the amount of retail space within the masterplan area from 55,740 sqm to 74,300 sqm, an increase of some 33%.*

*Building heights will respond to local context so that, for example on Upperkirkgate they do not exceed three stories. At other parts of the masterplan building heights will not exceed five or six storeys."*

- iii) On p12 under the heading of **Public Realm: Analysis** the SPG states that:

*"Aberdeen is a city of unique qualities and it is the intention of the masterplan to preserve and draw upon these qualities within an improved city centre environment that enhances the shopping and leisure experience. Central to this ambition is an understanding of how the unique sense of place of Aberdeen is created and how the masterplan can build upon that in the future.*

*Aberdeen is a city of consistent high quality architecture with the use of granite creating a visually coherent and unified consistent townscape. The three-dimensional*

aspect of Aberdeen has developed through history, with changes in level evident in bridges and elevated streets. In addition, the distinctive typological patterns of the medieval Wynds and the Georgian and Victorian streets overlay each other, creating a unique contrast of grandeur and informality. A significant number of architectural landmarks contribute to the Aberdeen experience and help define the spaces and routes in the city centre. These include Marischal's College, St Nicholas Kirk and The Town House. The masterplan lies largely outside the Union Street Conservation Area with the exclusion of Upperkirkgate and Schoolhill and Marischal College. There are two 'A' listed buildings within the masterplan area being Marischal College and Provost Skene's House as well as several other 'B' and 'C' listed buildings on Schoolhill and Upper Upperkirkgate including the listed Robert Sivell murals in the former Student's Union."

iv) On p22 the issue about building heights is again covered and it says that:

"The masterplan will provide an improved setting for Provost Skene's House. Historically the house was tightly enclosed within the dense medieval townscape. With the redevelopment of St Nicholas House in the late 1960's this setting was lost. The objective of the masterplan is to create a smaller scale court to the main front, similar in plan to the existing garden. This court will be surrounded by 4-5 storey buildings, possibly including a hotel, with a smaller scale 2 storey building screening the loading bay and customer pick up to Marks & Spencer from the court. The rear of Provost Skenes House was, at one time a solid wall with other buildings built up against it. The workshop called for Provost Skene's house to be linked with a possible Arts Venue or Visual Arts Centre. This could be achieved by creating a modern glazed structure or atrium to house this additional use or to provide a physical link to other spaces within the masterplan

Building heights should be no more than five storeys on to the square to match the overall height of Marischal's College. There is the possibility that this might increase to six or seven storeys away from the square in the location of the proposed hotel which is the site of the existing 14 storey St Nicholas House.

The south side of the square should be broken into three or four urban blocks with clear gaps between for sunlight to penetrate the space. Elsewhere, buildings to Upperkirkgate should respond to the lower scale and general informality of the medieval and Georgian townscape and not exceed 3 storeys."

P&SD Letters of Representation		
Application Number: 140698		
RECEIVED 23 JUN 2014		
Ncr	<input checked="" type="checkbox"/>	MAp
Case Office: Initials:	GC	
Date Acknowledged:	08/07/14	

PI

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**From:**  
**Sent:** 23 June 2014 11:10  
**To:** PI  
**Subject:** Objection to planning application no. 140698 St Nicholas House site by R Millar

Objection to planning application no 140698

Mixed use development, on the St Nicholas House site, including office, hotel, retail, restaurant, leisure, etc.

The ideal use to which the St Nicholas House site, in its entirety, ought to be put is a large civic park from which the magnificent facade of Marischal College and the historic Provost Skene House can be appreciated from many viewpoints and from within an attractively landscaped, green environment.

Unfortunately, however, it seems that Aberdeen City Council is committed to Muse with a view to a development, on the site, which includes office, hotel, retail and leisure space.

I assume here that this may be a legally binding commitment, with certain parameters regarding utilizable space established. However, there is certainly no reason that the development should follow the congested plan which forms the subject of the current application.

The present plan shows six large blocks arranged around Provost Skene House and on front of Marischal College in a way which drastically limits the views of both. Especially in the case of Provost Skene House, it will be invisible, except for the occasional glimpse, until the visitor has negotiated chasms between the proposed blocks and is right upon it. Even then, views will be severely compromised, especially those of north-west facing side which has one of the main proposed blocks running its entire length, separated only by a narrow alley. Rubbing salt in the wound, it is proposed that the pleasant courtyard, at the house entrance, be demolished to allow for a couple of token plots of greenery.

There are, however, alternatives to all this which may go some way to part salvaging the ideal of a civic park with which I began. Drastically reduce the number of blocks, decreasing the development's footprint, leaving much more space for landscaping while keeping Broad Street as an essential thoroughfare. Correspondingly, increase the height of each of the remaining blocks or block insofar as it is necessary to fulfil any binding agreements, regarding utilizable space, already reached with the developer.

As illustration, imagine something like the London Shard, a very high but narrow tower, situated on the opposite side of Broad Street from Marischal College. Its relatively small footprint would dramatically increase the visibility of both the Marischal facade and Provost Skene House as well as leaving an extensive area for landscaped greenery. Furthermore, only something of this scale and ambition could form an appropriate compliment to the iconic Marischal facade. Such a tower's strong vertical thrust would form a counterpoint to the horizontal movement of the facade and echo of the impressive Mitchell Tower behind.

In conclusion, I simply reiterate that the ideal use for the entire area is for an attractively landscaped civic park. However, if for legal reasons this is impossible, I still object to the present application since there is so much scope for its improvement along the lines I have suggested.

Yours sincerely,

Roddy Millar

## Policy D1

*"The skyline contributes significantly to the character of the City. Tall or large scale buildings can add to and positively enhance the identity of the City if well designed. However, they can have a detrimental effect if due consideration is not given to their context, form and massing."*

*"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, to ensure that there is a consistent approach to high quality development."*

## Policy D6

*"With an emphasis on creating quality places, the Aberdeen Master-planning Process Supplementary Guidance will be applied. The level of detail required will be appropriate to the scale and sensitivity of the site. The full scope will be agreed with us prior to commencement. Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City's skyline and aim to preserve or enhance important views."*

*"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;..."*

## Aberdeen City Centre Development Framework

On p17 section 2.4.4

*"The City Centre has a strong character with uniformity of materials and styles, reflected in its granite buildings, the grand nature of Union Street and smaller intimate streets and public spaces just off the main thoroughfare. Much of the City Centre falls within designated Conservation Areas and it has a large concentration of listed buildings. Understanding what is of value, protecting and improving the built fabric is vital within the City Centre. The City needs quality design solutions. All development must make a contribution to the wider context of the City."*

*"A variety of building periods and styles contribute to the character of the City Centre, ranging from St Nicholas Kirk, 16th century Provost Ross and Skene's houses to 20th century shopping centres and civic buildings. The 19th century planned streets are lined in the main by fine granite buildings of 4 or 5 storeys. A variety of public buildings, from St Nicholas Kirk through to St Nicholas House punctuate the skyline. The dominant architectural style can be described broadly as classical or neo-classical. Notable landmark buildings include the Town House, the*

Salvation Army Citadel and the spires of Marischal College, St Nicholas Kirk, and Triple Kirks, as well as the Schoolhill domes of the Art Gallery, His Majesty's Theatre, City Library and St Marks. These landmarks contribute to the legibility to the City Centre and aid navigation."

On p24 section 3.5

"Tall or large scale buildings can add to, and positively enhance, the identity of the City and its skyline if well designed. However, they can have a detrimental effect if due consideration is not given to their context. **The definition of a "tall building" is one that exceeds the general height of its surrounding context.** A "large building" may not breach the skyline, but may be viewed as bulky and at odds with its surroundings"

v) On p34 section 3.9

"In certain circumstances as little as an additional storey height may set a development proposal out of context. It is not expected that there will be a presumption against tall buildings, indeed the City Centre is the right place for such buildings, but they should respect the height and scale of their surroundings, the urban topography and the City's skyline and aim to preserve or enhance important vistas. Further Supplementary Guidance will be prepared as part of the Aberdeen Local Development Plan to support a Tall or Large Buildings Policy."

"Broad Street is flanked by the contrasting forms of Marischal College to the east, and the tower block of St Nicholas House to its west. The Bon Accord Masterplan considered this area to be the civic heart of the City with the redevelopment of St Nicholas House site, the formation of a civic square in front of Marischal College, a new courtyard to the north of Provost Skene's house and new pedestrian linkages between Marischal College and St Nicholas Kirk being key to improving the potential of this area. Further information on this can be found in section 4.2 the Civic Quarter. The formation of a civic square is crucial in providing an appropriate setting for the new City Council Headquarters at Marischal College. Uses around the square would include retail, restaurants, offices, residential, hotel, cultural and civic, creating a genuine, economically sustainable mixed use neighbourhood within the City Centre. These uses around the square must create live frontages and activities at all times of the day and evening, resulting in a successful, positive and usable public space."

"Turning a corner on urban blocks in the City Centre has often been seen as a cause for architectural celebration. Whether flamboyant turrets or simple chamfers, corners have traditionally been a focus for finely detailed masonry work, interesting and unique features. Successful contemporary examples of this are few and far between, but should be encouraged to promote a sense of identity in any new development."

#### The Bon Accord Quarter Aberdeen Masterplan

On p 5

*"The Masterplan needs to ensure that shopping centres integrate fully with their surroundings. The scale of proposals is commensurate with a thriving modern city centre. There is demand from retailers and their customers for larger modern shop and urban environments with good transport connections and car parking. In all, proposals will increase the amount of retail space within the masterplan area from 55,740 sqm to 74,300 sqm, an increase of some 33%. Building heights will respond to local context so that, for example on Upperkirkgate they do not exceed three stories. At other parts of the masterplan building heights will not exceed five or six storeys."*

On p12

*"Aberdeen is a city of unique qualities and it is the intention of the masterplan to preserve and draw upon these qualities within an improved city centre environment that enhances the shopping and leisure experience. Central to this ambition is an understanding of how the unique sense of place of Aberdeen is created and how the masterplan can build upon that in the future. Aberdeen is a city of consistent high quality architecture with the use of granite creating a visually coherent and unified consistent townscape. The three-dimensional aspect of Aberdeen has developed through history, with changes in level evident in bridges and elevated streets. In addition, the distinctive typological patterns of the medieval Wynds and the Georgian and Victorian streets overlay each other, creating a unique contrast of grandeur and informality. A significant number of architectural landmarks contribute to the Aberdeen experience and help define the spaces and routes in the city centre. These include Marischal's College, St Nicholas Kirk and The Town House. The masterplan lies largely outside the Union Street Conservation Area with the exclusion of Upperkirkgate and Schoolhill and Marischal College. There are two 'A' listed buildings within the masterplan area being Marischal College and Provost Skene's House as well as several other 'B' and 'C' listed buildings on Schoolhill and Upper Upperkirkgate including the listed Robert Sivell murals in the former Student's Union."*

On p22

***"The masterplan will provide an improved setting for Provost Skene's House. Historically the house was tightly enclosed within the dense medieval townscape. With the redevelopment of St Nicholas House in the late 1960's this setting was lost. The objective of the masterplan is to create a smaller scale court to the main front, similar in plan to the existing garden. This court will be surrounded by 4-5 storey buildings, possibly including a hotel, with a smaller scale 2 storey building screening the loading bay and customer pick up to Marks & Spencer from the court. The rear of Provost Skenes House was, at one time a solid wall with other buildings built up against it. The workshop called for Provost Skene's house to be linked with a possible. Arts Venue or Visual Arts Centre. This could be achieved by creating a modern glazed structure or atrium to house this additional use or to provide a physical link to other spaces within the masterplan. Building heights should be no more than five storeys on to the square to match the Overall height of Marischal's College. There is the possibility that this might increase to six which is the site of the existing 14 storey St Nicholas House. The south side of the square should be broken into three or four urban blocks with clear gaps between for sunlight to penetrate the space. Elsewhere, buildings to Upperkirkgate should respond to the lower scale and general informality of the medieval and Georgian townscape and not exceed 3 storeys."***

PI

---

**From:** jim mckay [REDACTED]  
**Sent:** 26 June 2014 18:33  
**To:** PI  
**Subject:** Provost Skene's House.

As an Aberdeen citizen I object most strongly to the Marischal Square development as a short-sighted, grubby, soul-less abortion and an unbelievably stupid missed opportunity for a long-term transformational development that would have benefited citizens and encouraged visitors for generations to come.

In particular I would object even more strongly, if that was possible, to any vandalism of Provost Skene's House. Any 'development' of Provost Skene's House would be desecration.

This is a shameful period in the history of Aberdeen City Council and so incredibly stupidly short-sighted - in forty years time this development will be being torn down as St. Nicholas House is now.

James McKay  
Newpark Cottage  
Kingswells  
Aberdeen  
AB158PQ.

945

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 03 June 2014 09:37  
**To:** PI  
**Subject:** Planning Comment for 140698

Comment for Planning Application 140698

Name : Rachel Scott  
Address : 3 Dawson Wynd  
Westhill  
Aberdeenshire  
AB32 6NR

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

Comment : I am urging Aberdeen city council to learn the lessons of the past and please don't replace St Nicholas House with another unattractive monstrosity. You now have the most incredible opportunity to restore what is potentially the most beautiful location in the city and protect and preserve it for future generations. Recent demolition work has uncovered views of what should be the jewels in Aberdeen's heritage crown - Marischal College and Provost Skene's house. Create public space around them - not a giant glass edifice. Aberdeen does not need any more chain stores or office blocks. By all means have a few cafes around the Marischal college piazza/public space but please whatever you do, don't squander the incredible opportunity you've been given to right the wrongs of the past.

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PI

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 09 June 2014 12:03  
**To:** PI  
**Subject:** Planning Comment for 140698

Comment for Planning Application 140698  
Name : Dustin Macdonald  
Address : 18 Thistle Court Aberdeen AB10 1ST

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : The City Centre Community Council, as statutory consultees, have to comment on the Marischal Square planning application put forward by Muse and designed by architects Halliday Fraser Munro.

We would like to point out that during the consultation a very large number of the comments submitted indicated the desire for a much larger open space and less development.

We would have liked a large, central, civic square, however, we realise that the land was sold as a development site with a legal requirement to provide a certain square footage of retail space, offices and a hotel. We, therefore, have to be content with the size of the proposed 'civic space' in front of Marischal College. This space, however, relies on the pedestrianisation of Broad Street, which raises concerns re: traffic management on Upperkirk gate, and the safety of pedestrians. We hope that a solution will be found.

We can see some of merit in the development i.e. the hotel will provide 125 much needed, four-star rooms in Aberdeen. We were told that businesses are looking for high quality 'new' offices in the city centre, rather than refurbishing the empty spaces in the buildings on Union Street. While this is disappointing, we have no choice but to accept that this development will provide 175,000 square feet of office space.

We think that the new gardens in the middle of the development next to Provost Skene's House will, possibly, create a nice, quiet space. However feel the size/scale of the development is very large and are disappointed that there doesn't seem to be much difference in heights of the various buildings. We were led to believe that the Upperkirk gate end of the development would have considerably lower elevations, however this does not appear to be the case.

We like the idea that there will be 24-hour access enabling the public to walk through the development at any time of the day or night. We understand that there will be security measures in place.

We understand that people will be able to see straight through a gap in the buildings opposite Marischal College to see a view of Provost Skene's House. The design shows the buildings on either side, raised up off the ground, with the use of lots of glass on the ground floor.

We would, however, like to see the opening between Broad Street and the centre of the development, made larger, with better integration between the two civic spaces. If this means losing commercial space we would see it added in height on to the Union Street side of the development.

We would like to see more detail on how the space could be brought to life e.g. using coloured lights on interactive pavements, lights on fountains/water features, webcams placed on the tops of buildings with screens showing live aerial views of Aberdeen.

We liked that the inspiration for the different shapes and colours of the proposed buildings came from the pre-war tenements that were there before St. Nicholas House was developed. We do, however, feel that the design is not iconic and we are disappointed that the buildings are not expected to last more than sixty years.

We feel that in the current state we object to the application on the basis that the scale of the development is much larger than first thought and that there is not enough consideration for the civic space. If our concerns were addressed we would reconsider our position

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P&SD Letters of Representation		
Application Number: 140698		
RECEIVED 10 JUN 2014		
Nor	Sou	MAp
Case Officer Initials: GGE		
Date Acknowledged: 19-6-14		

GLE

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 30 May 2014 14:04  
**To:** PI  
**Subject:** Planning Comment for 140698

Comment for Planning Application 140698

Name : Clare Robertson  
Address : 10 Esslemont Avenue  
Aberdeen

Telephone :

Email : [REDACTED]

type :

Comment : The majority of responses to the stage 1 public consultation indicated that the people of Aberdeen want this area to be left open so that both Marischall College and Provost Skene's House can be visible from one viewpoint. This is not possible with the current plans. Furthermore, the number of people indicating that 'glass boxes' would be acceptable was very low. Indeed, Muse publicly stated that they had taken on board that the people of Aberdeen do not want to see another glass box in the city centre. The plans have given us just that, however, another unimaginative, unattractive glass box. It is hard to see how this is any improvement on St Nicholas House. Given the dismal state of Union Street we do not need further space for shops (Union St buildings should be restored and rent made affordable for shops to be located on the main street). With the demolition of St Nicholas House almost complete, it is possible to see how beautiful this area could be; how it could become a tourist attraction spot, showcasing historic and unique attributes of Aberdeen. Please, please don't let this area be destroyed by poor architecture as it has been for decades. This plan is not what the majority of people living in Aberdeen want for their city as outlined in the stage 1 consultation.

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LTE

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 30 May 2014 15:46  
**To:** PI  
**Subject:** Planning Comment for 140698

Comment for Planning Application 140698

Name : Michelle Gavin

Address : 26 Cattofield Gardens

Aberdeen  
Ab25 3QZ

Telephone :

Email : [REDACTED]

type :

Comment : The Broad Street part of the plans will necessitate the rerouting of most of aberdeens buses which use this street. The surrounding area is already gridlocked without the additional strain.

We were promised a Civic Square next to Provosts House and now it is simply a repeat of the disaster which was st Nicholas House

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PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 31 May 2014 09:04  
**To:** PI  
**Subject:** Planning Comment for 140698

Comment for Planning Application 140698

Name : Stuart Christie  
Address : 7 Station Road West  
Peterculter

Telephone :

Email : 

type :

Comment : Why are we again making the mistake of our past by making another glass and concrete box. The development should fit in with the amazing structures around it. I feel you need to find a design that is more pleasing to the eye and not just make the same mistake. Find a local design team you have Grays school of art to hand as well. Please rethink this plan as it will be our future who will be knocking it down in 40 years as another aberdeen council eyesore.

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PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 30 May 2014 16:20  
**To:** PI  
**Subject:** Planning Comment for 140698

Comment for Planning Application 140698  
Name : Laura Fruhen  
Address : 109 Union Grove, AB106SL Aberdeen

Telephone :

Email : 

type :

Comment : Based on the results that you have published from the pub. consultation, I do not see the issues raised by your citizens sufficiently addressed in the design changes that have been made. The results of the consultation clearly show that the public wish for an open space, height limitations and not another glass box that will obstruct the beautiful views on the Provost Skene's and MC. Were we all wasting our time?

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LEE

PI

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 30 May 2014 18:33  
**To:** PI  
**Subject:** Planning Comment for 140698

Comment for Planning Application 140698

Name : Jane Cameron  
Address : 42 Seaview Place  
Aberdeen  
AB23 8RL

Telephone :

Email : 

type :

Comment : I appreciate the city's need to develop, but this particular proposal is totally insensitive to this area and Provost Skene's House. I am not a lone voice , so wonder why the consultation appears to be ignoring the comments in favour of a more open development , allowing both the front of Marischal and Skene's House to be more visible.

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## Planning Development Management Committee

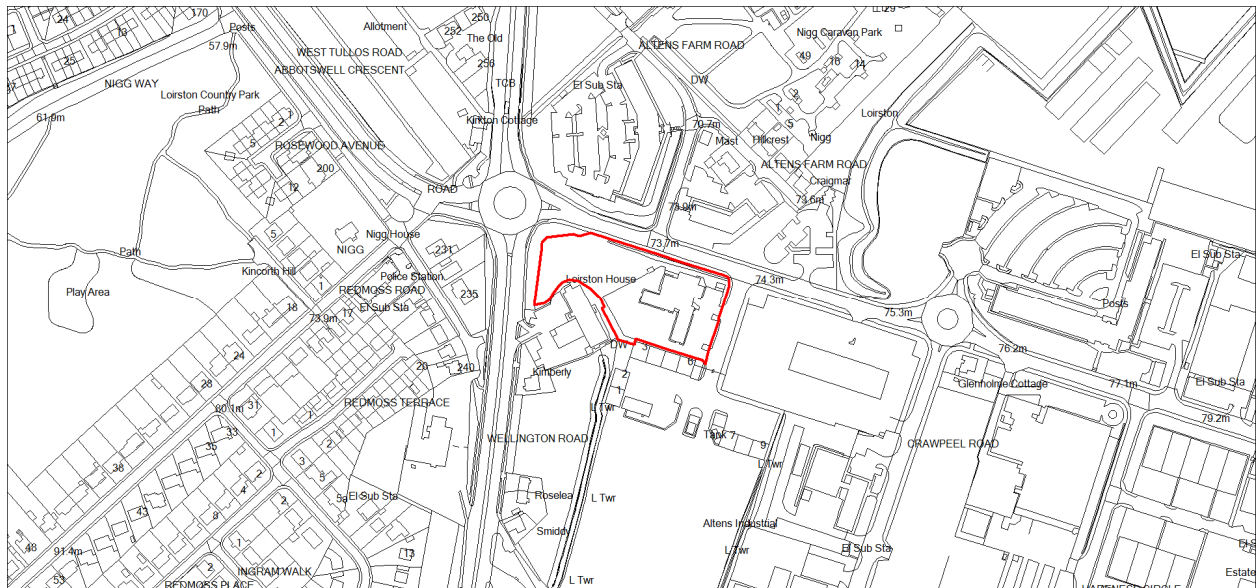
SITE 94/102 HARENESS ROAD, ALTENS INDUSTRIAL ESTATE

ERECTION OF OFFICE DEVELOPMENT WITH ASSOCIATED, CAR PARKING AND LANDSCAPING

For: Robertson

Application Type : Detailed Planning Permission  
Application Ref. : P140229  
Application Date: 27/02/2014  
Officer: Gavin Clark  
Ward : Kincorth/Nigg/Cove (N Cooney/C Mccaig/A Finlayson)

Advert : Section 34 -Proj. Pub. Concern  
Advertised on: 19/03/2014  
Committee Date: 24 July 2014  
Community Council : Comments



**RECOMMENDATION:** Willingness to approve , subject to conditions, but to withhold the issue of the consent documents until the applicant has provided financial contributions towards the core path network.

## **DESCRIPTION**

The application site extends to 0.83 hectares and occupies a prominent, elevated position at the junction of Wellington Road and Hareness Road. The site comprises the former Laurie's Motel, which currently lies vacant. The motel buildings are single storey and are located on the eastern half of the site with car parking along the eastern frontage and to the rear. Access is taken from the east via the access adjacent to Altens Lorry Park. There is some landscaping along the Hareness Road elevation and to the rear along the southern boundary. There is a grassed embankment rising up from Wellington Road and an extensive grassed areas stretching eastwards for approximately 75m, which acts as a feature at the entrance to Altens Industrial Estate. On the opposite corner, on then northern side of Hareness Road is a three storey crescent shaped office block, which is set back from its junction and is set at a lower level.

The south-east boundary of the site is delineated by the rear elevations of industrial units at Altens Lorry Park. The south-west boundary is delineated by a landscaping strip which provides some screening between the site and the adjacent Loirston House, a two storey office block.

## **RELEVANT HISTORY**

Outline planning permission (Ref: A4/1770) was approved in September 2005 for an office development with associated car parking. Planning permission (Ref A6/2138) was approved in February 2007 for the erection of an office and associated car parking facilities. A further application (Ref: 120129) was approved in March 2012 for a Section 42 Variation to the five year time condition imposed by the previous approval. This permission has not yet been implemented, and remains live, with this permission due to expire in March 2015.

## **PROPOSAL**

The proposal involves the erection of a five storey (with associated basement) office building which would provide 7157 square metres (gross) and 5892 square metres (net) of Class 4 office space, with associated car parking and landscaping.

### **Proposed Building**

The building would be rectangular in shape with the main elevation facing north onto Hareness Road and the feature elevation facing west onto Wellington Road. The building would have an overall length of 85m on its southern elevation facing Loirston House, and 75m on its northern elevation onto Hareness Road. The building would have a depth of 20m (excluding the entrance feature), which measures 13m x 6.5m, which is located on the southern elevation.

The roof of the building would be flat, and would have a height of 20m; however, due to differences in site levels, the maximum overall height would be 23m. A plant room would also be located on the top floor of the building. The entrance feature, located on the rear (south) would be four storeys and would have a height of 16m. This element would be finished in white render, and would have a large proportion of glazing. Office accommodation would be located on the three levels above.

A number of materials are proposed on the building, including buff smooth render ceramic cladding panels, the top floor of the building would include a glass curtain wall with metal cladding and a louvered finish to the plant.

The lower ground floor of the property would accommodate approximately 105 square metres of plant/ machinery and space for 35 cycles. The ground floor of the property would include approximately 1310 square metres of office space, approximately 87.5 square metres of reception area, toilet facilities, lifts and a stairwell. The first floor would include approximately 1383 square metres of office accommodation with associated toilet facilities, stairs and lifts, the second floor 1413 square metres of office accommodation and associated toilet facilities, stairs and lifts, the third floor 1400 square metres of office accommodation, toilet facilities, stairs and lifts and the top floor accommodating 386 square metres of office accommodation, 283 square metres of enclosed plant, 170 square metres of an external roof terrace and associated toilet facilities, stairwell and lifts. This would result in overall office space of approximately 5892 square metres (excluding plant areas).

In terms of boundary treatments, a number of hedges would remain, with the applicants proposing fencing ranging from 1.5m to 1.8m in height.

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

Vehicular access to the site would be taken from Hareness Road, via the existing access to Altens Lorry Park. 94 car parking spaces would be located at ground level in the southern section of the site, with car parking partially decked (with 70 spaces to be located at upper level), access from which would be taken centrally within the site. The proposal also includes 61 car parking spaces in the northern section of the site (11 of which would be for disabled occupants/ visitors). This would result in a total of 225 car parking spaces within the curtilage of the site.

Nine motorcycle spaces would also be provided, in an area close to the buildings entrance, with 36 cycle spaces also located externally (in addition to the 35 located within the building at lower ground floor level). Refuse facilities would also be located to the east of the proposed building. A security gate would be located at the entrance to the site, which would only be used outwith office hours.

Landscaping would also be provided throughout the site as part of the proposal; this would include the formation of a new grassed area, installation of planting beds, tree planting along the south-western boundary and within the car park and the formation of pedestrian walkways.

## 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?ref=140229>

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

- Drainage Impact Assessment (Revision B) – submitted June 2014
- Travel Plan and Transport Statement (Revision B) – submitted May 2014
- Design and Access Statement – submitted February 2014
- Visual Appraisal – submitted May 2014
- Outline Specification – submitted May 2014
- Landscape Context – submitted May 2014

## REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee as Cove and Altens 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** – no objection, adequate car parking, cycle parking and refuse storage facilities would be provided within the curtilage of the site. A Travel Plan/ Transport Statement was submitted with the application, details of this will be discussed later in this report.

**Environmental Health** – no objection, minor comments received in relation to the siting of waste storage facilities.

**Developer Contributions Team** – contribution required towards the core path network.

**Enterprise, Planning & Infrastructure (Flooding)** - no objection, have advised that the level of treatment given to the surface water is satisfactory.

**Community Council** – Cove and Altens Community Council have objected to the application for the following reasons:

1. The site is too small to accommodate a development of this size;
2. The scale of the proposed 5 storey building on the site is out of proportion, and not in keeping with the street-scape;

3. Clarity is required on the height/ number of floors of the property;
4. The proposal is not set back far enough from Hareness Road and Wellington Road, and would over dominate Loirston House;
5. The proposed height and position to the boundary would over dominate the surrounding area;
6. There is a shortfall of 24 parking spaces on site and in addition those not able to park would result in indiscriminate parking in the surrounding area;
7. Traffic from this development could not be treated in isolation, the 191 space car park gives potential for adding cars to the already congested Hareness Road and thereafter Wellington Road, Nigg and Makro roundabouts. The cumulative effect of traffic from this application together with that from adjacent approvals is unacceptable; and
8. Questions in relation to the viability of the submitted Travel Plan.

A further letter was received following re-notification, and the submission of amended plans. The submitted letter remains as an objection, with concerns remaining in relation to the submitted Travel Plan, car parking, proposed junction improvements and traffic generation.

**Scottish Environment Protection Agency (SEPA)** – have requested that a condition is attached to any consent requiring the submission of a site specific construction method statement (CMS), which would include waste management issues, to be agreed in writing by the Planning Authority.

## **REPRESENTATIONS**

No letters of representation/objection/support have been received, apart from the Community Council's comments.

## **PLANNING POLICY**

### **National Policy and Guidance**

*Scottish Planning Policy (SPP)* – Planning authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised.

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

## **Aberdeen Local Development Plan**

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

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

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

*Policy D1 (Architecture and Placemaking)* – To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

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

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

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

- significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it;
- obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;

- disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them; and
- sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

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

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

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

*Policy T2 (Managing the Transport Impact of Development)* – New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

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

### **Supplementary Guidance**

- Infrastructure and Developer Contributions Manual
- Landscape Guidelines
- Low and Zero Carbon Buildings

### **EVALUATION**

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

## **Principle of Development**

The site is identified as business and industrial in the Aberdeen Local Development plan, therefore Policy B1 is of relevance. Policy supports the principle of new business and industrial development within such areas. The use of a brownfield site within the existing urban area is also welcomed as it helps reduce pressure for additional land to be allocated on Greenfield sites within the city boundaries.

The site has an extant permission for the development of three separate office blocks and associated car parking, albeit at a smaller scale than what is currently proposed. This permission can still be implemented (until March 2015), and has established that the site is suitable for office use in principle.

The applicant proposes almost 6,000m<sup>2</sup> of floor space, and although no final occupant has been identified, the applicant has indicated that they intend to split the building in two (1/3 and 2/3). This level of investment demonstrates confidence in the local economy and supports one of the overarching aims of the local development plan which is to maintain Aberdeen as a competitive and sustainable business location. It is important the modern fit for purpose office space is provided in the city to meet this demand.

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

## **Surrounding Amenity**

The site is elevated and sits adjacent to Wellington Road and Hareness Road. The site is surrounded predominantly by business and industrial uses, with Loirston House, an office development located to the south, Altens Lorry Park (industrial units), located to the south-east, a car sales garage located to the east and office buildings located to the immediate north. Residential properties are located to the west, across Wellington Road.

At its closest, the building would lie 10 metres to the south of Loirston House (due to the building being brought further back into the site). Whilst the five storey building would sit at a higher height than those buildings in the immediate surrounds, particularly Loirston House, it would not overly dominate the surrounding area and given this areas context, and the nature of the proposed use it is considered that there would be no adverse impact on the amenity of adjacent uses.

## **Design and Layout**

It is clear from the application site that any development would be visible from a number of key viewpoints throughout Aberdeen. Any development would therefore have to be of a high architectural quality, and be designed in such a way as to give due consideration to its surrounding context.



Altens Industrial Estate is characterised by a number of commercial and industrial buildings, and Wellington Road has a number of office buildings either built or proposed. There is a mixture of building heights in the surrounding area, ranging from single storey industrial buildings to four storey office blocks. A number of these buildings are of little architectural merit. Scott House, which is four storeys in height currently dominates the views along Hareness Road, a further application for the erection of a four storey office building was approved on a site to the north-west of the application site. From this, it is clear that the landscape of the surrounding area is likely to change. There is no formal building line along Hareness Road, which includes the application site, although a number of buildings have been set back into the site to include areas of landscaping.

As previously discussed, the proposed rectangular building with feature gable elevation would result in the building having public faces onto both Wellington Road and Hareness Road and a private face to the proposed car park and Loirston House to the rear. This would allow for all parking (including the decked car park), to be located with a minimal visual impact on the surrounding area.

Initial concerns were raised in relation to the position of the building, the overbearing impact this would likely have on Hareness Road, and how this may affect the open nature of the surrounding streetscape. The building would have been located approximately 4m from Hareness Road. A building in this location would have provided an overly dominating effect, and would have had a negative impact on the surrounding streetscape. Since the application was submitted amended plans have been received which have moved the building 10m back into the site to address the over bearing/ over dominance issue. There is no set building line along the southern side of Hareness Road, and it is considered that the proposal has now been set back a sufficient distance. The proposal would have an overall height of 20m (although this extends to 23m in some parts due to differences in site levels). The top floor of the property has been recessed and this helps lessen the overall visual impact of the proposed development.

It is quite clear that the proposed building would have an impact on the character and appearance of the surrounding area, particularly given its gateway location, heading into Altens Industrial Estate. The design and materials proposed to finish the building would be of a good design, being typical of modern office developments found within the city and throughout the UK. The use of smooth and buff render, along with a large amount of glazing would result in a good quality exterior. The corner feature also acts as a bold statement on one of the main routes into Altens Industrial Estate; this is welcomed and adds additional character to the appearance of the building. Taking the foregoing into account, it is considered that due consideration has been given to the context, and the application accords with the general principles of Policy D1 (Architecture and Placemaking) of the ALDP.

New business and industrial land proposals are required to make provision for areas of recreational and amenity open space, areas of strategic landscaping, areas of wildlife value and footpaths. A landscape plan has been submitted which shows areas of tree planting, shrub planting, as well as small green spaces and

formal pedestrian access from both Wellington Road and Hareness Road. The tree belt which exists along Wellington Road (and lies outwith the application site boundary) would be retained. New hedging would be provided on both the northern and western site boundaries, around the proposed building. Tree planting would also be provided in the car park, and onto the decked car parking area, which would help lessen the visual impact of this structure.

The proposed landscaping scheme would provide sufficient levels of planting within the application site, and along Hareness Road. A condition has been attached requiring a detailed scheme including species to be included. The proposal is considered to comply with the relevant part of Policy BI1 (Business and Industrial Land).

## **Skyline**

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

As discussed previously within this report, the application site lies on a prominent site, and would be visible from a number of locations throughout the city. As a result of the above a Visual Appraisal was requested in support of the application to demonstrate that the impact of the development from a number of key viewpoints throughout the city. Suggestions were provided to the applicants of key viewpoints, and these were incorporated into the submitted document. The visual assessment considers the change in view which would be experienced at each point and categorises it as being negligible, minor, moderate or substantial. The viewpoints can be grouped into being distant, medium or close.

The first viewpoint was Hareness Road at its junction with Crawpeel Road, located approximately 250m to the east of the application site. The magnitude of the visual effect was considered as high and although the development does not block any significant element of the view beyond, there would be a substantial change in the view on approach along Hareness Road due to the scale of the building relative to what currently exists on the site as well as the immediately adjacent built form. The majority of views would be impacted upon from this viewpoint, but not to an unacceptable degree. The assessment concluded that the significance of the effects would be minimal, and the development could introduce an appropriate element of townscape character and act as an appropriate precedent for similar developments in the surrounding area.

The second viewpoint was Wellington Road at Wellington Hotel, located approximately 120m to the south of the application site. This area is of low townscape quality, however the magnitude of change is considered as high. There would be a substantial change in the view on the approach along Wellington Road due to the scale of the building. The majority of views would be affected upon, particularly to the north-west, for a short period of time. To conclude, the assessment has advised that, based on the scale of development, there would be an existing loss to the character of the view. Based on the size

and scale of development, the development would cause minor loss to the existing character of the view.

The third viewpoint was Wellington Road at the bus stop opposite AMEC, located approximately 100m to the north of the application site. At this view point, and due to the substantial vegetated boundary to the AMEC site, the magnitude of the visual effect was considered low. There would only be a slight change on in the short distance view. The visual effect from this location was concluded as low as there would be a minor discernible change to the view. Due to the character and land use of the area and the type of receptor, the visual effect would be negligible.

The fourth viewpoint was taken at the Anderson Drive/ Queens Cross Roundabout, located approximately 3.2km to the north-west of the application site. There would be a slight change in view, with the development breaking the skyline slightly. The assessment concluded that the development is of a comparable scale to, or smaller than, buildings within the view and there would be a minimal discernible change to the view.

The fifth viewpoint was taken at Great Southern Road close to its junction with Fonhill Road West, and located approximately 2km to the north of the application site. The development is not visible from this viewpoint, and there is therefore no change to the view.

The sixth viewpoint was taken from Duthie Park, close to the winter gardens, and approximately 1.7km to the north-west of the application site. There is only a slight change in view, with the roof top of the development visible over the existing tree canopy. The development would cause minor loss to character of the view and would cause limited visual intrusion.

The seventh viewpoint was taken from Redmoss Road, between junctions with Abbotswell Crescent and West Tullos Road. There would be a substantial change in the view for a long duration in the approach along Redmoss Road due to the scale of the building relative to the built form. There are no important views beyond the development. The majority of views would be affected from this viewpoint. The development would cause minor loss to the character of the view.

The final viewpoint was taken from College Street close to its junction with Marywell Street, and located approximately 2.6km to the north of the application site. The development would break the skyline at this point, but would sit similar to a number of other buildings in the distance. The development would cause limited visual intrusion, and there would be no discernible change to the character of the view.

It is clear that the viewpoints with the most significant change would be the first, second, third and seventh, which are the closest to the site, and where there would be a high magnitude of visual effect. It is clear that the building would be large and visually dominant, however, given the context of the built up area its presence is unlikely to be to the detriment of the surrounding area.

A robust assessment of the buildings visual assessment has been undertaken with low, moderate and high impacts having been identified. From further afield the visual impact would be minimal, and whilst the building would breach the skyline, there are a number of others which have done similar, and the visual impact would not be to an unacceptable degree.

The visual appraisal has demonstrated that the proposed building would have an acceptable visual impact and confirmed that the existing southern skyline of the city would be retained. The proposal is therefore considered to accord with Policy D1 (Architecture and Placemaking) and D6 (Landscape) of the ALDP.

### **Access and Transportation**

Vehicular access to the site would be taken from Hareness Road/ Altens Lorry Park, which is located approximately 150m from the roundabout at Wellington Road. The access (which would be gated outwith working hours) would serve a surface car park for 155 car parking spaces and a decked car park which would provide a further 70 car parking spaces, this would provide a total of 225 car parking spaces.

A travel plan/ transport statement was submitted in association with the application. The statement advised that the proposed development would provide an additional 1995sqm of gross floor area over what currently has permission on site (the current permission extends to 5162 sqm of approved office space, albeit in three separate buildings – the current proposal seeks permission for 7157 sqm of office space). The report assessed the vehicular impacts of additional flows on the networks and determined this impact to be minimal. The assessment also provided a green travel plan framework for the development to incorporate and implement (this would be conditioned as part of the approval). The report concluded that car parking would be provided at 94% of the maximum parking standards and, in transportation terms, the proposed increase in floor area and the general proposals are acceptable.

The assessment was considered by colleagues in the Roads Projects Team, who have advised that the proposal is acceptable. Sufficient levels of car parking, disabled parking, motorcycle parking and cycle parking would be provided within the site. Details provided in the submitted Green Travel Plan are also considered acceptable.

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

The proposal is considered to be consistent with the terms of Policy T2 (Managing the Transport Impact of Development) of the ALDP and its associated Supplementary Planning Guidance: Transport and Accessibility.

## **Developers Contributions**

The Council's Roads Projects Team have advised that as the extended ground floor area is lower than that which would trigger an STF payment none will be requested in this instance.

Developer contributions have been requested in relation to the core path network only. The applicant has indicated a willingness to provide this contribution on receipt of a willingness to approve planning permission.

## **Drainage**

A sustainable urban drainage systems (SUDS) strategy which explains how surface and foul drainage would be dealt with has been submitted by the applicant. SEPA originally objected to the application on the basis of a lack of information relating to surface water drainage. An amended Drainage Impact Assessment was therefore submitted in May 2014, which aimed to address these concerns.

The amended assessment explains that foul drainage from the site would be discharged to the existing Scottish Water sewer at the side of the site. This element is in accordance with Policy NE6 (Flooding and Drainage) of the ALDP.

Surface water drainage would be dealt in accordance with SUDS principles. The ground floor car park would be constructed with porous paving, which would allow for the car park to be drained to the sub-soils via the porous paving, providing adequate levels of treatment to these spaces. The deck to the upper car park would be constructed in concrete slab and would be drained via gullies and drainage channels, connecting to vertical rainwater pipes. A specific attenuation and treatment area below the car park would be provided to store and treat run-off. Drainage of the roads area would be graded to porous paving areas, and the system would treat to drain this.

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

## **Low and Zero Carbon Buildings**

The application does not include any details to demonstrate how Low and Zero Carbon Generating Technologies would be incorporated into the office buildings, or alternatively how the building could achieve deemed compliance with the Council's published (Low and Zero Carbon Buildings) Supplementary Guidance. On this basis it will be necessary to attach an appropriate condition to secure such information should planning permission be approved and to ensure

compliance with Policy R7 (Low and Zero Carbon Buildings) of the ALDP and associated Supplementary Guidance.

## **Waste Management**

Information has been submitted in relation to refuse storage, and the location of the bin store. The details submitted are considered to be acceptable; the proposal therefore complies with Policy R6 (Waste Management Requirements for New Developments) of the ALDP, the Council's Supplementary Guidance on Waste Management.

## **Relevant Matters Raised by the Community Council**

1. The size of the building compared to the existing plot has been deemed as acceptable, compared to the existing plot, and has been assessed elsewhere within this report;
2. Proportions and height have also been addressed elsewhere in this report;
3. Clarification of height has been provided within the report;
4. The proposal has been moved further into the site (now 10m), this is considered to be an acceptable distance, the proposed impact on Loirston house has also been addressed elsewhere within this report;
5. Height/ boundary distances have been addressed elsewhere within this report;
6. The shortfall of parking has been assessed by colleagues in the Roads Projects Team, and addressed elsewhere within this report; the level of parking provided is deemed acceptable;
7. The transport statement and impact of the new build on the surrounding road network has been assessed in detail and addressed elsewhere within this report;
8. The travel plan is considered competent, and a condition has been inserted to the consent to ensure the submission of a detailed occupier specific green travel plan.

## **Conclusion**

In view of the assessment above, it is considered that subject to appropriate conditions, the principle of a Class 4 Office a development is acceptable, making use of existing infrastructure and bringing further investment to an area that will contribute to the local economy of Aberdeen. Sufficient landscaping and parking provision will be provided within the curtilage of the site, and all other issues have either been dealt with, or would be controlled via planning condition. All other relevant material considerations have been considered, and in line with these the

application is recommended for conditional approval, subject to the conclusion of appropriate developer contributions.

## **RECOMMENDATION**

**Willingness to approve , subject to conditions, but to withhold the issue of the consent documents until the applicant has provided financial contributions towards the core path network.**

## **REASONS FOR RECOMMENDATION**

The principle of an office development at the site is acceptable and in accordance with Policy B11 (Business and Industrial Land). The use of a vacant brownfield site is welcomed as is the significant investment in the city which supports the overarching aims of the local development plan which is to maintain Aberdeen as a competitive and sustainable business location. Such developments are also supported by Scottish Planning Policy (SPP) which requires planning authorities be responsive and sufficiently flexible to accommodate the requirements of inward investment and growing indigenous firms.

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

The design quality of the proposed building and bold statement which it would make on one of the main routes into Altens Industrial Estate is welcomed. Despite the buildings size, it would sit comfortably within the streetscape and would site comfortably in terms of scale and size with existing and proposed buildings in the area. A robust assessment of the buildings visual impact has been carried out which demonstrates the visual impact the building would have and confirms that the proposed building would not have an unacceptable impact existing southern skyline of the city. The proposal is considered satisfactory in terms of Policy D1 (Architecture and Placemaking) and would make a positive contribution to the surrounding area.

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

Matters relating to drainage have been satisfactorily addressed, and a number of issues are to be made subject of condition.

## CONDITIONS

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

(1) 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'.

(2) That no development shall take place unless a scheme of all drainage works (including calculations as necessary) designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority. Thereafter no part of the office building shall be occupied unless the drainage has been installed in complete accordance with the said scheme, unless a written variation has been granted by the planning authority – in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

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

(4) That no development (other than site preparation and ground works) shall take place until details of all boundary treatments have been submitted to, and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity of the area.

(5) That no development (other than site preparation and ground works) shall take place until a scheme of all external finishing/ planting to the walls of the decked car park hereby approved has been submitted to, and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with the details so agreed - in the interests of the visual amenity of the area.

(6) That no development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CMS unless otherwise agreed in writing with the Planning Authority - in order to minimise the impacts of necessary demolition/ construction works on the environment.



(7) that no part of the office building shall be occupied unless there has been submitted to and approved in writing a detailed occupier specific green travel plan which (a) shall be in general accordance with the travel plan framework included within the Travel Plan and Transport Statement (May 2014 - Revision B (b) must outline sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

(8) that no development (other than site preparation and ground works) shall take place unless a further detailed scheme for the landscaping for the site (which shall include (i) indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, (ii) tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting and (iii) the proposed materials to be used to surface areas of hard landscaping) has been submitted to and approved in writing by the planning authority - in order to satisfactorily integrate the development into it's surroundings and maintain the visual amenity of the area.

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

(10) that no part of the office building hereby approved shall be occupied unless the vehicular parking, motorcycle parking and cycle parking has been constructed, drained, laid-out and demarcated in accordance with drawing A1-01-02 (Revision A), or such other drawings as may subsequently be approved in writing the planning authority. Thereafter such areas shall not be used for any purpose other than the parking of vehicles, cycles and motorcycles ancillary to the approved office development - in order to provide a suitable level of vehicle parking for the proposed office building, ensure the free flow of traffic in surrounding streets and encourage more sustainable modes of transport.

## **INFORMATIVES**

that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

- (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
- (c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

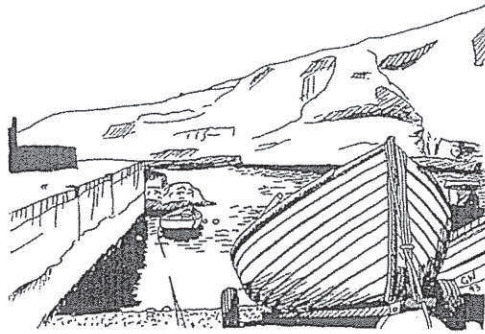
**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

# COVE AND ALTENS COMMUNITY COUNCIL

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info@cove-bay.com

**Secretary:** Mrs Sue Porter  
12 Stoneyhill Terrace  
Cove Bay  
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01224 897399



**Website** [www.cove-bay.com](http://www.cove-bay.com)

## BY EMAIL

Mr Gavin Clark  
Planning Department  
Business Hub 4  
Marischal college  
Broad Street  
Aberdeen  
AB10 1AB

2<sup>nd</sup> July 2014

Dear Mr Clark

### **Planning Application P140229, Site 94/102 Hareness Road, Altens – revised**

We would stand by our previous submission of 27<sup>th</sup> March 2014 and note the increase in car-parking spaces and increased 10m set back.

The Wood Group Travel Plan and other information given to us states 987 car-parking spaces. You mention 930, we seek clarification on the actual final figure.

We now understand that Travel Plans have no legal status.

Is there any indication of an improved junction where the additional traffic generated by this proposal exits onto Hareness Road? We are aware of road mitigation measures and the contribution by the Wood Group regarding their approved plan.

We are extremely concerned that vehicles from this site, along with those to be generated by the new office complex at the other side of Hareness Road will exacerbate the current traffic situation.

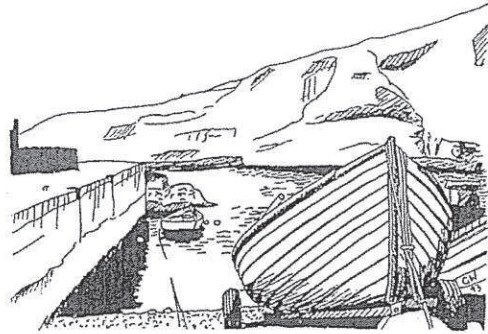
Yours sincerely

Chair

# COVE AND ALTENS COMMUNITY COUNCIL

**Chair:** Mrs Michele McPartlin  
14 Langdykes Way  
Cove Bay  
Aberdeen  
AB12 3HG  
01224 890329  
info@cove-bay.com

**Secretary:** Mrs Sue Porter  
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**Website** [www.cove-bay.com](http://www.cove-bay.com)

Mr Gavin Clark  
Planning Department  
Business Hub 4  
Marischal college  
Broad Street  
Aberdeen  
AB10 1AB

27<sup>th</sup> March 2014

Dear Mr Clark

## **Planning Application P140229, Site 94/102 Hareness Road, Altens.**

We object to the proposed development on the following grounds:-

- The site is too small to accommodate a development of this size.
- The scale of the proposed 5-storey building on its site is out of proportion and not in keeping with the street-scape.
- Clarity is required on the height/number of floors of the property as there is conflicting information.
- It is not set far enough back from Hareness Road, the Wellington Road roundabout and in addition will dominate its neighbour Loirston House.
- It's proposed height and position so close to its boundaries is overpowering and will dominate the surrounding area and properties.
- There is a shortfall of 24 parking spaces on site and in addition those not able to park on site will result in indiscriminate parking on surrounding streets.
- Traffic from this development cannot be treated in isolation. The 191 space car park gives the potential for this many cars adding to the already congestion on Hareness Road and thereafter the congested and over capacity Wellington Road, Nigg and Makro roundabouts. The cumulative effect of traffic from this application together with that from the other adjacent new office proposals is unacceptable.
- We would question the viability of the Travel Plan and how it can be enforced.

Yours sincerely

*Michele V McPartlin*

Chair

## Planning Development Management Committee

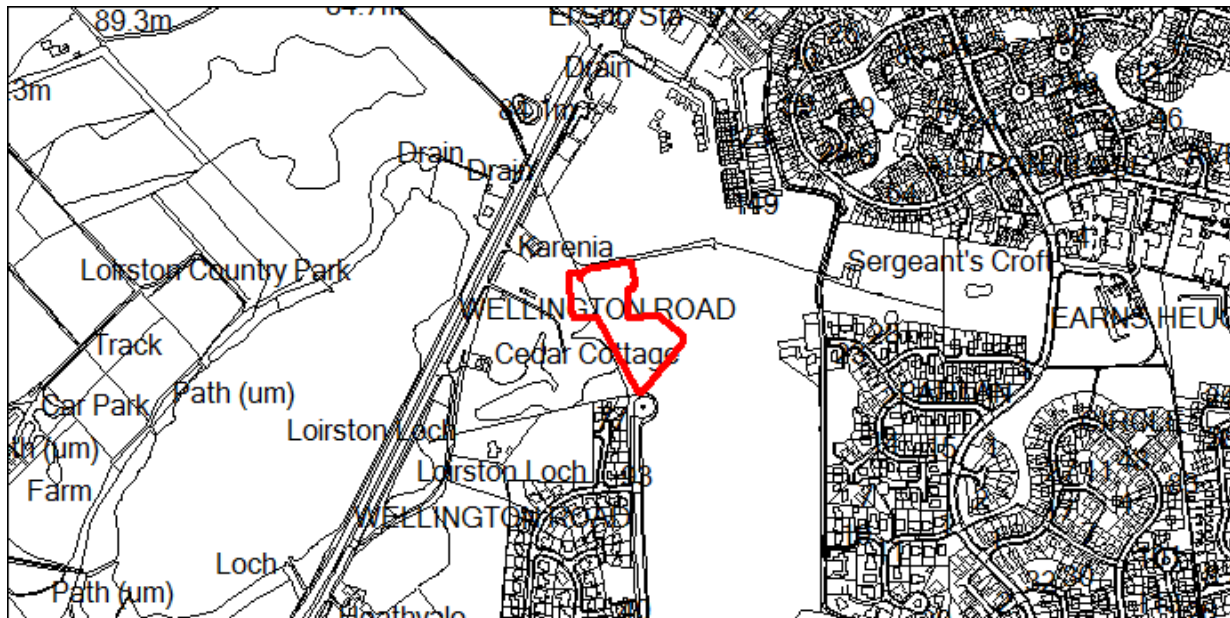
CHARLESTON ROAD, LAND AT

PROPOSED RESIDENTIAL DEVELOPMENT  
CONSISTING OF ERECTION OF 29 HOUSES  
AND 18 FLATS, AND ASSOCIATED  
INFRASTRUCTURES

For: Kirkwood Homes Ltd

Application Type : Detailed Planning Permission  
Application Ref. : P140494  
Application Date: 15/04/2014  
Officer: Tommy Hart  
Ward : Kincorth/Nigg/Cove (N Cooney/C  
Mccaig/A Finlayson)

Advert : Can't notify neighbour(s)  
Advertised on: 07/05/2014  
Committee Date: 24/07/2014  
Community Council : Comments



**RECOMMENDATION: Willingness to approve conditionally. Consent to be withheld until a legal agreement is secured to deliver affordable housing and developer obligations contributions towards a new northbound lane on Wellington Road, sport and recreation facilities, library provision, community facilities and core paths**

## **DESCRIPTION**

The application site is around 1.03ha in size, is irregular in shape and lies to the immediate south of the consumption dyke which bisects the wider Masterplan area.

The ground within the immediate area is generally undulating in nature with a cover of overgrown grassland and gorse. No trees are present within the application site. The land associated with planning ref 110064 has hoardings around it in order that some remediation work can take place safely. The south-west corner of the site would access onto Charleston Road, which currently terminates at a turning circle which is to be upgraded and incorporated into the road layout of the wider masterplan area for improved access. Beyond that turning circle, there is a long-standing residential area, characterised mainly by detached suburban houses.

To the north of the application site, work has begun (to varying degrees) on the housing and commercial development by Stewart Milne Homes, Scotia Homes and Persimmon Homes.

## **RELEVANT HISTORY**

All of the area south of the consumption dyke was, from the 1970's until 1995, used for either sand and gravel quarrying or landfill activities whilst the small area to the north of the dyke has had no other use since agricultural activity ceased some time ago.

Planning reference 110062 for the formation of a public road and associated services was submitted in January 2011. At the same time, planning application no's 110063, 110064 and 110065 (for a mixed use community of 737 dwellings including a new high street with commercial and retail uses) were submitted. The applications were reported to and recommended for approval to the Development Management Sub-Committee in August 2011.

There have been a number of applications to vary elements of the above approvals, namely refs: 130420, 120605, 120582 and 111305 with work currently underway these sites.

## **PROPOSAL**

Planning permission is sought for the erection of 29 houses and 18 flats, to be laid out generally as per the approved layout of application 110064, namely; at the northern end; two rows of houses (terraced and detached) with a north-south aspect bisected by a shared surface access and car parking area; at the southern end of the site, there would be 2no blocks of flats, with terraced, detached and semi-detached properties located around the periphery. An area of car parking would be situated behind the properties towards the western boundary.

The vehicular and pedestrian access has been designed to fit in with the previous approval for this part of the site and join into the wider approved layout.

In terms of design and materials, a simplified local vernacular design is proposed throughout which generally resembles the approach to design and external finish taken in the approved Scotia Homes development (ref 110065) to the west, specifically; gable-end tabling, pitched roof drop-dormers and smooth cement window & door surrounds, whilst introducing modern elements in respect to UPVC windows & doors and slate tiles to the roof.

### **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?ref=140494>

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 Cove and Altens 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 internal road layout allows a 6m aisle between parking bays to allow for safe manoeuvring; the cycle and motorcycle parking provision is acceptable; as is the swept path analysis. There are no objections.

**Environmental Health** – the refuse storage areas should be considered as part of the whole development and agreed with the Waste Team.

**Waste Team** – the information submitted is acceptable and no objections are forthcoming.

**Contaminated Land Team** – no objections to the application but would request that conditions 5 and 6, relating to contaminate land, of planning approval 110064 are applied to this application.

**Developer Contributions Team** – there is an existing s75 Legal Agreement in place which will meet the developer obligations for this application.

**Enterprise, Planning & Infrastructure (Flooding)** - the surface water drainage proposals as outlined in the DIA are acceptable in terms of storage volume, levels of treatment and discharge rates and therefore there are no objections. It is highlighted that the overall SuDS scheme should be in line with the original masterplan DIA.

**Education, Culture & Sport (Archaeology)** – an archaeological programme of works is requested to be conditioned, to be submitted and approved prior to works beginning on site.

**Scottish Environment Protection Agency – Contaminated Land**; the application site is within an area where remediation works to address significant risks from contaminated land are currently being carried out, in relation to application ref 110064. The application site is immediately adjacent to the Charleston Landfill licence boundary and as such there is the potential for migration of landfill gas, ground stability and contaminated land issues. The Local Authority should therefore consult with the relevant colleagues and attach conditions as necessary. Drainage; no objections are forthcoming in respect to drainage. Pollution Prevention; a condition is requested for a site specific construction environmental management plan (CEMP) to be submitted (ideally 2 months before work begins on site).

**Community Council** – object to the application on the following ground - there is no usable public space within the whole development (456 houses). Confirmation is also sought with regards pedestrian footpath provision and maintenance responsibility of the open spaces once the development is complete.

## **REPRESENTATIONS**

No letters of representation/objection/support have been received other than that of the community council.

## **PLANNING POLICY**

### **Aberdeen Local Development Plan (ALDP)**

#### Policy H1 – Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if (1) does not constitute over development; (2) does not have an unacceptable impact on the character or amenity of the surrounding area; (3) does not result in the loss of valuable and valued areas of open space.

#### Policy H5 – Affordable Housing

Developments of 5 or more houses shall provide 25% of those units as 'affordable'.

#### Policy D1 – Architecture and Placemaking

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

#### Policy D2 – Design and Amenity

The purpose of the policy is to ensure adequate levels of amenity via the following principles; (1) Privacy shall be designed into higher density housing; (2)



Residential development shall have a public face to the street and private face to an enclosed garden or court; (3) All residents shall have access to sitting-out areas; (4) Car parking within a private court shall take up no more than 50% of the space; (5) Flats and houses shall be designed to make to most of opportunities offered by views and sunlight; (6) development proposals shall include measures to design out crime and design in safety; and (7) external lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky

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

New developments are expected to provide 2.8ha of open space per 1000 people.

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

Development is expected to be accompanied by infrastructure, services and facilities to support the scale and type of development proposed.

#### **Supplementary Guidance**

The Cove Bay Masterplan is a relevant material consideration in the determination of the application.

### **EVALUATION**

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

#### **Principle of Development**

The principle of a residential development has already been established by virtue of the ALDP land designation and by the previous permission (planning ref 110064) for the site which was approved in November 2012.

#### **Design, scale and form of development**

ALDP Policy D1 (Architecture and Placemaking) states that new development must be designed for its context and make a positive contribution to its setting. This general policy has been translated into detailed, site specific guidance in the form of the Cove Bay Masterplan which provides a useful framework for assessing the merits of the proposal in terms of how well it creates a successful place in terms of its design, layout, open space provision and connectivity. In terms of design of the properties, the properties are aligned to the aspirations of the Cove Bay Masterplan and the houses proposed by Scotia Homes (planning ref 110065) adjacent to the north-west. In terms of scale and form, the properties would generally be as per the approved previously plans. The proposed plans integrate well with the wider masterplan area and retain and build on the overall 'place'. Taking into account the design and layout of the proposal, it is considered that they conform to the overarching principles of ALDP Policy D1.

With respect to ALDP Policy D2, all the houses have been designed to have a public and private face and are considered acceptable in that respect. The houses would have individual gardens. The orientation of most of the properties is such that the most would be made of views and sunlight. Although the flats do not have specific areas for sitting out, this is no different to what was previously approved and consideration has been taken of the open space provision close by. Lastly, for the most-part, car parking is provided on the side streets. The exception is the relatively large area of car parking between the 2 blocks of flats on the western boundary. The layout of the car park is generally as per the approved layout in terms of amount of hardstanding. The agent has introduced a reasonable level of landscaping within the area to reduce the impact of the hardstanding, which will be secured through a planning condition.

Taking account of the above, there is no conflict with ALDP Policy D1, D2 or the Cove Bay Masterplan.

### **Traffic impacts, access arrangements and car parking**

It is considered that the impact of the traffic resulting from this development would be less than the approved plans, given that there would be six less houses within the development. The access arrangements and car parking layout are generally as per the previous approval. There are no objections forthcoming from the Roads Projects Team. The application is acceptable in this respect.

### **Air Quality**

In terms of air quality, there was a suspensive condition the previous grant of permission (110064) which requested the submission of an Air Quality Assessment and subsequently this condition was purified. Given that there would be fewer properties on site than would have been assessed; there is no requirement to ask for another assessment to be undertaken.

### **Open space provision**

There is limited open space provision proposed within the application site and this is consistent with the plans for this section which were previously approved. The proposal cannot be seen in isolation but must be considered in the context of the wider masterplanned area. Within the wider masterplan area, a total of 3.05ha of open space has already been approved. Although slightly below the requirement of 3.2ha, it was considered at that time that the spaces proposed would be high quality and generously planted with a good mix of native and ornamental trees. Further, there are other adequate open spaces within close proximity to the Cove Bay Masterplan area, namely Loirston Green. In that respect, the application is considered to be acceptable in terms of open space provision and does not conflict with the principles of ALDP Policy NE4.

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

In relation to the point raised about open space provision, this has been dealt with in the preceding section.

With regards the questions raised regarding pedestrian footpath provision, this would generally be in line with the previous approval. As for the maintenance

responsibility of the open spaces once the development is complete, it is likely that this will be under a factoring agreement although the planning authority would not normally receive such details at this stage.

### **Proposed Legal Agreement for Developer Contributions**

A s75 Legal Agreement is already in place with respect to approvals 110063, 110064, 110065 and 111305 in relation to developer obligations and affordable housing. Kirkwood Homes are required to be included in that s75 legal agreement by way of a variation to the deed to ensure the same obligations upon Kirkwood Homes as the other developers. In that respect, the application would be compliant with ALDP Policies H5 and I1.

### **RECOMMENDATION**

**Willingness to approve conditionally. Consent to be withheld until a legal agreement is secured to deliver affordable housing and developer obligations contributions towards a new northbound lane on Wellington Road, sport and recreation facilities, library provision, community facilities and core paths**

### **REASONS FOR RECOMMENDATION**

The proposal represents an appropriate scale, form and style of development which would form part of the wider development of the area, in accordance with policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan which is consistent with the Cove Bay Masterplan and the previous approval. The proposal is consistent with the zoning of the site for residential purposes, and as such there is no conflict with policy H1 (Residential Areas). An appropriate residential environment has been proposed for future residents of the new units, in accordance with policy D2 (Design and Amenity). Access and parking arrangements are acceptable. Details of appropriate landscaping can be secured via condition. Appropriate Developer Contributions and Affordable Housing provision can be ensured through appropriate modification to the s75 agreement covering the wider development site, ensuring compliance with policies I1 (Infrastructure Delivery and Developer Contributions) and H5 (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 determination other than in accordance with the plan.

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

(1) that no development pursuant to the development hereby approved shall take place unless a pre and post construction access strategy has been submitted for the further approval of the Planning Authority and thereafter, unless otherwise agreed in writing, no dwellinghouse shall be occupied unless said strategy has been implemented in full – in the interests of ensuring adequate pedestrian and vehicular accessibility to the site and the wider area

(2) that no development pursuant to the planning permission hereby approved shall be occupied unless traffic orders have been promoted to:

(i) stop up the existing junction of Whitehills Road and Wellington Road,

(ii) make the length of Whitehills Road, from its junction with the unsurfaced track that leads to Langdykes Road to its junction with Cove Road, a no through road (residents and emergency access only)

(iii) make the length of unsurfaced track from Whitehills Road to its junction with Langdykes Road a route for pedestrians and cyclists only (no vehicles) unless the planning authority has given written consent for a variation

- in the interests of traffic/pedestrian safety and sustainable transportation and to achieve the aims of the Council's adopted Core Paths Plan.

(3) that no residential unit within the development hereby approved shall be occupied unless a paved and lit combined footway/cycleway link from the new community to the footway of Langdykes Road has been constructed via the existing route of the track that links Whitehills Road to Langdykes Road and in accordance with a further detailed scheme that has been submitted to, and approved in writing by, the planning authority; unless the planning authority has given written consent for a variation - in the interests of achieving satisfactory access to sustainable transportation

(4) that no development pursuant to the planning permission hereby approved shall take place unless a site specific Construction Environmental Management Plan (CEMP) for construction work has been submitted to and approved in writing by the planning authority (in consultation with SEPA and other agencies). The plan will, inter alia, detail measures, including mitigation and monitoring, to minimise odour and dust and to control noise from plant, equipment and site operations to prevent any nuisance or public health risk on the occupants of adjacent residential properties. It will include a construction method plan detailing the impacts of heavy vehicles and any machinery to be operated including the timings and routings of lorry movements to and from the site with the aim of minimising movement along residential streets. No development shall be carried out unless in accordance with the approved plan, unless a variation has been approved in writing by the planning authority. - in the interests of public health and the amenity of adjoining residents and to control pollution of air, land and water

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

(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 hard and soft landscaping for the site which scheme shall include the proposed areas of tree/shrub planting including details of numbers, densities, locations, species,

sizes and stage of maturity at planting, as well as materials to be used for pavements and roads - in the interests of the amenity of the area.

(7) 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 new areas of planting 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.

(8) that all soft and hard landscaping comprised in the approved scheme 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.

(9) that 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 the planning authority. No unit shall be occupied unless the scheme has been implemented in full accordance with the scheme of lighting approved in writing by the planning authority - in the interests of public safety and protecting wildlife

(10) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 100271/2200E or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(11) that the development hereby granted planning permission shall not be occupied unless provision for facilities for storage of domestic waste and recyclable material as detailed on Plan No 1351/P/-/03 or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to preserve the amenity of the neighbourhood, in the interests of public health and in order to promote waste recycling

(12) that no development pursuant to the planning permission hereby approved shall take place unless a further detailed specification of the energy and water saving measures that would be installed in every residential unit is submitted to and approved in writing by the planning authority and no residential unit shall be occupied unless these have been installed, unless the planning authority has given written consent for a variation - in the interests of promoting sustainable use of resources and to reduce carbon emissions.

(13) 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.

(14) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(15) that no development shall take place unless a scheme detailing all external finishing materials to the walls, doors and windows of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

## **INFORMATIVES**

1. that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

(a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;

(b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or

(c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

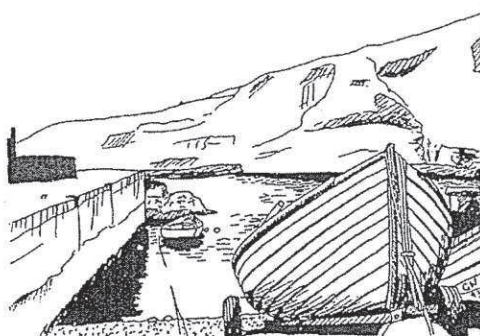
**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

# COVE AND ALTENS COMMUNITY COUNCIL

**Chair:** Mrs Michele McPartlin  
14 Langdykes Way  
Cove Bay  
Aberdeen  
AB12 3HG

**Secretary:** Mrs Sue Porter  
12 Stoneyhill Terrace  
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Mr T Hart  
Senior Planner  
Planning & Sustainable Development  
Enterprise, Planning & Infrastructure  
Aberdeen City Council  
Business Hub 4  
Ground Floor North  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

20<sup>th</sup> May 2014

Dear Mr Hart

## **Planning Application P140494 for 29 houses and 18 Flats at Charleston Cove**

As with the rest of this area passed for housing P110064 we object to the fact that there is no usable public open space in the whole development of 456 houses not taking into account those already built by Scotia, Persimmons and Stewart Milne.

The safety of pedestrians and especially children using shared surfaces is a major cause for concern. Why is it thought that this departure from the safety of providing paths is the way forward?

Can you please clarify who will be responsible for the public open spaces when the development is finished. What guarantee is there that these will be maintained at all times?

Footways are shown as being provided on western and southern boundaries. What is the position regarding provision on the eastern boundary? This development stands alone at the moment and there is no connectivity between it and existing streets and footpaths.

Yours sincerely

*Michele V McPartlin*

Michele V McPartlin  
Chair, Cove and Altens Community Council

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# Agenda Item 2.4

## Planning Development Management Committee

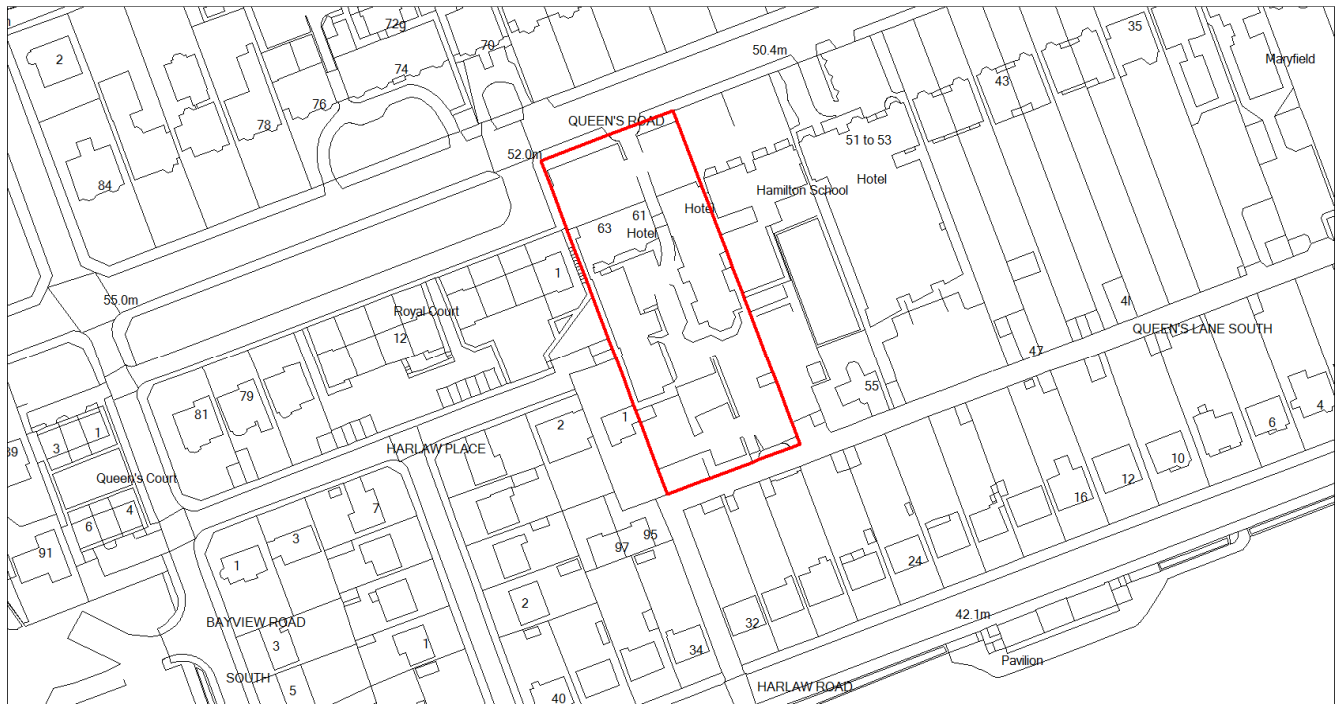
THE CHESTER HOTEL, 59 - 63 QUEEN'S ROAD, ABERDEEN

INSTALLATION OF GRANITE SEATING TO FRONT OF HOTEL AND FIXED SEATING AND PERGOLA TO REAR (PARTIALLY RETROSPECTIVE).

For: The Chester Hotel Ltd.

Application Type : Detailed Planning Permission  
Application Ref. : P140259  
Application Date: 26/03/2014  
Officer: Matthew Easton  
Ward: Hazlehead/Ashley/Queen'sCross (M Greig/J Stewart/R Thomson/J Corall)

Advert: Section 60/65 - Dev aff LB/CA  
Advertised on: 09/04/2014  
Committee Date: 24/07/2014  
Community Council : Objection



**RECOMMENDATION: Approve Unconditionally**

## **DESCRIPTION**

The site is the 'Chester Hotel' (formerly 'Simpsons Hotel Bar and Restaurant') which is located on the south side of Queen's Road, between its junctions with Bayview Road and Queen's Gate.

It comprises three separate 19<sup>th</sup> century granite villas which date from 1896 and were designed by A. Marshall McKenzie. Due to the difference in levels on the site, these buildings are two storey on the Queen's Road elevation and three storeys to the rear. The front elevations are rough-faced coursed granite ashlar with finely finished dressings.

There are modern 20<sup>th</sup> century extensions to the rear which have recently been refurbished. A further extension has also recently been completed and the hotel now provides 54 bedrooms, a restaurant, private dining rooms, lounge bar and conference & function facilities for up to 300 guests.

59 Queen's Road is category C listed (1984) and 61 and 63 Queen's are category B listed (1992). The site is within the Conservation Area 4 (Albyn Place/Rubislaw).

There are 21 parking spaces at the front of the premises. Access to the rear car park, where there is a further 26 spaces, is taken underneath the link bridge between the buildings at number 59 and 61. There is an access gate from the rear car park to Queen's Lane South which is restricted to use by service vehicles only.

The trees at the front of the site are protected by Tree Preservation Order 13. There are four large mature trees within the rear car park.

The surrounding area contains a mix of uses. To the immediate west are two storey residential properties at Royal Court, Queen's Road and the dwellinghouse at 1 Harlaw Place. To the north is 64 – 70 Queen's Road which are granite villas currently occupied by offices. To the south across Queen's Lane South is the rear of residential properties on Harlaw Road and to the immediate east is the now vacant former Hamilton School.

## **RELEVANT HISTORY**

In 2012 and 2013 several planning applications were approved for an extension and refurbishment of the hotel. It has recently reopened as the 'Chester Hotel'.

## **PROPOSAL**

Planning permission is sought retrospectively for two permanent structures with associated hard landscaping which sit within the grounds of the hotel. A further area of hard landscaping is also proposed.

- The first is a permanent outdoor seating area at the front of the hotel, between the entrance door to the hotel bar and the boundary wall with Queen's Road and alongside the boundary with the former Hamilton School. The seating area comprises planters which are 950mm high and seating which is 850mm high, all constructed in silver/grey fine picked granite. The surrounding area has been finished in a mixture of silver/grey granite setts and paving slabs. Further planters which are 450mm high define the space between the seating area and the parking spaces beyond. Moveable tables and stools have been provided around the permanent seating.

The area is used as outdoor seating associated with the hotel bar and can be used by hotel guests and customers. It is licensed to allow patrons to consume or purchase alcohol within it during core licensing hours which are 10:00 to 00:00 hours Monday to Thursday, 10:00 to 01:00 hours Friday and Saturday and 11:00 to 00:00 hours on Sundays.

- The second aspect is a hard landscaped area of approximately 120m<sup>2</sup> which is located within the rear car park, adjacent to the recent extension and beneath two large mature trees. It is finished in limestone and granite paviors and also provides a pedestrian route to the parking beyond. Steps into the area provide access to the function rooms which are at first floor level of the hotel. The area is enclosed by original boundary walls and hedging and there are four stone benches positioned around the edges, which could accommodate 2-3 people. This area is licensed during core hours.
- The final part of the application is a pergola structure located within the rear grounds of the hotel, adjacent to the boundary wall with Queen's Lane South. The pergola is laid out in a square shape with four 400mm diameter stone clad columns which are positioned 2.2m apart. Upon the columns are two douglas fir solid timber beams rest, which in turn support a further five timber cross beams. Overall the structure is 4m wide, 4m long and 2.85m in height. The pergola sits within an area of stone slabs which is 9m x 6m and generally rectangular in shape. Existing landscaping surrounds the pergola and it sits underneath two large trees. There are three stone benches at three ends of the pergola which again could accommodate 2-3 people.

The applicant has advised that the pergola area is to be used occasionally for small wedding ceremonies and to provide a back drop for taking wedding photos. The area is licensed and there are local conditions in place which prevent amplified music from being played, restrict the use of bagpipes or harps (or other such unamplified solo instruments) to before 22:00 each day and prevent the consumption of alcohol after 22:00 hours on any day.

The Community Council and the majority of objectors refer to the creation of a 'beer garden' in this area. For the avoidance of doubt, no proposal for a beer garden has been submitted, the hotel operator has confirmed that they do not intend to operate the area as a beer garden and the license which they have received from the Licensing Board does not permit the area to be used as a beer garden.

## 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?ref=140259>. 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 for two reasons – (i) the community council for the area has objected; and (ii) more than five objections have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads Projects Team** – No observations.

**Environmental Health** – In relation to the pergola, there would be sufficient control with conditions on no amplified music and not using after 10pm.

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

**Queens Cross and Harlaw Community Council** – In response to approaches from local residents, the community council objects to the proposal. The grounds of concern relate to the plans for the rear of the property, specifically with the proposal for an 'elevated pergola with associated outdoor seating'. There are no objections to the plans for development of the hotel frontage. The following specific matters are raised –

- The proposal at the back of the hotel is effectively a beer garden and would therefore create noise, which can carry a considerable distance and would disturb residents in Harlaw Road.
- Due to the elevation of the pergola the beer garden would over look the rear gardens of Harlaw Road.
- Overspill parking from people visiting the beer garden would take place in Queen's Lane South.
- Patrons of the beer garden would use the rear gate from Queen's Lane South, resulting in a safety hazard for pedestrians and vehicles in the lane.

## REPRESENTATIONS

Nineteen letters of objection have been received, predominately from residential properties at the rear of the hotel on Harlaw Road, Harlaw Place and Queens Lane South. One letter of support was received from the owner of a property on Queen's Road and Graham Mitchel architects have submitted a letter on behalf of the hotel clarifying several matters related to the proposal.

The objections raised relate to the following matters –

In relation to the pergola –

1. hotel patrons are very likely to sit and drink alcohol outside and would therefore would be involved in anti-social behaviour, resulting in disturbance and nuisance to nearby residents, especially in the evening or at night;
2. if hotel guests and customers smoked in the pergola area the smell of smoke would cause nuisance to neighbours;
3. it would result in increased pedestrian traffic on Queen's Lane South, resulting in disturbance to residents, a high risk of accidents and an increase in the existing traffic management problems on the lane;
4. it would result in increased vehicular traffic on Queen's Lane South as patrons drive to use the pergola area, resulting in disturbance to residents, a high risk of accidents and an increase in the existing traffic management problems on the lane;
5. the area on which the pergola is located was previously used for parking spaces and therefore did not encourage people into that area;
6. the area on which the pergola is located was previously used for parking spaces and therefore the reduction in parking spaces will impact on parking capacity in the surrounding area;
7. it is an eyesore;
8. it should not be approved as previous construction work has caused disruption to residents;
9. litter would be blown into the lane from the area;

In relation to the outdoor seating area at the front of the hotel –

10. the seating area would reduce the number of parking spaces available;

In relation to no specific aspect of the application –

11. the development would create an undesirable precedent;

12. the development would create anti-social behaviour;
13. the development would generate noise which would carry into the surrounding area;
14. the development would create litter;
15. the development would generate an increase in traffic;
16. the development would create an undesirable precedent;
17. the on-going renovation work should be completed before further work is permitted;
18. the proposal represents overdevelopment of the site;
19. the use of flood lights at the hotel could cause light pollution.

## **PLANNING POLICY**

### **National Policy and Guidance**

#### Scottish Planning Policy (2014) / Scottish Historic Environment Policy (2011)

Listed Buildings –Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.

Conservation Areas – Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

### **Aberdeen Local Development Plan**

Policy D1 (Architecture and Place Making) – To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy D5 (Built Heritage) – Proposals affecting conservation areas or listed buildings will only be permitted if they comply with Scottish Planning Policy (SPP).

Policy BI3 (West End Office Area) – Where there is scope to provide access to properties from rear lanes this will only be acceptable if satisfactory traffic management measures are in place, or can be provided by the developer.

## **EVALUATION**

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

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

The site is located within the west end office area (Policy BI3 – West End Office Area) where offices and business uses are generally supported. Other commercial uses are not explicitly mentioned in the policy.

A hotel has existed at 59 Queen's Road since at least the 1960's. In the 1990s the hotel expanded into 61 and 63 Queen's Road and it became 'Simpsons Hotel, Bar and Restaurant'. Given that the hotel use has been established at the site for many years and the original buildings have already been extensively extended, it is considered that small scale development associated with the hotel is acceptable in principle. Therefore the matters to be assessed are the scale and design of the proposals and any impact it may have on the surrounding area.

### **Seating Area at Front of Hotel**

The area at the front of the hotel, opposite the door to the bar, is intended to function as the permanent outdoor seating area for use by hotel patrons. The area has previously been used as part of a larger outdoor seating area when the premises operated as 'Simpson's'. In that instance moveable garden style furniture was utilised rather than permanent seating. Given that it has already been used for this purpose and the only change is the use of permanent seating rather than moveable furniture, it is not anticipated there would be any additional impact on the amenity of neighbouring uses.

The permanent seating is low level and does not obscure views of the category B listed building nor does it interrupt the streetscape of Queens Road. It has been constructed from high quality materials which relate to the wider hard and soft landscaping at the front of the hotel. Therefore it is considered that the setting of the listed building has to a degree been enhanced through the use of a consistent and high quality finish and that the character of the wider conservation area has been maintained in accordance with Policy D1 (Architecture and Place Making) and Policy D5 (Built Heritage).

The creation of this area has not resulted in the loss of car parking. Due to the reduction in space taken up by the outdoor seating, the opportunity has been

taken to provide three spaces more than were provided when the hotel operated as 'Simpsons'. There is now a total of 21 space at the front of the hotel.

### **Pergola and Hard Landscaped Area**

The pergola is located against the rear boundary wall of the hotel, adjacent to Queen's Lane South.

It is constructed from high quality materials which complement the light render which has been used to finish the hotel buildings. It has open sides and top which results in a structure which appears sturdy but insubstantial. The modern extensions to the hotel are located between the pergola and the listed parts of the building. At approximately 60m away, it would have no effect on the setting of the listed buildings.

In the wider context of the conservation area, this section of Queen's Lane South is characterised by large extensions at the hotel itself, the former Hamilton School and the Malmaison Hotel. Boundary walls and domestic garages typically define the southern side of the lane. Although the pergola is visible above the rear boundary wall, it is the height of a small domestic garage. It sits within a landscaped area and when trees are in leaf it is largely screened from the lane. Within this overall context the structure would be insignificant and it is considered that the character of the conservation area has been maintained in accordance with Policy D1 (Architecture and Place Making) and Policy D5 (Built Heritage).

Similarly, the hard landscaped area adjacent to the most recent hotel extension has been finished in high quality materials and provides a suitable setting for the hotel buildings.

A significant level of objection has been received to the pergola whilst others do not specifically mention which area at the rear of hotel they refer to. The main concern is that a beer garden is being proposed and that this would result in anti-social behaviour, resulting in disturbance and nuisance to nearby residents, especially in the evening or at night. Whilst the concerns of residents in terms of amenity are appreciated, the Council as planning authority may only assess the proposal on the basis of what is presented in an application and the planning circumstances which exist. In this instance, the application is for the pergola as a physical structure. The hotel operator has confirmed that they do not intend to operate the area as a beer garden. There are no tables and chairs and the area is remote from the bar or function suites. It is apparent that it does not have any of the characteristics of a typical beer garden. Should the layout change or further tables and chairs be introduced, a variation to the license would be required. In determining whether to vary a license the board are required to have regard to the licensing objectives which are (1) preventing crime and disorder, (2) securing public safety (3) preventing public nuisance, (4) protecting and improving public health and (5) protecting children from harm.

It is perhaps beneficial to explain the circumstances around the activities the hotel may carry out within their grounds, in terms of planning control. The hotel,



bar and restaurant use, which is the authorised use of the premises, extends to not only the buildings on the site but to the grounds as well, which together form the overall planning unit. Case law has established that in addition to the right to use a planning unit for a primary purpose (in this case the hotel, bar and restaurant) there also exists a right to carry out any activity which is associated with the primary use. Therefore any activity which one would expect to reasonably take place within the grounds of a hotel, could take place without planning permission, as long as no physical development was undertaken. For example, activities such as outside drinking and dining, the conducting of weddings or taking of wedding photos, or smoking, could legitimately take place within the grounds, without planning permission being required.

In relation to this specific proposal it is therefore important to note that there are no planning restrictions which restrict the times hotel patrons can be outside within the grounds of the hotel. This has been the case since the hotel originally opened and remains the case since the premises became the 'Chester Hotel'. It is also worthwhile to note that when the hotel operated as 'Simpsons', there was an external terrace area adjacent to the bar and restaurant where patrons sat outside to consume food and drink. Therefore, to summarise, patrons can congregate, smoke or drink in this part of the grounds whether or not a pergola or hard landscaping exists. Planning permission would not be required to use moveable furniture to allow patrons to sit outside. However, a license variation would be required if the layout was changed.

The conducting of wedding ceremonies or taking of photographs are activities which it would not be unusual to find taking place within the grounds of a hotel. These activities are likely to take place during the day or early evening and it would be reasonable to assume that it would only occur when the weather permits. Bearing in mind that the area could be used for these purposes whether or not a pergola exists, any disturbance as a result of the use of the area is likely to be minimal and be no greater than if the pergola and hard surface was not there. The area is licensed, however no alcohol can be served or consumed in this area after 22:00 and no amplified music may be played at any time. The use of bagpipes or harps (or other such unamplified solo instruments), which may be played at weddings or other such functions is permitted but not beyond 22:00 hours. If the hotel wished to use the area as a beer garden they would need to apply for a variation to the license.

The Community Council have raised concerns that due to the elevation of the pergola the alleged 'beer garden' would overlook the rear gardens of Harlaw Road. Queen's Lane South is approximately 6m wide and beyond it are the rear gardens of residential properties on Harlaw Road, with the houses themselves being a further 31m away. Other nearby residential properties which are adjacent to the hotel are 95 and 97 Queen's Lane South and 1 Harlaw Place. The pergola and the hard surface below it however sit at ground level and would not permit overlooking anymore than the grass which was there previously.

In order to try and alleviate the concerns of residents, initially it may seem reasonable to add a condition controlling the hours which people can be present in the pergola and hard landscaped area. However hotel patrons are legitimately

entitled to use the area for the reasons explained above. A condition restricting the use of the areas after a particular time in the evening for example is unlikely to be effective, reasonable or enforceable.

To be effective at controlling noise disturbance, patrons would have to be restricted from being outside anywhere within the rear grounds of the hotel. Such a restriction cannot be imposed on the whole hotel retrospectively through this application. It would also be unreasonable to place restrictions on these specific areas, when patrons could use the remainder of the grounds without restraint.

As already mentioned, the license does not permit the type of activity which residents are concerned about and in any case no alcohol may be consumed in these areas after 22:00. A planning condition controlling hours would simply be repeating provisions which are controlled under licensing legislation and therefore is neither necessary nor desirable.

Each of the remaining points raised in objections which specifically relate to the pergola area and hard landscaping are addressed below –

- *Issue 2 – If hotel guests and customers smoked in the pergola area the smell of smoke would cause nuisance to neighbours;*

Hotel patrons would be free to stand and smoke in the pergola area, or any other part of the hotel grounds. Given the outdoor nature and distance of around 16m to the nearest house it is unlikely that a nuisance would occur. This is the same for all three outside areas.

- *Issues 5 and 6 – The area on which the pergola is located was previously used for parking spaces and therefore the reduction in parking spaces will impact on parking capacity in the surrounding area.*

The area was previously soft landscaping and there has been no loss of car parking.

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

All matters raised by the Community Council have been addressed within this report.

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

Matters which have been raised and not already addressed -

- *Issues 3 and 4 – The proposed developments would result in increased pedestrian traffic on Queen's Lane South, resulting in disturbance to residents, a high risk of accidents and an increase in the existing traffic management problems on the lane.*

A condition which allows only service vehicles to use this gate has been in place since 2006. There is no public access between the lane and hotel car park or grounds. The gate was removed during the refurbishment of the hotel and has recently been reinstated. At the time of writing, the handover from the contractors to the hotel operator was taking place and planning officers have been advised that the gate will now be locked and only opened by staff during service deliveries and collections. With this restriction in place, it is not anticipated that patrons of the hotel would either drive or walk to the hotel via Queen's Lane South with the specific aim of using any of the outdoor areas at the rear of the hotel.

- *Issue 8 – The application should not be approved as previous construction work has caused disruption to residents / the on-going renovation work should be completed before further work is permitted.*

Disruption from construction work is inevitable and it would not be legitimate to withhold further planning permissions for this reason.

- *Issue 9 – Litter would be blown into the lane from the area.*

There is no evidence to suggest that the surrounding area would experience a greater amount of litter than would otherwise be the case.

- *Issue 15 – The development would generate an increase in vehicle traffic.*

The outdoor areas at the rear of the hotel are minor elements of the overall hotel and ancillary to the main use. People are unlikely to be traveling specifically to utilise the areas at the rear of the hotel. Nonetheless, it is accepted that on a hot summers day the outdoor seating area at the front of the building may attract customers over and above those which would go to the hotel in any case, however it is reasonable to assume that most people would not be driving if they were to be drinking and again the area is ancillary to the overall hotel use. A parking provision of 48 parking spaces was agreed through the planning permission for the most recent extension and they are now available for use. No changes to the number of parking spaces are proposed in this application, although a small number of spaces have been rearranged moved in order to create a more practical layout.

- *Issue 18 – The proposal represents overdevelopment of the site.*

The proposals are either hard landscaping or a pergola, neither of which contribute to the built footprint of buildings on the site.

- *Issue 19 – The use of flood lights at the hotel could cause light pollution.*

No flood lights are proposed as part of the development. The pergola features small LED uplighters at its base and there are various small lights throughout the grounds within landscaping and on the building which it is not considered would require planning permission.

## **RECOMMENDATION**

**Approve Unconditionally**

## **REASONS FOR RECOMMENDATION**

Development ancillary to and associated with the established hotel use is considered acceptable in principle.

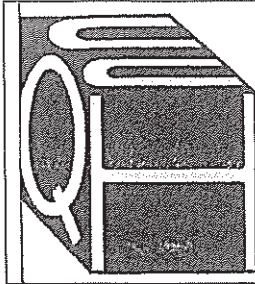
Through the use of high quality and consistent materials throughout the site and sensitive design the setting of the listed building has to a degree been enhanced. The character of the wider conservation area has also been maintained and therefore the proposals are in accordance with Policy D1 (Architecture and Place Making) and Policy D5 (Built Heritage).

Whilst the concerns of residents are appreciated, no proposal for a beer garden has been submitted, the operator of the hotel has confirmed that there is no intention to operate the area as a beer garden and the license for the hotel received from the Licensing Board does not permit the area to be used as a beer garden. There are no tables and chairs and the area is remote from the bar or function suites. It is apparent that it does not have any of the characteristics of a typical beer garden. There are no planning restrictions which restrict the times hotel patrons can be outside within the grounds of the hotel and the presence of the pergola or hard landscaped area at the rear of the hotel does not change this.

Any problems experienced by residents with the hotel which are not part of these proposals cannot be controlled or resolved through this application and should be addressed through the licensing or environmental health regimes.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.



# QUEEN'S CROSS HARLAW COMMUNITY COUNCIL

Founded April 1987

Andrew H.R. Goldie,  
276 Union Grove,  
Aberdeen AB10 6TQ  
2<sup>nd</sup> April 2012

Tel.:

Mr Matthew Easton,  
Planning and Sustainable Development,  
Aberdeen City Council  
Marischal College  
Broad Street  
Aberdeen, AB10 1AB

**Application 140259: Exterior Developments to The Chester Hotel.**

Dear Mr Easton,

Following inspection of the plans for the above, and in response to approaches from local residents, I am writing on behalf of Queen's Cross & Harlaw Community Council to object to the above proposal. The grounds of concern relate to the plans for the rear of the property, specifically with the proposal for an elevated pergola with associated outdoor seating. We have no objections to the plans for development of the hotel frontage.

What is proposed for the rear of the hotel is in effect, a Beer Garden; and problems arise due to the proximity to private housing on Harlaw Road, and from the proposed access from Queen's Lane South. Our comments are as follows:-

1. Beer Gardens, especially where revelry is involved, generate a fair amount of noise; and when emanating from an elevated position, such noise can carry a considerable distance. In this instance, and due to the close proximity of the rear gardens of the Harlaw Road properties, the noise will cause a nuisance and therefore result in a loss of amenity for these properties.
2. Due to the degree of elevation of the proposed development, the beer garden will overlook the rear-gardens of the residencies on Harlaw Road resulting in the loss of a privacy that these properties currently enjoy.

3. While there is some parking provision for the Beer Garden area, there are concerns that inappropriate, over-spill parking will take place in Queen's Lane and elsewhere.
4. The proposed access from Queen's Lane South will inevitably attract pedestrian clientele to the rear of the hotel; yet the lane is inherently unsuitable for this purpose as this section is devoid of footpaths on either side. The resultant mix of pedestrians and additional vehicular traffic on the roadway will result in a hazard to both.

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,

***Andrew Goldie***

Planning Convenor, Queen's Cross & Harlaw Community Council.

**Planning and Sustainable Development**

Business Hub 4  
Ground Floor North  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

13<sup>th</sup> May 2014

f.a.o Matthew Easton

Dear Matthew

For the attention of: Mr Matthew Easton

**Planning Application ref: 140258 External Works at the Chester Hotel**

We write further to a 'recent' letter from Queens Cross Harlaw Community Council, dated 2<sup>nd</sup> April 2012 (in error we expect), and addressed to your department.

The points noted below seek to address the matters raised in the letter and are noted as follows;

1) Elevated Pergola and Outdoor Seating.

The Pergola structure is constructed from timber beams resting on stone clad columns. The beams are elevated above ground level in order that hotel guests can walk safely below them. The area immediately below the pergola structure is finished in stone slabs. The level of the top of these slabs is about 50mm below the level of the topsoil in the existing adjacent flower borders. Therefore as oppose to being elevated it is actually set down.

2) Outdoor Seating

There are two proposed stone benches each suitable for 2-3 people, one located at each side of the pergola structure. This is the only seating proposed for this area, and it is intended that it would only be used intermittently by less able guests, or guests with disabilities.

3) Beer Garden

The Pergola are is not a beer garden, this is not noted on the planning application nor shown on the drawings, and it is not its intended function.

It is intended that the Pergola be used occasionally for small wedding ceremonies, and to provide a backdrop for taking photographs of brides and bridesmaids. It is for this reason that it has been located in a remote, quiet and secluded area of the garden. Please note that there is no intention to use this area as a beer garden, it is distant from the hotel bars, and is intentionally not connected to any of the other drinking areas, indoors or outdoors.

4) Degree of Elevation

We have today checked the degree of elevation of the Pergola area relative to neighbouring properties. Immediately across the lane, and opposite the Pergola is a garden wall forming the rear wall of a garden shed/garage. Other garden walls in the vicinity are relatively high, and there is no overlooking of adjacent properties in any direction. In addition the Pergola area is screened by tall evergreen shrubs, its own garden wall and a mature deciduous tree with hanging foliage screening the Pergola above wall level. Due to the nature of outdoor weddings and the taking of wedding photographs, it seems highly unlikely that it would be used in winter when foliage on the tree is scant or absent.

5) Car Parking

Users of the Pergola will be bridal parties with photographers. These are not additional guests and therefore the introduction of the Pergola to the hotel grounds will generate no additional vehicular traffic, over and above that already accounted for in previously approved planning applications for the hotel. The rear gate to the hotel car park is to be re-instated on completion of the construction works. To this end the granite gate posts have already been re-built and the former metal gate which had been damaged prior to the onset of the construction works, is being repaired. The current planning consents for the hotel carry a condition that this gate be used for hotel deliveries/collections only, and not by hotel guests. Therefore, it will be locked at all other times. Aside from not generating additional vehicular traffic, planning conditions already state that the rear gate will not be used by guests.

6) Pedestrian Clientele

The comments made under item 5 above also apply to pedestrians. That is, there will be no additional pedestrian traffic generated by the Pergola, and there is not to be access to the hotel from the rear lane. It should be noted that there is in fact an old garden gate in the wall adjacent to the Pergola area. However, this gate is at the wrong level for the garden, and is screwed shut. It is not intended that it be brought back into use as part of the current proposals and in fact, observation of the current planting surrounding the pergola area will confirm this. There are large evergreen shrubs planted in front of the gate, and the pergola construction in any case would hinder pedestrian access from the gate.

It is noted that a site visit is recommended by the Queens Cross Harlaw Community Council. We agree that should any doubt remain regarding the use of the Pergola structure, a site visit would serve to clarify matters in relation to the various points raised above.

Kind regards

Rachel



for and on behalf of Graham Mitchell Architects

encl –

## 4 Harlaw Road Aberdeen

I wish to make an objection to the planning application 140259 for the following reasons.

1. Noise – I am not objecting to the front seating, but I am objecting to the rear. This is a residential area and we have already had to tolerate the noise from the seating balcony at the Malmaison Hotel which I can hear in my upstairs bedroom.
2. I feel that this also sets a precedent and allows further development to do the same.
3. I see that they have built the pergola which is very presumptuous considering you have not granted them permission.
4. Anti-social behaviour - I assume they propose to allow customers to drink alcohol in the rear this in turn can create the potential for anti social behaviour.
5. I have to question how they obtained planning consent to build a function room to cater for 300 guests considering there are only 20 car parking spaces at the front and with a further 10 proposed, this really does not seem right. I remember when Simpsons Hotel was built, they had to have a certain amount of car parking spaces which took up all the outside space which they have built on, also at the time it was stated that the cars could not use the lane as an exit.

The neighbours have had to tolerate 1 year of disruption during this build. I really do think the planning department need to take into consideration the access when granting planning approval, Queens Lane South is a lane and not a road, Lorries and vans on many occasions have had to reverse up to these hotels as they cannot turn.

Please take consideration of my points.

Regards

Louise Pirie

PI

---

**From:** Louise Pirie [REDACTED]  
**Sent:** 16 April 2014 15:56  
**To:** PI  
**Cc:** Jennifer Stewart  
**Subject:** The Chester Hotel - Objection  
**Attachments:** Objection to Chester Hotel 16-4-14.docx

Please find attachment re objection to Chesters hotel Application 140259

Regards

Louise Pirie

**4 Harlaw Road  
Aberdeen**

I wish to make an objection to the planning application 140259 for the following reasons.

1. Noise – I am not objecting to the front seating, but I am objecting to the rear. This is a residential area and we have already had to tolerate the noise from the seating balcony at the Malmaison Hotel which I can hear in my upstairs bedroom.
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The neighbours have had to tolerate 1 year of disruption during this build. I really do think the planning department need to take into consideration the access when granting planning approval, Queens Lane South is a lane and not a road, Lorries and vans on many occasions have had to reverse up to these hotels as they cannot turn.

Please take consideration of my points.

Regards

James Bruce

PI

---

**From:** Louise Pirie [REDACTED]  
**Sent:** 16 April 2014 15:58  
**To:** PI  
**Cc:** Jennifer Stewart  
**Subject:** Objection to Chester Hotel Application number 140259  
**Attachments:** Objection to Chester Hotel 16-4-14.docx

Regards

James Bruce

PI

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**From:** Jamie Mathie [REDACTED]  
**Sent:** 21 April 2014 17:23  
**To:** PI  
**Cc:** Jennifer Stewart  
**Subject:** Planning Application 140259 - Objection  
**Attachments:** The Chester planning application objection.docx

Dear Mr Easton,

Please find attached my objection letter to the above planning application at The Chester Hotel.

Best Regards

Jamie Mathie  
18 Harlaw Road  
Aberdeen

18 Harlaw Road  
Aberdeen  
AB15 4YY  
20<sup>th</sup> April 2014

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

Ref Planning Application No. 140259

Dear Mr Easton,

I am writing to inform you of my objection to part of the above planning application. I have no objection to any development at the front of the property but do have an objection to the proposed development at the rear of the property from a number of points.

1. It is assumed that the seating area will be licensed and as such there will be an increase in the potential for anti-social behaviour. This has been noticed at the Malmaison Hotel where guests have shown little respect to the surrounding properties and there would be nothing to suggest that the situation would be any different at The Chester.
2. There will be an increase in the potential for litter being dropped in Queen's Lane South which The Chester will take no responsibility for when their guests depart their establishment.
3. It is without a doubt a fact that when groups of people gather outside the volume of the conversation increases and this will be further increased when they gather in a social environment while drinking alcohol. With this level of noise in an otherwise residential area the noise will travel to a number of the residential properties that back on to Queen's Lane South.
4. To allow the seating area at the rear of property would result in an increase in pedestrian traffic along Queen's Lane South. This would result in an increase in noise, litter and anti-social behaviour as already discussed above.
5. In addition to the increase in pedestrian traffic there will also be an associated increase in vehicular traffic from patrons visiting The Chester for social events. It is highly likely that the pedestrian and vehicular traffic would be highest when departing The Chester which will be late in the evenings and result in disruption to my children's sleep.
6. Being an outdoor seating area will tend to appeal more to smokers and will add to the litter problems in addition to the unpleasant and unhealthy smoke fumes.

As mentioned above there is already evidence that these points all occur at the Malmaison Hotel and this is only from the balcony at the rear of that property. This proposal will result in significantly

more noise, anti-social behaviour and litter and is not the sort of proposal that should be considered for a residential area.

I would hope that the Planning Committee take these points into consideration and reject the above proposal for seat area at the rear of The Chester Hotel.

Yours Sincerely

Jamie Mathie

P&S Letters of Representation		
Application Number: 140259		
RECEIVED 22 APR 2014		
Nor	Sou	MAp
Case Officer Initials: MCA		
Date Acknowledged: 24-4-14		



PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 17 April 2014 13:25  
**To:** PI  
**Subject:** Planning Comment for 140259

Comment for Planning Application 140259

Name : Mr Nicol Bradford  
Address : 2 Harlaw Place  
Aberdeen  
AB15 4YW

Telephone :

Email : 

type :

Comment : Please note that I have already sent an objection by email (dated 16/04/14) - the following are supplementary points I would like to make.

What is being proposed for the rear of the hotel is effectively a 'beer-garden'. If that is not originally stated as the intent, then eventually that is what it would become. Due to the reasons put forward in my email (noise, anti-social hours, smoke, disruption, lack of privacy and control) this is an unacceptable development and use of such an area located directly adjacent to family homes. This is not a use that has been permitted previously and is out of character with the particular residential area at the rear.

Additionally, regardless of the proposed rear development for seating etc, the rear of the hotel must not be used by the hotel as an area for customers to drink, smoke or congregate (either approved by the hotel formally or otherwise informally). It is the activity (i.e. the consequent or potential use of the development) that is the problem and not the seat itself. However once the seat/pergola is in place the activity is inevitable.

Thank you again for your consideration.

Nicol.

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Robert Vickers

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**From:** Bradford, Nicol [REDACTED]  
**Sent:** 16 April 2014 13:26  
**To:** PI  
**Cc:** Jennifer Stewart  
**Subject:** Planning Application 140259 (Chester Hotel) - Objection

Dear Sir / Madam,

I am writing to make an objection to the Planning Application 140259 (Chester Hotel) with respect to the proposed development at the rear of the building (seating / pergola) and consequent use of that area by customers of the hotel, for uses other than car parking.

The proposed development (at the rear) will result in the hotel customers using this area as an outdoor extension to the hotel to congregate (potentially with drinks) leading to a very significant increase in noise, smoke and disturbance which will carry over to the neighbouring family houses around the rear of the hotel. This will continue through the day and late into the night - potentially every day, and the hotel staff will have far less control over the behaviour of the customers compared with inside the hotel. The rear area is in view of neighbouring properties and vice versa.

This development is therefore not compatible with the surrounding family housing area, and would significantly reduce the amenity of the neighbours. The rear area of the hotel was not previously used in this particular manner for the entertainment of hotel customers. If approved, any future extension, increase or variation in the use of this area by the hotel for the customers entertainment would be impossible to restrict or control.

Thanks you for your consideration of this objection.

Regards, Mr Nicol Bradford

2 Harlaw Place  
Aberdeen, AB15 4YW.  
[REDACTED]

NOTE: MY EMAIL ADDRESS HAS CHANGED - PLEASE UPDATE YOUR RECORDS ACCORDINGLY

Talisman Sinopec Energy UK Limited, incorporated in England and Wales (Company number 825828) having its registered office at 20-22 Bedford Row, London WC1R 4JS.

Please follow this link for legal and corporate information on the sender of this email: [REDACTED]  
[REDACTED]

PI

**From:** Anne Rose [REDACTED]  
**Sent:** 21 April 2014 11:02  
**To:** PI  
**Cc:** Jennifer Stewart  
**Subject:** Planning Application Number 140259. Chester Hotel-Objection

Dear Mr Easton

My husband and I are writing with regard to the Planning Application Number 140259 (Chester Hotel) and would like to raise our objection to the proposed seating and pergola tone added to the rear of the hotel.

This area was previously used as a car park and therefore did not encourage an area for congregation of people or emit any significant noise. It did however cause much more traffic in a very quiet, narrow lane. This would change dramatically if this area were to be changed. This area is extremely close to our residential properties and would have a significant adverse impact. Likewise by reducing car parking for the hotel's patrons this will then have an impact on traffic and parking around our homes. This is primarily a residential area and therefore difficult to park as it is.

The back lane is already too narrow and restrictive for the traffic that now uses it.

An area directly near our homes for seating where customers are socialising, carries the risk of much noise (especially evening/ late night), nuisance and anti-social behaviour. This generally affects the amenity of our primarily residential area. These episodes are not 'one off' exceptions but could be throughout the week and especially during the busy weekend period when we are in our homes and gardens. and are entitled to enjoy our privacy and peace.

Furthermore, this proposed outside area, or 'beer garden', can be where patrons congregate to smoke due to restrictions within the hotel itself. It also adds the fact that this will become a magnet for noise. We enjoy currently the peaceful nature of our neighbourhood. Unfortunately noise does carry especially in the evening and late at night as would the smell

of smoke and its impact. Also as we have pointed out this is very likely to antisocial, noisy behavior late at night.

We believe that this added development is contrary to the terms and provisions of the original development plan which ultimately sought to protect amenities for local residents. We have tolerated many developments to the commercial areas around our properties for overall benefit in the longer term but the ongoing impact to our quality of life and avoidance of the issues highlighted above should be considered.

We thank you for your consideration of the issues highlighted above.

Anne and Chris Rose

6, Harlaw Terrace  
Aberdeen AB15 4YU

P&SD Letters of Representation		
Application Number: 140259		
RECEIVED 21 APR 2014		
Nor	Sou	MAp
Case Officer Initials: MGA		
Date Acknowledged: 24-4-14		

PI

**From:** Susanna Barker [REDACTED]  
**Sent:** 19 April 2014 15:58  
**To:** PI  
**Cc:** Jennifer Stewart  
**Subject:** Planning Application Number 140259 - Chester Hotel - Objection.

Dear Mr Easton,

I wish to object to Planning Application no 140259 – Chester Hotel.

The grounds for my objection are thus:-

1. Noise.

Since moving here ten years ago I cannot remember a time when there wasn't building construction of some sort taking place within a short distance from our home. I thought the lane looked a peaceful place to live, and so it should be, but there has been constant disruption and noise, some of it from people doing their own building work, which is fine, but most of it coming from the refurbishment and extension of Malmaison and now the Chester Hotel. Whilst no one begrudges children the right to make noise in the playground, the Hamilton school also became very noisy during the day, with bells ringing, and singing classes etc as well as the general noise of children. This is fine during the day ( I expect the school will return in some form) but now we are faced with continual noise from patrons of the hotel, well into the night. This is not acceptable. We live in a residential area and should be allowed to sit in the garden in the evenings and enjoy the birdsong without noisy outbursts of drunken behaviour. It will be even worse for the elderly couple whose property adjoins the hotel.

1. Pedestrian use of the lane.

People who deliberately want to sit out in the back part of the hotel garden will park their cars either in Queen's Lane South or Harlaw Road. This means there will be people walking back to their cars past our homes. Whilst I am sure the majority will be well behaved, I am equally sure that a handful will be a nuisance. People don't consider others when they are intoxicated and I would not be surprised to find people wandering around our garden and our neighbour's garden, either looking for mischief, or for somewhere to relieve themselves. Either way they are not likely to do it quietly.

1. Car parking

The extension to the Chester Hotel is very large. No one can convince me that there will be enough car parking spaces within the complex. There simply isn't the room. When Simpsons hosted conferences the cars parked in the lane and beyond because the hotel could not provide enough car parking spaces. This means that patrons will park in Queen's Lane South or Harlaw Road. This is a safety hazard. The fire brigade, or indeed an ambulance if ever needed, would not be able to get appropriate access to adjacent properties. We do not possess a driveway or garage for our own car and have to park in Harlaw Road ...the lane is too narrow to park safely. It already happens that on days when there are matches taking place on Harlaw Playing fields, we

cannot park near our house and have to park some distance away. How much worse is it going to be when patrons of the hotel park there too?

1. General inconvenience.

There will be a rise in the amount of litter in the lane, some of which will end up blown, or thrown into our gardens. Who will clear this away? The hotel management will not consider it within their remit to clear or clean anywhere outside their own boundaries. This is unacceptable for local residents.

Lastly, and on a more personal level, I am not happy about the light pollution. My partner is an astro-photographer and whilst it is frustrating to have to work against the background light pollution of the street lamps etc, if the hotel decides to use flood lights, taking any pictures of the night sky will become impossible. I know this is a more personal matter, but why should someone's lifestyle be disrupted so that others can drink. They can drink anywhere in the town. My partner only has his back garden in which to pursue his hobby. I am sure small lights would be acceptable, but please, if this goes ahead, no floodlights.

I agree with all the points that Mr Vorenkamp has cited. Please give due consideration to these as they are not unreasonable.

Yours Sincerely,

Susanna Landais

97, Queen's Lane South

Aberdeen

AB15 4BF.

P&SD Letters of Rerepresentation		
Application Number: 140259		
RECEIVED 22 APR 2014		
Nor	Sou	MAp
Case Officer Initials: MKA		
Date Acknowledged: 24-4-14		

PI

From: ALAN WEST [REDACTED]  
Sent: 22 April 2014 00:01  
To: PI  
Subject: Fw: Planning application Number 140259

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

From: ALAN WEST [REDACTED]  
To: MatthewEaston  
Cc: JenniferStewart [REDACTED]  
Sent: Monday, 21 April 2014, 23:51  
Subject: Planning application Number 140259

Dear Matthew

I hereby object to the above referenced planning application for the following reasons:

1. The proposed seating area at the rear of the hotel will cause disturbance and noise from the people sitting/standing in that area.
2. The seating area to the rear of the hotel will have a new access (marked 'future access' on the plan) which will allow noise to emit from the function room which will cause noise in the outside area and surrounding area.
3. The proposals for the seating area at the front of the hotel will reduce the number of parking places in a hotel that is advertising conference facilities for up to 500 delegates (see previous email). I have made this point to you many times and you assured me that most people would be arriving by aeroplane and taxi - this will not plainly not be the case. I request that before any further erosion of the available parking is allowed a new traffic assessment is carried out taking account of the advertised 500 delegate capacity, and assuming that they do not all arrive by aeroplane and taxi.
4. It is also noted that there is a reduction in the number of parking places near the rear gate.

Overall, this sets an undesirable precedent in a residential area.

If this application is approved it is likely that it will result in pedestrian traffic in the rear lane and potentially anti-social behaviour (urination, shouting, litter, smoking odours etc).

We have suffered for over a year with noise outwith the allowed times, mud in the lane and blocked garage on regular occasions during the building of this hotel and the work should be completed before any further work is allowed to commence. If this application is approved the current nuisance of the construction noise will be replaced by the noise of people in the rear outside seating area only it will be late at night and every night.

This is creeping development and if allowed will continue for a long time. There is still no control over the rear gate and the current development seems far from finished, despite the statement in your email on the 21st of March. However, the pergola that has no planning permission has been completed.

Overall this is further over-development of the site and I object to this application.

Best regards

Alan West  
26 Harlaw Road  
Aberdeen  
AB15 4YY

P&SD Letters of Representation		
Application Number: 140259		
RECEIVED 22 APR 2014		
Nor	Sou	MAp
Case Officer Initials: MKA		
Date Acknowledge: 24-4-14		



**From:** Isobel Vorenkamp [REDACTED]  
**Sent:** 10 April 2014 12:22  
**To:** PI  
**Cc:** Jennifer Stewart  
**Subject:** Fwd: Planning Application number 140259 Chester Hotel - Objection

Dear Mr Easton

I wish to object to Planning Application no. 140259.

We have no problem with the seating at the front of the hotel. However, we do object to the proposed seating area to the rear of the hotel. Our objection is based upon the following grounds:

1. This proposal would create an undesirable precedent in an area that is immediately adjacent to residential property.

To date, the development model of commercial properties on Queen's Road backing onto Queen's Lane South has so far been that of a car park to the rear backing on to the lane. This has resulted in a large increase vehicle traffic but relatively little pedestrian traffic.

This proposal is based on an entirely different model. It is proposed that the area to the rear of the hotel will be used partially at least as a seating area.

The hotel property has very limited parking. It stands to reason that patrons of this open seating area will frequently leave by walking along Queen's Lane South.

This will inevitably increase pedestrian traffic in Queen's Lane South with all the ensuing problems that we have itemised below in points 2, 3 and 4.

2. Anti-social behaviour

I am assuming that the seating area will be licensed for serving alcohol.

It would create the potential for anti-social behaviour on the part of the patrons of this outdoor seating area

There is a general dis-inhibition by people gathering in an outdoor setting where alcohol is available.

There is a sense of anonymity relating to their surroundings and they do not observe the same general code of respectful behaviour as that of neighbours in their own back gardens.

3. Noise carrying

It would create a noise carrying situation, as people gathered in a group outdoors tend to speak over one another and the volume increases and the noise carries in the open air. It is impossible to regulate the decibel level in this situation.

4. Litter

The problem of litter will be increased by litter both blowing from the outdoor seating area into the lane and also dropped by patrons walking down the lane on their way home. Of course in the hotel's own interest it will sweep up in their own seating area. However, the hotel will neither manage or rectify the increased litter dropped by their patrons having left this outdoor area.

5. Traffic Increase

There will be a huge increase in pedestrian traffic in Queen's Lane South. Pedestrian traffic will naturally flow into Queen's Lane with people leaving the outdoor seating area at the rear of the hotel. It is reasonable to suggest that this will not necessarily be done in a quiet fashion. No guarantee can be given that these customers will give due consideration to the amenities of the residents of private homes as they use Queen's Lane South as a thoroughfare at varying times of day and night.

Our points 1, 2, 3, 4 and 6 will equally apply to the pedestrian traffic in the lane.

6. Smoking

Smokers gravitate to outdoor seating areas. This results in unpleasant odours and the inevitable litter of cigarette ends.

Regards  
Isobel Vorenkamp  
24 Harlaw Road  
AB15 4YY

P&SD Letters of Representation	
Application Number:	140259
RECEIVED	11 APR 2014
Nor	MAp
Case Officer Initials:	MEA
Date Acknowledged:	15/4/14

**Robert Vickers**

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**From:** Mark Vorenkamp [REDACTED]  
**Sent:** 10 April 2014 11:47  
**To:** PI  
**Cc:** Jennifer Stewart  
**Subject:** Planning Application number 140259 Chester Hotel - Objection

Dear Mr Easton

I wish to object to Planning Application no. 140259.

We have no problem with the seating at the front of the hotel.  
However, we do object to the proposed seating area to the rear of the hotel.  
Our objection is based upon the following grounds:

1. This proposal would create an undesirable precedent in an area that is immediately adjacent to residential property.

To date, the development model of commercial properties on Queen's Road backing onto QLS has so far been that of a car park to the rear backing on to the lane. This has resulted in a large increase vehicle traffic but relatively little pedestrian traffic.

This proposal is based on an entirely different model. It is proposed that the area to the rear of the hotel will be used partially at least as a seating area.

The hotel property has very limited parking. It stands to reason that patrons of this open seating area will frequently leave by walking along Queen's Lane South.

This will inevitably increase pedestrian traffic in Queen's Lane South with all the ensuing problems that we have itemised below in points 2, 3 and 4.

2. Anti-social behaviour

I am assuming that the seating area will be licensed for serving alcohol.

It would create the potential for anti-social behaviour on the part of the patrons of this outdoor seating area

There is a general dis-inhibition by people gathering in an outdoor setting where alcohol is available. There is a sense of anonymity relating to their surroundings and they do not observe the same general code of respectful behaviour as that of neighbours in their own back gardens.

3. Noise carrying

It would create a noise carrying situation, as people gathered in a group outdoors tend to speak over one another and the volume increases and the noise carries in the open air. It is impossible to regulate the decibel level in this situation.

4. Litter

The problem of litter will be increased by litter both blowing from the outdoor seating area into the lane and also dropped by patrons walking down the lane on their way home. Of course in the hotel's own interest it will sweep up in their own seating area. However, the hotel will neither manage or rectify the increased litter dropped by their patrons having left this outdoor area.

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There will be a huge increase in pedestrian traffic in Queen's Lane South. Pedestrian traffic will naturally flow into Queen's Lane with people leaving the outdoor seating area at the rear of the hotel. It is reasonable to suggest that this will not necessarily be done in a quiet fashion. No guarantee can be given that these customers will give due consideration to the amenities of the residents of private homes as they use Queen's Lane South as a thoroughfare at varying times of day and night.

Our points 1, 2, 3, 4 and 6 will equally apply to the pedestrian traffic in the lane.

6. Smoking

Smokers gravitate to outdoor seating areas. This results in unpleasant odours and the inevitable litter of cigarette ends.

As an addendum; I would like to mention that we have already experienced considerable amount of noise nuisance and anti-social behaviour with respect to the balconies at the rear of of Malmaison which overlook Queen's Lane South and our home.

We have had to call Malmaison on several occasions and request that they ask customers on the balcony to keep the noise down and failing that ask them to vacate the balcony. This has, on each occasion, had an unsatisfactory outcome. People paying for drinks in a commercial establishment do not appreciate being asked to keep reasonably quiet and in fact such a request tends to inflame the situation. In my experience with the Malmaison this has resulted in an increase of noise from the balcony followed by groups of people strolling up and down the lane singing and shouting as a retort. These events have taken place during both daytime and evenings and are obviously out of the control of Malmaison. However, the problem has come into existence by the creation of an outdoor drinking area adjacent to residential property. Two small balconies are on a much smaller scale than the prospect of an entire outdoor licensed seating area. I feel it would be inappropriate and disingenuous for Planning to suggest that such a situation could exist without a significant reduction to the amenities of the local residents. You would be granting approval for a development that creates a potential nuisance for residents that cannot be controlled. Is this development something the members of the Planning Committee would want at the end of their back garden?

We have lived here since 1980. We seen many commercial developments which have affected our amenity with never - ending construction, noise nuisance, weekend working etc. We have however, never objected to any proposals for development in the past. This proposal would however, present the residents surrounding it with a permanent potential nuisance which should not be granted.

Regards  
Mark Vorenkamp  
24 Harlaw Road  
AB15 4YY

P&SD Letters of Representation	
Application Number:	140259
RECEIVED	11 APR 2014
IND	Sou
	MAp
Date Offer made	ME A
Date Approved	15/4/14

140259

95 Queens lane <sup>MEF</sup> Sth  
Aberdeen  
AB15 4BF

Town and County Planning  
(Development Management Procedure)  
Aberdeen City Council  
Planning and Sustainable Development.  
Mauschal College  
Broad Street.  
Aberdeen.  
AB10 1AB

Dear Sir/Madam

I am truly disappointed at the retrospective nature of planning permission for a hideous concrete pergola and the continued abuse and deterioration of the residential nature of our area. For the past six months we (through no choice of our own) have lived in a building site. The large plant vehicles continually knocking against our wall, thoughtless parking (photographic evidence available) and loud work starting before 8:00 a.m. caused a deterioration of our living standards.

Having finally arrived at the end of construction we now find since the Hotel opened that the noise from the Hotel, music and voices, is extremely noisy - late into the evening. The pergola, moulded in concrete, is an eyesore. It has been placed at

the diagonally furthest point from the ~~restaurant~~ Hotel at the back of the car park.  
It is nearer my home than the hotel and we envisage it will be used in the light summer evenings and will be a noise pollution issue.

As I have <sup>said</sup> on previous planning objections, the problem of traffic flow and size of lorries are totally unsuitable for the lane and I must again ask you to look at this seriously.

I therefore strongly oppose any further work to the rear of the building.

Yours faithfully

P&SD Letters of Representation		
Application Number: 140257		
RECEIVED - 4 APR 2014		
Nor	Sou	MAp
Case Officer Initials: MEA		
Date Acknowledged: 7-4-14		

## Planning Development Management Committee

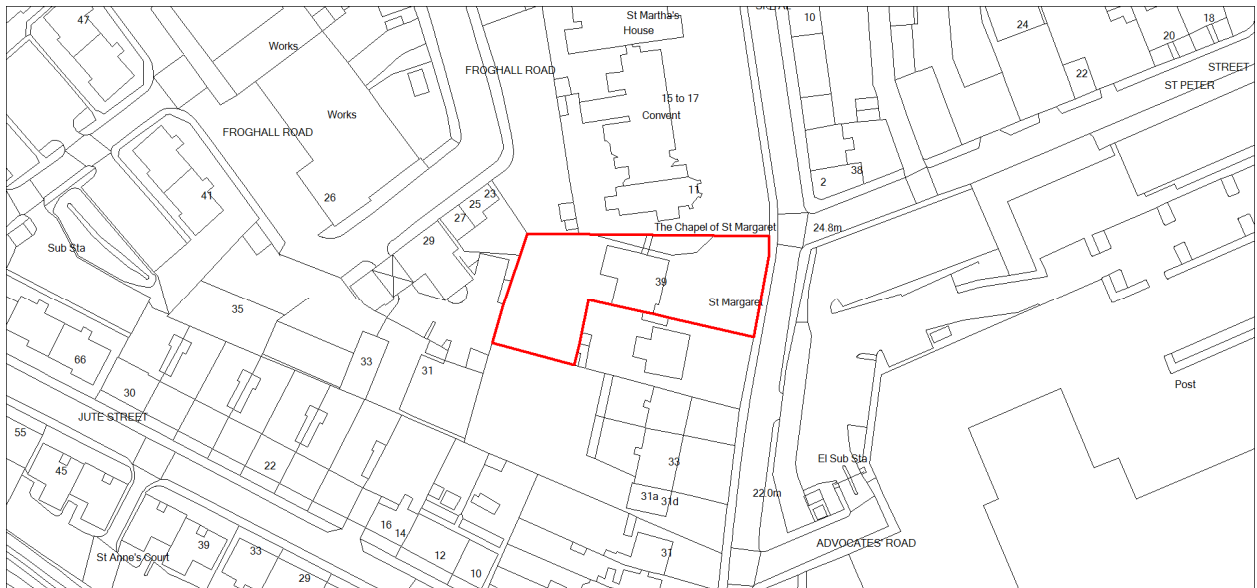
39 KING'S CRESCENT, ABERDEEN

CHANGE OF USE FROM RESIDENTIAL  
DWELLING TO HMO

For: Mr Sujon Hoque

Application Type : Detailed Planning Permission  
Application Ref. : P140715  
Application Date: 13/05/2014  
Officer: Gavin Clark  
Ward : George Street/Harbour (A May/J  
Morrison/N Morrison)

Advert :  
Advertised on:  
Committee Date: 24 July 2014  
Community Council : Comments



**RECOMMENDATION:** Approve subject to conditions

## **DESCRIPTION**

The application property is a two storey detached dwellinghouse, located on an elevated site to the west of King's Crescent, and within the Old Aberdeen/Balgownie Conservation Area. The existing property is granite built with a slate roof. The dwellinghouse to the south (no.37) is located at a lower level. The garden ground to the rear is located on a number of descending levels, and eventually sits significantly lower than the floor level of the dwelling; flatted properties are located, at a lower level, to the rear. The property is also located immediately adjacent, to the south, of the Category 'A' Listed St Margaret's Convent and Chapel. To the east, across Kings Crescent, is the First Bus Depot and associated staff parking, offices and garaging. There are a number of trees in the front gardens of the properties fronting King's Crescent.

## **HISTORY**

- An application for planning permission (Ref: 120520) is currently pending consideration for alterations to the boundary wall of the associated property.
- Planning permission (Ref: 120205) was approved in April 2012 for alterations to the associated access gates.
- An application for planning permission (Ref: 120204) is currently pending consideration for the erection of a greenhouse, raised decking and external steps to lawns, formation of retaining walls and alterations to the boundary walls. Parts of this permission have been implemented and a decision on the application is programmed to be taken in the coming weeks.
- Planning permission (Ref: 101949) was refused in February 2011 for the erection of a new garden wall on the southern elevation of the property.
- Planning permission (Ref: 89/2054) was approved in January 1990 for a change of use of part of the convent to form a diocesan centre.

## **PROPOSAL**

The proposal seeks planning permission for a material change of use of the property, to allow use as a House of Multiple Occupation (HMO). This would allow more than 5 unrelated persons to live in the premises together. No physical alterations are proposed.



## Supporting Documents

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref= 140715>

On accepting the disclaimers 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 as Old Aberdeen Community Council have objected to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads Projects Team** – have no objection to the application. They have advised that adequate parking would be available within the curtilage of the property, sufficient cycle parking facilities would be provided internally and adequate refuse storage facilities would be in place.

**Environmental Health** – no observations

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

**Community Council** – Old Aberdeen Community Council have objected to the application raising the following concerns:

1. The number of HMO's in the surrounding area, and whether the proposal would set an undesirable precedent for future development;
2. That there are long-term outstanding planning applications related to this site, which should be resolved before considering further applications.
3. That the development would affect the amenity of the area both for immediate neighbours and the wider community.
4. The impact of development on the existing building
5. That the proposal represents over-development of the site and over-occupation of the building.
6. The adequacy of the existing vehicular access;

7. Existing parking levels, and any excavation works which may be required to provide additional spaces;
8. That there is no lounge or other social area provision within the proposed development.
9. That the property is being advertised as a child nursery;
10. Concerns in relation to the neighbour notification/ advertisement process; and
11. That the proposal fails to accord with the Householder Development Guide.

## **REPRESENTATIONS**

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

1. The proposal would have a negative impact on the character and appearance of the surrounding area;
2. The number of HMO's in the surrounding area, the existing overprovision, and the impact on the residential area;
3. That inadequate parking would be provided within the curtilage of the property, and concerns in relation to the existing access;
4. Permission should not be approved until such time that all outstanding applications on site have been determined;
5. That the internal layout of the property is not suitable, and the potential impacts any external alterations are likely to have

## **PLANNING POLICY**

### **National Policy**

Scottish Planning Series – Planning Circular 2/2012 (Houses in Multiple Occupation: Guidance on Planning Control and Licensing): states that planning authorities should be mindful of the potential impact that concentration of HMO properties may have on the amenity of the area. Essentially, it encourages policies being put in place in order to ensure there are not an over-concentration of HMO properties in particular locations.

## **Aberdeen Local Development Plan**

Policy T2: Managing the Transport Impact of Development: states that new developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

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

Policy H1: Residential Areas: The site lies within a designated Residential Area (H1), as defined in the Aberdeen Local Development Plan. Within such areas Policy H1 of the ALDP will apply, requiring that residential development will be acceptable in principle provided it satisfies certain specified criteria. The criteria relevant to assessment of this proposal are as follows:

1. It does not constitute over-development
2. It would not have an unacceptable impact on the character or amenity of the surrounding area
3. It would not result in the loss of valuable and valued areas of open space.
4. It would comply with the Council's Supplementary Guidance in relation to the Sub-division and Redevelopment of Residential Curtilages.

It is further stated that non-residential uses will be refused unless (a) they are considered complementary to residential use; or (b) it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

### **Supplementary Guidance**

#### Householder Development Guide – Houses in Multiple Occupation

This guidance sets the thresholds at which a house or flat will no longer be considered to be in domestic use and will thus be treated as a HMO, for planning purposes. Having identified where such changes of use take place, it is then necessary to set out the factors which will be considered in assessing any such application. These include, but are not limited to:

1. Any adverse impact upon pedestrian or road traffic safety as a result of increased pressure on car parking;
2. Significantly adverse impact upon residential amenity for any reason. This may include, but not be limited to, adequate provision of refuse storage space, appropriate provision of garden ground/amenity space, and an appropriate level of car parking; and
3. An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area. Such considerations will be assessed in consultation with the Council's HMO

Unit within the Housing & Environment Service, who hold relevant information on the location of existing licensed HMO properties. Where it is not practicable for dedicated car parking to be provided alongside the development, a proposal must not exacerbate existing parking problems in the local area.

## **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/ Policy Assessment

The application site lies within an area identified as residential in the Aberdeen Local Development Plan. Within such areas Policy H1 (Residential Areas) is applicable, and advises that development would be acceptable provided it could satisfy the criteria set out in the Planning Policy' section above.

Whilst the intensity of the use is such that it is not considered to be of a domestic scale, and is therefore neither a dwellinghouse (class 9) nor a flat (sui a generis use), the nature of the use is nevertheless pseudo-residential in all other respects, and it is therefore appropriate to assess the proposal against the criteria applicable to residential developments under Policy H1. In this regard the proposal is not considered over-development, as no extension to the property or external alterations are proposed. It would not result in the loss of any areas of open space, as identified in the Aberdeen Open Space Audit 2010. Neither the Council's adopted supplementary guidance in relation to 'The Sub-division and Redevelopment of Residential Curtilages' or in relation to house extensions, as set out in the 'Householder Development Guide' are considered relevant, as the proposal does not involve the sub-division of the curtilage or an extension. However the 'Householder Development Guide' includes a section relating to HMO's, setting out the thresholds stated above.

Intensive occupation for residential purposes generally increases pressure on shared facilities, such as gardens, car parking and refuse arrangements. As noted earlier in this report, the Council's Roads Projects Team have accepted the provision of four car parking spaces within the curtilage of the site, and do not consider that the development would have any significant effect on existing on-street car parking, as the site is located within a Controlled Parking Zone. No concerns are raised in respect of pedestrian or road safety, or in relation to the existing access. A sustainable transport strategy (by way of leaflets and car club information) would also be provided by the applicant, which is to be implemented

via an appropriate planning condition. The property is large (currently containing 9 bedrooms), lies in close proximity to both the City Centre and Aberdeen University, and is located in an area of mixed residential accommodation, including individual dwellinghouses; higher density flatted blocks and student accommodation and has a large curtilage and garden area. The intensity of the use is therefore not considered to be fundamentally incompatible with the character and amenity of the surrounding area.

Provision is proposed within the site for shared facilities such as car parking (located to the front of the property), cycle parking (within the building) and refuse storage (located on the northern side of the building). A large amount of amenity space would also be afforded to the occupants of the property to the rear. A discussion with the Council's HMO licencing section has established that there are currently no arrangements for the monitoring of HMO concentrations in any given area and thus no data is available. However, it is noted that the property lies in close proximity to Aberdeen University, with the immediate area containing a mix of uses, with residential houses/flats neighbouring the site. Planning records indicate that only a limited number of HMO's have been granted planning permission (which is required for properties with more than 6 unrelated occupants) in the area. It is not considered that there is any clear evidence of an excessive concentration of HMO's in the locality, such that the character of the area could be considered to have changed and which may warrant refusal of planning permission.

No alterations are proposed to the building, thus no impact on the setting of the adjacent listed building, or the wider Conservation Area. The proposal is therefore considered to be compliant with Policy D5 (Built Heritage) of the ALDP.

#### Issues Raised by the Community Council/ Letters of Representation:

The issues raised in Old Aberdeen Community Council's letter of representation can be addressed as follows:

1. The issue of over-provision of HMO's as been addressed elsewhere within this report. It should also be noted that since this letter was submitted, the applicant has reduced the number of lettable rooms from 13 to 10;
2. It is noted that there are outstanding issues relating to other applications associated with this site. These are currently pending and their determination and can not hold up determination of the current application, it should be noted that these applications are due be determined in the coming weeks;
3. For the reasons mentioned within this report, it is not considered that the amenity of adjacent properties would be affected to an unacceptable degree;
4. The building is not listed, and therefore the planning authority has no control over internal alterations proposed, although such matters may be

- require building warrant. An informative can advise the applicant to check any such requirements with ACC's Building Standards Team;
5. No alterations are proposed, therefore the development could not be considered as over development of the plot. It has also been mentioned that the number of lettable rooms within the property has been reduced from thirteen to ten. As a result, it is not considered that the proposal would result in over-occupation of the property, particularly given that there are nine existing bedrooms. The applicants have indicated that this would be at a similar level of occupation as to what exists presently;
  6. The proposal has been assessed by colleagues in the Roads Projects Team, who have no objection. No alterations to the existing access are proposed as part of this application;
  7. The parking is existing, and no physical alterations are proposed within the site to accommodate further spaces;
  8. This point was noted, and the application was reduced from thirteen lettable rooms to ten. This allows for lounge areas at ground floor and second floor area, and for a further storage area at first floor level. The level of communal living space within the property is considered acceptable;
  9. The property is not in such use, thus this matter is not a material planning consideration in the determination of this application. If the applicants wished to use the property as a nursery then a further planning application would be required to consider such a proposal;
  10. Correct neighbour notification procedures were followed. As no physical alterations were proposed to the property there was no requirement to advertise the application in the press. In addition, the amendment reducing the number of letting bedrooms from 13 to 10 addresses some of the issues raised by the Community Council, and it was not considered necessary for further notification; and
  11. Compliance with the Householder Development Guide has been assessed elsewhere within this report.

In relation to the letters of representation submitted, all of the issues raised have been addressed in the sections above.

## Conclusion:

Taking these matters into account, it is concluded that the proposed change of use would not result in any undue conflict with the aims of policies T2 (Managing the Transport Impact of Development), D5 (Built Heritage) and H1 (Residential Areas) of the Aberdeen Local Development Plan, and the content relating to Houses in Multiple Occupation (HMOs) contained in the Householder Development Guide Supplementary Guidance. No material considerations have been identified that would warrant refusal of planning permission. The application is therefore recommended for approval, subject to appropriate conditions in relation to provision of cycle storage, sustainable transport information and a condition restricting the maximum number of occupants.

## **RECOMMENDATION**

**Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

That the use of the premises as an House of Multiple Occupation (HMO) is consistent with those uses in the surrounding area (which include residential, student accommodation and HMO's) and would not result in any undue impact on the character and amenity of the property, or those in the surrounding area. No physical alterations are proposed to the property, and the proposal would have a neutral impact on the character and appearance of the Conservation Area. The proposal would have no adverse impact on pedestrian or road safety, and there are currently an acceptable number of HMO's in the surrounding area. The proposal is therefore considered to accord with Policy H1 (Residential Development) of the Aberdeen Local Development Plan, and the relevant content pertaining to HMOs in the Council's adopted Householder Development Guide.

## **CONDITIONS**

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

- (1) That the proposal shall be implemented in accordance with drawing no. PL\_7B, in that the maximum number of lettable rooms shall be 10 – in order to protect the amenity of the proposed occupants and the surrounding area.
- (2) The the use hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on drawing no. PL\_7B have been provided - in the interests of encouraging more sustainable modes of travel.

(3) That prior to the date of occupation of the hereby approved House of Multiple Occupation (HMO), the developer shall submit details, for written approval by the planning authority of how and what information will be provided at the property (e.g. cycle route maps and car club promotional literature) which support sustainable transport in the area - in the interests of encouraging more sustainable modes of travel.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development



# OLD ABERDEEN COMMUNITY COUNCIL

Planning Liaison  
2 Harrow Road  
ABERDEEN  
AB24 1UN

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

4<sup>th</sup> June 2014

Dear Sir,

**Application Number P140715, 39 Kings Crescent, Aberdeen AB24 3HP  
Application for Change of Use from Residential to House in Multiple Occupation.**

Old Aberdeen Community Council wishes to object to the granting of this application for the following reasons: -

1. There already exists a disproportionate level of HMO provision within the immediate and wider local area and granting permission for a further 13 bed-sits would exacerbate the district's increasingly imbalanced demographics.
2. There are long-term outstanding planning applications related to this site which should be resolved before considering further applications.
3. The development would adversely affect the amenity of the area both for immediate neighbours and the wider community.
4. The application relates to a building with significant history (ref.1), which lies within the Old Aberdeen Conservation Area and the photographs recorded on the "Canmore" (ref. 2) show interiors worthy of preservation. The alterations required to install multiple en-suite facilities and fire prevention measures would have a serious negative impact on a heritage building.
5. The proposals represent over-development of the site and over-occupation of the building.
6. Vehicular access to the property is narrow, sited on a blind corner, opposite a side road and all on a narrow and busy carriageway. As such, it presents a high risk factor for pedestrian, cycle and vehicular accident given the traffic movements which would be generated by the proposed level of occupation.
7. No parking provision has been defined within the application. To meet the parking spaces required for a development with this level of occupation, if indeed this is physically possible within the site limits, would require major alterations to the property's front landscaping.
8. There is no lounge or other social area provision within the proposed development.
9. In addition to all the negative elements above, it also appears that a different use for the property is also being advertised (ref. 3), that of a child nursery. Old Aberdeen Community Council has no knowledge of planning permission or licensing being applied for or granted for such an enterprise and would object to the change of use on similar grounds to most of those above.

We also draw attention to the addition of a plan to those previously submitted with the application and that this has been done without notification or extension to the expiry for representations. This affects our point 7, but we continue to maintain that even the new proposals do not provide sufficient spaces for the number of residents proposed. In view of the already serious parking problems in the locality, we continue our objection on those grounds

We draw attention to the *Aberdeen Local Development Plan: Supplementary Guidance - Topic: Householder Development Guide*, page 26 (ref. 4). As this application fails on all three assessment points, we trust that the Planning Department will consider our points of objection favourably and recommend the refusal of this application by Aberdeen City Council.

Yours sincerely,

**George A. Wood**

## APPENDIX

### References

1. The family home of Sir Ninian Comper (1864-1960), the noted architect and designer of the neighbouring chapel at St. Margaret's Convent.
2. <http://canmore.rcahms.gov.uk/en/site/296424/details/aberdeen+39+king+s+crescent/>
3. <http://www.kids-international.co.uk/>
- 4.



## Topic: Householder Development Guide

Page 26

Proposals involving formation of an HMO as defined in this guidance will be assessed with regard to matters including, but not limited to, the following;

1. Any adverse impact upon pedestrian or road traffic safety as a result of increased pressure on car parking;
2. Significantly adverse impact upon residential amenity for any reason. This may include, but not be limited to, adequate provision of refuse storage space, appropriate provision of garden ground/amenity space, and an appropriate level of car parking.
3. An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area. This will be assessed in consultation with the Council's HMO Unit within the Housing & Environment service, who hold relevant information on the location of existing licensed HMO properties.

Where it is not practicable for dedicated car parking to be provided alongside the development, a proposal must not exacerbate existing parking problems.

### CIRCULATION: -

ACC Development Management, Councillor A. May, Councillor J. Morrison, Councillor N. Morrison and OACC members.



## OLD ABERDEEN HERITAGE SOCIETY

Development Management,  
Enterprise, Planning & Infrastructure,  
Aberdeen City Council,  
Business Hub 4,  
Marischal College

11 Greenbrae Crescent,  
Denmore,  
Bridge of Don,  
Aberdeen  
AB23 8LH

10<sup>th</sup> June 2014

Dear Sirs,

39 King's Crescent, Old Aberdeen  
application for permission for change of use from dwelling house to house in multiple occupation  
(Ref. 140715)

Old Aberdeen Heritage Society wishes to register a strong objection to this application on the following grounds:

- 1) This proposal, if approved, would result in a material change in the character of the King's Crescent part of the Old Aberdeen Conservation Area. King's Crescent is almost entirely residential, with a mixture of family homes and flats, housing permanent residents, which makes for an established and settled community. An HMO for 13 temporary residents, as proposed, would be a major change to the demographics and the dynamics, and thereby to the settled nature of this area.
- 2) There is, already, in the Spital, to the north and north-east of this property, an excessive concentration of HMOs which has had a hugely negative impact on the character of that area; every property to the north of St. Margaret's Convent up to the junction with Froghall Terrace and well beyond; on the east side of the Spital all the houses beyond no.24 up to the junction, and large blocks of HMOs in St. Peter Street.

Any planning permission for a further HMO of considerable size such as that proposed would have two pronounced effects:

- a) It would add to the negative impact of the overprovision of HMOs in the Spital area, which is bringing about a material change in the character of that area.
- b) It would extend that material change in to King's Crescent, an established residential area, and would, by virtue of the cumulative effect of this proposal added to the already existing excessive concentration in the Spital, result in a material change in the character of King's Crescent.

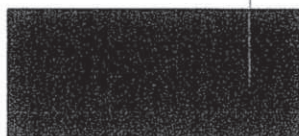
- 3) It would set a precedent for the rest of King's Crescent, hitherto an established residential area.
- 4) The parking provision of 4 spaces proposed for 13 occupants is inadequate, and would inevitably lead to a worsening of the already congested and extremely difficult parking situation locally.
- 5) The access/egress for this proposed HMO is dangerous, as it is situated on a corner behind high walls, where oncoming traffic can not see a vehicle emerging. To have many more cars using such an access simply poses an increased road safety risk both for vehicles and pedestrians.
- 6) A change in the use of this property for 13 residents (most likely temporary residents) would be detrimental to the residential amenity of the adjoining dwelling house and nearby homes by virtue of the increased levels of noise, traffic, and the loss of general residential amenity.
- 7) The proposed use is a gross overdevelopment of this fine dwelling house, once the childhood home of the renowned architect, Sir Ninian Comper.

This application, we contend, is completely inappropriate for this building, for this part of the Conservation Area, and for the residential amenity of neighbouring homes.

Most importantly, it is our view also, that it represents a development which would bring about a material and negative change in the character of the King's Crescent area by way of a cumulative, excessive concentration of HMOs added to those immediately to the north and north-east. This would be contrary to what the City Council endeavours to achieve.

The Society request on the above grounds, that the application be refused.

Yours sincerely,



B. McPetrie  
Planning Secretary

PI

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 31 May 2014 11:03  
**To:** PI  
**Subject:** Planning Comment for 140715

Comment for Planning Application 140715

Name : J Birchley

Address : 24 Spital, Aberdeen, AB24 3HS

Telephone :

Email : [REDACTED]

type :

Comment : I object to the above application due to overdensity, both within the building and the area. As a long standing resident of the area, with HMO's directly next door, the issues I have noted tend to arise when the residents are "crammed in". This occurs when there is not enough living/communal space provided within the building, like the proposed application. For example, management of tasks such as "who puts out the rubbish" is not addressed and becomes an issue for the community as a whole. Residents who smoke gather outside the doors of these properties causing noise and smoke pollution for the direct neighbours. Landlords are not located nearby. They do not carry out the early promises to monitor the impact their tenants have on the neighbourhood. It is left to the permanent residents to bear the negative effects of their unmanaged properties. Allowing another family residence be converted to HMO further negates Aberdeen City Council's pledge to keep Old Aberdeen a mixed community. Therefore I urge Aberdeen City Council to refuse this application.

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27, FROGHALL ROAD,  
ABERDEEN,  
AB24 3JL.

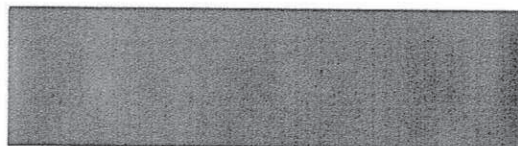
5-6-2014

DEAR SIR,

I WRITE WITH REGARD TO APPLICATION  
140715 - PROPOSED CHANGE TO H.M.O. I FEEL  
VERY STRONGLY THAT NO PERMISSION SHOULD BE  
GRANTED TO MR. HOQUE AS HE HAS NOT ADDRESSED  
OUTSTANDING ISSUES WITH REFERENCE TO THE LISTED  
STATUS OF 39, KINGS CRESCENT WHICH HE HAS  
BLATENTLY IGNORED. I ALSO HAVE CONCERNS  
REGARDING ADEQUATE PARKING FACILITIES AND ANY  
EXTERNAL CHANGE WHICH HE MAY INTEND. I  
BELIEVE HE HAS ANOTHER H.M.O. IN THE AREA WHICH  
IS NOT KEPT UP TO STANDARD WHICH DOES NOT BODE  
WELL FOR THIS PROPOSAL.

I HOPE MY CONCERNS WILL BE CONSIDERED  
AND ADDRESSED.

YOURS FAITHFULLY,



PI

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 05 June 2014 14:14  
**To:** PI  
**Subject:** Planning Comment for 140715

Comment for Planning Application 140715  
Name : Richard & Teresa Harwood  
Address : 37 Kings Crescent  
Aberdeen  
AB24 3HP

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : 5 June 2014

Dear Sir/Madam,

Re: Application Number P140715  
39 Kings Crescent, Aberdeen AB24 3HP  
Application for Change of Use from Residential to House in Multiple  
Occupation

We wish to object to the granting of this application for the following reasons.

&#8226; There are several planning applications related to this site which to date have not been resolved:

- Application No .101949 30 November 2010

Erection of new garden wall on South elevation

This wall has been built using non recommended materials despite the Application being Refused on two counts.

Application No. 120204 10 February 2012

Erection of greenhouse, raised decking and external steps to lawns, formation of retaining walls and alteration to boundary wall

This work has been carried out despite the Application not being granted.

We have already advised the planning department that the erection of the decking and creation of a raised walkway has enabled all who use them to have a clear view into our bedroom and living area.

- Application No. 120205 10 February 2012

Remove cap from both entrance gate pillars, enlarge left hand pillar to match right hand pillar, apply granite cladding to both pillars and finish with granite cap, provide and fit sliding gate.

This work has not been carried out.

&#8226; The granting of this change of use application will likely mean that our privacy will be further invaded; 13 people plus friends would have access to the decking at all times of the day and night, causing a huge increase in noise and invasion of privacy.

These applications must be resolved before considering a Change of Use.

&#8226; Safety - It will increase the risk for pedestrian/vehicle accident.

Kings Crescent/Spital is a busy narrow road and bus route. Vehicle access/egress to the property is via a steep, narrow and winding driveway and is sited on a blind corner opposite St Peter Street which will get busier due to the additional accommodation developments (110+ Student Studios and 28 Flats) currently being built on St Peter Street.

&#8226; Parking in the vicinity is already under severe pressure and will be exacerbated by the developments in St Peter Street. Parking provision for 4 vehicles is inadequate (as per the recently added Proposed Site Plan). In such a restricted space where turning will be difficult, it is likely that a driver may be forced to reverse down onto the blind corner at the exit as a result of an inappropriately parked vehicle.

In addition, the driveway is unusable during winter weather, when the current residents resort to parking in the street.

&#8226; There are no fire escapes shown in the proposal.

&#8226; Old Aberdeen and in particular Kings Crescent/Spital already has an excessive number of HMO's. Consequently the character of this area is rapidly changing where transient tenants with no vested interest in the area already outnumber the resident families.

We urge you to refuse this application in order to preserve the property, grounds and the vicinity which forms a valuable part of the heritage of Old Aberdeen from a further decline.

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

P&SD Letters of Representation		
Application Number: 110715		
RECEIVED 06 JUN 2014		
Nor	<input checked="" type="checkbox"/>	SOA
Case Officer Initials	GAC	
Date Acknowledged	11/06/14	



PI

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 05 June 2014 14:19  
**To:** PI  
**Subject:** Planning Comment for 140715

Comment for Planning Application 140715

Name : Edward Harwood  
Address : 37 King's Crescent  
AB24 3HP

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : 5 June 2014

Dear Sir/Madam,

Re: Application Number P140715  
39 Kings Crescent, Aberdeen AB24 3HP  
Application for Change of Use from Residential to House in Multiple  
Occupation

I wish to object to the granting of this application for the following reasons.

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Kings Crescent/Spital is a busy narrow road and bus route. Vehicle access/egress to the property is via a steep, narrow and winding driveway and is sited on a blind corner opposite St Peter Street which will get busier due to the additional accommodation developments (110+ Student Studios and 28 Flats) currently being built on St Peter Street.

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In addition, the driveway is unusable during winter weather, when the current residents resort to parking in the street.

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We urge you to refuse this application in order to preserve the property, grounds and the vicinity which forms a valuable part of the heritage of Old Aberdeen from a further decline.

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P&SD Letters of Recommendation		
Application Number: 140715		
RECEIVED 06 JUN 2014		
Nor <input checked="" type="checkbox"/>	Sou <input type="checkbox"/>	NRS <input type="checkbox"/>
Case Officer Initials: GAC		
Date Acknowledged: 11/06/14		

## Planning Development Management Committee

27 WHITEHALL TERRACE, ABERDEEN

CHANGE OF USE FROM DWELLING HOUSE  
(CLASS 9) TO MIXED USE OF DWELLING  
HOUSE AND CHILDMINDING (CLASS 10) FOR  
10 CHILDREN OPERATING 8AM TO 6PM, MON  
TO FRI.

For: Sunny Garden Childminding, Mrs Olga  
Sevastyanova

Application Type : Detailed Planning Permission

Application Ref. : P140440

Application Date: 25/04/2014

Officer: Andrew Miller

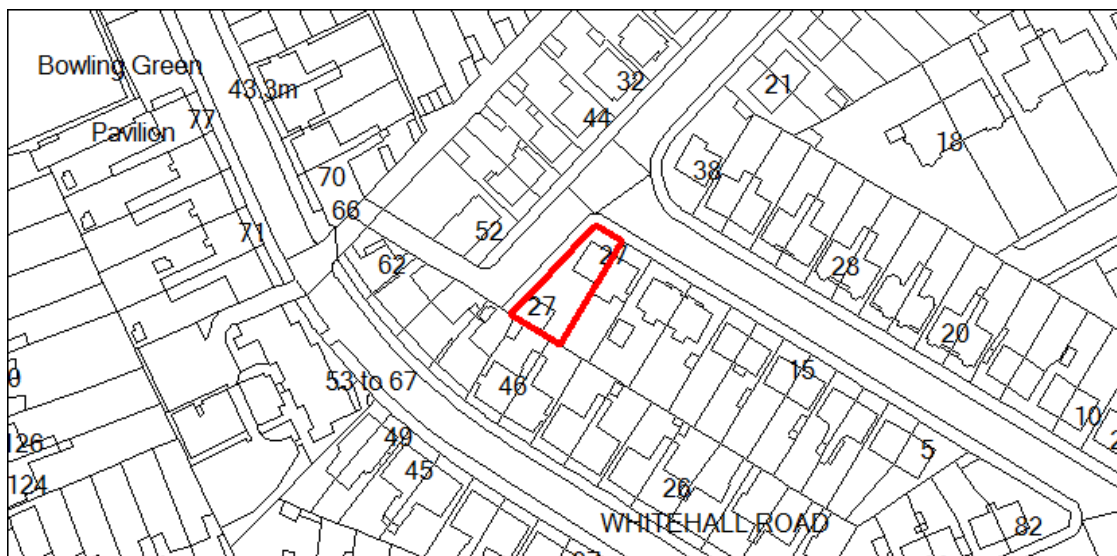
Ward: Hazlehead/Ashley/Queen's Cross(M  
Greig/J Stewart/R Thomson/J Corall)

Advert: None

Advertised on: N/A

Committee Date: 24/07/2014

Community Council : Comments



### RECOMMENDATION:

Approve subject to conditions

## DESCRIPTION

The application site forms a one and half storey semi-detached dwelling, located on the western corner of Whitehall Terrace and Craigie Park. The dwelling dates from circa the 1920s, though has been altered in recent years. Within the rear garden of the dwelling is a relatively large one and a half storey studio building which is ancillary to the use of the dwelling. The surrounding area is residential, with dwellings of a similar style and scale. It is also located on the western edge of the Rosemount and Westburn Conservation Area, with the Albyn Place/Rubislaw Conservation Area immediately to the west of the site.

The application form states a temporary period of consent has been applied for (50 years).

## RELEVANT HISTORY

**91/0628** – Planning permission was granted by the then Planning Committee on 23 May 1991 for the erection of a studio in the rear garden. This was subject to the condition:

*“that the use hereby approved shall ensure to the benefit of the present applicant only – in order that this permission may be reviewed in the event of the present applicant relinquishing interest therein.”*

**P111143** – Planning permission was sought for the removal of the condition granted under application reference 91/0628. The Development Management Sub Committee granted permission on 29 September 2011, subject to the following condition:

*“that the studio shall not be used for any purpose other than that which is ancillary to the domestic use of the dwelling house – in order to preserve the amenity and character of the neighbourhood”*

## PROPOSAL

Detailed planning permission is sought for the change of use of the dwelling (Use Class 9) to a mixed use of dwelling and childminding (Use Class 10). The childminding operation would be for up to 10 children, operating Monday to Friday, from 8 am to 6 pm.

## 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?ref=140440>

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 attracted 6 or more in time representations and the Community Council have objected to the proposals. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Projects Team** – No objections. The Traffic Management Section have stated the size of the childminding operation would not attract a large number of additional vehicles above the existing levels and with its hours of operation, the local parking zone will be able to accommodate additional short stay parking for pick up and drop offs.

The drop off zones out with the pay and display controlled parking spaces shown in the plan provided with the application must not be used. Any areas of double yellow lines offer corner protection and allow safe access to the lane at the south west end of Craigie Park. The applicant must be aware of this and must put a mechanism in place informing parents of a safe procedure for dropping off and picking up children. This would involve using the pay and display controlled parking zone spaces and walking children to/from the property.

**Environmental Health** – No objections, recommend condition limiting operating hours.

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

**Community Council** – Object to the proposals on the basis that:

1. It would be detrimental to the amenity of neighbouring properties, particularly number 25 (attached to the application site).
2. There is insufficient space for children in the garden.
3. There is no safe area for drop off/pick up of children.
4. There are issues with health and safety in accessing the rear from Whitehall Terrace (crossing a parking space to the side of the studio, no handrail, broken up slate in rear garden). Also query if a Risk Assessment has been undertaken.
5. There are no fire exits for the rear studio building.
6. The trampoline requires staff with suitable qualifications for supervision of children.
7. There are parents who illegally park when picking up/dropping off children.

8. The Health and Safety Executive and Care Inspectorate have been contacted to raise concerns and hope that discussions will be undertaken between all parties before any decision is made on the change of use.
9. The value of property in the surrounding area will be decreased should the change of use go ahead.
10. The spirit of the condition attached to the studio requiring it to be ancillary to the use of the dwelling is broken with childminding being carried out in the building.
11. Children currently arriving prior to 8 am.
12. Current illegal parking will be exacerbated. Comments requiring the applicant to police the parking situation from Roads Projects totally unrealistic.

## **REPRESENTATIONS**

36 letters of representation have been received: one letter of support and 35 letters of objection.

The application was open for representation/notified twice following amendments to the proposals (reduction in number of children, further information on operation).

30 letters of objection and one letter of support were received during the first notification period, with five further letters of objections (from people who had previously not objected) and eleven addendums/supersessions to original objections in the second notification period.

The objections raised relate to the following matters and is summarised below:

### **1. Noise/Amenity**

- 1.1. Condition attached to studio at rear of the building requires use to be ancillary to dwelling in order to “preserve amenity” of neighbourhood. This proposal will impact on the amenity of the area.
- 1.2. Noise from children and cars will upset the peace and tranquillity of the area.
- 1.3. Adverse impact on amenity of occupants of dwelling attached to application site (25 Whitehall Terrace).
- 1.4. Adverse impact on the environment in terms of bins overflowing. Litter and toys have been thrown into neighbouring gardens and the street from the childminding.
- 1.5. Neighbours attached are unable to use garden due to noise and intimidation from children at childminders.
- 1.6. Noise from childminding will affect health of neighbours and will prevent visitors to the neighbours.
- 1.7. No other business premises within 280m walking distance of site.

- 1.8. Proposal is a bad neighbour use and should not be situated in residential areas, contrary to requirements of policy H1 of the ALDP. Such proposals should be located in other areas such as industrial estates.
- 1.9. Insufficient space to accommodate childminding, contrary to requirements of Council's Supplementary Guidance on Children's Nurseries and Sport Facilities.

## 2. Traffic/Parking

- 2.1. Roads Projects and Development Management should consult one another before coming to a decision.
- 2.2. Residents should not have to notify City Wardens and/or Police Scotland when there is illegal parking.
- 2.3. Proposals would result in an adverse impact on parking in an already congested area. Parking demand would be greatest when parents pick up children after school. Residents should be able to park outside their own homes.
- 2.4. Craigie Park and Whitehall Terrace are "walk to school" routes to Mile End Primary and Aberdeen Grammar Schools – parents dropping off/picking up children would have an adverse impact on the safety of children walking to school. School children also use the nearby lane to walk to school and vehicles associated with application will use lane, impacting on road safety.
- 2.5. Increase in traffic would result in additional wear and tear to Craigie Park, a road that is unadopted by the Council. Lane between Craigie Park and Whitehall Road is in a poor condition and used as a rat run by the users of the childminders.
- 2.6. Drop-off zone shown provides access to lane.
- 2.7. Lane adjacent to site contains blind corners.
- 2.8. Would impact on children playing and cycling in neighbourhood.
- 2.9. Discrepancies in parking layout provided with application. The spaces shown are for public use, not the sole use of the applicant.

## 3. Precedent

- 3.1. Should application be granted, it would set a precedent for such development and open floodgates for further businesses to operate from the building.
- 3.2. Residents' fears that a business would be established when condition was "relaxed" have been met.
- 3.3. Bruce Nursery on Osborne Place appeal (Application ref: P110265 and Appeal (DPEA) ref: PPA-100-2031 refers) sets a precedent for such applications to be refused.

## 4. Quality of Submission

- 4.1. Number of children proposed is still unclear – is it ten in total or ten in addition to the six already allowed?
- 4.2. Application history of the site makes it seem as if the planning system is being circumvented.
- 4.3. Site plan provided with application is inaccurate.
- 4.4. No details provided on changes to the building.
- 4.5. Temporary nature of consent (as stated in a letter to neighbours from applicant) makes it hard to believe why they are applying in first place. (NOTE – Applicant has applied for a temporary period of 50 years, as indicated on application form)

## 5. Other Comments

- 5.1. Loss of value in property prices in surrounding area.
- 5.2. Plenty of empty units around the city in suitable areas where the business could be run – why ruin the conservation area?
- 5.3. Not in keeping with the Conservation Area.
- 5.4. Applicant advertises as 0700 to 1800 hrs online but has applied for 0800 to 1800 hrs.
- 5.5. Application is contrary to the spirit of the condition contained in consent P111143.
- 5.6. Original consent for studio required it to be converted into a garage if no longer required for original purpose.

A number of issues regarding the operation of the childminders have been raised which are not planning matters, but controlled under legislation separate to the planning process and controlled by other agencies, in particular the Care Inspectorate who licence child care facilities.

The letter of support raises the following matters and is summarised below:

## 6. Comments of support

- 6.1. Only aware of the application from a mail drop from neighbours – someone in the neighbourhood clearly does not want this in the local area.
- 6.2. Live close to the property in question and cannot believe an increase from 6 to 18 children will impact on the neighbourhood in anyway.
- 6.3. There is no traffic problem in Whitehall Terrace or Craigie Park.
- 6.4. End of street an ideal location for “drop-offs” as very few cars use the two streets.
- 6.5. Support anyone trying to build a local business.
- 6.6. Hearing children play is “lovely” and it will not continue into the evening.
- 6.7. Parents picking up and dropping of children is for a temporary period during the day and will not disrupt the lives of anyone living here.

## **PLANNING POLICY**



## **National Policy and Guidance**

Scottish Planning Policy (SPP)

Development should pay regard to the layout, design, materials, scale, siting and use of listed buildings, as well as their surrounding area's character and appearance. It also states development should have a neutral effect on the character or appearance of a conservation area.

## **Aberdeen Local Development Plan**

H1 – Residential Areas

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

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

D5 – Built Heritage

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

## **Supplementary Guidance**

The Council's Supplementary Guidance on Children's Nurseries and Sports Facilities is a material consideration in this instance.

## **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.

## **Background**

Childminders are commonplace within residential areas throughout Aberdeen, providing an essential service within the community and enabling parents to

work, with a subsequent benefit to the local economy. The Council has noticed an increase in enquiries from established childminders looking to increase capacity due to demand for child care following the closure of the Hamilton Nursery School in early 2014.

There is a point where a childminding operation would no longer be classed as incidental/ancillary to the dwelling. In the case of Aberdeen the City Council has taken the view, as Planning Authority, that operations with seven or more children will generally require an appropriate change of use, which is the case in this instance.

When originally applied for, the application stated that it was for a variable number of children from 9 to a maximum of 18, however the applicant subsequently amended the proposal to a maximum of 10 children.

The application site falls within a residential area, as designated by the Aberdeen Local Development Plan 2012. Related policy H1 – Residential Areas requires proposals for non-residential uses to be complementary with the residential use where it can be demonstrated that the non-residential use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

The determining factors in this instance relate to noise, general activity and traffic/parking associated with the proposed change of use

### **Use of Dwelling for Childminding**

In assessing the suitability of dwellings for childminding uses, the Council's Supplementary Guidance on Children's Nurseries and Sports Facilities (SG) contains a number of criteria and general guidance on such proposals. Whilst childminding is briefly mentioned towards the end of the guidance, elements in assessing proposals for nurseries can be applied to this application in terms of the suitability of the dwelling for childminding purposes. The guidance states that for nurseries of 12 or less children, at least 100 sq. m of outdoor play space should be provided. Within the representations received, as well as the Community Council objection, reference was made to the lack of space in the rear garden. In this instance it is considered there is sufficient outdoor play space within the rear garden, a mixture of grass and patio covering an area of approximately 110 sq. m. Taking account of the Scottish climate, the garden is likely to be only used during the summer months on days of good weather – with the children likely kept indoors for the majority of the time. It is therefore considered that the provision of outdoor play space, whilst not fully relevant to childminding, is sufficient.

In relation to the suitability of the dwelling and studio for childminding, both are of a size that could accommodate the 10 children proposed under the application. Though there maybe some impact on the amenity of the neighbours attached to the dwelling, this would not warrant a refusal of the proposals on the basis that there is an existing childminding operation from the dwelling that operates and the addition of four children is unlikely to have a significant increase in noise and

disturbance. Accordingly, it is considered the change of use does not go against the principles contained within the SG.

Whilst the application is for 10 children, this is a maximum number of children and there are likely to be variations in this throughout the day, as the requirements of childcare vary between children and their individual circumstances.

The condition attached to the studio in the rear garden states that its use should remain ancillary to the domestic use of the dwelling house. As a result of this application, the proposed change of use would override this condition, enabling the dwelling and outbuilding to be used for childminding and residential use. Should the use of the childminding cease, then the use of the studio would still be subject to the condition presently attached.

Representations received made reference to the number of children at the childminding exceeding 6. Whilst the Council does not condone retrospective applications, no substantive evidence was provided demonstrating the assertions made.

### **Noise and Amenity**

In this instance the existing childminding business is effectively seeking permission to accommodate an additional four children at the premises on top of the existing operation. It is noted that a number of representations received raised concerns in relation to the impact of the proposals on the amenity of the established area, particularly to residents in the immediate vicinity of the site – see section 1 of Representations section above.

Whilst noise formed one of the main reasons for objection of the development, children playing in established urban residential area is commonplace – indeed schools and nurseries with a substantially higher number of children are found within residential areas. However each case is assessed on its own merits and site specific characteristics. The semi detached house is situated in what is considered to be a quiet residential area where there are presently no businesses in place that are often found in residential areas such as corner shops. Consideration must therefore be given to the impact of the childminding on the amenity of the surrounding area and the relationship it would have with the surrounding area, particularly those within the immediate vicinity of the site.

Childminding is more often than not found in residential dwellings and the level of activity and noise from children associated with the proposed operations would not have any significant adverse impact on the amenity of the surrounding area, including neighbours in close proximity.

The points regarding the behaviour of children and the throwing toys into neighbouring gardens raised in representations is noted however this in itself is not a material planning consideration. Traffic associated with the development

would create some noise to a degree, particularly focused in the morning and late afternoon.

Taking a proportionate approach, it is considered that the proposals would not have an unacceptable impact on the amenity of the surrounding area, the nature of the activity of the proposals being compatible with the residential use of the surrounding area during reasonable daytime hours. In order to apply appropriate limitations, a condition is recommended restricting the operating hours to 8 am to 6 pm Monday to Friday and this is felt sufficient to avoid any disturbance to neighbours during the early hours of the day and evenings, nights and weekends from traffic or noise.

### **Traffic**

As with all childcare, schooling etc., parents are very likely to drop off and collect children by car at the childminders. A number of representations made comments on the illegal parking by parents using the childminders in the past and allowing it to expand would exacerbate the problem, as well as other comments about the capacity of the surrounding infrastructure (as detailed in section 2 of the Representations section).

The Council's Roads Projects Team raised no objections to the proposals, stating the change of use would not attract a large volume of additional traffic in the area and there is sufficient parking availability in the locality. The Roads Projects Team also commented that the applicant should be aware that the drop off zone as indicated in the plan provided with the application should not be used and a mechanism be put in place informing parents of a safe procedure for dropping off and picking up their children. This would usually be done by means of a travel plan, however these are usually expedient of larger developments rather than small operations such as childminding. Accordingly, it is considered the requirement of a travel plan to be submitted is not proportionate to the proposals and as such will not be conditioned. Appropriate parking control measures are in place in the surrounding area and illegal parking should be reported to the appropriate authorities – i.e. City Wardens or Police Scotland.

### **Impact on Conservation Area**

The application site falls within the Rosemount Conservation Area. Scottish Planning Policy (SPP) requires proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting to preserve or enhance the character and appearance of the conservation area. Policy D5 – Built Heritage states that development should accord with the requirements of SPP. Whilst there are no physical works associated with the application, the change of use is still a consideration, in that uses within conservation areas should be compatible with their historic interest. In this instance, the proposed partial use of the dwelling for childminding would not have an adverse impact on the character of the Conservation Area as there is no requirement to carry out any physical alterations to the exterior of the premises, thus preserving its existing appearance and character. Accordingly, it is

considered the proposal satisfies the requirements of SPP and subsequently policy D5 of the ALDP.

### **Matters Raised in Representations**

In relation to the matters raised in representations not addressed above, the comments of support for the application are noted as detailed in section 6 of the representations section.

In respect to the matters raised in section 3 of the representations, every planning application is assessed on its own merits. The application is for childminding which is commonplace in residential areas and would not set a precedent for all business types to operate in residential areas. The case relating to Bruce Nursery on Osborne Place (P110265) raised in point 3.3 is a rather different case and is not considered to be a precedent for refusal of childcare applications – the Reporters appeal decision notice stating a variety of factors that culminated in the dismissal of the appeal. Again, each application is assessed on its own merits.

Relating to the quality of the submission, the application is clear in that 10 children in total are being sought, as per comment 4.1. In relation to the point raised on the accuracy of the site plan provided with the application (point 4.3), the main consideration of this application is for the use of the property in question rather than any physical works and the absence of any outbuildings can be picked up on from site investigations. In respect of comment 4.4, no changes are proposed to the building as part of the application – it relates solely to the use of the dwelling and associated buildings. The applicant has indeed indicated a request for temporary permission of 50 years, however changes of use are not granted for a temporary period – rather a change of use should be suitable for any period of time. Accordingly, a permanent consent is recommended for approval.

Comment 5.6 made the comment that the original consent required it to be converted into a garage if no longer required for its original purpose (home office). There is no requirement for this to be done within the original consent.

Points 4.2, 5.1, 5.2 and 5.4 are not material planning considerations, nor are points 4 – 7, 8 and 9 of the points raised by the Community Council.

It should be noted that the welfare of children (though fully important in its own right) should not form part of the consideration of this application. This is not a material planning consideration and is covered under legislation separate to the planning process and administered by the Care Inspectorate.

### **RECOMMENDATION**

**Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

The proposed change of use of the dwelling to a mixed use of a dwelling and childminding is considered suitable for the house and the amenity of the surrounding area, subject to conditions as recommended, complying with the requirements of policy H1 – Residential Areas of the Aberdeen Local Development Plan 2012. The proposals accord with the principles of the Council's Supplementary Guidance on Children's Nurseries and Sports Facilities.

The proposed change of use would not have an adverse impact on the character of the surrounding Conservation Area, complying with the requirements of Scottish Planning Policy and subsequently policy D5 – Built Heritage of the Aberdeen Local Development Plan 2012.

## **CONDITIONS**

1. that no more than 10 children shall be accommodated within the childminding element of the mixed use at any given time – in order to ensure acceptable development in the interests of the amenity of the surrounding area.
2. that the childminding use be restricted to the hours of 0800 to 1800 Monday to Friday – in order to preserve the amenity of the area during antisocial hours.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

Rosemount & Mile-End Community Council

10 Craigie Park  
Rosemount  
Aberdeen  
AB25 2SE  
15<sup>th</sup> May 2014

Andrew Miller  
Planning & Infrastructure  
Aberdeen City Council  
Ground Floor North  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Planning Application at 27 Whitehall Terrace, Aberdeen  
Ref: Number 140440 change of use from Dwelling House to Childminding.

Dear Mr Andrew Miller,

In light of the recent Planning Application to change the use from Dwelling House (Class9) to "Mixed Use" to allow for Childminding we the R&M-ECC are writing to register our objection to the aforesaid application at 27 Whitehall Terrace.

The documentation submitted lacked enough information on the "Garden Area" which one would require to determine how much garden area one could say was suitable to allow six or more children to use as a play/exercise area.

There are a number of highly sensitive issues with regards to this application which we will highlight throughout this response:-

1. The peace and quiet which have enjoyed since retiring was short lived as it came to an end without any warning with cars stopping and voices which was very unusual for this part of the road let alone so very early in the morning.

The noise starts at approximately 7am with vehicles arriving to deliver children and then the same procedure when they are being collected throughout the day and until the last child leaves in the evening five days Monday to Friday.

have been able to relax in their back garden enjoying the peace and quiet every day of the week, unfortunately this is now curtailed to Saturday and Sunday when there are no children playing in the next door garden but that could change at any time.

The same would apply to the surrounding neighbours on Whitehall Road and those immediately within earshot of 27 Whitehall Ter. and those residents immediately across on Craigie Park.

Not only have to put up with the noise factor they have the inconvenience of having missiles being thrown into their garden and then the childminder having to climb the dividing wall to get into their garden to retrieve any missile that has been thrown by the children into their garden.

2. The play/exercise area at the rear of 27 Whitehall Terrace is **not child friendly**, as the size of the area is considerably reduced by the area of the **conservatory, garden shed, the parking lot area** immediately in front of the former studio/office and also the **size of the garden area of the former studio/office** now being used for childminding.

The area is reduced yet again by the **installation of a trampoline** which now leaves a much reduced area to be classed as a play/exercise area.

If you add up all the areas taken up by all the aforesaid obstacles there is very little garden area left which could be classed as a play/exercise area.

The parking lot was installed just before the previous application was approved in May 1991 to allow the residents to park their vehicle instead of using on street parking.

The photograph enclosed shows the alterations to the wall where a gateway was installed and also shows the cement blocks which they used to make the parking lot area before the previous owner decided to sell the property.

It also gives you a rough idea of the garden area which at the moment allows 6 children to play/exercise in but can anyone visualise 18 playing in the same area??

3. At the moment there is no **"safe area"** for the children to be dropped off or collected, as the parking area on Whitehall Ter. is Pay & Display and Residents Parking on Craigie Park so is this aforesaid a requirement for the present proposed change of use?

4. There is a **health and safety** issue when anyone exits the studio as they have to cross the parking lot area before they get down the steps to gain access to the lower part of the present garden. There is no safety handrail or safety gate preventing anyone falling down the steps or wall into the lower part of the garden.

The surface of the parking lot area immediately in front of the studio/office is covered with small pieces of **broken up slate** or some similar type of material which is a hazard if any of the children/staff happen to fall and this could cause a serious accident.

5. Has a **Risk Assessment** been carried out to establish that every precaution has been taken care of to minimise any unforeseen accidents happening??

6. Having prior knowledge of what the inside of the studio/office area consists of I don't remembering encountering any **"fire exit" or "back door"**. Should a fire happen to break out and the exit by the front door was cut off, does manhandling the occupants through one of the windows constitute a fire exit??

Again this may not be required when change of use is sought, but one would think that the **safety and wellbeing would be paramount** irrespective of any regulation when change of use is presented to the council planning department??

7. When it comes to Health, Safety and Wellbeing where children are allowed to play on the trampoline has there been a **"Risk Assessment"** done on the person/s allowing them clearance to supervise children using the aforesaid apparatus??

Being a qualified Nursery Nurse doesn't constitute they have the necessary qualification to look after children or anyone else using the aforesaid piece of apparatus.



One would think that it's everyone's responsibility to make sure the Health, Safety and Wellbeing is paramount to everyone at all times irrespective of what issue/proposal is being debated in this case to grant permission for change of use from "Dwelling House to Childminding for up to 18 children??

8. Craigie Park is in a "conservation area" and is privately owned by the residents and the amount of extra traffic to 27 Craigie Park and 27 Whitehall Ter. dropping off their children and coming back to collect them whatever time of day it may be is another issue for those living immediately across or next door to 27 Whitehall Terrace.

9. We have reason to believe that vehicles are parking without payment when parents come to deliver or collect their children or some staff who work on the premises.

However, it is appreciated that the City Traffic Wardens can't be expected to visit the area to watch if they are paying for parking but it's recognised that the onus is left to each individual to adhere to any parking regulations, but it is quite clear they don't if the information received is correct.

10. Health & Safety along with Care Inspectorate have been contacted expressing the aforesaid concerns and issues highlighted in this response so we can do but hope that some dialogue will take place with all parties involved before any decision is made to change the use from Dwelling House to Childminding.

11. Unfortunately, should anyone think of selling their property within the area of 27 Whitehall Ter. or 27 Craigie Park the value of their property will be greatly reduced should the application be granted.

12. In conclusion, we would recommend that the members of the ACC Planning Committee agree to have a site visit to see for themselves the issues highlighted in the contents of this response.

Yours sincerely



Willie Jaffray (Chair)  
R&M-ECC



Rosemount & Mile-End Community Council

10 Craigie Park  
Rosemount  
Aberdeen  
AB25 2SE  
19<sup>th</sup> June 2014

Head of Planning  
Dr Margaret Bochel  
Planning & Sustainable Development  
Enterprise Planning & Infrastructure  
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Ref: Planning application 140440 for 27 Whitehall Terrace Aberdeen for change of use from Dwelling House to Childminding.

In light of the new application to change the previous application 140440 from Dwelling House (Class 9) for childminding of 18 children R & M-E CC are **OBJECTING** to the contents of the new application for Dwelling House (class 10) for childminding for 10 children.

The contents of "class 10" are complex and in some cases ambiguous to what the property can be used for and the R&M-ECC objections are as follows:

The previous owner applied for a relaxation of a clause on planning application 11143 to the studio/office at the rear of their property.

The application was granted with the following new conditions:-

<><>The studio shall not be used for any purpose other than which is ancillary to the domestic use of the dwelling house in order to preserve the amenity and character of the neighbourhood.

This condition was put in place to ensure there would be no detrimental impact upon the character of the Conservation Area and any attempt to alter or change the use, in the view of the residents, would not only break the condition but also the spirit behind the conditions put in place.

<><>The present owner began childminding for 6 children for which no planning permission was required if it was conducted from the house.

This however was being run from the studio/office at the rear of the property under the name of Sunny Gardens Childminding which has the address of 27 Craigie Park.

<><>This is contravening the amended planning permission which the previous owner got back in 2011.

In June 2014 an amended planning application was received for change of use from dwelling house (class9) for 18 children to mixed use of dwelling house and childminding (class10) for 10 children operating from 8am – 6pm Monday to Friday. We have reason to believe this isn't the case and children can start arriving any time after 7am.

Our previous letter of objection dated the 15<sup>th</sup> May 2014 highlighted a number of sensitive issues with regards to the application which we highlight and would like to re-iterate the following issues which will still have to be addressed before the present application is granted.

<><> Firstly the inconvenience of the noise of vehicles and children playing in the play/exercise not only to but everyone within earshot of 27 Whitehall Ter. and those residents immediately across on Craigie Park and on Whitehall Road.

<><> The documentation submitted lacked enough information on the "Garden Area" which one would require to determine how much garden area one could say was suitable to allow six to 10 children use as a play/exercise area.

<><> The play/exercise area at the rear of 27 Whitehall Ter. is **not child friendly**, as the size of the area is considerably reduced by the area of the conservatory, garden shed, the parking lot area immediately in front of the former studio/office and also the size of the garden area of the former studio/office now being used for childminding.

The area is reduced yet again by the **installation of a trampoline** which now leaves a much reduced area to be classed as a play/exercise area.

If you add up all the areas taken up by all the aforesaid obstacles there is very little garden area left which could be classed as a play/exercise area.

The parking lot was installed just before the previous application was approved in May 1991 to allow the residents to park their vehicle instead of using on street parking.

Photograph enclosed which must still be on file with previous letter of objection shows the alterations to the wall where a gateway was installed and also shows the cement blocks which they used to make the parking lot area before the previous owner decided to sell the property.

It also gives you a rough idea of the garden area which at the moment allows 6 children to play/exercise in but can anyone visualise 10 playing in the same area??

<><> At the moment there is no "safe area" for the children to be dropped off or collected, as the parking area on Whitehall Ter. is Pay & Display and Residents Parking on Craigie Park so is this aforesaid a requirement for the present proposed change of use?

<><> There is a **health and safety** issue when anyone exits the studio as they have to cross the parking lot area before they get down the steps to gain access to the lower part of the present garden. There is no safety handrail or safety gate preventing anyone falling down the steps or wall into the lower part of the garden.

<><> The surface of the parking lot area immediately in front of the studio/office is covered with small pieces of **broken up slate** or some similar type of material which is a hazard if any of the children/staff happen to fall and this could cause a serious accident.

<><>Has a **Risk Assessment** been carried out to establish that every precaution has been taken care of to minimise any unforeseen accidents happening??

<><>Has a **Risk Assessment** been carried out as there is no "fire exit" or "back door". Should a fire happen to break out and the exit by the front door was cut off, does manhandling the occupants through one of the windows constitute a fire exit??

Again this may not be required when change of use is sought, but one would think that the **safety and wellbeing would be paramount** irrespective of any regulation when change of use is presented to the council planning department??

<><>When it comes to Health, Safety and Wellbeing where children are allowed to play on the trampoline has there been a "**Risk Assessment**" done on the person/s allowing them clearance to supervise children using the aforesaid apparatus??

Being a qualified Nursery Nurse doesn't constitute they have the necessary qualification to look after children or anyone else using the aforesaid piece of apparatus.

One would think that it's everyone's responsibility to make sure the Health, Safety and Wellbeing is paramount to everyone at all times irrespective of what issue/proposal is being debated in this case to grant permission for change of use from "Dwelling House to Childminding for up to 18 children??

<><>Craigie Park is in a "conservation area" and is privately owned by the residents and the amount of extra traffic to 27 Craigie Park and 27 Whitehall Ter. dropping off their children and coming back to collect them whatever time of day it may be is another issue for those living immediately across or next door to 27 Whitehall Terrace.

<><> We have reason to believe that vehicles are parking without payment when parents come to deliver or collect their children or some staff who work on the premises.

However, it is appreciated that the City Traffic Wardens can't be expected to visit the area to watch if they are paying for parking but it's recognised that the onus is left to each individual to adhere to any parking regulations, but it is quite clear they don't if the information received is correct.

<><>However, a report by the Roads Dept. Officer dated the 27<sup>th</sup> May 2014 states and I quote "I note that the current number of children is mixed use house/childminding is accommodating 6 and should this application be successful there will be a maximum capacity imposed through planning conditions. I have discussed this application with the Traffic Management section and they are of the opinion that due to the present size of childminding and its hours of operation 8-6pm and the local parking zone will be able to accommodate short stay parking for pick up and drop offs".

Another part of the report and I quote " The drop off zone out with the controlled parking spaces shown by the applicant as an updated plan submitted must not be used. Any areas of DYLines offer corner protection and allow access to the lane at the South West of Craigie Park.

The applicant must be aware of this and must put a mechanism in place informing the parents of a safe procedure for dropping off and picking up their children.

This would involve using controlled parking zone parking spaces and walking the child to and from the house".

In the real world which it's not, are the Roads Dept not aware of the parking problems which exists throughout the city and at the majority of all city schools where parents do not recognise any parking regulation when it comes to parking in order to deliver or collect their children.

Do they really think that parents are going to listen to the owner of the Child Minding facility Mrs Olga Sevastyanova on where they should park? NOT A CHANCE.

Have a look at the parents parking problem at any school and Mile-End School Midstocket Road which is a shining example where City Wardens and Police Scotland have been involved and still the parents disregard being told not to park in areas they shouldn't.

This means the parking will be all over the place on either Whitehall Ter. or Craigie Park which will cause considerable disruption to neighbours with vehicles coming and going and being parked where they shouldn't be as the photo shows.

<><>A photograph has been sent showing vehicles parking on the corner of Whitehall Ter and Craigie Park, parking on Double Yellow Lines which shows the problems the residents are already experiencing and visualise what it would be like if the application is granted.

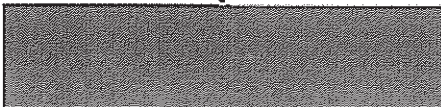
Craigie Park and Whitehall Ter. are already being used for RAT RUNS as it saves the motorist from standing in a queue of traffic at the Lights at Whitehall Rd and Albert Street at any time of the day.

Bearing in mind that Craigie Park hasn't been adopted by the council and at the moment through the generosity of the Ward Councillors the potholes are being repaired but there will come a day this will not happen and the residents will have to pay for any repairs.

<><>Care Inspectorate have visited the residents and Mrs Olga Sevastyanova and we are still waiting for their report which will be issued at the end of this month as to what their proposals will be.

<><>In conclusion, we would recommend that the members of the ACC Planning Committee agree to have a site visit to see for themselves the issues highlighted in the contents of this response before any final decision is made whether to grant this application or not.

Yours sincerely



Willie Jaffray (Chair)  
R&M-ECC

36 Whitehall Road

Aberdeen

AB25 2PR

15/05/2014

Aberdeen City Council

EnterprisePlanning and Infrastructure

Business Hub4

Broad Street

Aberdeen AB10 IAB

Dear Sir

Application No 140440 27 Whitehall Terrace Aberdeen

I have only lived in this part of the city for 2 years and realise and appreciate what a sought after residential area it is . We are in a conservation area renowned for peace and tranquility.

With the proposed change of use to the above address I do feel most of this would be lost and we the residents would be exposed to additional noise and traffic build up and congestion.

The knockon effect of this would have a detrimental effect on all around but specifically on the owners at 25 Whitehall Terrace.

It is my opinion that the house and studio outhouse in question is completely unsuitable as a childminding facility as is the small overcrowded garden area. They are definately not child friendly.

I therefore wish to advise you that I fully understand the importance of childminding resources but on this occasion I must disagree with it being located at 27 Whitehall Terrace.

Yours Faithfully



Alistair Milne

cc Jennifer Stewart Local Councillor

cc Mr W.Jaffrey Chair person Community Council.

24 Craigie Park  
Aberdeen  
AB25 2SE  
18<sup>th</sup> May 2014

Dear Mr Millar

**Objection to Planning Application P140440 – Change the Use of 27 Whitehall Terrace from Dwelling House to Child-minding**

I am writing to you to formally submit my objection to the change of use of 27 Whitehall Terrace from a dwelling house to a child-minding business, with the potential for the business to cater for up to 18 children at any one time. I am objecting for the following reasons:

- Increased noise from traffic - this business would introduce a significant amount of traffic to Whitehall Terrace and Craigie Park, ruining the peace of these tranquil residential streets.
- Increased noise from children – I am already aware of the amount of noise generated by 6 children playing outside. This will be trebled if the application is passed, ruining the ambience of this residential street.
- Increased wear and tear to the road surface of Craigie Park due to an increase in traffic – Craigie Park has never been “adopted” by the council. Therefore the cost of repairs to the road surface is borne by the residents of Craigie Park. This business will be to the financial detriment of the Craigie Park residents.
- Pedestrian Safety – increase in the volume of traffic and irresponsible parking will put pedestrians at greater risk. Parents are already parking on double yellow lines/corners when dropping off/picking up their children.
- Pressure on parking spaces – parking on Whitehall Terrace and Craigie Park is governed by pay & display and parking permits. The streets are already quite full with residents’ cars plus other “L” permit holders from neighbouring streets who park their cars on our street as it is perceived as a safer street to park. The parents are already parking in “resident only” bays and do not pay for the parking.

I believe that if you allow this change of use to go through, you will be setting a precedent within the area. Whitehall Terrace and Craigie Park are residential streets and should be maintained as such. There are plenty of other areas in Aberdeen which would be more suitable for this type of business.

Yours sincerely

Rhona Macdonald



PI

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 03 June 2014 19:07  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440  
Name : Colin Ballantyne  
Address : 44 Whitehall Road  
Aberdeen

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

Comment : I would like to object to the change of use from dwelling house to mixed use of dwelling house and childminding for 10 children at 27 Whitehall Terrace, Aberdeen, AB25 2RY, application number 140440.

My grounds for objecting are as follow:

An increase in noise as a direct result of more children in the back garden, directly behind my property.

A rise in parking in what is already a congested area for spaces.

The risk of my property losing value as a direct result of a business such as this operating in the immediate vicinity of my home, a residential area.

Regards,  
  
Colin Ballantyne

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PI

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**From:** Colin Ballantyne [REDACTED]  
**Sent:** 17 May 2014 12:12  
**To:** PI  
**Subject:** Objection to Application 140440

I would like to object to the proposed change of use of 27 Whitehall Terrace from dwelling house to childminding, application reference number 140440.

My reasons for objecting are the likely increase in traffic, noise and parking congestion and in particular any adverse reaction to local house prices as a result of a busy business in the neighbourhood.

Colin Ballantyne  
44 Whitehall Road  
Aberdeen

PI

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 05 June 2014 20:47  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : Gemma Woodall  
Address : 46 Craigie Park  
AB25 2SE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : To Whom it May Concern,

We are writing to object to the above planning application. The reasons for our objection are detailed below and a Planning Officer is welcome to visit our property if required when making an assessment on this application.

Reasons for Rejection:

- \* Road safety concerns caused by increased traffic from the proposed nursery - Craigie Park and Whitehall Terrace are a designated walk way for school children walking to Mile End school.
- \* Wear and tear to a private road from increased traffic volumes to the proposed nursery - Craigie Park is a private road which Aberdeen council does not want to adopt. Therefore any maintenance of the road is paid for by the residents not the council but the council would benefit from the proposed nursery business
- \* Detrimental effect on quality of life for the residents of Whitehall and Craigie Park for the following reasons:
  - \* Parking - the proposed nursery application confirms that there are 7 car parking spaces available, 4 on Whitehall Terrace and 3 on Craigie Park and implies that they are available for the proposed nursery use. The 4 spaces on Whitehall Terrace are not for the sole use of the proposed nursery and are pay and display. The 3 spaces on Craigie Park are residents only parking so would not be available for use by non-residents collecting / dropping off children at the proposed nursery. Use of these "spaces" for a 10 child nursery will make it difficult for residents to park on the road, particularly at key times when residents are returning from school drop-offs and work which will coincide with nursery pick up and collection.
  - \* Noise - there has already been an increase in noise from the current childminding business and this will increase if the application to make it a 10 child nursery is approved, impacting quality of life for residents in a residential area due to noise pollution and use of private gardens.
  - \* Litter / Privacy - there has already been an increase in litter and toys being thrown in to the gardens of neighbours bordering the current childminding business, with staff from the childminding business climbing over the fence to retrieve them which impacts their quality of life and privacy. We are concerned that a 10 child nursery would see a further increase in litter and toys to neighbouring gardens and also on to the street.
- \* Previous Applications - we understand that an application by the

Bruce Nursery c3 years ago to add another story to the nursery was rejected because it would impact the quality of life for the neighbour and prevent use of their garden due to a lack of privacy. We feel that if this application is approved, it will impact quality of life for residents for a number of reasons listed above and we would hope that the review of this application also considers impacts on quality of life for the residents.

Regards

Gemma & Guy Woodall

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P&SD Letters of Representation		
Application Number: 140440		
RECEIVED 06 JUN 2014		
Nor	Sou <input checked="" type="checkbox"/>	M&C
Case Officer Initials: AMI		
Date Acknowledged: 12/6/14		

Robert Vickers

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**From:** Alison Townley [REDACTED]  
**Sent:** 16 June 2014 19:28  
**To:** PI  
**Subject:** Application number 140440 - 27 Whitehall Terrace, Aberdeen

Dear Planning

We wish to express our concern and are objecting to the proposed "change of use from a dwelling house to mixed use and childminding"

We are extremely concerned about the noise levels and disturbances that will be occurred if 10 children are at 27 Whitehall Terrace at one time.

We are unable to relax in our garden at the present without being disturbed by the constant shouting, screaming and crying of the children. They seem to be in the garden from before the proposal of 8 am at the present.

Alison & Jack Townley

## Robert Vickers

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 05 May 2014 21:30  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : Keith and Sheila Swankie

Address : 50 Craigie Park

Aberdeen

AB25 2SE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Application No. 140440

27 Whitehall Terrace, Aberdeen

We recently received notification of a planning application for a change of use from dwellinghouse to mixed use for the above property. Firstly, can you please clarify what exactly mixed use entails. As Whitehall Terrace and Craigie Park are totally residential, it would be our wish to see them stay that way.

The paperwork attached to the application conveys very little. From the hand-drawn plans appended to the application on line, it would appear that the studio building in the garden of the property is to be used for child-minding purposes. Please be aware that this has been on-going since last Christmas and we have, on several occasions, been in contact with the Planning Department to indicate our annoyance and disbelief that a child minding business can be commenced without any notification being given to other owners.

Please also be aware that, although the application is for 27 Whitehall Terrace, the building concerned and which will be used for the child-minding, is actually in Craigie Park. Craigie Park is, as mentioned, a tree lined, totally residential street, in a Conservation Area which would be ruined should this proposed development be permitted.

Jacqui Thain was dealing with the matter previously and indicated that Mrs. Sevastyanova who is a fully registered child minder, was permitted to have up to six children at the premises without any planning permission or change of use having to be granted. She indicated in her letter to us of 3rd March that the facility operated on a relatively small scale, and did not constitute a material change of use to the main use of the property as a place of residence. Obviously, just as we suspected, this situation has changed in a very short space of time. We told her previously in no uncertain terms and now re-iterate our point that there are more than six children being cared for and the volume of cars attending to drop off and collect children are many more than she mentions in her letter. Presumably this is set to increase dramatically if this application is approved.

Having spoken today with Lorraine and Dennis Riddell who live at 25 Whitehall Terrace; the other half of the semi-detached property - they are distraught to learn from a visit to the Planning Department that the proposal is for around 18 children to be cared for at Sunny Garden; nursery.

Like them, we are appalled to see that there is no reference to the number of children mentioned in the on-line paperwork; which is frankly a joke. Unless someone can pay a visit to the Planning Department, they have no idea what the application is actually for. Mixed use really conveys nothing that makes any sense and there is no mention in the paperwork that the studio building on Craigie Park is where the child-minding is to take place.

To cut a long story as short as possible we object in the strongest of terms to this proposal and hope, for once, the Planning Department will exercise some sort of common sense and refuse this application on the grounds that it

detracts from the neighbourhood and lowers the value of the neighbouring properties. The present situation is becoming unbearable with allegedly six children being cared for. These children scream, shout and play on the huge trampoline in the garden from around 8a.m. until 6p.m. The thought of 18 children playing in the garden and the volume of cars this will create is, quite frankly, beyond comprehension.

This application should be unequivocally rejected in its entirety.

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P&SD Letters of Representation		
Application Number: 140440		
RECEIVED - 6 MAY 2014		
NOF	SC	WFO
Case Officer Initials	AM	
Date Acknowledged:	B-5-14	

PI

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 22 June 2014 22:31  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : Laura Skinner  
Address : 23 Whitehall Terrace  
Aberdeen  
AB25 2Ry

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Laura Skinner  
23 Whitehall Terrace  
Aberdeen  
AB25 2RY

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

22/06/14

For the attention of Mr. A Miller, case officer

Dear Sir,

PLANNING APPLICATION NO P140440

The Town and Country Planning (Scotland) Act 1997  
27 Whitehall Terrace, Aberdeen, AB25 2RY Change of Use from Dwelling House (Class 9) to Mixed Use to Allow for Child-minding

I write in connection with the above planning application. I have examined the amended plans and I know the site very well. I wish to still object very strongly to the change of use for this dwelling house and add some furthermore points/objections to my last submission.

A brief planning history of the studio/annex

- It was built to replace the existing garage in 1991 under planning reference 91/0628 for the sole use of the then applicant only, with provision for a review in the event of the applicant relinquishing interest.
- The residents were also told at that time that should the studio/annex no longer be required then it would be turned back into a garage.
- In August 2011 the then owners of 27 Whitehall Terrace applied to have the condition removed under planning application P111143
- Regardless of 18 objections the application was approved with the condition that the studio shall not be used for any purpose other than that which is ancillary to the domestic use of the dwelling house and therefore



could not be used separately to the dwelling house; in order to preserve the amenity and character of the neighborhood;

- This condition was put in place to ensure there would be no detrimental impact upon the character of the Conservation Area.
- The property was sold and the new owners started their child-minding business toward the end of 2013 and the beginning of 2014.
- To my knowledge planning permission was not required to allow for the child-minding of 6/7 children provided it was run from the house but it IS being run from the studio/annex as well.
- This is completely in breach of the amended planning permission of 2011 and most undoubtedly does not protect the amenity and character of the neighborhood and does have a large impact on the character of this Conservation Area.
- The first set of plans were flawed (as pointed out by the roads department) as none of the dwelling house or studio rooms had been labeled for the what use within the child-minding business and a new detailed set of drawings were submitted by Mrs. Sevastyanova.
- After going online to view the documents I saw the new detailed plans clearly stating that the studio is being used as a Playgroup business and the home is being used to run the child-minding business (and confirmed by Mrs. Sevastyanova in the attached letter to her neighbors
- I received the amended planning application at the beginning of June and the new application states a Change of Use from dwelling home (class 9) to mixed use of dwelling house and child-minding (class 10) for 10 Children, operating from 8am-6pm Monday to Friday. (I have personally seen children arriving before 8am & after 6pm)

The first planning application was submitted previously for the change of use from a dwelling house to mixed use (Class 9) it raised around 30 objections! This change also included the studio, which is now being used for the current child-minding business and playgroup business.

If this planning application succeeds it allows the potential to run a large range of types of businesses to be run from the dwelling home and studio. What is to stop others in the area doing the same? My understanding is Mrs. Sevastyanova should be in contact with the council, looking into your Planning Policy for a more suitable site in an area designated for business/office use.

In Mrs. Sevastyanovas letter (attached) she states her business is just a child-minding service which is most likely going to be of a temporary nature. I queried this with the planning department and was told the application is temporary, for 50 years! In my mind this is not temporary; as the home could be sold a number of times in the next 50 years.

I do not understand why Mrs. Sevastyanova is applying for the change of use if in her eyes the business is most likely going to be of a temporary nature. If she is allowed to run a playgroup for two hours a day and allowed 6/7 children why the need to change the dwelling house use to allow for an extra 3 children? This doesn't seem practical. I fear the home could become a nursery in the future or some other business if the class is allowed to change, especially if the current owner is only running her business temporary.

I would like to draw your attention to the councils own rules and regulations in regards to planning guidance on Children's Nurseries, Childminding ect

- Under the heading private nurseries it is noted that this includes playgroups. A number of the points in the guidance are relevant in this planning application which I am sure were on the previous submissions.

- These points include unreasonable noise (see previous submission in regards to quality of life), opening hours (see above), suitable outside play areas and protection of the residential amenity of adjoining property. Also stated in the guidance is play space should be located away from habital rooms of adjoin properties (see plans), adequate buffering (you are more than welcome to visit my back garden to see there is not enough buffering in place at the moment).

In regards to the councils Roads Department report,

- I don't understand why the Roads Department has no issue with the planning application and the plans submitted, if someone would have visited the site they would realise the 4 spaces to the side of the property, on Craigie Park, are resident only spaces. Would 27 Whitehall Terrace be allowed to purchase more parking permits to allow their customers to use these spaces?

- I would like to think the Roads Department and Planning department will look seriously into the documents submitted by other neighbours showing serious parking issues including parking on double yellows, on the junction between Whitehall Terrace and Craigie Park and customers parking in the resident only spaces.

- I have been advised to contact the Traffic Wardens or Police Scotland if illegal parking is taking place. If this would be done by the time a traffic warden were to arrive to issue a ticket for the illegal parking the owner of the vehicle would have left. I see this as a ridiculous request by Aberdeen Council.

Furthermore, I do hope you take these new points on board when looking into this planning application and consider the affect it will have on the residents, roads and quality of life in the area. If anyone would like to contact to view the site of 27 Whitehall Terrace from my property I am more than willing for a visit.

I also understand the Community Council also share these concerns along with more.

If this application is toe be decided by councilors, please take this as notice that I would like to speak at the meeting of the committee at which this application is expected to be decided. Please let me know as soon as possible the date of the meeting.

Yours faithfully,

Laura Skinner

&#8195;

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 20 May 2014 17:39  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : Laura Skinner  
Address : 23 Whitehall Terrace  
Aberdeen  
AB25 2RY

Telephone : [REDACTED]  
Email : [REDACTED]

type :  
Comment : Laura Skinner  
23 Whitehall Terrace  
Aberdeen  
AB25 2RY

Andrew Millar  
Planning & Sustainable Development  
EP and I  
Aberdeen City Council  
Business Hub 4  
Ground Floor North  
Marshall College  
Broad Street  
Aberdeen  
AB10 1AB  
19th May 2014

For the attention of Mr A Millar, case officer Dear Sir, PLANNING APPLICATION NO 140440 Proposed Change of Use of 27 Whitehall Terrace, Aberdeen, AB25 2RY from dwelling house to mixed use for child-minding, by Mrs O Sevastyanova. I write in connection with the above planning application. I have examined the plans and I know the site well. I wish to object strongly to the change of use of this home on this location.

The reasons for my objection are as follows;

1. Quality of life Issues
  - Myself and my neighbours are unable to use their gardens at present due to the amount of noise and disturbance during daylight hours (at the moment from as early as 7.00 am until after 6.00pm)
  - My husband works unsociable hours and has found it hard to sleep when required due to the noise made by the child-minding business already in place at the property
  - My neighbour at #25 Whitehall Terrace has been unable to use the garden during the nice weather as the children intimidate him over the small stone wall between the properties
  - #25 has also had their garden covered in toys from the children already being looked after at #27 and my husband has seen staff members of the child-minding service in their garden collecting toys without permission of the owners of #25

- We are unable to use our own garden due to the level of noise. My husband and I have two dogs and find the noise already produced at #27 hard to deal with. We are unable to let our dogs out in the garden without them reacting to the noise and do not want to add the noise disturbance for our neighbours
- I also have not been able to sit in the garden with visitors because the noise produced by the children at #27. My visitors and I found it hard to hear each other speaking over the level of noise produced

## 2. Traffic

- With the level of children being looked after at the moment I have already seen a large increase in the traffic of the street and with that problems with the parking on Whitehall Terrace and Craigie Park
- Unable to park near my home on Whitehall due to parents of children using the spaces
- The level of traffic will increase if the planning application goes ahead and will allow more car traffic on the streets with parents dropping off and collecting the children
- Parking is already taking place on double yellow lines, corners, pay and display without payments and within the resident only bays with no permits
- Already have seen an excess of 15 cars in one day dropping off and collecting children from the premises
- Wear on the road. Craigie Park is a non-adopted carriageway and extra traffic generated by the child-minding business already causes wear and tear on the road and is then up to the residents to maintain not the council
- Extra traffic is not confined to 7.00-18.00. Children can be looked after for the full day, half day or even by the hour
- Children use Whitehall Terrace and Craigie Park as a designated route to the Mile End School and the Aberdeen Grammar School. The increase in traffic is a safety issue

## 3. Safety

- Pedestrians safety due to the level of increase of traffic if the planning goes ahead
- Understand this may not be a planning issue, but the safety of the children being looked after by the child-minding business in regards to the access onto Craigie Park and the access to Neighbours properties

## 4. Inaccurate Plans

- The plans of the building #27 are not accurate in the drawing in regards to what is in the back garden, the extension or sunroom
- The plans of my address, #23, are incorrect. We no longer have a garage and can see into the garden of #27
- The Roads department have been informed of 6 available parking spaces. Unsure of why #27 has 6 parking spaces allocated to the address
- The Road Department has allocated a parking space straight in front of my driveway blocking access to my property

## 5. Mixed Use description

- I have queried with the council the description of mixed use and was not able to get an accurate description
- I have been advised if the premises is allowed to become mixed use the amount of children could be increased to eighteen. If this were to go ahead the points made above will just increase and worsen!
- The planning department should take the number of children into consideration if the planning is approved of the size of the business could potentially become
- I am worried if this application is approved the premises becomes a business address, this can increase to eighteen children, but after that what is to stop it becoming a bigger business allowing the care of a further amount of children?

This application should be rejected in our opinion

Signature:

Yours faithfully,

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PI

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**From:** Sheila Swankie [REDACTED]  
**Sent:** 06 June 2014 10:21  
**To:** PI  
**Cc:** Andrew Miller; Jennifer Stewart; [REDACTED]  
**Subject:** Application P140440 - 27 Whitehall Terrace  
**Attachments:** nursery.third objection.doc

I have received an amended neighbour notification with regard to the above application. I wish the undernoted taken into account as my further objections when this application is being determined.

Sheila Swankie

**Amendments to Planning Application  
P140440  
27 Whitehall Terrace, Aberdeen**

I am heartened to learn that the original objections to the application in its initial format, which I understand are around 30, will still stand against the amended application. Obviously, the new time limit within which to lodge objections allows for a more specific line of objection given the applicant's intentions are now slightly clearer.

In addition to my earlier objections, I wish the undernoted to be added:

The Planning Department have asked the applicant to clarify what she is actually looking for. She has now indicated she wishes to cater for some ten children on a daily basis, Monday to Friday 8am - 6pm- **is this a further ten children on top of the six she does not require permission for, some of whom arrive at 7am?** This point is still unclear! Given the hand drawn sketches provided, I assume these children will be cared for both in her own home and in the former studio building at the foot of her garden? Again this is unclear.

The plans drawn by her are inaccurate and convey very little to those who do not live in the area or know the property.

1. The drawing shows she still seems to be advocating that the six parking spaces marked are for the use of the parents dropping off their children. Members of the Planning Committee may well be unaware that of those, four are "residents only" spaces and two "pay and display" spaces for use by those with permits and visitors who pay and display. They are NOT for the sole use of the parents of children at her property who neither have a permit or pay and display. The applicant should be asked to update this drawing to reflect the true position.
2. A traffic warden sent to look at the area apparently indicated that it was common place for parents dropping off children at any nursery facility within the city to flaunt the parking rules and they turned a blind eye to it, even when cars are parked on double yellow lines. Are the Council then advocating lawbreaking by these parents and heightening the risk of accident to all, especially the local residents?
3. The cross-hatched area for dropping off and collecting children on the drawing is still wrong. Despite twice being mentioned by Richard Bailie in his previous Roads Reports, the plans have not been amended. Given he acknowledges the drop off zones marked on the applicant's plan should not be used, how can he still recommend approval? If these zones are not to be used then **where are children supposed to be dropped off and collected?** Object until the position becomes clear.
4. Surely the Roads Department, and indeed the Planning Department should go back to the applicant and ask her to prepare acceptable plans in which she can show neighbours and the Planning Committee **exactly where the children will be dropped off and collected and exactly where parents should be parking** before the matter can be dealt with further? This would appear to be a fundamental point requiring clarification.
5. The statement at 2.2 of the third Roads Report by Richard Bailie is totally unacceptable. The onus should not be on the applicant to "inform parents of a safe procedure for dropping off and picking up their children" when no provision appears to have been made for this. How can the Council, in particular the Roads Department, assure local residents that safe access is being allowed to

residents using the lane given there is no real recommended drop off point? Given the Roads Engineer is recommending approval with the plans in their present state, there will then be no liability on the applicant to "put a mechanism in place" as stated in the report! This must be clarified.

6. Given most of the children are dropped off and collected in Craigie Park which is a non-adopted road, can the Roads Department please let me know which section of the Road Traffic Act allows them the right to make the final decision on the roads aspect of this application? As they neither own nor maintain this road, and are at pains to advise that the road will, when deemed necessary, require to be maintained by the frontagers, it therefore stands to reason that the owners of the properties on Craigie Park should have the final say as to whether or not they find the roads position satisfactory or not? They should NOT just be forced to accept the decision of the Roads Department, and more particularly one member of the said department. Please clarify this important point as, if this application is approved, substantially more traffic will be visiting the street on a daily basis, meaning the road surface will disintegrate faster than would have ordinarily been the case and as a consequence, accelerate the need for repairs.
7. If this application is granted, will the applicant, as owner of No. 27 Whitehall Terrace and 27 Craigie Park, be responsible for two shares of any road maintenance required?
8. The business use aspect is still worrying given ten children may only be a start, and may, as mentioned above, be on top of the six for which permission is not required. The next step will be a full scale nursery in the former studio building.
9. If indeed the application is granted, and the use of the former studio building is no longer "ancillary to the use of the dwellinghouse" given a business will be being conducted from it, will the former studio building then be classed as business premises and the applicant pay business rates accordingly?
10. As the applicant is apparently entitled to child-mind six children without planning permission, why does she feel she requires planning permission at all? At the present time, the applicant and her assistants have six children (sometimes more) on a daily basis, Monday to Friday. Her charges appear to be £40 per child per day, equating to gross income of £240 on a daily basis. This generates an income of £1200 per week, equivalent to an annual income in the region of £60,000 (with a two week holiday) or £62,000 if she, and her staff, operate each week throughout the year. Surely this is sufficient income for any "small business run from home" ? The desire to raise the number of children to ten (or perhaps sixteen if she is still permitted to have the initial six) is borne out of sheer greed not any desire to provide care for more children. This would, potentially, generate an income of £2000 per week or a gross annual income of £104,000 for a 52 week business or £100,000 with a two week holiday for ten children and, for sixteen children a mind-blowing £640 per day; £3,200 per week or £166,400 per annum!! This is definitely **NOT a small scale business which would not adversely affect the neighbourhood**, as previously stated by the Planning Department but a full-scale potentially large business development which will have a huge impact on the neighbourhood and its residents, and which will open the flood gates for others.

These points of concern form the basis of my continued objection. Please take them into account when determining the outcome of this application.

Officers of Representation		
Application Number: 140440		
RECEIVED 06 JUN 2014		
Nor	Sou V	MAP
Case Officer Initials: AMI		
Date Acknowledged: 12/06/14		



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**From:** Sheila Swankie [REDACTED]  
**Sent:** 18 May 2014 16:08  
**To:** PI  
**Subject:** Planning Application 140440 - 27 Whitehall Terrace

Attention - Andrew Millar,

Dear Sir,

**27 Whitehall Terrace - P140440  
ADDENDUM**

I recently received notification of a planning application for a change of use from dwellinghouse to "mixed use" for the above property.

I did submit an e-mail objection but feel that I was perhaps not fully aware of the proposals when I did so, given the roads report was not available on line, at that particular time.

I wish to strongly object on the undernoted terms and wish this addendum to be appended to my original objection -

1. Noise levels - with allegedly 6 children the noise is sometimes deafening so I dread to think what it will be like if permission is granted for 18. Most unfair on neighbours, some of whom are elderly.
2. Traffic impact on Craigie Park - this is a non-adopted stretch of road which the Council do not maintain. The level of traffic has increased dramatically given the children already being catered for and will rise to something quite horrendous if even more parents are vying for parking spaces to drop off and pick up children. Some of them are parking for over 30 minutes in the area without paying or in residents permit parking zones without permits. The owner of 27 Whitehall Terrace may indeed say that, as her main address is not in Craigie Park, she has no liability for roads maintenance. She will then be making lots of money whilst the residents of our street are supposed to pay to have the road maintained!
3. The building in which the children are being cared for has a postal address of 27 Craigie Park. This could mean that the house and business are eventually separated and someone other than the owner of the property is left running the child care facility in the former studio building using the Craigie Park address. This is in contravention of the original application for the studio building.
4. The application form appears to show that there are "6 parking spaces and 2 proposed spaces" relevant to the property. This is totally inaccurate. The spaces are for residents only or are "pay and display" spaces for use by the general public, and DO NOT RELATE SPECIFICALLY TO THIS PROPERTY. I have checked with the engineer who wrote the roads report and he indicated he took his information from the application form but had not been on a site visit. He did, however, confirm that no extra spaces had been allocated to that property. Perhaps the owner of the house thinks

that, as the spaces are adjacent to her wall, they go with her property and are for her sole use, but this is not the true position.

5. Parents dropping off and collecting children are parking on yellow lines, on corners and in the residents only zone on a regular daily basis. This is becoming dangerous even at the present time, so more cars would be a huge problem and I feel this aspect is worthy of serious consideration by the Roads Department not just a short report by an engineer who admits he has not even seen the location for himself. Given there are some 20 cars on a regular basis for 6 children, if the number of children cared for trebled, so would the cars!
6. Lack of consideration for neighbours. Children not being checked when screaming at the tops of their voices and throwing toys over walls into neighbouring gardens or out onto the street.
7. Business developments such as this should not be permitted within Conservation areas.

I therefore object in the strongest terms.

Sheila Swankie  
50 Craigie Park  
Aberdeen AB25 2SE

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 18 May 2014 17:30  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : Gemma & Guy Woodall  
Address : 46 Craigie Park,  
Aberdeen  
AB25 2SE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We object to planning application 140440 for the following reasons:

**\*\*Road safety concerns caused by increased traffic from the proposed nursery - Craigie Park and Whitehall Terrace are a designated walk way for school children walking to Mile End school.**

**\*\*Wear and tear to a private road from increased traffic volumes to the proposed nursery - Craigie Park is a private road which Aberdeen council does not want to adopt. Therefore any maintenance of the road is paid for by the residents not the council but the council would benefit from the proposed nursery business.**

**\*\*Detrimental effect on quality of life for the residents of Whitehall and Craigie Park for the following reasons:**

**\*\*Parking - the proposed nursery application confirms that there are 7 car parking spaces available, 4 on Whitehall Terrace and 3 on Craigie Park and implies that they are available for the proposed nursery use. The 4 spaces on Whitehall Terrace are not for the sole use of the proposed nursery and are pay and display. The 3 spaces on Craigie Park are residents only parking so would not be available for use by non-residents collecting / dropping off children at the proposed nursery. Use of these "spaces" for an 18 child nursery will make it difficult for residents to park on the road, particularly at key times when residents are returning from school drop-offs and work which will coincide with nursery pick up and collection.**

**\*\*Noise - there has already been an increase in noise from the current childminding business and this will increase if the application to make it an 18 child nursery is approved, impacting quality of life for residents in a residential area due to noise pollution and use of private gardens. There are no restrictions on hours of business allowing the proposed nursery to have children at anti-social hours e.g. 7am - 8pm.**

**\*\*Litter / Privacy - there has already been an increase in litter and toys being thrown in to the gardens of neighbours bordering the current childminding business, with staff from the childminding business climbing over the fence to retrieve them which impacts their quality of life and privacy. We are concern that an 18 child nursery would see a further increase in litter and toys to neighbouring gardens and also on to the street.**

**\*\*Previous Applications - we understand that an application by the Bruce Nursery c3 years ago to add another story to the nursery was rejected because it would impact the quality of life for the neighbour and prevent use of their garden due to a lack of privacy. We feel that if this application is approved, it will impact quality of life for residents for a number of reasons listed above and would hope that this application is also considered against quality of life for the residents.**

We are happy to answer any questions on email or phone and a planning officer is welcome to 27 Whitehall Terrace from our property if required.

Regards

Gemma & Guy Woodall

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PI

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**From:** Jack Townley [REDACTED]  
**Sent:** 18 May 2014 10:28  
**To:** PI  
**Cc:** Jennifer Stewart; [REDACTED]  
**Subject:** Objection to planning application 140440

Sir/Madam

This is a formal objection to the application to change the use of the dwelling house located at 27 Whitehall Terrace, Aberdeen City, AB25 2RY.

My principal objection is on the grounds of noise and general disturbance, I cannot sit in my own garden during the day at present without being disturbed with the current noise level and I do not even wish to contemplate the noise levels with the potential of three times the number of children.

Jack & Alison Townley  
40 Whitehall Road  
AB25 2PR

Sent from my iPad

**Robert Vickers**

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 08 May 2014 17:49  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : Richard Mearns  
Address : 48 Craigie Park  
Aberdeen  
Ab25 2SE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : This is a quite residential area. Application will result in much noise in garden area and increase in traffic and parking issues. Title deeds to area state homes not to be businesses in craigie park area. I object to the application.

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**Robert Vickers**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 10 June 2014 20:23  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : richard mearns  
Address : 48 Craigie Park  
Aberdeen  
Scotland  
UK

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : This is a peacefull residential area that is in a conservation area, therefore i object to this development. There is plenty of business premises empty in Aberdeen, we should not be converting residential areas in conservation areas into businesses. Especially when the main access road is a non adopted road and business use should not be allowed. Title deads to properties on craigie park state area not to be used for business purposes. Also object to increased parking issues and noise likley to affect area.

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

36 Whitehall Road

Aberdeen

AB25 2PR

14/05/2014

Aberdeen City Council

EnterprisePlanning and Infrastructure

Business Hub4

Broad Street

Aberdeen AB10 IAB

Dear Sir

**Application No 140440**

**27 Whitehall Terrace Aberdeen**

Re the above one of my main observations is that supporting documents submitted are lacking in material details and information. No sizes /dimensions are included and no clear definition on whether the house /studio building is being altered. I have requested that the local Community Council seek clarity on the above and share this with local residents.

Other aspects of the change of use to 27 Whitehall Terrace to allow childminding gives rise to concern in the following areas:

**Child friendly premises.** The location, size and style both of house and garden are inadequate to allow the intended increase in childminding.

**The general well-being on all close neighbours.** The knock on affect of additional noise levels and traffic congestion in the area would have a detrimental impact on all around but specifically the other half of the semi detached house ie 25 Whitehall Terrace .

The residential amenity of our area will be eroded by a considerable degree.

The increase from 6 to a possible 18 children could soon be 36 children when the owners realise the commercial feasibility of their business, giving up on the residential status of their home and allowing childminding upstairs.

I therefore appeal to the Planning Committee to undertake site visits, seek reports from Health and Safety , Fire Service , Police Traffic Management and Child Scotland and also to listen and speak to the residents of this residential area including the local Community Council.

I trust the above information is helpful in allowing you to make the correct decision on



behalf of young vulnerable children, paying parents and local residents.

Yours Faithfully

A black rectangular redaction box covering the signature of Jennifer A. Milne.

Jennifer A. Milne

cc Jennifer Stewart Local Councillor

cc Mr W.Jaffrey Chair person Community Council.

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# Agenda Item 2.7

## Planning Development Management Committee

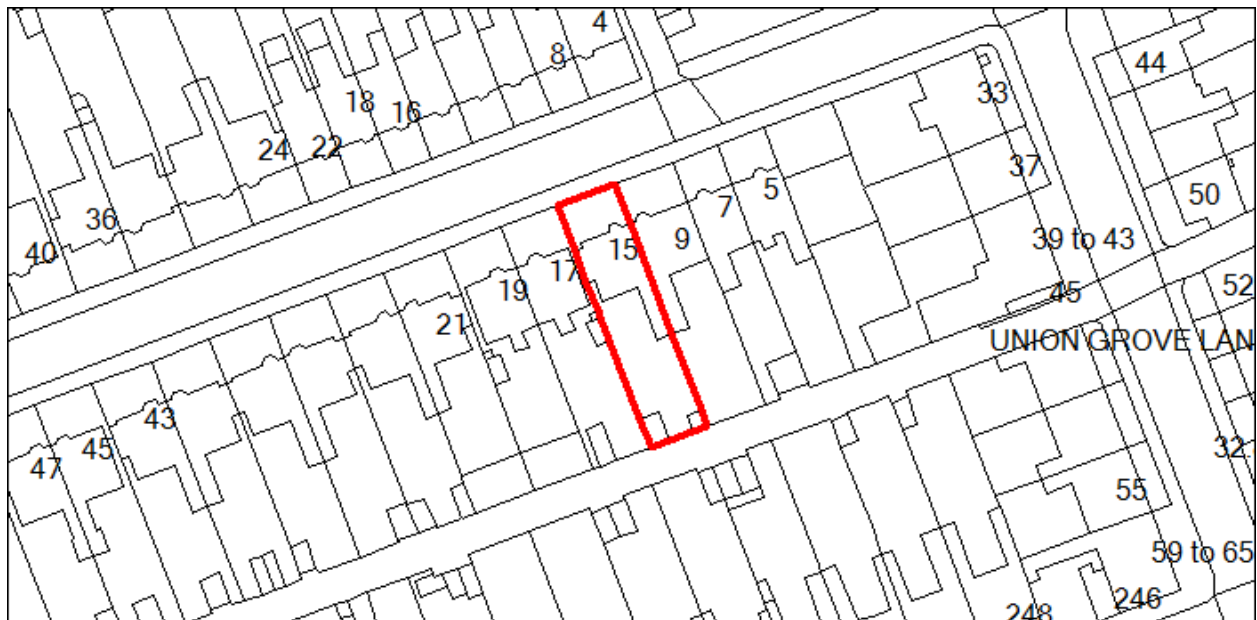
13 DEVONSHIRE ROAD, ABERDEEN

NEW REAR VEHICULAR ENTRANCE AND 2  
PARKING SPACES

For: Mrs Rhona Christie

Application Type : Detailed Planning Permission  
Application Ref. : P140515  
Application Date: 07/04/2014  
Officer: Jacqui Thain  
Ward : Hazlehead/Ashley/Queen's Cross  
(M Greig/J Stewart/R Thomson/J Corall)

Advert :  
Advertised on:  
Committee Date: 24 July 2014  
Community Council : Comments



### RECOMMENDATION:

**Approve Unconditionally**

## **DESCRIPTION**

The application property is the lower flat of a 2 flatted dwelling situated on the south side of Devonshire Road. The plot has area of approximately 468 square metres and to the rear there is an area of garden ground that covers approximately 251 square metres (excluding the rear offshoot). There is a small garage at the far south-west corner of the rear garden that has a footprint of approximately 17 square metres. On the site boundaries to the east and west are granite rubble walls. To the east, the wall is approximately 1500mm high and on the west-most boundary the wall is approximately 1400m in height. On the south-most boundary, the wall is approximately 1800mm high and within the wall there is a timber gate that leads to the lane. Part of the boundary wall is the remnant of an old granite-built outhouse/store. The property is situated within Conservation Area 004 (Albyn Place/Rubislaw).

## **RELEVANT HISTORY**

There is no planning history attached to the site.

## **PROPOSAL**

The application seeks full planning permission to create a car parking area within the rear garden ground of No. 13/15 Devonshire Road. It is also proposed to remove part of the site boundary wall and create gates adjacent to Union Grove Lane. The vehicle parking area would measure approximately 4800mm wide and have an overall length of approximately 8200mm and would be finished with granite chips, with the exception of the first 2m nearest the lane that would be finished with lock block or similar. The gates would be constructed of timber, open inwards and measure approximately 3600mm wide and reach a height of approximately 1800mm.

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Development Management Committee because a letter of objection has been received from The Queen's Cross & Harlaw Community Council and the application is recommended for approval. Therefore, in terms of the Council's Scheme of Delegation, the planning application must be determined by the Development Management Sub Committee.

## **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?ref=140515>

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

## CONSULTATIONS

**Roads Projects Team** – No objection. Comments relate to drainage, vehicular access, the gates not projecting into the lane and materials.

**Environmental Health** – Response received. No observations.

**Community Council** – Response. A letter of objection has been received from Queen's Cross & Harlaw Community Council, the main points of which can be summarised as follows:

- (1) Loss of amenity for both properties (Nos. 13 & 15 Devonshire Road).
- (2) There has been no agreement of all owners to the proposal.
- (3) Potential hazards relating to traffic manoeuvring in a confined space to an area currently safe for recreation and play. The proposal would also introduce traffic fumes and noise (from car engines and car doors) resulting in a further loss of amenity for both properties.
- (4) The granting of consent would set a precedent for other properties in Devonshire Road and would further undermine and erode the character of this part of the Conservation Area.

## REPRESENTATIONS

One letter of objection has been received, the main points of which can be summarised as follows:

- (a) Building the parking spaces in the shared garden will cause a conflict and nuisance to their enjoyment of their existing residential amenity contrary to Policy H1 (of the Aberdeen Local Development Plan). The garden is an important amenity feature for the objectors and is a large part of their leisure time enjoyment.
- (b) Two flower beds would be destroyed and cars driving into the garden would cause noise and exhaust fumes.
- (c) There is no precedent in the area for building such a parking space in the shared garden of a two-flatted property.
- (d) The proposed parking encroaches nearer the house than the line of the existing garages in neighbouring back gardens and is over-development which will dominate the garden area.
- (e) The environment of the garden would be damaged.
- (f) There would be no room for cars to turn in the space allowed, so that cars would have to reverse into the space which would be unsafe and would be very dangerous for small children. Occupants would lose the use of a safe, enclosed garden.
- (g) The present tenants of the ground floor flat have small children and the access they and others have to a safe, quiet, unpolluted open space for leisure and recreation will be compromised – this is contrary to Policy D2 (of the Aberdeen Local Development Plan).
- (h) There would be greater congestion in the lane and the permitted parking at the weekends would be further restricted

- (i) The formation of additional parking spaces is not in line with Policy D3 – to minimise travel by private car - (of the Aberdeen Local Development Plan). The additional parking for 2 cars would add to existing problems of car use, carbon emissions and congestion in the city

Other matters were discussed that are not material planning considerations.

## **PLANNING POLICY**

### **Aberdeen Local Development Plan (2012)**

#### **Policy H1 – Residential Areas:**

A proposal for householder development will be approved in principle if it:

- does not constitute over-development
- does not have an unacceptable impact on the character and amenity of the surrounding area
- complies with Supplementary Guidance on Household Development & Transport & Accessibility Supplementary Guidance

**Policy D1 – Architecture and Placemaking Design:** 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, details, the proportions of building elements and landscaping will be considered in assessing this.

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

The Policy seeks to encourage the retention of granite-built boundary walls in Conservation Areas.

**Historic Scotland’s Scottish Historic & Environment Policy (SHEP)** seeks to preserve and enhance the historic character and amenity of the Conservation Area.

## **EVALUATION**

The application shall be determined in accordance with Development Plan Policy unless material considerations indicate otherwise. In this instance there are no strategic issues. The adopted Aberdeen Local Development Plan is of specific relevance in determining the application in terms of Policy H1 (Residential Areas), Policy D1 (Architecture and Placemaking) & Policy D4 (Aberdeen’s Granite Heritage). The Council also has a statutory duty to consider whether the proposal preserves or enhances the character of the Conservation Area.

The issues for consideration are: impact on the residential amenity of the occupiers of nearby properties, potential impact on the Conservation Area, design, impact on visual amenity, impact on public safety and any other relevant matters raised by objectors.

### Policy H1 of the Aberdeen Local Development Plan

The proposal is for the removal of a section of the boundary wall, the formation of a driveway and the installation of gates within a residential area which already has several garages of varying design, scale and materials.

The removal of a section of the boundary wall is acceptable and would result in no detrimental impact on the amenity and character of the residential area. The close-boarded timber gates, being of appropriate scale and design, would sit well within the lane. The gates proposed are typical of vehicular access gates in the West End of Aberdeen.

The driveway would sit well within the rear garden ground and would not be over-dominant. The proposal would result in minimal additional and no detrimental impact on the character and amenity of the residential area. The parking area would be located behind the 1.8m high gates and would be extensively screened by boundary walls, by the garage at the far end of the application plot and by the substantial garage immediately to the west.

The parking area would not result in over-development of the garden. After completion an area of approximately 196 square metres of usable garden ground would remain.

### Householder Supplementary Guidance

The parking area and gates comply with the Householder Development Guide with regard to:

- design, scale and materials
- the parking area does not constitute over-development of the site; the driveway would occupy approximately 17% of the rear garden ground and after implementation of the driveway approximately 83% of the rear garden would remain undeveloped (the 83% does not include the rear offshoot and existing garage)
- the alterations would not have an unacceptable impact on the character and amenity of the surrounding residential area

### Transport & Accessibility Guidance

The driveway complies with the Transport & Accessibility Guidance in relation to:

- length
- materials; the first 2 metres nearest lane would not be finished with loose material (the finish would be lock-block or similar) that would provide an identifiable boundary between the lane and the parking area and would prevent granite chips being dragged onto the lane
- meeting the road at right angles
- gradient (the driveway would not exceed 1:20)
- a large proportion of the rear garden would remain unaffected, approximately 83%

- gates; close-boarded timber gates constructed to the same height as the boundary wall that open into the garden

Although, at approximately 3.8m in width, the opening for the gates is marginally larger than the 3.5m recommended in the Transport & Accessibility Guidance, in this instance the proposal is acceptable as there would be no detrimental impact on the character and amenity of the Conservation Area. The timber gates proposed would provide a sense of closure and would sit well within the lane and within the Conservation Area as a whole.

#### Policy D1 of the Aberdeen Local Development Plan

The parking area and gates would sit comfortably within the rear garden, with the existing garage and within the plot overall and would have a neutral contribution to their setting. In assessing the application against Policy D1 (Architecture & Placemaking Design) full consideration has been given with regard to suitability within the plot and the context of the surrounding area. The proposals are appropriate for the setting and factors such as siting, design, scale, massing, colour, materials, details and proportions of building elements have been considered.

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

The portion of boundary wall to be removed (in order to accommodate the gates) is not typical of what Policy D4 is designed to protect. The Policy seeks to conserve and retain granite buildings and granite-built walls throughout the City and states that Consent will not be given for the demolition of granite-built or other boundary walls in Conservation Areas.

It is unlikely the section of wall in question is the original boundary wall, and by virtue of materials and finish it is not considered to have any significant architectural merit or historic feature.

#### Historic Scotland’s Scottish Historic & Environment Policy (SHEP)

The proposed alterations would not adversely impact on and would preserve the character and amenity of the Conservation Area. The solid, close boarded timber gates would give a sense of enclosure and the driveway would be located behind the gates hidden from public view.

#### Issues Raised by Community Council and Representation

(1/a) It is acknowledged that the objectors’ enjoyment of the garden and their general amenity is important to them and that the proposed parking area may have some impact. However, for the aforementioned reasons, it is considered the potential impact would not be of an unacceptable level and is insufficient to warrant refusal of the planning application.

(c) Notwithstanding there may not be parking to the rear of flatted dwellings in the vicinity, this is not a determining factor in deciding the outcome of the planning



application. Each individual case is considered on its own merits and assessed against the relevant Policies and Guidance.

(d) It is noted that the parking area would be situated nearer the house than the existing garages, however issues relating to overdevelopment have been fully addressed above and found to be acceptable.

(e) It is acknowledged that there would be some impact on the environment of the garden by the driveway. However, the majority of the rear garden would remain unaffected by the alteration.

(g/i) Policies D2 & D3 of the Aberdeen Local Development Plan relate to new residential development, so are therefore not applicable in this instance.

(2) The matters of agreement between parties and/or land ownership are not material planning considerations.

(3/b/f/h) The Council's Roads Engineer does not object to the proposals and has expressed no concerns in relation to traffic manoeuvring in and out of the site, permitted parking and road safety with regard to pedestrians. The driveway would not result in traffic congestion in the lane as the vehicles would be parked within the property and not in the lane. The issue of permitted parking has not been identified as a problem by the Roads Engineer. The Environmental Health Department do not object to the formation of the parking area and do not raise issues regarding traffic fumes and noise. Such an arrangement is not untypical of a residential area and it would be unreasonable to refuse the application on this point. The impact would be minimal and would not adversely affect residential amenity.

(4) Approval of the application would not necessarily mean a precedent would be set in Devonshire Road. Future planning applications would be assessed on their own merits in conjunction with the relative Planning Policies & Supplementary Guidance and against Historic Scotland's Scottish Historic & Environment Policy (Conservation Areas).

For the purposes of clarification, the proposed car parking area would be for the sole use of the tenants of No. 13 Devonshire Road. The existing garage on the site belongs to the occupiers of No. 15 Devonshire Road.

Shared parking is a legal issue.

### Conclusion

The planning application has been fully evaluated under Policies H1, D1 & D4 of the Aberdeen Local Development Plan and found to be acceptable. Full consideration has been given to matters raised by The Community Council and in the letter of representation, however they neither outweigh the above Policy position nor would they justify refusal of the application.

## **RECOMMENDATION**

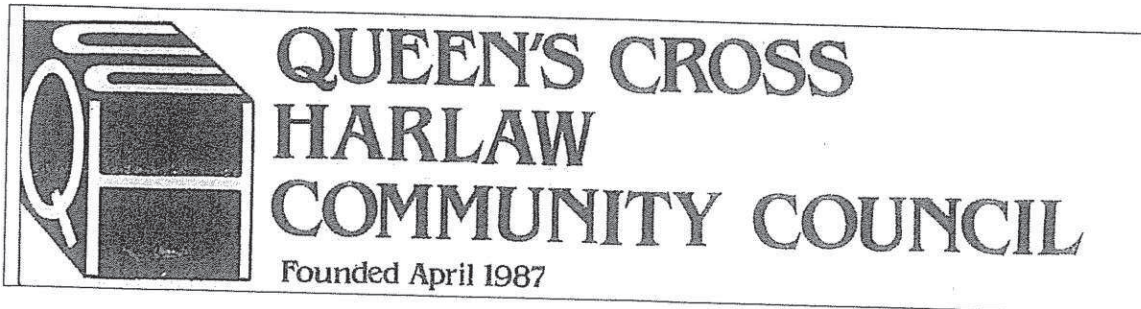
**Approve Unconditionally**

### **REASONS FOR RECOMMENDATION**

The parking area and gates would sit well within the plot and comply with Policy H1 (Residential Areas), D1 (Architecture and Placemaking) & D4 (Aberdeen's Granite Heritage) of the Aberdeen Local Development Plan and with the related Supplementary Guidance. The proposals would result in no detrimental impact on the amenity and character of the residential area or on the character and amenity of the Conservation Area. There would be no adverse impact on public safety.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.



Andrew H.R. Goldie,  
276 Union Grove,  
Aberdeen AB10 6TQ  
13th May 2012

Tel.: [REDACTED]

Ms Jacqui Thain,  
Planning and Sustainable Development,  
Aberdeen City Council  
Marischal College  
Broad Street  
Aberdeen, AB10 1AB

**Application 140515: Private Parking in Rear Garden of 13/15 Devonshire Road.**

Dear Ms Thain,

Following inspection of the plans for the above, and in response to approaches from local residents, I am writing on behalf of Queen's Cross & Harlaw Community Council to object to the above proposal. The grounds of concern relate to the sacrificial loss of part of a shared garden area to allow the introduction of private off-road parking, with subsequent loss of amenity. The gardens of the property are shared between numbers 13 and 15 (the upper flat) Devonshire Road; and the current application is from the absentee owner of number 13 who proposes the unilateral conversion of half of the rear garden into a car-park.

Our comments are as follows:-

1. In common with the other properties (shared or otherwise) in Devonshire Road, the rear gardens are a feature providing a major area for recreation and relaxation; and in the current instance, they also provide a safe play area for young children. The loss of half of the garden to car parking would be a major loss of amenity for both properties; and in the case of number 15, this would be a loss of amenity with no compensating benefit i.e. private parking.
2. While there are examples of partial conversions of rear gardens to parking in the area (e.g. in Union Grove), in all known cases this has been undertaken as a joint-venture, with the full agreement of all owners. No such agreement

exists for the current proposal; and indeed, no form of consultation has taken place between the owners.

3. If granted consent, this planning application will introduce the hazards of traffic manoeuvring in a confined space to an area currently safe for recreation and play. It will also introduce traffic fumes and noise (from car engines and car-doors) which will result in a further loss of amenity for both properties.
4. The granting of consent for this application would set a precedent for other properties in Devonshire Road, and would further undermine and erode the character of this part of the Conservation Area.

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,

***Andrew Goldie***

Planning Convenor,  
Queen's Cross & Harlaw Community Council.

Robert Vickers

P140515 JTH

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**From:** jane jones [redacted]  
**Sent:** 03 May 2014 10:31  
**To:** PI  
**Subject:** Planning application 140515  
**Attachments:** Objections to planning application.docx

I am attaching our comments on this application. Please confirm that you have received them.

Jane and David Jones  
15 Devonshire Road  
Aberdeen  
AB10 6XN

Sent from Windows Mail

We are the owner occupiers of the upper flat 15 Devonshire Road.

We object to Planning Application No 140515 for the following reasons:

- Building these parking spaces in the shared garden at 13/15 Devonshire road will cause a conflict with and a nuisance to our enjoyment of our existing residential amenity, contrary to Policy H1. Two beautiful flower beds will be destroyed to make an ugly hard standing and cars driving into the garden will cause noise and exhaust fumes.
- We believe there is no precedent in the area for building such a parking space in the shared garden of a two-flatted property. There are properties in Union Grove where the rear garden has been made into a car park, but these were neglected gardens where properties comprise many flats occupied by short term tenants. Our property has been a family home for 20 years during which time we have tended all parts of the garden, this being a large part of our leisure time enjoyment and this garden is an important amenity feature of our property. The multi-occupancy tenements in Union Grove are of an entirely different character and therefore not comparable.
- The proposed car park encroaches nearer the house than the building line of existing garages in neighbouring back gardens and as such is overdevelopment which will dominate the garden area.
- The owners who have submitted the application are non resident and their property is for them an investment where financial considerations dominate ; the plan seems to be a cheap alternative to a garage with the purpose of maximising their rental profits, while damaging the environment of the garden for residents.
- There is no room for cars to turn in the space allowed, so that cars coming through the gate in to the garden must be reversed, so that they do not have to reverse out in to the lane which would be unsafe. This will be very dangerous for any small children in the garden and occupants of both flats will effectively lose the use of what is now a safe enclosed garden. The present tenants of the ground floor flat have small children; the access they (and any other children living in or visiting either property) have now to a safe, quiet, unpolluted open space for leisure and recreation will be compromised. This is contrary to Policy D2.
- We note from the Roads Projects' observations that the development must not drain into the lane, and we are concerned that drainage within the garden will result in an unhealthy environment for people and plants. We question whether the proposed surface water drainage arrangements will be adequate.
- There is no doubt that there will be greater congestion in what is already a very busy lane when two more cars are coming and going. There is permitted parking in the lane at weekends and this will be further restricted to allow access to the gate.
- We do not think that allowing more parking spaces to be built is in line with the Policy D3 to minimise travel by private car. Any future residents of this lower flat will be encouraged and enabled to have two cars, adding to the existing problems of car use, carbon emissions and congestion in the city. It will create a precedent for many other applications in the future which may further exacerbate the problem.

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## Planning Development Management Committee

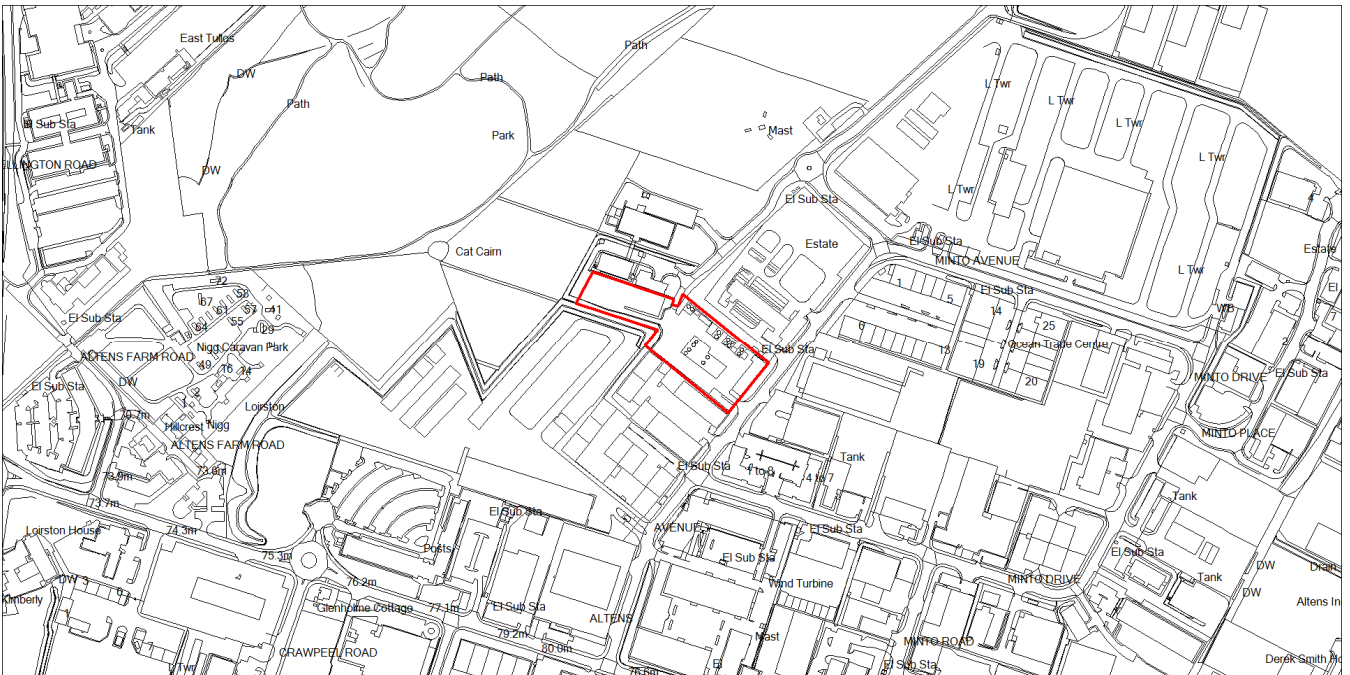
SITE 17 PETERSEAT DRIVE AND SITE 49  
MINTO AVENUE, ALTENS INDUSTRIAL  
ESTATE

STORAGE OF HAZARDOUS MATERIALS

For: Nalco Champion

Application Type : Hazardous Substances  
Consent  
Application Ref. : P140028  
Application Date : 10/01/2014  
Officer: Matthew Easton  
Ward : Kincorth/Nigg/Cove (N Cooney / C Mccaig  
A Finlayson)

Advert :  
Advertised on:  
Committee Date: 24 July 2014  
Community Council : No response  
received



**RECOMMENDATION: Approve subject to conditions**

## **BACKGROUND TO HAZARDOUS SUBSTANCES CONSENT**

The Control of Major Accident Hazard ('COMAH') regulations apply where quantities of dangerous substances are present, or likely to be present above specified limits. This includes sites where dangerous substances might be generated due to the loss of control of an industrial chemical process. The main aim of the COMAH regulations is to prevent and mitigate the effects of major incidents on people and the environment. Sites subject of COMAH are regulated by the competent authority, which in Scotland comprises the Scottish Environment Protection Agency ('SEPA') and HSE.

As well the requirements of the COMAH regulations, operators are required to obtain a separate hazardous substances consent from the Council. The purpose of hazardous substances consent is to ensure that when hazardous substances are stored or used, the residual risk to people in the vicinity of the site or to the environment is taken into account before a hazardous substance is allowed to be present in a controlled quantity. The extent of this risk will depend upon where and how a hazardous substance is to be present; and the nature of existing and prospective uses of the site and its surroundings.

If the Committee's decision is to grant consent, a consultation zone will be placed around the site by HSE. This requires the Council to consult HSE on all proposed future development over a certain size within that zone. HSE will then provide advice as to the suitability of such development in this location, which the Council must then take into account when determining whether to grant planning permission for the proposal. This is highlighted in Policy BI5 (Pipelines and Controls of Major Accident Hazards).

## **DESCRIPTION**

The application site is an industrial facility located on the western side of Minto Avenue, within Altens Industrial Estate.

It is operated by oilfield chemical supplier Nalco Champion (formerly Champion Technologies) and is used for the production of offshore oilfield chemicals, including scale inhibitors, corrosion inhibitors, demulsifiers and commodity chemicals. The industrial processes which take place includes the storage of raw materials, blending of products and filling & storage of finished products for onward shipment.

The site extends to 1.05 hectares and comprises a single storey industrial building and two storey office and laboratory building, which together form the frontage onto Minto Avenue. Beyond this is a yard which includes several tanks for the storage of chemicals, four blenders for the production of chemical products and circulation space for vehicles. The rear part of the site comprises a yard which is used for the storage of moveable containers. Access to the site is from Minto Avenue or Peterseat Drive.



The surrounding area is characterised by industrial, warehouse and office uses.

Bordering the site to the west and south west are warehouse and industrial units occupied by Nortruck, Scotia Access Services and Peterson SBS's open storage yard known as Altens Base.

To the north, and forming part of the Nalco Champion facility are their eastern hemisphere headquarters, the W. Sam White building which was built in 2006 and the Bundrant Technical Centre, built in 2009. Also to the north is an industrial building and pipe storage yard operated by Tenaris Global Services.

On the opposite side of Minto Avenue is a storage and distribution warehouse occupied by retailer John Lewis. Approximately 100m to the south is North East Scotland College's Construction Training Facility.

## **RELEVANT HISTORY**

The site was developed in the 1960's and Champion Technologies have operated their lab and plant here since the mid 1970's. Nalco Champion was formed in 2013 following the acquisition of Champion Technologies by Ecolab, parent company of Nalco.

The Health and Safety Executive ('HSE') notified the Council in 2006 that the site was operating as a lower-tier establishment under the COMAH Regulations. Up until now no application for consent has been received from the operator of this site and it has been operating without the required consent since 2006.

## **PROPOSAL**

Retrospective hazardous substances consent is sought for the storage and industrial use of various hazardous substances, which under schedule 1 of the *Hazardous Substances (Scotland) Regulations 1993*; require consent because they are present at a site in excess of the relevant specified quantities.

There are a number of fixed tanks within the site, however only five would store hazardous substances. The maximum quantity of hazardous substances which would be kept within these fixed tanks is summarised as follows –

- 90m<sup>3</sup> of substances which are dangerous to the environment (i)
- 45m<sup>3</sup> of substances which are dangerous to the environment (ii)

A variety of moveable containers are used at the site. These predominately consist of intermediate bulk containers ('IBC') and offshore tanks. Smaller drums, bags and kegs are also used. Moveable containers are generally stored within the storage yard at the northern end of the site, with a very small amount within the warehouse. The maximum quantities which would be present at the site within such containers for each of the categories is –

- 166.89 tonnes of toxic substances;
- 222.4 tonnes of substances which are dangerous to the environment (i); and
- 99.52 tonnes of substances which are dangerous to the environment (ii)

Within a typical year the site sees 2,500 offshore tanks and 8000 IBC's pass through, although this does vary seasonally.

There are four blending vessels used to mix hazardous chemicals. They have capacities of 5,000L, 12,000L, 10,000L and 18,000L.

Other substances are present on site, however these either are substances which are not subject of the hazardous substances legislation or are hazardous substances which are held in amounts below the relevant controlled quantity.

Although this is an application for a new hazardous substances consent, the applicants have been operating without hazardous substances consent since 2006. This application seeks to regularise the situation and if granted will allow the site to continue to operate and to ensure that the storage of the hazardous substances at the site is properly regulated and that the presence of the establishment is taken into account in determining planning applications in the vicinity.

### **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?ref=140028>

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 determination of hazardous substances consents falls outwith the scope of the Council's Scheme of Delegation.

### **CONSULTATIONS**

**Roads Projects Team** – No observations.

**Environmental Health** – No observations.

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

**Community Council** – No response received.

**Health and Safety Executive (HSE)** – The risks to the surrounding areas from the likely activities resulting from the granting of hazardous substances consent at this site has been assessed by HSE. Only the risks from hazardous substance for which consent is being sought have been assessed together with the risks from substances in vehicles which are being loaded or unloaded. Generic categories of hazardous substances have been assessed by reference to exemplar substances, which have been selected to represent the worst case substances allowed by this consent.

HSE has concluded that the risks to the surrounding population arising from the proposed operations are so small that there are no significant reasons, on safety grounds, for refusing hazardous substances consent.

Following government advice that particulars in the application do not automatically become conditions of consent, it would be beneficial to include conditions requiring (a) the substances to not be kept or used other than in accordance with the submitted particulars and (b) that toxic substances are restricted to those which are in liquid phase when held at ambient temperature and pressure conditions.

**Scottish and Southern Energy Power Distribution (SSE)** – If all buildings remain within Site17 SSE would have no objections to the development.

**Scottish Environment Protection Agency (SEPA)** –The site is an existing lower tier COMAH premises, and as such the Competent Authority are aware of the increase in inventory held on site, however for clarity where the associated increase in inventory / change in classification is such that the quantity of dangerous substance is now above the Top Tier threshold then prior to the start of construction /operation of the establishment the operator shall submit a Safety Report, or part thereof, to the Competent Authority. The Safety Report, or part thereof, will contain the information specified in Regulation 7 of the COMAH Regulations.

From a planning perspective SEPA therefore have no comment to make on the hazardous substances consent application but will continue to work with the operator and HSE on on-going regulation of the site under the COMAH regulations.

**Scottish Fire and Rescue Service** – No response received.

**Scotland Gas Networks** – No response received.

**Scottish Natural Heritage (SNH)** – SNH do not intend to offer formal comment on this proposal as it falls below our threshold for consultation as outlined in their Service Statement for Planning and Development.

## **REPRESENTATIONS**

None.

## **PLANNING POLICY**

### **Aberdeen Local Development Plan (2012)**

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

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.

Ancillary facilities that support business and industrial uses may be permitted where they enhance the attraction and sustainability of the city's business and industrial land. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the business and industrial area.

Bad neighbour uses should either be located together in single industrial areas or within one part of a larger estate.

Policy BI5 (Pipelines and Controls of Major Accident Hazards) – In determining planning applications for development within consultation distances for hazardous installations, the City Council will take full account of the advice from the Health and Safety Executive and will seek to ensure that any risk to people's safety is not increased.

### **Aberdeen Local Development Plan – Main Issues Report (January 2014)**

The main issues report does not propose any changes which would effect the site or its surroundings in terms of land use.

## EVALUATION

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

The site and the surrounding area has been in industrial use since the 1960's and remains within an area zoned for business and industrial uses (Policy B11) in the current local development plan. This policy supports office, industrial and storage & distribution uses. Other supporting uses, which meet the needs of the area, are also permitted.

The actual uses within the area reflect the aspirations of the policy and are typical of an industrial estate. There are no vulnerable uses such as hospitals, schools, care homes or prisons within the consultation zone or wider industrial estate. The Construction Training Centre of North East Scotland College is located 100m to the south of the site and the north east corner of the building does lie within the outer and edge of the middle consultation zones. However the college does not provide residential accommodation for students, does not cater specifically for vulnerable groups and it is likely that in the event of an emergency it would be relatively easy for an evacuation to be coordinated. Therefore it is not considered that the use would be particularly sensitive to being located near a major hazard site.

In summary, because of the general lack of vulnerable uses and residential development, industrial estates such as Altens are considered the most suitable place for a major hazard site such as this.

The main issues report does not propose changing the current situation in terms of land use and therefore it is anticipated that the area would continue to function as a business and industrial area for the foreseeable future.

There are no planning permissions for land in the surrounding area which would introduce incompatible uses which would sit uncomfortably alongside a major accident hazard site. Should any planning applications be received to redevelop any of the surrounding sites within the proposed consultation zone, the Council will be required to consult HSE to determine what increase in risk there may be to public safety as a result of the proposed new development.

After carrying out a detailed assessment, HSE have advised that the risk to surrounding population is so small there is no reason to refuse consent on safety

grounds. HSE have advised that two conditions and an informative note should be attached and this is accepted.

All other consultees have provided advice or no observations.

In summary, taking into account the existing and likely future land use of the site and surrounding area and the advice from HSE, it is considered that the storage of the hazardous substances identified in the application would be compatible with the surrounding current and future uses in the area.

## **RECOMMENDATION**

**Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

The use of the site and surrounding area are typical of an industrial estate and there are no vulnerable uses present. It is not anticipated that the situation in terms of land use will change in the foreseeable future. There are no planning permissions for land in the surrounding area which would introduce incompatible uses which would sit uncomfortably alongside a major accident hazard site. HSE have advised that the risk to surrounding population is so small there is no reason to refuse consent on safety grounds and all other consultees have provided advice or no observations. In summary, taking into account the existing and likely future land use of the site and surrounding area and the advice from HSE, it is considered that the storage of the hazardous substances identified in the application would be compatible with the surrounding current and future uses in the area.

## **CONDITIONS**

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

(1) The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form as amended by the supplementary information from the applicant (email dated 27/02/14), nor outside the areas marked for storage of the the substances on the plans which formed part of the application (specifically the 'Overall Site Plan', drawing No. 3388C01) - in order to ensure that the circumstances remain those on which the assessment by the Health and Safety Executive was carried out.

(2) Substances which are catergorised as Part B2 'Toxic' shall be restricted to those substances which exist in the liquid phase when held at ambient temperature and pressure conditions - in order to ensure that the circumstances

remain those on which the assessment by the Health and Safety Executive was carried out.

## **INFORMATIVE**

In accordance with the provisions of section 28 of the Planning (Hazardous Substances) (Scotland) Act 1997, nothing in this hazardous substances consent hereby granted shall require or allow anything to be done in contravention of any of the relevant statutory provisions or any prohibition notice or improvement notice served under or by virtue of any of those provisions. To the extent that such a consent or notice purports to require or allow any such thing to be done, it shall be void.

"Relevant statutory provisions", "improvement notice" and "prohibition notice" have the same meanings as in Part I of the [1974 c. 37.] Health and Safety at Work etc. Act 1974.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Planning Development Management Committee	
DATE	24 July 2014	
LEAD HEAD OF SERVICE Margaret Bochel		DIRECTOR Gordon McIntosh
TITLE OF REPORT	Planning Digest	
REPORT NUMBER	EPI/14/214	

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### 1. PURPOSE OF REPORT

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

### 2. RECOMMENDATION

- 2.1 To note the outcome of the appeal decision.

### 3. FINANCIAL IMPLICATIONS

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

### 4. OTHER IMPLICATIONS

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

### 5. BACKGROUND/MAIN ISSUES

#### **APPLICATION P130918**

#### **HILLHEAD OF CLINTERTY, TYREBAGGER ROAD, KIRKTON OF SKENE PROPOSED EXPLOSIVES STORAGE FACILITY COMPRISING 6 BUILDINGS, ACCESS ROAD, BUNDS AND LIGHTING TOWERS**

At it's meeting on the 28<sup>th</sup> May 2014, the committee resolved to grant a willingness for officers to grant planning permission for the above development, subject to assurances be sought from the Health and Safety Executive ('HSE') in relation to the impact and risks associated with the application, prior to granting approval.

A response has since been received from the Explosives Inspectorate of the HSE which has advised that any license granted would place duties on the licensee to ensure that

- anyone manufacturing or storing explosives must take appropriate measures to prevent fire or explosion,
- to limit the extent of any fire or explosion should one occur and
- protect persons in the event of a fire or explosion.

Regulation 4 of the *Manufacture and Storage of Explosives Regulations (2005)* provides guidance on what measures should be taken with respect to the three headings above.

With regard to the security aspects, the following legislation is applicable to a licensed site.

### Explosives Act 1875

Section 23 of the act requires that anyone storing explosives must take all due precautions to prevent unauthorised access to the explosives. The HSE has published the document '*Security of licensed and registered explosives stores and registered premises*' which describes the recommended standards of security for licensed stores holding explosives which require an explosives certificate from the police.

### The Control of Explosives Regulations 1991 ('COER')

The regulations cover all explosives used in commercial, military or leisure activities. This includes blasting explosives, detonators, fuses, ammunition, propellants, pyrotechnics and fireworks. The main provisions of COER are:

- anyone wanting to acquire or keep certain explosives must have an explosives certificate issued by the police.
- duties are placed on anyone wanting to transfer certain explosives to others.
- anyone who has committed certain offences or been sentenced to certain terms of imprisonment must not acquire, keep, handle or control certain explosives or substances which could be used as explosives.
- occupiers of licensed explosives stores or magazines must appoint someone to be responsible for explosives security.
- comprehensive, accurate and up-to-date records must be kept of certain explosives.
- the loss or theft of explosives must be reported immediately to the police.

With reference to the application for a licence for the site at Hillhead of Clinterty, the licence is currently at the consultation stage with the applicant. The applicant is yet to submit detailed plans of the site to the HSE and the quantities of explosives that are to be licensed at each defined location. Once this information is received by HSE, the Scottish Fire and Rescue Service assess the suitability of the site with regard to the Fire (Scotland) Regulations. HSE would then draft a licence which would be submitted to the applicant for the process of acquiring assent from the Council.

### Aberdeen City Council's Role

The Trading Standards Service within the Housing and Environment Directorate is responsible for the licensing, registration and safe storage of explosives within the Aberdeen City area.

The Council would receive from the applicant -

- a copy of the draft HSE licence;
- the application;
- any other information the HSE Explosives Inspectorate instructs them to send;
- a request for a day to be appointed for the formal application for assent.

The applicant must within 28 days of submitting the documents publish a notice in a newspaper covering where the explosives are to be stored

- giving details of the application
- inviting representations on matters affecting the health and safety of people other than the applicant's employees to be made in writing to the local authority within 28 days of the date that the notice is first published –
- give an address where any representations should be sent

The applicant has to take other reasonable steps to inform everyone who lives or carries on a business or other undertaking within the public consultation zone, which is defined as an area 'extending to twice the proposed separation distance of the proposed site'.

The Council would inform the applicant of the date that it is proposed to hold an assent hearing, which must be within four months of receiving the draft licence and application, which would be determined by a report to the Housing and Environment Committee.

The Council must not less than 28 days before the assent hearing, publish notice of the date; time and place of the hearing in a local newspaper and send a copy of the notice to the applicant, anyone who made representations and the HSE.

In considering whether to assent, Council can have regard only to health and safety matters. A notice of decision would be issued to the applicant and HSE within 7 days of making it.

If the Council grant assent, then the draft license would be sent back to HSE and the licence would be signed by the Chief Inspector of Explosives. If the Council decided not to grant assent then the licence would be withdrawn by the HSE.

HSE advise that the current proposed layout complies with the statutory requirements for a HSE licence to be granted and in so far as much that it meets these criteria, HSE would have no reason to refuse a licence for Hillhead of Clinterty.

On the basis of the above, the Head of Planning and Sustainable Development was satisfied that health and safety matters would be addressed satisfactorily by the appropriate authorities. Therefore planning permission was granted on 10<sup>th</sup> June 2014.

## 6. IMPACT

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

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

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

## 7. BACKGROUND PAPERS

None.

## 8. REPORT AUTHOR DETAILS

Margaret Bochel  
Head of Planning and Sustainable Development  
[Mbochel@aberdeencity.gov.uk](mailto:Mbochel@aberdeencity.gov.uk)  
01224 523133

## ABERDEEN CITY COUNCIL

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COMMITTEE	Planning Development Management Committee
DATE	24 July 2014
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Conservation Areas – Cove Bay; Old Aberdeen and Pitfodels

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### **1 PURPOSE OF REPORT**

- 1.1 This report outlines the results of a public consultation exercise undertaken on the draft character appraisals for Old Aberdeen and Pitfodels Conservation Areas. A summary of the representations received, officers' responses and detail of any resulting action is provided in Appendix 1 of this Report. Full, un-summarised copies of representations are detailed in Appendix 2. It also outlines progress made since July 2013 on Cove Bay Conservation Area.
- 1.2 The amended versions of the two character appraisals, as informed by consultation responses, can be viewed by accessing the following link:  
[www.aberdeencity.gov.uk/masterplanning](http://www.aberdeencity.gov.uk/masterplanning)

### **2 RECOMMENDATION(S)**

- 2.1 It is recommended that the Committee:
- (a) Note the representations received on the draft Old Aberdeen and Pitfodels Conservation Area Character Appraisals document;
  - (b) Approve Appendix 1, which includes officers' responses to representations received and any necessary actions;
  - (c) Approve Old Aberdeen and Pitfodels Conservation Area Character Appraisals for inclusion in the Conservation Area Character Appraisals and Management Plan Interim Planning Advice and instruct officers to comply with the statutory notifications required in respect of amending the boundaries of Old Aberdeen Conservation Area (Appendix 3).
  - (d) Approve the removal of conservation area status from Cove Bay Conservation Area and instruct officers to comply with the statutory notifications required and amend the remove the Conservation Area Character Appraisals and Management Plan Interim Planning Advice accordingly.

## 2.2 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 future publication and notification 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 62 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires notification of conservation area boundary amendments to be reported to the Scottish Government and advertised in the Edinburgh Gazette and local press.

## 5 BACKGROUND / MAIN ISSUES

- 5.1 The Conservation Area Character Appraisals and Management Plan was approved by the then Development Management Sub-Committee on 18 July 2013 as Interim Planning Advice. It contained character appraisals for six out of the City’s eleven Conservation Areas as well as an overarching Strategic Guidance and Management Plan.

### Cove Bay Conservation Area

- 5.2 At its meeting on 18 July 2013, the Sub-Committee agreed to defer any decision regarding de-designation of Cove Bay Conservation Area to allow a 12 months period to enable the local community to formulate plans and seek funding to improve and enhance the character of this Conservation Area.
- 5.3 The character appraisal for Cove Bay Conservation Area concluded that its special historic and architectural qualities had been severely eroded over the years and that it no longer merited conservation area status. At its meeting on 18 July 2013, the then Development Management Sub-Committee agreed to defer any decision regarding de-designation of Cove Bay Conservation Area to allow a 12 months period to enable the local community to formulate plans and seek funding to improve and enhance the character of this Conservation Area.
- 5.4 Last month a group, “The Friends of Old Cove”, was formed to do this however no other action has been evidenced in the last 12 months. An officer assessment of the current state of the Conservation Area indicates that there has been no obvious improvements to it and that it continues not to meet designation criteria. The Friends of Old Cove group has requested that it be given longer to formulate a programme and seek funding. The implications of this are that it would delay

the production of draft Conservation Area Supplementary Guidance, which covers the whole City. Currently this is on target to meet the timetable of the Local Development Plan review, but could well be jeopardised if a further extension of time is granted. Even if conservation area designation were removed from Old Cove, an Article 4 Direction that limits householder permitted development rights would still cover it. Officers are therefore recommending that Cove Bay Conservation Area should be de-designated.

### **Old Aberdeen and Pitfodels Conservation Area Draft Character Appraisals**

- 5.5 On 20 March 2014 the Planning Development Management Committee approved draft conservation area character appraisals for Pitfodels and Old Aberdeen Conservation Areas, together with draft proposed boundary amendments and guidance in respect of Old Aberdeen Conservation Area, as a basis for public consultation.

### **Consultation process**

- 5.6 The public consultation period ran for six weeks from Monday 31 March 2014 until 12 noon Monday 12 May 2014, as recommended by Committee. This was longer than the normal four weeks to take account of the Easter holidays. In addition, the public consultation period was extended until 26 May for Old Aberdeen Conservation Area at the request of Old Aberdeen Community Council.
- 5.7 A wide range of organisations and groups was consulted including statutory consultees; Community Councils; affected Ward members; local heritage and amenity groups; local schools and churches. All occupiers directly affected by draft proposals to extend Old Aberdeen Conservation Area were contacted, outlining the proposed boundary changes and sent a copy of the summary leaflet relevant to their area.
- 5.8 The draft Conservation Area Character Appraisals and Management Plan was available to view and publicised via the following methods:
- Publication of document on Aberdeen City Council Website 'Current Consultations' page  
<http://www.aberdeencity.gov.uk/consultations>
  - Publication of document on Aberdeen City Council Website 'Masterplanning' page  
<http://www.aberdeencity.gov.uk/masterplanning>
  - Hard copy of document available for viewing at Marischal College between 9am and 5pm Monday to Friday, by contacting the Planning and Sustainable Development Reception. Relevant planning officers were also identified to be available to help answer queries from members of the public who visited the Planning Reception regarding the draft Conservation Area Character Appraisals.

- Hard copies of the document were also made available at Airyhall; Bridge of Don; Central; Cults and Tillydrone public libraries and the libraries at Robert Gordon University and the University of Aberdeen.
- Summary leaflets for each conservation area were available online at Airyhall; Bridge of Don; Central; Cults and Tillydrone public libraries and the libraries at Robert Gordon University and the University of Aberdeen; Marischal College. The Old Aberdeen Heritage Society also undertook a wide local distribution of the leaflet in the Old Aberdeen area.
- Information giving details of the consultation was published on the Aberdeen Local Development Plan Facebook and Twitter pages and in its newsletter.
- A public drop in session was held between 3pm-7pm on 16 April 2014 in the Dunbar Street Hall, which 22 people attended. Details of this session were included in the letter sent to all those affected by the Old Aberdeen conservation area boundary changes.

## Consultation results

- 5.9 Representations on the draft Conservation Area Character Appraisals could be submitted by email or post. A total of 22 representations were received during the consultation, from the following:
- Scottish Water
  - Historic Scotland
  - Scottish Natural Heritage
  - Scottish Environmental Protection Agency
  - Old Aberdeen Community Council
  - Aberdeen Civic Society
  - Friends of Sunnybank Park
  - Old Aberdeen Heritage Society
  - University of Aberdeen
  - Halliday Fraser Munro
  - Saltire Society (Aberdeen and NE Branch)
  - Petition Tillydrone Avenue residents (26 signatures)
  - 5 individuals
- 5.10 Representations are summarised in Appendix 1, with officer responses and any resulting proposed amendments to the document. The Old Aberdeen Community Council and the Old Aberdeen Heritage Society both requested that the Old Aberdeen Conservation Area character appraisal be revised and be subject to a second round of consultation before being considered by Committee. This runs contrary to the Council's accepted public consultation protocol. The revised document has however been circulated to these two organisations and the University of Aberdeen, as a key stakeholder, for any comment. Any representations made will be reported verbally to Committee.



- 5.11 Whilst in general the character appraisals were welcomed, there were a number of detailed comments:

### **Old Aberdeen Conservation Area**

- 5.12 The character appraisal has been revised to take account of a variety of comments as indicated in Appendix 1. In particular, more detail has been provided about Character Area B: Old Aberdeen Heart. Once Committee has approved any changes to the revised character appraisal text, it will be desk top published including amended plans and images.
- 5.13 The five proposed extensions to the Old Aberdeen Conservation Area boundary met with approval, however some considered that the extensions did not go far enough and that the eastern boundary should run down the length of King Street. This suggestion was examined however, there was not sufficient historical and or architectural merit to include these substantial additions. St Peter's cemetery is protected by virtue of its use and by its listed gate house and attached boundary walls. One area that does meet the criteria is 14 Cheyne Road and 88 and 106 Don Street and it is proposed that these three properties be included in the Conservation Area as they enable the whole of the east side of Don Street to be covered by conservation area designation (Appendix 2).
- 5.14 Because of the large size of the Conservation Area and its complex and diverse nature, the character appraisal divided it up into five character areas for ease of assessment. The boundaries of these largely followed those used in the last conservation area character appraisal in 1993. Some respondents, including the petition by the residents on Tillydrone Avenue, objected to the character area boundaries and thought that their properties on Tillydrone Avenue and the Mission and the Barn on St Machar Drive should be included in Character Area B. This has been done and Character Area B renamed "Old Aberdeen Heart" rather than "Old Aberdeen Core" in response to representations.
- 5.15 Following production of its Estates Strategy in 2013, the University of Aberdeen has produced a development framework and underlying design principles setting out its aspirations for its of its King's campus estate. This refreshes its previous 2005 framework. This latest work was not available at the time the draft character appraisal was written and it is understood that it is the University's intention to make this recent document publicly available. The amended appraisal acknowledges this work, but does not endorse it as detailed discussions have yet to take place with the local planning authority with regard to future development. The phased redevelopment of King's campus is best progressed through a Masterplanning approach involving key stakeholders and the local community.
- 5.16 Several issues were raised that fall outside the remit of a conservation area character appraisal such as use zoning and Houses in Multiple Occupation (HMOs), which are better addressed by the Local Development Plan. There was general agreement that the existing traffic management scheme on College Bounds was not working as intended and this matter has been referred to the Road Safety and Traffic Management team. The revised character appraisal notes that the descriptions for the majority of listed buildings are old as they date from

1967, before Conservation Area designation. Historic Scotland has now programmed a review of listed buildings in Old Aberdeen.

### **Pitfodels Conservation Area**

- 5.17 Representations received (Appendix 1) broadly welcomed the character appraisal and highlighted the positive contribution that trees and the semi-rural lanes, especially Rocklands Road and Baird's Brae, made to Pitfodels Conservation Area. There was a general concern that development could erode the character of the Conservation Area. There are no proposals for boundary alterations

### **Future Appraisals**

- 5.13 As part of the Local Development Plan review process it is intended that there will be one Supplementary Guidance document that will cover the management of conservation areas in Aberdeen and support the historic environment policies in the revised Local Development Plan. The existing character appraisals for Footdee, Rosemount and Westburn Conservation Areas have still to be re-assessed and revised. Union Street Conservation Area is likely to be reviewed as part of the forthcoming city centre masterplan and will not form part of the Conservation Area Supplementary Guidance.

## **6 IMPACT**

- 6.1 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.*
- 6.2 The proposal contributes to Smarter Aberdeen's aspiration of *Smarter Environment – Natural Resources* – providing an attractive streetscape.
- 6.3 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 BACKGROUND PAPERS**

- 7.1 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997  
<http://www.legislation.gov.uk/ukpga/1997/9/contents>
- 7.2 Scottish Government's Planning Advice Note 71: Conservation Area Management  
<http://www.scotland.gov.uk/Publications/2004/12/20450/49052>
- 7.3 Aberdeen Local Development Plan (2012)  
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=42278&sID=9484>

## 8 REPORT AUTHOR DETAILS

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## Old Aberdeen Conservation Area Appraisal: Public Consultation Results Summary, Officer Response and Actions

### 1. Councillor Jaffrey

<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
<p>Disappointed Cheyne Road and Harrow Road are not included. Members of the St. Machar's Cathedral congregation all thought that these two roads were in the Conservation Area.</p> <p>Before the Boundary Commission changed the Wards, the Donmouth Ward extended as far in King Street to Seaton Place. The Planners did not want Lidl's built in my old Ward and the only way they got permission was to put on a slate roof because it was in the Conservation Area, why I cannot understand that Cheyne and Harrow roads are so much nearer St. Machar's Cathedral than Lidl's and are not in the Conservation Area.</p>	<p>Noted. There appears to have been some confusion locally regarding the Conservation Area boundaries. The houses on Cheyne and Harrow Streets have been substantially altered and are not now of sufficient historical or architectural interest to justify their inclusion in the Conservation Area.</p> <p>Properties on the east side of Don Street, whilst not particularly significant in their own right, do front the old primary route to Brig o'Balgownie and are worthy of inclusion on historic grounds.</p>	<p>14 Cheyne Road at its corner with Don Street included in the proposed extension area B along with numbers 88 and 106 Don Street.</p>

### 2. Scottish Water

<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
<p>The contents will not have an impact on the provision of water and drainage, Scottish Water does not have any comments at make at this time.</p>	<p>Comments noted and welcomed.</p>	<p>No amendment proposed as a result of the representation.</p>

### 3. Forestry Commission Scotland

<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>

Support the expansion to the Old Aberdeen Conservation Area. The expansion of this area will include a great number of town and garden trees, town trees provide amenity and valuable habitat for a variety of priority species present in Aberdeen. Greater protection for these trees is welcomed by the Forestry Commission.	Comments noted and welcomed.	Included reference to town trees providing amenity and valuable wildlife habitats.
<b>4. Old Aberdeen Community Council</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
Acknowledge and appreciate that a lot of effort has been made to collect and collate a wide range of facts and opinions, the end result does not deliver the comprehensive or forward looking report that we had expected and that the Conservation Area requires.	Comments noted. The expectations of the Community Council are understandably high however the report has been prepared within available staff resources and in line with a standard format used for all of the Conservation Area character appraisals.	No amendment proposed as a result of the representation.
The document offers no commitment for firm policies for maintaining and enhancing the unique character of the area, yet it carries statutory weight with planning matters. The document should: <ul style="list-style-type: none"> <li>• Champion the enhancement and safeguard special features</li> <li>• Develop specific recommendations regarding external treatment and modifications of properties</li> <li>• Presume against further change of use in the High Street other than residential or retail</li> </ul>	Noted. Policies and guidance for the Conservation Area are contained within section 2 of the Management Plan. In addition to generic policy guidance for all conservation areas there are also two specific policies for Old Aberdeen. There is also national legislation regarding listed buildings and conservation areas, underpinned by the Scottish Historic environment Policy and Historic Scotland guidance notes. The High Street and its environs are covered by Local Development Plan policy CF1 Existing Community Sites and Facilities. Shops on the High Street are protected by Policy RT4 – Local Shops.	Included section on Local Shops policy RT4 and Policy CF1 – Existing Community Sites and Facilities

Document seems indifferent to the changes occurring. Threats and weaknesses are helpfully identified but few recommendations of how these will be managed or improved.	Noted. Change is inevitable, which the Strategic Overview recognises. Policy and guidance in the Management Plan address identified threats and weakness in so far as they can be through the powers available to the City Council.	No amendment proposed as a result of the representation
Area B requires fuller and more sensitive description if it is to capture the 'sense of place' felt by residents, staff and students and would seek to redress the view that Old Aberdeen is the University.	Agreed.	Description of Area B expanded.
Absence of description and comment regarding the Old Aberdeen Town House, whose original design and subsequent changing use is quite a useful illustration of the changing influences on the burgh and it's an iconic Georgian building.	Agreed.	Description and comment regarding the Old Aberdeen Town House included.
Little comment about deteriorating condition of granite sett roads, where they survive. This key feature is in danger of being patch repaired out of existence. Should be identified as negative factor in character areas for Spital and Old Aberdeen Core.	Agreed. The deteriorating condition of granite sett roads, where they survive, is an issue especially for Character Area B.	Condition of granite road setts identified as a negative factor in Character Area B.
HMO increase is not due to "...a decrease in family residential use..." as 3.2.4 suggests, this is due to families being squeezed out by the high demand brought about by ever increasing student population resulting in high prices that a HMO landlord can afford, and this issue is causing permanent change to the character of the Conservation Area yet is not discussed. It should be identified as a negative factor for the character areas Spital, Old Aberdeen Core and Hillhead/King Street North, and it may be impacting the Balgownie area.	Noted. Para 3.2.4 on p 22 notes the changes that have taken place and does not imply that the increase in HMOs is due to a decrease in family residential use.	No amendment proposed as a result of the representation

<p>Little comment on significant changes being brought about to the visual degradation of the area by the increase in uPVC windows and doors, burglar alarms and visibility of TV dishes/aerials. Effectively permitted by ACC watering down their guidance on these issues. Are there any recommendations to be made? Strengthening the ACC Technical Advice Note would be a good start. In early stages of this process an information sheet to householders was considered and we agree this is an excellent idea and would have helped with distribution, however it is not mentioned and there is no such recommendation.</p>	<p>Noted. Incremental minor changes can cumulatively make an adverse impact on a conservation area. This is recognised in the Strategic Overview’s SWOT analysis because it affects all of the City’s conservation areas.</p> <p>The current “The Repair and Replacement of Windows and Doors” Technical Advice Note is proposed as Supplementary Guidance as part of the Aberdeen Local Plan review.</p> <p>The Management Plan already contains the following policy:  <b>“O   Information and communication</b>          Informed decisions in conservation areas need to be based on accessible up to date information and we will provide information about conservation areas and their practical implications for residents and businesses on our website. We welcome working with local amenity and community groups, the public and other interested parties who wish to improve or promote understanding of their local conservation area as far as resources permit.”</p>	<p>No amendment proposed as a result of the representation</p>
<p>The word ‘campus’ to describe the University lands is not acceptable, Old Aberdeen is not a campus, it is an ancient township of which the university is now the major, but not only, element. While we understand that ‘campus’ serves as a useful term it should be replaced with ‘modern university zone’ or equivalent. The word ‘campus’ is used some 53 times within the document.</p>	<p>Comments noted. The Oxford Dictionary definition of campus is “the grounds and buildings of a university or college”; the word seems wholly appropriate. Indeed the University of Aberdeen uses the term “campus” to describe its various groupings of land and buildings</p>	<p>No amendment proposed as a result of the representation</p>

Old Aberdeen was previously designated 'The Heart' but is now 'Old Aberdeen Core' which is passionless, and should be changed back.	Comments noted.	The name of character area B "Old Aberdeen Core" has been replaced with "Old Aberdeen Heart"
Modern university zone character area has been extended up Tillydrone Avenue to encompass houses 54-88. These are in private ownership and not all originally built by the University so this designated is not appreciated.	Comments noted.	Boundaries of character area B and C have been redrawn accordingly..
The partial inclusion of Tillydrone Road, the mediaeval route to the north and west is inappropriate and the northern boundary should be to the north of the Zoology building, before no.54-88 – as per the 1993 report.	Comments noted.	Boundaries of character area B and C have been redrawn accordingly.
Modern university zone runs down the middle of St Machar Drive to King Street, whereas the 1993 report retained the Mission and Barn within the Heart, it would be courteous to move this back so these properties and privately owned 593-595 King Street can be part of The Heart.	Comments noted	Boundaries of character area B and C have been redrawn accordingly.
No objections to the proposed extensions and actively supports the extension to include Old Aberdeen House in Dunbar Street and the cul-de-sac 3-8 St Machar Place.	Comments noted and welcomed.	No amendment required as a result of the representation
Appreciate hearing why you have not taken into consideration the areas of St Peters Cemetery with includes listed gate houses and covers the site of the original 'Spital', or the properties on King Street between the Cemetery and University Road as fine examples of Victorian terraced housing.	St Peter's cemetery gate and associated walls are already covered by listed building designation. The properties on King Street are not considered to be of sufficient architectural or historic interest to merit inclusion in the Conservation Area.	No amendment required as a result of the representation



The representation also included a list of textual amendments and queries with regard to the text of the appraisal document.	Comments noted.	Suggested textual amendments considered and addressed as appropriate.
In conclusion, disappointed this document offer no guidance on policy proposals even though it has statutory weight.	Comments noted. Based on the character appraisal the Management Plan proposes five separate extensions to the Conservation Area, two policies that relate specifically to Old Aberdeen Conservation Area in addition to the sixteen generic policies that cover all conservation areas. It is the Aberdeen Local Plan contains the primary policy context for Old Aberdeen	No amendment required as a result of the representation
Document has not been adequately reviewed and edited, thus contained typographical errors, factual errors and significant omissions.	Comments noted.	Document reviewed and factual and typographical errors amended.
Document needs major revision and we feel it would be best if it was withdrawn from the approval cycle until it have been development through and re-edited, to be followed by a second period of public consultation before it can be presented to the relevant committee.	Comments noted. The document is to be revised in light of comments received. This character appraisal will form part of the draft Conservation Areas Supplementary Guidance that is being progressed as part of the Local Plan review. As such there will be an opportunity for a second period of public consultation.	Document revised in light of public consultation comments.
<b>5. Aberdeen Civic Society</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
Concern about continued commercialisation of Old Aberdeen at the expense of the residential population. The residents, particularly non-student, are important to maintain vibrancy and vitality as a mixed use area. We would like proposals,	Comment noted. Similar comments have been made in public consultation to the Aberdeen Local Development Plan Main Issues report. The zoning of Old Aberdeen in the Local Plan remains as CF1: Existing Community Sites and	Comments forwarded to the Local Development Plan team.

particularly in the historic areas to respect this, and limits put in place on the amount of changes of use of existing properties for uses other than residential.	facilities. Policies to restrict change of use are best considered through the Local Development Plan process rather than a Conservation area character appraisal.	
Old Aberdeen is a jewel in Aberdeen and should be respected as this. Within the area there are many smaller areas, streets or part of a street which are different and contribute to its charm, e.g. the Chanonry is very different to High Street. The Conservation Area Character Appraisal and Management Plan should make the differences clear and ensure they are retained.	Comments noted. Old Aberdeen is a very diverse and complex conservation area, a detailed analysis of which would lead to a lengthy and unwieldy document. Proposed policies U2 and U3 regarding The Chanonry and burgage plots reflect local differences	No amendment required as a result of the representation
<b>6. Friends of Sunnybank Park</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
Broadly in favour of the proposed extension to Old Aberdeen Conservation Area and pleased at the added protection it will give to the green space at Sunnybank Park.	Comments noted and welcomed.	No amendment required as a result of the representation
<b>7. Scottish Environmental Protection Agency</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
We have no comments to make on the draft Old Aberdeen Conservation Area Character Appraisal.	Comments noted.	No amendment required as a result of the representation
<b>8. University of Aberdeen</b>		
<i>Summary of Representations</i>		
The University supports the purposes and objectives	Comments noted and welcomed.	No amendment required as

stated in the two related documents and appreciate the importance of reviewing what is the special character of the Old Aberdeen Conservation Area.		a result of the representation
The University recognises that Old Aberdeen is and should remain diverse and the University is part of a wider community. In saying this Old Aberdeen is largely the way it is because of the historic development and continuing presence of the University. For the University to thrive it must continuously adapt, evolve and respond to the environments and markets in which we now operate.	Comments noted. The University of Aberdeen plays an important role in the past, present and future development of Old Aberdeen.	The University of Aberdeen's good stewardship as a Strength in Area B Old Aberdeen Heart SWOT analysis.
The University has recently undertaken appraisal work of the Kings campus to assist future estate management and ensure it can be developed in a cohesive manner.	Comments noted and welcomed.	Reference to the University of Aberdeen's strategic planning framework is made in 3.1 Setting of Character Area C "Modern University Campus". It is also identified as a Strength and an Opportunity in both Area B and C's SWOT analyses
The analysis in sections 1, 2 and 3 is comprehensive and broadly agree with character areas, however a detailed justification is required for Area C inclusion.	Comments noted. The mid 20 <sup>th</sup> century University development to the east and west of the spinal route of College Bounds/ High Street has been part of the Conservation Area for a considerable time. It represents the physical expression of the 1960's rapid expansion in higher education and is therefore of historical interest.	No amendment required as a result of the representation
A number of factual inaccuracies were listed and it is	Noted and agreed.	Document to be reviewed

recommended the document requires re-proofed.		and factual inaccuracies and typographical errors addressed.
The developed Hillhead Hall site be removed from Area D, or reasoned justification for its inclusion given.	Comments noted. The Hillhead Hall student village site forms part of the post war expansion of the University of Aberdeen. It is accepted good practice that conservation area designation should be seamless across an area without “holes” in them. We considered various options that would exclude the Hillhead Hall site, but concluded that this could not be done without entailing the loss of conservation area designation over stretches of the river Don and its wooded south banks.	No amendment made as a result of the representation
Further justification and explanatory text needed for the extensions, particularly to Area E. The Council should make a strong case why.	Comment noted. Justification for the inclusion of Sunnybank Park has been adequately made.	No amendment made as a result of the representation.
Expect specific reference with policies such as Creating Places and Designing Places particularly the 6 qualities of successful places, which are a sound foundation for the conservation area and should be detailed here.	Comment noted and welcomed. This is best placed in the Strategic Overview as it applies to all conservation areas.	Strategic Overview to be amended to include reference to policies such as Creating Places and Designing Places.
Suggest one ‘conservation’ document. Too much reliance on cross-referencing to a separate strategy document based on generalities, which is confusing.	Comment noted and agreed. The intention is to have one Conservation Area Supplementary Guidance underpinned by character appraisals. This should make it much easier to navigate as the relationship between the character appraisal and the Strategic Overview and Management Plan would be clearer.	No amendment made as a result of the representation
There is a gap/disconnect between high level document and analysis of what is on the ground. You	Comment noted.	No amendment made as a result of the representation

can't easily point to a specific new way of management that relate to a particular part of the conservation area.		
Number of issues in the SWOT contradictory and while commendable are not deliverable, e.g. resource efficient when there is no mention of sustainability or how environmental initiatives will be approved with the conservation area document.	Comment noted. There are often several aspects of a single issue that can be simultaneously both positive and negative. The Management Plan contains guidance regarding sustainability - C Sustainable development	No amendment made as a result of the representation
Alterations to buildings in order to comply with modern energy standards contradict conservation standards. A compromise is required and a progressive attitude taken with environmental improvements.	Comments noted. Traditional buildings can be made more energy efficient. Policy C Sustainable development recognises this by encouraging measures "...to mitigate and adapt to the effects of climate change ...in both existing and new development..." however "Care should be taken to ensure that such proposals integrate with their context and do not harm the special character of the conservation area" or its listed buildings."	No amendment made as a result of the representation
Need to be proposals on how weaknesses/threats in each SWOT are to be addressed.	Comments noted.	No amendment made as a result of the representation
Area B, we object to the University being presented as a threat and a weakness. The University is a good custodian of our built and cultural heritage and has invested significantly in its preservation. Recommend that positive statements in the strengths and opportunities sections should be included to reflect this.	Comment noted. The University of Aberdeen per se is certainly not a weakness or a threat. Its good stewardship of significant historic buildings needs to be recognised. We welcome close working with the University on its proposals for revitalising its modern campus.	University of Aberdeen's good stewardship of the built environment to be included in Character Area B SWOT analysis
Area B/C it is inappropriate to float masterplan in this document.	Comment noted. The University has produced a King's Campus Develop Framework with	Reference to masterplan

	supporting Framework Area Design Guidelines that provides a strategic planning framework and design principles.	removed from document and replaced by reference to the University of Aberdeen's strategic planning framework to guide future development on its estate.
Area B/C opportunities – better and clearer paths through and between spaces, optimisation for inside/outside interfaces, more shelter, public amenities (by ACC), more creative lighting to name a few.	Comment noted and welcomed.	Opportunities section for character areas B and C amended.
Weaknesses – disability compliance issues with movement in east-west directions, high street presents a barrier to the disabled in terms of paths, kerb, and the High Street itself. Radical rethink required.	Noted. The historic environment tends not to be designed with the disabled user in mind. There are opportunities to provide improved access without unduly compromising the character of the Conservation Area	Weaknesses and Opportunities section for character areas B and C amended
Traffic management review is required, a radical rethink is required.	Noted and agreed.	Comment referred to Council's Road Safety and Traffic Management section.
Energy conservation and legislation requires installation of facilities such as bike shelters etc. and this needs to be recognised.	Comment noted. Facilities like this can be accommodated in a Conservation Area, subject to location and design.	No amendment made as a result of the representation
Much more focus needs to be made on how to reverse the decline in Seaton Park.	Noted	Comment referred to the Council's Environment Services.
Signage – why does 'all' road signage have to comply with transport department standards and	Comment noted. It is often the details, like road signage, that create a sense of place.	Comment referred to Council's Road Safety and

rules, why can't there be a new standard for conservation areas? Aberdeen already has distinctive street name signage.		Traffic Management section.
Car parking – unless there is a complete and coherent public transport system there will always be reliance on car travel.	Comment noted.	Comment referred to Council's Road Safety and Traffic Management section.
<b>9. Mrs Gimingham</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
Commend the document for its detailed description of the fabric of the area and hope that some factual inaccuracies and slipshod writing will be edited before the document is finalised.	Comment noted and welcomed.	The document edited.
However do see one enormous flaw in the approach taken, while the physical aspects of the area are dealt with in detail there is little indication of the human aspect or consideration of the people who live and work there. Realise this may not have been in the original remit but without this an effective appraisal and management plan cannot be produced.	Comment noted. People and their use of buildings and space breathe life into an area. The planning legislation however focuses on the physical manifestation of how people live.	No amendment made as a result of the representation
There is reference to the threat of university expansion increasing in area B. I would like to have seen a general statement from planning department about this and other problems relating to human activity in the areas concerned.	The potential threat is not growth per se of the University of Aberdeen. The threat is of inappropriate growth that may have an adverse impact on the special character of the Conservation Area. Since the draft document was prepared the University has made produced Framework Area Design Guidelines that underlie King's Campus Framework Plan, which mitigates this threat and it has therefore	No amendment made as a result of the representation.

	been removed from the SWOT analysis.	
Would like a policy statement based on the physical aspects combined with the needs of the local population, what good planning is about.	Comment noted. The Aberdeen Local Development Plan is about planning for the physical expression of the needs of the local population. Once adopted the Conservation Area Supplementary Guidance will support the Local Plan.	No amendment made as a result of the representation
Would like to see more reference made to tourism aspect of the area, it is mentioned briefly in connection with Brig o Balgownie but ignored in the other areas. Old Aberdeen is the jewel in the crown of Aberdeen and not enough attention has been given to making it easy for tourists to feel welcome and visit the area.	Comments noted. Old Aberdeen is an important tourist destination.	Comments referred to Visit Aberdeen .
<b>10. Old Aberdeen Heritage Society</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
Document is not fit for purpose as a basis for a Character Appraisal for Old Aberdeen Conservation Area and it is in need of comprehensive revision.	Comment noted. Document provides sufficient guidance within available resources. Old Aberdeen is a very diverse and complex conservation area, a detailed analysis of which would lead to a lengthy and unwieldy document.	The document has been amended in light of comments.
The document fails to appraise or evaluate the character of Old Aberdeen, develop strategies, design guidance or policies to preserve and enhance the character of the Old Aberdeen Conservation Area.	Comment noted. The document proposes five extensions to the Conservation Area, Policies and guidance for the Conservation Area are contained within section 2 of the Management Plan. In addition to generic policy guidance for all conservation areas there are also two specific policies for Old Aberdeen.	No amendment made as a result of the representation
Document provides a detailed list of physical structures and geographical features of Old	The report has been prepared within available staff resources and in line with a standard	Revised Character Area B



<p>Aberdeen, however there is little actual evaluation, or appraisal of its character. Some of the main elements that make Old Aberdeen the gem that it is are barely mentioned. This failure to portray character is a serious deficiency in the document and therefore impossible to form adequate policies to preserve and enhance that character.</p>	<p>format used for all of the Conservation Area character appraisals. It is accepted that the appraisal of Character Area B needs to be augmented.</p>	
<p>The Appraisal must take full account of the pressures which threaten its character. There are two major pressures having a detrimental impact, yet they are barely mentioned.</p> <p>(1) Continued expansion of the University – affecting various parts of Old Aberdeen but particular the High Street where there has been a steady change from homes and shops to University departments or offices, causing depopulation and loss of vitality effecting life of the community and character of Old Aberdeen. Appraisal should be the means for this trend to be halted and the character protected. A new policy should be added to the management plan specific to the High Street and a presumption against change of use from dwelling-house or shop to office use.</p> <p>(2) Proliferation of houses in multiple occupation – threatening the sustainability of Old Aberdeen as a settled community. Houses bought up by buy-to-let landlords at prices which exclude the average family and turned into HMOs exclusively for temporary residents, leading to parts of Old Aberdeen increasingly deserted at certain times of the year affecting its character and this must</p>	<p>Comment noted. Both these points have been included in the character appraisal.</p> <p>The High Street and its environs are covered by Local Development Plan policy CF1 Community Sites and Facilities. Shops on the High Street are protected by and policy RT4 Local Shops.</p> <p>Policies to restrict change of use are best considered through the Local Development Plan process rather than a conservation area character appraisal</p>	<p>No amendment made as a result of the representation</p>

be recognised in the Appraisal including measures to address it, without delay.		
Lack of policies to safeguard its character means this document actually increases those pressures. In part due to the removal of some essential policies from the previous 1993 Appraisal, in particular those relating to 'The Heart' or 'Historic Core'.	Comment noted. Two policies for "The Heart" are proposed in the document. This is in addition to national legislation regarding listed buildings and conservation areas, underpinned by the Scottish Historic Environment Policy and Historic Scotland guidance notes.	No amendment made as a result of the representation
Increases pressures by redrawing the boundaries of two character areas, has meant certain properties are now in the 'Modern University Campus' area with no justification and assigning these properties a very different character lessening the level of protection afforded to them.	Comment noted. Old Aberdeen is a large and complex Conservation Area and the character areas are, of necessity, broadly drawn. There is no lessening of protection between one character area and another; they are all subject to the same national and local policies.	
Inadequate portrayal of character – contains details of physical features but contain few evaluative terms to help evoke character. Such evaluative terms could enrich this Appraisal and convey the atmosphere, character and appearance.	Comment noted. The document has been prepared within available staff resources and in line with a standard format used for all of the Conservation Area character appraisals. It is accepted that the appraisal of Character Area B needs to be augmented	Revised Character Area B
Little mention of the importance of setting other than physical surroundings. The patterns of past use and activity are important part of historic environment as much as present function and use of a place. This would be helpful, in particular to help appraise character of places which have been centres of activity, e.g. High Street and surrounding area.	Comment noted. The past uses and activities are indeed important and they have been noted in the appraisal.	No amendment made as a result of the representation
Lack of description of some of the key features or area of Old Aberdeen, Botanic Garden, Tillydrone Road, or 'countryside' character of parts of Seaton	Comment noted. The document has been prepared within available staff resources and in line with a standard format used for all of the	Revised Character Area B

<p>park or its wildlife, or the character of the Aulton – the life of this community is possibly the central feature of the character of Old Aberdeen and yet there is no indication of this in the document or the importance of maintaining the viability of this community in order to preserve or enhance its village character.</p>	<p>Conservation Area character appraisals. It is accepted that the appraisal of Character Area B needs to be augmented</p>	
<p>Consultation document contains only two policies specific to Old Aberdeen and there should be several more. In particular need for similar policy to 1993 Report specific to the High Street and strict control over shop-signs, shop-fronts, advertisements and signage. The ancient and substantial boundary walls of St Machar Drive and the Chanonry should also be given particular protection, as so in the last Appraisal. If these policies are not reiterated then protection is actually being removed and we request these should be added back into this Appraisal document.</p>	<p>Comment noted. National and local policy has changed significantly since 1993. New guidance has only been included where it was considered to be an issue that was unique to Old Aberdeen so as to avoid repetition of national and local policies. There is Supplementary Guidance on Shopfronts and Advertisements Design Guidelines that is currently being reviewed as part of the Local development Plan process. Old Aberdeen is already an Area of Special Advertisement Consent. The importance of boundary walls is highlighted in the appraisal. Historic Scotland provides guidance in its Managing Change in the Historic Environment: Boundaries.</p>	<p>No amendment made as a result of the representation</p>
<p>Concern that significant boundary alterations of character areas are proposed without either explanation or justification why they are no longer appropriate? Why are there changes to certain properties in “The Heart” of “Historic Core” which would transform them into the “Modern University Campus”? None of these share the ‘character’ of a ‘modern university campus’ and there is no justification for moving these properties.</p>	<p>Comment noted. Character areas are, of necessity, broadly drawn. There is no lessening of protection between one character area and another; they are all subject to the same national and local policies. As this is of local concern, the boundaries Character Areas B and C will be revised accordingly.</p>	<p>The boundaries Character Areas B and C revised.</p>

<p>'The Barn' (dwelling-house) and 'The Mission' (place of worship), houses in Tillydrone Avenue are affected and these are either family homes, not modern, not all owned by the University and do not fit the character area of a "Modern University Campus".</p>		
<p>The transfer of these properties to another character area matters and would be detrimental to the amenity of these properties and/or detract from their character and setting.</p> <p>It cannot be said it is of little consequence as Character Appraisals are influential documents and "likely to be the main form of conservation guidance PAN 71 and as supplementary guidance have statutory weight. Therefore assigning particular properties to a particular character area will mean something in event of a planning application for that property or for property adjacent to it.</p>	<p>Comment noted. Character areas are, of necessity, broadly drawn. There is no lessening of protection between one character area and another; they are all subject to the same national and local policies.</p> <p>As this is of local concern, the boundaries Character Areas B and C will be revised accordingly.</p>	<p>The boundaries of Character Areas B and C revised</p>
<p>Formal request that boundaries affecting aforementioned properties is restored to that as per 1993 Report so that 'The Barn', 'The Mission' and the houses on Tillydrone Avenue are within "The Heart" or "The Core" Character Area.</p>	<p>Comment noted and agreed.</p>	<p>The boundaries of Character Areas B and C revised</p>
<p>Aim of document is to highlight the special character of Old Aberdeen, however the greatest number of pages amongst the descriptions of Character Areas is actually given over to the analysis, one by one, of more or less every single institutional building in the "Modern University Campus" and the "Heart" or</p>	<p>Comment noted. It is agreed that Character Area B needs augmenting.</p>	<p>Revised Character Area B</p>

<p>“Historic Core” is under-represented with some glaring omissions. The text affords a disproportionate amount to modern buildings at the expense of traditional and historic buildings which are by far the most characteristic of Old Aberdeen. Well over a quarter of the documents description sections is given to look at the products of modern University expansion in Areas C and D, yes interesting to read about but not to the extent presented in this document.</p>		
<p>No mention is made of the Old Aberdeen Town House in spite of that it represents the political and communal life of Old Aberdeen.</p> <p>No mention of A listed Bede House, Don Street and little said about the character of Don Street itself.</p> <p>In the Chanonry special mention should be given at least to No.9 Mitchell’s Hospital and the mediaeval Chaplain’s Court.</p> <p>There are many other historic, cultural and architecturally important buildings around the “Historic Core” and a few words about these is also required to offer some balance in this document as far as discussion on individual buildings is concerned.</p>	<p>Comment noted. It is agreed that Character Area B needs augmenting.</p>	<p>Revised Character Area B</p>
<p>33 of 99 photographs in the document depict modern University buildings, amenity space and fixtures, how can this be justified? At first glance to the reader and anyone who does not know Old Aberdeen would assume that much of its character was expressed in</p>	<p>Comment noted. Images support the text and should be representatives of places and issues.</p>	<p>Revised images in document.</p>

<p>the form of modern institutional buildings. It is inappropriate that the document should place and unrepresentative emphasis on institutional buildings of the last fifty years, when the area stretches from King’s Crescent to Balgownie.</p>		
<p>Notable omissions – there are very few vistas, or long views, of streets in the Conservation Area and this should be remedied as such views often say more about the character of an area than pictures of individual buildings.</p> <p>The representation then included a selection of suggested views which the document is missing.</p>	<p>Comment noted.</p>	<p>Additional suggested views included.</p>
<p>It is astounding that in 77 pages nowhere includes a picture of the Old Aberdeen Town House, the very heart of this ancient Burgh. Also absence of photographs of traditional shops in the High Street, which are essential to demonstrate the “village community” character – these are lacking and as a result probably the most characteristic views of Old Aberdeen is missing from the document.</p> <p>The representation then included a selection of suggestions for building images which the document is missing.</p>	<p>Comment noted. Images support the text and should be representatives of places and issues.</p>	<p>Revised images in document.</p>
<p>Depictions of particular characteristic features are missing but these should be in the document, e.g. the magnificent 17<sup>th</sup> century walls which form the boundary of the Botanic Garden on St Machar Drive.</p> <p>The representation then included a selection of</p>	<p>Comment noted. Images support the text and should be representatives of places and issues.</p>	<p>Revised images in document.</p>

suggestions for feature images which are missing from the document.		
The representation also included a selection of suggestions for photographs of the natural environment which are missing from the document.	Comment noted. Images support the text and should be representatives of places and issues.	Revised images in document.
Understand not all images suggested can be included however a representative selection should be chosen. If space is at a premium then some of the pictures of the University should be changed.	Comment noted. Images support the text and should be representatives of places and issues.	Revised images in document.
Titles of the document character areas is inconsistent, with different versions for Areas 'C' and 'D' on different pages of the document.	Noted.	Document checked for consistent titles.
Do not agree with new title for Area 'B' and it should be changed. The word "Core" has negative associations and overtones, which are really not appropriate to an area as full of warmth and beauty as Old Aberdeen. "Old Aberdeen Heart" is preferable and should be continued to be used as the title for this character area.	Noted.	Title of Character Area B altered to "Old Aberdeen Heart".
Inappropriate use of the term "burgage plots" is unfamiliar; the term used more often locally are "lang-rigs" or "lang-rig feus". If there is a specific reason another term has been used then so be it, but this is not authentic for Old Aberdeen.	Noted. Lang-rig is a local, descriptive term however the correct term is burgage plot. It was widely used in historical documents in the medieval period. Occasionally the term 'a rigg of land' or similar occurs, but it is as a variant ..	No amendment made as a result of the representation
Term "Campus" is alien to the character of Old Aberdeen and indeed to the character of an ancient Scottish University.	Comments noted. The Oxford Dictionary definition of campus is "the grounds and buildings of a university or college"; the word therefore seems wholly appropriate. Indeed the	No amendment made as a result of the representation

	University of Aberdeen uses the term “campus” to describe its various groupings of land and buildings	
Term “residential building” crops up constantly throughout, which can be useful when describing buildings which there is no distinguishing feature, but it should not be used as a blanket term for anywhere that people live. E.g. a Hall of Residence or a block of student accommodation is anything other than that. Describing the family homes in Tillydrone Avenue or the historic dwelling-house in St Machar Drive as “residential buildings” – there is no justification at all for using this term. Document should be more accurate, e.g. blocks of student flats, dwelling-houses, family homes etc. To call them such would assign them their particular character which in the context of a character appraisal is very important.	Comment noted.	Alterations made in wording as appropriate.
Numerous errors, inconsistencies and omissions exist in this document. Numbering and formatting is confusing and misleading, some maps illegible and content of some contradict each other on the question of boundaries. The document should have been adequately proof-read and edited. An Appendix was also attached to this representation with a detailed list of such issues.	Comments noted. The document is to be revised in light of comments received	
Tillydrone Road should be delineated in green, not orange, as it is shown clearly on Parson Gordon’s map of 1661 and was a main route north-west.	Noted and agreed.	Plan amended accordingly.
3.4.3 – Fact that some trees ‘obscure’ views of the houses is not necessarily to be counted as a ‘negative factor’, it can be seen as a form of ‘framing’	Comment noted.	No amendment made as a result of the representation



a view of the houses, and also contributes to the 'country within town' feel of some of King's Crescent.		
3.1 – special attention must here be drawn to the wonderful ancient boundary walls only to be found in this section of the Conservation Area, Area B, with their distinctive character.	Boundary walls are identified as being a key characteristic in Area B	No amendment made as a result of the representation
p.23 – the description should make reference to the fact that this part of the Chanonry was the first part of the mediaeval road to the north-west, the 'Y' shaped street pattern and the Chanonry leading in to Tillydrone Road, yet this road is barely mentioned in the Appraisal and its character not described despite its historical significance and picturesque, rural quality.	Noted.	Document amended in light of comment.
p.24 – the original draft had four photographs and two short paragraphs on the High Street and Chanonry, these have been omitted and it's unclear why?	Noted. Paragraphs omitted in error.	Paragraphs re-instated.
p.25 – should highlight those materials in the boundary walls characteristic of the 'historic core', e.g. Seaton brick.	Noted.	Document amended in light of comment.
3.2.5 add points to 'negative factors' – unsympathetic building spanning Church Walk; associated car park meant loss of significant portion of the adjoining land-rig gardens; depopulation of High Street and College Bounds and loss of vitality owing to conversion of University properties to departmental offices replacing homes and shops; future sustainability of community by increase of	Noted. Location of Church Walk is unclear from mapping sources. It is assumed that the reference is to the first floor building that links Taylor and Regent Buildings and spans what was Dunbar Street. The SWOT analysis For Character Area B already highlights a lack of vibrancy outside of term time.	No amendment made as a result of the representation

HMOs.		
p.29 – wayfinding does not need improved, except perhaps Church Walk. There are a host of lanes and closes or ways through on either side of High Street which clearly lead east-west. What does “weak east west routes across the University campus area” mean? This section has missed the point, much of the charm derives from the quiriness of its various lanes off the High Street and it is not difficult to find your way east to west. Does not need to open up or widen existing lanes as this would destroy the authenticity of Old Aberdeen and has nothing to do with the preservation or enhancement of the conservation area.	The east west routes right across the campus are important for students and visitors to navigate their way around. There is no implication that existing historic lanes need to be widened to achieve this.	No amendment made as a result of the representation
p.31 – add points to negative factors; inappropriate modern paving in Don Street; inappropriate free-standing sign in front of Town House; unsympathetic lamp-standards in several roads.	Noted and agreed with exception of free standing sign outside the Town House.	Document amended accordingly.
p.32 – should be portrayal here of the special character of the Botanic Garden and especially it’s secluded nature.	Noted and agreed.	Document amended accordingly
p.33 – no reference to the Town House of Old Aberdeen.	Noted and agreed.	Document amended accordingly
p.34 and p.35 – plans are inconsistent with those on p.22-23 as Tillydrone Avenue is located in different character areas.	No inconsistency identified. Character area B has been amended to include part of Tillydrone Avenue in response to other comments.	No amendment made as a result of the representation
p.41 – lack of appreciation of the design of Johnston and Crombie Halls of Residence, both designed by	Noted. The University campus was extended very rapidly in the 1960’s and there was no	No amendment made as a result of the representation

<p>Sir Robert Matthew who deliberately placed these buildings in the backlands of the campus to avoid imposing on the character of the High Street and College Bounds. Set amongst wooded grounds and deliberately laid them out informally in order to reflect the informality of Old Aberdeen. Therefore not one of “random incoherence” and does not present a problem with wayfinding. It must be understood that it is in keeping with the character of Old Aberdeen that the University buildings are individual, some set within their own grounds, this is not a modern campus university where buildings are placed in straight lines with formal squares, but an ancient township with informal atmosphere and the best buildings in the University reflect this.</p>	<p>overarching masterplan or similar strategic approach to development.</p>	
<p>p.41 – mixture of orientation is what makes the University area so interesting and characterful, one building which is damaging to this character is the Edward Wright building Annexe which is completely out of place and replaced the north part of the carefully planned landscaping and intruded views of The Barn B listed building. If the Annexe was removed and the landscaping reinstated this would be a huge improvement.</p>	<p>Comment noted.</p>	<p>No amendment made as a result of the representation</p>
<p>p.45 – it should be mentioned that institutional signage is of variable quality.</p>	<p>The comments regarding signage relate to all signage and not just institutional ones.</p>	<p>Amendment made to Character Area C 3.3.5 to reflect variable quality of all signage.</p>
<p>p.46 – this is not residential amenity open space, it is the ‘village green’ belonging to these family homes and is not all owned by the University.</p>	<p>Noted that not all houses are owned by the University of Aberdeen.</p>	<p>Amendment made.</p>

<p>p.57 – Seaton House should be named. And a word or two about the Hay family to whom it belonged and whose estate it was the central feature.</p>	<p>Noted.</p>	<p>Amendment made.</p>
<p>p.69-73 SWOT analysis – these are utterly inadequate to provide a basis from which to develop strategies to conserve and enhance the character of the Old Aberdeen Conservation Area. It is not enough to allot one page per character area with very minimal descriptions of the strengths, weaknesses etc. and the tables seem to restrict the number of items as well as content, but these need expansion.</p> <p>The representation listed a number of amendments and also additions to be considered in relation to the SWOT analysis sections.</p>	<p>The SWOT analysis is intended to capture headline issues and not be an exhaustive list.</p>	<p>SWOT analysis revised in light of this and other representations received.</p>
<p>p.74 – support the addition of both A and B proposed extensions to the Conservation Area. Would reiterate our request that area ‘B’ should also include the remainder of the east side of Dunbar Street as obviously any development there affects the character of the Conservation Area on the opposite side of the street.</p> <p>Request that it should include also the house at the corner of Cheyne Road and Don Street and also No.88 Don Street and No.106 Don Street which have for some reason been left out the conservation area and must be the only two houses in this length of Don Street from St Machar Drive to Balgownie which have been left out. They are handsome houses like those on the other side of the street and should be</p>	<p>Noted and support for extension areas A and B welcomed. Agree that there is merit in including 14 Cheyne Road; 88 and 106 Don Street so that the east side of Don Street would be fully included in the Conservation Area. Whilst it is considered that properties on the east side of Don Street make a positive contribution to the Conservation Area, the same cannot be said of the on the east side of Dunbar Street.</p>	<p>Boundary of proposed extension B revised to include 14 Cheyne Road; 88 and 106 Don Street.</p>

included.		
p.75 – fully support the inclusion of Areas ‘C’, ‘D’ and ‘E’ in the Conservation Area. Could there be a short addition to paragraph on Area ‘D’; to the effect that the bus depot’s granite walls on the east shows evidence of former buildings belonging to one of the best-known granite merchants in the area which was once famed for its granite yards?	Comment noted.	Suggested amendment made.
p.75 U2 – this guidance must also apply to other listed buildings in the Conservation Area which have large gardens, in order to protect their character.	Noted. The Chanonry has a distinctive character based on substantial houses set within large gardens; not all of which are listed. Whilst other individual properties have large gardens it is the collective nature of this development pattern that gives The Chanonry its distinctive character. Any application for new development within the curtilage of a listed building must take into account its impact on the setting of the listed building and the wider Conservation Area.	No amendment made as a result of the representation
p.75 U3 – concerned at the repeated reference to possible “new development” in relation to these historic features [closes, lanes]. Last sentence here of particular concern and should be omitted. Such a statement of intent could open the door to new development just about anywhere along the High Street, sentence is unnecessary and could endanger the integrity of the High Street.  Surely, there is nowhere remotely suitable for such ‘new development’, the only parts of the High Street where development could occur would involve breaching historic walls which would be totally	Noted. Development refers to the planning definition of the word and does not necessarily imply entirely new buildings as there is extremely limited scope to do this in Character Area B. In the vast majority of cases the policy would apply to alterations and adaptation of buildings.	The draft policy U3 Burgage plots to be deleted and replaced by: U3 Burgage plots Because of its medieval origins, much development in character area B, especially on College Bounds and the High Street, has a tradition of burgage plots with closes leading to rear buildings. It is important that this distinctive

<p>unacceptable.</p> <p>Whole concept of creating new closes or lanes in such a historical gem of a street is mistaken.</p> <p>Support opening up of existing closes such as Church Walk in a sympathetic manner. However want to see less emphasis on 'new development' and more on preserving the character and enhancing the closes.</p>		<p>pattern be retained in any new development or alterations. Access to rear buildings should be carefully designed reflecting local detailing. New development or alterations should seek to retain and enhance existing closes and rear buildings or open up previously closed entrances. In considering development affecting historic closes and lanes, the creation or improvement of views at either end of them will be an important consideration.</p>
<p>The document should not be presented to the next Committee, but instead comprehensively revised and re-edited and put out for public consultation a second time before being submitted for Committee approval.</p>	<p>Noted. The document is being revised in light of the public consultation received. There will be an opportunity for further comment when the Conservation Area Supplementary Guidance is undergoes public consultation as part of the Local Development Plan review. This request will be put to a meeting of the Planning Sustainable Development Committee for its consideration.</p>	<p>No amendment made as a result of the representation</p>
<p><b>11. Mr Duncan</b></p>		
<p><i>Summary of Representations</i></p>	<p><i>Officers Response</i></p>	<p><i>Action as a result of Representation</i></p>
<p>Astonished that in 77 pages of much repetition of given facts, there is so little hard information about what you see if the way forward for the actual High Street, Chanonry and Don Street, as opposed to the</p>	<p>Comment noted.</p>	<p>No amendment made as a result of the representation</p>

burgage plots and Chanonry gardens.		
Market Lane shows conservation and development. The old houses, formerly facing School Road (now St Machar's Drive), restored and entered from Market Lane, the east end now a University car park and workshop with a general tidying up of the walls. There is a nice view of the Old Town House from the east. Market Lane and the Town House would be spoiled if there is unsympathetic replacement of the former bus shelter/public toilet building.	Comment noted.	View of Town House from east included in plan
Much hand-wringing about loss of traditional closes, weak views down closes, insensitive development on burgage plots – most of this is in the last 40 years when the City Planning Authority could have stopped this.	Comment noted.	No amendment made as a result of the representation
Growth of Aberdeen University is stated to be an opportunity for a masterplan. The discussions in the management plan re: the East and West Campuses indication that that particular bus has left the station.	Comment noted.	No amendment made as a result of the representation
Fixation on lack of easy east-west movement, this may be true for the University Campus but hardly stands up for the High Street. West we have – St Machar Drive, Thom's Place, Douglas Lane and Meston Walk. East we have – St Machar Drive, Market Lane, Grant's Place, Wagrill's Lane and Regent Walk.	Comment noted. Whilst there are several opportunities for east west movement across the High street itself these linkages extend little beyond it into the wider University campus.	No amendment made as a result of the representation
Fate of Benholm's Lodging and Seaton Park toilet block is noted areas of concern. Surely these belong to the City and their fate is in capable hands?	Comment noted. The Council is working towards re-use of Benholm's Lodging.	No amendment made as a result of the representation

Conservation plan should cover University development on the site of Dunbar Halls of Residence.	Noted.	Document to be amended to include Local Development Plan designation of the former Dunbar Halls of Residence as an opportunity site.
Heartily endorse suggestions to improve and enhance Sunnybank Park.	Noted. The proposal is to extend the boundary to include Sunnybank Park and there are no specific proposals for it. Conservation area status may assist Friends of Sunnybank Park gain external funding.	No amendment made as a result of the representation
Greater potential for tourism is listed under opportunities, however the High Street is open to traffic which I imagine will continue. The Scottish Tourist Guides successfully ran Old Aberdeen Walkabouts on Sunday afternoons and Wednesday evenings, in quieter and safer conditions.	Noted.	No amendment made as a result of the representation
<b>12. Petition from Tillydrone Avenue residents (26 signatures)</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
<p>Object strongly to the proposed changes in the boundaries of Character Areas 'B' and 'C' which would place our houses in the "Modern University Campus" Character Area.</p> <p>These are not "campus buildings", but family homes built in 1924, 1947 and 1952 – not modern. Not all were built by the University, the earliest were in fact built by the Hays of Seaton.</p> <p>The proposed designation of "Modern University Campus" in no way reflects the character of this</p>	<p>Comment noted. Character areas are, of necessity, broadly drawn. There is no lessening of protection between one character area and another; they are all subject to the same national and local policies.</p> <p>As this is of local concern, the boundaries Character Areas B and C will be revised accordingly.</p>	<p>The boundaries of Character Area B revised to include houses on Tillydrone Avenue</p>



neighbourhood. As the proposed document would form part of the Local Plan, this misinterpretation of our group of family homes could well have negative consequences for those who live here.		
<b>13. Saltire Society (Aberdeen and NE Branch)</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
Introduction gives a clear overview of the historic importance of Old Aberdeen as a conservation area in the City of Aberdeen.	Comment noted and welcomed.	No amendment made as a result of the representation
Location of the Conservation Area is clearly demarcated but the inevitable development of the car and bus as mechanisms of transport has noticeably impacted adversely on the character of the Area.	Comment noted and agreed.	No amendment made as a result of the representation
Character areas A and B covering Spital and Old Aberdeen Core are well outlined.  The negative features detailed could be addressed with benefit and little in the way of increased expenditure.	Comment noted and welcomed.	No amendment made as a result of the representation
However, in Character Area C (Modern University Campus), there is clear evidence of a lack of coherent planning by the University authorities,	Comment noted. The previous character appraisal is now 20 years old and there have been considerable changes during that time, both on the ground and in terms of policy	No amendment made as a result of the representation

<p>dating back to the early 1950s.</p> <p>Including the environment overall, residential buildings such as Kings Hall, Johnston Hall and the Elphinstone Road Flats as well as the spread of Academic Buildings including the Regent Building and University Office, Taylor Building and others culminating in the most recent Sir Duncan Rice Library seen by some as a "bold intervention in the Conservation Area" and by others as a building totally out of sympathy and character with the rest of the Old Aberdeen area.</p> <p>Despite this, consultation has taken place between the City Planners and the local community, including the Old Aberdeen Heritage Society, prior to the draft document, however it is disappointing that the clear thrust of the earlier 1993 document has not been noted in detail, in that the disappearance of High Street shops and residences has continued over the past 15 years, leaving some properties empty (15 High Street) or used for other functions including business activity (21-22 High Street) . This in itself is worrying and will require redress by the City Council if meaning is to be given to the current Character Appraisal. Some of these issues are addressed by the SWOT analysis ( p.71).</p>	<p>context. This document addresses the Conservation Area as it is now.</p>	
<p>Character Area D and E, including Hillhead and King Street North also involve University activity, but the development of Seaton Park and refurbishment of student accommodation at Hillhead could and should be carried out with the knowledge and involvement of the local community.</p>	<p>Noted. Where the refurbishment of Hillhead Hall student accommodation requires planning permission, these applications have been made available for public consultation. Other non-statutory consultation with the local community rests with the University of Aberdeen.</p>	<p>No amendment made as a result of the representation</p>

<p>The Balgownie area has presently significant advantages as part of the Old Aberdeen community and here again considerable improvements could be achieved with only modest expenditure but a requirement for thought and careful planning.</p>	<p>Noted. It would be interesting to know what improvements the Saltire Society had in mind.</p>	<p>No amendment made as a result of the representation</p>
<p>The striking feature to us is that there is limited evidence of understanding between the local community, whether the Heritage Society or individuals within the Old Aberdeen area, and the University of Aberdeen and the City Council where the joint purpose should be the preservation of a unique area of the City of Aberdeen and the integrity of a real and viable village community. This should be corrected as a matter of urgency prior to the next step of the consultation process.</p>	<p>Comment noted. As within most communities, there is a range of often-divergent views as to the future of Old Aberdeen. Many conservation areas have working groups with a wide local representation to work together foster what is special about the area. This approach does however demand time, willingness and commitment from all key parties.</p>	<p>No amendment made to the document as a result of the representation.</p>
<p><b>14. Scottish Natural Heritage</b></p>		
<p><i>Summary of Representations</i></p>	<p><i>Officers Response</i></p>	<p><i>Action as a result of Representation</i></p>

<p>Now that lead responsibility for Designed Landscapes has passed to Historic Scotland, we have no substantive comment to make on the appraisal of the built elements of the Conservation Area. However, green/open space and green networks are important parts of any “landscape”, not only because of the obvious opportunities for leisure and recreation of the resident population, but also because of the contribution they make towards habitat networks and the movement of species that depend on them e.g. otter moving along the River Don corridor.</p> <p>We are content that the appraisal has identified these within the Conservation Area.</p>	Comments noted and welcomed.	No amendment made as a result of the representation
<b>15. Historic Scotland</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
Welcomes new appraisal of Old Aberdeen Conservation Area, one of Scotland’s most outstanding historic townscapes.	Comments noted and welcomed.	No amendment made as a result of the representation
Agrees with format of appraisal and appreciates the need for completing this in line with the Council’s commitments under the Aberdeen Local Development Plan.	Comments noted and welcomed.	No amendment made as a result of the representation
As a management tool we are content that the appraisal sets out the special historic and architectural character of the conservation area that it is desirable to preserve and enhance.	Comments noted and welcomed.	No amendment made as a result of the representation
A number of suggestions were made regarding potential textual amendments and additions.	Comments noted and welcomed.	Amendments made to document in light of comments.

Agree proposed boundary changes	Comments noted and welcomed.	No amendment made as a result of the representation
<p>4.1 SWOT analysis, Character Area B – Old Aberdeen Core. Strengths, last two bullet points. Suggest you put these under the heading of ‘strong vernacular quality, and say ‘natural clay pantiles’ to stress the vernacular.</p> <p>Opportunities. 2nd bullet point include Conservation Plan preparation, Urban Design strategy, and Management Partnership Agreements. Threats, include visual impact of new development /tall buildings on the setting of Old Aberdeen Core, notably from the growth of Aberdeen University Area.</p>	<p>Noted and agreed with the exception of Conservation Plan preparation and Urban Design Strategy. Since the draft document was prepared, the University of Aberdeen has produced Framework Area Design Guidelines that underlie its King’s Campus Framework Plan. These documents could form the basis of discussions with the Council, as long planning authority, and the local community.</p>	<p>Amendments made to Character Area B SWOT analysis</p>
<p>4.1 SWOT analysis Character Area C – University Campus. Weaknesses, include lack of Masterplan approach and Urban Design/Heritage Management strategy.</p> <p>Opportunities, 1st bullet point, include Urban Design/tall buildings strategy and Management Partnership Agreements. Threats, last bullet point, you may wish to state ‘uncoordinated piecemeal development impacting adversely on the conservation area’</p>	<p>Noted and agreed with the exception of Urban Design/tall buildings strategy. The Council is producing Supplementary Guidance on Big Buildings as part of the Local Development Plan review, which would apply to any proposed large/tall buildings in Character Area C.</p> <p>Since the draft character appraisal was prepared, the University of Aberdeen has produced Framework Area Design Guidelines that underlie its King’s Campus Framework Plan. These documents could form the basis of discussions with the Council, as long planning authority, and the local community.</p>	<p>Amendments made to Character Area C SWOT analysis Threats section</p>
<p>We agree with the proposed additional specific guidance for Old Aberdeen. It would also be desirable to include guidance for managing major new developments, notably University redevelopment/expansion proposals directly impacting the CA and affecting its setting. This could tie in with a University Masterplan/Conservation</p>	<p>Noted and agreement welcomed. Any major new development would be assessed in line with national and local policy. It is considered that sufficient guidance already exists that would protect the special character of the Conservation Area. Impact on the Conservation Area and its setting would be a critical</p>	<p>No new specific guidance added. A new Technical Advice Note covering aspects of streetscape management and maintenance to be prepared.</p>

<p>Plan/Management Partnership Agreement. You might also wish to include specific guidance for protecting and enhancing streetscape – the granite setts, boundary walls, gateways, cast iron railings etc</p>	<p>component of assessing the impact of any proposed demolition and/or new development. The Council would welcome discussions between the University and Historic Scotland on any major new development as well as on the potential use of Management Partnership Agreements to cover routine, minor maintenance issues. Guidance on protecting and enhancing streetscape is needed for all of the City’s conservation areas. The Conservation Areas Management Plan (section 2) already contains high level guidance on roads, street signage and furniture (E-G on pages 15-16). This needs to be underpinned by a new Technical Advice Note covering detailed aspects of streetscape management and maintenance.</p>	
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**Pitfodels Conservation Area Appraisal: Public Consultation Results Summary, Officer Response and Actions**

**1. Scottish Water**

<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
<p>Thank you for giving Scottish Water the opportunity to comment on the Old Aberdeen and Pitfodels Conservation Area Character Appraisal Consultations. As the contents will not have an impact on the provision of water and drainage, Scottish Water does not have any comments at make at this time.</p>	<p>Comments noted and welcomed.</p>	<p>No amendment proposed as a result of the representation.</p>

**2. J Hall**

<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
Have read and support your Character Appraisal of the Pitfodels Conservation Area.	Comments noted and welcomed.	No amendment proposed as a result of the representation.
<b>3. Forestry Commission Scotland</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
I write in support of the expansion to the Pitfodels Conservation Areas. The expansion of these areas will include a great number of town and garden trees, town trees provide amenity, but also valuable habitat for a variety of priority species present in Aberdeen. Greater protection for these trees is welcomed by the Forestry Commission.	Comments noted and welcomed. It should be noted that no proposed boundary amendments are proposed for the Pitfodels Conservation Area.	No amendment proposed as a result of the representation.
<b>4. E. Russell</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
Impressed by the detailed understanding of the Pitfodels area that is demonstrated in the appraisal and, as residents, we are happy with intentions.	Comment noted and welcomed.	No amendment proposed as a result of the representation.
Unhappy about the decision not to install a link road from N Deeside to Garthdee Roads between Pitfodels Station Road and Auchinyell Road. I asked the Cults Community Council to look at it only to discover that we are one of 14 houses that have been added to Garthdee instead of, as formerly, to Cults Community area.	Both Cults Community Council and Garthdee Community Council were consulted as part of this consultation exercise and had the opportunity to submit a representation with their comments and/or concerns.  These comments relate to the Bridge of Dee study and one of the options considered was a link road between Inchgarth Road/Garthdee Road and the A93 (Option 6B). Due to new	No amendment proposed as a result of the representation.

	<p>housing located on the corner of Auchinyell Road, the most likely location would be west of Pitfodels Road.</p> <p>As part of a Council project Elected Members expressed a desire for the option to be considered further as it has not been considered to the same level of details as other concepts and therefore, to enable a consistent comparison between all concepts to be fully explored, it was considered appropriate to take this concept forward for further consideration to enable it to be progressed to a comparable level of detail.</p>	
<p>Understand why our fellow citizens of Garthdee voted for housing rather than a link road, but the effect of the extra houses will only increase the pressure on Pitfodels Station Road which is irrelevant to their transport needs.</p>	<p>Unclear what is meant by the reference to a vote. However it is not an issue that would be considered via this Character Appraisal.</p> <p>Any planning application will include preparation of a detailed Transport Assessment to determine the impact of development on the surrounding road network, including any necessary improvements and mitigation measures.</p>	<p>No amendment proposed as a result of the representation.</p>
<p>There is no pedestrian access from north to south; the excellent footpath that you have put in from the railway line south to Garthdee Rd is not matched by one going north to N. Deeside and crossing the railway bridge is hazardous. We therefore ask please could you look at some way of allowing us to walk north from Inchgarth Rd to N Deeside?</p>	<p>Connection from north to south is achieved from utilising footpaths/connections on the existing network, those which are identified as Core Paths, and/or available under access legislation. Core Path 65 'Hazlehead to River Dee' and Core Path 66 'Deeside Way', which follows Inchgarth Road, northwards along Pitfodels Station Road, along Deeside Way</p>	<p>Comments will be passed onto the Council's Access officer for consideration as part of any future core path plan.</p> <p>No amendment proposed as a result of the</p>



	<p>then upwards onto North Deeside Road (via path to the back/west of Deeside Gardens) is an identified route. However, it is accepted that there are difficulties in this area of achieving successful north to south links, and the suitability of Core Path 65 may not appeal to all users.</p> <p>These comments will be passed onto the Council's Access officer for consideration as part of any future core path plan and whether there is the potential for any new routes to be identified in the future. However, land ownership and legal constraints in the area may influence any improvements to path links.</p>	representation.
<b>5. F. Robertson</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
I requested and received a copy of the Pitfodels report but not the Strategy Overview or the Management Plan.	<p>The Management Plan was consulted upon with the previous round of Conservation Area Character Appraisals. The responses to this were reported to the Development Management Sub- Committee on 18 July 2013. This consultation ran for 6 weeks from 11 March 2013 - 22 April 2013 inclusive. The Management Plan was not part of the most recent round of consultations and was not sent out with the consultation packs.</p> <p>Once finally collated the Management Plan and 10 Character Appraisals will be available for consultation (expected Jan 2015) for a second time as part of the wider Local Development</p>	No amendment proposed as a result of the representation.

	Plan consultation process.	
<p>This matter should have been advertised, came across it by chance as I no longer have any Community Council in my area.</p>	<p>When preparing the character appraisal we carried out an initial scoping consultation with local ward members' Community Councils and Robert Gordon University. The appraisal was then subject to this 6 week public consultation, running from Monday 31 March until noon on Monday 12 May 2014. Key statutory consultees were targeted during this public consultation and the following means of advertisement were carried out.</p> <ul style="list-style-type: none"> <li>• Publication of document on Aberdeen City Council Website 'Current Consultations' and 'Masterplanning' web pages.</li> <li>• Hard copy of document available for viewing at Marischal College between 9am and 5pm Monday to Friday.</li> <li>• Hard copy of the document and consultation leaflets were made available at Central, Cults and Airyhall libraries.</li> <li>• Letters sent to Braeside and Mannofield, Cults, Bielside and Milltimber and Garthdee community councils.</li> <li>• Information about the consultation posted on the Aberdeen Local Development Plan Facebook and Twitter pages on 3<sup>rd</sup> April 2014.</li> </ul> <p>In addition, the Management Plan and 10 Character Appraisals will be available for consultation (expected Jan 2015) for a second time as part of the wider Local Development</p>	<p>No amendment proposed as a result of the representation.</p>

	<p>Plan consultation process.</p> <p>As no boundary amendments are proposed, there is no legislative requirement for a public meeting.</p>	
<p>Do not wish to see any further large scale development in the area and certainly not the loss of open space between Aberdeen and Cults.</p>	<p>Conservation Area Character Appraisals assess the character of the area and do not contain any prescriptive policies or allocate sites for development. Site allocation and policy formulation is covered within the Aberdeen Local Development Plan.</p> <p>The appraisal acknowledges the importance of the open space in defining the character of the Pitfodels Conservation Area. The character appraisal will ultimately become Supplementary Guidance and a material consideration in the determining of planning applications.</p>	<p>No amendment proposed as a result of the representation.</p>
<p>Page 15 3.2.2 mentions the International School. There is a current planning application pending for an extension.</p>	<p>Comments noted. This section of the appraisal describes the type of materials present across the entire conservation area, including more recent buildings such as the International School which feature modern construction materials. It is not appropriate for the appraisal to mention or comment on current planning applications.</p>	<p>No amendment proposed as a result of the representation.</p>
<p>Page 17 OP64 Craigton Road/Airyhall Road, 20 homes. I presume this is the Bancon development on Airyhall Road and should not be described as Craigton Road.</p> <p>To the north of the site is an open area with trees</p>	<p>OP64 Craigton Road / Airyhall Road is the name given to the Opportunity Site as allocated and identified in the Aberdeen Local Development Plan and the site has not been named by this appraisal document.</p>	<p>No amendment proposed as a result of the representation.</p>

<p>which runs through to Northcote Crescent. There was to be a path running through this area from the development to Northcote Crescent. I would not wish to see this area developed.</p>	<p>As part of the development of OP64 by Bancon Homes an access point to the open space to the north of the site has been provided.</p> <p>Subject to approval by Elected Members, now that OP64 is developed, it is anticipated that for the next Local Development Plan, the OP64 site will be zoned under Residential Areas (H1) and Green Space Network (NE1). Your comments on this are welcome during the public consultation on the Proposed Plan (Local Development Plan), expected to run in January 2015.</p>	
<p>To the rear of Nazareth House there is an application for 5 terraced houses to which I objected to. The site is a right of way used by walkers and their dogs for all the time I have lived here.</p>	<p>Assessment of objections to planning application are considered alongside the evaluation of that application and therefore not within the remit of this appraisal.</p> <p>However, it is acknowledged that there is a claimed right of way along this route east-west to the rear of Northcote Lodge Residential Care Home (Nazareth House replacement).</p> <p>Previous information from the assessment of the redevelopment proposals for Airyhall House indicated that this route has been used for the last 30 years. The Council has previously considered this matter and had no reasons to doubt or dispute the validity of the claim and it appeared to meet to relevant criteria for being a Right of Way. Accordingly, it is accepted that such Rights of Way exist along this route and that the public has a legal right to use this</p>	<p>No amendment proposed as a result of the representation.</p>

	<p>route.</p> <p>Any development proposal in the vicinity of this route would therefore be required to consider this claimed Right of Way and allow the continuation of responsible public access along the route, to be assessed as part of the planning application evaluation process.</p>	
<p>Page 28 under 'New Streets' Northcote Crescent and Airyhall Cottage are mentioned, don't understand, moved to house in 1977 and the houses built 10 years before that, it is not a new street, don't know where Airyhall Cottage is, didn't realise we were in the Conservation Area.</p>	<p>This refers to a historical address point which appears in the Council's GIS mapping data. It is presumed to be the former site of 'Airyhall Cottage' which no longer exists, however a cottage is present on historical Ordnance Survey mapping (Survey date 1865/Publication date 1868) which may relate to this historical GIS address point still existing.</p> <p>This address was added as it did not appear in the previous 'list of streets in the conservation area' which the Council hold, however, it appears to be an anomaly and therefore this reference to Airyhall Cottage (Northcote Crescent) will be removed. For information Northcote Crescent is not within the Pitfodels Conservation Area.</p>	<p>Remove reference to Airyhall Cottage (Northcote Crescent) from page 28 of the appraisal document.</p>
<p>Wish area is conserved, no large scale development; I am against turning Marcliffe into offices.</p>	<p>This appraisal document is not proposing any large scale developments.</p> <p>Any planning application is considered in the context of policy and on a case by case basis. It is not appropriate to include reference to individual planning applications within a</p>	<p>No amendment proposed as a result of the representation.</p>

	character appraisal.	
<p>Foxes Lane, Bairds Brae etc. left as lanes for walkers, do not want them turned into roads.</p> <p>Against using Foxes Lane for entering/exiting such as been agreed for new houses in the Shell complex.</p>	<p>This is part of the strong characteristic of the Pitfodels Conservation Area and would seek to be retained wherever possible.</p> <p>We are unaware of the location of 'Foxes Lane' as this does not appear on the Council's GIS mapping system.</p> <p>The appraisal highlights the importance of the character of lanes such as Bairds Brae and this would be considered as part of any planning application.</p>	<p>No amendment proposed as a result of the representation.</p>
<p>Trees to be left and not felled under the excuse diseases as what happened between Nazareth House and the former Airyhall House.</p>	<p>Trees are protected within a conservation area and cannot be lopped, topped or felled without permission from the planning authority.</p> <p>There are no proposals within the appraisal to remove trees.</p> <p>Tree surveys, management plans and any necessary tree works are considered alongside planning applications in consultation with the Council's arboricultural planner.</p>	<p>No amendment proposed as a result of the representation.</p>
<p>Developments in the area have reduced the wildlife considerably.</p>	<p>Environmental and ecological assessments form part of the assessment of any planning applications.</p> <p>Certain areas are also covered by policy NE1 – Green Space Network which aims to protect, promote and enhance wildlife.</p>	<p>No amendment proposed as a result of the representation.</p>
<p>Land on which rights of way built up over the years by walkers etc. should not be developed.</p>	<p>There are no proposals within the Character Appraisal to build on any rights of way.</p>	<p>No amendment proposed as a result of the representation.</p>

<b>6. SEPA</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
No comments to make on the draft Pitfodels Conservation Area Character Appraisal.	Noted.	No amendment proposed as a result of the representation.
<b>7. Halliday Fraser Munro on behalf of clients Gibson McCartney Ltd.</b>		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
Note that document says it should be read in conjunction with Section 1: Strategic Overview and Section 2: Management Plan. Only one such document is available on the ACC website which refers to Pitfodels once. It is presumed that a separate document is intended to be available for Pitfodels and until this is available this present consultation cannot carry any significance other than to seek comment upon the description in the 2014 Appraisal. Should be put on hold until such time as this document is available.	<p>The Strategic Overview and Management Plan relate to all Conservation Areas. On page 5 of the document it states "This document contains a management plan for all the conservation areas in Aberdeen supported by individual conservation area character appraisals." There will not be an individual document for Pitfodels.</p> <p>We appreciate Conservation Area Character Appraisals are ordinarily done on individual basis, however the City Council is currently undertaking appraisals on 10 conservation areas, which are predominantly residential and have similar issues. The approach being taken is to cut down on repetition of generic issues and ensuring a streamlined easy to use document.</p> <p>The Strategic Overview and Management Plan were consulted upon with the previous round of Conservation Area Character Appraisals. The responses to this were reported to the Development Management Sub- Committee on 18 July 2013. This consultation ran for 6 weeks from 11 March 2013 - 22 April 2013</p>	No amendment proposed as a result of the representation.

	<p>inclusive. The Management Plan was not part of the most recent round of consultations and was not sent out with the consultation packs.</p> <p>Once finally collated the Strategic Overview and Management Plan and 10 Character Appraisals will be available for consultation (expected Jan 2015) for a second time as part of the wider Local Development Plan consultation process.</p>	
<p>We understand and recognise that planning authorities are required to review and determine which areas meet the definition for conservation areas, including reviewing existing designated areas to establish whether or not they still merit designation.</p>	<p>Comments noted.</p>	<p>No amendment proposed as a result of the representation.</p>
<p>We make no judgement upon the special architectural or historic interest criteria for the Pitfodels Conservation Area at this juncture, except that the area around The Marcliffe Hotel and International School no longer reflect the description used in the Appraisal and haven't for some time, resulting of existing and approved developments. There are no value judgments made as to the relevant merits, dynamic, or whether the status quo pertains. There is very little reference to the architectural or historic significance of the area at all, nor comparison with other such areas in Scotland e.g. Colinton in Edinburgh.</p>	<p>Comments noted. The Marcliffe and International School still meet the broad principles of development north of North Deeside Road, with the large landscaped plots estate planting, open aspect to the front, long driveway mature trees and stone boundary walls – as identified in Sections 3.1, 3.2.1, 3.5 of the Appraisal document. These are the key aspects of the conservation area which remain today.</p> <p>The appraisal has been prepared within available staff resources and in line with a standard format used for all of the Conservation Area character appraisals.</p>	<p>No amendment proposed as a result of the representation.</p>
<p>No assessment has been made of the performance of the Conservation Area, is it achieving its policy</p>	<p>Comments noted. Whilst this has not been done in terms of a detailed analysis, the</p>	<p>No amendment proposed as a result of the</p>



<p>objectives, whatever those may be? For example, quantifying the numbers of buildings, continuing coincidence of objectives reflected in the overlaying of separate policy designations including conservation area, green belt, green space network, core path. There is plenty to review yet the 2014 appraisal has simply avoided reporting or commenting on these matters.</p>	<p>character appraisal has assessed the overall effectiveness of the conservation area status. It still meets the criteria for conservation area designation in terms of historical significance.</p> <p>The appraisal has been prepared within available staff resources and in line with a standard format used for all of the Conservation Area character appraisals.</p>	<p>representation.</p>
<p>The document must reassess the significant in 2014 and make sense of the confusing policy framework. It should pose the question whether all the overlapping policy layers are necessary and whether the policy objectives can be better delivered through a single channel, be it green belt or conservation area. Until such a time as the whole picture is available we would maintain that it is impossible to comment constructively.</p>	<p>Many sites have layers of policy reflecting the importance of the different designations and legislation that cover them. Overlapping layers are part of the significance and show the importance of the area for the natural, built and historic environment. Determining the necessity of these layers is the primary purpose and best considered through the Local Development Plan process rather than a conservation area character appraisal.</p>	<p>No amendment proposed as a result of the representation.</p>



# **Consultation Responses**

**Old Aberdeen**

**Conservation Area**

**Rebecca Kerr**

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**Subject:** FW: Draft Old Aberdeen Conservation Area Character Appraisal

**From:** Muriel Jaffrey  
**Sent:** 31 March 2014 09:10  
**To:** Bridget Turnbull  
**Subject:** RE: Draft Old Aberdeen Conservation Area Character Appraisal

Good Morning Bridget,

Thank you for your e-mail and attachment.

As I said at the Planning Meeting I am disappointed that Cheyne Road and Harrow Road are not included. As a lifetime member of St. Machar's Cathedral I was speaking to members of the congregation and they all thought that these two roads were in the Conservation Area.

I was the Councillor for Donmouth Ward up until the Boundary Commission changed the Wards and my Ward extended as far in King Street to Seaton Place. My current Ward takes in the whole of Bridge of Don but does not go over the Bridge as it did before.

The Planners did not want Lidl's built in my old Ward and the only way they got permission was to put on a slate roof because it was in the Conservation Area and that is why I cannot understand that Cheyne and Harrow roads are so much nearer St. Machar's Cathedral than Lidl's and are not in the Conservation Area.

Kind regards,

*Muriel*

Baillie Muriel Jaffrey  
Elected Member for Bridge of Don.

Telephone Number [REDACTED]

Mobile Number [REDACTED]

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**From:** Bridget Turnbull  
**Sent:** 27 March 2014 15:07  
**Subject:** Draft Old Aberdeen Conservation Area Character Appraisal

The Council's Planning & Development Management Committee recently approved a draft character appraisal for Old Aberdeen Conservation Area. We are now undertaking a six week public consultation exercise on the document that starts on Monday, 31 March and ends at noon on Monday, 12 May.

Please find attached a letter giving more details about the consultation exercise and a general leaflet. If you have any queries, please do not hesitate to get in touch.

Regards

**Bridget Turnbull**  
**Senior Planner (Masterplanning, Design & Conservation)**  
Planning & Sustainable Development, Aberdeen City Council  
Business Hub 4, Ground Floor North, Marischal College, Broad Street  
Aberdeen AB10 1AB

Direct dial: 01224 523953

Website: [www.aberdeencity.gov.uk/masterplanning](http://www.aberdeencity.gov.uk/masterplanning)

**Rebecca Kerr**

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**From:** Susanne Steer [REDACTED]  
**Sent:** 04 April 2014 09:44  
**To:** LDP  
**Subject:** Old Aberdeen and Pitfodels Conservation Area Character Appraisal Consultations

Good morning

Thank you for giving Scottish Water the opportunity to comment on the Old Aberdeen and Pitfodels Conservation Area Character Appraisal Consultations. As the contents will not have an impact on the provision of water and drainage, Scottish Water does not have any comments to make at this time.

Kind regards,

Susanne

Susanne Steer | Development Planner - Asset Demand Planning | Asset Strategy

Scottish Water | The Bridge | Cumbernauld Road | G33 6FB

T: 0141 414 7778 | M: [REDACTED]

E: [REDACTED]

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[postmaster@scottishwater.co.uk](mailto:postmaster@scottishwater.co.uk)

**Rebecca Kerr**

---

**From:** Cowe, Ian [REDACTED]  
**Sent:** 08 April 2014 13:08  
**To:** LDP  
**Subject:** Old Aberdeen and Pitfodels Conservation Areas - Draft Character Appraisals

Dear Sir/Madam

I write in support of the expansion to the Old Aberdeen and Pitfodels Conservation Areas. The expansion of these areas will include a great number of town and garden trees, town trees provide amenity, but also valuable habitat for a variety of priority species present in Aberdeen. Greater protection for these trees is welcomed by the Forestry Commission.

Regards  
Ian Cowe

Ian Cowe - Development Officer  
Forestry Commission Scotland  
Portsoy Road  
Huntly  
AB54 4SJ

Phone: 01224 441664  
Mobile: [REDACTED]  
VoIP: 41664

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**Rebecca Kerr**

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**From:** Webadmin [REDACTED]  
**Sent:** 25 May 2014 22:44  
**To:** LDP  
**Subject:** FW: Draft Old Aberdeen Conservation Area Character Appraisal  
**Attachments:** OACC comments on draft Old Aberdeen Conservation Area Character Appraisal - Final\_25May2014.docx

**From:** Webadmin [REDACTED]  
**Sent:** 25 May 2014 22:35  
**To:** 'idp@aberdeencity.gov.uk'; 'sbeattie@aberdeencity.gov.uk'  
**Cc:** Jim Noble; Ross Grant [REDACTED]; Ramsay Milne (rmilne@aberdeencity.gov.uk); Andrew May (andrewmay@aberdeencity.gov.uk); Jean Morrison (jemorrison@aberdeencity.gov.uk); Nathan Morrison (namorrison@aberdeencity.gov.uk)  
**Subject:** Draft Old Aberdeen Conservation Area Character Appraisal

Dear Sir and Madam

Old Aberdeen Community Council comments on the draft Old Aberdeen Conservation Area Character Appraisal

The Old Aberdeen Community Council has reviewed the Old Aberdeen Conservation Area Character Appraisal in detail and have to report that we found the document seriously wanting. Our review comments are detailed in the attached document. We would be most pleased to meet up with you to discuss these comments at a mutually convenient time.

It would be helpful if you could confirm receipt of this submission.

Yours sincerely

Dewi Morgan  
For Old Aberdeen Community Council

[REDACTED]  
[REDACTED]  
Tel: [REDACTED]



# ***Old Aberdeen Community Council comments on the draft Old Aberdeen Conservation Area Character Appraisal***

## **Introduction**

The Old Aberdeen Community Council has carefully reviewed the draft document; '*Conservation Area Character Appraisals and Management Plan; Old Aberdeen*' dated March 2014 and while we acknowledge and appreciate that a lot of effort has been made to collect and collate a wide range of facts and strongly felt opinions concerning Old Aberdeen, the end result just does not deliver the comprehensive or forward looking report that we had expected and that the Conservation Area requires.

## **General Comments**

1. Whereas the 1993 Conservation Area Report made firm policy statements as regards the conservation area, this new document offers no commitments or policies for maintaining and enhancing the unique character of the area; yet we had been advised the report would carry statutory weight with planning matters. The Old Aberdeen Community Council had hoped to see a protective line taken and design guidance provided:
  - To champion the enhancement of the character of the conservation area and safeguard its special features
  - To develop specific recommendations regarding the external treatment and modification of property within the Conservation Area
  - To presume against further change of use in the High Street for other than residential or retail
2. The overall tenor of the document is flat and seemingly indifferent to the changes occurring to the Conservation Area. While a good number of threats and weaknesses are helpfully identified, there are few recommendations as to how the identified issues should be managed or improved.
3. Area B, the prime historic heart, requires a much fuller and more sensitive description if it is to capture the 'sense of place' felt by residents and fondly remembered by staff and students. This would also serve to redress the increasingly held view that Old Aberdeen is the University.
4. There is a puzzling complete absence of description and comment regarding the Old Aberdeen Town House, whose original design and subsequent changing use is quite a useful illustration of the changing influences within the burgh. It is also seen by many organisations as an iconic Georgian building, not least the Architectural Heritage Society of Scotland, which uses the building as its emblem.
5. Little comment has been made about the deteriorating condition of the granite sett roads, where they survive. This is a key characteristic of the area yet is in great danger of being progressively patch repaired out of existence. We consider that this should be formally identified in the 'Negative Factors' section for the Character Areas; Spital and Old Aberdeen Core.
6. While the report comments on the increase in houses of multiple occupation, it does so passively, yet this is not due to "... a decrease in family residential use ..." as suggested in para.3.2.4. This is due to residential families being squeezed out by the high demand brought about by ever increasing student population resulting in the high prices that a HMO landlord can afford to pay for a property in the current taxation structure. This is an issue that is in the process of causing permanent change to the Conservation Area Character of

Old Aberdeen yet is not even discussed as a negative issue. We consider that this should be formally identified in the 'Negative Factors' section for the Character Areas; Spital, Old Aberdeen Core and Hillhead/King St North. It may also be impacting the Baigownie area.

7. There is little comment on the significant changes being brought about to the visual degradation of the Area by the increase in UPVC windows and doors, burglar alarms, the visibility of TV dishes and aerials. This has been effectively permitted by the ACC watering down their guidance notes on these issues. Are there any recommendations to be made? Perhaps a review and strengthening of ACC Technical Advice Notes would be a good start. In the early stages of this process, there was some discussion about developing an information sheet for householders within the Conservation Area. The Old Aberdeen CC and the Old Aberdeen Heritage Society both considered this to be an excellent idea and have advised our willingness to distribute such a document, perhaps on a yearly basis. However, there is no such recommendation.
8. We believe that the document needs major revision and we feel it would be best if it was withdrawn from the approval cycle until it has been further developed and thoroughly re-edited, to be followed by a second period of public consultation before it can be presented to the relevant committee.

## Proposed changes to the area subdivisions

The OACC supports the subdivision into five character areas in principle, but challenges specific details as follows:

- a. The use of the word 'campus' to describe the University lands is really not acceptable. Originating in the USA to describe college or school grounds, the word has been adopted in the UK, firstly by the new universities; Sussex, Stirling, York etc. where the word can be appropriately used in its original meaning to describe a greenfield academic site, but laterally has been used by Aberdeen University. The Old Aberdeen Community Council and many residents contend that Old Aberdeen is not a campus; it is an ancient township of which the university is now the major, but not only, element. While we understand that 'campus' serves as a useful portmanteau word to describe the physical whole of the university, it does raise strong barriers, both emotional and cartographical and we urge its replacement with 'Modern University Zone' or equivalent. The word 'campus' is used some 53 times within the document.
- b. The central area of Old Aberdeen was previously designated 'The Heart' but has now been changed to 'Old Aberdeen core' which is rather passionless. We would like to revert to 'The Heart', please.
- c. The Modern University Zone character area has been extended up Tillydrone Avenue to encompass the houses 54 to 88. Many of these houses are now in private ownership so indicating that their land as 'University Campus' or 'Modern University Zone' is not likely to be appreciated. It might be noted that while some of these properties were built by the University, we understand that others were built by Major Hay (of Seaton House). We also consider the partial inclusion of Tillydrone Road, the mediaeval route to the north and west is also inappropriate. We ask that the northern boundary of the Modern University Zone should be to the north of the Zoology building, before no.54 – as per the 1993 report.
- d. The Modern University Zone runs down the middle of St Machar Drive to King Street whereas the 1993 Report retained the Mission and Barn within the Heart. It would be courteous to move the line south a bit such that The Mission (a privately owned place of worship), The Barn and also 593-595 King Street can be part of The Heart.

## Proposed extensions to the Conservation Area

The Old Aberdeen Community Council has no objections to the proposed Conservation Area extensions, and actively supports the extension to include Old Aberdeen House in Dunbar St and the cul-de-sac 3 to 8 St Machar Place.

We would appreciate hearing why you have not taken into consideration the areas the OACC suggested for extension;

- St Peter's Cemetery which includes listed gate houses and covers the site of the original 'Spital'
- The properties on King Street between the Cemetery and University Road as fine examples of Victorian terraced housing.

## Comments on the text of the Appraisal

General comments:

- Paragraph numbering is a mess with all five of the Character descriptions using the same numbering.
- Photographs are of poor quality, sometimes repetitive and often miss the key characteristics. Description is sometimes incorrect.
- Maps are badly coloured in such a way that, although probably adequate at high definition, lose all detail once the file has been turned into a compact PDF file.

Page 3, para 1.1; 'Buildings at Risk': Wallace Tower is in Tillydrone Road, not Avenue

Page 3, para 1.2; Old Aberdeen was an independent burgh until 1891; present text suggests that Old Aberdeen combined with Aberdeen in 1830. Last sentence; please delete 'campus'.

Page 4, photo bottom left shows 'Powis Gate'.

Page 5, para 2.1' capitalise road in 'Bedford road'

Page 5, Para 2.2, first column; Suggest the use of the familiar title 'Aulton' could do with explanation

Page 5, para 2.2, second column; The sentence 'The following timeline shows the development of Old Aberdeen up to the creation of Parson Gordon's plan in 1661' is not borne out by the maps which start (on the next page) from 1866, but perhaps refers to the text on page 7. Text and pagination needs to be revised.

Page 7: Need to be consistent with 'century' – suggest all in lower case

Page 7, 7<sup>th</sup> Century para: delete 'the' before 'popular folklore' and small 's' for shepherd's crook please.

Page 7, 14<sup>th</sup> century – should be 15<sup>th</sup> century

Page 7, 16<sup>th</sup> century – ‘Canon’s masses’ should be ‘canon’s masses’

Page 8, left column, last sentence; ‘Sunnybank’ – delete extra ‘n’.

Page 8, right column, first paragraph, “... New Aberdeen to envelop the Old Aberdeen, ...” – delete ‘the’.

Page 8, right column, bottom paragraph, change “... two large university campuses”. to “two large university areas” (or zones)

Page 9, C: Regent Walk’, not ‘Regent’s Walk’. Add Tillydrone Avenue as part of boundary  
D: King Street, not King Road  
E: Add: Balgownie (i.e. the houses!)

Page 11, This map is intended to show the two Group Area listings in Old Aberdeen. This is very confusing as it:

- uses the same colour as used for Category A and Category B individual buildings,
- The map key calls them categories when they are simply Group Areas
- there is no explanation as to what the Group Area listing is all about.

In fact, there is no mention on the Scottish Heritage site regarding Group Areas so we suggest this needs to be checked out to confirm if the category is still extant and, if so, please provide explanatory text and use different colours.

Page 13, map; overly heavy blue completely masks the occasional green. A much lighter blue is necessary. This is a common problem on many of the plans

Page 13, upper photo is not St. Margaret’s Convent. Now flats, but formerly known as St Martha’s Home for Girls

Page 14, para 3.2.1; first paragraph, about half way down, text needs sorting: “... stood alone in surrounded by generous grounds ...” and 6 lines from bottom: “... hiding the front the gardens and obscuring ...” – delete the second ‘the’.

Page 14, para 3.2.1; second paragraph, first line: This block is not a sheltered housing complex, rather it is council housing which includes a few retirement homes to the east Aukland Place. (also called sheltered housing in paras 3.2.5 and 3.3.5)

Page 14, para 3.2.3, bottom paragraph, second line; add the word ‘sit’: “.... Juxtaposed with buildings which sit hard against ...”

Page 14, para 3.2.4, 4<sup>th</sup> line: this is not sheltered housing  
8th line: there are in fact two fast-food takeaways, not ‘several’.

Page 15, para 3.2.5 5<sup>th</sup> bullet – this is not sheltered housing

Page 18 para 3.3.4; Line 11, not ‘light industrial warehouses’ this is the FirstBus depot  
Bottom line – this is not ‘sheltered housing’

Page 21, para 3.1; first para; we expected the ancient 17<sup>th</sup>-18<sup>th</sup> century walls to have received a bit more attention than this? (we do note the comments in para 3.2.3)

Page 21, para 3.1; please correct to 'Spital'

Page 22, para 3.1; 2<sup>nd</sup> para, first line should be 'Orchard Street' not 'Orchard Road'

Page 23 "... the University's botanical gardens" does not correctly describe the garden. From their web page: "The Cruickshank Botanic Garden ..... is a partnership between the University and the Cruickshank Charitable Trust".

Page 23, para 3.1, First para, second and third sentence. This description wipes out Tillydrone Road which is a medieval route of equal importance to Don Street as a route north.

Page 23, para 3.1, last para, resolve temporary reference to "(Plan ?)".

Page 25, top right photo. This is a near repeat of the one on page 8 – suggest there are plenty of other candidates.

Page 25, para 3.2.2 We would like to see included here an appraisal of the boundary walls that are a characteristic of the core of Old Aberdeen.

Para 27, para 3.2.3, second paragraph, 1<sup>st</sup> line – 'storeyed', not 'storied'  
7<sup>th</sup> line – delete 'neighbouring'

Page 27, para 3.2.4; near bottom; 'Place names', not 'Places names'

Page 27, para 3.2.4. As noted above, we consider this take on the 'decrease in Family residential use' is inaccurate and needs realignment.

Page 27, para 3.2.5; Last bullet; "Unsympathetic road layouts e.g. The Orchard". This example not understood; The Orchard seems to be a well laid out development, ideal for young families. Unfortunately it has recently been all but turned over to let properties

Page 29, Para 3.3.2, second line: traffic lights are on College bounds, not the High Street

Page 29, Para 3.3.2, Bottom of first paragraph; we fully support your call for comprehensive traffic management review.

Page 29, para 3.3.2 Last paragraph, 'other historic routes' – this misses out the important mediaeval route north - Tillydrone Road.

Page 29, para 3.3.2 Last paragraph, a rogue semi-colon after 'mediaeval' needs to be ejected.

Page 29, Para 3.3.2 – It is notable that there is simply no discussion on the deteriorating condition of the granite sett roads

Page 30, para 3.3.2; second sentence: "There do not however have an adverse..." should be: "They do not however have an adverse..."

Page 30, para 3.3.3; the Appraisal does not notice that the characteristic kerbstones in the area are laid horizontally; i.e. with a deep horizontal face, but relatively shallow downwards.

Page 33, para p3.5, bullet 10, 'Benholm' not 'Blenholm'

Page 35, para 3.2.1.1, line 11; "... five story and single storey" should be "five storey" etc.

Page 37 photos and text: Hunter Court not Hunters Court  
Coopers Court, not Cooper's Court  
Hunter Court was purpose built as student accommodation, not converted.

Page 37, Second para; only some of these houses were built by University – in 1947, not 1950s. Others were built by Major Hay in 1920s. Paragraph should be re-written.

Page 39 para 3.2.1.2 'MacRobert' paragraph – 3<sup>rd</sup> line from bottom; storeys not storys  
'Edward Wright' paragraph – annexe not annex

Page 39 para 3.2.1.2 There is no mention in this section that the Edward Wright Building Annexe is designated as a temporary building that has had its permitted life extended a number of times! (Reference planning applications 050963 and 010011)

Page 41, photos; 4 almost identical photos of the new library. A bit more variety please!

Page 41, para 3.2.3; poor grammar on 4<sup>th</sup> line; "... build line along either of this street and there is ..."

Page 43, para 3.3.1; second last line – the word 'as' is missing between "... view such... the Geography department .."

Page 44, para 3.3.2; Meston Walk not Meston Way

Page 44, para 3.3.3, Last sentence is incorrect; no part of Elphinstone Road is cobbled.

Page 45, para 3.3.4, (also para 3.3.5, photo below, see also pages 46 and 47) The description of the square in front of the new library as the 'civic space' and 'civic square' seems inappropriate as 'civic' pertains to citizens or the city. The University does not use this phrase anywhere on their web site. It may be open for the public to use but is not owned by the public.

Page 45, para 3.3.6; should mention the disparate range of street lighting. Along the ancient Meston Walk, the lighting is particularly inappropriate.

Page 46, para 3.4.1; Last sentence is incomplete and please note that many of the referenced houses on Tillydrone Avenue are not University owned.

Page 48, para 3.1, 3<sup>rd</sup> line to the north from Chanonry, not south

Page 49, para 3.2.1, 1st line; delete 'next'

Page 50, para 3.2.1, first para; the 1984 complex was not built "... within the walled garden ...", but "... within the former stable block alongside the walled garden ...".

Page 51, para 3.3.5, third line; should be "... are clad." (would be nice to add the type of cladding material too).

Page 51, para 3.3.5 about half way down; '.... which gives help gives the overall area a character ...' delete 'gives'

Page 54 Last line regarding the 'cycle path' This is part of a discredited exercise in ACC's past whereby grant money was paid for 'creating' cycle paths. This 'cycle path' is completely inappropriate; the road is too narrow; there is no means of returning on a cycle path, the lines will not be repainted once they have worn off. Please do not give validity to this farce.

Page 58

Para 3.4.4 suggests that the drainage problem in Seaton Park is long term normality. It is not. The park was being used for football in winter until just a few years ago and the lack of resolution is now killing trees and greatly damaging the park and compromising its usability. We ask that this section is reworded in the following terms:

"Flooding on the East side of Seaton Park where the land is at its lowest has recently become a serious problem, making acres of park land unusable and killing trees and grassland and flooding access paths. While this is worst during the winter months, the ground now remains damp and boggy and thus all but unusable throughout the year".

Page 58, para 3.4.4, 2<sup>nd</sup> bullet; sentence not complete

Page 59 – bridge is 14<sup>th</sup> century, not 13<sup>th</sup>

Page 61, para 3.2.2; bit of a puzzle, this; where is 'Grade A listed Cruickshank Lodgings'? Cannot find it on Google maps, ACC Interactive Map, Post Office Post Code Finder or within Historic Scotland's database of listed buildings.

Pages 59 & 60; again as mentioned elsewhere, maps are all but unreadable

Page 60, para 3.2.1, Don St; 5 lines from bottom; 'crowstepped' gabbling not 'crowstack'

Page 61; suspect that the photo of Cottown of Balgownie has been reversed

Page 66, left photo shows 257 Don St. This is not Rocky Bank.  
Middle photo does not look much like the Brig

Page 69, para 4, first sentence in error, reference to Pitfodels and that no boundary alterations are proposed.

Page 69 onwards – SWOT analysis

We ask that the following is added as a 'Threat' to the SWOTs for; Spital, Old Aberdeen Core, University Zone, Hillhead/King St North:

"The increase in the number of HMO properties at the expense of family homes is causing a significant shift in the area demographics".



We ask that the following is added as a 'Threat' to the SWOTs for; Spital, Old Aberdeen Core,;  
"The deteriorating condition of the granite sett roads".

We ask that the following is added as a 'Weakness' to the SWOTs for; Spital, Old Aberdeen Core,;  
"The increasing prevalence of uPVC windows and doors, and the increasing intrusion of burglar  
alarms, TV and satellite aerials on visible walls and roof lines".

We do not consider the east-west permeability to be a weakness – it is a feature of the village;  
Please remove.

Page 74, B; St Machar Drive was built in the early 1920s with St Machar Place in late 1920s.

Page 76, left column: Duncan's Place no longer exists – University built over it with RC Chaplaincy.

Page 77 Benholm's Lodging, not Lodge

## **Conclusions**

Overall, the Old Aberdeen Community Council is deeply disappointed in this document which we were advised is intended to carry statutory weight with planning matters, yet offers no guidance or policy proposals.

The document has not been adequately reviewed and edited, thus contains typographical errors, factual errors and significant omissions.

We believe that the document needs major revision and should be withdrawn from the approval cycle until it has been further developed, followed by a second period of public consultation before it can be presented to the relevant committee.

Dewi Morgan  
[REDACTED]  
[REDACTED]

*Old Aberdeen Community Council*  
*25<sup>th</sup> May 2014*

**Rebecca Kerr**

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**From:** Dominic Fairlie [REDACTED]  
**Sent:** 26 May 2014 10:56  
**To:** LDP  
**Cc:** Alastair Struthers  
**Subject:** Old Aberdeen - Conservation Area Character Appraisals and Management Plan -  
Comments from Aberdeen Civic Society

Dear Sir/Madam,

Aberdeen Civic Society has the following comments on the above report:

1. We have concerns about the continued commercialisation of Old Aberdeen at the expense of the residential population. The residential population, particularly the non student element, is a very important aspect of maintaining viability and vibrancy of Old Aberdeen as a mixed use area. We would like to see any proposals for Old Aberdeen, particularly the historic areas, to respect this and limits should be put onto the amount of change of use of existing properties for uses other than residential.
2. Old Aberdeen is a jewel in Aberdeen and should be respected as this. Within the small area that is Old Aberdeen there are a number of different areas, each of which is small in itself, perhaps only a street or part street. This contributes to its charm. For example, the Chanonry is very different to the High Street. The Conservation Area Character Appraisal and Management Plan should make the differences clear and ensure they are retained.

We trust you will take these comments into account in your further consideration of the Plan.

Regards

**DOMINIC FAIRLIE**

Chairman  
Aberdeen Civic Society

**Rebecca Kerr**

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**From:** [REDACTED]  
**Sent:** 12 May 2014 11:50  
**To:** LDP  
**Subject:** Old Aberdeen Conservation Area

Dear Sir or Madam,

I am responding to the consultation on the above proposals on behalf of Friends of Sunnybank Park.

We are broadly in favour of the proposed extension to Old Aberdeen Conservation Area and are pleased at the additional protection it will give to the green space at Sunnybank Park.

Yours faithfully,

N.J. Mills (Dr.)  
Secretary,  
Friends of Sunnybank Park

Our ref: PCS/132566  
Your ref: CAA\_OldAb\_Consult  
ati

Laura Robertson  
Masterplanning, Design and Conservation Team  
Planning and Sustainable Development  
Aberdeen City Council  
Business Hub 4  
Ground Floor North  
Marischal College  
Aberdeen  
AB10 1AB

If telephoning ask for:  
Alison Wilson

26 May 2014

By email only to: [ldp@aberdeencity.gov.uk](mailto:ldp@aberdeencity.gov.uk)

Dear Ms Robertson

**Public Consultation  
Draft Old Aberdeen Conservation Area Character Appraisal**

Thank you for your consultation e-mails which SEPA received on 27 March 2014 and 17 April 2014. We have no comments to make on the Draft Old Aberdeen Conservation Area Character Appraisal.

If you have any queries relating to this letter, please contact me by telephone on 01224 266656 or e-mail at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Alison Wilson  
Senior Planning Officer  
Planning Service

**Rebecca Kerr**

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**From:** Donaldson, Angus A. M. [REDACTED]  
**Sent:** 16 May 2014 16:16  
**To:** LDP  
**Cc:** Donaldson, Angus A. M.  
**Subject:** Strategic Overview and management Plan & Old Aberdeen Conservation Area – Draft Character Appraisals

Dear Bridget

**Strategic Overview and management Plan & Old Aberdeen Conservation Areas – Draft Character Appraisal**

I refer to the above documents and welcome the opportunity to provide a response on behalf of the University.

The University supports the purposes and objectives stated in the two related documents and equally appreciates the importance of reviewing what it is that makes up the special character of the Old Aberdeen Conservation area.

The University recognises that Old Aberdeen is and should remain diverse and also that the University forms part of a wider community which we respect. In saying this old Aberdeen is largely the way it is because of the historic development and continuing presence of the University. That for the University to thrive it must continuously adapt, evolve and respond to the environments and markets in which we now operate.

The University has recently undertaken appraisal work of the Kings campus to assist our future estate thinking and to help ensure that the Kings College Campus can be developed in a cohesive manner. This work has incorporated current best practice as well as National and Local policy and guidance. Using this work and reviewing the appraisal documents we would make the following comments and representations:

**Context**

- The analysis within sections 1,2 and 3 is comprehensive.
- The character areas are clearly and thoroughly presented although there are a few factual inaccuracies some of which are listed below. I think the document requires re proofed.

**Character Areas**

- Character Areas Area A, B, part D and E appear reasonable.
- I think detailed and reasoned justification is required for Area C inclusion.
- I would request that the developed Hillhead Hall site be removed from the Area D, or reasoned justification for its inclusion given.
- Further explanatory text is required to justify/ make the case for the extensions particularly Area E. I think the onus is on the Council to make a strong case.

**Policy Context**

- I would have expected expect specific reference and cross reference with policies such as Creating Places and Designing places particularly the six qualities of successful places . These are truly commendable qualities. The documents may build on wider policies but this needs to be detailed. I see these qualities as a sound foundation for the conservation area.
- I would suggest one “conservation” document as at the moment there is too much reliance on cross referring to the separate strategy document which then only talks in generalities. I suspect that most people are not going to sit with the two documents open and cross-refer. I found this confusing.
- There is a gap/disconnect between the high level document and the analysis of what is on the ground. You can’t easily point to a specific new way of management that relates to a particular part of the conservation area.
- A number of issues included in the SWOT analysis contradict and while commendable are not deliverable , for example , resource efficient where there is no reference to Sustainability or how environmental initiatives will be approved within the conservation area documents. I believe this matter however uncomfortable to deal with needs to be addressed. Alterations to buildings in order to comply with modern energy conservation standards also contradicts conservation standards. I believe that compromise is required and a progressive attitude taken with environmental improvements.

#### **SWOT Analysis**

- After each SWOT analysis there need to be some proposals on how weaknesses/ threats are to be addressed.
- Area B , we object to the University been presented as a threat and a weakness. I contest that the University is a good custodian of our built and cultural heritage and has invested significantly in its preservation. Accordingly i recommend that positive statements in the strengths and opportunities sections should be included to reflect these points.
- Area B/C it is inappropriate to float Master plans in this document.
- Area B/C – Opportunities better and clearer paths through and between spaces , optimisation for inside/outside interfaces, more shelter , Public amenities ( by ACC) , more creative lighting, i can expand on these opportunities.
- Weakness- Disability compliance issues with movement in East west direction. The high street presents a barrier to the disabled in terms of paths , kerbs and the High street itself

#### **Comments for inclusion / consideration**

- Traffic management review – a radical rethink is required - example: Poynton Shared Space.
- Disability Compliance relating to pedestrian movement around conservation area , a radical review is needed
- Energy conservation – Environmental legislation and standards has the requirement for installing or providing facilities ie bike shelters this needs recognised. Again a radical and forward thinking approach is needed.

- Seton park – Much more needs to be presented in the report to focus on and to reverse the decline in this facility.
- Signage – why does 'all' road signage have to comply with the transport department standards and rules. Why can't there be a new standard for Conservation areas? Aberdeen already has distinctive street name signage.
- Car parking – unless there is a complete and coherent public transportation system in place, there will always be a reliance on car travel.

#### Factual points

- Significantly our name is the University of Aberdeen.
- The Botanic Garden is not owned by the University but is an independent trust.
- Hunters Court was not converted it was a new build.
- Taylor building 3 blocks.
- Lack of open space on the East side of the campus- there is large open space in front of the kings pavilion.
- Character Area D – Hillhead will be redeveloped by time report concluded as we are in final phases of upgrade.
- Picture and names on page 50 incorrect.
- Opinion on HMO - i would argue incorrect, as now merely regulating what has always been the case.
- Photos – some photos in the report should be updated ie Hillhead refurbishments.

I trust you will give these matters your consideration and would welcome discussion on these.

Best wishes

Angus Donaldson

The University of Aberdeen is a charity registered in Scotland, No SC013683.  
Tha Oilthigh Obar Dheathain na charthannas clàraichte ann an Alba, Àir. SC013683.

9 Florence Court  
[REDACTED]  
[REDACTED]  
[REDACTED]

May 21<sup>st</sup> 2014-

Masterplanning Design and Conservation  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Aberdeen

Old Aberdeen Conservation area appraisal

This document has only just come to my attention and there is not time for me to make a detailed study of it before putting forward some observations but there are a couple of points I would like to make. I should say that my interest in the area is that I lived there during the 1930s---1960s and have retained an interest in it since then. I am also a former Chairman of Aberdeen Civic Society.

I commend the document for its detailed description of the fabric of the area which will stand in good stead for planners of the future. I hope that several factual inaccuracies will be corrected and some slipshod writing edited before the document is finalised. There is however to my mind one enormous flaw in the approach taken. It seems to me that while the physical aspects of the area are dealt with in great detail there is very little indication of the human aspect of the area. I do not see that a proper appraisal of the area can be made without considering the people who live and work there. There is a reference to the threat of university expansion increasing in area B and this is certainly a problem which has to be faced. I would like to have seen a general statement from the Planning Department about this and other problems relating to human activity in the areas concerned. I realise that this may not have been in the original remit, but I do not see how an effective appraisal and management plan can be produced without taking into account the human activity in the area. I would really like to have seen a policy statement based on the physical aspects combined with the needs of the local population. Surely that is what good planning is all about.

On a more specific point, I would like to have seen more reference made to the tourism aspect of the area. It is mentioned briefly in connection with the Brig o Balgownie but is ignored in the other areas, Old Aberdeen is the jewel in the crown of



Aberdeen and not enough attention has been given to making it easy for tourists to visit or to feel welcome

I am sorry that time has not allowed me to go into the document more thoroughly but hope my observations will be considered.

Yours sincerely

(Mrs Caroline Gimingham)





## OLD ABERDEEN HERITAGE SOCIETY



Masterplanning, Design and Conservation  
Planning and Sustainable Development  
Aberdeen City Council

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
25th May 2014

Dear Sirs,

### Draft Character Appraisal for Old Aberdeen Conservation Area - Consultation

I enclose the Society's comments on this Draft Appraisal.

We wish to make it clear, however, that we consider this document not fit for purpose as a basis for a Character Appraisal for Old Aberdeen Conservation Area. It is in need of comprehensive revision.

The purpose of this Character Appraisal, we understand, is to appraise, or evaluate the character of Old Aberdeen, in order to develop strategies, design guidance or policies to "preserve and enhance" the character of the Conservation Area.

We believe that this document manifestly fails to do this.

Although it provides a detailed list of physical structures and geographical features of Old Aberdeen, there is little actual evaluation, or appraisal, of its character. Some of the main elements of character which make Old Aberdeen the gem that it is, are barely mentioned. This failure to portray character is a serious underlying deficiency in this document; clearly, without an adequate evaluation, it is impossible to form adequate policies to preserve and enhance that character.

Further, in order to provide proper protection for the Conservation Area, the Appraisal must take full and serious account of the pressures which threaten its character. There are two major pressures in Old Aberdeen which are increasingly having a detrimental effect on its character, and yet they are barely mentioned.

As a result of its failure adequately to portray the character of the Old Aberdeen Conservation Area, and of its failure adequately to assess the threats to that character, this draft document also fails in its main purpose, viz. that of preserving and enhancing this Conservation Area by the inclusion of adequate policies specifically designed for its protection and enhancement.

At a time when the Old Aberdeen Conservation Area is facing unprecedented pressures, this lack of policies to safeguard its character means also that this document actually increases those pressures. In part, this is due to the removal of some essential policies which have been either explicit or implicit in the previous Appraisal from 1993;- in particular from among those relating specifically to the "Heart" or "Historic Core" of Old Aberdeen. On the other hand, pressure is increased by the lack of robust new policies to deal with ever-growing, newer threats.

This document also increases the pressures on Old Aberdeen by its re-drawing of the boundaries of two of the Character Areas, which has meant that certain properties which have always been in the "Heart" area

have been annexed, without justification, to the "Modern University Campus" area. This in effect assigns to these properties a quite different character and standing in the Conservation Area, and thus lessens the level of protection which they are afforded.

We address these issues in the accompanying pages of "Main Concerns" along with concerns about presentation within the document. Points relating to specific issues mentioned in the document are included in the Appendix.

The enclosed Appendix to our main comments has been made necessary by the sheer number of errors, inconsistencies, omissions and other deficiencies in this document, which clearly had to be dealt with separately. There are a large number of factual errors of all kinds, indicating inadequate research, but there are also a large number of editorial and other errors, and errors associated with presentation.

The numbering of paragraphs and sections is not only confusing but misleading, and some of the maps are illegible; the content of one or two even contradict each other on the question of boundaries. Finally there is very obvious inconsistency in titling of the Character Areas, which appear in different versions in the course of the document. All the above deficiencies are ones which could easily have been noticed and corrected had the document been adequately proof-read and edited.

In recognition of this document's deficiencies, the Society requests that the Draft Character Appraisal is not presented to the next Committee, but instead is comprehensively revised and re-edited, and put out for public consultation a second time before being submitted for Committee approval.

Yours faithfully,



(Mrs) B. McPetrie

Planning Secretary

## Main Concerns

### Inadequate Portrayal of Character

The Appraisal contains details of many physical features, but contains few evaluative terms, which would help to evoke character.

Words such as 'secluded' or 'tranquil' of some parts; 'cloistered' or 'silent' for others; 'busy', 'jostling' or 'deserted'; 'semi-rural', 'reminiscent of a country village'; 'village within a city', etc. So many epithets or evaluative terms could enrich this Appraisal and convey the atmosphere;- the character as well as the appearance.

There is little mention of the importance of setting other than in the context of immediate physical surroundings. The patterns of past use and activity, for instance, are an important part of the historic environment, as is the present function or use of a place. Not much is said in the Appraisal of these aspects of character. This would be particularly helpful in appraising the character of places which have been centres of activity, and would highlight many more aspects, for instance, of the character of High Street and the surrounding area.

On a more basic level, there is actually a lack of description of some of the key features or areas in Old Aberdeen. There is really no evaluative description of the Botanic Garden, no mention of the evocative nature of Tillydrone Road, or the 'countryside' character of parts of Seaton Park, or of its wildlife. In particular, there is little in the way of description of the character of the Aulton. Principal Sir Thomas Taylor described this as having "its own unique and distinctive character as a mixed village community", and famously pledged that it would not become "an academic suburb". Leslie MacFarlane and Agnes Short also wrote warmly of how the Aulton "still retains the sense of a living and self-contained community".

The life of this community is possibly the central feature of the character of Old Aberdeen, and yet there is no indication of its importance in the Draft Character Appraisal, and the corresponding importance of maintaining the viability of this community, in order to preserve its "village character", indeed, to enhance it.

### Threats to Character

This distinctive aspect of the character of Old Aberdeen has increasingly been under pressure from two sources: on the one hand, the continued expansion of the University, and on the other, the proliferation of houses in multiple occupation. The first is having an effect on various parts of Old Aberdeen, but a marked effect in particular on the High Street, where there has been a steady change of use from homes and shops to University departments or offices. This has brought about the depopulation of some parts of the High Street and a loss of vitality, and these together are having their effect on the life of the community, and so on the character of Old Aberdeen.

It is our view that the Conservation Area Character Appraisal could be a means by which this trend could be halted, and the character of the High Street protected. We wish to suggest that a new policy, specific to the High Street, should be added to the Appraisal Management Plan, which would put in place a presumption against change of use from dwelling-house or shop to office use.

The second source of pressure on Old Aberdeen is more widespread, and is a rapidly growing threat to the sustainability of Old Aberdeen as a settled community. Family homes, when they come on the market, are increasingly bought up by buy-to-let landlords, at prices which exclude the average family, and are then turned into houses for multiple occupation almost exclusively for temporary residents. This trend has seen parts of Old Aberdeen increasingly deserted at some times of the year, which has clearly affected its character. The corresponding loss of permanent residents. (who are more likely to take a long-term interest in the area), and particularly the loss of families, is in the process of completely changing the character of the community. This is a problem which is affecting every part of Old Aberdeen, and this threat must be recognised as such in the Character Appraisal, and any possible measures instigated to address it without delay.

There are, of course, many other pressures on Old Aberdeen, and it is essential that these are identified and addressed in the Character Appraisal. The consultation document, however, only contains two policies specific to Old Aberdeen, and it is our view that there should be several more. In particular, there is a need for a policy similar to that in the 1993 Appraisal, and specific to the High Street, laying down the strictest control over shop-signs, shop-fronts, advertisements and signage. The ancient and substantial boundary walls of St Machar Drive and the Chanonry should also be given particular protection, as they were in the last Appraisal, with a firm policy not to allow them to be breached. If these policies are not reiterated in the new Character Appraisal, then protection is actually being removed by the new Appraisal, and consequently the character of Old Aberdeen is under threat. We request that these two policies, specific to Old Aberdeen, be added to the document.

### **Proposed Changes to Boundaries of Character Areas**

It is a matter of serious concern that the Draft Character Appraisal seeks to make significant alterations to these boundaries without either explanation or justification. The existing boundaries have served Old Aberdeen well, and there is no suggestion that these are in any way no longer appropriate.

Why then, are changes proposed to these boundaries such that certain properties in "The Heart" or "Historic Core" area would be transferred to the "Modern University Campus" area? None of these properties can by any stretch of the imagination be said to share the 'character' of a 'Modern University Campus':-

The Houses in Tillydrone Avenue are family homes, not campus buildings. Furthermore they are not modern, the latest of them dating from around 1952, and the earliest built in 1924. Lastly, they can not be described as 'University' either, as several are privately owned. Nor were they even built by the University; two were built by Major Hay of Seaton Estate.

It is preposterous to even consider removing these old-fashioned family houses, all of traditional design, and most in granite, to a "Modern University Campus" character area.

"The Barn" and "The Mission" on St Machar Drive can in no way be said to share the character of a "Modern University Campus" either.

"The Barn" is not a campus building. It is a dwelling-house. Furthermore it is not "modern" either; it dates from 1830.

Lastly, it is a historic, category 'B' listed building, built of granite.

"The Mission" is also a historic granite building, which does not fit the "Modern University Campus". Nor is it part of a "campus"; nor is it University-owned. It is an independently-owned place of worship, does not belong to the University, and is not modern.

What justification can there be for moving all these properties out of "The Heart" area and annexing them to the "Modern University Campus" institutional buildings, whose chief characteristic is that they are all "concrete, tall and/or bulky buildings" (p.47 of the Draft appraisal)?

It can not be said, furthermore, that this transfer is of little consequence. It matters. Character Appraisals are influential documents ("likely to be the main form of conservation guidance" PAN 71), and as supplementary guidance, have statutory weight.

The assigning, therefore, of particular properties to a particular character area will mean something in the event of a planning application for that property or for property adjacent to it.

The transfer of "The Barn", "The Mission", and the houses at Tillydrone Avenue to the "Modern University Campus", therefore is not a matter of little import. The proposed alteration in boundaries which would bring this transfer about could have consequences which would be detrimental to the amenity of these properties and/or detract from their character and setting.

3

The Society wishes to make a formal request that those boundaries or sections of boundaries affecting the aforementioned properties be restored to their original place (as delineated in the 1993 Conservation Area Report), so that "The Barn", "The Mission" and the houses on Tillydrone Avenue are restored to the "The Heart" or "The Core" Character Area.

Concerns about Presentation

Text

A significant deficiency in the document relates to the matter of balance of content in the text itself, and in the illustrations.

This is a document whose aim is to highlight, (with a view to protecting), the special character of Old Aberdeen, which derives mostly from its wealth of historic buildings, ancient thoroughfares, secluded green spaces, and its long history as a community.. It is a matter of concern, therefore, that the greatest number of pages amongst the descriptions of Character Areas is actually given over to the analysis, one by one, of more or less every single institutional building in the “Modern University Campus”.

By contrast, the “Heart” or “Historic Core” Area is under-represented, and there are some glaring omissions. No mention is made of Old Aberdeen Town House, the main focus of High Street, and the heart of the ancient Burgh, in spite of all that it represents in the political and communal life of Old Aberdeen.

Another important building which has been omitted is the category ‘A’ listed Bede House, in Don Street, and little is said, indeed, of the character of Don Street itself.

In the Chanonry, surely special mention should be given at least to No.9, Mitchell’s Hospital, an unique category ‘A’ listed building of historic importance – and of course, the mediaeval Chaplain’s Court.

There are, of course, many other buildings of particular historic, cultural or architectural importance all around the “Historic Core” of Old Aberdeen, and a few words about some of these, along with those already mentioned, not only would be welcome, but would also help to restore some balance in this document as far as discussion of individual buildings is concerned.

The real anomaly in this Draft Appraisal, as regards the content of the text, is the disproportionate amount of space devoted to modern institutional buildings at the expense of the traditional and historic buildings which are by far the most characteristic of Old Aberdeen.

It is a matter of concern that a document whose aim is to identify what is special about our Conservation Area, and to protect and enhance it, could allocate well over a quarter of its description sections to an in-depth look at the products of modern University expansion in Areas ‘C’ and ‘D’. Yes, some of them are interesting, and worth reading about, but not to this extent in a document of this kind, and of this importance.

Illustration of Text

The selection of photographs which feature in this document is deficient in a number of ways:-

- (a) This element of the Draft Appraisal is even more unbalanced. Out of 99 photographs in the main text, no fewer than 33 depict modern University buildings, amenity space and fixtures. How can this be justified in any way? The illustrations in any text, of course, are the most prominent feature in a document and are the first impression one gets of its content; a document of this kind, however, relies even more heavily on accuracy, quality and balanced representation in its illustrations, as such a large part of the whole question of “character” and “appraisal” is visual. In the case of this report, anyone who did not know Old Aberdeen well, would assume that much of its character was expressed in the form of modern institutional buildings.

In an incredibly widespread and diverse Conservation Area, stretching from King’s Crescent to Balgowrie, it is completely inappropriate that this document should place such an unrepresentative emphasis on institutional buildings of the last fifty years.

(b) There are notable omissions of all kinds:-

There are very few vistas, or long views, of streets in the Conservation Area, and this should be remedied, as such views often say more about the character of an area than pictures of individual buildings. Again, this is a matter of balance; notable omissions are views looking up or down High Street; the splendid length of the Chanonry from St Machar Drive to the Cathedral; the enchanting Tillydrone Road; a longer view of the row of cottages at the Cottown; a view of the stretch of Hillhead Terrace and Boa-Vista Place, and, of course, a view of the southernmost section of Don Street.

As to individual buildings, it is astounding that, in 77 pages, the Appraisal nowhere includes a photograph of Old Aberdeen Town House, the very heart of this ancient Burgh. Other buildings which are notable by their absence include the historic Bede House and Bishop's Gate in Don Street, along with Mitchell's Hospital and the ancient Chaplain's Court in The Chanonry. What about Cluny's Port, which incorporates so many features characteristic of Old Aberdeen? In the Spital,; perhaps Applebank House, or Primrose House. And, back in the heart of Old Aberdeen, what about either the ancient Cromwell Tower or Round Tower at King's College?. Or the truly splendid Art Deco Sports Pavilion which is a well-known landmark. Perhaps this could be combined with a view of King's Crown across the playing-fields, as referred to in the text?

Returning to High Street, one or two further illustrations of individual houses would be welcome, such as the 'A' listed 96 High Street, or the fascinating Greenlaw Court, with its unusual pend. Perhaps we could see more of the closes and wynds which are so characteristic of the Aulton. Lastly, there is a notable absence in the main text, of photographs of the traditional shops in the High Street. (The University's Conference and Events Office, a former shop, does not count!). It is subjects like these shops, and cafe, along with views of the general sweep of High Street, and of the Town House also, which are needed in the Draft Appraisal, to represent the "village community" character of the heart of this ancient Burgh. These are clearly lacking, and the result is that probably the most characteristic views of Old Aberdeen are missing from this document, which aims to portray its character.

Depictions of particular characteristic features are also missing, eg. the magnificent 17th century walls which form the boundary of the Botanic Garden on St Machar Drive, and the westmost boundary of No.13 Chanonry; the "cherry-caulking"; the crowstepping; the Seaton brick detailing. Good quality photographs of these and other such important features are surely a must for a document such as this.

Moving on from the built environment, what about a photograph of the beautiful Botanic Garden? Characteristic views here might feature either the Sunken Garden, or the exquisite rock and pond garden. In Seaton Park, there really should be a more complete picture of the River Don, which contributes so much to the character of the area, both in the Park and at Balgownie. Perhaps it could be featured at both locations. At the Park, the view of St Machar's Cathedral from the riverside is also a well-known, characteristic view, and the walled garden, being the only remaining part of Seaton House, and an important feature, should surely be worthy of inclusion.

We do not suggest that all the places mentioned above are included; merely that a more representative selection be chosen. If space is at a premium, then perhaps one or two of the four photos of the New Library could be dropped, given that it is, arguably, the least characteristic of the Aulton. Also, as suggested earlier, a fair number of photographs of modern University buildings could be omitted.

### Titling

Titling of character areas is inconsistent, with different versions of titles for Areas 'C' and 'D' on different pages of the document.

As for the new title for Area 'B', we wish to make a request for the return of the original name "The Heart", or "Old Aberdeen Heart", instead of the "Core". The word "core" has negative associations and overtones, which are really not appropriate to an area as full of warmth and beauty as Old Aberdeen. It is



our view that the term "Old Aberdeen Heart" is infinitely preferable, and should continue as the title for this character area.

### Terms of Description

The last matter we wish to raise is the use of certain terms which seem inappropriate. The term "burgage plots" is unfamiliar; the term used more often locally is "lang-rigs" or "lang-rig feus". If there is a specific reason to use "burgage plots" instead, then so be it, but it doesn't sound authentic for Old Aberdeen. The term "campus" is most definitely alien to the character of Old Aberdeen, and indeed to the character of an ancient Scottish University

The term "residential building" crops up constantly throughout the text of this document. Certainly it can be a useful term when describing buildings of which there is no distinguishing feature, but it should not be used as a blanket term for anywhere that people live. In particular, it is unnecessary and inaccurate to call a Hall of Residence or a block of student accommodation anything other than just that.

As for describing the family homes in Tillydrone Avenue or the historic dwelling-house in St Machar Drive "residential buildings", there is no justification at all for using this term.

So please could this document speak not of "residential buildings" in these circumstances, but specifically, and more accurately, of Halls of Residence, blocks of student flats, or of dwelling-houses and family homes. To call them such is to assign to them their particular character, which in the context of a Character Appraisal is clearly very important.

## OLD ABERDEEN HERITAGE SOCIETY

The accompanying document is an appendix to the Society's main representation and comments on the Draft Character Appraisal for the Old Aberdeen Conservation Area.

There are, unfortunately, a very large number of errors, inaccuracies and omissions in the Draft Appraisal, as well as problems with various aspects of its presentation. There are also many instances of items which need clarification.

As this Character Appraisal is to form part of the next Local Development Plan, and will carry statutory weight, it is, of course, vital that it does not contain inaccuracies and omissions.

As there are so many of these, we have listed them in this separate Appendix.

We have also taken the opportunity to include our comments on specific matters raised in the Draft Appraisal, which we have included under the relevant sections.

25 May 2014

## OLD ABERDEEN HERITAGE SOCIETY

### Appendix to Main Comments on Old Aberdeen Conservation Area Draft Character Appraisal

(Errors and omissions which need to be rectified,  
statements which need clarification  
and other comments on specific points)

p.3 - 1.2 - lines 5-9

The implication here is that St. Machar's Cathedral and its predecessors were built for "religious study". Although there was certainly a lot of study, the main purpose of this ancient Cathedral was (and is) surely that of worship, rather than study.

p.3 - 1.2 - line 14

The term "burgage plots" seems foreign in the context of a Scottish mediaeval town. The term used by most historians for this feature in Old Aberdeen is, we believe, "lang-rig feus".

p.3 - 1.2 - 2<sup>nd</sup> para - lines 1-4

This is incorrect. It was an independent town, and burgh of barony, until it officially merged with 'new' Aberdeen in 1891.

p.3 - 1.2 - 2<sup>nd</sup> para - lines 7-8

In order to differentiate between Old Aberdeen and the University 'campus', we suggest that "which is situated in Old Aberdeen", be added after "campus".

p.3 - 1.1 - Profile - under 'Buildings at Risk'

Benholm's Lodging, (or the Wallace Tower), is situated in Tillydrone Road, not Avenue.

p.4 - Bottom photo

This is Powis Gate, not Powis Lodge, (which stands between Crombie Hall and College Bounds, and is home at present to the Rocking Horse Nursery).

p.5 - 2.1 - line 5

Capital 'R' for 'Road.'  
Also add 'Firhill Road' as a boundary.

p.5 - 2.2 - 2<sup>nd</sup> para - line 6

Surely the 'Spine' stopped at the Town House; where it divides in to two roads.

p.5 - 2.2 - 2<sup>nd</sup> para - next column

Surely “lang-rig feus” are “burgage plots”.

p.5 - 2.2 - 2<sup>nd</sup> para - 5<sup>th</sup> last line

“remain”, not “remains”.

p.5 - 2.2 - 2<sup>nd</sup> para - 2<sup>nd</sup> last line

Mediaeval “lang-rigs”.

p.7 - 2<sup>nd</sup> para

- More probably 5<sup>th</sup> - 6<sup>th</sup> century.
- Remove “the” before “popular”.

p.7 - 2<sup>nd</sup> para - line 5

Small ‘s’ for ‘shepherd’.

p.7 - 2<sup>nd</sup> para - last sentence

Is it really the case that most historians do not believe in the existence of St. Machar? Perhaps it is more the case that there is uncertainty about which, if any, historical figure he can be identified with. We also suggest removing “because it is so widely believed”.

p.7 - 3<sup>rd</sup> para - line 5

The word “so-called” is redundant.

p.7 - 5<sup>th</sup> para - line 1

Not late 14<sup>th</sup> century, but late 15<sup>th</sup> century (1495)

p.7 - 5<sup>th</sup> para - line 4

This suggest that The Chanonry also was an “academic enclave”. Surely it was a “religious enclave”.

p.7 - 6<sup>th</sup> para - line 4

Insert “Roman” before Catholic to be correct

p.7 - 6<sup>th</sup> para - line 5

Small ‘c’ for ‘canon’; apostrophe after the ‘s’.

p.7 - 6<sup>th</sup> para - line 6

This suggests that the churches as well as the canons' manses were also converted in to 'secular residential use', which is not the case.

p.7 - General

'century' at the beginning of each paragraph must have either a small 'c' or a capital, not a mixture.

p.8 - 1<sup>st</sup> para - line 5

It consisted not of 'just one street', really, but at least three - the mediaeval spine, culminating in the Town House; Don Street, leading to the lands of Seaton and on to Balgownie, and the Chanonry, leading to both the Cathedral 'Close' and to the ancient Tillydrone Road, leading north-west.

p.8 - 2<sup>nd</sup> para - 8<sup>th</sup> line from bottom

"lang-rigs" is better.

p.8 - 2<sup>nd</sup> para - 5<sup>th</sup> last line

"residential" not needed.

p.8 - 2<sup>nd</sup> para - 2<sup>nd</sup> last line

Remove stray 'n' from 'Sunnynbank'.

p.8 - 3<sup>rd</sup> para - 4<sup>th</sup> last line

Remove 'the' before 'Old Aberdeen', and also the 'to' in the previous line.

p.8 - 4<sup>th</sup> para - 4<sup>th</sup> last line

Suggest this is re-worded with an addition to read "modern teaching, administrative and student accommodation buildings" which more accurately describes the 'campuses' east and west of High Street. 'Areas', however, would be a better term.

p.8 - 4<sup>th</sup> para - 2<sup>nd</sup> last line

'building' needs an 's' on the end.

p.9 - 'C' - remove 's' from 'Regent's'

- the description of the boundary of this area is insufficient and inaccurate.

p.9 - 'D' - It is King Street, not 'Road'.

p.9 - 'E' - please add 'Balgownie village' and 'Cottown of Balgownie'.

p.10 - Plan

Tillydrone Road should be delineated in green, not orange, as it is shown quite clearly on Parson Gordon's map of 1661, and was a main route north-west.

p.13 - Upper photo

This is not St. Margaret's Convent, but what was built as St. Martha's children's home, becoming in the 20<sup>th</sup> century a local authority hostel. It was then refurbished as a group of flats by Langstane Housing Association.

p.12 - 2<sup>nd</sup> para

"Mounthooly" is a short road linking the roundabout with King's Crescent (to the north-west) and with Mounthooly Way - the new road which leads to King Street.

Perhaps this should read: "After following the road north from Mounthooly, King's Crescent is ..."

p.14 - 3.2.1 - 5<sup>th</sup> line

Remove 'residential'.

p.14 - 3.2.1 - lines 5-9

The buildings in King's Crescent are not "mainly large", but mostly cottages or modest villas, the exception being no.39.

It is not the case that many plots show evidence of having been subdivided in the past. Viewton Place is the only example in King's Crescent.

p.14 - 3.2.1 - line 14

Remove "in"

p.14 - 3.2.1 - 2<sup>nd</sup> para

This complex facing on to the Spital was never sheltered housing. There was some sheltered housing once in Merkland Place and Auckland Place to the east, but now, we believe, there is none there either.

p.14 - 3.2.1 - 2<sup>nd</sup> para - 4<sup>th</sup> last line

- not so much a rear extension; part of the original building.
- next line - 'Association' should read 'Trust'

p.14 - 3.2.2 - 1<sup>st</sup> para - last line

Move apostrophe to after 'workers'.

p.14 - 3.2.3 - last sentence

Should be "St. Margaret's Convent and its Chapel".

p.14 - 3.2.4 - 2<sup>nd</sup> sentence

Not "sheltered accommodation".

p.14 - 3.2.4 - 6<sup>th</sup> last line

Only two fast-food takeaways.

p.15 - 3.2.5 - 2<sup>nd</sup> last point

Not "sheltered" housing.

p.15 - 3.2.5 - last point

Should read: "poor condition of the A-listed Chapel and adjoining building"  
(The Convent Houses, to the north, are not in poor condition.)

p.16 - 3.3.1 - first line

This wonderful view of Marischal to the south when climbing the Spital Hill is mentioned in the text, but not shown on the plan.

p.16 - 3.3.1 - line 10

From this position, there is also a splendid view of the Meston Building amidst forest trees and, in the distance, the wooded hills of the far reaches of Bridge of Don.

p.17 - 3.3.2 - 2<sup>nd</sup> para - last line

Remove "on".

p.17 - 3.3.3 - last sentence

Add "in" before 'good', and "are" before 'cracked'.

p.18 - 3.3.4 - line 4

'Some' rather than 'the'.

p.18 - 3.3.4 - line 7

Should read "St. Margaret's Convent, with its Chapel and"

p.18 - 3.3.4 - 7<sup>th</sup> line from bottom

Not 'warehouses' but 'bus sheds'.

p.18 - 3.3.4 - last sentence

Not "sheltered"

p.19 - 3.3.6 - 2<sup>nd</sup> sentence

'Voluntary Housing Trust'

p.21 - 3.4.3

The fact that some trees 'obscure' views of the houses is not necessarily to be counted as a 'negative factor'. It can be seen as a form of 'framing' a view of the houses, and also contributes to the 'country within town' feel of some of King's Crescent.

p.21 - 3.5

'Spital' with only one 't'.

p.21 - 3.5 - General key characteristics

"Trees within enclosures" seems inadequate to describe the wonderful wealth of mighty forest trees in King's Crescent. These are no ornamental trees; and there should be mention of how they frame views and beautify this road with their overhanging branches.

p.22 - 'B' - Old Aberdeen Core

There should be mention also of Firhill Place, Regent Walk (south), Orchard Walk and Place, Clark's Lane.

Tillydrone Road - the whole of this ancient mediaeval highway should also be part of Area 'B'.

Area 'B' ought also to include "The Mission" and "The Barn" on St. Machar Drive, and the group of houses on Tillydrone Avenue south of its junction with Tillydrone Road.

p.22 - 3.1 - 1<sup>st</sup> para - last sentence

St. Machar Drive was built in the 1920s, not the 1930s.

p.22 - 3.1 - 2<sup>nd</sup> para - 1<sup>st</sup> line

"Orchard Street", not "Road".

p.23 - Map

The northern half of Tillydrone Road is not included here in the 'Old Aberdeen Core'. This is unjustifiable. The whole road is of historical and aesthetic value.



p.23 - 3.1 - 1<sup>st</sup> line

“boundary walls” of the Chanonry gardens in general are mentioned, but special attention must here be drawn to the wonderful ancient boundary walls only to be found in this section of the Conservation Area, Area ‘B’. These 17<sup>th</sup> century, extremely substantial walls with distinctive sloped coping are characteristic of this, the most historically significant ‘core’ of Old Aberdeen. There are two striking examples in long stretches; on the east side of the Chanonry when approaching the Cathedral, forming one boundary of no.13, The Chanonry; and along the north side of St. Machar Drive, forming the boundary of the Botanic Garden. The garden walls of 81, High Street are of similar, distinctive, style and age, and are one of the major features in the characteristic views of High Street looking south a little way down from the Town House.

p.23 - 3.1 - 2<sup>nd</sup> line

The Botanic Garden is actually jointly owned and managed by the University and the Cruickshank Trust. Suggest “also contains the Cruickshank Botanic Garden” instead.

p.23 - 3.1 - 4<sup>th</sup> line

Capital ‘C’ for Cathedral

p.23 - 4<sup>th</sup> line onwards

This description makes it sound as if there is no further road beyond the Chanonry here, as if it somehow comes to a halt at the entrance to Seaton Park. As can be seen on all the old maps, however, this part of the Chanonry was in fact the first part of the mediaeval road to the north-west; the equivalent of Don Street to the north-east. When looking at Old Aberdeen’s ‘Y’ shaped street pattern, Don Street stretches out to Balgownie and then to the North, while the Chanonry at this point continues in to Tillydrone Road, leading to the Tillydrone Motte, and once through an old settlement there, to the north-west. These were two mediaeval roads of similar importance, but Tillydrone Road has barely been mentioned in this Appraisal, and its character has certainly not been described - despite its historical significance, and picturesque, rural quality.

p.23 - last line

“Don St.” and “Dunbar St.” would be better.

p.24 - 3.2 - 2<sup>nd</sup> line

‘burgh’ rather than ‘burgage’.

p.24 - 3.2 - 4<sup>th</sup> line

‘lang-rig feus’ better than “burgage plots”.

p.24 - 3.2.1 - line 5

“statuses”. Would it be less clumsy to say, perhaps, “varying uses and different levels of social status”.

Between p.24 (finishing “larger units”) and p.25 (3.2.2 “Materials”)

On the original draft which was issued in March, there were four more photographs, and two short paragraphs on the High Street and Chanonry. These were removed two weeks in to the Consultation (when the maps and plans were added and some of the errors corrected).

It is not clear whether these two paragraphs and photographs were omitted by mistake or on purpose, but perhaps they might be useful. Certainly this is just about the only mention of the Town House, remarkably.

p.25 - Photo of 13, Chanonry

There is a similar one on p.8. Do we need two? Perhaps another interesting Chanonry house instead? - e.g. no.12 (Tillydrone House) or the flat-roofed no.15, or the handsome no.8? Or indeed the mediaeval Chaplin's Court.

p.25 - 3.2.2

This section should end with a paragraph on the use of various materials in boundary walls in Area 'B' - highlighting those characteristic of the 'historic cove', especially the use of Seaton brick along with other materials (e.g. at 81, High Street); often above though sometimes on its own (as at 2, The Chanonry).

p.26 - 3.2.3 - line 10

Needs a semi-colon after 'grounds', at least.

p.26 - 3.2.3 - line 11

This building (“Powis Gate”) has not been the Music Dept. for some years. It was general offices and study rooms for a while, and now, we believe, is a Faculty office.

p.26 - 3.2.3 - last line

Should read “around the manses in the Cathedral close”. Then add “Another fine example can be found at 81, High Street.”

p.27 - 3.2.3 - 2<sup>nd</sup> para - 1<sup>st</sup> line

Semi-colon needed after “vary”.  
“storeyed” not “storied”.

p.27 - 3.2.3 - 2<sup>nd</sup> para - 3<sup>rd</sup> line

Remove “are”

p.27 - 3.2.3 - 2<sup>nd</sup> para - 7<sup>th</sup> line

Remove "neighbouring" (duplication). Add a semi-colon after "neighbours".

p.27 - 3.2.4 - 1<sup>st</sup> para - 4<sup>th</sup> line

More accurate to say "used for teaching, administration, or student accommodation purposes".

p.27 - 3.2.4 - 1<sup>st</sup> para - last 2 lines

Amend "to" to "and".  
Remove "time".

p.27 - 3.2.4 - 2<sup>nd</sup> para - 1<sup>st</sup> line

Remove 's' from "places names"

p.27 - 3.2.5 - point 2

Add "and frontages of offices which were once shops".

p.27 - 3.2.5 - point 3

- Add "and/or neglected" after "empty".
- Insert after this another point: - "empty and neglected land on Don Street, mostly unused for decades." The one positive purpose it provided - a row of garages for local residents - was demolished years ago.

p.27 - 3.2.5 - "Negative Factors"

Add another point:-

"unsympathetic and intrusive University building spanning Church Walk, one of the closes, with a modern "corridor" building of some depth, which has made this lane in to a dark, dismal place, with no view to the other end.

And another point:-

"Associated building and formation of car park meant the loss of a significant portion of the adjoining lang-rig gardens."

And other point:-

"Some depopulation of High Street and College Bounds and loss of vitality owing to conversion of University properties to departmental or office use, replacing homes or shops".

And a last point:-

"Future sustainability of the Old Aberdeen community threatened by increase in HMOs, which reduces the number of permanent residents, who are needed to make the local shops etc. viable, and to work over the long term for the good of the community."

p.28 - 3.3.1

Mention should be made of the key views up and down the picturesque Tillydrone Road as it meanders up and over the hill.

p.28 - 3.3.1

Also an important key view to be added is that from the Tillydrone Roundabout area looking eastward along the length of the magnificent stretch of ancient Chanonry boundary wall, now enclosing the Botanic Garden.

Also views of King's College, Pavilion and the Round Tower, from gaps in the wall in King Street, and lovely oblique views of these from various points in University Road, especially from the south side.

Also views across the tennis courts to these buildings, and from near the western end of University Road, on the south side, looking obliquely, at the pavilion and various college buildings.

An important 'glimpse' is that looking east up Spital Walk, to the rear of Orchard Cottage, its hedge, and lawn with cherry trees.

Another fine view of King's Crown can be had from Elphinstone Road, looking obliquely through gaps between the High Street houses.

Mention should be made also of the unexpected glimpse of the Cathedral spires looking up Cheyne Road from King Street.

p.28 - 3.3.2 - 1<sup>st</sup> para - lines 4-5

Should read "Don Street, Dunbar Street (formerly the East Back Gate), and Elphinstone Road (formerly the West Back Gate).

p.28 - 3.3.2 - 1<sup>st</sup> para - line 8

Should read "St. Machar Drive (part of which was formerly Cluny's Wynd)."

p.28 - 3.3.2 - 2<sup>nd</sup> para - 3<sup>rd</sup> line

Suggest:- Insert "granite flagstone" before "pavements".

Also not "the High Street" here. The section of road between University Road and Meston Walk is called "College Bounds"; No. 1, High Street is the first house north of Meston Walk.

p.29 - 2<sup>nd</sup> line

Not High Street, but College Bounds.

p.29 - lines 8-9

Parenthesis needed from before "chicanes" to after "road".

p.29 - 2<sup>nd</sup> para - line 2

- Insert "Cathedral" after "Machar's" for clarity.
- Remove 's' from 'help'

p.29 - 2<sup>nd</sup> para - line 4

Comma needed after "east" and after "closes" on next line.

p.29 - 3<sup>rd</sup> para - line 6

"in themselves" is redundant after the use of "intrinsic".

p.29 - last 4 lines

"Way finding" does not need to be 'improved' - except perhaps at Church Walk, where the ugly overhead modern link building spanning it completely blocks the view to Elphinstone Road, so that one can't tell at first glance that it goes right through.

Other than that, there is no problem with "way finding". There are a host of lanes and closes or ways through on either side of High Street, which clearly lead to east or west.

As for the supposedly "weak east west routes across the university's Campus area", - what does this actually mean? If it means routes from one side of the 'Modern University Campus' to the other, on the backlands of the opposite side of High Street, then the current wording is inappropriate - simply because the area in between these two University areas is not part of the University Campus:- it is the High Street, the 'public realm' and buildings of the ancient burgh.

More to the point, this section of the Appraisal has missed the point of the High Street and its closes and lanes. Much of its charm derives from the "quirkiness" of its various lanes, from their unexpected appearance on either side, from the fun of weaving one's way in and out of different lanes to reach each destination.

It is not difficult to find one's way east or west, and for new students ample maps are provided showing the location of University buildings.

We do not need 'stronger' east west routes. To open up new lanes, or widen existing ones would destroy the authenticity of Old Aberdeen.

This 'strengthening' of 'way finding' has nothing whatever to do with the preservation and enhancement of the Conservation Area, in the context of its historic core. We request that the final sentence of this page is therefore omitted.

p.30 - 3.3.3

Pavements in Don St. were modernised in the 1980s and do not reflect its historic character.

p.30 - 3.3.5 - 2<sup>nd</sup> line

Semi-colon needed after 'signage'.

p.31 - 3.3.6 - 4<sup>th</sup> line

Insert "from" after "detracts".

p.31 - 3.3.7 - 2<sup>nd</sup> line

'College' needs a capital 'C'.

Add another point, as 'negative factor':-

Inappropriate, modern slab pavements in Don Street"

Also:- - inappropriate free-standing sign in front of the Town House  
- unsympathetic lamp-standards in several roads.

p.32 - 3.4.1 - lines 2 & 3

What is a "grassed open setting"?

p.32 - 3.4.1 - line 5

Should read "Botanic Garden" (Capitals, and no 's').

Also this Garden is not on the corner of St. Machar Drive and Don St, but of St. Machar Drive and The Chanonry.

There should surely be a portrayal here of the special character of the Botanic Garden:- especially its secluded nature.

p.33 - 3.4.2 - 1<sup>st</sup> para - line 6

Capital 'B' and 'G' needed for 'Botanic Garden'.

p.33 - 3.4.2 - 2<sup>nd</sup> para - line 6

It actually links Spital, not College Bounds, to the start of Firhill Road which leads to Sunnybank Park.

p.33 - 3.5 - Key Characteristics:-

- Could we have "lang-rig" development instead, please?
- "Complete town", yes, but more than that; also a "burgh of barony".
- "historic street layout" - suggest "and street surfaces" is added.
- add "Historic village community from earliest times."
- 7<sup>th</sup> point. Capital 'C' for 'Cathedral'.
- 9<sup>th</sup> point - the word "campus" is inappropriate here; can we suggest "Aberdeen University historic buildings centred on King's College."
- 10<sup>th</sup> point - not "Blenholm's" but "Benholm's"  
- add "on the mediaeval Tillydrone Road".
- 12<sup>th</sup> point - Insert "Old" before "boundary"  
- after "many of them", "ancient" should be inserted for clarification.

p.33 - (Key Characteristics. continued)

There is no reference here to the Town House of Old Aberdeen as a “key feature”. Both the Cathedral and King’s College are mentioned, but remarkably, the third main element of Old Aberdeen has been left out. There ought, of course, to have been some description of its character in an earlier section, but in this section, we suggest the addition of:-

- “Town House of this Burgh of Barony, the main focus of the High Street”.
- “A wealth of historic buildings, many of them listed.”

p.34 - ‘C’ - “Modern University Campus”

Title - is missing the word “Modern” which is meant to be part of its title (see list of character areas, p.9, and titles of plans on pp.34, 35, 42, 43, 44, 46)

Plan - We are glad to see on this plan (and on the plan on p.35) that the whole of Tillydrone Road is excluded from the “Modern University Campus”, and included in the Historic Core, but this is at variance with the plans in Area ‘B’ section of this Appraisal, which show the northern half of Tillydrone Road not in the Core Area. (pp.22-23) The plan of Character Areas on p.9 seems to show the whole of this ancient road firmly in the ‘Old Aberdeen Core’ character area. This is where it should be, but corrective work must be done on the various maps and plans which confuse this issue.

p.34 - 3.1 - 1<sup>st</sup> para - lines 1-3

Add “and administrative” after “academic”.

“Residential buildings” here is inappropriate and unnecessary. All of these are blocks of student flats.

This should read “The character area incorporates the modern academic and administrative buildings and also modern student accommodation.”

p.34 - 3.1 - 1<sup>st</sup> para - 2<sup>nd</sup> sentence

“development along Tillydrone Avenue” should apply only to the Zoology Building. This is a University academic building just across from all the others.

It is inappropriate and illogical to annexe to this Character Area the group of family homes further down Tillydrone Avenue. First, these homes do not all belong to the University - some are privately owned. Secondly, they are not campus buildings. Thirdly, they are not modern, the earliest dating from the 1920s.

The boundaries of Character Areas ‘B’ and ‘C’ must be re-drawn to restore these homes to Area ‘B’ - “Old Aberdeen Core”.

p.34 - 3.1 - 2<sup>nd</sup> para - line 2

Replace “were” with “have been”.

p.34 - 3.1 - 2<sup>nd</sup> para - 8<sup>th</sup> line

Remove apostrophe from “Art’s”

p.34 - 3.1 - 4<sup>th</sup> para - lines 1-3

The amenity space is not “within” the “buildings”. Also “residential buildings” here again would be better expressed as “student accommodation”, which conveys their actual nature more correctly.

Suggest “There is some amenity open space in between the academic and administrative buildings, and the student accommodation to the east of the historic spine.”

p.34 - 3.1 - 4<sup>th</sup> para - 2<sup>nd</sup> last line

“architecturally” not “architectural”

p.35 - 3.2.1 - 1<sup>st</sup> sentence

This introductory sentence (“All of the buildings within this area show the evolution of architecture from circa 1950 to the present day”) demonstrates clearly that some areas have been wrongly taken out of the “Old Aberdeen Core”, and removed to this “Modern University Campus” area. This applies especially to “The Mission”, a 19<sup>th</sup> century building with a rich history, (and a place of worship), not owned by the University), and “The Barn”, an early 19<sup>th</sup> century Category ‘B’ listed dwelling house, also with a rich history. Neither of these buildings are “modern”, nor are they “campus” buildings.

Specifically, however, they pre-date the stated age of the buildings in this Character Area by over a century. These two buildings must be returned to the “Old Aberdeen Core” area, where they were correctly situated in the Character Appraisal document which has served Old Aberdeen well over the years.

p.35 - 3.2.1.1 - “Residential Buildings”

This should be re-titled “Student Accommodation” to reflect the nature of those buildings which should be in this Character Area, and to exclude the family houses which should not.

p.35 - 3.2.1.1 - line 9 - no ‘s’ on ‘Hall’  
line 10 - “is”, not “are”  
line 11 - “storey”, not “story”

p.36 - 1<sup>st</sup> para - 3<sup>rd</sup> line

It is not an “extension” to Crombie, but an “addition”.

Same line - no ‘s’ on ‘Hall’

p.36 - Photos:-

Bottom Left - No longer a Refectory, now part of the Music Dept..  
Also - no ‘s’ on ‘Hall’

Top Right - no ‘s’ on Hall  
Also disappointing that this photo does not show any distinctive part of this “A-listed” building.



p.37 - Photos:-

Top Left - no 's' on 'Hunter'  
Bottom Left - no 's' on 'Cooper'

p.37 - Text - 1<sup>st</sup> Para

Not 'Cooper's Court' but 'Cooper'

p.37 - 1<sup>st</sup> Para - 1<sup>st</sup> sentence

It is incorrect to say that both these buildings were converted from study blocks. The present "Cooper Court" was built as an Arts Block in 1966, then for many years used as, and known as, "The Study Block". It was converted to student flats many years later. "Hunter Court" was never a study block; it had no previous use, but was purpose-built as student accommodation.

p.37 - 1<sup>st</sup> para - last line

- no 's' on 'Cooper'.  
- and we are unaware of a "timber finish" on Cooper Court.

p.37 - 2<sup>nd</sup> para

First and foremost, these family homes should not be included in this Character Area. They have nothing whatsoever in common with the modern student accommodation blocks which precede them in this section.

There can be no justification for removing these houses from the 'Heart' of "Old Aberdeen Core" Character Area, and assigning them to the "Modern University Campus" Character Area.

They share nothing in character with the other buildings in this section. They are not 'campus' buildings; they are not 'modern' (built between the 1920s and 1952), and they are not all University houses either; some are privately owned. They are all family houses, and should be removed from the "Modern University Campus" section, and returned to the "Old Aberdeen Core" or "Heart" where, with good reason, they have been up until now.

Having said this, it is necessary to correct the errors in the paragraph describing these houses:-

line 2 - this was hardly an "estate"; just a few attractive family houses.

line 3 - Incorrect:- They were not built in the "late 1950s", but in 1947 (the terrace), and 1952 (the cul-de-sac).

last 2 lines - the house referred to here, with harling finish, is, in fact, quite obviously two houses. They are also quite obviously different in every respect from the pink and grey granite houses, and clearly not built at the same time. They were not, as stated, built by the University in the "late 1950s", but by Major Hay of Seaton House in 1924.

The misdescription in this paragraph, and the historical and architectural errors are a clear indication that these family homes have been wrongly annexed in to the “Modern University Campus”. It should be asked why this was ever thought to be a justifiable change, and why it has been pursued at all.

p.38 - 3.2.1.2 - 4<sup>th</sup> para - last line

The arcaded bridge is not over Regent Walk, surely, but over the continuation of Dunbar Street. Regent Walk is perpendicular to this road, just beyond the southernmost block of the Taylor Building.

p.39 - Photos:-

Top right - “MacRobert”, not, “McRobert”

p.39 - 1<sup>st</sup> para - 2<sup>nd</sup> line

an ‘s’ to go on ‘storey’

p.39 - 2<sup>nd</sup> para - 1<sup>st</sup> line

Annex needs an ‘e’.

p.39 - 3<sup>rd</sup> para - 5<sup>th</sup> line

“Annex” needs an ‘e’.

It should be stated here that 2016, twenty years after being built, it should be removed in five years at the utmost.

p.40 - 5<sup>th</sup> para

It would be helpful to mention

The Annexe is a temporary building, due to be removed in 2016, given permission, very reluctantly, for a period of five years.

that it was built as the Chemistry Building.

p.40 - 5<sup>th</sup> para - line 4

Add 's' to 'storey'

p.40 - 5<sup>th</sup> para - line 5

Insert 'roof' after 'slate'.

p.40 - 3.2.4 - this must be wrong numbering. Next page is 3.2.3

p.40 - 3.2.3 - 1<sup>st</sup> line

"to the west of" is misleading geographically, suggesting that Elphinstone Road is further west than the University buildings. Perhaps "The main road separating the old burgh from the western section of the university expansion" would be clearer.

p.41 - 3.2.3 - 4<sup>th</sup> line

There is a word missing after 'either'.

p.41 - 3.2.3 - 2<sup>nd</sup> para - line 2

"of student accommodation" after "development", or just call them "Halls of Residence", which is what they were.

p.41 - 3.2.3 - 2<sup>nd</sup> para - line 4

- 'residential blocks' is not descriptive. "Halls of Residence" would be, and is clearer, and factually correct.
- no 'e' on 'Johnston', and remove 'a'.

p.41 - 3.2.3 - 2<sup>nd</sup> para - lines 3-7

This sentence shows a lack of appreciation of the design of Johnston and Crombie Halls of Residence. Both were designed by the renowned architect Sir Robert Matthew, who deliberately placed these buildings in the backlands of the campus, to avoid imposing on the character of High Street and College Bounds.

A guide to the new Crombie Hall states that "the architectural character of the Hall has been influenced by the atmosphere of the township of Old Aberdeen."

In Matthew's own press release from 1960, he says:-

"The scale of building in Old Aberdeen is generally small, and a large part of the town's charm lies in its informality; these considerations have influenced the design of the Halls of Residence ... laid out informally".

On the Historic Scotland listing, it is mentioned that "the character of Crombie Hall was influenced by the small-scale informal civic character of the University.

Sir Robert Matthew clearly had a much better understanding of the true character of Old Aberdeen than the architects of some more recent University buildings.

Matthew deliberately set these Halls well back from the street, amongst wooded grounds, and deliberately laid them out informally, in order to reflect the informality of Old Aberdeen, which is such a large part of its charm.

The character of these Halls, therefore, if seen in context, is not one of “random incoherence”. They were carefully thought out, in siting and layout, and make for a very pleasing whole, where there is surely no problem with “wayfinding” at all.

What must be understood is that it is in keeping with the character of Old Aberdeen that that the University buildings are individual, some set in their own grounds, facing this way or that. This is not a modern “campus university”, where buildings are placed in straight lines with broad approaches and pathways, and formal squares. This University is situated in an ancient township which has a truly informal atmosphere, and the best buildings in the University reflect this.

This preoccupation with “orientation” and “wayfinding” has no place in Old Aberdeen.

p.41 - 3.2.3 - 2<sup>nd</sup> para - lines 7-9

We suggest here also that “to the east of the University” gives the impression that Dunbar Street runs past the other, eastern side of the development. This road is not to the east of the University, but to the east of the High Street, and is actually to the west of the new buildings. Perhaps “to the east of the Old Town” or “to the east of High Street” would be clearer.

It should be noted that the road layout here is similar simply because Elphinstone Road (historically called the “West Back Gate”) and Dunbar Street (historically the “East Back Gate”) formed the west and east boundaries of the ancient burgh, where walls enclosed the back of the mediaeval “lang-rigs” where the inhabitants each had their own crofts or land. These roads are of ancient origin.

p.41 - 3.2.3 - 2<sup>nd</sup> para - last 2 lines

This is written as if “inconsistency with orientation” of buildings were a bad thing. Surely, however, it is this “mixture of orientation” that makes the east side of the University area so interesting, and characterful. The one building which is, however, damaging to the “sense of place” is the “temporary” Edward Wright Building “Annexe”. This is completely out of place, and has ‘temporarily’ replaced the north part of the carefully planned landscaping of lawns, paths and cherry trees which used to surround the Edward Wright Building on its east elevation. This Annexe also intrudes on views from the south-west, of the category ‘B’ listed dwelling house known as “The Barn” to the north. The other ugly intrusion in to the landscaped area is the walled area surrounding what may be a generator or suchlike, and other unsympathetic ancillary building. If these were moved to somewhere more suitable, and the “Annexe” removed, and the landscaping reinstated as promised, this area would see a huge improvement.

p.42 - 3.2.3 - last sentence

This sentence demonstrates with the greatest clarity that “The Barn”, “The Mission”, and the houses on Tillydrone Avenue are of a completely different character from those of the so-called “Modern University Campus”. The modern institutional buildings of this character area are indeed “all large and bulky buildings with no uniformity to size or scale”. “The Barn”, “The Mission” and the family houses in Tillydrone Avenue do not fit this description in any way, and should not be added to this character area.

p.42 - 3.2.4 - 2<sup>nd</sup> sentence

This is not strictly correct. Some of the University’s modern buildings have seen a change in use:- e.g. Cooper Court - from study block to student accommodation; Johnston Hall Refectory, now housing a section of the Music Department; the Edward Wright Annexe, built as a block of laboratories, then used as postgraduate rooms, and now as offices. Perhaps it would be better to say “Most of these”.

p.42 - 3.2.5

last line - no ‘s’ on ‘Hall’

p.43 - 3.3.1 - 2<sup>nd</sup> para

Not “where three important buildings ... are on campus”, as if Old Aberdeen were a campus with University buildings dotted around it. It is not. These buildings are situated on either side of a distinct community, and the heart of an ancient burgh. Suggest “where ... are situated” instead.

p.43 - 3.3.1 - 3<sup>rd</sup> para - 2<sup>nd</sup> last line

Insert ‘as’ after ‘such’

p.44 - 3.3.2 - 1<sup>st</sup> para - line 3

not “Meston Way”, but “Meston Walk”

p.44 - 3.3.2 - 2<sup>nd</sup> para - line 3

“Annex” needs an ‘e’

p.45 - 3.3.3 - lines 1-2

Remove “on due to”, and insert “by”

p.45 - 3.3.4

Which “private grounds” are referred to? If this is a reference to the trees belonging to the homes at Tillydrone Avenue, then this is an acknowledgement that these family homes are indeed “private grounds”, and not part of any “Modern University Campus”.

p.45 - 3.3.5 - Signage

It should be mentioned that the institutional signage is of very variable quality.

p.45 - 3.3.7

As noted earlier, we regard this matter of wayfinding and navigation as of little importance, and further, it is a distraction from the real issues relating to Conservation.

p.46 - 3.4.1 - last sentence

This is not a “residential amenity open space”. It is the “village green” belonging to these family homes, which are not all owned by the University.

p.47 - 3.4.3 - 1<sup>st</sup> sentence

“Useable open space to the east” will be provided when the Edward Wright “Annexe” is removed and the landscaping restored. This should make a huge difference to the area. The remaining part of landscaped open space, referred to here, is hemmed in at present by the ugly, tall Annexe, and marred by unsightly ancillary buildings, which need to be moved.

This is, surely, why these benches are not regularly used. The area has lost its “sense of place” since the Annexe was erected. There used to be attractive grassy banks along the length of the west side of the car park, which, covered with wild flowers, made an attractive elevated border for the landscaped area. These banks were removed when the “Annexe” was built in their place, and would be an asset to the area if replaced when the Annexe is removed.

p.47 - 3.5

Characteristics” not “-ises”

p.47 - 3.5 - line 2

Inconsistency here in titling once more - should be “Modern” University Campus.

p.47 - 3.5 - General - first point

A key characteristic of the “Modern University Campus” character area is indeed that of “concrete tall and/or bulky buildings.” This characteristic, however, is completely absent from the family homes at Tillydrone Avenue and “The Barn”, and “The Mission”, a main reason why they must obviously not be included in this Character Area.

p.47 - Photo

“The Quad” is perhaps not the best description. That title would normally be applied to King’s. We believe that this area is formally called “The Ronald Scott-Brown Quadrangle” as indicated on a recent sign.

p.48 - 'D'

Inconsistency in titling again. Here "Seaton Park" is included in the title. Elsewhere in the document it is sometimes omitted.

p.48 - 3.1 - line 1

"Owing to" rather than "due to".

p.48 - 3.1 - line 3

The steep decline is "to the north", not "to the south".

p.49 - 3.2.1 - 2<sup>nd</sup> line

"dates", not "date"

p.50 - lines 3-4

The Seaton Stables "complex" was not built in the walled garden, but beside it.

p.50 - line 5

Insert "at" after "cottages".

p.50 - 2<sup>nd</sup> para

Surely there were not "several student accommodation complexes" built on Don Street? (unless one includes Hillhead). To the best of our knowledge, the Sir William Wallace Wynd development is not student accommodation. That leaves the 'Liberty Living' complex adjacent, which is, indeed "a lost opportunity to create a living street frontage", and, further was built right up to the pavement line, in breach of planning permission.

p.50 - 3<sup>rd</sup> para

This first sentence needs clarification. Does this refer to the blocks of flats? Why call them "residential buildings", which is not descriptive?

p.51 - 3.3.5 - 3<sup>rd</sup> line

'clad', rather than 'cladded'

p.51 - 3.3.5 - 6<sup>th</sup> line

Suggest remove "gives" and move "overall" to after "greater" - "which helps give the area a greater overall coherence."

p.53 - 3.3.1

The view of the Cathedral from the riverside at the start of the path leading to Balgownie is also impressive, and worth mentioning.

p.55 - 3.3.4 - 1<sup>st</sup> line

“within”, not “with”

p.55 - 3.3.5

The second sentence does not make sense. Needs re-writing  
Last sentence needs a semi-colon before “examples”.

p.55 - 3.3.7 - last point

These banners have been in place for many years, and no planning permission has been sought.

p.57 - 3.4.3 - 1<sup>st</sup> line

comma after “hectares”

p.57 - 3.4.3 - in general

Surely Seaton House should be named? And a word or two about the Hay family, to whom it belonged, and of whose estate it was the central feature. The Seaton Park of today formed most of the original Seaton Estate.

Perhaps, for a start, there should be added, at the end of the first paragraph, - “The boundary walls of the estate remain, however, as well as the walled garden.”

p.58 - 3.4.4 - 2<sup>nd</sup> point

Incomplete

p.58 - 3.4.4 - 3<sup>rd</sup> point - 2<sup>nd</sup> last line

“use” not “us”

p.58 - 3.5

“Characteristics” not “ises”

p.58 - “General” - point 7

Add “including exceptional stretches of tall Seaton Brick walls”

p.59 - 3.1 - 1<sup>st</sup> para - 4<sup>th</sup> last line

Not 13<sup>th</sup> century, but 14<sup>th</sup> century Brig (1329)



p.60 - 3.2.1 - 1<sup>st</sup> para - 5<sup>th</sup> last line

Not "crowstack" but "crowstepped" surely?

p.60 - 3.2.1 - 1<sup>st</sup> para - 4<sup>th</sup> last line

"Balgownie Hall Cottage"

p.60 - 3.2.1 - 1<sup>st</sup> para - 2<sup>nd</sup> last line

Should read "Cruickshank's"

p.60 - 3.2.1 - 2<sup>nd</sup> para - line 7

"pane" not "pano"

p.61 - 3.2.2 - 1<sup>st</sup> para - line 6

's' needed on "Cruickshank"

p.63 - 3.2.4 - 2<sup>nd</sup> last line

Full stop needed after 'recreation', then new sentence.

p.63 - 3.3.1

Mention should be made of the fact that it is used to be possible to see the Brig from the north bank as well as the south, and these views need to be restored.

Also there used to be a wonderful view from the Brig to the new Bridge of Don, and beyond, to the sea. This has been lost by lack of tree management. Equally there was an enticing view of the ancient Brig from the southern part of the new Bridge. That too, has been lost.

p.66 - Photos

no.1 - This may be 257, Don St., but it is not "Rocky Bank"

no.2 - Is this the Brig?

Is there to be no picture of "Donbank House" which is so important, historically, to this whole area?

p.66 - 3.3.6 - 4<sup>th</sup> last line

Semi-colon required after 'benches'

p.68 - 3.4.7 - last line

"creating not "creative"

p.69 - 1<sup>st</sup> paragraph

Refers to Pitfodels Conservation Area, not Old Aberdeen.

### SWOT Analyses - pp.69-73

These analyses are utterly inadequate to “provide a basis from which to develop strategies” to “conserve, enhance and protect” the Old Aberdeen Conservation Area. In such a diverse area, so richly endowed with important features, it is simply not realistic to allot only one page to each character area, with very minimal descriptions of the strengths, weaknesses etc. These tables also seem to restrict the number of items, as well as the content of each. They need expansion.

Meanwhile, our comments are as follows:-

#### p.69 - Area ‘A’ (Spital)

Strengths - significant “number”, not “amount”  
- add “enclosed, well-wooded and planted front gardens in King’s Crescent”

Weaknesses - 1<sup>st</sup> point - Capital ‘C’ for ‘Convent’  
- 2<sup>nd</sup> point - “of” not “or”  
- 3<sup>rd</sup> point - Capital ‘N’ for ‘Nursery’  
- add “missing and/or damaged railings and gates in King’s Crescent”  
- add “lack of street trees in Spital”

Opportunities - 4<sup>th</sup> point - Capital ‘C’ for ‘Convent’  
- 5<sup>th</sup> point - Capital ‘N’ for ‘Nursery’  
- add “restoration and repair of boundary walls, railings and gates, especially in King’s Crescent.”

Threats - 1<sup>st</sup> point - add “and railings”  
- 2<sup>nd</sup> point - Capital ‘C’ and ‘N’ needed  
- add new point - “proliferation of HMOs, and the corresponding reduction in the number of permanent residents, which threatens the settled character and viability of the community”

#### p.70 - Area ‘B’ - “Old Aberdeen Core”

Strengths - 1<sup>st</sup> point - “burgh” better than “burgage”  
- 3<sup>rd</sup> point - “King’s College, St. Machar’s Cathedral, and the Old Aberdeen Town House, in particular  
- 7<sup>th</sup> point - add “and a haven for wildlife, full of birdsong”  
- 8<sup>th</sup> point - ‘c’ in middle of ‘Cruickshank’,  
- Capital ‘B’ and ‘G’ needed, and no ‘s’ on ‘Garden’.  
- add new point - “picturesque and semi-rural mediaeval Tillydrone Road”  
- add new point - “distinctive character of a ‘village community’”

Weaknesses - 2<sup>nd</sup> point - remove “over dependence on”, and replace with “increasing intrusion by”

- 4<sup>th</sup> point - just 'closes', not 'burgage' closes
- 6<sup>th</sup> point - this is not a weakness - it is part of the charm of an ancient burgh
- add the following new points:
  - 1) "Empty and neglected properties, High Street and Don Street."
  - 2) "neglected tennis court"
  - 3) "Loss of homes and shops to University departments and offices"
  - 4) "unauthorised and inappropriate changes to door furniture."
  - 5) "increasing presence in High Street of signs with University logo, which detracts from its identity as the main street of an ancient burgh."

- Opportunities
- 3<sup>rd</sup> point - not necessary
  - 4<sup>th</sup> point - 'c' in middle of 'Cruickshank'
    - Capital 'B' and 'G' needed, and no 's' on 'Garden'
  - 5<sup>th</sup> point - just 'closes' - no 'burgage'
  - add new point - "encourage change of use from office to home or shop, to foster the 'village community' character of High Street."
  - add new point - "create policy with presumption against change of use from residential to office, in either High Street or College Bounds."
  - add new point - "restore granite flagstone pavements to Don Street"
  - add new point - "restoration of tennis court"
  - add new point - "encourage University to let their empty properties - in particular to families, or permanent residents, to promote the 'village community' character of High Street"
  - add new point - "32-34, Don Street (former slater's yard and site of former University garages) - opportunity to improve and enhance this long derelict site"
  - add new point - "sensitive, modest-sized development on site of former Dunbar Hall of Residence".

- Threats
- 1<sup>st</sup> point - "lang-rig feus" rather than "burgage plots"
  - 2<sup>nd</sup> point - add "but also the gardens of other listed and historic buildings"
  - 5<sup>th</sup> point - add "partly because of the increase in the number of HMOs, and therefore the loss of year-round custom from permanent residents."
  - add new point - "possible loss of the only all-year-round tennis court through lack of maintenance."
  - add new point - "loss of houses in High Street and College Bounds to University offices departments, or similar."
  - add new point - "proliferation of HMOs, and corresponding reduction in the number of permanent residents, which threatens the settled character and viability of the community."
  - add new point - "neglect of listed buildings and other property in several areas of "The Core".
  - add new point - "insensitive, over-development of site of former Dunbar Hall of Residence".

p.71 Area 'C' - 'Modern University Campus'

- Strengths
- 2<sup>nd</sup> point - this is somewhat debatable.
  - 4<sup>th</sup> point - these are not "residential properties", but "houses", and should not be in this character area, but in 'B'.
  - 5<sup>th</sup> point - no 's' in 'Regent'
    - Capital 'S' for 'Street'
    - Add "Meston Walk"
  - add new point - "Grade 'A' listed Crombie Hall, designed by eminent architect Sir Robert Matthew."
  - add new point - one or two very fine departmental buildings

- Weaknesses
- 1<sup>st</sup> point - not "disjointed", just "interesting"
  - 3<sup>rd</sup> point - no 's' on 'Building'
  - 4<sup>th</sup> point - as noted before, this does not seem to be a problem
  - 6<sup>th</sup> point - no 's' on 'Cooper'
  - add new point - Elphinstone Road flats, which have hemmed in this section of Elphinstone road and deprived the Fraser Noble building of its original, attractive landscaping.

- Opportunities
- 1<sup>st</sup> point - the public realm should not be the subject of University development. Also 'way finding' should not be given such prominence.
  - 4<sup>th</sup> point - "by removing the Edward Wright 'Annexe', and reinstating the landscaping and trees"
  - 5<sup>th</sup> point - for whom is this an 'opportunity'? This is not an opportunity for preserving or enhancing the Conservation Area. Development here would mean the loss of a valuable piece of open space, shrubs and fine trees which act as natural landscaping for the Zoology Building, and as a "buffer" zone to protect the amenity of the adjacent homes.

- Threats - 2<sup>nd</sup> point - replace "inappropriate" with "any". This is a very real threat, as this is a very small space right next to family homes.

p.72 - Area 'D' - Seaton Park / Hillhead / King St. North

- Strengths
- add "magnificent stretch of lofty Seaton brick boundary wall on upper Don Street and similar round the park walled garden."
  - add "superb, uninterrupted views of east end of the Cathedral from Don Street just beyond the junction with Harrow Road."

- Weaknesses
- 6<sup>th</sup> point - "Don Street and King Street" would sound better
  - add new point - ugly and brash unauthorised signs/banners in Don Street

- Opportunities
- 2<sup>nd</sup> point - explain "SUDS" please
  - 5<sup>th</sup> point - remove "r" from "peninsular"
  - add new point - "remove ugly and unauthorised signs/banners in Don Street"

p.73 - Area 'E' - Balgownie

Weaknesses - 8<sup>th</sup> point - add "and no view now from new Bridge of Don"

Opportunities - 5<sup>th</sup> point - add "and from new Bridge of Don"

Threats - 3<sup>rd</sup> point - there ought to be a presumption against any further porches

#### Proposed Boundary Changes to Conservation Area

p.74 - We heartily support the addition of both these areas to the Conservation Area, and are particularly pleased to see St. Machar Place and Old Aberdeen House included. The houses in St. Machar Place have an exquisite charm about them, both in layout and design, and we shall be delighted to see them afforded this protection.

We would, however, reiterate our request that area 'B' should include also the remainder of the east side of Dunbar Street, as obviously any development there affects the character of the Conservation Area on the opposite side of the Street.

We further request that it should include also the house at the corner of Cheyne Road and Don Street, which faces on to Don Street rather than to Cheyne Road, and also no.88, Don Street, and no.106, Don Street, both of which, for some unfathomable reason, have been left out of the Conservation Area, and must be the only two houses (along with the one on Cheyne Road / Don Street corner) in the whole of the length of Don Street, from St. Machar Drive to Balgownie, which are excluded. As they are handsome houses, very much of the style of those on the other side of the road, they should be included, particularly as any development on the east side will of course have a significant effect on the setting and character of the west side, which is in the "Old Aberdeen Historic Core" character area.

p.74 - 'B' - last line of paragraph

Note:- St. Machar Drive was built in the early 1920s, not the 1930s. The St. Machar Place houses were built in the mid 1920s.

Also, in the previous line, surely "suburban" is not the correct word here. This area is not in the suburbs. Perhaps "early" development instead? - or just "development"?

p.75 - We fully support the inclusion also of Areas 'C', 'D', and 'E' in the Conservation Area.

Could there perhaps also be a short addition in the paragraph on Area 'D', to the effect that the bus depot's granite wall on the east shows evidence of former buildings belonging to one of the best-known granite merchants in area which was once famed for its granite yards?

p.75 - 'D' - 4<sup>th</sup> line of paragraph

Insert "a" before "Category B"

p.75 - 'E' - 4<sup>th</sup> line of paragraph

This is incorrect. Firhill Place does not adjoin College Bounds. This part of the mediaeval spine is actually the northernmost section of the Spital. Also, Firhill Place links this not to Sunnybank Park, but to the start of Firhill Road, which then leads to Sunnybank Park.

We suggest the alternative wording:- "links this northern part of the Spital to Firhill Road to the west, which then leads to Sunnybank Park."

p.75 Proposed Management Plan guidance

U2 - This Guidance must also apply to other listed buildings in the Conservation Area which have large gardens, in order to protect their character.

U3 - While the Society is keen to see the preservation and enhancement of these closes, and the opening up of those which have been blocked by modern institutional buildings, we are concerned at the repeated reference to possible "new development" in relation to these historic features of the mediaeval burgh.

We are particularly concerned at the second last sentence:-

"Where appropriate the introduction of new development that reflects the pattern of traditional closes will be positively encouraged."

This sentence should be omitted. Such a statement of intent could open the door to "new development" just about anywhere along the High Street, where a landowner wished to make money out of their property by erecting new buildings. All that might be required would be to make it "reflect the pattern of traditional closes and lanes", and thus be deemed "appropriate", and there would be a policy in place seemingly backing the venture. This sentence is unnecessary, and also could endanger the integrity of the High Street.

Surely, in any case, there is nowhere remotely suitable for such "new development". The only parts of High Street where such development could possibly occur would involve breaching historic walls to drive a way through existing gardens of listed buildings, which, of course would be entirely unacceptable.

The whole concept of creating new closes or lanes in such a historical gem of a street is mistaken. The existing closes and lanes are all important, historically, to the High Street, but any new one would be a modern intrusion in terms of the historic layout of the burgh.

We fully support, however, the opening up, in the most sympathetic manner, of existing closes, such as Church Walk (partially obscured), and the close to the north of it.

In conclusion, we repeat that we wish to see the second last sentence of Policy U3 omitted from this document

We also wish to see less emphasis on "new development" in this paragraph, and more on preserving and enhancing the closes, as is required for some of the most

historically important features in the very heart of the Old Aberdeen Conservation Area.

Also, we would like to see the term "Burgage plots" replaced with the more traditional Scots term "lang-rig feus".

p.76-77 List of Streets in the Old Aberdeen Conservation Area

p.76 - NB - "Duncan's Place" was entirely demolished in the 1970s. It was bought in its entirety, we believe, by the Roman Catholic Diocese of Aberdeen, and the new Chaplaincy was built over the area where these houses once stood.

p.77 - Tillydrone Road - "Benholm's Lodging", not "Benholm's Lodge".

To Masterplanning, Design and Conservation Team, Planning and Sustainable Development  
Enterprise, Planning and Infrastructure Aberdeen City Council Business Hub 4 Ground Floor North,  
Marischal College Aberdeen AB10 1AB 22 August 2014.

To whom it may concern. I have read with great interest the March 2014 Old Aberdeen Management Plan. I was born in Old Aberdeen, grew up in the area, have been connected with St Machar's Cathedral (as an elder) for more than fifty years and a Cathedral guide over the same period. More to the point I have recently retired after twenty-five years as a Scottish Blue Badge Guide during which time I have escorted thousands of visitors either by coach or walkabout through Old Aberdeen.

I am astonished that in 77 pages of much repetition of given facts, that there is **so little hard information** about what you see as the way forward for the actual High Street, Chanonry and Don Street as opposed to the burgage plots and Chanonry gardens.

Market Lane shows conservation and development. The old houses, formerly facing School Road (now St Machar's Drive), restored and entered from Market Lane, the east end now a University car park and workshop with a general tidying up of the walls. There is a nice view of the Old Town House from the east. Market Lane and the Town House could be spoiled if there is an unsympathetic replacement of the former bus shelter/public toilet building standing between Market Lane and Baillie's Place.

There is much hand-wringing about **the loss of traditional closes**, of weak views down the closes, of insensitive developments on burgage plots. Most of these have occurred in the last forty years and surely the City Planning Authority would have had the chance **to stop/amend the plans** before these now deemed insensitive buildings were erected.

The growth of Aberdeen University is stated to be an opportunity for a masterplan. The discussions in the Management Plan re the East and West Campuses indicate that that particular bus has left the station.

There seems to be a fixation on the lack of easy east-west movement and this may be true for the University Campus **but hardly stands up for the High Street**. On the west side, from the Town House we have St Machar's Drive, Thom's Place, Douglas Lane and Meston Walk in some 300 yards. On the east side, St Machar's Drive, Market Lane, Grant's Place, Wagril's Lane and Regent Walk.

The fate of Benholm's Lodging and of the Seaton Park toilet block is noted as areas of concern. Surely these belong to the City and their fate is safe in their capable hands. I hope that the Conservation Plan will cover any University development on the site of Dunbar Hall of Residence.... a second chance to get it right.

I heartily endorse suggestions to improve and enhance the Sunnybank Park.

Opportunities.. a greater potential for tourism. I wish it were so, but the High Street is open to traffic and I imagine that will continue. In former years, with the co-operation of both the Cathedral and University authorities, the Scottish Tourist Guides successfully ran Old Aberdeen Walkabouts on Sunday afternoons and Wednesday evenings. It was a pleasure to work in quieter and safer conditions.

Thank you for the opportunity of bringing some matters to your attention

Yours sincerely Walter Duncan





Masterplanning, Design and Conservation,  
Planning Department,  
Aberdeen City Council.

Tillydrone Avenue  
18th May 2014

Response to:  
Consultation on Old Aberdeen Conservation Area Draft Character Appraisal

We the undersigned residents of Tillydrone Avenue, object strongly to the proposed changes in the boundaries of Character Areas 'B' and 'C' in the above document, which would place our houses in the "Modern University Campus" Character Area.

The change in boundary is inappropriate, illogical and unjustified. It would remove our family homes from the "Heart" or "Core" Character Area, and align them with modern institutional buildings for teaching, administration and student accommodation, in a Character Area named "Modern University Campus".

Our grounds of objection are as follows:-

- 1) These are not "campus buildings", but attractive family homes. Nor are they even "modern", having been built in 1924, 1947 and 1952.
- 2) These houses do not all belong to the University. Some are privately owned.
- 3) Not all of them were even built by the University. The earliest were in fact built by the Hays of Seaton.

The proposed designation of "Modern University Campus" in no way reflects the character of this neighbourhood. Further, as the proposed document would form part of the Local Plan, this misrepresentation of our group of family homes could well have negative consequences for those who live here..

We reiterate our strong objection to this misrepresentation.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

88 TILLYDRONE AVE

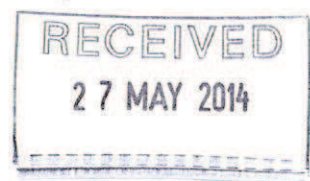
"

[Redacted]

54 TILLYDRONE AVENUE

54 TILLYDRONE AVENUE

60 Tillydrone Avenue



Masterplanning, Design and Conservation,  
Planning Department,  
Aberdeen City Council.

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[Redacted signature block]

60 TILLYDRONE AVENUE -  
60 Tillydrone Avenue

[Redacted signature block]

TIM RASMUSSEN, 62 Tillydrone Avenue  
Akiko Rasmussen 62 Tillydrone Av  
84, Tillydrone Avenue.

MR TIM SMITH.

[Redacted signature block]

MRS SALLY SMITH

84, Tillydrone Avenue

[Redacted signature block]

Masterplanning, Design and Conservation,  
Planning Department,  
Aberdeen City Council.

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FEDERICA AVELLA  
DAVIDE DIONISI

FERGUS WHATLEY

DOUGLAS MARSHALL  
MAYID YAZDANI

S. KAWETHY

GEORGE CHERNKARA

78, Tillydrone Ave

"

70 Tillydrone Ave

70 "

72 " " "

72, " "

76 Tillydrone Ave

P

Masterplanning, Design and Conservation,  
Planning Department,  
Aberdeen City Council.

Tillydrone Avenue  
18th May 2014

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PETER FRAYERS, 82 TILLYDRONE AVE  
M. MURPHY

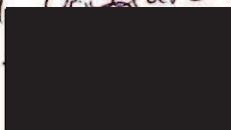


KIMEKA VARZI



80 TILLYDRONE AVENUE

Nahid Varzi



11

Debraan Varzi



11

Masterplanning, Design and Conservation,  
Planning Department,  
Aberdeen City Council.

Tillydrone Avenue  
18th May 2014

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DR HELEN LYNCH  
86 TILLYDRONE AVENUE



EWA RITCHIE  
56, TILLYDRONE AVENUE



SEYED MAHDI FAZEL  
66, TILLY DRONE AVENUE



**Rebecca Kerr**

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**From:** Dr David Galloway [REDACTED]  
**Sent:** 26 May 2014 15:47  
**To:** LDP  
**Subject:** Old Aberdeen Conservation Area Character Appraisal 2014, COMMENT

Dear Sir

The Saltire Society , Aberdeen and NE Branch has recently been advised of the consultation document circulated as part of the forward planning process by the City of Aberdeen Council in respect of the Old Aberdeen Conservation Area.

My understanding is that comments relating to the Consultation have to be lodged with Council by today , Monday 26th May 2014.

Please find the comments that our members have made in respect of the Character Appraisal.

Acknowledgement of receipt of this document would be appreciated.

Yours faithfully.

Dr D B GALLOWAY

Chair and Convenor, Saltire Society, Aberdeen and NE Branch.

mob: [REDACTED]

fax: 01224 311618

### **Commentary on the Old Aberdeen Conservation Area Character Appraisal, 2014**

#### **Introduction:**

The introduction gives a clear overview of the historic importance of Old Aberdeen as a conservation area in the City of Aberdeen.

This area of the city represents over two thousand years of growth and evolution , tho the importance of medieval building and street design , expanded in the 18th and 19th centuries are key to present day appearances.

#### **Location , History and Development:**

The location of the Conservation Area is clearly demarcated but the inevitable development of the car and bus as mechanisms of transport has noticeably impacted adversely on the character of the Area.

#### **Character:**

*Character areas A and B* covering Spital and Old Aberdeen Core are well outlined and in general the negative features detailed could be addressed with benefit and little in the way of increased expenditure.

*In Character Area C* , however, relating to the Modern University Campus , there is clear evidence of a lack of coherent planning by the University authorities , dating back to the early 1950s. This includes the Environment overall, Residential Buildings such as Kings Hall, Johnston Hall and the Elphinstone Road Flats as well as the spread of Academic Buildings including the Regent Building and University Office, Taylor Building and others culminating in the most recent Sir Duncan Rice Library seen by some as a "bold intervention in the Conservation Area" and by others as a building totally out of sympathy and character with the rest of the Old Aberdeen area. Despite this, consultation has taken place between the City Planners and the local community, including the Old Aberdeen Heritage Society , prior to the Draft Document summarising the present Character Appraisals. However it does appear to be disappointing that the clear thrust of the earlier Consultation document ( 1993) has not been noted in detail, in that the disappearance of High Street shops and residences has continued over the past 15 years, leaving some properties empty ( 15 High Street )or used for other functions including business activity ( 21-22 High

Street) . This in itself is worrying and will require redress by the City Council if meaning is to be given to the current Character Appraisal. Some of these issues are addressed by the SWOT analysis ( p.71).

*Character Area D and E*, including Hillhead and King Street North also involve University activity, but the development of Seaton Park and refurbishment of student accommodation at Hillhead could and should be carried out with the knowledge and involvement of the local community. Similarly , the Balgownie area has presently significant advantages as part of the Old Aberdeen community and here again considerable improvements could be achieved with only modest expenditure but a requirement for thought and careful planning.

**Management:**

The SWOT analysis summarises the key features of each of the five areas described within the Old Aberdeen Conservation Area Appraisal.

The striking feature to us is that there is limited evidence of understanding between the local community , whether the Heritage Society or individuals within the Old Aberdeen area, and the University of Aberdeen and the City Council where the joint purpose should be the preservation of a unique area of the City of Aberdeen and the integrity of a real and viable village community.

This should be corrected as a matter of urgency prior to the next step of the consultation process.

Dr DBGALLOWAY  
Chair and Convenor,  
Saltire Society ,  
Aberdeen and NE Branch.

email: [REDACTED]  
fax: 01224 311 618

**Rebecca Kerr**

---

**From:** Ewen Cameron [REDACTED]  
**Sent:** 26 May 2014 15:47  
**To:** LDP  
**Subject:** Old Aberdeen Conservation Area Character Appraisal Consultation

Hello

Now that lead responsibility for Designed Landscapes has passed to Historic Scotland, we have no substantive comment to make on the appraisal of the built elements of the Conservation Area. However, green/open space and green networks are important parts of any "landscape", not only because of the obvious opportunities for leisure and recreation of the resident population, but also because of the contribution they make towards habitat networks and the movement of species that depend on them e.g. otter moving along the River Don corridor.

We are content that the appraisal has identified these within the Conservation Area.

Sincerely

Ewen Cameron

**Ewen Cameron**  
Operations Manager  
Tayside & Grampian Area  
01224 266530

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Thoiribh an aire airson adhbharan gnòthaich, 's dòcha gun tèid stùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a-mach bhò SNH.



HISTORIC SCOTLAND  
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**By email**

Ms Bridget Turnbull  
Planning and Sustainable Development  
Aberdeen City Council  
Business Hub 4  
Marischal College  
ABERDEEN  
AB10 1AB

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Direct Line: 0131 668 8913  
Direct Fax: 0131 668 8722  
Switchboard: 0131 668 8600  
Michael.Scott@scotland.gsi.gov.uk

Our ref:  
Our Case ID: 201400461  
Your ref:  
CAA\_OLDAB\_CONSULTATION

30 May 2014

Dear Ms Turnbull

**Old Aberdeen Conservation Area Character Appraisal**

Thank you for your consultation dated 28 March. These are our observations:

We welcome this new appraisal for the Old Aberdeen Conservation Area, one of Scotland's most outstanding historic townscapes.

We agree with your format for the appraisal and appreciate the need for completing this in line with your Council's commitments under the Aberdeen Local Development Plan 2012. As a management tool we are content that the appraisal sets out the special historic and architectural character of the conservation area that is desirable to preserve and enhance. It stresses Old Aberdeen's rich distinctiveness as a once independent town, the physical evidence of which remains very strong and generally well preserved. We have a few suggestions for the appraisal:

**Section 1, part 1.2 Summary of Significance**

- You may wish to also stress the separate burgh status of Old Aberdeen, from the late 14<sup>th</sup> century to late 19<sup>th</sup> century.

**Section 3 Character Area A: Spital, 3.2 Built Environment**

- include short description of key buildings, notably St Margaret's Convent (Category A listed) This would be consistent with the Built Environment parts for Character Area's C, D and E which include descriptions of key buildings.

**Section 3 Character Area B: Old Aberdeen Core**

- Plan 1: Listed Buildings. We suggest expanding this to include, in the map and text, the 3 Scheduled Monuments, St Machar's Cathedral, Market Cross, and Tillydrone Motte.



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- 3.2 Built Environment - elaborate on the wide range of building types including highly dignified civic, university, and ecclesiastical buildings; elegant Georgian town houses and manses; and the humbler vernacular cottages; plus the strong presence of distinguished gateways (gate piers, arched gateways, gate lodges); high boundary walls, cast ironwork (railings, gates etc), and granite sett streets.
- Include descriptions of key buildings. Notably - Kings College Chapel ; Kings College quadrangle group (Category A and B listed); St Machar's Cathedral (Scheduled Monument and Category A listed); St Machar's Gate Lodges (Category B listed); Town House (Category A listed); Market Cross (Scheduled Monument and Category B listed); 81 High Street (Category A listed); Kings College Sports Pavilion (Category B listed); Mitchell Hospital, 9 Chanonry (former Almshouses, Category A listed); Powis Lodge and Gateway (category B listed); Chaplain's Court, 20 Chanonry (Category B listed); 60 Cluny's Port (Category B listed); and St Machar Bar, 97 High Street (Category B listed).
- 3.2.2 Materials - We have no evidence for this, but the strong presence of natural clay pantiles might have an early association with the Seaton brick and tile making industry and Bishop Elphinstone's visits to the Low Countries. More recently, we understand that pantiles were used a lot in the 1960's extensive restoration work in Old Aberdeen, reflecting a desire to reinforce Scottish vernacular (See The Aberdeen Guide - Ranald MacInnes, page 190)
- 3.3.1 Views/vistas/glimpses – You may wish to include longer distance views from outside the conservation area, including any notable wider views of St Machar's Cathedral and Kings' College Chapel.
- 3.4 Natural Environment – include Snow Churchyard and St Machar's graveyard.
- 3.5 Key characteristics – For the bullet point list, also include Kings College quadrangle and setting, Snow Churchyard, distinguished gateways, and granite setted streets.

### Section 3 Character Area C: University Campus

- 3.5 Key characteristics bullet point list – Strong presence of mid 20<sup>th</sup> century to 21<sup>st</sup> century University buildings.

### Section 3 Character Area E: Balgownie , 3.2.2

- 1<sup>st</sup> paragraph, last sentence, Category A listed (not Grade A listed)
- Generally need to stress the high importance of the A listed Brig o'Balgownie as a key feature of the character area, as well as the overall CA. Include its description in the Built Environment section and mention it specifically as a key characteristic in part 3.5 (in addition to the views of it, already mentioned). (See 'The Lost City - Old Aberdeen' Jane Stevenson, pages 42-43)



#### Section 4 Management

- Typo in 1<sup>st</sup> paragraph. Old Aberdeen. Not Pitfodels
- 4.1 SWOT analysis, Character Area B – Old Aberdeen Core. Strengths, last two bullet points. Suggest you put these under the heading of 'strong vernacular quality, and say 'natural clay pantiles' to stress the vernacular. Opportunities. 2<sup>nd</sup> bullet point include Conservation Plan preparation, Urban Design strategy, and Management Partnership Agreements. Threats, include visual impact of new development /tall buildings on the setting of Old Aberdeen Core, notably from the growth of Aberdeen University in Character Area C.
- Character Area C – University Campus. Weaknesses, include lack of Masterplan approach and Urban Design/Heritage Management strategy. Opportunities, 1st bullet point, include Urban Design/tall buildings strategy and Management Partnership Agreements. Threats, last bullet point, you may wish to state 'uncoordinated piecemeal development impacting adversely on the conservation area'

#### Section 4.2 Proposed Boundary Changes

- We agree

#### Section 4.3 Proposed Management Plan guidance

- We agree with the proposed additional specific guidance for Old Aberdeen. It would also be desirable to include guidance for managing major new developments, notably University redevelopment/expansion proposals directly impacting the CA and affecting its setting. This could tie in with a University Masterplan/Conservation Plan/Management Partnership Agreement. You might also wish to include specific guidance for protecting and enhancing streetscape – the granite setts, boundary walls, gateways, cast iron railings, etc.

We hope these comments are helpful. We would be very happy to discuss further.

Yours sincerely

**Michael Scott**  
Senior Heritage Management Officer



# **Consultation Responses**

**Pitfodels**

**Conservation Area**

**Rebecca Kerr**

---

**From:** Susanne Steer [REDACTED]  
**Sent:** 04 April 2014 09:44  
**To:** LDP  
**Subject:** Old Aberdeen and Pitfodels Conservation Area Character Appraisal Consultations

Good morning

Thank you for giving Scottish Water the opportunity to comment on the Old Aberdeen and Pitfodels Conservation Area Character Appraisal Consultations. As the contents will not have an impact on the provision of water and drainage, Scottish Water does not have any comments to make at this time.

Kind regards,

Susanne

Susanne Steer | Development Planner - Asset Demand Planning | Asset Strategy

Scottish Water | The Bridge | Cumbernauld Road | G33 6FB

T: 0141 414 7778 | M: [REDACTED]

E: [REDACTED]

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[postmaster@scottishwater.co.uk](mailto:postmaster@scottishwater.co.uk)

**Rebecca Kerr**

---

**From:** John Hall [REDACTED]  
**Sent:** 05 April 2014 20:12  
**To:** LDP  
**Subject:** Pitfodels Conservation Area Draft Character Appraisal

Hello There,

Have read and support your Character Appraisal of the Pitfodels Conservation Area.

Regards

John Hall

**Rebecca Kerr**

---

**From:** Cowe, Ian [REDACTED]  
**Sent:** 08 April 2014 13:08  
**To:** LDP  
**Subject:** Old Aberdeen and Pitfodels Conservation Areas - Draft Character Appraisals

Dear Sir/Madam

I write in support of the expansion to the Old Aberdeen and Pitfodels Conservation Areas. The expansion of these areas will include a great number of town and garden trees, town trees provide amenity, but also valuable habitat for a variety of priority species present in Aberdeen. Greater protection for these trees is welcomed by the Forestry Commission.

Regards  
Ian Cowe

Ian Cowe - Development Officer  
Forestry Commission Scotland  
Portsoy Road  
Huntly  
AB54 4SJ

Phone: 01224 441664  
Mobile: [REDACTED]  
VoIP: 41664

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**Rebecca Kerr**

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**From:** Russell, Professor Elizabeth M. [REDACTED]  
**Sent:** 05 May 2014 14:03  
**To:** LDP  
**Subject:** Pitfodels conservation area

Dear Aberdeen City Planning Department,

My husband and I are impressed by the detailed understanding of the Pitfodels area that is demonstrated in the appraisal and, as residents in a named house within it, are happy with your intentions.

However – and I realise that this may not be part of your remit but it is relevant to Pitfodels as a buffer zone – we remain unhappy about the decision not to install a link road from N Deeside to Garthdee Roads between Pitfodels Station Road and Auchinyell Road. I asked the Cults Community Council to look at it only to discover that we are one of 14 houses that have been added to Garthdee instead of, as formerly, to Cults Community area.

We understand why our fellow citizens of Garthdee voted for housing rather than a link road, but the effect of the extra houses will only increase the pressure on Pitfodels Station Road which is irrelevant to their transport needs. Importantly, there is no pedestrian access from north to south; the excellent footpath that you have put in from the railway line south to Garthdee Rd is not matched by one going north to N. Deeside and crossing the railway bridge is hazardous. We therefore ask please could you look at some way of allowing us to walk north from INchgarth Rd to N Deeside?

Yours sincerely  
Elizabeth Russell  
[REDACTED]

The University of Aberdeen is a charity registered in Scotland, No SC013683.



[REDACTED]  
[REDACTED]  
[REDACTED]  
8 May 2014

Dr Margaret Bochel  
Head of Planning and Sustainable Development  
Aberdeen City Council

Dear Dr. Bochel

Conservation Area Character Appraisals and Management Plan  
Pitfodels

1. Having seen a news update by Councillor Aileen Malone in the May, June, July edition of the Milltimber, Bieldside, Cults Magazine which mentioned the above Plan I requested a copy of the Report from Planning. I received the report but not I think the Strategy Overview or the Management Plan.
2. I consider this matter should have been advertised otherwise how are citizens supposed to learn about it. I found out quite by chance. I no longer have any Community Council in my area.
3. I do not wish to see any further large scale development in the area and certainly not the loss of open space between Aberdeen and Cults. I do not consider this would be to the benefit of the Citizens of Aberdeen or Cults.
4. With regard to the report I have seen I comment as follows;-
  - a. Page 15 3.2.2 mentions the International School. There is a current Planning Application pending for an extension.
  - b. Page 17 OP 64 Craigton Road / Airyhall Road, 20 Homes. I presume this is the Bancon development on Airyhall Road and should not be described as Craigton Road. To the north of the site is an open area with trees which runs through to Northcote Crescent. There was to be a path running through this area from the development to Northcote Crescent. I certainly would not wish to see this area developed.  
To the rear of Nazareth House there is an application for 5 Terraced Houses to which I objected for the reasons given in my objection. The site is a right of way used by walkers and their dogs for all the time I have lived here.

- c. Page 28 –Under the heading New Streets Northcote Crescent (and Airyhall Cottage)are mentioned. I don't understand this. We moved into our house in Northcote Crescent in 1977 and the houses were built some 10years before that. It is certainly not a new Street. I don't know where Airyhall Cottage is. I didn't realise we were in the Conservation Area

5. Conclusion;-

I wish the area conserved eg. no large Scale developments. I am against turning the Marcliffe into offices.

Foxes Lane, Bairds Brae etc., left as Lanes for Walkers etc. I do not wish them made into Roads! I am against therefore traffic using Foxes Lane for entering /exiting such as has been agreed for new houses in the Shell complex. Trees to be left and not felled under the excuse diseased as what happened between Nazareth House and the former Airyhall House.

The developments in the area have reduced the wildlife considerably.

Land on which Rights of Way built up over the years by Walkers etc., should not be developed.

Please let me know should you wish to discuss the Plan or clarification regarding any matter.

Yours sincerely



Fred Robertson

Copy; Councillor Ian Yuill  
Councillor Aileen Malone  
Mr Saemus MacInnes (former Secretary Braeside/Mannofield Community Council)

Our ref: PCS/132567  
Your ref: CAA\_Pit  
Consultation

Laura Robertson  
Masterplanning, Design and Conservation Team  
Planning and Sustainable Development  
Aberdeen City Council  
Business Hub 4  
Ground Floor North  
Marischal College  
Aberdeen  
AB10 1AB

If telephoning ask for:  
Alison Wilson

12 May 2014

By email only to: [ldp@aberdeencity.gov.uk](mailto:ldp@aberdeencity.gov.uk)

Dear Ms Robertson

**Public Consultation**  
**Draft Pitfodels Conservation Area Character Appraisal**

Thank you for your consultation e-mail which SEPA received on 27 March 2014. We have no comments to make on the Draft Pitfodels Conservation Area Character Appraisal.

If you have any queries relating to this letter, please contact me by telephone on 01224 266656 or e-mail at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Alison Wilson  
Senior Planning Officer  
Planning Service



Chairman  
David Sigsworth  
Chief Executive  
James Curran

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HALLIDAY FRASER MUNRO  
PLANNING

P1937/Letters/SC/lc

12 May 2014

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

Dear Sir

**PITFODELS CONSERVATION AREA APPRAISAL: RESPONSE TO THE DRAFT  
MARCH 2014  
ON BEHALF OF CLIENTS: GIBSON MCARTNEY LTD**

Halliday Fraser Munro act for clients Gibson McCartney Ltd who are applicants for a proposed development at the Marcliffe of Pitfodels .

We refer to the consultation on the Draft Pitfodels Conservation Area Appraisal [the '2014 Appraisal'] published in March 2014. We note that this is an update to the Appraisal for Conservation Area 10 published in 2011, which in turn borrowed from the original Appraisal carried out in 2002 as a precursor to what became the 2008 Local Plan. We also observe and recall that the 2002 Appraisal was the first appraisal to be carried out since the designation of the Conservation Area in 1977.

This consultation exercise requests comment upon the new Appraisal carried out in 2014. These comments are noted below.

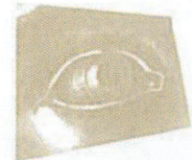
1. We note that the 2014 Appraisal references other documentation on its cover. It suggests that the 2014 Appraisal should be read in conjunction with "Section 1: Strategic Overview and Section 2: Management Plan. Only one such document is available on the Aberdeen City Council Website and it relates to other conservation areas in Aberdeen. Pitfodels is mentioned once, but only in a list of all the conservation areas in Aberdeen. In the absence of confirmation it is assumed that a separate document is intended to be available for the Pitfodels Conservation area – but is simply not yet available. We would submit that this consultation, if it is to be meaningful, should have available all the documentation that is relevant to the purpose and promotion of the Pitfodels Conservation Area. Until such time this present consultation cannot carry any significance other than to seek comment upon the description in the 2014 Appraisal.

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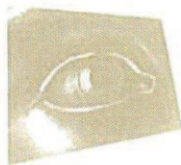
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DIRECTOR OF PLANNING  
BOB G REID  
BA(HONS) MCD  
MRTPI FRICS

REGIONAL DIRECTOR  
STEVE CRAWFORD  
BSC (HONS) MRTPI



- 
2. We understand and recognise that planning authorities are required from time to time to determine which areas meet the definition for conservation areas; namely that they can be defined as "**areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance**". Such a requirement not only means that areas are designated, but also existing designated areas are reviewed with a view to establishing whether or not they still merit designation as a conservation area.
  3. We make no judgement upon the **special architectural or historic interest** criteria for the Pitfodels Conservation Area at this juncture, except that the area around The Marcliffe Hotel and International School no longer reflect the description used in the Appraisal and haven't for some time. This is both as a result of the existing developments and the approved developments in this area. The special architectural or historic interest is simply described within the 2014 Appraisal. There are no value judgements made as to the relevant merits, whether there is any dynamic, or whether the status quo pertains. Indeed there is very little reference to the architectural or historic significance of the area at all, nor comparison with other such areas in Scotland [e.g. Colinton in Edinburgh].
  4. We also note that no assessment has been made of the performance of the Conservation Area – is it achieving its policy objectives, whatever those may be? It would be quite simple to quantify the number of planning applications for instance. The number of buildings in 1977, in 2002, in 2014 for instance too. In that respect we note the continuing development pressures which are resulting in considerable additional development taking place. We also note the continuing coincidence of objectives reflected in the overlaying of separate policy designations including Conservation Area; Green Belt; Greenspace Network; Core Path; *inter alia*. In other words there is plenty to review. Yet the 2014 Appraisal has simply avoided reporting or commenting on these matters.

Taking note of the above comments it is our recommendation that the Character Appraisal 2014 be put on hold until such time as the relevant Conservation Area-specific Strategic Overview and Management Plan [SO&M Plan] has been prepared. This document must reassess the significance in 2014 (and not rely on the 1977 significance). The SO&M Plan must also make sense of the confusing policy framework. It should pose the question whether all the overlapping policy layers are really necessary. It should ask whether the aims and objectives couldn't be better delivered through a single channel, be it Green Belt or Conservation Area. Until such time as the whole picture is available we would maintain that it is impossible to comment constructively.

We would be perfectly willing to meet and discuss these matters. However, we reserve the right to further comment once the additional information becomes available.

Yours faithfully



*Halliday Fraser Munro*

**Halliday Fraser Munro**

