

Public Document Pack



To: Councillor Milne, Chairperson; and Councillors Donnelly and Lawrence.

Town House,
ABERDEEN, 24 June 2014

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in Committee Room 2 - Town House on **FRIDAY, 4 JULY 2014 at 10.00 am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Procedure Notice (Pages 1 - 2)

TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS

COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING

- 2 Pinelands, Murtle Den Road (ref 131419) - Gavin Evans

2(A) Report of Handling (Pages 3 - 12)

2(B) Details of Planning Policies referred to in documents submitted (Pages 13 - 36)

- 2(C) Notice of Review with supporting information submitted by applicant
(Pages 37 - 60)

- 3 13 - 15 Chapel Street (ref 140130)
 - 3(A) Report of Handling (Pages 61 - 68)
 - 3(B) Details of Planning Policies referred to in documents submitted (Pages 69 - 76)
 - 3(C) Notice of Review with supporting information submitted by applicant
(Pages 77 - 226)

- 4 44 Bedford Road (ref 140090) - Lucy Greene
 - 4(A) Report of Handling (Pages 227 - 236)
 - 4(B) Details of Planning Policies referred to in documents submitted (Pages 237 - 332)
 - 4(C) Notice of Review with supporting information submitted by applicant
(Pages 333 - 344)

Website Address: www.aberdeency.gov.uk

Should you require any further information about this agenda, please contact Martin Allan, tel. (52)3057 or email mallan@aberdeency.gov.uk

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations, shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
5. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;
 - (c) an inspection of the site.
6. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
7. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

8. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.

9. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
10. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
11. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer's decision and approve the application with or without appropriate conditions.
12. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.

Agenda Item 2(A)

Signed (authorised Officer(s)):

PINELANDS, MURTLE DEN ROAD,
MILLTIMBER

ERECTION OF NEW 3 STOREY DWELLING
HOUSE AT PINELANDS

For: Mr & Mrs Ian & Christine Lakin

Application Type : Detailed Planning
Permission

Application Ref. : P131419

Application Date : 26/09/2013

Advert : Dev. Plan Departure

Advertised on : 09/10/2013

Officer : Paul Williamson

Creation Date : 8 January 2014

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

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site is to the south of and forms part of the wider 'garden' ground of the residential property 'Pinelands'. It is located on the east side of Murtle Den Road, a private road, situated to the north of North Deeside Road (A93) between Milltimber and Bieldside.

Murtle Den Road is characterised by (thirteen) large detached dwellinghouses set within generous plots in a mature woodland setting. It is a no-through road and can only be accessed from North Deeside Road.

The application site itself extends to approximately 0.72 hectares, while the currently extent of the curtilage associated with Pinelands extends to some 1.53 hectares. The land to which this application relates has in the past been utilised as a small domestic 'pitch and putt' golf practice facility associated with the existing dwelling, although it does not appear to have been significantly maintained for some time and also suffers from poor drainage.

The existing dwelling 'Pinelands' is a two storey modern detached dwellinghouse fronting onto Murtle Den Road, with a conservatory extension on the east (rear) elevation, and lies to the north of the site, with the south and east elevations facing out across relatively open landscaped gardens, towards Murtle Dam. A detached double garage is located close to Murtle Den Road and is accessed off the extensive paved area to the front of the dwelling.

In respect of topography, the site is 70 metres (Above Ordnance Datum) at the north west corner, falling to approximately 50 metres (AOD) at the eastern edge, near the Murtle Dam.

The western, southern and eastern boundaries see a number of coniferous and deciduous trees present with 33 individual specimens. These trees are generally around 13 – 20m in height; however there are larger trees, the highest of which is some 33m high. The remaining boundary to the north is currently undefined as it forms part of the wider garden ground of the existing property.

To the west of the site across Murtle Den Road, which is itself tree lined, are the dwellings known as 'Altmore' and 'Sunhoney'. To the north beyond Pinelands, is 'Murtle Den House' a category 'B' listed building. To the south is an open field/paddock.

RELEVANT HISTORY

- Planning application (Ref 89/0498) for the erection of a detached 3 car garage and games room was lodged in March 1989, and approved unconditionally in May 1989.
- Planning application (Ref 89/0852) for the erection of a conservatory was lodged in June 1989, and approved unconditionally in July 1989.
- Planning application (Ref 92/1591) related to the alterations of the house to incorporate a swimming pool, and approved conditionally in July 1992.
- Planning application (Ref 99/1160) for the provision of a sun deck, Gazebo and Jetty, was approved conditionally in July 1999.
- Planning application (Ref 09/0822) for the erection of a new dwellinghouse at Pinelands was lodged in June 2009. The application was subsequently withdrawn by the applicant in September 2009.
- Planning application (Ref 10/0067) for the erection of a swimming pool was lodged in January 2010, and approved unconditionally in April 1997.

- Planning application (Ref 110525) for the conversion of the existing conservatory to form a dining room (actually included an extension and alteration to the existing conservatory), was approved unconditionally in June 2011.

PROPOSAL

It is proposed to erect a detached dwellinghouse on the site, which would subdivide the existing curtilage relating to the existing dwelling 'Pinelands'. The feu split would see two curtilages of similar size and with similar frontages to Murtle Dem Road.

The dwelling would include accommodation over four levels (each being accessible by either stairs or a lift), and would feature an integral triple garage. To the western (front) elevation, only one storey would be visible, while to the rear (eastern elevation) a full three storeys would be visible due to the change in topography. There would also be an office and storage space within the roof space, with light gained from rooflights.

In terms of levels, presently there is a gradual slope from the road into the site. In order to develop the proposed house a 'cut and fill' exercise would be undertaken, seeing the retention of the front part of the ground on which the house would be situated, with a much lower level to the rear.

This retention would see the proposed house occupy one and a half storeys to the front and three and a half to the rear, thus being of split levels.

The floor plate accessed from the main entrance to the front would flow from the front elevation to the back and contain: a porch, reception hall, lounge, family room, two dining areas, kitchen, utility room, shower room, and the integral triple garage. A balcony is also provided to the eastern elevation looking out towards the Murtle Dam, which would be at second floor level, due to the change of levels from front to back.

Below this level and only having an elevation to the east, as the rear wall would adjoin the retained ground, are: 4 bedrooms, and associated wardrobes, storage and an externally accessed garden equipment store.

Lastly, at rear ground level is: a home cinema, exercise room, guest bedroom, and a small kitchen. A small terrace at this level leads out to an area of decking to the rear, and two linked feature ponds.

Externally the dwelling would be finished in a light coloured smooth render with some areas of timber cladding, and a zinc standing seam roof. The windows and doors would be aluminium framed timber and triple glazed. Balconies would be stainless steel with frameless tinted glass.

The dwellinghouse would have its own driveway accessed off Murtle Den Road, in a position located in between existing gaps in the roadside trees/hedging. No trees would be removed to allow development. Additional planting is shown to the south of the proposed dwelling.

Foul drainage would be discharged to a partial soakaway via a treatment unit. Surface water run-off from the roof and driveway would be treated by SUDS within the site. A supply of fresh water would be taken from the water main located on Murtle Den Road.

A supporting statement, tree report and drainage assessment have been submitted in support of the application.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=131419>

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

CONSULTATIONS

Roads Projects Team – No objection following the provision of information in respect of the proposed visibility splay.

Environmental Health – No comments received.

Enterprise, Planning & Infrastructure (Flooding) – No objection although require details of the surface water drainage proposals.

Scottish Environment Protection Agency – Removed their objection in light of the submission of additional information relating to the costs associated with connecting to the public sewer on North Deeside Road. Suggest the use of a condition requiring a connection to the public sewer once it has been provided down Murtle Den Road. The outflow to the Murtle Dam shall be covered by the Controlled Activities Regulations, and associated application process.

Community Council – No comments received.

REPRESENTATIONS

One letter of objection has been received. The objection raised relates to the following matters –

- The tree survey lacks any detail to make any proper judgement on the proposals impact, and is therefore below BS standards in respect of Tree Surveys for Development
- There is no information on the safety of trees in respect to the new proposed use

- There is no indication of how long term tree management will be accommodated for
- There is no statement as to tree quality/value in respect of the site and surroundings
- Some of the trees seem very large and close to the house and driveway, and are likely to suffer negatively from the proposals
- Loss of green belt is a concern.
- The site trees are of landscape and wildlife value. If they are lost this will impact on the attractiveness of the open green belt to the public and will negatively affect wildlife through loss of habitat.

PLANNING POLICY

Scottish Planning Policy

SPP is clear in identifying that the purpose of green belt designation in the development plan, as part of the settlement strategy for an area, is to:

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

It further advises that where a proposal would not normally be consistent with green belt policy, it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available. Development in a designated green belt should be of a high design quality and a suitable scale and form. It further states that the cumulative erosion of a green belt's integrity through the granting of individual planning permissions should be avoided.

Aberdeen City and Shire Structure Plan

The extant Structure Plan contains objectives in respect of encouraging economic growth, and ensuring that new development maintains and improves the region's important built, natural and cultural assets. There is also a further objective for development to be accessible.

Aberdeen Local Development Plan

Policy NE1 – Green Space Network: states that the Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space network will not be permitted.

Policy NE2 – Green Belt: no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

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

Policy D2 (Design and Amenity) – Privacy shall be designed into higher density housing, residential development will have a public face to the street and private face to an enclosed garden or court, residents shall have access to sitting out areas, car parking should not dominate, opportunities should be made of views and sunlight, measures should be included to design out crime and external lighting shall take into account amenity and the effects of light spillage.

Policy NE5 (Trees and Woodland) – There is a presumption against all activities and development that will result in the loss of, or damage to, established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Policy NE6 (Flooding and Drainage) – 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.

In areas not served by the public sewer, a private sewer treatment system for individual properties will be permitted provided that the developer demonstrates that there will be no adverse effects on the environment, amenity and public health.

Supplementary Guidance

Oldfold Development Framework and Masterplan

The agricultural land predominately to the west is identified in the Local Development Plan as Opportunity Site 62 (OP62) and is known as ‘Oldfold’ and extends to 48.9 hectares. Oldfold is allocated for the development of 550 residential units and 5 hectares of employment land in the period between 2007 and 2026.

The area to the north of Murtle Den Road is specifically identified as being suitable for further residential development (up to 9 units), which would be distinct from the rest of the Oldfold development and would in essence be an extension to Murtle Den Road. Housing in this area should be developed to be in keeping with the character of existing properties.

EVALUATION

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

Principle of Residential Development

Scottish Planning Policy (SPP) is clear in identifying that the aim of green belt is to direct planned growth to the most appropriate location, and to protect and enhance the quality, character and setting of towns and cities. In this instance, while adjacent to existing residential property, the site is located within the wider Green Belt. As such, the allowance of further residential development in this location may have a detrimental impact on the character of the landscape setting of this part of the green belt, which would be contrary to the advice within paragraph 163 of SPP which states: “the cumulative erosion of a green belt’s integrity through the granting of individual planning permissions should be avoided”.

On a related consideration are the principles of policies NE2 - Green Belt and NE1 - Green Space Network. The wider aim of the green belt has already been addressed, although the Local Development Plan does provide specific criteria for acceptable development in the Green Belt. In this instance, the proposal does not meet any of the defined criteria for acceptable development in such an area, and is therefore deemed to be contrary to Policy NE2. In respect of the Green Space Network (GSN), as the proposed would seek to develop existing garden ground which is synonymous with the character of housing along Murtle Den Road, it is considered that there is potential for further development to erode or destroy the character or function of the GSN in this location and would therefore be contrary to the aims of policy NE1.

Changing Character of the Area

Through the allocation of the Oldfold Masterplan site (which acts as an extension to Milltimber), the provision of 500 homes on land to the western edge of Murtle Den Road, shall undoubtedly have an effect on the wider character of the area. However, it should be noted that the Opportunity Site shall almost in its entirety be accessed from either a new road, or existing roads to the west. Accordingly,

only a further 9 dwellings are to be accessed to the north west off Murtle Den Road. In light of the general topography, and the large presence of trees and woodland, the Oldfold Development would not necessarily be seen in the same context as the Murtle Den valley itself, and would therefore not justify the provision of further development in the Green Belt, as proposed by this application. Accordingly, the provision of development at Oldfold represents planned growth of an existing urban area, and would not act as a precedent for development of this nature.

Layout, Access and Design

The character of Murtle Den, which comprises large homes in sizeable grounds within a high quality woodland setting, is acknowledged. However as noted above, the general principle of development on site cannot be established against Scottish Planning Policy nor the Local Development Plan Policy as it relates to Green Belt locations. Therefore even though the general character of the area would be reflected through the scale and density of development proposed, as the principle cannot be accepted, there is little merit in considering the design elements of the proposal further. Notwithstanding, the general scale of the contemporary proposal would utilise the landform to accommodate the development and reflect the scale of other large detached dwellings in the vicinity.

Drainage

In terms of foul drainage, the closest Scottish Water sewer is located at the junction of Murtle Den Road with North Deeside Road, some 600m to the south. Advice from SEPA states that 'outwith sewered areas, the principle of private foul drainage systems are generally acceptable. Therefore the principle of a private soakaway to deal with foul drainage is considered acceptable as the applicant has demonstrated that it is not financially feasible or reasonable to connect to the public system at this time. However, if the principle of planning permission had been established, SEPA recommended the use of a planning condition requiring a connection to the public system, once it is provided down Murtle Den Road, as a part of the associated Oldfold proposals. Surface water drainage could ultimately be adequately addressed through a suspensive planning condition.

Transport

The traffic generated by the proposed dwellinghouse would be very minor and would not justify any improvements to junctions on roads in the area. Ample parking can be provided within the proposed plot for the size of the property and the proposed means of access to each site is acceptable. Accordingly, no concerns have been raised by the Council's roads service in this regard.

Letter of representation

The following matters were raised within the letter of representation, which have not already been addressed above:

- **Trees** - A total of thirty three trees are noted as being present within the application site within the submitted tree survey. The letter of representation considers that the detail contained within the submitted tree survey would not necessarily be sufficient to meet the required British Standards for Tree Surveys relating to Development. However, given that the principle of the development has not been established, it was not considered necessary to require an enhanced submission from the applicant.

A new access is shown for the proposed dwelling, which would pass through the root protection areas of trees being retained alongside Murtle Den Road. In theory, planning conditions could have been utilised to ensure tree protection and retention in the long term, with the driveway ultimately constructed using a no-dig technique.

The dwellinghouse itself could have an impact upon the existing trees particularly alongside Murtle Den Road, in light of the provision of a large area of hardstanding, together with the building footprint itself. However, if the application had been accompanied by a Tree Survey to British Standards, it would have given an indication as to whether the footprint of the dwelling, and potentially the hardstanding would have had to be relocated. However, the principle of development has not been established at this time. Therefore should the Local Development Plan position ever change in this area, it may have to be taken into account for any future application which may be submitted.

- **Protected Species** - A walkover habitat survey was not carried out to examine the potential for protected species to be present on the site. Again, given that the principle of the proposal has not been established, it was not considered necessary to require the provision of additional information.

Summary

In summary, the proposal to sub divide the existing residential curtilage to provide an additional dwellinghouse is considered to be contrary to the principles of Green Belt policy, in that the proposal would result in the loss of character, or landscape setting of the area, and could lead to a precedent for similar development proposals which cumulatively would be to the detriment of the wider Green Belt of Aberdeen City.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

(1) That the site lies within the Green Belt which is defined to protect and enhance the landscape setting and identity of urban areas and in which there is a presumption against most kinds of development with only limited exceptions. The proposed development does not comply with any of the specified exceptions to the presumption against development within the Green Belt and therefore does not comply with Policy NE2, and could erode the character or function of the Green Space Network thus conflicting with Policy NE1 of the Aberdeen Local Development Plan 2012. If permitted, this application would create a precedent for more, similar developments to the further detriment of the objectives of the Green Belt policy.

Policy NE1 – Green Space Network

The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted. Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such development shall take into account the coherence of the network. In doing so measures shall be taken to allow access across roads for wildlife and for access and outdoor recreation purposes.

Masterplanning of new developments should determine the location and extent of the Green Space Network within these areas.

Development which has any impact on existing wildlife habitats, or connections between them, or other features of value to natural heritage, open space, landscape and recreation must be mitigated through enhancement of Green Space Network.

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Policy NE2 – Green Belt

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

The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:
 - a) the development is within the boundary of the existing activity.
 - b) the development is small-scale.
 - c) the intensity of activity is not significantly increased.
 - d) any proposed built construction is ancillary to what exists.
2. Essential infrastructure, such as electronic communications infrastructure and electricity grid connections, transport proposals identified in the Local Development Plan, such as the Aberdeen Western Peripheral Route, as well as roads planned through the masterplanning of new housing and employment allocations, which cannot be accommodated other than in the green belt.
3. Buildings in the green belt which have a historic or architectural interest or traditional character that contributes to the landscape setting of the city will be permitted to undergo a change of use to private residential use or to a use which makes a worthwhile contribution to the amenity of the green belt, providing it has been demonstrated that the building is no longer suitable for the purpose for which it was originally designed. (See Supplementary Guidance on The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside).
4. Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the green belt provided:
 - a) the original building remains visually dominant;
 - b) the design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and
 - c) the siting of the extension relates well to the setting of the original building.

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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.

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.

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Policy D2 - Design and Amenity

In order to ensure the provision of appropriate levels of amenity the following principles will be applied:

1. Privacy shall be designed into higher density housing.
2. Residential development shall have a public face to a street and a private face to an enclosed garden or court.
3. All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council.
4. When it is necessary to accommodate car parking within a private court, the parking must not dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in high density schemes.
5. Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable.
6. Development proposals shall include measures to design out crime and design in safety.
7. External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Development deemed to have an influence on public realm in the City Centre, Town, District or Neighbourhood Centres will make an agreed contribution to art or other enhancement of the public realm.

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Policy NE5 – Trees and Woodlands

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

Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover.

Native trees and woodlands should be planted in new developments.

Where trees are affected by a development proposal the City Council may make Tree Preservation Orders.

A tree protection plan for the long term retention of trees should be submitted and agreed with the Council before development commences on site.

See Supplementary Guidance on both protecting trees and woodlands and the trees and woodland strategy for Aberdeen for more information.

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Policy NE6 – Flooding and Drainage

Development will not be permitted if:

1. It would increase the risk of flooding:-
 - (a) by reducing the ability of the functional flood plain to store and convey water;
 - (b) through the discharge of additional surface water; or
 - (c) by harming flood defences
2. It would be at risk itself from flooding
3. Adequate provision is not made for access to waterbodies for maintenance; or
4. It would result in the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Applicants will be required to provide an assessment of flood risk where a development is likely to result in a material increase in the number of buildings at risk of flooding or where it has been indicated in the opportunity sites schedule that one will be prepared. Windfall sites may also require a flood risk assessment.

Where more than 10 homes or greater than 100m² floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment (see Supplementary Guidance on Drainage Impact Assessments). Surface water drainage associated with development must:

1. Be the most appropriate in terms of SUDS; 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. Private wastewater treatment systems in sewered areas will not be permitted. In areas not served by the public sewer, a private sewer treatment system for individual properties will be permitted provided that the developer demonstrates that there will be no adverse effects on the environment, amenity and public health.

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Summary Document

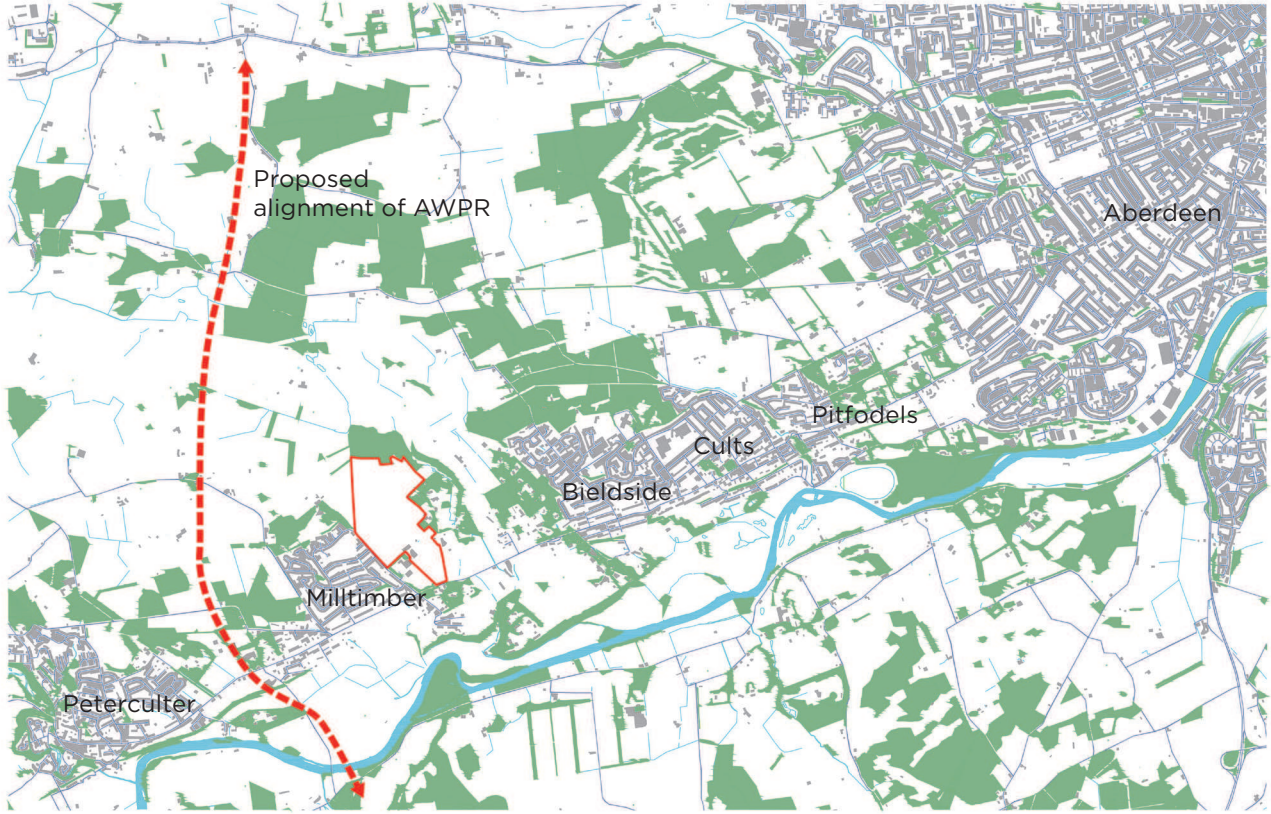
Development Framework and Masterplan

Oldfold, Milltimber

Planning and Sustainable Development
Aberdeen City Council
St Nicholas House
Broad Street
Aberdeen
AB10 1GY
www.aberdeencity.gov.uk

January 2012





Oldfold - North Deeside Context.



Oldfold - Site Area.

Introduction to Masterplan

This document has been produced to provide a synopsis of the Oldfold, Development Framework and Masterplan document. The summary aims to highlight the key information and guidance contained within the document however for a more complete and comprehensive understanding of the process, aims and outcomes of the Development Framework and Masterplan the main document should be referred to.

The site, identified in the Aberdeen Local Development Plan, is located approximately 7 miles to the west of Aberdeen city centre. The site identified as Oldfold is approximately 48 hectares and lies to the east of the main settlement of Milltimber.

The Development Framework and Masterplan describe how a residential led mixed use development of up to 550 residential units, supporting employment and community uses can be developed as an extension to the existing settlement of Milltimber. It is intended that the document will form the basis of Supplementary Guidance (SG) to the Aberdeen Local Development Plan.

The Masterplan document has been prepared on behalf of The Seven Incorporated Trades of Aberdeen Trades Widows' Fund & CALA Homes (East) ('the Promoters'). It outlines the proposals to develop a high quality and deliverable residential expansion to the east of Milltimber. The promoters assembled a multi-disciplinary team to produce the Masterplan for Oldfold.

The design team has worked closely together to provide a well considered and appropriate masterplan response to the site. The Development Framework and Masterplan have been informed and supported by a series of technical studies and reports. Throughout the evolution of the Development Framework and Masterplan the design has benefited from both community consultation and also regular meetings with Aberdeen City Council.



Aerial photo of the site area.

The document sets out a Development Framework and Design Guidance for Oldfold combining to form the Masterplan document. Its aim is to ensure that development of this site creates an attractive, well connected and vibrant new part of the town, providing a number of valuable benefits to the existing community of Milltimber. The document illustrates how development of the site must respect the sensitive landscape setting of the Deeside corridor and provide an attractive expansion to the existing settlement, creating a place that is in keeping with the distinct character along the North Deeside Road.

The Masterplan document is set out in eight key sections:

1. The Masterplan Process
2. Site analysis
3. Technical studies
4. The vision
5. The Development Framework
6. Phasing and delivery
7. Design guidance
8. Consultation summary

The following pages give a brief description of the key information contained within these sections.

1. Masterplan Process

This section introduces the purpose of the Masterplan document. It describes the site, the planning context and the development process to date.

The Masterplan describes the relevant planning background of the site prior to it being allocated within the Proposed Local Development Plan. Oldfold, is identified within the Aberdeen Local Development Plan (LDP) for 550 house units and 5ha of employment land. The plan identifies the need for the site to be Masterplanned and lists the infrastructure required to support the development. The LDP envisages development in two phases, 2007-16 (400 units) and 2017-26 (150 units). The Council also requires a contribution of 25% of the units as affordable, in accordance with the City-wide policy. The site also is to include a replacement Milltimber Primary School.

The document goes on to explain how the Development Framework and Masterplan have been developed following Aberdeen City Council's 'The Aberdeen Masterplanning Process, A Guide for Developers' as well as with reference to other national and local policies. The masterplanning approach taken has been particularly important to ensure that the site realises the wider opportunities to create efficient and effective environmental and community connections that integrate the site both internally and with its surroundings, importantly with the existing settlement of Milltimber.

This section goes on to explain the promoters' aspiration (subject to approval of the Development Framework and Masterplan document as Supplementary Guidance by Aberdeen City Council and completion of the necessary supporting studies) to make an application for Planning Permission in Principle. The application will comply with the guidance set down in the Supplementary Guidance.

This section also introduces the consultation process undertaken to date, with a full summary of the consultation



Community Consultation, Public Exhibition June 2009

process contained within Section 8 of the Masterplan. The site at Oldfold provides an excellent opportunity to allow the existing community at Milltimber to have a say in how their town can grow sustainably in a well planned manner.

The design team believes that the Masterplan process has benefited greatly from meaningful consultation and involvement with the local community and stakeholders. The consultation undertaken to date has comprised a number of stakeholder workshops, meetings and presentations to the local community councils as well as two full day community exhibitions (June 2011 and November 2011). The comments and suggestions received from these events have fed directly into the evolution of the Development Framework and Masterplan.

A full record of the consultation process, including all comments and how it has informed the Development Framework and Masterplan is documented in a Pre-Application Consultation Report which will be submitted with an application for Planning Permission in Principle for the site.

2. Site Analysis

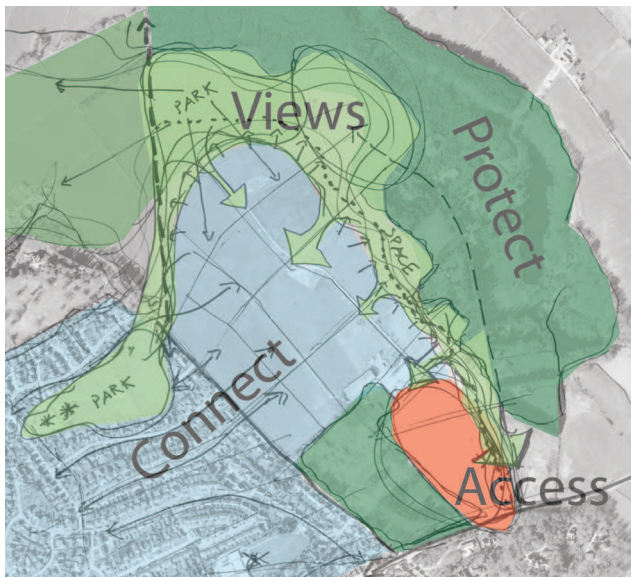
This section of the document illustrates the design team's understanding of an expansion to Milltimber at Oldfold in a City, local and site context and explains how this has informed design proposals.

The site at present is used for agriculture, generally improved grazing, arable land and by a riding stables. The site comprises a series of relatively small fields defined by stone dykes and farm tracks. There are no built or natural designations present on the site that would be affected by the proposed development. The woodland at Den of Murtle adjacent to the site is designated as a Local Nature Conservation Site.

The site analysis has identified the key site influences that will determine the location, shape and character of any development of the site area identified. The analysis not only directs the shape of any development in this area, if respected it will allow the site to be developed with a unique character and 'sense of place'.

3. Technical Studies

To support and guide the production of the Masterplan a number of technical studies and reports have been completed, these include a Transport Assessment, Ecological Assessment and Surface Water Management strategy amongst others.



Approach to development

4. The Vision

In line with the Aberdeen City Council 'Masterplanning Process' the Masterplan describes CALA's vision for the expansion of Milltimber at Oldfold.

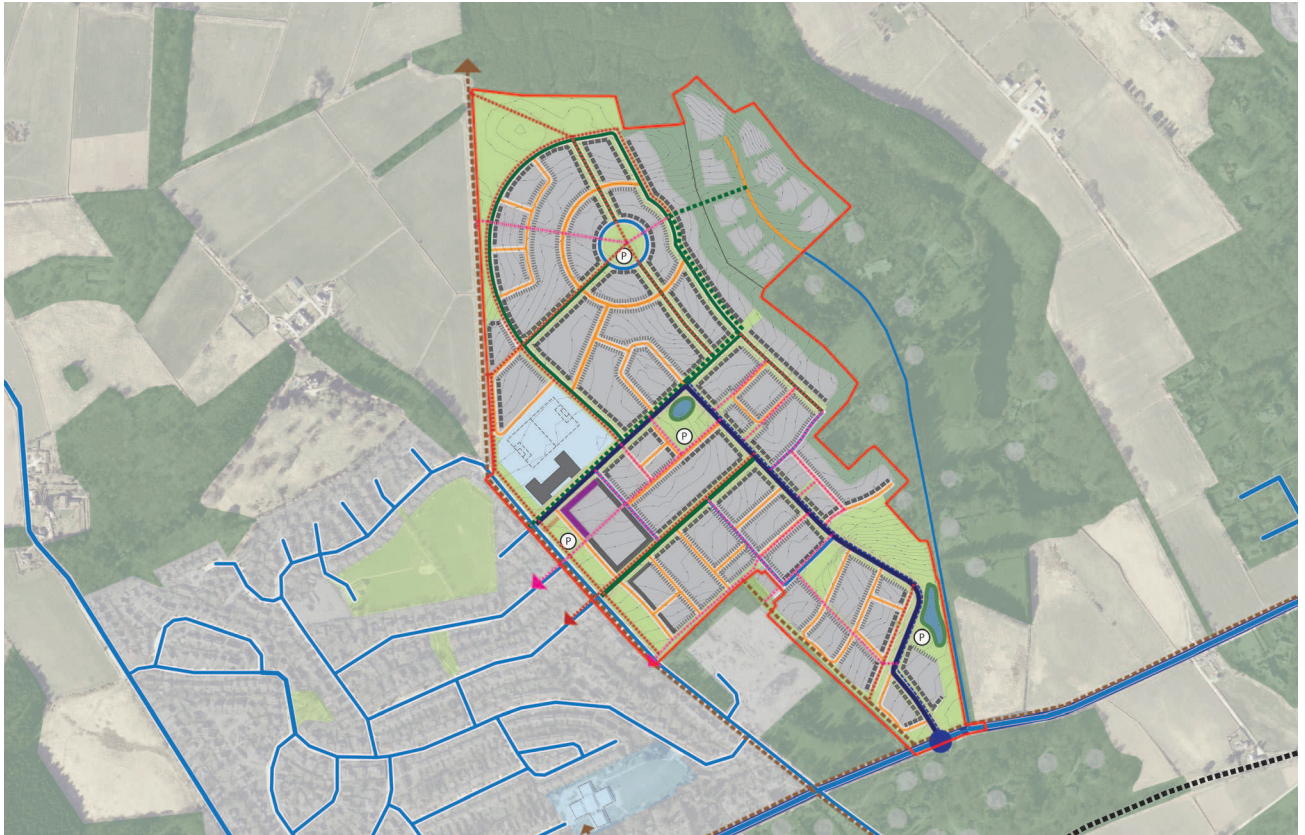
CALA aims to develop an expansion to Milltimber at Oldfold in a manner that reflects the quality associated with the North Deeside area, both in the quality of homes provided but also in the quality of environment. Oldfold will provide new homes in one of the most desirable parts of the Aberdeen, a high quality place to live on the edge of the city.

CALA has high expectations for the site at Oldfold. To create a successful urban expansion at Milltimber, the aspects that make the site unique and attractive must be brought to the fore, the distinct features and characteristics of the site, and must be articulated through the design to create a distinctive new community with a clear identity and sense of place.

Oldfold will be a place in which the houses, streets and outdoor spaces all combine to reflect the high standards and aspirations of not only CALA but also the Council and the existing residents of Milltimber.



Development concept



Oldfold - Development Framework (for annotations and legend refer to final Masterplan document).

5. The Development Framework

The purpose of this Section is to describe the concept for the site and how the main aims will be realised through site wide design principles and illustrated through a Development Framework.

This Section describes how the Development Framework has evolved from an analysis and appreciation of the site and its strategic and local context. It explains how in line with the Aberdeen City Council 'Masterplanning Process' the Development Framework sets out a basic two dimensional spatial framework for the way in which the site will be developed. It creates a co-ordinating structure which sets a robust and viable vision for Oldfold from which more detailed design can follow. The Development Framework is intended to:

- Establish a clear and exciting future vision for Oldfold;

- Provide a clear and comprehensive spatial framework that describes how the site is intended to be developed;
- Describe and explain the integrated land-use, landscape and transport proposals;
- Set out a clear phasing strategy;

Layers of the Framework

The document describes the core principles of development at Oldfold, the location and purpose of the elements that make up the Development Framework. These principles are described and explained under the following six headings:

- Part of Milltimber
- Access and Connectivity - Path Network
- Access and Connectivity - Street Network
- Landscape Framework
- Development Blocks
- Drainage Strategy

Part of Milltimber

Creating a sustainable urban expansion that fits within the overall town structure of Milltimber while reflecting the unique character of the site has been a key consideration in the concept for development at Oldfold. This section describes how the various parts of the Development Framework will combine to achieve the aims set out above, integrating Oldfold as part of Milltimber.

Access and Connectivity - Paths

The Development Framework has been designed to actively encourage walking, cycling and use of public transport. A network of pedestrian routes, cycleways and new bus routes has been identified. As part of the path network provision the Framework will provide an important part of the wider Aspirational Path AP10 within the site.

All of the proposed properties and the majority of existing properties in Milltimber are within 800m of the proposed mixed use core and new primary school. Pedestrian connectivity to these has been considered as a priority with a further potential bus loop also identified within the site with all proposed properties within 400m of a potential bus stop.

Access and Connectivity - Streets

The principal vehicular connection to the street network will be provided to A93, North Deeside Road with further connections to Binghill Road. The principle of access to the site from the A93 via a new junction has been established in the LDP and through the masterplanning process the design team has been considering a number of options for the design of the junction, informed by the on-going Transport Assessment.

Street design has been considered and designed following Designing Streets, Policy Statement for Scotland. In addition to the core streets defined it is anticipated that there will be further streets, lanes and shared surfaces within Development Blocks with these also being designed in accordance with 'Designing Streets' policy and appropriate standards/requirements of Aberdeen City Council.

Landscape Framework

Usable, well-designed, public space is recognised as creating opportunities for communities to interact, promoting a sense of place and helping to promote healthy active lifestyles. This section describes how and where public open spaces will be provided within the development and how the provision meets Aberdeen City Council standards, including the requirements of the Aberdeen City Council - Open Space Interim Supplementary Guidance.

Development Blocks

Areas for residential development, mixed use development and the proposed new primary school are identified (illustrated on the plan opposite). Within the document a proposed number of residential units is described for each block. Over the entire site this presents 550 residential units (including affordable housing) across a range of densities. The Development Framework will provide a mix of building typologies and tenures to help create a diverse and inclusive community structure.

Within the Development Framework a location for a mixed use local centre which could accommodate support services for the new and existing communities at Milltimber has been identified. A site for a new primary school has also been identified as part of the local centre. The location of the primary school, and associated mixed use facilities has been selected to enable it to serve both the proposed and existing wider community of Milltimber. Located together at the centre of the existing and proposed communities, close to the existing Church and Community Centre, all the proposed homes and the majority of existing homes are within a 800m walk of these community resources.

Drainage Strategy

The surface water drainage requirements for the Oldfold site have been investigated with interested stakeholders. Based on current development guidance the site will be drained via an approved Sustainable Urban Drainage System (SUDs).



Oldfold - Urban design principles (for annotations and legend refer to final Masterplan document).

6. Phasing Strategy

An indicative phasing strategy is presented in the document to ensure that the build-up of the new community is achieved in a coherent and logical way with the ability for each phase to function independently prior to subsequent phases being delivered. The overall approach to phasing is integrated; in each phase open space provision, streets, services and development are included as appropriate. On completion of the development all phases will combine, fulfilling the aims of the Masterplan to create a well structured and cohesive, accessible place in line with the aims of the Local Development Plan.

Infrastructure Delivery

The Infrastructure Delivery Statement summarises the requirements of the proposed Local Development Plan and describes, what, how, when and with whom these will be delivered.

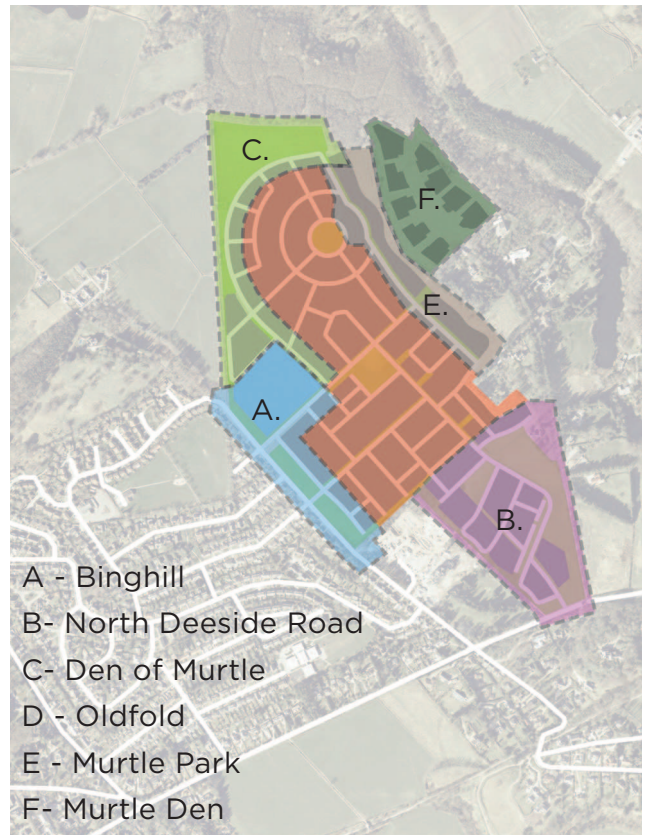
7. Design Guidance

The Masterplan takes the principles set out in the Development Framework section of the document and develops these to provide detailed three dimensional guidance.

This Section of the document looks at how the key design principles that underpin the Development Framework will help character evolve, reflecting the combination of all the principles set out in this document to create an attractive new part of Milltimber. This guidance will therefore assist the developers and their designers, in preparing future detailed applications at later stages in the development process. It will identify the core design principles and character defining elements for a number of character areas, buildings, spaces and routes that when combined will allow the development concept identified within the Development Framework to be realised.



Part of Milltimber.



Character Areas.

The design guidance for Oldfold is described through four levels:

General Design Guidance

Principles of good urban design that should be followed as a matter of course in the development of Oldfold.

Strategic Design Principles

Specific design principles that apply to the whole Development Framework area. This should be followed to help shape the urban expansion into a unique and desirable place to live.

Layers Of The Masterplan

This Section describes the aims and parameters of the proposals by breaking the Development Framework into its constituent parts. These layers illustrate key concepts of the Masterplan and how they respond to both the existing site and the Development Framework. Following the principles set out in these layers will ensure that the Oldfold integrates with both Milltimber and the existing landscape.

Creating Character

In order to ensure that development at Oldfold has a rich and legible character, the Development Framework is then broken down in to character areas.

The guidance for each area is written to focus on the key generators of character, which include key routes, buildings, edges, spaces, uses, and articulate the main design intent. This design guidance considers inter-relationships and connectivity of different areas in terms of design and visual appearance.

The design guidance described in this Section is not intended as a blueprint to be followed rigidly - it should be used as reference to stimulate discussion and control the quality of design by interpreting and applying the principles. This guidance should be considered when dealing with future detailed applications.

Character Areas. The site analysis and review has led to the identification of six distinct character areas within the development that have shaped and informed the scale, layout and character of the proposed development. These are;

Binghill Road

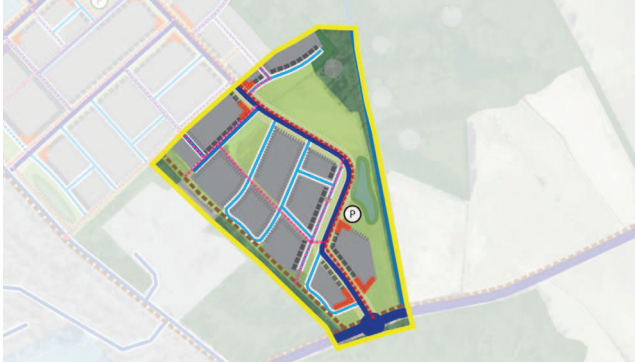
The character of the western boundary, specifically the Binghill Road area, is of particular importance as it forms the interface between the existing and proposed communities and offers the only opportunity to integrate with the existing settlement.



Interface with Binghill Road.

North Deeside Road

The North Deeside Road area is very important to the overall character of Oldfold Farm as it is the only part of the site viewed from the A93 and forms an important ‘gateway’ to the extended Milltimber.



North Deeside Road Character Area.

Oldfold

The Oldfold area is the largest character area of the development and generally will have a higher residential density than the character areas to the north and east which require sensitive treatment to the surrounding landscape. As a result the key character forming elements are streets and spaces.



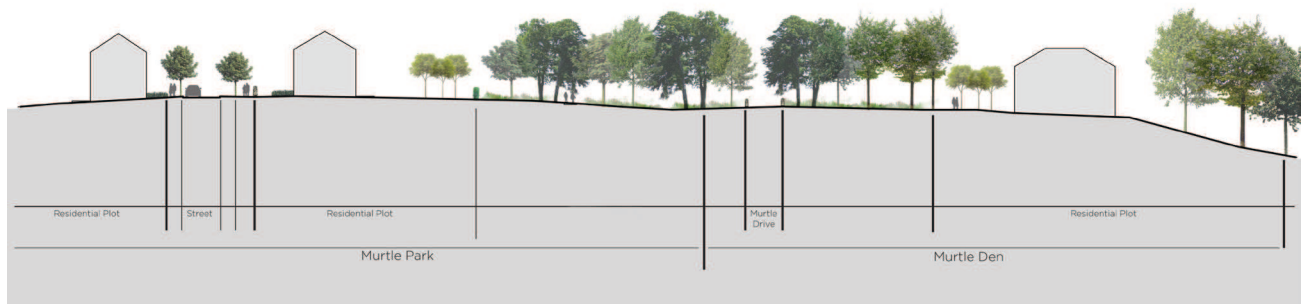
Illustration of Oldfold Square, Oldfold.

Den of Murtle

Den of Murtle Hilltop Park ensures that development does not encroach on the higher, more visually prominent land and allows for the largest area of informal public open space within Oldfold to be created.



Illustration of Hilltop Park, Den of Murtle.



Interface of Murtle Park and Murtle Den character areas.

Murtle Park and Murtle Den

The character of Murtle Park is very important as to how the development should address the eastern boundary to the existing Murtle Den area. This area will be defined by the avenue type street that runs almost the full length of the Murtle Den boundary. Development plots to the east should back on to the structural woodland acting to protect the setting and privacy of the Murtle Den properties.

The character of the Murtle Den area should replicate the existing housing to the south. Very large detached plots set within mixed woodland and accessed from the existing driveway. Development should be limited in this area to respect the existing character and environmental aspects. New woodland should be planted in advance of development to provide the setting for future development.



Illustration of Murtle Park avenue.

8. Consultation Summary

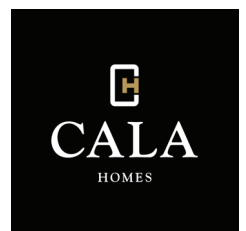
Section 8 of the document contains a full summary of the consultation process, including a detailed description of all the meetings, workshops and exhibitions carried out throughout the masterplanning process. It includes a summary of responses and comments made at each of the events.

A full record of the consultation process, including all comments and how they have informed the Development Framework and Masterplan will be documented in a Pre-Application Consultation Report which will be submitted with an application for Planning Permission in Principle for the site.

Summary

The development and refinement of the Masterplan has been the essential first stage of the process of creating a long term, sustainable extension to Milltimber. This will happen over many years as the houses and other facilities will take time to plan, build and mature. Once the Masterplan has been adopted as Supplementary Guidance, a series of planning applications will follow, starting early in 2012 with an application for Planning Permission in Principle for the entire site. Only once this is approved by the Council, will a series of detailed applications start, to show how different phases of the land then will be developed in line with the 'Principle' consent. A proper community can only be created over many years however here we have the advantage of the Oldfold site being part of the existing community of Milltimber and we are working hard to make sure that the new sites can be absorbed and embraced by the current community.

open
optimised environments



NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

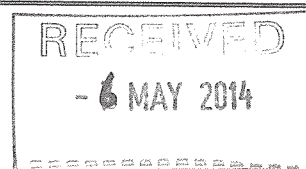
Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.



Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

TO DEAL WITH FURTHER INFORMATION WHICH MAY BE FORTHCOMING FROM THE
OLDFOLD FARM DEVELOPMENTS

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

THE SITE IS SECURED BY FENCES AND HEDGES, ACCESS WOULD BE BY APPOINTMENT

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

1. PLANNING APPLICATION Ref No P131419 WAS REFUSED FOR ONE REASON ONLY, THAT "THE SITE LIES WITHIN THE GREEN BELT". THIS IS CONTESTED ONTHE BASIS THAT THE GREEN BELT BOUNDARY IS IMPERFECT AND DOES NOT COMPLY WITH SCOTTISH PLANNING POLICY, PART 8 SUBJECT- GREEN BELTS, ITEM No. 162.

2. THE ASSERTION THAT "IF PERMITTED, THIS APPLICATION WOULD CREATE A PRECEDENT FOR MORE, SIMILAR DEVELOPMENTS TO THE FURTHER DETRIMENT OF THE OBJECTIVES OF THE GREEN BELT POLICY" IS CONTESTEDBECAUSE OF THE UNIQUE CIRCUMSTANCES OF THE SITE AND FURTHERMORE THE DIMINUTION OF THE GREEN BELT WOULD BE INSIGNIFICANT.

3. THE APPROVAL OF PLANNING APPLICATION IN PRINCIPLE Ref. P130378 ON 24/04/2014 REGARDING THE OLDFOLD FARM, NORTH DEESIDE ROAD, MILLTIMBER, DEVELOPMENT, HAS DRAMATIC CONSEQUENCES WHICH COULD HAVE BEEN FORSEEN AND SHOULD HAVE BEEEN GIVEN MUCH GREATER CONSIDERATION WHEN REACHING THE DECISION TO REFUSE THIS APPLICATION.

4. OTHER INCONSISTENCIES WHICH ARISE FROM APPROVAL OF PLANNING APPLICATION IN PRINCIPLE Ref. P130378.

5. THE ORIGINAL PROPOSALS FOR PINELANDS INCLUDED A PRIVATE DRIVEWAY RUNNING PARALLEL WITH MURTLE DEN ROAD AND ACCESSED FROM THE SOUTH WEST CORNER OF THE SITE. THIS DRIVEWAY WAS CONSTRUCTED WITH A SUITABLE SUB-BASE BUT NEVER SURFACED AND IS NOW PART OF THE LAWN. HOWEVER THE LINE OF THE TRACK IS STILL OBVIOUS AND THE ACCESS IS EXISTING AND CAN BE USED WITHOUT THE REMOVAL OF ANY TREES AS PROPOSED.

6. THE APPLICANTS' REPRESENTATION IN CONNECTION WITH THE ABERDEEN LDP: MAIN ISSUES REPORT 2014, MIR REF 101000359081 REGARDING PROPOSED CHANGES TO THE SETTLEMENT/GREEN BELT BOUNDARY AT MURTLE DEN ROAD, MILLTIMBER.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

THE ONGOING DEVELOPMENTS AT THE ADJACENT OLDFOLD SITE ICLUDING THE APPROVAL OF PLANNING APPLICATION IN PRINCIPLE Ref. P130378 ON 24/04/2014.
THE RECENT APPLICATION AT INCHYRA.
THE MAIN ISSUES CONSULTATION IN THE ABERDEEN LOCAL DEVELOPMENT PLAN, MIR REF 101000359081.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

- 1. DRAWING NoS. TD13/10/01A, TD13/10/02 & TD13/10/03
- 2. DESIGN STATEMENT.
- 3. SUPPORTING STATEMENT.
- 4. MAIN ISSUES CONSULTATION RESPONSE IN LETTER DATED 20TH MARCH 2014, INCLUDING MASTERPLAN PREPARED FOR THE MURTL DEN ROAD RESIDENTS ASSOCIATION IN THEIR DISCUSSIONS WITH CALA. MIR REF 101000359081.
- 5. NOTES ON CONSEQUENCES AND OTHER INCONSISTENCIES WHICH ARISE FROM APPROVAL OF PLANNING APPLICATION IN PRINCIPLE Ref. P130378. REGARDING THE OLDFOLD FARM, NORTH DEESIDE ROAD, MILLTIMBER, DEVELOPMENT.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the ~~applicant/agent~~ [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date 6th May 2014

NOTES ON CONSEQUENCES AND OTHER INCONSISTENCIES WHICH ARISE FROM APPROVAL OF PLANNING APPLICATION IN PRINCIPLE Ref. P130378. REGARDING THE OLDFOLD FARM, NORTH DEESIDE ROAD, MILLTIMBER, DEVELOPMENT.

I think we can all be agreed that the inclusion of the nine executive houses at the top of Murtle Den Road is a clever manipulation of the Aberdeen LDP to enhance the exclusivity and value of these houses, and this is not to be criticised. This arrangement is generally supported by the residents but it does throw up several inconsistencies which deserve closer scrutiny as itemised below:

1. The inclusion of these houses is made possible by the enlargement of the Milltimber Settlement but in reality they are no more part of the settlement than all of the existing houses on Murtle den Road which are still firmly anchored in the Green Belt.
2. The same rationale applies to the 2 houses granted Detailed Planning Permission on 18th February 2013 for the site at Inchyra; Application Ref No P120919.
3. To all intents and purposes the gap site at Inchyra is the same as the application site and it seems inconsistent to argue that these 2 sites should be treated differently in planning terms, except for the fact that the Inchyra site was included in the Oldfold Farm opportunity site, but significantly not included in the Oldfold Development Framework and Masterplan.
4. We now have a situation where 11 new dwellinghouses, which are accessed solely from Murtle Den Road, are officially included in the Milltimber settlement whereas all the 13 existing dwellinghouses are not. It follows that in planning terms the landowners who share Murtle den Road feel they are not being treated fairly and this is an injustice which could be easily rectified by a common-sense approach.
5. A final irony is that in terms of connectivity the proposed houses which are part of the Milltimber settlement are more remote from the settlement of which they are part, than the houses on Murtle Den Road which are not, and to reach the Milltimber settlement they are forced to drive through a stretch of Green Belt. Surely this is not what was intended.
6. In essence we see that Opportunity Site 62 (OP62) has evolved to create a second opportunity site which is Murtle Den Road, which should be treated as such, at the very least in the interests of fairness.

Conclusion: in the light of the above and the arguments included elsewhere in this submission I would respectfully urge the Local Review Body to uphold this appeal and to grant full planning permission for the proposed dwellinghouse.

George W Simpson, Chartered Architect

6th May 2014

GEORGE W SIMPSON, CHARTERED ARCHITECT

SUPPORTING STATEMENT

Full Planning Permission for a new
Dwellinghouse at Pinelands, Murtle Den Road,
Milltimber.

PLANNING APPLICATION: Full Planning Permission for a new Dwellinghouse at Pinelands, Murtle Den Road, Milltimber.

SUPPORTING STATEMENT (To be read in conjunction with the DESIGN STATEMENT)

Contents:

The Site	page 2
Recent Planning History	page 3
Development Framework and Masterplan, Oldfold, Milltimber	page 4
Consideration of the items in the Main Issues Report	page 5
Scottish Planning Policy	page 6
Aberdeen Local Development Plan	page 7
Conclusion	page 9

THE SITE

The site amounting to 0.72ha (1.77 acres) is part of the landscaped gardens of Pinelands, the applicants' residence, and lies to the south of the house. The site is bounded to the east by Murtle Dam, to the West by Murtle Den Road and to the south by a similar but uncultivated plot of ground next to Brookden. The site slopes downwards towards the east from the 75m contour on Murtle Den Road to the 60m contour at Murtle Dam.

The character of the site is defined by the nearby houses which are substantial dwellings on large plots set in mature woodlands which include some spectacular specimen trees. The trees provide a beautiful landscaped background and provide a sheltered environment protected particularly from easterly and westerly winds.

Of notable importance is the proximity of the Opportunity Site OP62, Oldfold Farm, situated to the west and north of Murtle Den Road.

RECENT PLANNING HISTORY

The application site is designated as Green Belt in the Aberdeen Local Development Plan (LDP). During the consultation period for the LDP a bid was submitted to allow a residential development of three detached houses but this was rejected in The Main Issues Report (MIR). (See Appendix A for extracts from the MIR) Negative representations included the following:-

1. Housing will not enhance the area
2. Housing will strain infrastructure
3. lead to loss of green belt
4. Bad effects on wildlife
5. Bad effects on floodplains
6. Bad effects on schooling

Nevertheless the Response in the Main Issues Report did not highlight any insurmountable issues, although the isolated nature of the site on a steep slope and dependency on the car was noted.

More encouraging statements included the following:-

- The development of this site is unlikely to have any significant impacts in terms of landscaping or other planning constraints.
- Although the scale of development means that its impacts are low – so are the advantages.

It is emphasised here that all of the above appraisals were made in the context of the site as an isolated entity and do not reflect the very changed circumstances brought about by the publication of the Masterplan for the Opportunity Site OP62, Oldfold Farm. It seems not unreasonable to conclude that the Aberdeen LDP has been somewhat superseded by the Masterplan and these issues will be considered later, from this perspective. With the benefits of hindsight and a close involvement with the Murtle Den Road Residents Association the applicants realised that the site was indeed unsuitable for three houses and decided that one dwelling meeting all the demanding policies and design guidelines of the Masterplan would be more appropriate. Furthermore the applicants now intend to occupy the proposed dwelling house (Please refer to the Design Statement to appreciate the exacting design requirements which allow for whole life sustainability including the provision of wheelchair access throughout, and accommodation for live-in carers). This will release Pinelands for sale in the high value end of the market which remains very buoyant, due in part to the removal of similar substantial dwellinghouses to make way for the Western Peripheral Route.

DEVELOPMENT FRAMEWORK AND MASTERPLAN, OLDFOLD, MILLTIMBER

Subsequent to the publication of the MIR the Planning Authority requested that a Development Framework and a Masterplan should be prepared for OP62 and this was undertaken by Cala working in conjunction with Planning Authority, the Trades Widows 'Fund, and the Murtle Den Road Residents' Association, and comments from the public following consultation workshops.

A significant decision was to include at the north end of the site nine large detached houses which would be accessed only from Murtle Den Road and be of a high quality to match the existing dwellings. This change alone acknowledges that there is capacity for similar residential development on Murtle Den Road and by implication on the application site.

CONSIDERATION OF THE ITEMS IN THE MAIN ISSUES REPORT

1. Housing will not enhance the area:
This statement is now difficult to defend as the Masterplan proposes a total of 550 houses in the vicinity of the site.
2. Housing will strain infrastructure:
Infrastructure enhancements proposed in the Masterplan will be adequate to cope with this development and planning gain applied will be added to the total.
3. Lead to loss of green belt:
At present the application site is not accessible to the public and to be precise the loss to Green Belt will not exceed the footprint of the proposed dwelling and paved areas. Otherwise there will be no changes and the impact can be considered to be negligible.
4. Bad effects on wildlife:
The garden is at present laid to lawns and it is not proposed to change this nor remove any of the mature trees. The area is known to be rich in wildlife and many examples including roe deer, foxes, hedgehogs and badgers are seen crossing the garden from time to time, but these are visitors none of which are established within the application site. However it could be argued that the new planting of shrubs and climbers near the house will provide additional habitats (for birds and small mammals) where none are available at present.
5. Bad effects on floodplains:
Due to the topography it seems likely that all the rainfall from the site ends up in Murtle Dam and will continue to do so. However the discharge rate will be diminished by the provision of rain harvesting storage tanks for garden watering and vehicle washing, overflows into the existing pond which is to be retained and hence by partial soakaways to the dam.

SCOTTISH PLANNING POLICY

GREEN BELTS- SPP 21 applies.

The extracts from SPP21 are shown below with the items relevant to this application underlined for consideration.

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

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

Green belt designation should provide clarity and certainty on where development will and will not take place, and can have particular benefit where a co-ordinated approach to settlement planning is required across local authority boundaries. Green belt designation should be used to direct development to suitable locations, not to prevent development from happening. For towns and cities with a distinct character and identity that could be harmed by unplanned growth, the use of green belt designation and relevant policies may help to manage that growth more effectively.

ABERDEEN LOCAL DEVELOPMENT PLAN 2012

Policy NE2 – Green Belt of the LDP states:

"No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal."

The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:

- a) the development is within the boundary of the existing activity.
- b) the development is small-scale.
- c) the intensity of activity is not significantly increased.
- d) any proposed built construction is ancillary to what exists.

The proposed dwellinghouse is an extension of the residential use within the curtilage of Pinelands and does not significantly increase the intensity of the activity on the site. It should be noted that Pinelands will remain the dominant property in respect of the size of the house and the plot. However the subdivision of the curtilage to provide a separate residence may well be considered a departure, albeit of very minor nature, from the LDP. Again, with hindsight (of the Masterplan), the inclusion of 9 large detached houses to the North of and, more importantly to either side of Murtle Den Road, suggests that the Green Belt Boundary might have been better delineated in the LDP by the centre of Murtle Dam and the southern boundary of the residential properties to the East of MDR.

Policy NE1 – Green Space Network states:

"The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network".

The proposed dwellinghouse will have no impact on the Green Space Network although it should be noted that there is currently no public access to this property and this will not change. The impossibility of promoting or enhancing the "access value" of the site raises the question as to why Pinelands was designated as part of the Green Space Network in the first place?

Policy H1 – Residential Areas states:

"Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

1. does not constitute over development;
2. does not have an unacceptable impact on the character or amenity of the surrounding area;
3. does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010;

4. complies with Supplementary Guidance on Curtilage Splits; and
5. complies with Supplementary Guidance on House Extensions".

This application meets all the above criteria and policy H1/4 is considered in more detail below.

SUPPLEMENTARY GUIDANCE

March 2012

The Sub-division and Redevelopment of Residential Curtilages

This section of the LDP applies to proposals where large residential curtilages are subdivided to provide sites for additional houses on the site and applies to this application in the following particulars:

- As a general principle new residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting.
- The relationship of new residential development to existing dwellings is an important factor to be considered in assessing whether the privacy, amenity, sunlight and daylight of residents of both existing and proposed dwellings would be adversely affected.
- Residential development should have a public face to the street and a private face to an enclosed garden or court
- The private garden should not be overlooked from the road, located under the canopy of trees or in a location that is excessively shaded by vegetation or buildings or to be directly overlooked by windows of habitable rooms of adjoining residential property.
- No more than a third (33 per cent) of the total site area for each individual curtilage should be built upon. Densities of less than 33 per cent will be required in areas of lower density housing.
- There will be a presumption in favour of retaining semi-mature and mature trees either within the site or immediately adjacent to it regardless of whether they are protected by a Tree Preservation Order or sited in a Conservation Area.

This application meets all the above criteria and the more demanding requirements of the Masterplan.

CONCLUSION

This application is for one dwellinghouse on a substantial plot which:

- does not compromise any National, Local Development Plan or Green Belt principles.
- meets all the requirements of the Oldfold Masterplan.
- in the context of the Oldfold development will have minimal impact on the Landscape Character, the Habitat and the Infrastructure of the local area.
- in a small way, will compensate for the loss of similar residences scheduled for demolition due to the WPR, by releasing Pinelands for sale.

The contemporary design will:

- comply with all the criteria of Policy H1 – Residential Areas.
- provide a high quality dwelling which will add to the character of the area.
- will not be overbearing but will be compatible with the other houses in Murtle den Road.
- will allow for the retention of all mature trees.

From consideration of the circumstances and the arguments developed in this report, Aberdeen City Council is respectfully requested to support this planning application as an appropriate Development Plan Departure.

George W Simpson, Chartered Architect
September 2013

GEORGE W SIMPSON, CHARTERED ARCHITECT

DESIGN STATEMENT

Full Planning Permission for a new
Dwellinghouse at Pinelands, Murtle Den Road,
Milltimber.

PLANNING APPLICATION: Full Planning Permission for a new Dwellinghouse at Pinelands, Murtle Den Road, Milltimber.

DESIGN STATEMENT

INTRODUCTION

Pinelands, a substantial six/seven-bedroom dwelling built during the nineteen-seventies has been the family home of Mr and Mrs Lakin for over twenty years. The house is set in 3.8 acres of mature woodland and ornamental lawns overlooking Murtle Dam, in an area designated green belt. Mr and Mrs Lakin wish to continue to live at Murtle Den for the foreseeable future but recognise that Pinelands exceeds their requirements now that their children have left home and is not suitably designed for their retirement years.

THE SITE

The site amounting to 0.72ha (1.77 acres) lies to the south of Pinelands and takes up almost half of the existing plot. This land was acquired by the applicants sometime after they took possession of Pinelands and it seems likely that this plot was originally intended for another large dwelling house. The site is defined by its main characteristics namely the orientation, topography, the existing mature trees and the subsoil known to have substantial deposits of grey clay.

Orientation

The site slopes from West to East, from Murtle Den Road to Murtle Dam which stretches roughly North-South along the Eastern boundary and to a large extent determines the landscape, the attractive views and the sense of place of this unique location. The best views from the site are to the East across the dam and to the North East where the mature cedars grow in the gardens of Pinelands. Because of the topography and the mature conifer and broadleaf trees on the West boundary at the highest point of the site, only sunshine from the East and South can be relied upon at most times of the year although some dappled sunshine will reach the house from the West.

Topography

Parallel to the Western boundary and just beyond the line of the mature trees there is a grassed track constructed as a vehicular access to Pinelands, but in the event never adopted for this purpose. From this level the site slopes, steeply at first then more gradually to Murtle Dam. In order to access the new house and perhaps more importantly to restrict traffic to the least scenic part of the site, an early decision was agreed that the house should be entered at the top of the slope at which level the main public rooms would benefit from the wonderful views across the dam, and the other accommodation would be located under in one or two storeys "built into" the natural slope. This arrangement would allow the house to be constructed along the contours in much the same way as Pinelands to overcome the problems of construction on a steep slope.

Existing Trees

The existing mature trees which border Murtle Den Road are generally very large avenue specimens of Douglas fir with occasional broadleaf species. A few feature conifers (larch) were planted approximately 20 years ago to continue the woodland theme across the newly acquired field (the application site) which has since been laid to lawns with an existing pond at the lower level. The other trees of note are the very large Douglas Firs and Cedars which form the small but impressive plantation to the East of Pinelands.

Subsoil

The presence of grey clay near the surface will necessitate the use of vibration driven piles to reduce the amount of excavation and to limit the potential damage to the established roots of the mature trees in the immediate vicinity.

THE BRIEF (Applicants' requirements)

- First and foremost, the new dwelling is to be of a sustainable construction with a (near) zero carbon footprint utilising insulation levels well in excess of the current building regulation requirements and triple glazing throughout. In addition a domestic heat recovery system will provide most of the general ventilation requirements.
- Secondly the new dwelling is to be sustainable in the sense that the house design is to cater for the average family throughout a typical lifetime and must be capable of adapting to the many and varied lifestyles which this implies. In particular the design should anticipate and allow for the encroachment of old age to allow the owners to stay in their home, perhaps with care assistance, long after a residential home would normally be considered the only sensible alternative.
- The accommodation to provide 5 bedrooms, including a guest bedroom with separate access for a carer should this become necessary in future. Wheelchair access to all parts of the property to include provision for a domestic passenger lifts for this reason.
- The main living accommodation to be at ground floor level, at the highest part of the site to take full advantage of the available daylight and direct sunshine and to benefit from the views across Murtle Dam and to the mature woodland trees.
- Triple garage integral with house with direct access to the utility room/ laundry.
- Home cinema (Media Hub), sauna and exercise area in basement.
- The house to be located at the top of the slope to the West of the site to facilitate vehicular access and provide a degree of separation from Pinelands, consistent with site planning requirements.
- The design to be contemporary to avoid the pitfalls of a pastiche solution and to reflect the character and quality of similar dwellings nearby and in particular the elevation to Murtle Den Road should have a distinct presence which is harmonious within the woodland setting.

Le Corbusier famously stated that "houses are machines for living in" and few would question this visionary observation. The trouble is most of the houses built for the present market, especially large so called "prestige dwellings" are based upon designs developed by the Victorians with individual rooms reserved for particular functions and offering little possibility of flexible use. In contradiction to this model the vogue for open plan living areas often results in (relatively) large spaces which certainly brings most of the accommodation into use but can on the other hand limit the efficient use and enjoyment of these spaces; for example it may not be considered sustainable or desirable to heat all the living areas all the time. Furthermore open planning seems to work better at the lower end of the market as exemplified by *Studio Apartments* which in reality are mere bedsits with an en-suite bathroom. A combination of both approaches, selecting those features which are tried and tested suggested a possible way of achieving a layout suitable for today's varied lifestyles, and compatible with the aims of sustainability.

BLOCK PLANNING

From site analyses and an evaluation of the accommodation requirements it became clear that a three storey block would produce a footprint proportionate to the site, and, with the entrance at or near Murtle Den Road level the lower two storeys would conveniently link the house to the garden at the lower level. Balconies would form an important and desirable element of the design but must be used with caution on the three storey side to avoid producing an urban appearance which would be unsuitable for this rural setting. An important constraint due to the piled foundations is the superimposed structural grid which requires careful coordination of the floor plans in section. Consequently the vertical relationship of the accommodation was established as summarised below:

<u>Ground Floor</u>	Public Rooms Utility	Hall, Lounge, Dining Hall, Kitchen/Family Dining, Family Room and Balconies. Garage & WC, Utility Room, Accessible WC/shower. Stairs to Gallery Office overlooking Dining Hall.
<u>Lower Ground Floor</u>		Master Bedroom, Bedrooms 2, 3, 4 and shared shower room.
<u>Basement</u>		Guest Bedroom, Home Cinema, Exercise Room & Sauna and storage.

DESIGN PROPOSALS

The Ground Floor plans show the Living Accommodation arranged in a square plan form around the Dining Hall which is placed at the virtual centre of this space, if the triple garage is excluded. This configuration conveniently allows the formation of an atrium which can be considered to be multi-functional which, consistent with the aims of sustainability provides:

- A natural hub for circulation and interconnectivity between all the main living areas and the balcony decks without the need for corridors.
- A dining area for formal occasions and a flexible space for entertaining on a grander scale.
- A glazed roof to allow sun/daylight into the interior of the living space including the lounge located on the north of the building (to benefit from the views of the existing woodland).
- High ceilings which in conjunction with automatic opening roof vents prevent heat build-up and by virtue of the stack effect will allow efficient passive ventilation.
- By the use of sliding room dividers the ability to subdivide or combine the living areas in various ways to suit family needs at different times, seasons and circumstances.
- A gallery office with views across the Dining Hall but with sliding partitions to ensure privacy when required.

This arrangement has influenced the design of the roof which is asymmetrical and pitched to satisfy the diverse requirements of enclosure, different ceiling heights, glazing and ventilation. Essentially this is a simple hipped roof form with 30° pitches generally but reduced to a 20° pitch on the slope facing Murtle Dam. This gives the side elevations an interesting aesthetic quality, echoing the structural form of a tower crane jib which serves to lead the eye down to the lower levels of the house and garden.

The Lower Ground Floor and Basement plans are similar insofar as the accommodation is grouped around the vertical circulation core in a three sided configuration to suit the fall of the ground and the constraints of the retaining wall which is situated in the middle of the building.

From the outset it was agreed that the design should be a contemporary statement of the form and function of the dwelling with modern materials and components used in the composition to produce a design which is unquestionably of today. The elevations demonstrate that the visual appeal of the design depends to a large extent on the modelling and massing of the building obviating the need for unnecessary embellishments.

Materials are restricted to a simple palette as:

- | | |
|----------------------------------|--|
| • Roof | Anthracite coloured zinc standing seam sheeting. |
| • Fascias, flashings and gutters | Anthracite coloured zinc to match roofing. |
| • Walls (generally) | Light coloured smooth render finish. |
| • Walls (below balconies) | Painted Accoya modified timber cladding. |
| • Windows and Doors | Hardwood stained with triple glazing (tinted) in aluminium clad hardwood frames. |
| • Balconies | Frameless tinted glass with stainless steel hand rails. |

HEATING AND SERVICES

Space and domestic hot water heating will be provided by a condensing mains gas boiler. Wood burning stoves in the Lounge and Family Room will provide back-up heating in the event of a power cut but will generally reduce the load on the boiler when used at all other times. In conjunction with a high level of insulation and infiltration control at least as efficient as required by the Building Regulations, the main ventilation in normal (cold weather) conditions will be provided by a ducted central ventilation system employing heat recovery. To prevent excessive heat build-up due to solar gain the vents in the roof glazing above the Dining Area can be opened automatically to provide passive ventilation using the stack effect. Rain water from the roof drainage is to be harvested and stored in underground tanks for garden use and car washing. When the tanks have been filled to capacity, excess water will be discharged to the existing pond (to maintain a constant level) before being led via overflows to new soakaways.

LANDSCAPE

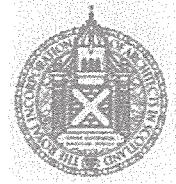
All mature trees are to be retained. All excavated subsoil will be retained on site and used to level up the area of lawn which will form the future tennis court. Next to the house the existing slopes are to be stabilised by Gabion retaining walls with coursed Caithness slate masonry on all exposed faces. The high blank walls to the garage wing and to the adjacent steps will be planted up with climbing shrubs to form a traditional version of what has come to be known as green walls and will help to connect the house to the wider landscape.

George W Simpson, Chartered Architect
September 2013



GEORGE W SIMPSON, CHARTERED ARCHITECT

Tulloford Mill, Oldmeldrum,
Aberdeenshire AB51 0AQ
Telephone No.
Email:



20th March 2014

Development Plan Team
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sirs,

REPRESENTATION IN CONNECTION WITH THE ABERDEEN LOCAL DEVELOPMENT PLAN:
MAIN ISSUES REPORT 2014
PROPOSED CHANGES TO THE SETTLEMENT/GREEN BELT BOUNDARY
AT MURTLE DEN ROAD, MILLTIMBER

I am writing on behalf of my clients Mr and Mrs I Lakin who reside at Pinelands, Murtle Den Road, Milltimber, Aberdeen AB13 0HS. The substance of this representation is a proposal to change the Settlement/Green Belt boundary, as shown on Map: 5 Deeside, in the vicinity of Murtle Dam.

The Report which follows seeks to justify this suggestion in terms of the Scottish Planning Policy, Part 8 Subject Policies - Green Belts in the context of the Oldfold Allocation in the current Aberdeen LDP, and a Masterplan prepared for the Murtle Den Road Residents' Association (MDRRA). This Masterplan, which has received the almost unanimous backing of the residents, also forms part of this representation.

BACKGROUND INFORMATION

A recent planning application for a new house at Pinelands, reference No. P131419, was refused under Delegated Powers on 7th February 2014 for the following reason:

- (1) *"That the site lies within the Green Belt which is defined to protect and enhance the landscape setting and identity of urban areas and in which there is a presumption against most kinds of development with only limited exceptions. The proposed development does not comply with any of the specified exceptions to the presumption against development within the Green Belt and therefore does not comply with Policy NE2, and could erode the character or function of the Green Space Network thus conflicting with Policy NE1 of the Aberdeen Local Development Plan 2012. If permitted, this application would create a precedent for more, similar developments to the further detriment of the objectives of the Green Belt policy".*

In every other respect the planning application was considered acceptable and there was only one objection and that from a person not resident in Murtle Den Road. I can divulge that this refusal will be appealed and that will be the proper vehicle for refuting this decision.

The contention here is that the Green Belt boundary in this location is flawed in respect of the Oldfold Allocation and if the proposed changes as shown on the accompanying Masterplan were to be adopted, a robust analysis would reveal that the impact on the Green Belt would be insignificant; especially so in the light of the overall intensification of housing on the Oldfold site. Furthermore the proposed changes would result in a total of three dwellings, again an insignificant increase in the number of houses, existing, approved and likely to be approved on Murtle Den Road.

SCOTTISH PLANNING POLICY, PART 8 SUBJECT POLICIES -GREEN BELTS

Item No. 162 contains the following guidance:

Inner boundaries should not be drawn too tightly around the urban edge, but where appropriate should create an area suitable for planned development between the existing settlement edge and green belt boundary. Boundaries should also take into account the need for development in smaller settlements within the green belt, and where appropriate leave room for expansion. Green belt boundaries should be clearly identifiable on the ground, using strong visual or physical landscape features such as rivers, tree belts, railways or main roads. Hedges and field enclosures will rarely provide a sufficiently robust boundary.

In almost every particular the existing Green Belt boundary, defined by the house plots to the East of the Oldfold Allocation, fails to address these recommendations and the resulting boundary is fragmented, confusing, devoid of strong visual or physical landscape features and is not clearly identifiable on the ground.

The proposed boundary on the other hand using Murtle Dam as the Eastern boundary would appear to be a sensible alternative which seems to better achieve the above requirements.

ISSUES ARISING FROM THE OLDFOLD DEVELOPMENT

Murtle Den Road is a private road serving 13 existing dwelling houses. The CALA document "Structure of the Design and Access Statement" sets out a Development Framework and Masterplan for Oldfold with the stated aim to "ensure that development of this site creates an attractive, well connected and vibrant new part of Milltimber".

This of course would include the nine executive houses proposed for Murtle Den and the two dwelling houses recently granted approval on a site included in the Oldfold Allocation, adjacent to Inchyra; giving a total of 24 dwellings all of which would be accessed from Murtle Den Road (MDR).

The MDRRA Masterplan was prepared in collaboration with CALA, follows closely the layout and principles of the CALA Masterplan, and indicates 3 additional plots which would become available for possible residential development, at one dwellinghouse per plot, if the Green Belt boundary is changed as proposed in this report.

This would represent a mere 12.5% increase in housing provision on MDR. This clearly should be measured against the total of 550 houses proposed for the Oldfold development and underpins the rationale that MDR should be treated as one entity as a "vibrant new part of Milltimber". This suggests that MDR properly belongs inside the Milltimber Settlement boundary.

The concerns of erosion of the Green Belt in this location, if the status quo is maintained, cannot be guaranteed as there are compelling reasons that permission for new dwellings on these plots may be granted in accordance with SPP Part 8 SUBJECT POLICIES -GREEN BELTS, item No. 163 which states:

"Intensification of established uses may be appropriate subject to new development being of a suitable scale and form".

Furthermore Murtle Den Road is acknowledged to be a unique location with exceptional and unusual landscape features and it is highly unlikely that the changes proposed in this report would be appropriate in other locations and would not *"create a precedent for more, similar developments"*.

Please let me know if you require any further information at this time.

Yours faithfully,

George Simpson

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Agenda Item 3(A)

Signed (authorised Officer(s)):

13 & 15 CHAPEL STREET, ABERDEEN

CHANGE OF USE FROM RETAIL (CLASS 1)
TO BUSINESS (CLASS 4) AND ALTERATIONS
TO GROUND FLOOR FRONTAGE

For: Knight Property Group

Application Type : Detailed Planning Permission

Application Ref. : P140130

Application Date : 21/02/2014

Advert :

Advertised on :

Officer : Sally Wood

Creation Date : 28 March 2014

Ward: Midsocket/Rosemount (B Cormie/J
Laing/F Forsyth)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site is located on the corner of Thistle Street and Chapel Street, and relates to two ground floor units which are currently occupied by retailers (Class 1 use). The applicant currently occupies unit 11 Chapel Street at the ground floor, which provides an entrance and reception area to the upper floors. The upper three floors are used as serviced office facilities.

The boundary of the Union Street Conservation Area lies immediately to the south of 5 Chapel Street, some 12 metres from the application site boundary.

The building is not listed.

RELEVANT HISTORY

130952 Removal of existing shopfront and stall riser, and replacement with new fully glazed shopfront. Granted unconditionally, 02.08.2013*.

*That consent does not allow for a change of use, which appears to have occurred at ground floor level, which is a separate consideration, outwith the remit of this application.

PROPOSAL

The application seeks detailed planning permission for the change of use of unit 13 Chapel Street, which is currently occupied by a charity shop, and unit 15

Chapel Street which is currently occupied by a clothes shop. This application relates to the ground floor units only.

The application also seeks detailed planning permission for alterations to the shopfront which would remove the entrances into units 13 and 15, and replace them with new shopfront with stallrisers. The units would only be accessed internally from the adjacent ground floor unit at number 11.

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=140130>
On accepting the disclaimer enter the application reference quoted on the first page of this report.

1. The applicant has submitted a supporting statement by Ryden (received 21.03.14) which sets out their reasons for why the application should be supported.

CONSULTATIONS

Roads Projects Team - The parking requirement is almost the same as the present situation therefore no additional parking spaces would be required and moreover the development lies in a city centre and in a control parking zone. The proposal would not have any effect on parking.

In accordance with Supplementary Guidance, the proposal must include a minimum of 4 cycle long stay stands within an enclosed secure lockable compound or within the building. Request that the applicant revises their design to include this requirement.

Environmental Health – comments, no observations.

Enterprise, Planning & Infrastructure (Flooding)- comments, no observations.

Community Council – no comments received.

REPRESENTATIONS

None.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy

Scottish Planning Policy (SPP) seeks to promote appropriate development, particularly within existing settlements. It seeks high quality development that is sympathetic to its setting and takes into consideration amenity.

Town centres are a key element of the economic and social fabric of Scotland, acting as centres of employment and services for local communities and a focus for civic activity, and make an important contribution to sustainable economic growth. Town centres should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses. Retail and leisure uses are fundamental to the concentration of other activities located in town centres and planning authorities should support a diverse range of community and commercial activities in town centres (para. 52).

The planning system has a significant role in supporting successful town centres through its influence on the type, siting and design of development (para. 57).

All retail, leisure and related developments should be accessible by walking, cycling and public transport. (para. 61).

Aberdeen City and Shire Structure Plan

Provides a spatial strategy for development, to ensure the right development in the right place to achieve sustainable economic growth which is of high quality and protects valued resources and assets, including built and natural environment, which is easily accessible.

Aberdeen Local Development Plan

Policy D1 - Architecture and Placemaking

Ensures that high standards of design are achieved through a number of considerations, including context, to ensure that the setting of the proposed development and its design is acceptable.

Policy C2 – City Centre Business Zone and Union Street

Proposals for a change of use from retail (Class 1 of the Use Classes Order) to other uses within the City Centre Business Zone will only be acceptable if :

ii) in other parts of the City Centre Business Zone (i.e. not on Union Street) it can be demonstrated that there is a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant) and how the new use contributes to the wider aims for city centre enhancement; and

- the proposed new use must enhance or adequately maintain daytime vitality, and an active street frontage; and
- the alternative use does not conflict with the amenity of the neighbouring area.

Policy T2 - Managing the Transport Impact of Development

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

Policy R6 - Waste Management Requirements for New Developments

There should be sufficient space for the storage of residual, recyclable and compostable wastes. It should accord with Supplementary Guidance on Waste Management.

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

Both units subject to this planning application currently fall within use Class 1 – Retail, and are currently in use by retailers. The site lies within the City Centre as identified in the Local Development Plan. On that basis, it is considered that Policy C2 (City Centre Business Zone and Union Street) is the most applicable policy relating to principle. It states that, in other parts of the City Centre Business Zone (i.e. outwith Union Street) if it can be demonstrated that there is a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant) and how the new use contributes to the wider aims for city centre enhancement; and

- the proposed new use must enhance or adequately maintain daytime vitality, and an active street frontage; and
- the alternative use does not conflict with the amenity of the neighbouring area.

The units have not been marketed at all, and are both occupied. On that basis it is considered that the application fails on the first element of the policy as it has not been demonstrated that there is a lack of demand for continued retail use of the premises. It is judged that the loss of these two units would undermine the retail frontage of Chapel Street.

The application is supported by a written statement that notes that the existing adjacent unit (11) and upper floors have been leased to Bluesky Business Space since October 2013, “who have leased the entire space to Statoil (UK) Limited”, who will use the space as their head office in Aberdeen until 2016. The statement notes that Statoil currently employs 100 people (approximately) and that this continues to arise to about 10 per month, and therefore the company has a pressing need for additional accommodation. It states that the company wish to remain within the city centre but there is a lack of office space.

The statement notes that the retail unit at 15 Chapel Street “has not been trading particularly well...it is likely they will come out of the unit sooner rather than later”. “The lease on the charity shop at 13 Chapel Street is also due to expire soon”. It further notes that allowing the change of use would ensure retention of the existing staff in the city centre and provide room for an additional 42 staff.

The supporting statement considers that allowing the change of use would not only retain existing staff but would also introduce additional employees within the west end which would be beneficial to the existing class 1, 2 and 3 uses within the local area. It considers that the use would increase footfall as staff would contribute to the evening economy, unlike the existing retail uses which trade for a limited period throughout the day. Furthermore, it considers that the proposed use caters for a local need, that the conversion is not speculative but sought to address the urgent requirement of an existing business within the city centre.

The statement contends that planning policies R3 and R4 and their footnote are relevant. The supporting statement considers that in light of their comments, the application be amended to permit a temporary change of use for a limited time period until the end of 2016. However, it is noted that in correspondence from the applicant that they sought a temporary consent for 5 years when asked for further information relating to the marketing of the property as required by planning policy (e-mail 11.03.2014).

In response to the main points of the supporting statement by Ryden, planning policy does not allow for temporary changes of use. A temporary change of use for more than two years would remove these units from active retail use. The supporting statement refers to planning policy R3 and R4, of which there are no such policies within the Development Plan. It is considered it is meant to refer to RT3 (Town, District and Neighbourhood Centres) and RT4 (Local Shops), which are not directly relevant. However, a ‘Note’ within the Development Plan states that proposals for change of use where lack of demand is a factor should provide evidence that the property has been actively marketed for six months or more, and it specifically refers in brackets to policies RT3 and RT4, whereas planning policy C2 specifically states proposals for change of use from retail to other uses will only be acceptable if...“It can be demonstrated that there is a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property

became vacant) and how the new use contributes to the wider aims for city centre enhancement". The property has not been marketed at all, and it is considered 6 months would be reasonable in line with the planning policy 'note' pertaining to RT3 and RT4. It is considered that the proposal fails to comply with planning policy C2 as it emphasises what steps have been undertaken to secure a retail occupier following vacancy, whereas in this case neither of the units are vacant, they are both in operation.

There is no evidence submitted that the applicant's client Statoil has been flexible in their approach to acquiring additional office space and what other units have been considered which demonstrates a lack of office space within the city. The change of use of these two units subject to this application are not considered insignificant, and there is real concern that any other use than retail could undermine the existing retailers, and change the dynamics of this part of Chapel Street. There is no evidence that these units are no longer required for retail uses, which are both currently occupied. If the application were to be approved it may result in the loss of the opportunity for retail investment and could contribute to the cumulative loss of retail uses from this sector even if granted for a temporary period until end of 2016, which is some 33 months away.

Given the prominent location of the premises on this part of Chapel Street it is considered important, in terms of vitality, that a use which retains active display windows and physical sale of goods is retained. As class 4 uses are characterised by a tendency to have restricted window displays and no on site sale of physical goods, it is considered that the proposed use would result in the detriment to the vitality of the shopping centre contrary to the objectives of local plan policy.

Design

The external alterations to the shopfront are considered acceptable, although it should be noted that if approved would mean that units 13 and 15 would not have their own individual entrances. The supporting statement from Ryden requests that a temporary consent is granted until end of 2016, but the external alterations would mean that future conversion would be more problematic, and could put retailers off as the units would not have an independent entry.

It is noted that the submitted existing elevations are inaccurate in terms of the two units, but it is considered that this has not adversely impacted on this assessment.

Other

It is considered that cycle parking spaces could be secured by condition. In addition, it is considered that there would be sufficient space for waste and

recycling facilities. The proposal is judged not to be in conflict with planning policies T2 or R6 of the Aberdeen Local Development Plan.

Conclusion

The fact that the premises are currently occupied, located within a prominent location (a corner location) on Chapel Street and currently used for purposes which actively contribute to the vitality of the shopping centre are material considerations which weigh against the current proposal. No evidence of marketing of the unit has been provided, and was requested.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposed use conflicts with Planning Policy C2 (City Centre Business Zone and Union Street) of the adopted Aberdeen Local Development Plan. The units are in occupation and no evidence has been submitted of their marketing to demonstrate that there is a lack of demand for continued retail use of the premises. The application site includes two retail units, one of which is considered to be in a prominent location on Chapel Street by virtue of its corner siting, and their relationship with other adjacent retail uses. Any change of use could undermine the viability of retail in this west end locality.

The proposed use could result in detriment to the vitality and potential viability of the shopping centre by the absence of a live frontage / window display and the lack of activity within the premises when compared to the existing authorised uses.

No adequate reasons for setting aside the above policies and guidance have been identified and the other material considerations do not justify approval of the proposal.

Approval of this application would result in an undesirable precedent for similar proposals that would cause further erosion of retail uses, conflict with the Development Plan and would cause further detriment to the vitality and potential viability of the shopping centre.

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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.

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.

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Policy C2 – City Centre Business Zone and Union Street

The City Centre Business Zone is the preferred location for major retail developments as defined in Policy RT1. Where sites are not available in the City Centre Business Zone, then sites elsewhere in the City Centre may be appropriate.

Proposals for a change of use from retail (Class 1 of the Use Classes Order) to other uses within the City Centre Business Zone will only be acceptable if:

- (1) the proposal is in Union Street it must accord with the Union Street Frontages Supplementary Guideline
- (2) in other parts of the City Centre Business Zone it can be demonstrated that there is a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant) and how the new use contributes to the wider aims for city centre enhancement; and
 - the proposed new use must enhance or adequately maintain daytime vitality, and an active street frontage; and
 - the alternative use does not conflict with the amenity of the neighbouring area.

Proposals to use basement and upper floor levels for retail, residential and other appropriate purposes will be encouraged in principle.

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Policy T2 – Managing the Transport Impact of Development

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

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

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

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Policy R6 – Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual, recyclable and compostable wastes. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Further details are set out in the Supplementary Guidance on Waste Management.

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

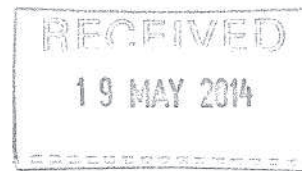
Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.



Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

We reserve the right to respond to further submissions made by Aberdeen City Council or other parties.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see attached grounds of appeal statement.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Please see attached list.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

KNIGHT PROPERTY GROUP

REQUEST FOR REVIEW OF THE
REFUSAL OF PLANNING
APPLICATION REFERENCE: P140130
FOR THE CHANGE OF USE FROM
RETAIL (CLASS 1) TO BUSINESS
(CLASS 4) AND ALTERATIONS TO
GROUND FLOOR FRONTAGE
AT 13 & 15 CHAPEL STREET,
ABERDEEN



GROUNDINGS OF APPEAL STATEMENT

APRIL 2014

Ryden LLP
25 Albyn Place
Aberdeen
AB10 1YL
Tel: 01224 588866
Fax: 01224 589669

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- 1.0 Introduction**
- 2.0 Description of Site and Proposals**
- 3.0 Planning History**
- 4.0 P140130 – Planning Application Correspondence**
- 5.0 Reasons for Refusal**
- 6.0 National Planning Guidance**
- 7.0 Development Plan Context**
- 8.0 Material Considerations**
- 9.0 Grounds of Appeal**
- 10.0 Conclusions**

Appendices

- 1. Notice of Review Form
- 2. Application Form and Plans
- 3. Application Correspondence
- 4. P140130 Report of Handling and Decision Notice
- 5. Scottish Planning Policy (Extracts)
- 6. Scottish Planning Policy Consultation Draft (Extracts)
- 7. National Planning Framework 2 (Extracts)
- 8. Proposed National Planning Framework 3 (Extracts)
- 9. Aberdeen City and Shire Strategic Development Plan (Extracts)
- 10. Aberdeen Local Development Plan (Extracts)
- 11. P130516 Former Capitol Theatre Committee Report
- 12. P131351 Former Bell's Hotel, Estate Agent's and O'Donoghue's Bar Committee Report

1.0 INTRODUCTION

- 1.1 This Notice of Review (**Appendix 1: Notice of Review Form**) is lodged on behalf of Knight Property Group PLC under the terms of under section 43A(8) of the Town and Country Planning (Scotland) Act 1997¹ and Regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013² against the refusal by Aberdeen City Council to grant full planning permission for the Change of Use from Retail (Class 1) to Business (Class 4) and Alterations to Ground Floor Frontage at 13 & 15 Chapel Street, Aberdeen
- 1.2 The application (**Appendix 2: Application Form and Plans**) falls under the class of 'local development' and was submitted by Knight Property Group on 3rd February 2014, validated on 21 February 2014 as application ref: P140130, and subsequently refused by the appointed officer on the 17th March 2014 under delegated powers (**Appendix 4: P140130 Report of Handling and Decision Notice**).
- 1.3 As set out in the Notice of Review form, Knight Property Group request that this review be determined by means of written submissions and accompanied site visit.

2.0 DESCRIPTION OF SITE AND PROPOSALS

- 2.1 The floor area of the 2no. units extends to 260 square metres, the wider application site measures 852sqm; the units are situated on the west side of Chapel Street, at its corner with Thistle Street, at the west end of the city centre (Figure 1: Location Plan). The building occupying the majority of the site, Citypoint House comprises 4-storeys, with 1no. unit on the ground floor (no. 11) and 3 floors of class 4 office

¹ <http://www.legislation.gov.uk/ukpga/1997/8/section/43>

² <http://www.legislation.gov.uk/ssi/2013/157/regulation/9/made>

accommodation on the upper floors. At street level there are three units, no. 11 Chapel Street, which is the reception for City Point House; no 13. Chapel Street, which is currently occupied by a charity shop; and no. 15 Chapel Street, which traded as ethnic clothing store 'Indigo' until recently.

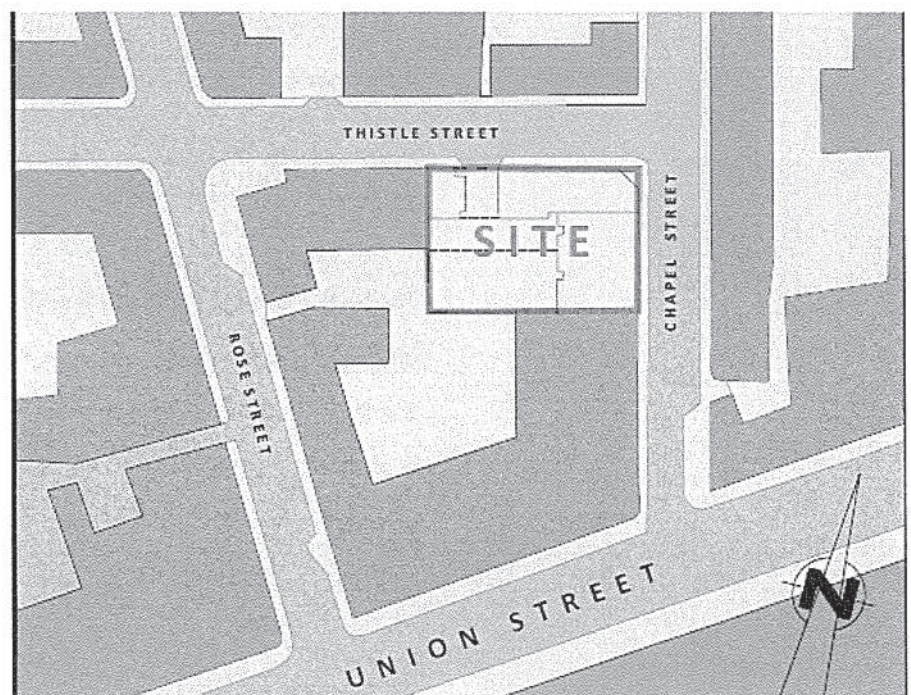


Figure 1: Location Plan

- 2.2 The proposal is for the change of use of the ground floor units at nos. 13 and 15 Chapel Street, with internal links to no. 11 Chapel Street, to form additional class 4 office accommodation to accommodate the expansion needs of Statoil UK Limited, who occupy the office space within Citypoint House.
- 2.3 The individual entrances would be fitted with new shop front frames to match those existing, with stall risers built up in materials to match, as indicated by the elevation drawings. For the purposes of the class 4 use the windows would be partially obscured with opaque window film so that they appeared frosted at eye-level.

3.0 PLANNING HISTORY

3.1 Citypoint House was formerly a branch of the Department of Work and Pensions, with entrance to the upper floors taken through no. 11 Chapel Street, as is currently the case.

4.0 P140130 – PLANNING APPLICATION CORRESPONDANCE

4.1 Correspondence throughout the determination of the application (**Appendix 3: Application Correspondence**) took the form of an exchange of emails between the applicant and planning officer, followed by a supporting statement submitted by Chartered Town Planning consultants at Ryden. Relevant points are highlighted below:

Email Correspondence

- 5 March 2014: having undertaken a site visit the planning officer asks for full details of marketing as the units were occupied at the time.
- 6 March 2014: following a telephone call to address the above email, the planning officer emailed to confirm that *'the current planning application cannot be supported'* on the basis that *'units 13 and 15 have not been marketed'*; and *'are currently in use as retail'* and cited Local Development Plan policies C2, RT3 and RT4
- 11 March 2014: on the basis that the Council *'would not support the application under any circumstances'*, the applicant asked the planning officer whether the Council *'would consider support(ing) it if it were amended to a temporary permission for, say, 5 years?'*. The applicant stated that *'the opportunity to change its use meantime (to class 4) is somewhat opportunist*

on (their) part, (arising) from both the notices of termination of lease from the existing tenants, and a request from the tenant of the upper floor offices for additional headquarter space while they look for much larger office headquarter premises'.

- 11 March 2014: The planning officer responded that a 5-year occupancy would run contrary to the Local Development Plan, but suggested the submission of supporting information to '*ask for it to be considered as a fall-back position*', on the basis that '*should you wish to apply for a review in the event of a refusal, others would consider this submission*' and '*therefore you may wish to refer to it*'.

Supporting Statement

- 4.2 20 March 2014: Following discussion and instruction from the applicant a supporting letter is submitted by Ryden which highlights that the approval of the application for a temporary period would not undermine the Local Development Plan and would meet the short-term requirements of the existing occupier of the office accommodation within that building. This would see the retention of the existing (approximately) 100 current staff and the addition of a further 42 people, increasing footfall within that part of the city centre. A condition on the planning permission could require the units to revert back to retail use upon expiry of the permission, which would coincide with the expiry of the tenant's lease of the upper floors, hence the short-term requirement for the additional office space. The coincidence of the requirement for space and the request for termination of the leases is an uncommon and unique set of events which would not set an undesirable precedent.

Report of Handling

4.3 In the Report of Handling (**Appendix 4: P140130 Report of Handling and Decision Notice**) the following consultations were undertaken:

- **Roads Projects Team:** no additional parking spaces would be required; the development lies in a city centre and in a control parking zone; the proposal would not have any effect on parking. A minimum of 4 cycle long stay stands within an enclosed secure lockable compound or within the building are required.
- **Environmental Health:** no observations.
- **Enterprise, Planning & Infrastructure (Flooding):** no observations.
- **Community Council:** no comments received.

4.4 **No representations** were received from members of the public or third parties.

4.5 The evaluation of the application noted the following:

- *'The units have not been marketed at all, and are both occupied. On that basis it is considered that the application fails on the first element of (Local Development Plan policy C2: City Centre Business Zone and Union Street) as it has not been demonstrated that there is a lack of demand for continued retail use of the premises. It is judged that the loss of these two units would undermine the retail frontage of Chapel Street'.*
- *'In response to the main points of the supporting statement by Ryden, planning policy does not allow for temporary changes of use. A temporary change of use for more than two years would remove these units from active retail use'.*
- *'There is no evidence submitted that the applicant's client Statoil has been flexible in their approach to acquiring additional office space and what other units have been considered which demonstrates a lack of office space within*

the city. The change of use of these two units subject to this application are not considered insignificant, and there is real concern that any other use than retail could undermine the existing retailers, and change the dynamics of this part of Chapel Street. There is no evidence that these units are no longer required for retail uses, which are both currently occupied".

- 4.6 In terms of design the report considers that *'the external alterations to the shopfront are acceptable, although it should be noted that if approved would mean that units 13 and 15 would not have their own individual entrances'*. The report states that *'cycle parking spaces could be secured by condition. In addition, it is considered that there would be sufficient space for waste and recycling facilities'*, meeting the terms of the Local Development Plan policies D1: *Architecture and Placemaking*, T2: *Managing the Transport Impact of Development*, and R6: *Waste Management Requirements for New Developments* in this respect.

5.0 REASONS FOR REFUSAL

- 5.1 The reasons on which the Council has based this decision are as follows:-

- a) The proposed use conflicts with Planning Policy C2 (City Centre Business Zone and Union Street) of the adopted Aberdeen Local Development Plan. The units are in occupation and no evidence has been submitted of their marketing to demonstrate that there is a lack of demand for continued retail use of the premises.
- b) The application site includes two retail units, one of which is considered to be in a prominent location on Chapel Street by virtue of its corner siting, and their relationship with other adjacent retail uses. Any change of use could undermine the viability of retail in this west end locality.

- c) The proposed use could result in detriment to the vitality and potential viability of the shopping centre by the absence of a live frontage / window display and the lack of activity within the premises when compared to the existing authorised uses.
- d) No adequate reasons for setting aside the above policies and guidance have been identified and the other material considerations do not justify approval of the proposal.
- e) Approval of this application would result in an undesirable precedent for similar proposals that would cause further erosion of retail uses, conflict with the Development Plan and would cause further detriment to the vitality and potential viability of the shopping centre.

6.0 NATIONAL PLANNING GUIDANCE

Scottish Planning Policy (2010)

- 6.1 Scottish Planning Policy (SPP) is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country.
- 6.2 Increasing sustainable economic growth is the stated overarching purpose of the Scottish Government. SPP (**Appendix 5: Scottish Planning Policy (Extracts)**) advises at paragraph 45 that 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 the changing circumstances can be accommodated and new economic opportunities realised. Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential*'. In particular it advises that the planning system should support economic development in all areas by, amongst other things:

- *'Promoting development in sustainable locations, particularly in terms of accessibility,*
- *supporting development which will provide new employment opportunities and enhance local competitiveness'.*

Town Centres

- 6.3 Paragraph 52 of SPP describes the important role town centres play in contributing to sustainable economic growth, stating that they act *'as centres of employment and services for local communities and a focus for civic activity, and make an important contribution to sustainable economic growth'*. It states that *'town centres should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses'*. Alongside the range and quality of shopping, *'wider economic and social activity'* is cited as a *'key influence on the success of a town centre'*.

Network of Centres

- 6.4 At paragraph 53 SPP requires development plans to *'identify a network of centres, and explain the role of each centre in the network. The network will, depending on circumstances, include town centres, commercial centres and other local centres, and may take the form of a hierarchy. Within the network the individual role of each centre should support and be supported by the role of other centres'*.

Transport

- 6.5 Reducing emissions from transport is a key objective of the Scottish Government. A reduction in emissions is vital if they are to achieve their targets for a reduction of greenhouse gas emissions. *'This means a shift from car based travel to walking, cycling and public transport'* (paragraph 165). Therefore developments which would encourage the use of sustainable modes of transport are supported.

6.6 A review of the SPP and following several months of pre-draft engagement, the SPP Consultation Draft and was formally published for consultation in 2013. The review of SPP and the National Planning Framework is anticipated for completion by June 2014 (**Appendix 6: Scottish Planning Policy Consultation Draft (Extracts)**).

6.7 Some of the core values outlined in the Draft Scottish Planning Policy (SPP) include:

- focus on outcomes, maximising benefits and balancing competing interests;
- play a key role in facilitating economic recovery and sustainable economic growth in the longer term, particularly the creation of new jobs;
- be plan-led, with plans being up to date and relevant;

6.8 Paragraph 16 of the Draft SPP aptly describes how the role of planning should consider applications fairly and responsibly, in that *'planning has a positive and proactive role to play in building a dynamic and growing economy that offers opportunities for all, while making efficient and responsible use of land'*.

Town Centres

6.9 Paragraph 54 echoes the current SPP in stating that *"the planning system should promote town centres first for a mix of uses including cultural and community facilities, retail, leisure, entertainment, recreation, as well as homes and businesses"*.

Supporting Business and Employment

6.10 Paragraph 105 requires the planning system to *'take full account of the economic benefits of proposed development, promote business and industrial development that increases economic activity'*, sites should *'meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities'*.

National Planning Framework 2 (2009)

- 6.11 The National Planning Framework (NPF) sets the spatial strategy for Scotland. The current document, NPF2 (2009) recognises Aberdeen as having a '*key role as a driver of economic activity*' (para. 57)', and establishes that the '*primary aim for Aberdeen and Aberdeenshire is to grow and diversify the economy, making sure the region has enough people, homes, jobs and facilities to maintain and improve its quality of life*' (para. 204) (**Appendix 7: National Planning Framework 2 (Extracts)**).

National Planning Framework 3 (Proposed Framework) (2013)

- 6.12 Following publication of its Main Issues Report, consultation on the Proposed National Planning Framework 3 (NPF3) has closed. It is due to be formally published alongside the revised SPP in June 2014.
- 6.13 Neither retail nor business issues are given particular weight in this document, however it is acknowledged in NPF3 that Aberdeen is exceeding economic expectations based on its population size (para. 2.13) (**Appendix 8: Proposed National Planning Framework 3 (Extracts)**).

7.0 DEVELOPMENT PLAN CONTEXT

- 7.1 The development plan for the area comprises the *Aberdeen City and Shire Strategic Development Plan (2014)* (**Document 9: Aberdeen City and Shire Strategic Development Plan Extracts**) and the *Aberdeen Local Development Plan (2012)* (**Document 10: Aberdeen Local Development Plan Extracts**).

Aberdeen City and Shire Strategic Development Plan (2014)

- 7.2 The vision of the Strategic Development Plan (SDP) is to make Aberdeen City and Shire '*an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business*'. To achieve this vision the

SDP sets out a number of aims (**Appendix 9: Aberdeen City and Shire Strategic Development Plan (Extracts)**). These include to:

- *Provide a strong framework for investment decisions which help to grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively;*
- *Make sure the area has enough people, homes and jobs to support the level of services and facilities needed to maintain and improve the quality of life;*
- *help create sustainable mixed communities, and the associated infrastructure, which meet the highest standards of urban and rural design and cater for the needs of the whole population; and*
- *make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are attractive choices.*

7.3 To achieve these aims the Structure Plan lists a number of objectives which include a requirement to *'provide opportunities which encourage economic development and create new employment'* (Economic Development, page 24); to ensure *'that new development meets the needs of the whole community, both now and in the future, and makes the area a more attractive place for residents and businesses to move to'* (Sustainable Mixed Communities, page 36); and that all developments contribute *'towards reducing the need to travel and encourage people to walk, cycle or use public transport by making these attractive choices'* (Accessibility, page 38).

7.4 In meeting the Accessibility objective in particular, the SDP emphasises the *'link between land use and transport to make sure that all new development is conveniently located and designed in such a way as to encourage walking, cycling and the use of public transport'* (para. 4.43).

Aberdeen Local Development Plan (2012)

7.5 Within the Aberdeen Local Development Plan (LDP) (2014) the site lies within the City Centre Business Zone, where development proposals are assessed against policy C2 (Appendix 10: Aberdeen Local Development Plan (Extracts)).



Figure 2: Overmarked Extract from the LDP City Centre Proposals Map

★ Citypoint House

Policy C2 – City Centre Business Zone and Union Street

7.6 Under this policy 'proposals for a change of use from retail (Class 1 of the Use Classes Order) to other uses within the City Centre Business Zone will only be acceptable if :

- 1) the proposal is in Union Street it must accord with the Union Street Frontages Supplementary Guideline; and
- 2) in other parts of the City Centre Business Zone it can be demonstrated that there is a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant) and how the new use contributes to the wider aims for city centre enhancement; and
 - the proposed new use must enhance or adequately maintain daytime vitality, and an active street frontage; and

- *the alternative use does not conflict with the amenity of the neighbouring area*'.

8.0 MATERIAL CONSIDERATIONS

P130615 – Former Capitol Theatre Redevelopment

- 8.1 The above premises at 431 Union Street lie approximately 65m to the south of the appeal site and work to implement the above permission for the conversion of the former Capitol Theatre from bar/ nightclub to class 4 office space is underway. The planning officer's evaluation of the proposal in the report to the Planning Development Management Committee meeting of 26 September 2013 (**Appendix 11: P130516 Former Capitol Theatre Committee Report**) cited that:

Compatibility with Surrounding Uses

- 8.2 The proposed change of use *'complies with Policy C2: City Centre Business Zone, and Policy H2: Mixed Use Areas in the LDP. The proposed office use is compatible, in principle, with the range of other uses, including office, hotel, bars, restaurants and retail*'.

Economic Benefits

- 8.3 *'The benefits of the proposal are to the local economy – at the west end of Union Street, as well as the City as a whole- and indeed to the national economy, since the economy of Aberdeen is of such significance. The introduction of around 600 people working at the top of Union Street has potentially significant benefits for the vitality of the street*'.
- 8.4 *'SPP states that the Government's central purpose is to increase sustainable economic growth and accordingly planning authorities should take a positive, flexible approach to development to ensure that new economic opportunities can be realised*'.

8.5 *Approval of the application would support new job opportunities by accommodating the growth of firms and inward investment.*

8.6 The officer's evaluation of the proposal concludes that the following benefits would be derived from the development:

- *'the influx of 600 office workers (likely to be well-paid) increasing activity on, and adding to the vitality of, Union Street;*
- *Economic benefits for local businesses on Union Street;*
- *Economic benefits for accommodating growth of firms within the city, to the benefit of the local and national economy;*
- *Highly accessible location, ideally located for public transport and for other complementary businesses within the west end and city centre.*

P13135 – Former Bell's Hotel, Estate Agents and O'Donoghue's Bar

8.7 The above redevelopment is known as 'The Silver Fin', the existing premises sit adjacent to the former Capitol Theatre at 445-461 Union Street / 16 Justice Mill Lane. The application was determined under delegated powers, the officer's Report of Handling (**Appendix 12: P131351 Former Bell's Hotel, Estate Agent's and O'Donoghue's Bar Report of Handling**) reports that the west end of Aberdeen will derive the same benefits from the development as with the redevelopment of the Capitol Theatre, above. However it is noted that this proposal will generate around 900 new jobs within the city centre.

9.0 GROUNDS OF APPEAL

9.1 The above planning application seeks the change of use of the 2no. class 1 *retail* units at 13 and 15 Chapel Street to class 4 *offices*, in order to provide office facilities for tenant Bluesky Business Space who lease Citypoint House, on the ground, first, second and third floors of the property as a business centre and who

have leased the entire space to Statoil (UK) Limited. Bluesky Business Space have operated from Citypoint House since October 2013 and currently employ 3 staff at the premises who manage the business centre and the licensee, Statoil UK limited, who are a major force in world oil and gas.

9.2 Statoil UK Limited moved into the office in December 2013 and this will be their head office in Aberdeen until 2016. They currently employ approximately 100 staff and this number is increasing by approximately 10 per month. As such, Statoil UK Limited have a pressing requirement for additional accommodation to accommodate their existing and future staff and meeting room space. As an existing city-centre employer, the preference is to remain within the city centre for the benefit of their business activities and staff retention; however whilst a considerable amount of office space within the city centre has been approved or is currently under development, this does not address their immediate space requirements. On this basis it was requested in our letter of 20 March 2014 that the planning officer grant approval for the change of use with a condition to permit a temporary change of use, requiring that the units revert back to retail use within 2-years. This would accommodate the requirements of Statoil UK Limited, without setting a precedent in the City Centre.

9.3 The retail unit at 15 Chapel Street is now vacant, the former occupier had not been trading well and had fallen into arrears on rental payments. The lease on the charity shop at 13 Chapel Street is also due to expire soon. Changing the use of these units to accommodate the expansion requirements of the existing building occupier would ensure the retention of the existing staff in the city centre and provide room within the premises for up to a further 42 staff.

The first reason for refusal, was:

- a) **The proposed use conflicts with Planning Policy C2 (City Centre Business Zone and Union Street) of the adopted Aberdeen Local**

Development Plan. The units are in occupation and no evidence has been submitted of their marketing to demonstrate that there is a lack of demand for continued retail use of the premises.

9.4 It is accepted that at the time of application the two units were occupied and had not been marketed for class 1 use. For changes of use from class 1 retail within the City Centre Business Zone, policy **C2 – City Centre Business Zone and Union Street** requests that:

- it can be demonstrated that there is a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant) and how the new use contributes to the wider aims for city centre enhancement;
- the proposed new use must enhance or adequately maintain daytime vitality, and an active street frontage; and
- the alternative use does not conflict with the amenity of the neighbouring area.

9.5 In terms of the first point, lack of demand for retail use, there is no specific policy requirement for retail units to be marketed upon becoming vacant, however applicants for a change of use '*may*' be required to **demonstrate what efforts have been made to secure a new retail use**; the wording of this policy deliberately avoids this being a specific policy requirement and suggests that in extenuating circumstances this requirement '*may not*' be required by the planning authority.

9.6 The units have not been marketed as the coincidence of the request by the occupier of no. 15 to terminate their lease on the basis of difficult trading conditions; the expiry of the lease on no. 13; and the request for additional city centre office accommodation from the occupier of the upper floors is an unusual

circumstance. Whilst the market for new occupants has not been tested, the fact remains that the occupier at no. 15 was not trading well in this location.

9.7 Ordinarily the units would have been re-marketed upon becoming vacant, however on the basis that the occupier of the upper floors requires additional class 4 accommodation in the short-term, an application to change the use of the units was made. It was suggested in our letter of 20 March 2014 that permission be granted for a change of use to class 4 offices for a temporary period of 2-years, following which the units would revert to retail and be reinstated as such. This would coincide with the expiry of Statoil UK Limited's lease of the upper floors. On this basis this would not set a precedent for the permanent removal of retail units.

9.8 The report of handling notes that a change for 5-years was previously discussed, via an email conversation dated 11 March 2014 however as is evident in para. 4.1 and from appendix 3 there was no rationale behind this figure, which was suggested as an example of a temporary consent period. The two years which were formally sought in the letter of 20 March 2014 sought would address the requirements of Statoil UK Limited for the duration of their lease of the premises.

9.9 The second reason for refusal was:

b) The application site includes two retail units, one of which is considered to be in a prominent location on Chapel Street by virtue of its corner siting, and their relationship with other adjacent retail uses. Any change of use could undermine the viability of retail in this west end locality.

Policy C2 requires applicants to demonstrate **how the new use contributes to the wider aims for city centre enhancement**; whilst these benefits of a cumulative increased footfall of 1,500 additional office workers in the City Centre Business Zone are attributed to the redevelopment of the former Capitol Theatre (ref: P130615) and the former Bells Hotel (ref: 131135) to form class 4 offices, until these developments are complete and occupied the benefits of increased footfall

with which these developments are associated are of no benefit to the existing retailers and service providers. Development at 'The Capitol' is underway,

9.10 Unlike the existing retail units, which trade for a limited period throughout the day, the retained and increased footfall from changing their use to offices will also benefit the evening economy as staff will be in the city centre and a proportion will remain to frequent the nearby restaurants. This will maintain and increase vitality within the area and contribute to an increase in footfall. As an existing occupier, the conversion to class 4 use will not conflict with the amenity of the neighbouring area.

9.11 The third reason for refusal was:

- c) **The proposed use could result in detriment to the vitality and potential viability of the shopping centre by the absence of a live frontage / window display and the lack of activity within the premises when compared to the existing authorised uses.**

It is demonstrated above that the conversion to class 4 uses will benefit the shops and services in the existing area by increasing footfall whilst two substantial office redevelopments are under construction. The imposition of a planning condition to the planning permission would require the units to revert to their original retail use at the end of the temporary period, by which point Statoil UK Limited will have moved to their permanent headquarters and the west-end will be benefitting from increased footfall from The Capitol and The Silver Fin redevelopments.

9.12 The fourth reason for refusal was:

d) No adequate reasons for setting aside the above policies and guidance have been identified and the other material considerations do not justify approval of the proposal.

9.13 It is not considered that the approval of this application would be setting aside the above policies. The two retail units have not been trading well, evidenced by the request to terminate the lease at no. 15 for this reason; and the occupier of no. 13 not willing to renew their lease. Whilst the units were not vacant at the time of application, the applicant has provided robust justification as to the circumstances behind this and policy C2 does not specifically require a period of marketing, just that the applicant demonstrates lack of demand for continued retail use.

9.14 The proposed use caters for a local need, rather than a speculative request, which will address the urgent short-term requirement of an existing city centre business so that they can remain in the city centre whilst their permanent headquarters are under construction. A change of use will ensure the retention of existing staff and introduction of additional employees into the west-end will be to the benefit of the existing class 1, 2 and 3 uses within the local area.

9.15 The final reason for refusal considered that:

e) Approval of this application would result in an undesirable precedent for similar proposals that would cause further erosion of retail uses, conflict with the Development Plan and would cause further detriment to the vitality and potential viability of the shopping centre.

The reason for this application is to address the short-term requirements of the existing occupier of the occupier of Citypoint House and would not set an undesirable precedent, nor would it cause the erosion of future retail uses, particularly if approval is conditioned for a temporary period as requested. Citypoint House is a large, purpose built building which provides 17,000 sqft (1,579

sqm) office accommodation over its three upper floors, this type of development is rare in the west-end of Aberdeen. The circumstances of approval being to meet the expansion requirements of an existing city centre occupier in situ whilst its new headquarters are under construction is unique. Similarly, the planning approvals for the conversions at The Capitol and The Silver Fin both cited that the new office developments accorded with policy C2 and would benefit vitality through the introduction 1,500 staff to this area of the city – these developments should be complete or nearing completion by the time a temporary consent would expire, permitting the west end to benefit from a temporary increase in footfall whilst these two developments were under construction, but reverting the units to their original retail use to coincide with the Statoil UK Limited's lease at Citypoint House expiring and the increased footfall from The Capitol and The Silver Fin.

- 9.16 The report of handling notes that *'there is no evidence submitted that the applicant's client Statoil has been flexible in their approach to acquiring additional office space and what other units have been considered which demonstrates a lack of office space within the city'* however it is recognised that it is preferable for a company to maintain its staff in a single office if necessary, not only from a practical point of view in terms of leasing premises, but from an operational point of view. The applicant stated that the application to change the use of the retail units was 'opportunistic' on account of the two existing tenants serving notices to quit. Scottish Planning Policy requires planning authorities to *'respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that the changing circumstances can be accommodated and new economic opportunities realised. Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential'*. However in terms of this application a flexible approach to accommodating the changing circumstances of city centre businesses has not been taken.

9.17 The Report of Handling states that '*planning policy does not allow for temporary changes of use*', and whilst temporary uses are not discussed in the development plan, as a land-use document, creating flexibility to accommodate '*changing circumstances*' and '*remove unnecessary planning barriers*' for an existing business, is national planning policy. The use of a condition to permit a development for a temporary period is a common method of permitting flexibility to accommodate short-term circumstances without setting a precedent and it would make complete sense in this case. In terms of vitality the retail units have not been trading successfully, hence the termination of their leases on these grounds, therefore whilst there would be a removal of two retail units for a temporary period, they would revert to their former use upon completion of Statoil UK Limited's new headquarters building in 2016.

10.0 CONCLUSIONS

10.1 On the basis of the foregoing we respectfully request that approval for a change of use of nos. 13 and 15 Chapel Street, Aberdeen from class 1 retail to class 4 offices for a period up to the end of 2016. This will allow the existing occupier to remain in the city centre, whilst accommodating requirements for additional accommodation and avoiding unnecessary upheaval of the existing business and relocating staff. This will not set a precedent for the change of use of retail units within the city centre without demonstrating a period of marketing on account of the unique circumstance driving the timing of the request.

10.2 This will benefit the local area through retention of existing and increased footfall in the area, to the benefit of existing shops, cafes, restaurants and associated services; increased footfall from a 1,500-fold increase in office workers in this area from developments which will not be available until 2015/ 2016 at the earliest. A

condition permitting a temporary change of use will ensure that the retail units are reinstated once the requirement for office space is no longer needed.

- 10.3 It is requested that planning permission is granted, on the conditions that :
- a) the permission is granted for a temporary period expiring on 31 December 2016 and the units shall be reinstated to class 1 use after that date; and
 - b) no development granted by this planning permission shall commence until a minimum of 4 cycle long stay stands have been provided within an enclosed secure lockable compound or within the building, in accordance with details to be approved in writing by the Planning Authority.
- 10.4 As set out above, Scottish Planning Policy and its 2013 consultation draft requires a balance to be struck between competing interests, it is contended that the planning officer's argument is not balanced between the interests of business and retail, in that strict compliance with the Local Development Plan policy has overruled an objective assessment of the material merits of this proposal, particularly for the suggested temporary time period.
- 10.5 This development proposal addresses three of the national issues of economic recovery, growth and employment, in which the Scottish Government expects planning to play a key role. Furthermore, the assessment in the Proposed National Planning Framework 3 that 'Aberdeen is exceeding economic expectations based on its population size' illustrates an expectation that businesses in the city are growing, with the associated requirements for additional office space than what may be available presently.

Ryden

**REVIEW OF THE REFUSAL OF
PLANNING APPLICATION
REFERENCE: P140130
AT 13-15 CHAPEL STREET,
ABERDEEN**

APPENDICES

Ryden LLP
25 Albyn Place
Aberdeen
AB10 1YL

Tel:
Fax:

Appendices

1. Notice of Review Form
2. Application Form and Plans
3. Application Correspondence
4. P140130 Decision Notice
5. Scottish Planning Policy (Extracts)
6. Scottish Planning Policy Consultation Draft (Extracts)
7. National Planning Framework 2 (Extracts)
8. Proposed National Planning Framework 3 (Extracts)
9. Aberdeen City and Shire Strategic Development Plan (Extracts)
10. Aberdeen Local Development Plan (Extracts)
11. P130615 Former Capitol Theatre Committee Report
12. P131351 Former Bell's Hotel, Estate Agent's and O'Donoghue's Bar Report of Handling

Appendix 1: Notice of Review Form

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

We reserve the right to respond to further submissions made by Aberdeen City Council or other parties.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see attached grounds of appeal statement.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Please see attached list.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

Appendix 2: Application Form and Plans



ABERDEEN
CITY COUNCIL

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

Tel: 01224 523 470

Fax: 01224 523 180

Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000080562-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change of use of 13 and 15 Chapel Street from retail space, to class 4 business use operating out of 11 Chapel Street.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Have the works already been started or completed? *

- No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both:*	
Other Title:	<input type="text"/>		Building Name:
First Name: *	<input type="text" value="Mark"/>	Building Number:	<input type="text" value="62"/>
Last Name: *	<input type="text" value="Dellaquaglia"/>	Address 1 (Street): *	<input type="text" value="Queens Road"/>
Company/Organisation:	<input type="text" value="Knight Property Group"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 4YE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="mark@knightpg.co.uk"/>		

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="805898"/>	Easting	<input type="text" value="393436"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Retail shop units

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

13

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

13

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

Yes No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details:(Max 500 characters)

External segregated bin storage in line with current council requirements for recycling commercial waste

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Mr Mark Dellaquaglia

On behalf of:

Date: 31/01/2014

Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Mr Mark Dellaquaglia
Declaration Date: 31/01/2014
Submission Date: 31/01/2014

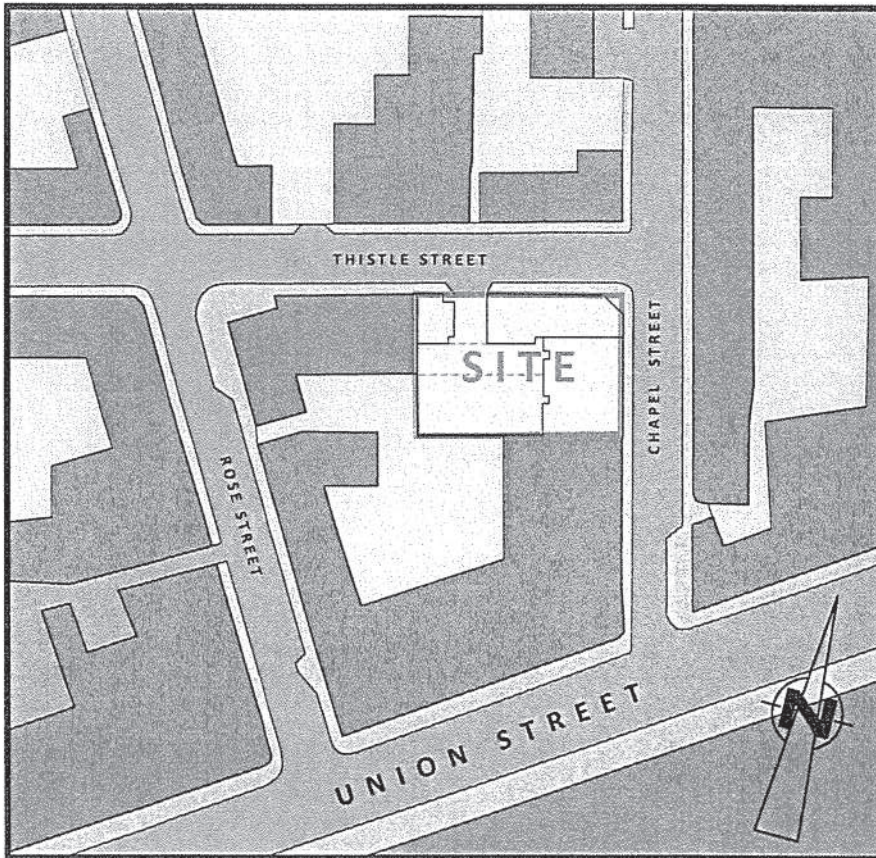
Payment Details

Cheque: Knight Property Group PLC, 000336

Created: 31/01/2014 09:27



KNIGHT PROPERTY GROUP



1 3 5
0 2 4 10 15 20
Scale in metres
1/1250

CHAPEL STREET: LOCATION PLAN

Project Title	Project Number
CHAPEL STREET	30042
Drawing Title	Drawing Number
Location Plan	EX/001
Chapel Street, Aberdeen, AB10 1SQ	
Knight Property Group	

Drawing Issue :	Issue Revisions :	
	No Revision	Date
A	First Issue	4.4.13

A

Scale : 1/1250@A4

Date : Mar-13

Appendix 3: Application Correspondence

Fri, 21 Mar 2014 13:52:25 +0000

From: Sally Wood

To: Mark Dellaquaqlia

CC: "Catherine Thornhill

Subject: RE: P140130 13 and 15 Chapel Street

Good Afternoon Mark,

I have not received any further correspondence from you or Knight Property Group on this application.

I have however today received in the post correspondence from Ryden. Unless you submit this in support of your application this will be treated as a third party letter in support of the application; or you confirm that you wish it to be treated as supporting information. You have not submitted it directly and Ryden are not appointed as your agent.

I would be grateful if you would clarify the matter.

We are always trying to improve the quality of customer service that we provide and

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

Sally Wood
Planner (Development Management)

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

Telephone Number
Facsimile

From: Mark Dellaquaglia
[mailto:
Sent: 18 March 2014 11:20
To: Sally Wood

Subject: RE: P140130 13 and 15 Chapel Street

Hi Sally

Just a quick note to clarify we will have a response to your queries by close of business tomorrow (19/3/14).

Regards

Mark

From: Sally Wood

[mailto:

Sent: 11 March 2014 16:32

To: Mark Dellaquaglia

Subject: RE: P140130 13 and 15 Chapel Street

Good Afternoon,

Having considered the suggestion of a five year occupancy, I would advise that this to would run contrary to the development plan. You may wish to in putting any supporting information ask for it to be considered as a fall-back position, however I would advise

that given the planning policies that are in place that it would not be judged acceptable.

You may think it therefore odd for me to recommend you put it in a statement a fall-back position; but should you wish to apply for an appeal or a review in the event of a refusal, others would consider this submission which we would have to respond to. Therefore you may wish to refer to it.)

You mention in relation to the upper floors being used as by the Council as office space. Could you be more specific than that? Do you know what service(s) operated from the building?

Regards,

Sally Wood
Planner (Development Management)

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

Telephone Number
Facsimile

From: Mark Dellaquaglia
[mailto:
Sent: 11 March 2014 10:24
To: Sally Wood
Subject: RE: P140130 13 and 15 Chapel Street
Importance: High

Hi Sally

Thanks for this, I appreciate the comprehensive detail and planning expertise.

I will review the points you have raised and get back to you as soon as possible, within your deadline.

We have a long term development plan for this site, which would be progressed in conjunction with the planning department and other associated statutory parties.

If you are confirming below that you will not support the application under any circumstances, I wonder if you would consider support if it were amended to a temporary permission application for, say, 5 years?

The opportunity to change its use meantime to class 4 is somewhat opportunist on our part, and arises from both the notices of termination of lease from the existing tenants, and a request from the tenant of the upper floor offices for additional office space while they look for much larger office headquarter premises either in the city or out in the 'shire.

In relation to the existing upper floors, I would appreciate your advice on what the current use class is.

Having completed the strip out of the previous internal finishes and partitions, the evidence would be that the council had been using the building as office space.

I would appreciate your response to the above before I can make an evaluation of how we wish to progress the application/s, your earliest reply would be greatly appreciated.

Kind regards

Mark

From: Sally Wood
[mailto:
Sent: 06 March 2014 11:54
To: Mark Dellaquaglia
Subject: FW: P140130 13 and 15 Chapel Street

Good Morning,

I refer to my e-mail of yesterday, and our telephone conversation of the same day at approximately 3:00pm.

You confirmed that Units 13 and 15 have not been marketed; and I note that they are currently in use as retail. On that basis the current planning application cannot be supported. Planning Policy C2 of the Local Development Plan states that the City Centre Business Zone, which is where this site is located, is the preferred location for major retail developments. It also states that Proposals for a change of use from retail (Class 1 of the Use Classes Order) to other

uses within the City Centre Business Zone will only be acceptable if :

2) In other parts of the City Centre Business Zone it can be demonstrated that there is a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant) and how the new use contributes to the wider aims for city centre enhancement; and the proposed new use must enhance or adequately maintain daytime vitality, and an active street frontage; and the alternative use does not conflict with the amenity of the neighbouring area.

There has been no marketing of these premises which are both currently occupied. Policies RT3 and RT4 are supported with a note that advises that proposals for a change of use where lack of demand is a factor should provide evidence that the property has been actively marketed for six months or more and should provide a statement(s) from prospective occupiers explaining their reasons for the property being unsuitable for retail use.

Finally in relation to Unit 11, I have spoken with Garfield and he has advised that

the only question was in relation to the external painting of the building, which did not require permission because it was permitted development under Class 9.

Nevertheless, having reviewed the matter there has been a change of use that has occurred, and planning permission is required for the provision of the reception area which is ancillary to the Class 4 use which is located on the upper floors. Depending on the planning status of the upper floors there is merit to in seeking retrospective consent for this too, unless you have clear evidence that they were in Class 4 use previously, and I am more than happy to discuss this with you in advance of any submission of planning application (if it needs consent it is cheaper and quicker and avoids problems later which could arise).

In respect of Unit 11 I can advise you, without prejudice to the submission of a formal planning application, that there is a case in which given the previous use an application for a change of use to Class 4 could be supported and would not be in contravention of the planning policies. The upper floors nevertheless could be supported in line with Policy C2, but there is a need to ensure that the proposal complies with

other policies including but not limited to, those relating to car parking, cycle parking, etc.

If you wish to provide any further comments in relation to this please respond no later than 19.03.2014, after which time we will proceed to determination of the application which is currently pending for 13 and 15 Chapel Street.

We seek to invite a further planning application from Knight Property Group in respect of Unit 11, and if necessary to include the upper floors, which I am happy to discuss with you.

Regards,

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

Sally Wood
Planner (Development Management)

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

Telephone Number
Facsimile

From: Sally Wood
Sent: 05 March 2014 14:23
To:

Subject: P140130 13 and 15 Chapel Street

Good Afternoon,

I refer to the application submitted for
Chapel Street.

I have undertaken a site visit and note that both units 13 and 15 are currently occupied by retailers. There are no advertisement hoardings/boards placed on these units. Have they been marketed at all? If so please provide full details of the marketing.

Furthermore, I can find no record of planning permission for change of use of Unit 11, which is currently occupied by BlueSky Business Space. In 2012 it stood vacant for a time, and I am led to believe that perhaps a job centre was in there before? I would be grateful if you could provide further clarification on this.

In accordance with the Aberdeen Local Development Plan Supplementary Guidance, the proposal should include a minimum of 4 cycle long stay stands within an enclosed secure lockable compound or within the building. Could you please submit amended plan(s) which show this provision.

For clarification, the submitted existing elevation plans are not shown accurately; however this should not affect the assessment of this application.

If you could provide the information as requested please no later than 14 days from

the date of this correspondence in order for the application to progress.

I look forward to your reply.

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

Sally Wood
Planner (Development Management)

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

Telephone Number
Facsimile

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

Our Ref: JF/CT
Your Ref: P140130

DDI:

20 March 2013

Email:

Dear Mrs Wood

**CHANGE OF USE FROM RETAIL (CLASS 1) TO BUSINESS (CLASS 4) AND
ALTERATIONS TO GROUND FLOOR FRONTAGE
AT 13 & 15 CHAPEL STREET, ABERDEEN
REFERENCE: P140130**

Edinburgh

Glasgow

Leeds

Dundee

Inverness

The above planning application seeks the change of use of the 2no. class 1 *retail* units at 13 and 15 Chapel Street to class 4 *offices*, in order to provide office facilities for tenant Bluesky Business Space who lease Citypoint House, on the ground, first, second and third floors of the property as a business centre and who have leased the entire space to Statoil (UK) Limited. Bluesky Business Space have operated from Citypoint House since October 2013 and currently employ 5 staff at the premises who manage the business centre and the licensee, Statoil UK limited, who are a major force in world oil and gas. Statoil UK Limited moved into the office in December 2013 and this will be their head office in Aberdeen until 2016. They currently employ approximately 100 staff and this number is increasing by approximately 10 per month. As such, Statoil UK Limited have a pressing requirement for additional accommodation to accommodate their existing and future staff. As an existing city-centre employer, the preference is to remain within the city centre for the benefit of their business activities and staff retention; however whilst a considerable amount of office space within the city centre has been approved or is currently under development, this does not address their immediate space requirements.

The occupier of the retail unit at 15 Chapel Street has not been trading particularly well and has fallen into arrears on rental payments; it is likely they will come out of the unit sooner rather than later. The lease on the charity shop at 13 Chapel Street is also due to expire soon. Changing the use of these units to accommodate the expansion requirements of the existing building occupier would ensure the retention of the existing staff in the city centre and provide room within the premises for up to a further 42 staff.

I appreciate that the above retail units are in the City Centre Business Zone where policy C2 *may* require applicants to *demonstrate what efforts have been made to secure a new retail use since the property became vacant*, however the coincidence of the ground floor occupier's request to terminate their lease on the basis of difficult trading conditions, the expiry of the lease on no. 13, and the request for additional city centre office accommodation from the occupier of the upper floors is an unusual one. Conversely, a change of use will ensure the retention of existing staff and introduction of additional employees into the west-end will be to the benefit of the existing class 1, 2 and 3 uses within the local area.

In terms of maintaining vitality, whilst these benefits of increased footfall are attributed to the recent approvals to convert the former Capitol Theatre and associated units and the former Bells Hotel and Dunfermline Building Society to class 4 *offices*, until these developments are complete and occupied the benefits of increased footfall with which these developments are associated are of no benefit to the existing retailers and service providers.

Unlike the existing retail units, which trade for a limited period throughout the day, the retained and increased footfall from changing their use to offices will also benefit the evening economy as staff will be in the city centre and a proportion will remain to frequent the nearby restaurants. This will maintain and increase vitality within the area and contribute to an increase in footfall. As an existing occupier, the conversion to class 4 use will not conflict with the amenity of the neighbouring area.

The proposed use caters for a local need; and it is demonstrated that the conversion of the properties is not speculative, but to address the urgent requirement of an existing city centre business so that they can remain in the city centre.

I appreciate that whilst this application does not meet the six-month active marketing requirement noted for policies RT3 and RT4, policy RT3 refers to 'town centres', rather than the city centre; the City Centre Business Zone, is covered by policy C2 and sets out similar requirements to policy R3. Throughout the Local Development Plan references to 'town centre' are accompanied by references to 'regional centre', indicating that the two are separate classifications; this distinction is clear in policy RT1, which refers to:

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.

In light of the above, I contend that policies R3 and R4 and their footnote are not applicable in the determination of this application.

On the basis of the foregoing we suggest the application is amended to permit a temporary change of use from class 1 *retail* to class 4 *offices* for a period up to the end of 2016, to allow the existing occupier to remain in the city centre, whilst accommodating requirements for additional accommodation and avoiding unnecessary upheaval of the existing business and relocating staff. This will benefit the local area through retention of existing and increased footfall in the area, to the benefit of existing shops, cafes, restaurants and associated services.

I hope that the above is sufficient to enable you to approve planning application P140130 for the temporary period specified above. Should you wish to discuss any of the above please do not hesitate to contact me.

Yours sincerely

Catherine Thornhill MRTPI
Associate

cc: M. Dellaquaglia, Knight Property Group

Appendix 4: P140130 Decision Notice

The Town And Country Planning (Scotland) Act 1997

Refusal of Planning Permission

Knight Property Group
62 Queens Road
Aberdeen
AB15 4YE

on behalf of **Knight Property Group**

With reference to your application validly received on 21 February 2014 for Planning Permission under the above mentioned Act for the following development, viz:-

Change of use from Retail (Class 1) to Business (Class 4) and alterations to Ground Floor frontage at 13 & 15 Chapel Street, Aberdeen

the Council in exercise of their powers under the above mentioned Act hereby REFUSE Planning Permission for the said development as specified in the application form and the plan(s) and documents docketed as relative thereto and numbered as follows:-

EX/001 REV B; CU-001; CU-002; CU-003.

The reasons on which the Council has based this decision are as follows:-

The proposed use conflicts with Planning Policy C2 (City Centre Business Zone and Union Street) of the adopted Aberdeen Local Development Plan. The units are in occupation and no evidence has been submitted of their marketing to demonstrate that there is a lack of demand for continued retail use of the premises. The application site includes two retail units, one of which is considered to be in a prominent location on Chapel Street by virtue of its corner siting, and their relationship with other adjacent retail uses. Any change of use could undermine the viability of retail in this west end locality.

The proposed use could result in detriment to the vitality and potential viability of the

GORDON McINTOSH
DIRECTOR

Continuation

shopping centre by the absence of a live frontage / window display and the lack of activity within the premises when compared to the existing authorised uses.

No adequate reasons for setting aside the above policies and guidance have been identified and the other material considerations do not justify approval of the proposal.

Approval of this application would result in an undesirable precedent for similar proposals that would cause further erosion of retail uses, conflict with the Development Plan and would cause further detriment to the vitality and potential viability of the shopping centre.

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:- EX/001 REV B; CU-001; CU-002; CU-003.

Date of Signing 8 April 2014

Dr Margaret Bochel
Head of Planning and Sustainable Development
Enc.

GORDON McINTOSH
DIRECTOR

**NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS REFUSAL OF
PLANNING APPROVAL**

The applicant has the right to have the decision to refuse the application reviewed by the planning authority and further details are given in Form attached below.

Regulation 28(4)(a)

Form 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to –
 - a. refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at <http://eplanning.scotland.gov.uk/>.

Notices of review submitted by post should be sent to –

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

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in it's existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owners of the land may serve on

GORDON McINTOSH
DIRECTOR

Continuation

the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

GORDON McINTOSH
DIRECTOR

Appendix 5: Scottish Planning Policy (Extracts)

SUBJECT POLICIES

ECONOMIC DEVELOPMENT

45. 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. Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential. The planning system should support economic development in all areas by:

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

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

TOWN CENTRES AND RETAILING

52. Town centres are a key element of the economic and social fabric of Scotland, acting as centres of employment and services for local communities and a focus for civic activity, and make an important contribution to sustainable economic growth. Town centres should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses. Retail and leisure uses are fundamental to the concentration of other activities located in town centres and planning authorities should support a diverse range of community and commercial activities in town centres. The range and quality of shopping, wider economic and social activity, integration with residential areas and the quality of the environment are key influences on the success of a town centre.

Network of Centres

53. Development plans should identify a network of centres, and explain the role of each centre in the network. The network will, depending on circumstances, include town centres, commercial centres and other local centres, and may take the form of a hierarchy. Within the network the individual role of each centre should support and be supported by the role of other centres. The development plan can also specify a centre's function, for example a centre restricted to the sale of bulky goods. Networks will change over time, therefore any significant changes in the evolving role and function of centres should be addressed through development plans rather than changes being driven by individual applications. Changes to the network of centres should be justified using the results of a health check.

TRANSPORT

165. Reducing emissions from transport sources as a contribution to achieving Scottish Government greenhouse gas emission targets requires a shift to more sustainable modes of transport. For people this means a shift from car-based travel to walking, cycling and public transport. For goods it means a shift from road to rail and water based transport wherever possible. Tackling congestion will also support sustainable economic growth and reduce emissions. The planning system should support a pattern of development which reduces the need to travel, facilitates travel by public transport and freight movement by rail or water, and provides safe and convenient opportunities for walking and cycling. Reductions in emissions will also be achieved through changes in vehicle technology. The planning system should support the installation of infrastructure to support new technologies, such as charging points for electric vehicles.

**Appendix 6: Scottish Planning Policy Consultation Draft
(Extracts)**

Principal Policies

Sustainable Economic Growth

15. The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

16. Planning has a positive and proactive role to play in building a dynamic and growing economy that offers opportunities for all, while making efficient and responsible use of land, environmental and other physical resources and infrastructure. The aim is to achieve the right development in the right place, rather than development at any cost.

Town Centres

Policy Principles

54. The planning system should promote town centres first for a mix of uses including cultural and community facilities, retail, leisure, entertainment, recreation, as well as homes and businesses. Development plans, monitoring and decision making should all support successful town centres.

Policy Principles

105. The planning system should:

- take full account of the economic benefits of proposed development;
- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets; and
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities.

Appendix 7: National Planning Framework 2 (Extracts)

57. Edinburgh and Glasgow are vital to Scotland's economic wellbeing. They are collaborating closely to exploit their scale and relative proximity and the strengths of their surrounding regions to create a single shared economic space of international significance. Aberdeen, Dundee and Inverness also have key roles as drivers of economic activity and it is essential that they are well connected to Edinburgh and Glasgow, their wider regions and the rest of the world. The rural areas which lie beyond the city regions have economic, environmental and cultural assets of enormous economic and community value. Good connectivity will again be critical in realising the full potential of these assets.

204. The primary aim for Aberdeen and Aberdeenshire is to grow and diversify the economy, making sure the region has enough people, homes, jobs and facilities to maintain and improve its quality of life. Under the banner of the Energetica project, the economic development community is seeking to build on the energy sector and offshore strengths of the region, diversifying into new renewable and clean energy technologies to consolidate its position as a global energy hub. It is also pursuing opportunities to develop tourism, the rural economy and the food and drink sector. Distance from London and other major UK cities means that good domestic as well as international air links are vital to the region's economy. Construction of the Aberdeen Western Peripheral Route will improve regional connectivity and open new development opportunities. Strategic growth is being focused on the city and the Aberdeen to Peterhead and Huntly to

Laurencekirk corridors. Regeneration priorities include parts of Aberdeen, Fraserburgh, Peterhead and some of the smaller coastal communities. Synergies with the Highlands and Islands offer opportunities for collaboration to develop the wider North of Scotland economy.

**Appendix 8: Proposed National Planning Framework 3
(Extracts)**

2.13 Cities are the main driver of our economy – notably the performance of Aberdeen and Edinburgh exceeds what may be expected from their population size. All of the seven key sectors in our economic strategy have a strong presence in the cities, in particular the creative industries, financial and business services, learning and life sciences. Many of our Enterprise Areas are located in and around our cities.

**Appendix 9: Aberdeen City and Shire Strategic
Development Plan (Extracts)**

2.1 We need to face up to the challenges and grasp the opportunities ahead to be able to maintain and improve the attractiveness of the region as a place to live, visit and do business.
A vision for a successful and sustainable future is set out below.

Vision

"Aberdeen City and Shire will be an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business."

We will be recognised for:

- our enterprise and inventiveness, particularly in the knowledge economy and in high-value markets,
- the unique qualities of our environment; and
- our high quality of life

We will have acted confidently and taken the courageous decisions necessary to further develop a robust and resilient economy and to lead the way towards development being sustainable, including dealing with climate change and creating a more inclusive society."

2.2 To make this vision a reality, and to contribute towards the Scottish Government's central purpose of increasing sustainable economic growth, we have developed a series of aims. These provide a useful guide which both interprets the vision and for uses clearly on the role this plan will play in delivering it. This recognises that many different people and organisations will be involved in delivering this vision.

Aims

The main aims of the plan are to:

- provide a strong framework for investment decisions which help to grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively; and
- take on the urgent challenges of sustainable development and climate change.

To support these main aims, the plan also aims to:

- make sure the area has enough people, homes and jobs to support the level of services and facilities needed to maintain and improve the quality of life;
- protect and improve our valued assets and resources, including the built and natural environment and our cultural heritage;
- help create sustainable mixed communities, and the associated infrastructure, which meet the highest standards of urban and rural design and cater for the needs of the whole population; and
- make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are attractive choices.

2.3 We are committed to all the aims as a whole. This is the only way we will be able to achieve our vision.

Policy

In assessing development proposals, we will balance the importance given to each aim in coming to a decision, taking into account the spatial strategy, objectives and targets of the plan.

Economic Growth

Objective

To provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries, while at the same time improving the essential strategic infrastructure necessary to allow the economy to grow over the long term.

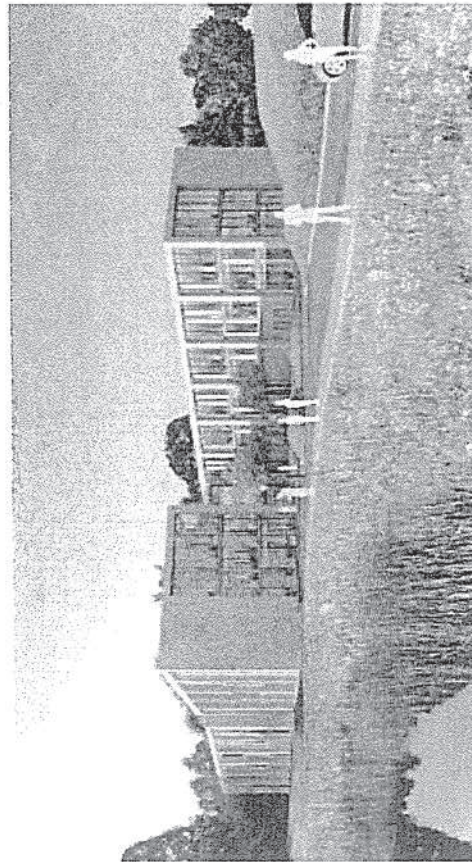


Image of Prime Four Business Park, Kingswells

Issues

4.1 Aberdeen City and Shire has a healthy economy. While currently dominated by the oil and gas industries, it also has significant strengths in life sciences, food and drink and tourism. The oil and gas industry will continue to be very important into the future. Its changing focus over the next few decades (into supplying the export market and decommissioning) will mean that the area will need to self-reflect more strongly to make sure growth happens here. Traditional industries, such as farming and fishing, must continue to be supported. To promote a diverse local economy we will have to build on our existing assets (particularly in the field of renewable energy) and put into practice new ideas, including those from our universities, research organisations and our skilled and innovative workforce, and improve our connections to the outside world through transport and high-speed digital communications networks.

4.2 A strong service sector is also important and in particular retail and all forms of tourism, including business tourism, will have a role to play. It is very important that retail services throughout the region are promoted to guarantee the vitality and viability of our town centres, while creating opportunities for growth in the economy. It is particularly important that we continue to support the regeneration of Aberdeen city centre – making sure that this key regional asset fulfils its potential by improving its shopping, leisure, commercial and residential environment as well as its visitor experience. Some of the building blocks are already in place (such as the City Centre Development Framework and the Business Improvement District) but there is still much to be done. In line with Scottish Planning Policy, a sequential approach will be taken when identifying sites for new retail development across the strategic development plan area.

Sustainable mixed communities

Objective

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

ISSUES

4.33 Too often in the past, new development has not been sustainable, mixed or focused on meeting the needs of the community. We must not allow this to continue. If we are to achieve our vision, we must set the highest standards for urban and rural design, the mix of land uses, using land more efficiently and re-using previously developed land.

4.34 A focus on sustainable mixed communities means not dealing with different land uses in isolation. Retail, employment, education, health, leisure, open space and transport as well as housing are all vital for successful development. Such development creates a strong sense of place and a high-quality environment in which to live and work.

4.35 Our future communities must be mixed in terms of the type and size of homes, as well as their tenure and cost. We also need to make sure that new homes are designed to a high standard and that they respect and improve the existing qualities of the area. If we want to allow people to have a choice of where they want to live, developments must provide a wide range of options, from starter homes to large detached houses. Providing affordable housing is also critical to delivering sustainable mixed communities. However, currently there is more of a need for affordable housing (identified in the Housing Need and Demand Assessment as 38% of new homes) than there is funding available. Meeting the targets in this plan will need considerable effort and creativity on the part of both public and private sectors working together. The two councils will prepare local housing strategies which will consider in more detail how to provide affordable housing. Having a variety of homes and residential environments will help to improve urban design in the city, towns and rural areas. New housing which does not meet the targets set out below will not be supported by this plan.

4.36 It is important that new development meets the needs of the whole community, including the specific needs of Gypsies / Travellers. With an ageing population and smaller households, new development will need to meet the changing needs of society over its whole life.

4.37 Land brought forward for development must be used efficiently and brownfield sites and regeneration areas should be given priority. Through this process, we should create opportunities for new development that will close the gap between the wealthy and most disadvantaged areas of the region.

4.38 New development needs to focus on creating successful and sustainable communities. This plan will not support house-building that fails to provide the services and facilities necessary to serve the development.

4.39 In the same way, a focus on communities means that new housing and developments for employment and commercial use should be integrated (well related to each other and community facilities) to improve people's quality of life and opportunity. This should be a particular focus in masterplans prepared for target development areas.

4.40 To create sustainable mixed communities, retail services must be one of the main considerations in preparing masterplans and development briefs for new development. We will take a sequential approach to new retail development. However, we will also support existing retail centres to make sure that the needs of the community are met now as well as in the future.

4.41 This plan has a clear objective for population growth in the North-East and increasing the level of house-building. However, this will only be acceptable if the development is of the highest quality.

Accessibility

Objective

To make sure that all new developments contribute towards reducing the need to travel and encourage people to walk, cycle or use public transport by making these attractive choices.

Issues

4.42 It is widely accepted that there are negative environmental, economic and social effects associated with road transport, including air and noise pollution and congestion.

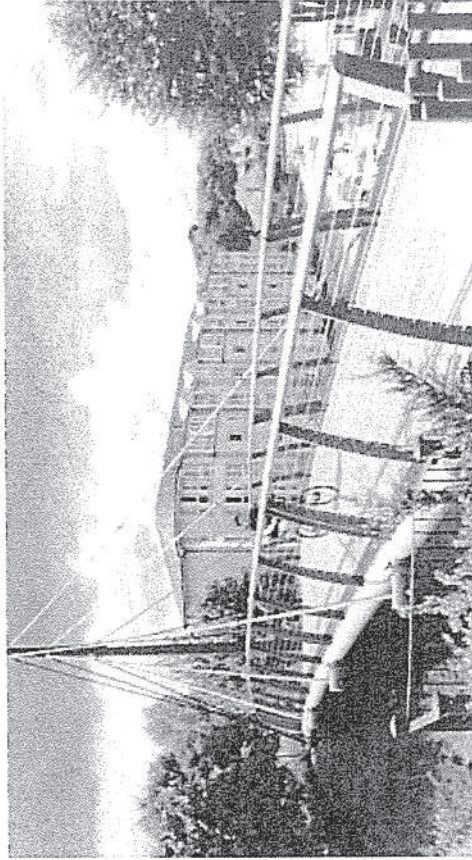
4.43 This plan will help to promote the link between land use and transport to make sure that all new development is conveniently located and designed in such a way as to encourage walking, cycling and the use of public transport. Improving bus and train services will make sure that people will be encouraged to use more environmentally friendly forms of transport.

4.44 Walking and cycling are the most environmentally friendly forms of transport and should also be encouraged as this will help to achieve important health, social and environmental benefits.

4.45 Improving access to the North East is also essential to developing a strong economy and providing better links. The spatial strategy promotes opportunities at harbours and the airport as well as helping to promote accessibility by making sure that future development also allows for improvements in the rail and road networks. This will help to improve bus and train services and encourage people to use them.

Targets

- For all developments to meet the accessibility standards set out in the regional transport strategy.
- For major employment and service developments in strategic growth areas to ensure that they are easy to access by walking, cycling or using public transport. The travel plans produced for these developments should reduce the need for people to use cars.
- To reduce the percentage of journeys made by car.



Devonside Way walking / cycle route

Appendix 10: Aberdeen Local Development Plan (Extracts)

Policy C2 – City Centre Business Zone and Union Street

The City Centre Business Zone is the preferred location for major retail developments as defined in Policy RT1. Where sites are not available in the City Centre Business Zone, then sites elsewhere in the City Centre may be appropriate.

Proposals for a change of use from retail (Class 1 of the Use Classes Order) to other uses within the City Centre Business Zone will only be acceptable if :

- 1) the proposal is in Union Street it must accord with the Union Street Frontages Supplementary Guideline .
- 2) in other parts of the City Centre Business Zone it can be demonstrated that there is a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant) and how the new use contributes to the wider aims for city centre enhancement; and
 - the proposed new use must enhance or adequately maintain daytime vitality, and an active street frontage; and
 - the alternative use does not conflict with the amenity of the neighbouring area.

Proposals to use basement and upper floor levels for retail, residential, and other

appropriate purposes will be encouraged in principle.

Policy 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 Supplementary Guidance: Hierarchy of Retail Centres:-

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. They may also be located in the City Centre Business Zone.

Proposals serving a catchment area of a size similar to that of a neighbourhood centre shall be located in a neighbourhood centre. They may also be located in any retail location that is in the first, second or third tiers of the hierarchy.

Proposals for development on an edge-of-centre site will not be supported unless:

- the proposal is one that would have been appropriately located in the retail location to which it relates; and
- in the retail location to which it relates no suitable site for the proposal is available or is likely to become available in a reasonable time.

In all cases, proposals shall not detract significantly from the vitality or viability of any first, second, third or fourth tier retail location listed in the Supplementary Guidance: Hierarchy of Retail Centres, and shall accord with all other relevant policies of the Local Development Plan, including those relating to design, access and amenity. A Retail Impact Assessment may be required.

This policy applies to proposals for new development and to proposals to extend existing development.

In significant new development areas that are more than 800m walking distance from shopping facilities, permission may be granted for the establishment of a new neighbourhood centre. Developers may be required to reserve land for this purpose.

Retail Impact Assessments should be undertaken where a retail or leisure development over 2,500sqm gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the development plan.

A restriction may be imposed on the amount of comparison goods floorspace allowed within convenience shopping developments outside the city centre or other town centres. Retail Parks are appropriate for large bulky comparison goods if city centre/town centre sites are not available and the site is easily accessible by public transport

Policy T2 – Managing the Transport Impact of Development

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

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

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

**Appendix 11: P130615 Former Capitol Theatre Committee
Report**

Planning Development Management Committee

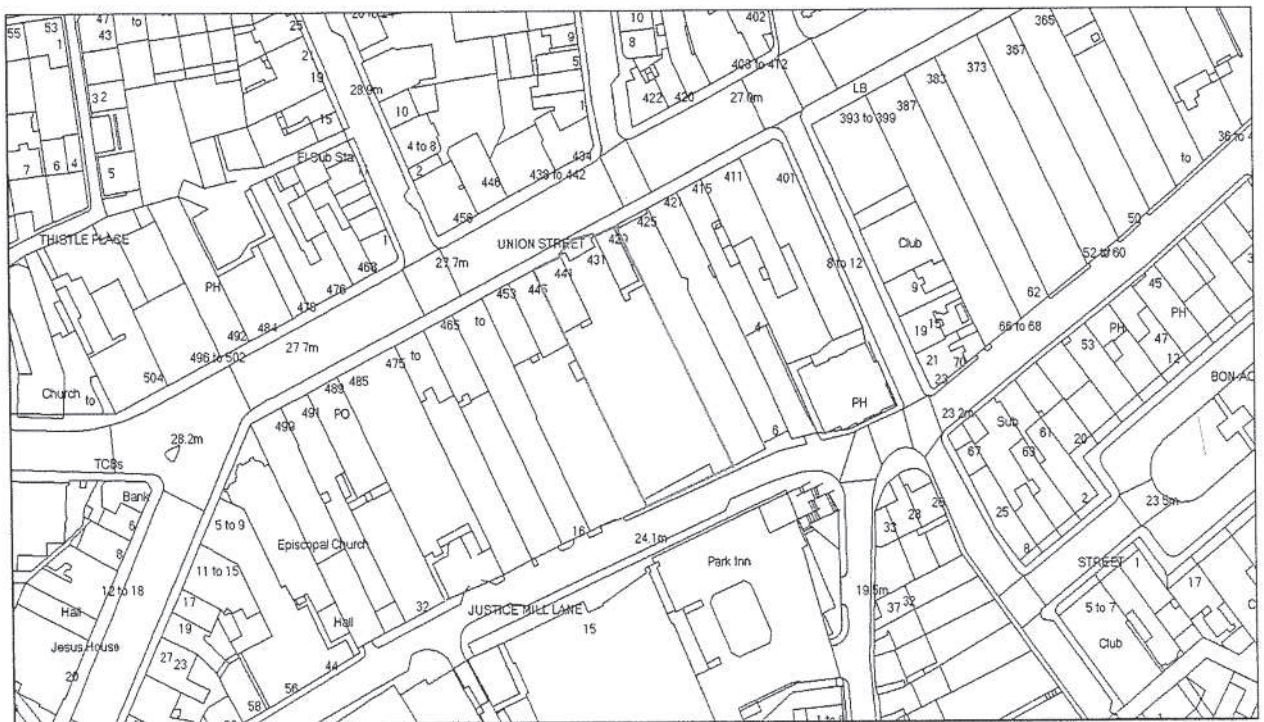
431 UNION STREET, ABERDEEN

CHANGE OF USE FROM BAR/NIGHTCLUB TO
OFFICE SPACE AND ASSOCIATED CAR
PARKING, INCLUDING ERECTION OF MULTI-
STOREY DEVELOPMENT AND PARTIAL
DEMOLITION OF EXISTING BUILDING

For: Knight Property Group/Prime Properties

Application Type : Detailed Planning Permission
Application Ref. : P130615
Application Date: 09/05/2013
Officer: Lucy Greene
Ward : Torry/Ferryhill (Y Allan/A Donnelly/J
Kiddie/G Dickson)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 29/05/2013
Committee Date: 26 September 2013
Community Council : No comments



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

DESCRIPTION

The application site (0.18 hectares) constitutes the vacant Category B listed building, constructed as (and formerly occupied by) the Capitol Cinema and latterly (until closure in 2009) by Jumpin Jaks/Chicago Rock Nightclub. The site is located at the western end of Union Street, on the south side, between the Chapel Street and Rose Street junctions. The building occupies the full depth of the block between Union Street and Justice Mill Lane between which there is a change of levels of approximately 3.5m. The art deco building dates from 1933 and consists of two main elements:

- (1) A granite built three storey frontage to Union Street with an ashlar granite art deco style façade surmounted by a simple pediment. The frontage incorporates two shop units (a property shop and a hot food takeaway) at ground level on either side of a bank of ornamental entrance doors and a projecting canopy. Internally, the original entrance foyer, staircase and former tea room at first floor level, also in art deco style, are still more or less intact.
- (2) To the rear the original massive unadorned slate roofed, red brick shell of the auditorium still exists; although punctured by high glazed windows/entrances on the gable facing Justice Mill Lane. Internally the space has been subdivided to form two nightclubs with the only remnants of the original auditorium being the proscenium arch, organ pipe casings organ console and associated equipment and instruments within a full height space in the ground floor bar towards the rear of the auditorium building. There is no evidence of the original upper circle seating, lower seating or the original ornate toilets.

The site also includes the shop unit to the east. The shop unit the west would remain in its current use.

Adjoining uses on Union Street are the Justice Mill public house to the immediate east and Bells Hotel and Lounge/Bar to the immediate west. Immediately opposite on Justice Mill Lane is the Park Inn Hotel and office complex.

RELEVANT HISTORY

The Capitol Cinema, designed by renowned architects Marshal Mackenzie, opened in 1933. It was the first cinema in the UK to be designed from the outset to incorporate a full holophane lighting system in the auditorium which allowed up to 17,000 colour combinations to be projected in time to music from a Compton organ that rose from the orchestra pit. The cinema closed for regular film showings in the 1960s but was used for occasional rock concerts (including the Rolling Stones and Tina Turner) until 1998, when it was mothballed. In 2002 planning permission and listed building consent were granted for the conversion of the building to form two nightclubs involving the splitting of the main auditorium space horizontally to form two large bar/clubs. This involved the removal of most of the original features in the auditorium with the exception of the proscenium arch that originally framed the stage and the ornamental organ pipe screens which have been retained in a full height portion of the downstairs bar area. These give a hint of the original function of the building and the scale of the internal space. The organ itself has been retained under a hatch in the ground floor bar and the equipment and instruments that form an essential part of the organ remain, accommodated in their original location in volumes behind the walls to the side of the former location of the cinema screen.

In 2003 permission was granted for the rear stage wall to be cut out to create a large glass wall and an additional entrance onto Justice Mill Lane. The property has now lain vacant for almost 5 years and in that period there has been significant damage to the building from water and bird ingress, wet rot and general disrepair.

Permission was granted in 2007 for a large hotel and office development immediately opposite the site on Justice Mill Lane which has now been fully implemented. Two further hotels have subsequently been built on Justice Mill Lane within 100 metres of the application site and in 2009 permission was granted for an extension to the immediately adjoining Bells Hotel to form a 217 bedroom hotel.

Permission was granted in April 2011 for change of use of the bar / nightclub to a hotel with associated part demolition of existing auditorium and development of hotel accommodation and refurbishment of internal features and associated access and parking. The application involved the retention of the granite built front portion of the building facing Union Street, the almost complete demolition of the red brick fly-tower and auditorium and their replacement with an eight storey extension containing bar/restaurant and conference facilities in a double height space at ground / first floor level.

In the approved scheme for the hotel (which remains extant) the street facing façade of the extension would rise 28.7 metres above Justice Mill Lane, the elevation of the building closest to Union Street would be finished in frameless curtain walling and would be stepped up to full height from the rear wall of the Union Street elevation. The design of the new hotel building would be modern with polished granite cladding and frameless curtain walling to the lower part of the Justice Mill Lane facing elevation and a mix of grey cladding, aluminium framing and curtain walling to the remainder of the extension. The original red brick wall of the auditorium would be retained to a height of 12 metres along the side elevations.

There are current applications (planning permission ref. 131087 and conservation area consent 1311) for the redevelopment of the Bells Hotel site with an office development of similar scale to this application at the Capitol.

At the Capitol there is a current application for listed building consent (ref. 130616) for same scheme for which this planning application seeks permission.

PROPOSAL

The application proposal is for detailed planning permission for the change of use and redevelopment of the former Capitol Cinema to form offices together with associated car parking (86 spaces) and cycle parking (31 spaces).

The proposal involves two main elements: the restoration of the front portion of the building as the entrance to the office directly from Union Street; and, the erection of a building of ten storeys in height on Justice Mill Lane (set back 22m from Union Street).

The proposal would involve the complete refurbishment of the grand entrance and canopy, with art deco entrance doors and flooring. Internally, plaster mouldings and the former Oscar's tea room area, would all be restored with original fabric being retained, including the light fittings. The two large square art deco style clocks that were located within the auditorium, would be restored and relocated within the front of the building. The only changes within the front area of the Capitol, would be that the two flights of stairs that lead up to first floor level would be removed and escalators installed in the same location. There is a landing within the stairs and the installation of the escalators would involve the 'straightening' of the angle of rise, though the take off and landing point of the escalators would be the same as the stairs. The original handrails would remain, and where one handrail is missing, a replica would be installed. Also, two lifts would be installed in the area to the side of the stairs, in order to provide disabled access to the upper level of the front portion of the building (the original Capitol).

The application has been the subject of extensive discussions involving site visits and meetings between the applicant, his architect, planning officers and representatives of Historic Scotland.

The red brick fly-tower and auditorium to the rear would be demolished and replaced by:-

A ten storey structure to accommodate an 86 space car park over five split floor levels with access from Justice Mill Lane.

The office building would provide approximately 9180m² gross floor area, accommodating approximately 600 people.

The street facing façade of the extension would rise approximately 41.8m above the street level on Justice Mill Lane. The north elevation would sit back approximately 22m behind the Union Street frontage of the Capitol, sitting approximately on the line of the rear of the front portion of the Capitol (2.5m approximately closer to Union Street than the red brick gable to the auditorium (the existing gable is approximately 24m above Union Street street level). The north elevation of the proposed building would be approximately 38m above street level on Union Street

The design concept for the new build element of the proposal, is for granite framed glazed ends to the north and south with a more solid aluminium rainscreen clad element wrapped around the central portion of the building.

The side elevation to the east (facing down Union Street) would be punctured by long vertical openings. At lower levels the elevation would abut the adjacent building to the east. The granite framed glazed elements to the north and south would sit 200mm back from the solid central portion, to create relief. The internal floor structures would be partially pulled away from the glazing to minimise the disruption to the appearance of the largely glazed elevations.

On the Justice Mill Lane elevation there would be entrances to the basement and upper level car park, within a granite façade at street level. Above the entrances would be granite clad louvres and granite framed grills. Above the car park levels,

the glazed curtain walling in a granite clad frame would match the north elevation.

The side elevation to the west would be clad in granite panels adjacent to the street, with the remainder of the side elevation (bounding the Bells Hotel site) at the lower level (up to and including third floor level) being in granite effect blockwork.

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?130615>

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

The applicant's agent has produced a range of computer generated images (CGIs) showing the building from various viewpoints.

A Constraints and Opportunities Report has been submitted, this highlights the following points:

- That with regard to the previous hotel permission, due to the compromises in the design to allow retention of existing building elements and on a deep narrow feu, the scheme ultimately proved not to be attractive to hotel operators;
- The poor state of the building with deterioration due to water ingress causing extensive damage;
- The need to retain the entrance foyer and front part of the building, the change in levels across the site, shape of feu and the walls hard up against the lower levels of the building are constraints;
- The constraints have lead to the need to maximise light coming into the building from either end (north and south);
- The nature of the site allows the provision of parking that is largely concealed within the building;
- The scheme makes full use of the existing grand entrance which is the best way of preserving the old building;
- The refurbishment of the building and difficulties of the topography require to be balanced with income generating space – a cost benefit balance. A reduction in the commercial content would render the whole package unviable;
- The proposal would help revitalise Union Street with commerce and footfall into the surrounding businesses;
- Office use within this location is easily accessible by public transport and is also ideally located close to the west end – Albyn Place, Carden Place and Queens Road – the oil and gas companies, lawyers, accountants etc.

Conservation Report

This includes an assessment of the building in terms of its historic features, including the following:

- The shop frontage to the east side of the entrance would be refurbished as part of the proposals, this would be restored to something similar to the existing shop unit to the west side of the entrance.
- The frontage and canopy would be restored and high level signage proposed to be erected;
- The former tea room and all its internal features would be restored.
- Method statements are included for the removal to safe storage of the organ console and associated pipes, percussions, extensive wiring and switches that link elements of the instrument, the console lift, fan blower and generator. These will taken to a store to be provided by the developer. The organ is to be restored by the Aberdeen Theatre Organ Trust, a registered charity. A final home for the restored organ has not yet been established, however, the intention of the trust is that the organ be restored to working order.
- The proscenium arch and decorative plaster coverings to the organ expression shutters would be removed in sections, labelled and put into storage, probably within the storage areas under the front part of the building.

Transport Assessment

This includes a travel plan and assessment of potential travel to the site via various modes. Taxis would pick up on Justice Mill Lane rather than on Union Street, where taxis cannot stop in the bus lane.

Design and Access Statement

Describes the approach taken to the design.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because there is an objection from the Theatres Trust. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objections subject to there being a contribution towards the amendments required to the works already planned to take place within Justice Mill Lane and payment of the Strategic Transport Fund.

Environmental Health – Request attachment of noise condition relating to the ventilation / ac system and potential for disturbance to guests within the Park Inn Hotel.

Developer Contributions Team – Request contribution towards core path / public realm works.

Enterprise, Planning & Infrastructure (Flooding) – No comments

Education, Culture & Sport (Archaeology) – No comments

Scottish Environment Protection Agency – Requests the attachment of a condition requiring a site specific construction management plan; no objections to drainage proposals.

Historic Scotland – Acknowledge that the precedent for a major redevelopment scheme for the former Capitol Cinema is already established under the 2010

approved hotel development. Content with the principle of this new proposal for an office based scheme, with similar focus on conserving /restoring the granite front (Union Street) part of the former cinema and demolition of the much altered former brick auditorium at the rear to facilitate the new build. Accept that it is no longer viable to incorporate the main remaining features of the auditorium, i.e. proscenium arch, organ niches and organ, within the proposed office scheme, and agree with the strategy for careful removal and storage of these features for potential re-use elsewhere, as set out in the submitted Conservation Report. Pleased that this includes the gifting of the organ to the Aberdeen Theatre Organ Trust.

Satisfied with the proposed conservation/restoration works for the interior, and the Union Street frontage, as set out in the submitted drawings, and Conservation Report. Suggest that a full specification for these proposals, including repair works, be obtained together with larger scale drawings for significant features such as reinstatement of the iconic 'Capitol' signage. While disappointment is expressed that the former Tea Room cannot be returned to its original use, it is noted that it will remain largely unaltered as part of the office scheme, with many of its special features conserved. Satisfied that the proposed interventions, notably the insertion of escalators into the main stair and provision of lifts, can be undertaken without undue loss of character. The design for the escalators do however need refinement, to minimise disturbance to the main stair and to include reinstatement of original handrail - further details should be obtained.

Concerning the proposed new build, it is noted that this would be significantly higher than the previous approved scheme, but more setback from the Union Street front part. While the primacy of the Union Street frontage would appear to be largely maintained, it is appreciate that the increased height of the new build will require careful assessment in terms of wider visual impact on this part of Union Street and the conservation area.

Theatre Trust – objects to the proposal. Without evidence from an extensive options appraisal, heritage significance evaluation/statement and marketing report for the site, is unconvinced that the auditorium could not be restored and regenerated to provide an important heritage building in a new use.. The Capitol is one of the handful of remaining super cinemas of the 1930s that could be restored for alternative use, is a landmark building in the City and as such is something the Council should be keen to preserve. Quotes Scottish Planning Policy (SPP) which states that change to a listed building should be managed to protect its special interest with the layout, design, materials, scale, siting and use being appropriate to the character and appearance of the building and setting. That the resulting development should ... be the minimum necessary to enable its conservation and re-use.

The Trust's view is that the application doesn't adequately address why the retention (or creation of a new) auditorium cannot be achieved.

Community Council – No comments

REPRESENTATIONS

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

- New offices in Union Street should be no higher than the present;
- Questions building new offices in the city centre when companies are relocating to business parks on the outskirts;
- Impact of tower block on Union Street, where tall buildings would dwarf historic buildings;
- This proposal and other towers being built in Aberdeen at the moment are completely out of place in the Granite City and will be eye sores of the future;
- The organ should be restored to working order;
- The Capitol's name should appear in the canopy, exterior be retained and poster frames showcase the City's rich cinema past;
- The art deco former circle and Oscars should be restored and brought back into use as café bar;
- What would become of the cinema clocks and screen edging;
- Although the historic interior is being restored the public will not see this because it will be a private building;
- Loss of public access from Union Street makes this a far poorer application than previous ones, as far as the public is concerned;
- Loss of Compton organ – one of only two left in Scotland.;
- Lack of proper public consultation – at a public meeting for a previous scheme, strong feelings were expressed that the building would be too big and would dominate the Aberdeen skyline.
- Traffic congestion due to car parking spaces, rather than encouraging use of bus;
- Old cities should be lovingly cared for, tower blocks should not obstruct the view and impressive architecture should be retained;
- This is speculative development and the building may lie empty;
- Claims that the development would regenerate Union Street are overstated, anecdotal evidence is provided of city centre office workers that do not use the shops to any great extent, although it is acknowledged that sandwich shops may benefit;
- Union Street would benefit instead from a reduction in parking charges, charges that drive people to Union Square.
- One objector includes two articles: one consisting of an interview with an organist who often played the Capitol's Compton organ and another an article from the Aberdeen Voice relating to the potential for restoration of the cinema.

The Civic Society welcomes the application and expresses pleasure that the former Capitol frontage and foyer would be retained. Also welcome the high quality office space in the town centre, especially at the west end of Union Street. Reservations are expressed about the height of the building, however, understand that further work is being undertaken to enhance the detailing.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

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

SPP highlights (in paragraph 33) that achieving sustainable economic growth requires a planning system that enables the development of growth enhancing activities across Scotland and protects and enhances the quality of the natural and built environment as an asset for that growth. It states that planning authorities should take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth.

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

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

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

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

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

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

In terms of conservation areas, paragraph 115 states that a proposed development that would have a neutral effect on the character or appearance of

a conservation area should be treated as one that preserves the character / appearance. The design, materials, scale and siting of new development within a conservation area should be appropriate to the character and setting of the conservation area and planning permission should normally be refused for development that fails to preserve the character or appearance of the area.

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

Aberdeen City and Shire Structure Plan

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

Aberdeen Local Development Plan (LDP)

Policy C2: City Centre Business Zone – the front part of the Capitol is zoned within this policy area. The policy relates mainly to retail uses. It also states that proposals to use basement and upper floor levels for retail, residential and other appropriate purposes will be encouraged in principle.

Policy H2: Mixed Use Areas – the remainder of the Capitol falls within this area. Applications for development must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent uses and amenity. Where new business or commercial use is permitted, development should not adversely affect the amenity of people living and working in the area.

Policy C1: City Centre Development – Regional Centre

Development must contribute towards the vision for the City Centre as a major regional centre. The City Centre is the preferred location for retail, commercial and leisure development serving a city-wide or regional market.

Policy I1: Infrastructure Delivery and Developer Contributions

Policy T2: Managing the Transport Impact of Development

Policy D1: Architecture and Placemaking

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

Policy D2: Design and Amenity

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

Policy D3: Sustainable and Active Travel

Policy D4: Aberdeen's Granite Heritage

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

Policy D5: Built Heritage

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

Policy D6: Landscape

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

Policy NE10 – Air Quality

Policy R7 – Low and Zero Carbon Buildings

Supplementary Guidance

City Centre Development Framework

EVALUATION

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

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

The main issues to be taken into consideration are:

- the appropriateness of the proposed use in this building and location;
- impact on occupiers and users of neighbouring buildings
- the design and scale of the proposal;
- the impact on the conservation area and, in particular, the street scene in Union Street;
- economic benefits
- transport and parking

Compatibility with Surrounding Uses

The proposals accord with the Structure Plan's objective to promote economic growth. The proposal would involve a change from previous nightclubs and bar uses, to office use and complies with Policy C2: City Centre Business Zone, and Policy H2: Mixed Use Areas in the LDP. The proposed office use is compatible, in principle, with the range of other uses, including office, hotel, bars, restaurants and retail.

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

In terms of the impact on the occupiers of the hotel on the opposite side of Justice Mill Lane. The Park Inn Hotel maximises the benefits of its southern elevation, although there are windows on the north side. The southern elevation of the proposed office building would be significantly higher than the existing Park Inn / IQ building, however, the glazed curtain walling would reflect light and would lie to the north; it is considered that there would be an insignificant impact on the occupiers of the building opposite due to the presence of a tall building. There has been no objection from operators / tenants within this building and it is further considered that the redevelopment of a vacant and deteriorating building would have benefits for neighbouring occupiers. With the attachment of a condition relating to noise assessments and mitigation to any air conditioning or ventilation equipment, it is considered that the potential for impact on occupiers of neighbouring buildings in terms of noise would be minimised.

The elevational design of the proposed development at the Capitol takes account of the possible redevelopment of the Bells site to the west, with glazing only at the extremities of the west elevation.

Scale and Design

LDP Policy D1 relates to context and contribution to setting. The proposal involves the restoration of the section of the building fronting onto Union Street and this is to be very much welcomed as making a positive contribution to the streetscene on Union Street. The granite frontage and canopy has the potential to be returned to its once grand and iconic state. Works to achieve this are proposed as part of this application and the entrance that is currently boarded up would be used as the main entrance to the office. This element of the proposed development would have a very positive impact on the west end of Union Street, as both a statement in itself and also in terms of the activity that it would bring back to the street. The nature of the existing building is that the frontage of the building is lower, by approximately one storey, than its neighbours, whilst the rear part of the building – the red brick auditorium and tower are significantly higher than the frontage. The proposed design follows this relationship, although there would be a more significant difference between the elements. The principle of the form is considered appropriate, the issue of the height is considered further below. It should be noted, that there is an extant permission for a hotel on the site, the form of that building was that it stepped down in terraces towards the Union Street frontage. The proposed development would be approximately three storeys higher than the approved hotel scheme.

The proposed building contains parking within the lower levels and the applicant's agents have stated that the difficulty of getting light into the building, resulted in this being the best solution. The building rises in a uniform block from Justice Mill Lane to the south and from the rear of the Capitol frontage building, to an overall height of ten storeys above Justice Mill Lane. The lower level is differentiated by a more solid granite façade, with granite clad louvres above openings for vehicular access and granite framed grills to the parking area above.

The design approach to the main building is a function of the need to maximise light into the north and south elevations, with a more solid element around the central portion. The detailing of the design is considered to be high quality, with the elevations simple and elegant in style. This approach is considered appropriate, in this location where a quirky or eye catching appearance would be inappropriate. The colours of the materials would be various shades of grey - granite and grey aluminium cladding. As far as possible, given the scale, this would help to blend the building with its surroundings, rather than the use of stark white or strong colours that would stand out.

The design of the building is considered acceptable, the scale of the building within its context is the main issue for consideration. The applicant's agent has submitted a number of computer generated images (CGIs) and these provide an impression of how the building would sit in relation to its surroundings.

On Justice Mill Lane the full height of the building would form the street frontage along this stretch, although not an overly long street frontage (24m, compared to the approximately 109m length of frontage of Park Inn / IQ), in terms of its height the building would have a strong presence on Justice Mill Lane and a significant impact on this particular stretch of the street. This dominating presence would be mitigated to some extent by the use of granite at the lower level, the reflective nature of the material at higher level, the fact that the existing building is vacant and derelict and the relatively short length of façade. It is acknowledged that the height on Justice Mill Lane is one of the drawbacks of the proposal, though it would be localised in nature. The nature of the Justice Mill Lane elevation is also that it would be very much the rear elevation. This is a function of the entrance being onto Union Street and it is considered that the approach is the correct one, especially given the special nature of the entrance of the Capitol.

The new build element is set approximately 22m back from Union Street, and would be seen to a greater and lesser extent from the north side of the western part of Union Street. Due to the set back from the Union Street frontage the new build element of the proposal would not be seen in context with the Capitol and the link between the two would not be discernible when viewed from up/down Union Street. This would help give the impression that the higher building is not on Union Street. From the west side of Union Terrace, the building would be indiscernible amongst the range of shapes of rooflines and heights of buildings fronting onto Union Street. Approaching from the east the upper levels of the building would become increasingly more visible, however, the building immediately to the east of the Capitol is higher than the Capitol itself and would help screen the proposed office to some extent, despite this the upper two - three storeys would be visible behind the varying rooflines of the buildings on Union Street because of the set back from the Union Street. From the corner of Albyn Place the front part of the proposed building would be visible, with the full extent of the building not being clearly discernible due to screening by structures on the roofs of adjacent buildings.

The extent to which the streetscene on Union Street is affected by buildings that sit beyond the street frontages and the extent to which those using the street take cognisance of structures behind the granite frontages and rooflines, is a matter

for debate. It is considered that although very clearly visible, the proposed structure would not be overly prominent within the views of those using the street, due to the extent to which it sits behind the frontage buildings which dominate the view. The issue of impact on the conservation area specifically, is dealt with below.

The building would be most highly visible from Chapel Street where it would be very dominant within the view at the south end of the street. The building would sit at an angle to Chapel Street, with the result that the entire side of the elevation as well as the north elevation, would be seen from Chapel Street. It is from this location that the building would be at its most visible and this is undoubtedly a disbenefit of the proposal. It should, however, also be noted that within the secondary streets to the north of Union Street, there are a number of taller and larger buildings clearly visible in views along streets, for example, Union Plaza and the Denburn flats. Views along Union Street are of greatest importance because of the status and layout of the street – the ‘Granite Mile’.

In longer range views from the south, the building would sit behind the existing Park Inn / IQ building and although taller than this structure, it would be seen against the backdrop of Union Plaza. Impact on long range views is considered to be acceptable.

The restoration of the front part of the Capitol would make a very positive contribution to its setting as has been stated above. Because of its height and relationship with streets containing lower buildings, the new building would have an impact within the surrounding streets, in particular, Justice Mill Lane and in views along Chapel Street.

In terms of compliance with LDP Policy D1, there are tensions in respect of some aspects of relationship to its surroundings of the new build element, as described above. However, there is no adverse impact on the City’s skyline or long range important views.

Impact on Conservation Area

The southern boundary of the Union Street Conservation Area is Justice Mill Lane. In terms of impact on the Conservation Area, the main issue relates to views from Union Street, and secondly to views from other streets as described above.

The restoration of the existing Capitol would have an unquestionably positive impact and would enhance the character of the conservation area, particularly taking into account the slightly neglected appearance of a number of buildings at this end of Union Street.

The nature of Union Street is formed by granite frontages (both solid and clad) and buildings of 4-5 storeys in height. The buildings are generally quite solid (in terms of solid: void ratio) and there is variety and decoration along rooflines. As noted above, the new build element would sit well back from the Union Street frontage and is relatively narrow, following the width of the feu. In terms of its height, elevational design and materials, the proposed building would not

conform to the general characteristics of buildings forming the frontage onto Union Street, it would not be appropriate to attempt to echo these characteristics in a building of this nature. The building would be visible as described above, and as it is not in keeping with the character of the conservation area, in terms of its height, it would not enhance the conservation area.

SPP states that a neutral impact on the conservation area should be considered to preserve the character. The proposal has both a positive and a negative impact. There is no doubt that the scale of the development, particularly its height, would have a significant visual impact on the character and appearance of the conservation area in terms of the views, and the dominating presence within Justice Mill Lane. The proposal could therefore not be considered to be fully compliant with Policy D5, SPP (in terms of historic environment) or SHEP. It is a matter of judgement whether the scale of the change is acceptable and justified by other material considerations, in particular, the impact on the economy. Government policy is to make best use of the historic environment in a sustainable way that secures its long-term survival yet achieves the government's wider aims of economic and social regeneration.

Impact on Listed Building

The proposal would result in the restoration of the front part of the Capitol, including the granite frontage itself, the canopy and entrance doors. Internally all existing original features would be retained, including the former Oscars tea room (to be incorporated without subdivision). The organ would be donated to a local charity and with all its associated instruments and equipment, would be capable of being fully restored to working order. It is acknowledged that the proscenium arch and organ niches would not be incorporated into the proposed development. However, given their size and nature, it would be awkward and somewhat contrived to attempt to install them into an office development. The art deco clocks would, however, be installed within the front part of the building. The principle of the substantial demolition of the auditorium and tower have already been established by the extant hotel permission, although these permission including the retention of the arch and niches in slightly different locations within a double height public space. Historic Scotland are content with the proposals in respect of the listed building. Conditions would be attached to ensure that the features would be retained and restored.

The rear part of the Capitol would be demolished. Its substantial demolition has also been granted planning permission under the hotel consent. In terms of the exterior of the building, this is not of particular character and has been significantly altered on the Justice Mill Lane elevation. The gable end of the auditorium, visible from Chapel Street, supports a number of telecoms masts and its removal would have a positive impact on views within the conservation area.

In terms of the impact of the new build element on the character and setting of the listed building, the two elements would remain visually separate. From the opposite side of Union Street, directly facing the Capitol, the top of the new building would be visible, however, the Union Street frontage would be the dominant element and would not be compromised. Viewed from oblique angles along the street, the two would be seen as separate elements. It is considered that there would be no adverse impact on the character and setting of the remaining Capitol.

Economic Benefits

The benefits of the proposal are to the local economy – at the west end of Union Street, as well as the City as a whole- and indeed to the national economy, since the economy of Aberdeen is of such significance. The introduction of around 600 people working at the top of Union Street has potentially significant benefits for the vitality of the street.

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

By acting as a trail blazer the proposal also has considerable potential to act as an important catalyst that could stimulate further investment in redevelopment for office and other commercial uses at the west end of Union Street and further afield, thereby helping to deliver the Council's ambitions for the regeneration of the City Centre.

Parking and Transport

The Roads Project Team does not object to the application. The number of parking spaces is considered acceptable given the highly accessible location and the cycle parking facilities comply with standards. Studies of the impact on the local road network have been undertaken and contributions are sought towards improvements – improvements are planned on Justice Mill Lane and the implementation of this development would result in some changes needing to be made. Contributions would also be sought towards the Strategic Transport Fund, in terms of the likely traffic generation.

In terms of taxis, those ordered from the Capitol would pick up from Justice Mill Lane. Ad hoc hailing of taxis and drop off could take place from Union Street. It is likely that this would mainly take place outside the peak hours as taxis would be used by visitors to the office or staff attending meetings elsewhere, rather than for commuting. The scenario is one that is common with offices within the city centre. There are taxi ranks on Chapel Street, Union Row and Dee Street all close to the building.

Other issues raised by objectors

Many of the issues raised, including relating to the scale of the building, have been dealt with above.

In terms of other issues:

- the proposal is for the Capitol's name to be on the building at high level as it was on the former cinema and this would be conditioned. The idea of poster frames has been raised with the applicant, however, it is questionable whether this would be of benefit to the appearance of the building.
- The interior of the auditorium has largely been lost as a result of the conversion to a nightclub, however, the former Oscars tea room would be fully restored. Due to the constraints of securing the building, it would be very difficult to manage a situation where the public accessed part of the building and the applicants are unwilling to include a public use in the former Oscars.
- The cinema clocks would be retained whilst the proscenium arch is too large to be incorporated in any meaningful way, into the proposal.
- It is acknowledged that the public would not see the restored interior of the building, although the restored frontage would obviously be very much a public benefit. There would be a large number of staff within the building as well as visitors who would see the restored interior.
- Consultation, notification and advertising have taken place in accordance with statutory requirements. A previous consultation exercise, to which the objector may be referring, related to a similar scheme that included the Capitol and Bells site together. It is acknowledged that the height is a contentious issue.
- A limited number of parking spaces have been provided, the travel plan indicates that encouragement would be given to the use of other modes of transport.
- The tall building would not obstruct views, although it would be seen behind other buildings. The architectural interest in the site would be retained.
- This is speculative development, however, it is unlikely that development would take place without a strong prospect of finding an occupier.
- Parking charges close to Union Street are not relevant to this application.
- The articles submitted in relation to the organ drew attention to the previously unknown fact that equipment / instruments associated with the organ remain within the Capitol, in hidden spaces behind the walls. There are now proposals in place for all this to be removed and handed over to a charity so that the organ would be capable of being restored to full working order. This is an improvement on the previously approved scheme whereby only the organ would have been retained and mounted on a wall above the hotel entrance from Justice Mill Lane.

Conclusion

The main issues can be summarised as follows:

To be welcomed:

- The restoration of the granite Union Street frontage of the art deco former Capitol Cinema
- The restoration of the original features within the front of the building and potential for the organ to be brought back into working order
- The influx of 600 office workers (likely to be well-paid) increasing activity on, and adding to the vitality of, Union Street
- Economic benefits for local businesses on Union Street

- Economic benefits for accommodating growth of firms within the city, to the benefit of the local and national economy
- Highly accessible location, ideally located for public transport and for other complementary businesses within the west end and city centre.

Drawbacks:

- Impact on Union Street Conservation Area of views of new tall building
- Impact character of Justice Mill Lane
- Impact on view along Chapel Street to Union Street
- Removal of possibility of Capitol Cinema being brought back into use as a cinema – though this is highly unlikely.
- Loss of part of listed building and associated internal features (arch and niches)
- Removal of possibility of bringing restaurant/tea room back into public use

The main issue in terms of drawbacks is the height of the proposed building. The applicant's agent have described the constraints of the building in terms of the narrow deep feu, the need for light within office floorspace and the costs of restoration, by way of explanation of the need for the number of storeys. The fact that the hotel permission (which was itself 8 storeys in height) has not been implemented may support this statement.

Scottish Government guidance emphasises the importance of sustainable economic growth and regenerating the environment. It is undoubtedly the case that the proposal would support economic growth in the region and provide local benefits on Union Street. The proposal would also regenerate the historic environment on Union Street. It is considered that in this instance, these factors outweigh the impact on views within the Conservation Area and the on the streetscene within Justice Mill Lane.

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

REASONS FOR RECOMMENDATION

The proposals are considered to accord with zoning policies C2 – City Centre Business Zone and H2 – Mixed Use Areas within the Aberdeen Local Development Plan (LDP). The proposal would accord generally with policies within the structure plan, LDP and Scottish Planning Policy. The development would contribute towards the regeneration of the historic fabric on Union Street add to vitality and contribute towards economic development in the City Centre as well as in the region. The building would be taller than than its surroundings and would be visible including from various viewpoints on the north side of the upper half of Union Street and would have an impact on the character of the Conservation Area. The economic benefits accord with the Scottish Government's wider aims of economic regeneration and outweigh the local impact.

Conditions:

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

(1) that no development shall take place unless a scheme, including submission of materials samples, detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity and the character of the listed building and conservation area.

(2) That full details, including elevational and cross sectional drawings, shall be submitted to show all works, including repair and cleaning works, to the remaining fabric of the listed building. These shall include the installation of the Capitol's art deco style clocks within the building. That all works, as so agreed, to the frontage, canopy, and interior of the existing building - the 'Capitol'- must be fully implemented prior to any part of the development being brought into use. These shall be in accordance with the approved plans, or others subsequently approved and the building shall not be used unless the entrance is fully restored and available for use as the main entrance to the building, unless otherwise agreed in writing with the planning authority – in the interests of preserving the character of the listed building.

(3) That the proscenium arch, decorative plaster work over the organ expression shutters and organ and all associated pipes, instruments and equipment required for the organ to be brought back into use, shall be carefully removed prior to any demolition works taking place. The organ and associated items shall be dismantled / removed and taken safely to storage facilities, in complete accordance with the method statement as submitted and approved as part of this permission, unless otherwise agreed in writing with the planning authority. The proscenium arch and decorative plaster work shall be removed and stored in accordance with a scheme to be submitted to and approved in writing by the planning authority - in order to ensure the possibility of the organ being fully restored to working order as part of the historic fabric of the listed building.

(4) That the development hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on the approved drawings, or others subsequently approved have been provided - in the interests of encouraging more sustainable modes of travel.

(5) That the development hereby approved shall not be occupied unless there has been submitted to and approved in writing a detailed Travel Plan, which outlines sustainable measures to deter the use of the private car in accordance with the principles set out in the Transport Assessment by Fairhursts issue 4, or other TA as subsequently approved - in order to encourage more sustainable forms of travel to the development.

(6) That no window replacement shall take place unless there has been submitted to, and approved in writing by, the planning authority a full survey of the windows showing that they are beyond repair. Any replacement frames shall match those existing and shall be implemented fully in accordance with details, including cross sections, submitted to and approved in writing by, the planning

**Appendix 12: P131351 Former Bell's Hotel, Estate Agent's
and O'Donoghue's Bar Report of Handling**

Signed (authorised Officer(s)):

445-461 Union St./16 Justice Mill Lane, &
rear car park to 463,465

Demolition of existing hotel/public
house/night club building and erection of
new 10 storey building consisting of office
space (class 4) at upper floor levels with
lower floor level parking floors accessed from
Justice Mill Lane

For: Aberdeen Union Street POS Ltd

Application Type : Detailed Planning
Permission

Application Ref. : P131135

Application Date : 01/08/2013

Advert : Section 65 Affecting
conservation area

Advertised on : 04/09/2013

Officer : Lucy Greene

Creation Date : 5 December 2013

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

Community Council: No comments

RECOMMENDATION:

**Approve conditionally. Consent to be withheld until such time as a
developer's contribution has been secured towards works to the local road
network and Strategic Transport Fund.**

DESCRIPTION

The application site (0.23 ha) constitutes the buildings and car parking areas of
the Bell's Lounge, Balmoral Bar (formerly the Bell's Hotel) and a shop unit
occupied by an estate agents, with offices above, on Union Street and
O'Donoghue's Bar on Justice Mill Lane. Although none of the buildings are
listed, the site lies just within the Union Street Conservation Area (the boundary

of which runs along Justice Mill Lane). The Bells Lounge/Balmoral Bar / shop unit occupy the ground floor of a three-and-a-half storey, pitched roofed granite building with an ashlar facade to Union Street just to the east of the traffic light controlled junction of Union Street and Rose Street. Although non-original, the timber frontage of the public house is of traditional design, but presents a dead, obscure glazed frontage to the street. The frontage to the shop unit is metal framed, non-original and with sub fascia level signage. All upper floors retain what appear to be their original timber sash-and-case windows. The rear elevation of the building has been extensively altered, with the addition of full height external fire escape stairs and a white rendered stairwell, as well as a large modern conservatory extension on stilts above the car park.

O'Donoghue's Irish Bar occupies a two storey elongated building that lies along the west boundary of the site. The building has harled side elevations and a granite frontage to Justice Mill Lane and is adjoined by small private car parks to the west and east.

Surrounding land uses and building designs and materials are varied in character and reflect both the City Centre location of the site and the mix of uses in the vicinity. Opposite on Justice Mill Lane is the relatively recently constructed five storey Park Inn and IQ office building. On Union Street the building to the immediate east is the frontage of the Category B listed former Capitol Cinema which is currently vacant. To the rear the full length of the east boundary is taken up by the bulky red brick extension forming most of former cinema and that was most recently occupied by Chicago Rock Cafe and Jumping Jacks Night Club.

RELEVANT HISTORY

An application for Conservation Area Consent (ref. 131123) for the demolition of all the buildings on the site has been notified to Historic Scotland with a recommendation of 'Willingness to Approve', subject to the condition that demolition shall not take place without their being in place contracts for implementation of the development that is the subject of this planning application.

Conservation Area Consent was granted in 2009 (ref. A8/2052) for the demolition of O'Donoghue's Irish Bar.

A previous detailed planning application for an apartment style hotel with a 14 storey tower on Justice Mill Lane (Ref.No A8/1823) was withdrawn by the applicant.

The Visiting Sub-Committee of 30 April 2009 decided to approve an application (Ref. No A8/2053) for detailed planning permission for the erection of an extension to the Bell's Hotel to form a 10 storey high, 217 bedroom hotel and associated restaurant, bar, reception facilities and basement car park. Part of

the footprint of the hotel extension would have occupied the site of the building occupied by O'Donoghue's bar - hence the requirement for conservation consent ref A8/2052.

PROPOSAL

This is a planning application for the development of the site as offices following the demolition of all buildings on the site, including the three and a half storey granite building fronting onto Union Street and the vacant two storey, granite built building formerly occupied by O'Donoghue's Irish Bar.

There are two elements to the proposal:

- a three and a half / four storey granite faced building fronting onto Union Street. This building extends the full width of the plot and approximately 22m back into the site; and,
- a ten/ eleven storey building behind (eleven storeys on the rear / Justice Mill Lane elevation). This occupies a footprint of approximately a maximum of 50 metres by 33 metres.

The four storey building forms the entrance to the eleven storey building to the rear. The Union Street frontage building would be a granite (indigenous, locally-sourced) faced building on Union Street, of similar scale to the existing building. It consists of three blocks drawn together by a strong vertically emphasised central block. Stone detailing is proposed that emphasises the vertical elements and differentiates the base from the upper floors. The ground floor provides a high degree of intervisibility with the street, being largely glazed.

The elevational design of the ten/eleven storey building has glazed curtain walling to all elevations, other than aluminium cladding on the central portion of the east elevation which would abut the development proposed at the Capitol. This would be framed in granite with primarily horizontal emphasis and a secondary vertical rhythm proposed in contrasting silver aluminium fins.

The rear elevation is onto Justice Mill Lane and this includes an entrance to the car park. Parking spaces for 132 cars 19 motorcycles and 54 bicycles would be included on the basement, lower ground (Justice Mill Lane street level) and ground floor. There would also be a loading bay on the lower ground floor.

The application submissions include:

Design and Access Statement – July 2013 (Revision B, revised 11 November 2013)

Planning Statement 29 July 2013 by Ryden LLP

Economic Impact Assessment, 29 July 2013, Ryden LLP

Demolition Justification by Titan Investors dated 26.11.2013

Planning: Supplemental Demolition Justification 12.11.2013

Bells Hotel Condition Survey July 2013 by Ramsay & Chalmers

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?131123>

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

CONSULTATIONS

Roads Projects Team – Contribution to the Strategic Transport Fund would be required and contribution towards alterations to planned road improvements to Justice Mill Lane. The site has good public transport, walking and cycling links. Parking and access are acceptable, following submission of statement on taxis. A travel plan should be conditioned. Drainage is acceptable.

Environmental Health – Request a condition relating to noise assessment and an informatory relating to hours of construction work. Air quality impact has been modelled and is acceptable in its significance.

Education, Culture & Sport (Archaeology) – no observations

Developer Contributions Team – request contribution towards core path / public realm works

Scottish Environment Protection Agency – no objection; requests attachment of a condition relating to construction method statement.

Community Council – no comments received

REPRESENTATIONS

None

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

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

SPP highlights (in paragraph 33) that achieving sustainable economic growth requires a planning system that enables the development of growth enhancing activities across Scotland and protects and enhances the quality of the natural and built environment as an asset for that growth. It states that planning authorities should take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth.

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

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

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

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

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

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

Aberdeen City and Shire Structure Plan

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

Aberdeen Local Development Plan (LDP)

Policy C2: City Centre Business Zone – buildings on the Union Street frontage are zoned within this policy area. The policy relates mainly to retail uses. It also states that proposals to use basement and upper floor levels for retail, residential and other appropriate purposes will be encouraged in principle.

Policy H2: Mixed Use Areas – the remainder of the site falls within this area.

Applications for development must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent uses and amenity. Where new business or commercial use is permitted, development should not adversely affect the amenity of people living and working in the area.

Policy C1: City Centre Development – Regional Centre

Development must contribute towards the vision for the City Centre as a major regional centre. The City Centre is the preferred location for retail, commercial and leisure development serving a city-wide or regional market.

Policy I1: Infrastructure Delivery and Developer Contributions

Policy T2: Managing the Transport Impact of Development

Policy D1: Architecture and Placemaking

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

Policy D2: Design and Amenity

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

Policy D3: Sustainable and Active Travel

Policy D4: Aberdeen's Granite Heritage

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

Policy D5: Built Heritage

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

Policy D6: Landscape

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

Policy NE10 – Air Quality

Policy R7 – Low and Zero Carbon Buildings

Supplementary Guidance

City Centre Development Framework

EVALUATION

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

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

The main issues to be taken into consideration are:

- the appropriateness of the proposed use in this location;
- impact on occupiers and users of neighbouring buildings
- the design and scale of the proposal;
- the impact on the conservation area and, in particular, the street scene in Union Street;
- economic benefits
- transport and parking

Compatibility with Surrounding Uses

The proposals accord with the Structure Plan's objective to promote economic growth. The proposal would involve a change from a previous bar and hotel use and estate agents with offices on the upper floors, to office use and complies with Policy C2: City Centre Business Zone, and Policy H2: Mixed Use Areas in the LDP. The proposed office use is compatible, in principle, with the range of other uses within the local area, including office, hotel, bars, restaurants and retail.

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

In terms of the impact on the occupiers of the hotel and office on the opposite side of Justice Mill Lane. The Park Inn and 'IQ' office building maximise the benefits of their southern elevation, although there are windows on the north side. The southern elevation of the proposed office building would be significantly higher than the existing Park Inn / IQ building, however, the glazed curtain walling would reflect light and would lie to the north; it is considered that there would be an insignificant impact on the occupiers of the building opposite due to the presence of a tall building. There has been no objection from operators / tenants within this building and it is further considered that the redevelopment of a site that currently contains vacant and deteriorating

buildings would have benefits for neighbouring occupiers. With the attachment of a condition relating to noise assessments and mitigation to any air conditioning or ventilation equipment, it is considered that the potential for impact on occupiers of neighbouring buildings in terms of noise would be minimised.

The elevational design of the proposed development at the application site takes account of the possible redevelopment of the Capitol site to the east, with cladding rather than glazing on the central portion of the east elevation.

Scale and Design

LDP Policy D1 relates to context and contribution to setting.

The Union Street frontage building would be a granite (indigenous, locally-sourced) faced building on Union Street, of similar scale to the existing building. The architectural approach was developed through analysis of the character of Union Street architecture with regular consultation meetings with the planning authority. The approach taken for the four storey building echoes the key ingredients of traditional buildings along Union Street and is a contemporary approach to the general Union Street 'style', maintaining the rhythm of the street. The elevational design of the ten/eleven storey building is designed 'in the round' also following consultation with the planning authority throughout the design process. There would be some common themes with the development proposed at the Capitol, in terms of the basic combination of granite and glazed curtain walling, though the use of the vertical 'silver fins' and different approach to granite framing would result in buildings that contrast and complement each other.

The issue of demolition of the existing granite building that fronts onto Union Street is dealt with via the Conservation Area Consent application that has been notified to Historic Scotland with a recommendation of 'Willingness to Approve'. Impact of the proposed building on the character of the Union Street Conservation Area is dealt with below. In terms of the quality of the design of the front elevation, materials and the glazed ground floor level, that would contribute to the streetscene, the frontage building is considered acceptable and this element of the proposed development would have a very positive impact on the west end of Union Street, as both a statement in itself and also in terms of the activity that it would bring back to the street.

The Justice Mill Lane elevation is the rear elevation and the car park is located behind the street frontage. The elevational design at street level is, as a result, quite solid. Granite from the Union Street buildings would be reused along the street level façade, with granite clad columns and translucent panels that would allow light through. The façade would also be broken by openings into the car park and loading bay. It is considered that the reused granite would provide a strong solid treatment at the street level and although the appearance is very much that of a rear elevation, it is the inevitable result of the front entrance being

the top of Union Street / Albyn Place, although at this point, turning onto Union Street the eye is naturally drawn to the long uninterrupted view down Union Street.

The set back of the higher new build element of the development would help give the impression that the higher building is not on Union Street. From the west side of Union Terrace, the building would be indiscernible amongst the range of shapes of rooflines and heights of buildings fronting onto Union Street. The extent to which the streetscene on Union Street is affected by buildings that sit beyond the street frontages and the extent to which those using the street take cognisance of structures behind the granite frontages and rooflines, is a matter for debate. It is considered that although very clearly visible, the proposed structure would not be overly prominent within the views of those using the street, due to the extent to which it sits behind the frontage buildings which dominate the view. The issue of impact on the conservation area specifically, is dealt with below.

The building would be highly visible from Rose Street where it would be very dominant within the view at the south end of the street. The building would sit almost opposite the south end of Rose Street, with the result that the north elevation would be seen very clearly. It is from this location that the building would be at its most visible and this is undoubtedly a disbenefit of the proposal. It should, however, also be noted that within the secondary streets to the north of Union Street, there are a number of taller and larger buildings clearly visible in views along streets, for example, Union Plaza and the Denburn flats. Views along Union Street are of greatest importance because of the status and layout of the street – the ‘Granite Mile’.

The sites location in relation to other developments of height, including the Park Inn / IQ, the Premier Inn on Justice Mill Lane and the Capitol, as well as the fact that it would be seen in longer distance views from the south in conjunction with Union Plaza on Union Row, mean that the development would not be overly prominent in longer distance views, or within the local area. Impact on long range views is considered to be acceptable.

In terms of compliance with LDP Policy D1, there are tensions in respect of some aspects of relationship to its surroundings of the new build element, as described above. However, there is no adverse impact on the City’s skyline or long range important views.

Impact on Conservation Area

The southern boundary of the Union Street Conservation Area is Justice Mill Lane. In terms of impact on the Conservation Area, the main issue relates to views from Union Street, and secondly to views from other streets as described above.

The proposed replacement frontage to Union Street is of a high quality

elevational design, and would be faced in granite – the applicant has stated that this would be a local granite (and this would be secured by condition on the planning application). The replacement frontage is of an appropriate scale and massing within the context and is of elevational design that takes some pointers from the character of Union Street, without being 'pastiche'. The replacement building would preserve and enhance the character of Union Street conservation area. The replacement proposal would provide an 'honest' architectural approach, a contemporary local granite addition to the city's main street and also act to create an appropriate entrance to the office building set behind, as well as there being a coherent design approach to the frontage building and the main building behind.

The nature of Union Street is formed by granite frontages (both solid and clad) and buildings of 4-5 storeys in height. The buildings are generally quite solid (in terms of solid: void ratio) and there is variety and decoration along rooflines. As noted above, the higher new build element would sit well back from the Union Street frontage and is relatively narrow. In terms of its height, elevational design and materials, the proposed building would not conform to the general characteristics of buildings forming the frontage onto Union Street, it would not be appropriate to attempt to echo these characteristics in a building of this nature. The building would be visible as described above, and as it is not in keeping with the character of the conservation area, in terms of its height, it would not enhance the conservation area.

SPP states that a neutral impact on the conservation area should be considered to preserve the character. The proposal has both a positive and a negative impact. There is no doubt that the scale of the development, particularly its height, would have a visual impact on the character and appearance of the conservation area in terms of the views, and the dominating presence within Justice Mill Lane. The proposal could therefore not be considered to be fully compliant with Policy D5, SPP (in terms of historic environment) or SHEP. It is a matter of judgement whether the scale of the change is acceptable and justified by other material considerations, in particular, the impact on the economy. Government policy is to make best use of the historic environment in a sustainable way that secures its long-term survival yet achieves the government's wider aims of economic and social regeneration.

Impact on Listed Building

The application site is adjacent to the Category B listed former Capitol cinema, with its impressive grand frontage onto Union Street. The frontage building would be of appropriate massing and material and would have no detrimental impact on the setting of the listed building, indeed the implementation of this current application and the development at the Capitol itself would have an overall positive impact on the listed building due to the introduction of a high quality granite building adjacent to the restored frontage of the Capitol.

The higher buildings to the rear, would have little impact on the setting of the listed building as they would not be connected visually within oblique views along the street.

Economic Benefits

The benefits of the proposal are to the local economy – at the west end of Union Street, as well as the City as a whole- and indeed to the national economy, since the economy of Aberdeen is of such significance. The introduction of at least 900 people working at the top of Union Street has potentially significant benefits for the vitality of the street.

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

By acting as a trail blazer, possibly along with the development at the Capitol, the proposal also has considerable potential to act as an important catalyst that could stimulate further investment in redevelopment for office and other commercial uses at the west end of Union Street and further afield, thereby helping to deliver the Council's ambitions for the regeneration of the City Centre.

The Justification for the Demolition and development of the site as proposed in this planning application, contains four letters from private sector property specialists. These make various points:

- That there is extremely high demand for new modern offices in the heart of the city centre;
- That the proposed development, together with the existing IQ building and the development approved at the Capitol next door would create a distinct office hub in an area of Union Street in need of regeneration. With the 'Silver Fin' development (i.e. the development proposed on the Bells Hotel site, that is the subject of application ref. 131135) alone providing for approximately 900 employees;
- Office development in this location would attract in turn, complementary businesses, such as shops and restaurants;
- The regeneration of Union Street holds public benefits for the city as a whole;
- The City must be capable of attracting and retaining major corporate occupiers, in order to prevent offices moving to outlying sites;
- That whilst demand is very high for offices in Aberdeen, especially high

- quality 'Grade A' office space, upper floor office space on Union Street has struggled to attract tenants – even where open plan accommodation has been provided;
- Higher rents have been achieved where a complete redevelopment has taken place, involving raised floors and 'comfort cooling'
 - It is stated that the 'grandeur' of the proposed offices in the new build multi storey office, would be seriously affected by a retained façade, that tenants would not consider the development for their corporate headquarters;
 - Other uses would not be viable within the upper floors of the Union Street building, given an office development as proposed, to the rear fronting onto Justice Mill Lane;
 - Office developments of the nature proposed need to work flawlessly for their occupiers in order to be a commercial success, especially in a regional context.
 - An impressive reception and entrance is of critical importance; this cannot be measured financially, it is rather an objective analysis.
 - The key attractions of the development are the scale of the development, the large floor plates and the striking architectural and visual appeal of the development. The retained façade would represent a compromised development that would not qualify as an internationally acceptable investment product.

Parking and Transport

The Roads Project Team does not object to the application. The number of parking spaces is considered acceptable given the highly accessible location and the cycle parking facilities comply with standards. Studies of the impact on the local road network have been undertaken and contributions are sought towards improvements – improvements are planned on Justice Mill Lane and the implementation of this development would result in some changes needing to be made. Contributions would also be sought towards the Strategic Transport Fund, in terms of the likely traffic generation.

In terms of taxis, those ordered from the development would pick up from Justice Mill Lane. Ad hoc hailing of taxis and drop off could take place from Union Street. It is likely that this would mainly take place outside the peak hours as taxis would be used by visitors to the office or staff attending meetings elsewhere, rather than for commuting. The scenario is one that is common with offices within the city centre. There are taxi ranks on Chapel Street, Union Row and Dee Street all close to the building.

In terms of contribution towards core paths / public realm, as there had been a contribution from the applicant in respect of the previous hotel development and this cannot be repaid, it is unnecessary for the applicant to make any further contribution.

Conclusion

The main issues can be summarised as follows:

To be welcomed:

- The erection of a high quality building fronting onto Union Street in locally sourced indigenous granite;
- The influx of 900 office workers (likely to be well-paid) increasing activity on, and adding to the vitality of, Union Street
- Economic benefits for local businesses on Union Street
- Economic benefits for accommodating growth of firms within the city, to the benefit of the local and national economy
- Highly accessible location, ideally located for public transport and for other complementary businesses within the west end and city centre.

Drawbacks:

- Impact on Union Street Conservation Area of views of new tall building
- Impact on character of Justice Mill Lane
- Impact on view along Rose Street to Union Street

The main issue in terms of drawbacks is the height of the proposed building. The applicant's agent has described the constraints of the building in terms of the narrow deep feu, the need for light within office floorspace by way of explanation of the need for the number of storeys. The fact that the hotel permission has not been implemented may support this statement.

Scottish Government guidance emphasises the importance of sustainable economic growth and regenerating the environment. It is undoubtedly the case that the proposal would support economic growth in the region and provide local benefits on Union Street. The proposal would also complement the historic environment on Union Street. It is considered that in this instance, these factors outweigh the impact on some local views within the Conservation Area and the on the streetscene within Justice Mill Lane.

RECOMMENDATION: Approve conditionally. Consent to be withheld until such time as a developer's contribution has been secured towards works to the local road network and Strategic Transport Fund.

REASONS FOR RECOMMENDATION

The potential benefits for the local area and the regeneration of the west end of Union Street and the city, are clear. The proposed replacement development would enhance and preserve the Union Street Conservation Area in terms of the streetscene on Union Street and the proposal is therefore considered acceptable.

The proposal complies with zoning policies in the LDP in terms of its use. The proposal would not accord with Policy D4 that presumes against demolition of

granite buildings in conservation areas. However, the result would be a development that enhances the character of the conservation area and provides wide public benefits that would not be likely to be achieved otherwise. In addition, the granite from the demolition is proposed to be used in the redeveloped building, on the Justice Mill Lane façade.

The proposal is considered to comply with national policy in SPP and SHEP. The proposal thereby complies with the overall aim of development plan policy that relates to the historic environment and supporting the regional centre.

Conditions:

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

(1) that no development shall take place unless a scheme, including submission of materials samples that shall include locally sourced indigenous granite to the Union Street frontage, detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity and the character of the listed building and conservation area.

(2) All plant, machinery and equipment associated with the ventilation, air conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated noise does not exceed NR25 when measured or calculated within any noise sensitive properties with windows partially open for ventilation purposes.

(3) That the development hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on the approved drawings, or others subsequently approved have been provided - in the interests of encouraging more sustainable modes of travel.

(4) That within 6 months of occupation of the development there shall have been submitted to and approved in writing a detailed Travel Plan, which outlines sustainable measures to deter the use of the private car in particular single occupant trips and provides detailed monitoring arrangements, 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 Union Street entrance shall be used as the main entrance to the entire development hereby granted permission, including the new build element extending back to Justice Mill Lane

and the front part of the development shall not be functionally separated nor access physically blocked, unless otherwise agreed in writing with the planning authority – in the interests of the vitality and appearance of Union Street.

(6) That no development shall commence on site until a site specific Construction Method Statement has been submitted and approved in writing by the Planning Authority in consultation with SEPA (and other agencies as appropriate). All works on site must be undertaken in accordance with the approved CMS unless otherwise agreed in writing with the planning authority - to control pollution of air, land and water.

(7) 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'.

Policy D4: Aberdeen's Granite Heritage

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

Policy D5: Built Heritage

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

Policy D6: Landscape

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

Policy NE10 – Air Quality

Policy R7 – Low and Zero Carbon Buildings

Supplementary Guidance

City Centre Development Framework

EVALUATION

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

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

The main issues to be taken into consideration are:

- the appropriateness of the proposed use in this building and location;
- impact on occupiers and users of neighbouring buildings
- the design and scale of the proposal;
- the impact on the conservation area and, in particular, the street scene in Union Street;
- economic benefits
- transport and parking

Compatibility with Surrounding Uses

The proposals accord with the Structure Plan's objective to promote economic growth. The proposal would involve a change from previous nightclubs and bar uses, to office use and complies with Policy C2: City Centre Business Zone, and Policy H2: Mixed Use Areas in the LDP. The proposed office use is compatible, in principle, with the range of other uses, including office, hotel, bars, restaurants and retail.

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

In terms of the impact on the occupiers of the hotel on the opposite side of Justice Mill Lane. The Park Inn Hotel maximises the benefits of its southern elevation, although there are windows on the north side. The southern elevation of the proposed office building would be significantly higher than the existing Park Inn / IQ building, however, the glazed curtain walling would reflect light and would lie to the north; it is considered that there would be an insignificant impact on the occupiers of the building opposite due to the presence of a tall building. There has been no objection from operators / tenants within this building and it is further considered that the redevelopment of a vacant and deteriorating building would have benefits for neighbouring occupiers. With the attachment of a condition relating to noise assessments and mitigation to any air conditioning or ventilation equipment, it is considered that the potential for impact on occupiers of neighbouring buildings in terms of noise would be minimised.

The elevational design of the proposed development at the Capitol takes account of the possible redevelopment of the Bells site to the west, with glazing only at the extremities of the west elevation.

Scale and Design

LDP Policy D1 relates to context and contribution to setting. The proposal involves the restoration of the section of the building fronting onto Union Street and this is to be very much welcomed as making a positive contribution to the streetscene on Union Street. The granite frontage and canopy has the potential to be returned to its once grand and iconic state. Works to achieve this are proposed as part of this application and the entrance that is currently boarded up would be used as the main entrance to the office. This element of the proposed development would have a very positive impact on the west end of Union Street, as both a statement in itself and also in terms of the activity that it would bring back to the street. The nature of the existing building is that the frontage of the building is lower, by approximately one storey, than its neighbours, whilst the rear part of the building – the red brick auditorium and tower are significantly higher than the frontage. The proposed design follows this relationship, although there would be a more significant difference between the elements. The principle of the form is considered appropriate, the issue of the height is considered further below. It should be noted, that there is an extant permission for a hotel on the site, the form of that building was that it stepped down in terraces towards the Union Street frontage. The proposed development would be approximately three storeys higher than the approved hotel scheme.

The proposed building contains parking within the lower levels and the applicant's agents have stated that the difficulty of getting light into the building, resulted in this being the best solution. The building rises in a uniform block from Justice Mill Lane to the south and from the rear of the Capitol frontage building, to an overall height of ten storeys above Justice Mill Lane. The lower level is differentiated by a more solid granite façade, with granite clad louvres above openings for vehicular access and granite framed grills to the parking area above.

The design approach to the main building is a function of the need to maximise light into the north and south elevations, with a more solid element around the central portion. The detailing of the design is considered to be high quality, with the elevations simple and elegant in style. This approach is considered appropriate, in this location where a quirky or eye catching appearance would be inappropriate. The colours of the materials would be various shades of grey - granite and grey aluminium cladding. As far as possible, given the scale, this would help to blend the building with its surroundings, rather than the use of stark white or strong colours that would stand out.

The design of the building is considered acceptable, the scale of the building within its context is the main issue for consideration. The applicant's agent has submitted a number of computer generated images (CGIs) and these provide an impression of how the building would sit in relation to its surroundings.

On Justice Mill Lane the full height of the building would form the street frontage along this stretch, although not an overly long street frontage (24m, compared to the approximately 109m length of frontage of Park Inn / IQ), in terms of its height the building would have a strong presence on Justice Mill Lane and a significant impact on this particular stretch of the street. This dominating presence would be mitigated to some extent by the use of granite at the lower level, the reflective nature of the material at higher level, the fact that the existing building is vacant and derelict and the relatively short length of façade. It is acknowledged that the height on Justice Mill Lane is one of the drawbacks of the proposal, though it would be localised in nature. The nature of the Justice Mill Lane elevation is also that it would be very much the rear elevation. This is a function of the entrance being onto Union Street and it is considered that the approach is the correct one, especially given the special nature of the entrance of the Capitol.

The new build element is set approximately 22m back from Union Street, and would be seen to a greater and lesser extent from the north side of the western part of Union Street. Due to the set back from the Union Street frontage the new build element of the proposal would not be seen in context with the Capitol and the link between the two would not be discernible when viewed from up/down Union Street. This would help give the impression that the higher building is not on Union Street. From the west side of Union Terrace, the building would be indiscernible amongst the range of shapes of rooflines and heights of buildings fronting onto Union Street. Approaching from the east the upper levels of the building would become increasingly more visible, however, the building immediately to the east of the Capitol is higher than the Capitol itself and would help screen the proposed office to some extent, despite this the upper two – three storeys would be visible behind the varying rooflines of the buildings on Union Street because of the set back from the Union Street. From the corner of Albyn Place the front part of the proposed building would be visible, with the full extent of the building not being clearly discernible due to screening by structures on the roofs of adjacent buildings.

The extent to which the streetscene on Union Street is affected by buildings that sit beyond the street frontages and the extent to which those using the street take cognisance of structures behind the granite frontages and rooflines, is a matter

for debate. It is considered that although very clearly visible, the proposed structure would not be overly prominent within the views of those using the street, due to the extent to which it sits behind the frontage buildings which dominate the view. The issue of impact on the conservation area specifically, is dealt with below.

The building would be most highly visible from Chapel Street where it would be very dominant within the view at the south end of the street. The building would sit at an angle to Chapel Street, with the result that the entire side of the elevation as well as the north elevation, would be seen from Chapel Street. It is from this location that the building would be at its most visible and this is undoubtedly a disbenefit of the proposal. It should, however, also be noted that within the secondary streets to the north of Union Street, there are a number of taller and larger buildings clearly visible in views along streets, for example, Union Plaza and the Denburn flats. Views along Union Street are of greatest importance because of the status and layout of the street – the ‘Granite Mile’.

In longer range views from the south, the building would sit behind the existing Park Inn / IQ building and although taller than this structure, it would be seen against the backdrop of Union Plaza. Impact on long range views is considered to be acceptable.

The restoration of the front part of the Capitol would make a very positive contribution to its setting as has been stated above. Because of its height and relationship with streets containing lower buildings, the new building would have an impact within the surrounding streets, in particular, Justice Mill Lane and in views along Chapel Street.

In terms of compliance with LDP Policy D1, there are tensions in respect of some aspects of relationship to its surroundings of the new build element, as described above. However, there is no adverse impact on the City’s skyline or long range important views.

Impact on Conservation Area

The southern boundary of the Union Street Conservation Area is Justice Mill Lane. In terms of impact on the Conservation Area, the main issue relates to views from Union Street, and secondly to views from other streets as described above.

The restoration of the existing Capitol would have an unquestionably positive impact and would enhance the character of the conservation area, particularly taking into account the slightly neglected appearance of a number of buildings at this end of Union Street.

The nature of Union Street is formed by granite frontages (both solid and clad) and buildings of 4-5 storeys in height. The buildings are generally quite solid (in terms of solid: void ratio) and there is variety and decoration along rooflines. As noted above, the new build element would sit well back from the Union Street frontage and is relatively narrow, following the width of the feu. In terms of its height, elevational design and materials, the proposed building would not

conform to the general characteristics of buildings forming the frontage onto Union Street, it would not be appropriate to attempt to echo these characteristics in a building of this nature. The building would be visible as described above, and as it is not in keeping with the character of the conservation area, in terms of its height, it would not enhance the conservation area.

SPP states that a neutral impact on the conservation area should be considered to preserve the character. The proposal has both a positive and a negative impact. There is no doubt that the scale of the development, particularly its height, would have a significant visual impact on the character and appearance of the conservation area in terms of the views, and the dominating presence within Justice Mill Lane. The proposal could therefore not be considered to be fully compliant with Policy D5, SPP (in terms of historic environment) or SHEP. It is a matter of judgement whether the scale of the change is acceptable and justified by other material considerations, in particular, the impact on the economy. Government policy is to make best use of the historic environment in a sustainable way that secures its long-term survival yet achieves the government's wider aims of economic and social regeneration.

Impact on Listed Building

The proposal would result in the restoration of the front part of the Capitol, including the granite frontage itself, the canopy and entrance doors. Internally all existing original features would be retained, including the former Oscars tea room (to be incorporated without subdivision). The organ would be donated to a local charity and with all its associated instruments and equipment, would be capable to being fully restored to working order. It is acknowledged that the proscenium arch and organ niches would not be incorporated into the proposed development. However, given their size and nature, it would be awkward and somewhat contrived to attempt to install them into an office development. The art deco clocks would, however, be installed within the front part of the building. The principle of the substantial demolition of the auditorium and tower have already been established by the extant hotel permission, although these permission including the retention of the arch and niches in slightly different locations within a double height public space. Historic Scotland are content with the proposals in respect of the listed building. Conditions would be attached to ensure that the features would be retained and restored.

The rear part of the Capitol would be demolished. Its substantial demolition has also been granted planning permission under the hotel consent. In terms of the exterior of the building, this is not of particular character and has been significantly altered on the Justice Mill Lane elevation. The gable end of the auditorium, visible from Chapel Street, supports a number of telecoms masts and its removal would have a positive impact on views within the conservation area.

In terms of the impact of the new build element on the character and setting of the listed building, the two elements would remain visually separate. From the opposite side of Union Street, directly facing the Capitol, the top of the new building would be visible, however, the Union Street frontage would be the dominant element and would not be compromised. Viewed from oblique angles along the street, the two would be seen as separate elements. It is considered that there would be no adverse impact on the character and setting of the remaining Capitol.

Economic Benefits

The benefits of the proposal are to the local economy – at the west end of Union Street, as well as the City as a whole- and indeed to the national economy, since the economy of Aberdeen is of such significance. The introduction of around 600 people working at the top of Union Street has potentially significant benefits for the vitality of the street.

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

By acting as a trail blazer the proposal also has considerable potential to act as an important catalyst that could stimulate further investment in redevelopment for office and other commercial uses at the west end of Union Street and further afield, thereby helping to deliver the Council's ambitions for the regeneration of the City Centre.

Parking and Transport

The Roads Project Team does not object to the application. The number of parking spaces is considered acceptable given the highly accessible location and the cycle parking facilities comply with standards. Studies of the impact on the local road network have been undertaken and contributions are sought towards improvements – improvements are planned on Justice Mill Lane and the implementation of this development would result in some changes needing to be made. Contributions would also be sought towards the Strategic Transport Fund, in terms of the likely traffic generation.

In terms of taxis, those ordered from the Capitol would pick up from Justice Mill Lane. Ad hoc hailing of taxis and drop off could take place from Union Street. It is likely that this would mainly take place outside the peak hours as taxis would be used by visitors to the office or staff attending meetings elsewhere, rather than for commuting. The scenario is one that is common with offices within the city centre. There are taxi ranks on Chapel Street, Union Row and Dee Street all close to the building.

Other issues raised by objectors

Many of the issues raised, including relating to the scale of the building, have been dealt with above.

In terms of other issues:

- the proposal is for the Capitol's name to be on the building at high level as it was on the former cinema and this would be conditioned. The idea of poster frames has been raised with the applicant, however, it is questionable whether this would be of benefit to the appearance of the building.
- The interior of the auditorium has largely been lost as a result of the conversion to a nightclub, however, the former Oscars tea room would be fully restored. Due to the constraints of securing the building, it would be very difficult to manage a situation where the public accessed part of the building and the applicants are unwilling to include a public use in the former Oscars.
- The cinema clocks would be retained whilst the proscenium arch is too large to be incorporated in any meaningful way, into the proposal.
- It is acknowledged that the public would not see the restored interior of the building, although the restored frontage would obviously be very much a public benefit. There would be a large number of staff within the building as well as visitors who would see the restored interior.
- Consultation, notification and advertising have taken place in accordance with statutory requirements. A previous consultation exercise, to which the objector may be referring, related to a similar scheme that included the Capitol and Bells site together. It is acknowledged that the height is a contentious issue.
- A limited number of parking spaces have been provided, the travel plan indicates that encouragement would be given to the use of other modes of transport.
- The tall building would not obstruct views, although it would be seen behind other buildings. The architectural interest in the site would be retained.
- This is speculative development, however, it is unlikely that development would take place without a strong prospect of finding an occupier.
- Parking charges close to Union Street are not relevant to this application.
- The articles submitted in relation to the organ drew attention to the previously unknown fact that equipment / instruments associated with the organ remain within the Capitol, in hidden spaces behind the walls. There are now proposals in place for all this to be removed and handed over to a charity so that the organ would be capable of being restored to full working order. This is an improvement on the previously approved scheme whereby only the organ would have been retained and mounted on a wall above the hotel entrance from Justice Mill Lane.

Conclusion

The main issues can be summarised as follows:

To be welcomed:

- The restoration of the granite Union Street frontage of the art deco former Capitol Cinema
- The restoration of the original features within the front of the building and potential for the organ to be brought back into working order
- The influx of 600 office workers (likely to be well-paid) increasing activity on, and adding to the vitality of, Union Street
- Economic benefits for local businesses on Union Street

- Economic benefits for accomodating growth of firms within the city, to the benefit of the local and national economy
- Highly accessible location, ideally located for public transport and for other complementary businesses within the west end and city centre.

Drawbacks:

- Impact on Union Street Conservation Area of views of new tall building
- Impact character of Justice Mill Lane
- Impact on view along Chapel Street to Union Street
- Removal of possibility of Capitol Cinema being brought back into use as a cinema – though this is highly unlikely.
- Loss of part of listed building and associated internal features (arch and niches)
- Removal of possibility of bringing restaurant/tea room back into public use

The main issue in terms of drawbacks is the height of the proposed building. The applicant's agent have described the constraints of the building in terms of the narrow deep feu, the need for light within office floorspace and the costs of restoration, by way of explanantion of the need for the number of storeys. The fact that the hotel permission (which was itself 8 storeys in height) has not been implemented may support this statement.

Scottish Government guidance emphasises the importance of sustainable economic growth and regenerating the environment. It is undoubtedly the case that the proposal would support economic growth in the region and provide local benefits on Union Street. The proposal would also regenerate the historic environment on Union Street. It is considered that in this instance, these factors outweigh the impact on views within the Conservation Area and the on the streetscene within Justice Mill Lane.

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

REASONS FOR RECOMMENDATION

The proposals are considered to accord with zoning policies C2 – City Centre Business Zone and H2 – Mixed Use Areas within the Aberdeen Local Development Plan (LDP). The proposal would accord generally with policies within the structure plan, LDP and Scottish Planning Policy. The development would contribute towards the regeneration of the historic fabric on Union Street add to vitality and contribute towards economic development in the City Centre as well as in the region. The building would be taller than than its surroundings and would be visible including from various viewpoints on the north side of the upper half of Union Street and would have an impact on the character of the Conservation Area. The economic benefits accord with the Scottish Government's wider aims of economic regeneration and outweigh the local impact.

Conditions:

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

- (1) that no development shall take place unless a scheme, including submission of materials samples, detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity and the character of the listed building and conservation area.
- (2) That full details, including elevational and cross sectional drawings, shall be submitted to show all works, including repair and cleaning works, to the remaining fabric of the listed building. These shall include the installation of the Capitol's art deco style clocks within the building. That all works, as so agreed, to the frontage, canopy, and interior of the existing building - the 'Capitol'- must be fully implemented prior to any part of the development being brought into use. These shall be in accordance with the approved plans, or others subsequently approved and the building shall not be used unless the entrance is fully restored and available for use as the main entrance to the building, unless otherwise agreed in writing with the planning authority – in the interests of preserving the character of the listed building.
- (3) That the proscenium arch, decorative plaster work over the organ expression shutters and organ and all associated pipes, instruments and equipment required for the organ to be brought back into use, shall be carefully removed prior to any demolition works taking place. The organ and associated items shall be dismantled / removed and taken safely to storage facilities, in complete accordance with the method statement as submitted and approved as part of this permission, unless otherwise agreed in writing with the planning authority. The proscenium arch and decorative plaster work shall be removed and stored in accordance with a scheme to be submitted to and approved in writing by the planning authority - in order to ensure the possibility of the organ being fully restored to working order as part of the historic fabric of the listed building.
- (4) That the development hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on the approved drawings, or others subsequently approved have been provided - in the interests of encouraging more sustainable modes of travel.
- (5) That the development hereby approved shall not be occupied unless there has been submitted to and approved in writing a detailed Travel Plan, which outlines sustainable measures to deter the use of the private car in accordance with the principles set out in the Transport Assessment by Fairhursts issue 4, or other TA as subsequently approved - in order to encourage more sustainable forms of travel to the development.
- (6) That no window replacement shall take place unless there has been submitted to, and approved in writing by, the planning authority a full survey of the windows showing that they are beyond repair. Any replacement frames shall match those existing and shall be implemented fully in accordance with details, including cross sections, submitted to and approved in writing by, the planning

authority - in the interests of protecting the character and appearance of the listed building.

(7) That the existing entrance to the 'Capitol' shall be used as the main entrance to the entire development hereby granted permission, including the new build element extending back to Justice Mill Lane and the front part of the development shall not be functionally separated nor access physically blocked, unless otherwise agreed in writing with the planning authority – in the interests of the vitality and appearance of Union Street.

(8) That no window replacement shall take place unless there has been submitted to, and approved in writing by, the planning authority a full survey of the windows showing that they are beyond repair. Any replacement frames shall match those existing and shall be implemented fully in accordance with details, including cross sections, submitted to and approved in writing by, the planning authority - in the interests of protecting the character and appearance of the listed building.

(9) That no development shall commence on site until a site specific Construction Method Statement has been submitted and approved in writing by the Planning Authority in consultation with SEPA (and other agencies as appropriate). All works on site must be undertaken in accordance with the approved CMS unless otherwise agreed in writing with the planning authority - to control pollution of air, land and water.

(10) That the building shall not be brought into use unless the handrails to the stairs and escalators have been retained, restored and replaced in accordance with a scheme to be submitted to, and approved in writing by the planning authority - in the interests of preserving the character of the listed building.

(11) That the shop frontage within the application site to the east of the Capitol entrance shall be refurbished generally to match the existing shop front immediately to the west of the Capitol in accordance with a scheme, including detailed drawings and cross sections, to be submitted to and approved in writing with the planning authority. Neither the shop itself, nor the main development shall be brought into use unless the shop front has been refurbished in accordance with such a scheme - in the interests of visual amenity and the character of the conservation area.

(12) 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 emission specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

**Appendix 12: P131351 Former Bell's Hotel, Estate Agent's
and O'Donoghue's Bar Report of Handling**

Signed (authorised Officer(s)):

445-461 Union St./16 Justice Mill Lane, &
rear car park to 463,465

Demolition of existing hotel/public
house/night club building and erection of
new 10 storey building consisting of office
space (class 4) at upper floor levels with
lower floor level parking floors accessed from
Justice Mill Lane

For: Aberdeen Union Street POS Ltd

Application Type : Detailed Planning
Permission

Application Ref. : P131135

Application Date : 01/08/2013

Advert : Section 65 Affecting
conservation area

Advertised on : 04/09/2013

Officer : Lucy Greene

Creation Date : 5 December 2013

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

Community Council: No comments

RECOMMENDATION:

Approve conditionally. Consent to be withheld until such time as a developer's contribution has been secured towards works to the local road network and Strategic Transport Fund.

DESCRIPTION

The application site (0.23 ha) constitutes the buildings and car parking areas of the Bell's Lounge, Balmoral Bar (formerly the Bell's Hotel) and a shop unit occupied by an estate agents, with offices above, on Union Street and O'Donoghue's Bar on Justice Mill Lane. Although none of the buildings are listed, the site lies just within the Union Street Conservation Area (the boundary

of which runs along Justice Mill Lane). The Bells Lounge/Balmoral Bar / shop unit occupy the ground floor of a three-and-a-half storey, pitched roofed granite building with an ashlar facade to Union Street just to the east of the traffic light controlled junction of Union Street and Rose Street. Although non-original, the timber frontage of the public house is of traditional design, but presents a dead, obscure glazed frontage to the street. The frontage to the shop unit is metal framed, non-original and with sub fascia level signage. All upper floors retain what appear to be their original timber sash-and-case windows. The rear elevation of the building has been extensively altered, with the addition of full height external fire escape stairs and a white rendered stairwell, as well as a large modern conservatory extension on stilts above the car park.

O'Donoghue's Irish Bar occupies a two storey elongated building that lies along the west boundary of the site. The building has harled side elevations and a granite frontage to Justice Mill Lane and is adjoined by small private car parks to the west and east.

Surrounding land uses and building designs and materials are varied in character and reflect both the City Centre location of the site and the mix of uses in the vicinity. Opposite on Justice Mill Lane is the relatively recently constructed five storey Park Inn and IQ office building. On Union Street the building to the immediate east is the frontage of the Category B listed former Capitol Cinema which is currently vacant. To the rear the full length of the east boundary is taken up by the bulky red brick extension forming most of former cinema and that was most recently occupied by Chicago Rock Cafe and Jumping Jacks Night Club.

RELEVANT HISTORY

An application for Conservation Area Consent (ref. 131123) for the demolition of all the buildings on the site has been notified to Historic Scotland with a recommendation of 'Willingness to Approve', subject to the condition that demolition shall not take place without their being in place contracts for implementation of the development that is the subject of this planning application.

Conservation Area Consent was granted in 2009 (ref. A8/2052) for the demolition of O'Donoghue's Irish Bar.

A previous detailed planning application for an apartment style hotel with a 14 storey tower on Justice Mill Lane (Ref.No A8/1823) was withdrawn by the applicant.

The Visiting Sub-Committee of 30 April 2009 decided to approve an application (Ref. No A8/2053) for detailed planning permission for the erection of an extension to the Bell's Hotel to form a 10 storey high, 217 bedroom hotel and associated restaurant, bar, reception facilities and basement car park. Part of

the footprint of the hotel extension would have occupied the site of the building occupied by O'Donoghue's bar - hence the requirement for conservation consent ref A8/2052.

PROPOSAL

This is a planning application for the development of the site as offices following the demolition of all buildings on the site, including the three and a half storey granite building fronting onto Union Street and the vacant two storey, granite built building formerly occupied by O'Donoghue's Irish Bar.

There are two elements to the proposal:

- a three and a half / four storey granite faced building fronting onto Union Street. This building extends the full width of the plot and approximately 22m back into the site; and,
- a ten/ eleven storey building behind (eleven storeys on the rear / Justice Mill Lane elevation). This occupies a footprint of approximately a maximum of 50 metres by 33 metres.

The four storey building forms the entrance to the eleven storey building to the rear. The Union Street frontage building would be a granite (indigenous, locally-sourced) faced building on Union Street, of similar scale to the existing building. It consists of three blocks drawn together by a strong vertically emphasised central block. Stone detailing is proposed that emphasises the vertical elements and differentiates the base from the upper floors. The ground floor provides a high degree of intervisibility with the street, being largely glazed.

The elevational design of the ten/eleven storey building has glazed curtain walling to all elevations, other than aluminium cladding on the central portion of the east elevation which would abut the development proposed at the Capitol. This would be framed in granite with primarily horizontal emphasis and a secondary vertical rhythm proposed in contrasting silver aluminium fins.

The rear elevation is onto Justice Mill Lane and this includes an entrance to the car park. Parking spaces for 132 cars 19 motorcycles and 54 bicycles would be included on the basement, lower ground (Justice Mill Lane street level) and ground floor. There would also be a loading bay on the lower ground floor.

The application submissions include:

Design and Access Statement – July 2013 (Revision B, revised 11 November 2013)

Planning Statement 29 July 2013 by Ryden LLP

Economic Impact Assessment, 29 July 2013, Ryden LLP

Demolition Justification by Titan Investors dated 26.11.2013

Planning: Supplemental Demolition Justification 12.11.2013

Bells Hotel Condition Survey July 2013 by Ramsay & Chalmers

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?131123>

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

CONSULTATIONS

Roads Projects Team – Contribution to the Strategic Transport Fund would be required and contribution towards alterations to planned road improvements to Justice Mill Lane. The site has good public transport, walking and cycling links. Parking and access are acceptable, following submission of statement on taxis. A travel plan should be conditioned. Drainage is acceptable.

Environmental Health – Request a condition relating to noise assessment and an informatory relating to hours of construction work. Air quality impact has been modelled and is acceptable in its significance.

Education, Culture & Sport (Archaeology) – no observations

Developer Contributions Team – request contribution towards core path / public realm works

Scottish Environment Protection Agency – no objection; requests attachment of a condition relating to construction method statement.

Community Council – no comments received

REPRESENTATIONS

None

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

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

SPP highlights (in paragraph 33) that achieving sustainable economic growth requires a planning system that enables the development of growth enhancing activities across Scotland and protects and enhances the quality of the natural and built environment as an asset for that growth. It states that planning authorities should take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth.

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

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

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

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

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

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

Aberdeen City and Shire Structure Plan

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

Aberdeen Local Development Plan (LDP)

Policy C2: City Centre Business Zone – buildings on the Union Street frontage are zoned within this policy area. The policy relates mainly to retail uses. It also states that proposals to use basement and upper floor levels for retail, residential and other appropriate purposes will be encouraged in principle.

Policy H2: Mixed Use Areas – the remainder of the site falls within this area.

Applications for development must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent uses and amenity. Where new business or commercial use is permitted, development should not adversely affect the amenity of people living and working in the area.

Policy C1: City Centre Development – Regional Centre

Development must contribute towards the vision for the City Centre as a major regional centre. The City Centre is the preferred location for retail, commercial and leisure development serving a city-wide or regional market.

Policy I1: Infrastructure Delivery and Developer Contributions

Policy T2: Managing the Transport Impact of Development

Policy D1: Architecture and Placemaking

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

Policy D2: Design and Amenity

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

Policy D3: Sustainable and Active Travel

Policy D4: Aberdeen's Granite Heritage

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

Policy D5: Built Heritage

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

Policy D6: Landscape

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

Policy NE10 – Air Quality

Policy R7 – Low and Zero Carbon Buildings

Supplementary Guidance

City Centre Development Framework

EVALUATION

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

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

The main issues to be taken into consideration are:

- the appropriateness of the proposed use in this location;
- impact on occupiers and users of neighbouring buildings
- the design and scale of the proposal;
- the impact on the conservation area and, in particular, the street scene in Union Street;
- economic benefits
- transport and parking

Compatibility with Surrounding Uses

The proposals accord with the Structure Plan's objective to promote economic growth. The proposal would involve a change from a previous bar and hotel use and estate agents with offices on the upper floors, to office use and complies with Policy C2: City Centre Business Zone, and Policy H2: Mixed Use Areas in the LDP. The proposed office use is compatible, in principle, with the range of other uses within the local area, including office, hotel, bars, restaurants and retail.

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

In terms of the impact on the occupiers of the hotel and office on the opposite side of Justice Mill Lane. The Park Inn and 'IQ' office building maximise the benefits of their southern elevation, although there are windows on the north side. The southern elevation of the proposed office building would be significantly higher than the existing Park Inn / IQ building, however, the glazed curtain walling would reflect light and would lie to the north; it is considered that there would be an insignificant impact on the occupiers of the building opposite due to the presence of a tall building. There has been no objection from operators / tenants within this building and it is further considered that the redevelopment of a site that currently contains vacant and deteriorating

buildings would have benefits for neighbouring occupiers. With the attachment of a condition relating to noise assessments and mitigation to any air conditioning or ventilation equipment, it is considered that the potential for impact on occupiers of neighbouring buildings in terms of noise would be minimised.

The elevational design of the proposed development at the application site takes account of the possible redevelopment of the Capitol site to the east, with cladding rather than glazing on the central portion of the east elevation.

Scale and Design

LDP Policy D1 relates to context and contribution to setting.

The Union Street frontage building would be a granite (indigenous, locally-sourced) faced building on Union Street, of similar scale to the existing building. The architectural approach was developed through analysis of the character of Union Street architecture with regular consultation meetings with the planning authority. The approach taken for the four storey building echoes the key ingredients of traditional buildings along Union Street and is a contemporary approach to the general Union Street 'style', maintaining the rhythm of the street. The elevational design of the ten/eleven storey building is designed 'in the round' also following consultation with the planning authority throughout the design process. There would be some common themes with the development proposed at the Capitol, in terms of the basic combination of granite and glazed curtain walling, though the use of the vertical 'silver fins' and different approach to granite framing would result in buildings that contrast and complement each other.

The issue of demolition of the existing granite building that fronts onto Union Street is dealt with via the Conservation Area Consent application that has been notified to Historic Scotland with a recommendation of 'Willingness to Approve'. Impact of the proposed building on the character of the Union Street Conservation Area is dealt with below. In terms of the quality of the design of the front elevation, materials and the glazed ground floor level, that would contribute to the streetscene, the frontage building is considered acceptable and this element of the proposed development would have a very positive impact on the west end of Union Street, as both a statement in itself and also in terms of the activity that it would bring back to the street.

The Justice Mill Lane elevation is the rear elevation and the car park is located behind the street frontage. The elevational design at street level is, as a result, quite solid. Granite from the Union Street buildings would be reused along the street level façade, with granite clad columns and translucent panels that would allow light through. The façade would also be broken by openings into the car park and loading bay. It is considered that the reused granite would provide a strong solid treatment at the street level and although the appearance is very much that of a rear elevation, it is the inevitable result of the front entrance being

onto Union Street and this is to be very much welcomed.

The proposed massing of the development follows the approach taken at the Capitol, the building rises in a single vertical plane from Justice Mill Lane. It should be noted, that there is an extant permission for a hotel on the site, the form of that building was that it stepped down in terraces towards the Union Street frontage. The top of the currently proposed building (excluding plant) is 40 metres above Union Street level (approximately 43.5 metres above Justice Mill Lane), being approximately 11m higher than the previously approved hotel scheme and set approximately 5m further back from the Union Street frontage. The principle of the form is considered appropriate, the issue of the height is considered further below.

The design approach to the main building is a function of the need to maximise light into the north, west and south elevations. The detailing of the design is considered to be high quality, with the elevations simple and elegant in style. This approach is considered appropriate. The materials would be granite, with silver 'fins' and silver coloured aluminium cladding. The materials complement the grey granite in the surrounding area without unduly drawing attention to the building with strong or stark colours.

The design of the building is considered acceptable, the scale of the building within its context is the main issue for consideration. The applicant's agent has submitted a number of computer generated images (CGIs) and these provide an impression of how the building would sit in relation to its surroundings, including with, and without, the development approved to the east at the Capitol.

On Justice Mill Lane the full height of the building would form the street frontage along this stretch, although not an overly long street frontage (32m, compared to the approximately 109m length of frontage of Park Inn / IQ), in terms of its height the building would have a strong presence on Justice Mill Lane and together with the development approved at the Capitol, a significant impact on this particular stretch of the street. This dominating presence would be mitigated to some extent by the use of granite at the lower level, the reflective nature of the material at higher level, the fact that the site and existing building are of poor appearance and the relatively short length of façade. It is acknowledged that the height on Justice Mill Lane is one of the drawbacks of the proposal, though it would be localised in nature.

The new build element is set approximately 22m back from Union Street, so that the ten / eleven storey north elevation would sit in a very similar plane to the north elevation of the development approved at the Capitol. If the development at the Capitol site is implemented this would largely screen views of the side elevation of the application development from the western part of Union Street, though the north elevation would be increasingly visible on approach westwards along the north side of the street. The building would be prominent in views from

the top of Union Street / Albyn Place, although at this point, turning onto Union Street the eye is naturally drawn to the long uninterrupted view down Union Street.

The set back of the higher new build element of the development would help give the impression that the higher building is not on Union Street. From the west side of Union Terrace, the building would be indiscernible amongst the range of shapes of rooflines and heights of buildings fronting onto Union Street. The extent to which the streetscene on Union Street is affected by buildings that sit beyond the street frontages and the extent to which those using the street take cognisance of structures behind the granite frontages and rooflines, is a matter for debate. It is considered that although very clearly visible, the proposed structure would not be overly prominent within the views of those using the street, due to the extent to which it sits behind the frontage buildings which dominate the view. The issue of impact on the conservation area specifically, is dealt with below.

The building would be highly visible from Rose Street where it would be very dominant within the view at the south end of the street. The building would sit almost opposite the south end of Rose Street, with the result that the north elevation would be seen very clearly. It is from this location that the building would be at its most visible and this is undoubtedly a disbenefit of the proposal. It should, however, also be noted that within the secondary streets to the north of Union Street, there are a number of taller and larger buildings clearly visible in views along streets, for example, Union Plaza and the Denburn flats. Views along Union Street are of greatest importance because of the status and layout of the street – the 'Granite Mile'.

The sites location in relation to other developments of height, including the Park Inn / IQ, the Premier Inn on Justice Mill Lane and the Capitol, as well as the fact that it would be seen in longer distance views from the south in conjunction with Union Plaza on Union Row, mean that the development would not be overly prominent in longer distance views, or within the local area. Impact on long range views is considered to be acceptable.

In terms of compliance with LDP Policy D1, there are tensions in respect of some aspects of relationship to its surroundings of the new build element, as described above. However, there is no adverse impact on the City's skyline or long range important views.

Impact on Conservation Area

The southern boundary of the Union Street Conservation Area is Justice Mill Lane. In terms of impact on the Conservation Area, the main issue relates to views from Union Street, and secondly to views from other streets as described above.

The proposed replacement frontage to Union Street is of a high quality

elevational design, and would be faced in granite – the applicant has stated that this would be a local granite (and this would be secured by condition on the planning application). The replacement frontage is of an appropriate scale and massing within the context and is of elevational design that takes some pointers from the character of Union Street, without being 'pastiche'. The replacement building would preserve and enhance the character of Union Street conservation area. The replacement proposal would provide an 'honest' architectural approach, a contemporary local granite addition to the city's main street and also act to create an appropriate entrance to the office building set behind, as well as there being a coherent design approach to the frontage building and the main building behind.

The nature of Union Street is formed by granite frontages (both solid and clad) and buildings of 4-5 storeys in height. The buildings are generally quite solid (in terms of solid: void ratio) and there is variety and decoration along rooflines. As noted above, the higher new build element would sit well back from the Union Street frontage and is relatively narrow. In terms of its height, elevational design and materials, the proposed building would not conform to the general characteristics of buildings forming the frontage onto Union Street, it would not be appropriate to attempt to echo these characteristics in a building of this nature. The building would be visible as described above, and as it is not in keeping with the character of the conservation area, in terms of its height, it would not enhance the conservation area.

SPP states that a neutral impact on the conservation area should be considered to preserve the character. The proposal has both a positive and a negative impact. There is no doubt that the scale of the development, particularly its height, would have a visual impact on the character and appearance of the conservation area in terms of the views, and the dominating presence within Justice Mill Lane. The proposal could therefore not be considered to be fully compliant with Policy D5, SPP (in terms of historic environment) or SHEP. It is a matter of judgement whether the scale of the change is acceptable and justified by other material considerations, in particular, the impact on the economy. Government policy is to make best use of the historic environment in a sustainable way that secures its long-term survival yet achieves the government's wider aims of economic and social regeneration.

Impact on Listed Building

The application site is adjacent to the Category B listed former Capitol cinema, with its impressive grand frontage onto Union Street. The frontage building would be of appropriate massing and material and would have no detrimental impact on the setting of the listed building, indeed the implementation of this current application and the development at the Capitol itself would have an overall positive impact on the listed building due to the introduction of a high quality granite building adjacent to the restored frontage of the Capitol.

The higher buildings to the rear, would have little impact on the setting of the listed building as they would not be connected visually within oblique views along the street.

Economic Benefits

The benefits of the proposal are to the local economy – at the west end of Union Street, as well as the City as a whole- and indeed to the national economy, since the economy of Aberdeen is of such significance. The introduction of at least 900 people working at the top of Union Street has potentially significant benefits for the vitality of the street.

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

By acting as a trail blazer, possibly along with the development at the Capitol, the proposal also has considerable potential to act as an important catalyst that could stimulate further investment in redevelopment for office and other commercial uses at the west end of Union Street and further afield, thereby helping to deliver the Council's ambitions for the regeneration of the City Centre.

The Justification for the Demolition and development of the site as proposed in this planning application, contains four letters from private sector property specialists. These make various points:

- That there is extremely high demand for new modern offices in the heart of the city centre;
- That the proposed development, together with the existing IQ building and the development approved at the Capitol next door would create a distinct office hub in an area of Union Street in need of regeneration. With the 'Silver Fin' development (i.e. the development proposed on the Bells Hotel site, that is the subject of application ref. 131135) alone providing for approximately 900 employees;
- Office development in this location would attract in turn, complementary businesses, such as shops and restaurants;
- The regeneration of Union Street holds public benefits for the city as a whole;
- The City must be capable of attracting and retaining major corporate occupiers, in order to prevent offices moving to outlying sites;
- That whilst demand is very high for offices in Aberdeen, especially high

quality 'Grade A' office space, upper floor office space on Union Street has struggled to attract tenants – even where open plan accommodation has been provided;

- Higher rents have been achieved where a complete redevelopment has taken place, involving raised floors and 'comfort cooling'
- It is stated that the 'grandeur' of the proposed offices in the new build multi storey office, would be seriously affected by a retained façade, that tenants would not consider the development for their corporate headquarters;
- Other uses would not be viable within the upper floors of the Union Street building, given an office development as proposed, to the rear fronting onto Justice Mill Lane;
- Office developments of the nature proposed need to work flawlessly for their occupiers in order to be a commercial success, especially in a regional context.
- An impressive reception and entrance is of critical importance; this cannot be measured financially, it is rather an objective analysis.
- The key attractions of the development are the scale of the development, the large floor plates and the striking architectural and visual appeal of the development. The retained façade would represent a compromised development that would not qualify as an internationally acceptable investment product.

Parking and Transport

The Roads Project Team does not object to the application. The number of parking spaces is considered acceptable given the highly accessible location and the cycle parking facilities comply with standards. Studies of the impact on the local road network have been undertaken and contributions are sought towards improvements – improvements are planned on Justice Mill Lane and the implementation of this development would result in some changes needing to be made. Contributions would also be sought towards the Strategic Transport Fund, in terms of the likely traffic generation.

In terms of taxis, those ordered from the development would pick up from Justice Mill Lane. Ad hoc hailing of taxis and drop off could take place from Union Street. It is likely that this would mainly take place outside the peak hours as taxis would be used by visitors to the office or staff attending meetings elsewhere, rather than for commuting. The scenario is one that is common with offices within the city centre. There are taxi ranks on Chapel Street, Union Row and Dee Street all close to the building.

In terms of contribution towards core paths / public realm, as there had been a contribution from the applicant in respect of the previous hotel development and this cannot be repaid, it is unnecessary for the applicant to make any further contribution.

Conclusion

The main issues can be summarised as follows:

To be welcomed:

- The erection of a high quality building fronting onto Union Street in locally sourced indigenous granite;
- The influx of 900 office workers (likely to be well-paid) increasing activity on, and adding to the vitality of, Union Street
- Economic benefits for local businesses on Union Street
- Economic benefits for accommodating growth of firms within the city, to the benefit of the local and national economy
- Highly accessible location, ideally located for public transport and for other complementary businesses within the west end and city centre.

Drawbacks:

- Impact on Union Street Conservation Area of views of new tall building
- Impact on character of Justice Mill Lane
- Impact on view along Rose Street to Union Street

The main issue in terms of drawbacks is the height of the proposed building. The applicant's agent has described the constraints of the building in terms of the narrow deep feu, the need for light within office floorspace by way of explanation of the need for the number of storeys. The fact that the hotel permission has not been implemented may support this statement.

Scottish Government guidance emphasises the importance of sustainable economic growth and regenerating the environment. It is undoubtedly the case that the proposal would support economic growth in the region and provide local benefits on Union Street. The proposal would also complement the historic environment on Union Street. It is considered that in this instance, these factors outweigh the impact on some local views within the Conservation Area and the on the streetscene within Justice Mill Lane.

RECOMMENDATION: Approve conditionally. Consent to be withheld until such time as a developer's contribution has been secured towards works to the local road network and Strategic Transport Fund.

REASONS FOR RECOMMENDATION

The potential benefits for the local area and the regeneration of the west end of Union Street and the city, are clear. The proposed replacement development would enhance and preserve the Union Street Conservation Area in terms of the streetscene on Union Street and the proposal is therefore considered acceptable.

The proposal complies with zoning policies in the LDP in terms of its use. The proposal would not accord with Policy D4 that presumes against demolition of

granite buildings in conservation areas. However, the result would be a development that enhances the character of the conservation area and provides wide public benefits that would not be likely to be achieved otherwise. In addition, the granite from the demolition is proposed to be used in the redeveloped building, on the Justice Mill Lane façade.

The proposal is considered to comply with national policy in SPP and SHEP. The proposal thereby complies with the overall aim of development plan policy that relates to the historic environment and supporting the regional centre.

Conditions:

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

(1) that no development shall take place unless a scheme, including submission of materials samples that shall include locally sourced indigenous granite to the Union Street frontage, detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity and the character of the listed building and conservation area.

(2) All plant, machinery and equipment associated with the ventilation, air conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated noise does not exceed NR25 when measured or calculated within any noise sensitive properties with windows partially open for ventilation purposes.

(3) That the development hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on the approved drawings, or others subsequently approved have been provided - in the interests of encouraging more sustainable modes of travel.

(4) That within 6 months of occupation of the development there shall have been submitted to and approved in writing a detailed Travel Plan, which outlines sustainable measures to deter the use of the private car in particular single occupant trips and provides detailed monitoring arrangements, 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 Union Street entrance shall be used as the main entrance to the entire development hereby granted permission, including the new build element extending back to Justice Mill Lane

and the front part of the development shall not be functionally separated nor access physically blocked, unless otherwise agreed in writing with the planning authority – in the interests of the vitality and appearance of Union Street.

(6) That no development shall commence on site until a site specific Construction Method Statement has been submitted and approved in writing by the Planning Authority in consultation with SEPA (and other agencies as appropriate). All works on site must be undertaken in accordance with the approved CMS unless otherwise agreed in writing with the planning authority - to control pollution of air, land and water.

(7) 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'.

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Agenda Item 4(A)

Signed (authorised Officer(s)):

44 BEDFORD ROAD, KITTYBREWSTER

PROPOSED 8 FLATTED DEVELOPMENT
WITH ASSOCIATED CAR PARKING.

For: ASA Ltd

Application Type : Detailed Planning
Permission

Application Ref. : P140090

Application Date : 23/01/2014

Advert : Can't notify

neighbour(s)

Advertised on : 12/02/2014

Officer : Gavin Evans

Creation Date : 28 March 2014

Ward: George Street/Harbour (A May/J

Morrison/N Morrison)

Community Council: No response received

RECOMMENDATION: Refuse

DESCRIPTION

The application site is located on the eastern side of Bedford Road, at its junction with Bedford Place. The site extends to 292sqm and represents the existing plot of 44 Bedford Road, a 2 ½ storey end-terrace building of traditional granite construction, which incorporates a small newsagent/grocer at ground floor level and box-dormers in its roof space. To the rear of the building lies an area of garden ground, set approximately 1m below the level of Bedford Place and enclosed by a granite rubble boundary wall measuring 1.2m from pavement level. The rear of the site appears neglected and overgrown, with no notable trees or landscaping beyond overgrown shrubs and apparently self-seeded saplings. The boundary to the adjoining property at 42 Bedford Road is defined by a boundary wall of approximately 1.2m, of brick construction.

The northern side of Bedford Place is characterised by 1 ½ storey, mansard roofed terraces of dwellinghouses. Immediately opposite the application site is a more recent row of 2-storey terraced houses, fronted with synthetic granite block. The southern side of Bedford Place is largely similar, however 2 ½ storey tenement-style blocks are present at the junctions of Bedford Place and streets running south-west. The blank gable of one such block abuts the south-eastern end of the application site.

RELEVANT HISTORY

Recent planning history at 44 Bedford Road is limited to applications for the replacement of windows in 1996 and alterations to a top floor flat in 1990, neither of which is considered to be of direct relevance to the current proposal.

PROPOSAL

This application seeks detailed planning permission for the construction of a new 4-storey building within the rear garden of 44 Bedford Road, for the provision of 8 new 2-bed flats. The building would face onto Bedford Place, with 8no car parking spaces provided beneath the building in a sub-level and private garden grounds laid out to the north-western side of the building.

The building's walls would be finished with a combination of natural granite and wetdash-style render, with the roof finished in grey concrete roof tiles.

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?130914>

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

CONSULTATIONS

Roads Projects Team – Identifies a shortfall of 8 car parking spaces, likely to give rise to parking in the area, where demand for residential parking is particularly high at night. Notes that the specifications of the access to the car park, the aisle width and parking bay dimensions are do not meet the necessary standards. Notes that no swept-path analysis has been provided. Further information is required in relation to drainage arrangements. The proposed development, if granted planning permission, would be required to make financial contributions towards the Strategic Transport Fund, at a rate of £1,652 per unit, totalling £13,216. Unless these matters are addressed, the Council's Roads Projects Team would object to the proposal.

Environmental Health – No objection, but recommend that a condition be attach requiring appropriate provision for the refuse storage and disposal, including recycling facilities. Recommend that an informative be noted on any consent granted, detailing appropriate hours of construction, due to the residential character of the area.

Enterprise, Planning & Infrastructure (Flooding) - Requests that the receiving watercourse/sewer be identified, and that the term 'soil sewer' be clarified.

Community Council – No comments received.

Police Scotland (Architectural Liaison Officer) – Discourages recessed entrance. Recommends fencing or railings at street level to provide protection to ground floor windows. Notes that gates to the 'courtyard garden' of 42 Bedford Road should be lockable. Highlights absence of natural surveillance for undercroft parking – access should be controlled via shuttering, and bin store located outwith secure area.

Developer Contributions Team – Notes that local schools have capacity, and therefore education contributions are not warranted. Identifies requirement for contributions in respect of community facilities, sports facilities, library and core paths network. Notes that commuted sum in lieu of on-site affordable housing provision will be appropriate in this instance.

REPRESENTATIONS

No letters of representation have been submitted to the planning authority in respect of this application for planning permission.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Paragraph 82 of SPP highlights the important contribution that infill sites within existing settlements can make to the supply of housing land. It further states that infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community.

Aberdeen Local Development Plan (ALDP)

I1: Infrastructure Delivery and Developer Contributions

Sets out that development shall be accompanied by infrastructure, services and facilities required to support new or expanded communities. Where development would place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such facilities or facilities as necessary.

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.

Policy D1: Architecture and Placemaking

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

Policy D2: Design and Amenity

Policy D2 sets out a series of criteria for new development, intended to ensure that an appropriate level of amenity can be secured for residents of both that new development and neighbouring land and buildings. These criteria include residential development being designed with a public face to a street and a private face to an enclosed garden or court; appropriate privacy being provided for; the provision of areas for sitting out, such as private gardens, communal gardens, balconies etc; and that development proposals should include measures to 'design out' crime and 'design in' safety.

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.

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.

Policy H3: Density

The City Council will seek an appropriate density of development on all housing allocations and windfall sites.

H5: Affordable Housing

Housing Developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing. Further guidance in the relevant Affordable Housing Supplementary Guidance.

R6: Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual recyclable and compostable wastes. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Further details are set out in Supplementary Guidance on Waste Management.

Policy R7: Low and Zero Carbon Buildings

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

Supplementary Guidance

'Low and Zero Carbon Buildings'; 'Transport and Accessibility', 'Waste Management' and 'Sub-division and Redevelopment of Residential Curtilages' documents are of relevance.

Other Relevant Material Considerations

The matters raised in representations are material to the assessment of this application, so far as they relate to legitimate planning considerations.

EVALUATION

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

Principle of residential use & Zoning

The application site is located within a predominantly residential area, which has been zoned as such in the Local Development Plan, with policy H1 applicable. Policy H1 allows for residential development, provided a series of criteria can be satisfied. There is significant overlap between these criteria and the principles set out in the 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance, so it is appropriate to consider these together.

Car Parking and Access

As noted in the consultation response from the Council's Roads Projects Team, the relevant 'Transport and Accessibility' Supplementary Guidance sets out that the proposed development should provide 16 car parking spaces. 8 spaces are proposed, and the consultation response highlights that this is an area where there is pressure on night-time car parking to serve residential properties. It is likely that such a shortfall in car parking provision would exacerbate existing on-street parking problems in the area, contributing towards indiscriminate on-street parking.

In addition to the under-provision of off-street car parking, there are a number of matters relating to the practicability of the access arrangements that have led to concerns being expressed by colleagues in the Council's Roads Projects Team. These include insufficient width on the access ramp to allow cars to pass each other, sub-standard parking bay dimensions and insufficient aisle width within the parking area. Taking these matters into account, it is considered that the proposal would not make adequate provision for off-street car parking, as required by the Council's Supplementary Guidance on 'Transport and Accessibility'.

Siting and Design

The proposed new building would be oriented to face onto Bedford Place, occupying the full depth of the plot save for a slight set-back of 0.5m from the footway on Bedford Place. As a result, the garden to be provided for residents of the new building is positioned to the side of the building in an arrangement not recognisable in the surrounding area. Also, the positioning of a 4-storey building immediately adjacent to the mutual boundary would be very prominent when seen from 42 Bedford Road, to the detriment of the enjoyment of the private rear garden at that address.

The building would incorporate 4 full storeys, and as a result its wall-head height is significantly higher than that of the adjacent block at 57 Bedford Place. Whilst it is acknowledged that the main frontage of the building would be set around 1m off the gable of the adjacent building, it is likely that the difference in wall-head height would be quite striking in the street scene, and would be amplified by further underlined by the contrast between the shallow roof pitch of the proposed building and the steep mansard-style roof of number 57. This roof style is a prominent feature in the surrounding area, both in larger corner blocks such as no.57 and in the 1 ½ storey terraces on either side of Bedford Place.

Privacy

It is noted that the development has been designed with privacy in mind, with no windows whatsoever present in the south-western elevation of the building, facing towards the rear garden of the adjacent 42 Bedford Road. The internal accommodation has been arranged to allow for all windows at the rear of the building to be at right-angles to the adjacent feu. The windows of habitable rooms are oriented to either face north-east onto Bedford Place or sideways onto either the gable of 57 Bedford Place or onto void spaces within the plot, with obscure en-suite windows opposite.

Amenity afforded to new residents

Whilst the arrangement of windows to habitable rooms described above has successfully avoided any direct overlooking or loss of privacy to adjacent properties or their gardens, it has led to some of those windows being compromised in terms of their siting and prospect of good levels of sunlight and daylight. Of particular concern are the bedroom windows at the southern corner of the building, which would either face directly onto the adjoining gable at a distance of only 1.4m, or would look onto Bedford Place from approximately 4m within the plot, sandwiched on either side by the gable of 57 Bedford Place and the side wall of the proposed new building respectively.

It is noted also that Police Scotland's Architectural Liaison Officer has expressed concern in relation to the safety and security of the underground car parking area, which may in part be overcome through the area being secured via a shuttering system.

Impact on character and amenity of surrounding area

The proposal would result in a significant reduction in the size of the plot at 44 Bedford Road. It is noted that the garden is currently poorly maintained, however current and future residents remain afforded the option to enjoy this space as they see fit. The proposed development would result in the private rear garden of 44 Bedford Road being reduced from approximately 30m to 6.3m in length. Its width would be similarly compromised, with the ramp to undercroft parking and bin stores for no.44 reducing the width of the useable space to approximately 4.1. It is further noted that this retained 'courtyard garden' would be located immediately adjacent to the communal boundary, where a protruding stair enclosure presents a blank wall which, although not plotted on the submitted plans, appears to project approximately 2.5-3m along that boundary. The presence of this structure immediately adjacent to the only area of private garden space to be retained for no.44 serves to further compromise the quality of that environment.

As noted in the 'Design' section of this report, the roof pitch and wallhead height of the proposed building would not relate well to the immediately adjoining building, and do not appear to reflect the character of development in the

surrounding area. This incongruous relationship would not be consistent with the character of development along Bedford Place, and would be detrimental to the character and amenity of the area.

Relationship with pattern of development

The established pattern of development in the surrounding area is that of buildings positioned close to the pavement's edge, with private gardens laid out to the rear. The rear garden of the adjacent no.42 Bedford Road is currently afforded an open aspect to the north-east, which would be largely obscured by the presence of the proposed building.

Infrastructure and Developer Contributions

The proposed development is of a scale that would warrant payments towards the Strategic Transport Fund, along with developer contributions in relation to community facilities, sports facilities, libraries and the Core Path Network. It is noted also that consultation with the Council's Developer Contributions Team has identified that the 25% requirement for affordable housing set out in the ALDP could best be met through a commuted payment. Such matters could be secured through an appropriate legal agreement were planning permission to be granted.

Summary

Whilst residential use is consistent with the character of the area in broad terms, the specific characteristics of this proposal, detailed above, are such that it would result in the overdevelopment of the site, and consequently an unacceptable impact on the character and amenity of the surrounding area, contrary to the provisions of policy H1 (Residential Areas) of the ALDP. It is further considered that the proposal would not be consistent with the established pattern of development in the wider area.

The building would be unduly prominent from adjacent rear gardens, compromising the enjoyment of those amenity spaces, and the garden ground afforded to no.44 Bedford Road would be substantially diminished, to a level not characteristic of the wider area. The uncharacteristic arrangement of space and undue prominence of the new building relative to adjacent feus suggests that the proposal represents an over-development of the site. Similarly, the arrangement of windows to habitable rooms within the proposed building is such that some would have limited prospect for good levels of daylight. The design of the proposed building would not relate well to its surroundings, particularly with reference to wall-head height and roof pitch and styling, and could therefore not be considered to demonstrate due regard for its context. Taking these matters into account, the proposal is considered to demonstrate fundamental inconsistencies with the principles set out in the Council's adopted supplementary guidance on 'The Sub-division and Redevelopment of Residential Curtilages', and through its failure to demonstrate due regard for its context, would be contrary to policy D1 (Architecture and Placemaking) of the ALDP. The limited daylight afforded to a number of bedroom windows is indicative of a

residential environment below what is expected by policy D2 (Design and Amenity) of the ALDP.

Car parking provision is substantially deficient, and there appears limited scope for adequate parking to be provided within the site. This is likely to encourage indiscriminate on-street parking and to further increase pressure on the available parking to serve residential needs in evenings. The proposal is contrary to the Council's 'Transport and Accessibility' supplementary guidance, and the associated policy T2 (Managing the Transport Impact of Development) of the ALDP.

Deficiencies in terms of 'designing out crime' and making appropriate provision for waste collection services have been identified, which are potentially resolvable and are not central to the principle of the proposal, however are such that currently the proposal would be contrary to the requirement of policy D2 (Design and Amenity), Policy R6 (Waste Management in New Developments) and the associated Waste supplementary guidance.

No material considerations of sufficient weight to warrant determination other than in accordance with the development plan have been identified.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. The proposed development represents an over-development of the site, resulting in an uncharacteristic arrangement of buildings and spaces and an unduly detrimental impact on the private garden of properties at 42 and 44 Bedford Road, contrary to policies H1 (Residential Areas) and H3 (Density) of the Aberdeen Local Development Plan (ALDP) and the associated 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance.
2. The design of the proposed building would not demonstrate due regard for its context, with the height to wall-head level and angle of roof pitch in particular giving rise to a striking contrast with the adjoining building at 57 Bedford Place. In failing to demonstrate due regard for its context and make a positive contribution to its setting, the proposal is contrary to policy D1 (Architecture and Placemaking) of the ALDP.
3. A number of windows into habitable rooms within the building would be poorly sited, with little opportunity for daylight and sunlight, contrary to the provisions of policy D2 (Design and Amenity) of the ALDP and the associated 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance.

4. A significant shortfall in car parking provision would contribute towards increased pressure on the available on-street car parking in the surrounding area, and may encourage discriminate parking as a result. In this regard, the proposal fails to comply with the Council's adopted 'Transport and Accessibility' Supplementary Guidance.

Scottish Planning Policy

Paragraph 82

Infill sites within existing settlements can often make a useful contribution to the supply of housing land. Proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.

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Policy I1 – Infrastructure Delivery and Developer Contributions

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

Infrastructure requirements relating to Masterplan Zone sites and other allocated sites outwith the Masterplan Zones are set out in Appendices 4 and 5. Actions for delivering such infrastructure are described in the Local Development Plan Action Programme. Infrastructure requirements and the level of developer contributions for other development will be assessed using the criteria set out in the Infrastructure and Developers Contributions Manual. The precise level of infrastructure requirements and developer contributions will need to be agreed with the Council, and other statutory agencies. The level of provision or contribution required will relate to the development proposed either directly or to the cumulative impact of the development in the area and be commensurate to its scale and impact.

Masterplans will be expected to reflect the infrastructure requirements and developer contributions identified and should include a Delivery Statement setting out details of how the proposed development, and supporting infrastructure, will be delivered.

New infrastructure will either be provided by the developer or through financial contributions.

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Policy T2 – Managing the Transport Impact of Development

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

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

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

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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.

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.

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Policy D2 - Design and Amenity

In order to ensure the provision of appropriate levels of amenity the following principles will be applied:

1. Privacy shall be designed into higher density housing.
2. Residential development shall have a public face to a street and a private face to an enclosed garden or court.
3. All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council.
4. When it is necessary to accommodate car parking within a private court, the parking must not dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in high density schemes.
5. Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable.
6. Development proposals shall include measures to design out crime and design in safety.
7. External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Development deemed to have an influence on public realm in the City Centre, Town, District or Neighbourhood Centres will make an agreed contribution to art or other enhancement of the public realm.

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Policy D3 - Sustainable and Active Travel

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

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.

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Policy H1 – Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

1. Does not constitute overdevelopment
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. Open space is defined in the Aberdeen Open Space Audit 2010
4. Complies with Supplementary Guidance on Curtilage Splits; and
5. Complies with Supplementary Guidance on House Extensions

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

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

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Policy H3 - Density

The City Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential developments of over one hectare must:

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

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Policy H5 - Affordable Housing

Housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing. Further guidance on the provision of affordable housing from new developments is available in Supplementary Guidance on Affordable Housing.

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Policy R6 – Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual, recyclable and compostable wastes. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Further details are set out in the Supplementary Guidance on Waste Management.

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Policy R7 - Low and Zero Carbon Buildings

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

This requirement does not apply to:

1. Alterations and extensions to buildings;
2. Change of use or conversion of buildings;
3. Ancillary buildings that are stand-alone having an area less than 50 square metres;
4. Buildings which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or
5. Buildings which have an intended life of less than two years.

Compliance with this requirement will be demonstrated by the submission of a low carbon development statement. Further guidance is contained in Supplementary Guidance on Low and Zero Carbon Buildings.

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Supplementary Guidance

Topic: Low and Zero Carbon
Buildings

February 2014

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Introduction

The purpose of this supplementary guidance is to provide the methodology for developers to demonstrate compliance with Aberdeen Local Development Plan policy **R7**, which requires all new buildings to install low and zero carbon generating technology.

Background

Climate change, energy insecurity and rising fuel poverty are key challenges for Scotland now and in the foreseeable future.

The Climate Change (Scotland) Act 2009 received Royal Assent on August 4, 2009. The Act sets in statute the Government Economic Strategy target to reduce Scotland's emissions of greenhouse gases by 80 per cent by 2050. This covers the basket of six greenhouse gases recognised by the United Nations Framework Convention on Climate Change and includes Scotland's share of emissions from international aviation and international shipping.

More than 40% of Scotland's carbon dioxide emissions, a major cause of climate change, come from the energy we use to heat, light and run our buildings.¹ In Aberdeen City housing makes up 31% of the City's carbon footprint, which is 3.98 tonnes CO₂ per capita. The Aberdeen City and Shire Structure Plan provides significant housing and employment allowance: 36,000 homes and 175 hectares of employment land to 2030. The housing allocations, once built, would result in an increase in the housing stock by 33%.

Requiring new buildings to meet more stringent energy standards will lessen their environmental impact, make them more affordable to heat, lessen our dependence on imported energy and support a domestic market for low and zero carbon generating technologies. Implementation of Policy **R7** Low and Zero Carbon Buildings would thereby contribute to sustainable economic growth.

Policy **R7** does not duplicate these standards, but requires developments to meet a proportion of the mandatory CO₂ emission reduction through the use of low and zero carbon generating technologies. In most cases, this will mean that the energy assessment information required to satisfy the buildings standards' energy requirements will be required at planning stage, not afterwards.

¹ <http://www.sbsa.gov.uk/sullivanreport.htm>

Legal Requirement

Section 72 of the Climate Change (Scotland) Act 2009 requires Local Planning Authorities to “include policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero carbon generating technologies.” In February 2010, Scottish Planning Policy reiterated the above requirement.

The Development Plan Context

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires decisions on planning applications to be made in accordance with the development plan, unless material considerations indicate otherwise. Upon adoption of the Aberdeen Local Development Plan in 2012, the Development Plan for Aberdeen will comprise the Aberdeen City and Shire Structure Plan (2009), the Aberdeen Local Development Plan and associated Supplementary Guidance.

Structure Plan targets require:

- All new buildings to be carbon neutral by 2016
- The city region’s electricity needs to be met from renewable sources by 2020.

Local Development Plan policy

Policy **R7**, below, sets a requirement for all new buildings to incorporate low and zero carbon generating technologies to reduce the predicted carbon dioxide emissions by at least 15%. This policy is hereafter referred to in this Supplementary Guidance as ‘the policy’.

R7 - Low and Zero Carbon Buildings

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

This requirement does not apply to:

- *Alterations and extensions to buildings;*
- *Change of use or conversion of buildings;*
- *Ancillary buildings that are stand-alone having an area less than 50 square metres;*
- *Buildings, which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or*
- *Limited life buildings which have an intended life of less than 2 years.*

Compliance with this requirement will be demonstrated by the submission of a low carbon development statement. Further guidance is contained in Supplementary Guidance.

Increasing the Proportion of Low and Zero Carbon Generating Technologies

The Sullivan report made recommendations about the most effective way to increase standards, through the building standards. It recommends that there are staged energy improvements beyond the 2007 building standards: 30% by 2010; 60% by 2013 and net zero carbon by 2016/17. This has been identified as the most appropriate method to reach net zero carbon buildings by 2016 if practical. Therefore, the planning requirements for low and zero carbon generating technologies are to be a part of the required saving, and will help to promote the development of renewable technologies, which as the CO₂ targets are increased will become essential. The present economic context has led to delays in implementing the increases and it is important that this policy reflects any changes to the planned increases.

As the building standards energy requirements are increased there will be an increasing need to incorporate a larger proportion of low and zero carbon generating technologies. Therefore, as building standards are increased the proportion of savings to be met through low and zero carbon generating technologies is always to be at least half the total saving. The applicable rate will be half of the prevailing Energy Requirements at the point in time at which the application was granted consent. The CO₂ reduction through low and zero carbon generating technologies will not be increased ahead of the changes in the Building Standards Energy Requirements and Table 1 below sets out the indicative requirements.

Table 1: Indicative % Reduction Achieved Through Low and Zero Carbon Generating Technologies Above 2007 Baseline

Year	% reduction	Planned Building Standards Energy Requirements
2010	15%	30%
2014	30%	60%
2016	50%	100%

Low and Zero Carbon Generating Technologies and the Masterplanning Process

Larger developments that have a mix of both housing and business or include large energy users such as schools and swimming pools will provide a continued heat demand throughout the whole day. For this type of development the use of decentralised and local renewable or low carbon sources of heat and power becomes more viable, and for combined heat and power plants this continued heat demand will ensure continued electricity generation. There are a number of larger mixed use allocations in the Local Development Plan and this provides an opportunity to make use of these technologies to achieve greater CO₂ savings.

During the process of preparing masterplans for larger mixed use developments developers will be required to carry out a feasibility study of the potential for renewable and low-carbon energy solutions across the site, for example, the potential to make use of decentralised combined heat and power using a renewable fuel source such as woodchip. This may result in an opportunity to make greater CO₂ savings than required by Policy R7. In terms

of residential developments this should cover developments of 500 units or more that include other uses than solely housing.

For sites where a decentralised energy scheme is commercially viable, and it is the preferred option, it will be important to consider the build programme and at which stage in the development the energy scheme will become viable. It will not always be feasible to implement the full decentralised energy scheme, using renewable fuel, designed to serve the whole development for the first phase of development because the projected heat load will not exist to support the plant. In the case that development will, once complete, make use of a decentralised heating or combined heat and power plant and it has been calculated that on completion of the development there will be additional CO₂ savings above those required by policy R7, flexibility in the application of policy should be applied to the earlier phases that make use of temporary sources of heat. For example, installing a temporary small scale gas powered decentralised energy plant in advance of providing a larger scale biomass powered decentralised energy plant.

Designing for Reduced Energy Demand

Good, careful design at the outset will minimise the total energy demand for the lifetime of a development. Design considerations for a development as a whole and for the individual buildings will help to increase the efficiency of energy use. Well sited developments, orientation and design are not always included in the calculation methodologies used for building regulations. However, use of passive energy efficiency measures should be incorporated into all development to help reduce the energy demand of new buildings in addition to the buildings standards energy requirements.

Eligible Low and Zero Carbon Generating Technologies

The equipment may be attached to the building or within the site boundary as shown on the planning application. This allows for the low and zero carbon generating technologies to benefit more than one building and being sited to maximise energy gain.

The technologies eligible to meet the requirements of the policy are set out in Table 2 below.

Table 2: Eligible Zero and Low Carbon Generating Technologies

Biomass	Solar power	Air source heat pumps
Fuel cells	Photovoltaics	Combined heat and power
Micro-hydro	Ground source heat pumps	Heat exchange recovery systems
Micro-wind	Water source heat pumps	Geothermal
Solar Thermal	Passive flue gas heat recovery devices	

Demonstrating Compliance with Policy

Applicants should consider how to meet the requirements of this guidance at an early stage of planning. It will be the responsibility of applicants to provide the necessary technical calculations in support of planning applications to demonstrate how the proposed development will satisfy the requirements of this guidance.

The policy target is specific to CO₂ emissions from the **energy performance**². The assessment approach in this guidance therefore relates directly to this. In order to demonstrate the appropriate reduction in CO₂ emissions as a result of low and zero carbon generating technologies the Standard Assessment Procedure Energy Rating (SAP) is required for dwellings and the Simplified Building Energy Model (SBEM) for all other developments. Table 3 below sets out a summary of the stages in the calculation to demonstrate compliance with this policy.

Table 3: Summary of Calculations and Process

1.	The appropriate software program (SAP/SBEM) is used to calculate the 2007 Building Regulations CO ₂ Emissions Standard. This will provide a Target Emissions Rate (TER), which is the predicted CO ₂ emissions for a building of the specified size. Note: it is important for the purposes of this calculation that it is the 2007 TER that is used.
2.	The appropriate software program (SAP/SBEM) is used to calculate the actual emissions rate for the proposed development, which includes the low and zero carbon generating equipment. This is the Dwelling or Building Emissions Rate (DER/BER), which is the predicted CO ₂ emissions for the actual proposal.
3.	Calculate the reduction from step 1 to step 2: step 1- step 2
4.	Calculate the reduction in step 3 as a % reduction on the 2007 TER: (Step 3 ÷ Step 1) x 100
5.	The appropriate software program (SAP/SBEM) is used to calculate the actual emissions rate for the development without the low and zero carbon generating technologies. This is a repeat of stage 2 and provides a re-calculation of the DER/BER without the low and zero carbon generating technologies.
6.	Calculate the reduction, beyond the 2007 standard, due to the low zero carbon equipment: (step 5 – step 2)
7.	Calculate the percentage reduction beyond the 2007 standard as a result of low and zero carbon equipment: (Step 6 ÷ step 3) x Step 4
Note: The calculation methodology may require to be updated when revised building standards come into force.	

² Energy performance covers the CO₂ emissions arising from the use of heating, hot water and lighting.

Instances When Policy Will Be Relaxed

Development will have deemed compliance with the requirement to install low and zero carbon generating technology if it can be demonstrated that the development will achieve a CO₂ saving greater than required by the current building standards (the minimum standard is likely to change over the life time of the plan as building standards are increased),

Justification

Section 44 of the Climate Change (Scotland) Act 2009 seeks to ensure that public bodies in exercising their functions in the way best calculated contribute to the delivery of the carbon reduction targets and carry these out in the most sustainable way. In addition the Structure Plan has set a target of all new buildings to be carbon neutral by 2016.

It is accepted that the most sustainable way in which the carbon emissions from new buildings can be saved is through improving the energy efficiency of the building. By reducing the energy demand of a building in the first instance as far as is practicable it becomes more feasible to then provide the lower energy requirements through low and zero carbon generating technologies. By allowing the relaxation of policy if a greater CO₂ saving can be achieved the Council will make a greater contribution towards the delivery of the Scottish Government's carbon reduction targets and the Structure Plan target.

Pre-application Discussions

The installation of LZCGT can raise additional issues which need to be tackled at an early stage in planning a development. As an example, ground source heat pumps (which are one of the eligible technologies listed in Table 2), can cause significant damage to trees. Where trees are present on, or adjacent to the site where associated pipes are to be buried, a tree survey should be submitted along with the application highlighting the likely impact of the excavation works on the tree(s) and any mitigation proposed. The impact the excavation works and installation are likely to have on local hydrology should also be investigated. Micro-hydro schemes may require authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2005.

Before submitting your planning application, we encourage you to discuss your proposal with us. We can advise you of your project's compliance with planning policies and on detailed design matters.

Useful Documents

SPP – <http://www.scotland.gov.uk/>

Development Plan:

Aberdeen City and Shire Structure Plan (2009) – www.aberdeencityandshire-sdpa.gov.uk

Aberdeen City Council (2008) Aberdeen Local Development Plan - <http://www.aberdeencity.gov.uk/localdevelopmentplan>

Detailed Advice on LZC Equipment:

Scottish Government (2002) PAN 45: Renewable Energy Technologies - <http://www.scotland.gov.uk/Publications/2002/02/pan45/pan-45>

Scottish Government (2006) Annex to PAN 45 Renewable Energy Technologies: Planning for Micro Renewables - <http://www.scotland.gov.uk/Publications/2006/10/03093936/0>

Greater London Authority (2004) Integrating renewable energy into new developments: Toolkit for planners, developers and consultants - http://www.london.gov.uk/mayor/environment/energy/renew_resources.jsp

Building Standards Division - Safe and sustainable installation of low carbon equipment - Guides
<http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/publications/pubtech#a15>

SEPA (2010) Supporting Guidance WAT-SG-62 Geothermal Abstraction - Geothermal Energy
<http://search.sepa.org.uk/sepa?action=search&q=geothermal%20energy>

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Supplementary Guidance

Topic: Transport and Accessibility

March 2012

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1. INTRODUCTION

Good transport connections are essential to the economic prosperity of Aberdeen and the quality of life of people living and working in the City. With an emphasis on ensuring that transport provision is considered from the very outset of a planning application, the Council is committed to developments that encourage sustainable travel.

This Supplementary Guidance on Transport and Accessibility aims to assist developers in the preparation of planning applications. This document examines a number of transport and accessibility issues that may have to be considered as part of a planning application and should be read in conjunction with the Aberdeen Local Development Plan and the Local Transport Strategy.

2. STANDARDS FOR ACCESSIBILITY AND PUBLIC TRANSPORT SERVICES

The ability to access key services and facilities directly affects quality of life and is a major contributor to social inclusion. New and existing communities should be able to access services, facilities and jobs by walking, cycling and public transport.

Developments should be linked by the most direct, attractive, safe and secure pedestrian links possible to potential trip sources within 800 metres of the development.

Public transport should be available within 400 metres of the origins and destinations of trips within the development. Public transport provision should be at a frequency, times and to places that;

- Are at intervals of no more than 15 minutes, and ideally 10-12 minutes;
- Meet the needs of those without access to a car who would wish to access the development; and
- Provide an effective alternative for those that do have access to a car.

Developers will be required to provide for the appropriate level of service identified through a transport assessment, if this level will not be provided commercially by a bus operator.

In all cases developers should engage with the Council and relevant partners (such as Nestrans and public transport operators) at an early stage in the masterplan and/or planning application process to discuss the arrangements and requirements for providing new public transport services.

Accessibility Planning software, such as Accession, may be used as a tool to assess potential development locations and then guide decisions on development proposals. Accessibility planning involves measuring journey times to services and facilities and identifying the most suitable locations for new development or particular services and facilities. By measuring accessibility to services/facilities by public transport this process can also be used to improve the quality and availability of public transport to existing and future users or customers. In doing so, Accessibility Planning provides opportunities to improve social inclusion.

3. ACCESS AND PERMEABILITY

The ability to access, move around and through the built and natural environment by walking and cycling is a major contributor to quality of life and, in particular, an individual's ability to freely access the services and facilities they need without using a vehicle. New development will be required to protect and enhance existing access rights including core paths, rights of way and paths within the wider network.

The Land Reform (Scotland) Act 2003 introduced the right of responsible non-motorised access to most land and inland water in Scotland. The Land Reform Act also introduced statutory duties on Aberdeen City Council requiring it to protect access rights, including core paths and other paths within the wider paths network. In addition, the Council has a duty under the Countryside (Scotland) Act 1967 to uphold access along any public right of way.

In planning the layout of new development, the Core Paths Plan (2009) and Open Space Strategy (2011) should be taken into account, including routes referred to as 'aspirational' in the Core Paths Plan. New development must be permeable to walkers and cyclists and should ensure that new routes are planned in accordance with the 5 C's – connected, convenient, comfortable, convivial and conspicuous – as referred to in the Aberdeen Local Transport Strategy 2008 - 2012.

The Aberdeen Outdoor Access Forum brings together key stakeholders involved with access to the outdoors. The Forum has an input to access provision relating to new development, and will assist the Council in the resolution of any outdoor access disputes where there are conflicts between the provision of new or improved access routes and neighbouring land uses.

Further guidance on the following access issues can be found in the documents listed below.

Standards for path construction	Lowland Path Construction: A Guide to Good Practice Paths for All (2001)
Standards for signage design	Signage Guidance for Outdoor Access: A Guide to Good Practice Paths for All (2009)
	Directional Signage Guidance for Paths Aberdeen City Council (2011)

4. GUIDELINES & SPECIFICATIONS GUIDANCE

The Council is undertaking a review of its 1998 publication “Guidelines and Specification for Roads within Residential and Industrial Developments” which sets out the technical requirements for designing new roads, parking facilities, and walking and cycling infrastructure. The review takes account of the Scottish Government’s Policy Statement Designing Streets (2010). The Council intends to publish a fully revised version of the technical guidelines in due course and officers are progressing this detailed work. In the meantime, the Local Development Plan has taken account of Designing Streets by including a Roads Descriptor’ Map which categorises the road network according to the principles of Designing Streets (see Figure 1 and 2 below). This will form part of the full review document but is being published as part of this Supplementary Guidance in order to guide the planning and delivery of different types of roads that the Council will expect to be provided to support new developments.

For the avoidance of any doubt, we would recommend that developers speak to the Roads Design Team at the earliest possible stage in the planning application process to determine an appropriate design and layout for development.

Figure 1 – Roads Descriptor Map

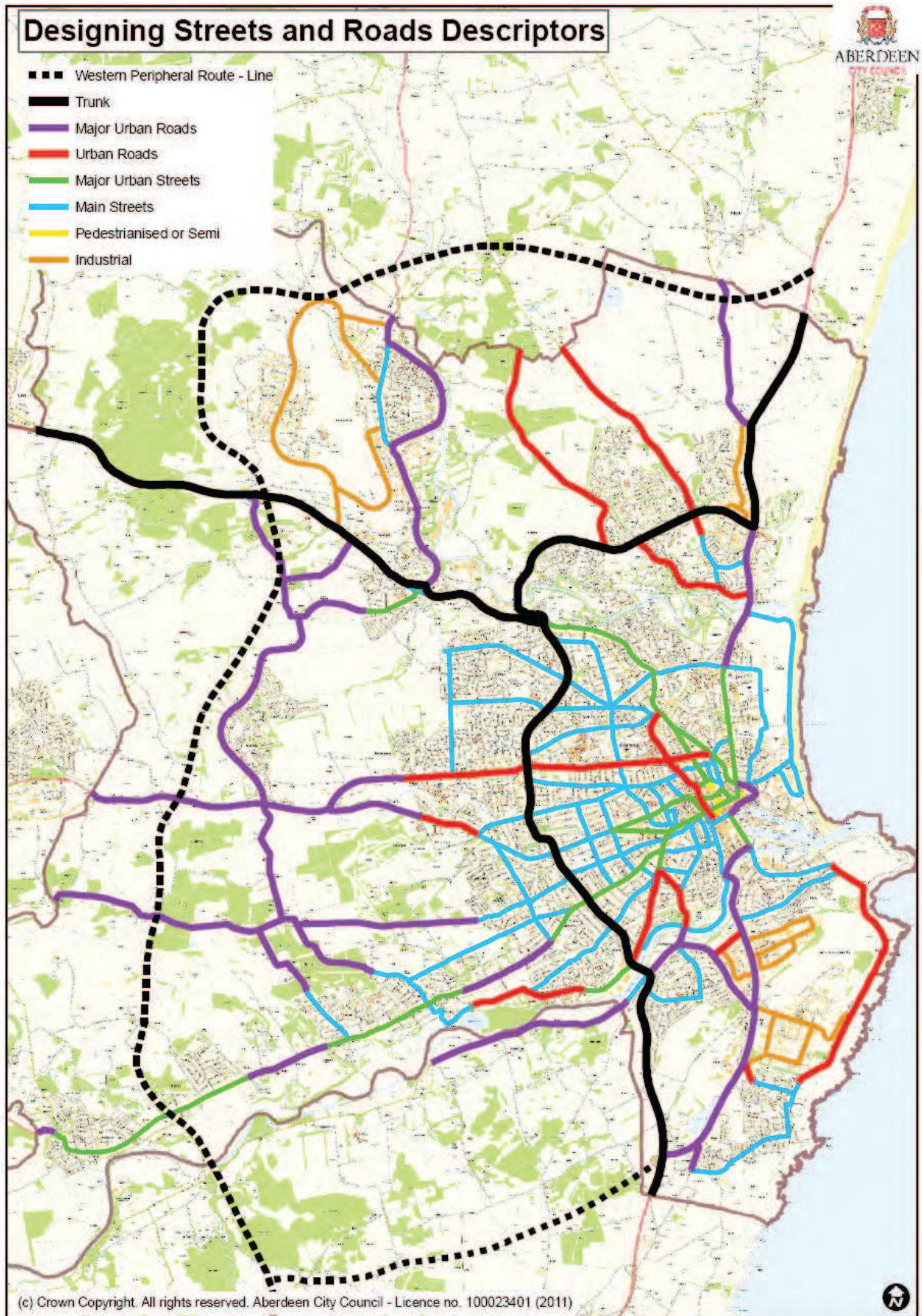
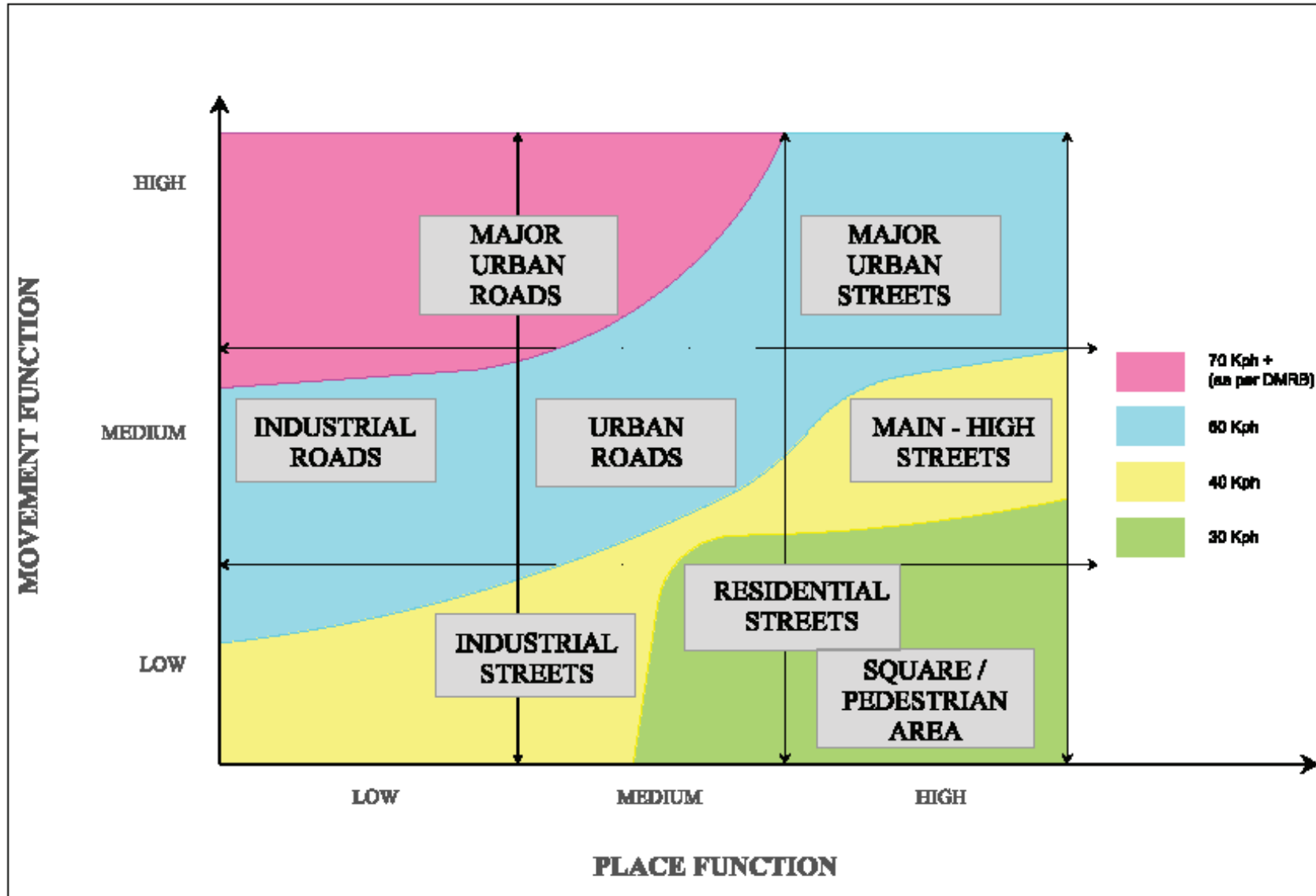


Figure 2 – Roads Descriptor Matrix



5. TRANSPORT ASSESSMENTS

The majority of new development will have an impact on the transport network and these impacts must be identified and dealt with as early as possible in the planning process. Transport Assessments (TA) can help to identify and tackle these issues at the planning application stage.

The Infrastructure and Developer Contributions Manual Supplementary Guidance document identifies transport infrastructure required to support sites identified in the Local Development Plan. In addition, developers will be required to undertake a Transport Assessment to determine whether any further infrastructure or service improvements are required in order to support the development proposed.

The Scottish Government has published guidance on Transport Assessments (Transport Assessment and Implementation: A Guide, 2005) and developers should refer to this for more detailed information.

Transport Assessments will vary in size and complexity depending on the nature, size and possible effects of the development.

A Transport Assessment will be required for developments which exceed the following thresholds,:

- Food retail >1,000m² Gross Floor Area
- Non-food retail >1,000m² Gross Floor Area
- Cinemas and conference facilities >1,000m² Gross Floor Area
- Leisure facilities >1,000m² Gross Floor Area
- Business >2,500m² Gross Floor Area
- Industry >5,000m² Gross Floor Area
- Distribution and warehousing >10,000m² Gross Floor Area
- Hospitals >2,500m² Gross Floor Area
- Higher and further education >2,500m² Gross Floor Area
- Stadia >1,500 seats
- Housing >100 dwellings.

A Transport Assessment should provide a comprehensive and consistent review of all the potential transport impacts relating to a proposed development or redevelopment and its immediate vicinity. The TA should consider travel-related issues such as safety, trip generation, access junction design and new infrastructure required (such as new bus services or cycle lanes) before, during and following construction. Adverse traffic and accessibility issues should be addressed and, if appropriate, suitable mitigation measures identified.

The assessment should look at the accessibility of the site by different modes of travel. The objective should be to maximise sustainable travel by walking, cycling and public transport and only then to consider the impact of the residual car traffic. Developers will be expected to take a realistic approach to their assessment of how much travel will be capable of being attracted to sustainable modes and they should bear in mind the Council's traffic targets as set out in the Local Transport Strategy (2008) and detailed in the Local Transport Strategy Monitoring Paper (2009).

There are two ways to ensure that sustainable travel will be maximised. First, through careful attention to the design and layout of the development itself and giving priority to those on foot, cycling or using public transport ahead of car user requirements; secondly through measures to improve infrastructure and services to encourage sustainable travel within the catchment area of the development.

As a minimum, the Transport Assessment should include:

1. Details of the development:
 - The proposed land use;
 - Scale of the development, such as number of residential units or Gross Floor Area (GFA) and phasing of development;
 - Plans and drawings showing the proposed site layout, particularly the proposed pedestrian, cycle and vehicular access points into the site;
 - Servicing arrangements and emergency vehicle access; and
 - Parking provision (including disabled, cycle and motorcycle parking).
2. Existing transport conditions:
 - Walking and cycling routes and facilities;
 - Existing public transport services and infrastructure;
 - Operation of the local road network;
 - Recent traffic surveys; and
 - Accident history on the local road network.
3. Trip generation and distribution:
 - Calculation of the likely number of trips to and from the development by each transport mode throughout the day; and
 - Determination of which routes will be used to access the site.
4. Public transport, walking and cycling assessments:
 - Assessment of whether the current public transport services and walking and cycling infrastructure have sufficient capacity to accommodate the additional trips created by the development;
 - An assessment of the level of accessibility to services and facilities by public transport, walking and cycling, where possible using the Accession software tool; and
 - If levels of accessibility are not sufficient, details of new facilities/services to be provided as part of the development proposals, such as public transport improvements and improved footpath and cycle path linkages.
5. Proposals (in the form of a Travel Plan) to reduce the number of trips to the development:
 - Measures to reduce the need to travel (e.g. home working);
 - Measures to encourage the use of more sustainable travel options rather than single occupier car journeys (e.g. walking, cycling, public transport, car sharing); and
 - A proposed parking strategy.
6. Traffic Impact Assessments:
 - Assessment of whether the road network has sufficient capacity to accommodate the residual vehicular trips created by the development

- The transport impacts of site construction, including the requirements of abnormal loads in the construction, use and decommissioning of the present development;
- The transport impacts of freight or service operations;
- If the site of the proposed development has a current use or an extant planning permission with trip patterns/volumes, the net level of change that might arise out of the new proposals should be set out; and
- An identification of the mitigation measures that will be required to address those traffic impacts that are likely to cause concern.

6. TRAVEL PLANS

A Travel Plan is a generic title for a package of measures aimed at promoting more sustainable travel choices to and from a development, with an emphasis on reducing reliance on the private car, thereby lessening the impact on the surrounding road network. A Travel Plan may also be required to address a particular traffic or parking problem likely to come about as a result of development and to reduce harmful emissions from vehicles.

Travel Plans can also reduce the cost of business travel, promote healthy living among employees and residents and widen the potential labour pool to include those that do not have access to a car. Travel Plans can be financially beneficial for employers to implement, by reducing the number of car parking spaces required.

A Travel Plan will be required for developments which exceeds the following thresholds:

- Food retail >1,000m² Gross Floor Area
- Non-food retail >1,000m² Gross Floor Area
- Cinemas and conference facilities >1,000m² Gross Floor Area
- Leisure facilities >1,000m² Gross Floor Area
- Business >2,500m² Gross Floor Area
- Industry >5,000m² Gross Floor Area
- Distribution and warehousing >10,000m² Gross Floor Area
- Hospitals >2,500m² Gross Floor Area
- Higher and further education >2,500m² Gross Floor Area
- Stadia >1,500 seats
- Housing >100 dwellings.
- All schools.

Developments which fall below these thresholds are also encouraged to prepare Travel Plans in support of applications for development.

Travel Plans should be site-specific and measures and objectives should reflect the individual characteristics of a site as well as the trips likely to be generated by that development. They should contain a range of measures to ensure that the site is accessible by a variety of modes of transport, and that private car use to and from the site is discouraged via a combination of incentives and disincentives. Workplace Travel Plans can address commuter journeys to work, customer access, business travel and fleet management and they can encompass the movement of freight as well as people.

There may be opportunities to create informal or formal networks of organisations and businesses within defined areas known as Transport Management Organisations (TMOs). TMOs provide a forum for identifying and implementing measures that will improve travel conditions for companies, their employees, and the local community. Aberdeen City Council will work with Nestrans and the private sector to support and encourage the development of further TMOs across Aberdeen.

What should the Travel Plan contain?

A number of conditions have been identified that must be in place in order for a Travel Plan to be successful:

- The appointment of a dedicated Travel Plan Co-ordinator to oversee implementation of the Plan;
 - Engagement with staff and residents to identify what would encourage them to change their travel behaviour;
 - The Plan should be based on the findings of a recent staff or residents travel survey and regular follow-up surveys should be undertaken to assess the Plan's progress and ensure it remains current;
 - The plan should include a comprehensive package of measures, including incentives and disincentives to bring about change;
 - The plan should be site-specific, tailored to suit the individual development;
 - The plan should set clear objectives and targets, with monitoring procedures identified;
 - A funding stream for new infrastructure, initiatives, promotion and marketing;
- and
- Senior management support and approval for the Plan.

Typical workplace travel plan measures include:

- Ensuring there are safe walking and cycling routes to the development;
- Providing safe cycle parking facilities near the entrance to the workplace;
- Providing showers and changing facilities for cyclists and pedestrians;
- Providing a dedicated bus for employees or entering into negotiations with bus companies to extend an existing bus service to serve the development ;
- Providing tele- and video-conferencing facilities to reduce the need for business travel;
- Providing a pool car or car club vehicle for employees who need the use of a car during the working day;
- Negotiating discounted public transport fares for employees;
- Car Park management such as deliberately limiting staff parking or charging staff for car parking;
- Establishing a car share scheme for employees and implementing priority parking spaces for car sharers;
- Introducing flexible working arrangements, such as home working and flexitime working;
- Introducing the HMRC's Salary Sacrifice Schemes for buses, bicycles and home computers;
- Raising awareness of the health, environmental and cost benefits of walking, cycling and using public transport;
- Raising awareness of public transport serving the site and making public transport maps, timetables and leaflets available to staff and visitors.

Residential Travel Plans should outline measures aimed at influencing the travel behaviour of new home owners to, from and within the development. These could include:

- Ensuring the development is well served by safe and pleasant walking and cycling routes;

- Entering into negotiations with bus operators to ensure that the development can be served by public transport if it is not at present;
- Distributing a welcome pack to new residents with maps showing local walking and cycling routes and local public transport maps, leaflets and timetables ;
- Providing a car club vehicle(s) for residents to use;
- Establishing a residents' car share scheme;
- Providing residents with 1 months' free public transport tickets or a voucher for discounted walking or cycling goods.

Leisure Travel Plans may also be required for developments likely to generate a large volume of visitor journeys. Measures could include innovative marketing campaigns and initiatives for encouraging sustainable travel, such as limiting, or charging for, car parking, and ensuring the development is well served by walking, cycling and public transport links.

A free online Travel Plan Builder is available (www.aberdeencitytravelplans.co.uk) and officers in the Transportation Team are available to assist businesses and developers in the preparation of a Travel Plan.

Monitoring and Evaluation

Travel Plans should identify effective monitoring techniques and these will be agreed with the Council. The Council will request updates from developers every two years on the implementation of the Travel Plan. Legal Agreements may be required or planning conditions may be placed on planning applications to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review. More detailed guidance on what is expected as part of a Travel Plan will be available in Travel Plans: A Guide for Developers which is being prepared and will be published in 2012.

7. PARKING

Parking policy is an essential component of the City Council's Local Transport Strategy. Parking price and availability can have a significant influence on the way that people choose to travel.

Adequate parking can enhance the attractiveness of an area for development and sufficient spaces are needed to prevent over-spill parking into surrounding areas especially if this will have a detrimental impact. On the other hand, the over-provision of parking spaces can involve large tracts of land and lead to increased land prices, reduce building densities and increase distances people must walk between adjacent land uses. Over-provision of parking can also reduce travel by alternative forms of transport.

Parking standards must therefore reflect a balance of conflicting objectives. The standards in this document have been informed by the evidence of existing parking demands and take account of the potential requirement for parking spaces in the future given other policy measures to encourage the use of alternatives to cars. They also take account of the Scottish Government's Scottish Planning Policy guidelines on parking standards.

The level of parking standards also relates to the location of the development. To encourage the use of alternatives to the car where accessibility is high by non-car modes, the maximum parking standards are lower. Three separate zones have been identified by the Council for the application of varying parking standards and these are described below and are shown in the map on Figure 3, page 18:

- **Zone 1** is highly accessible by public transport and the density of population relative to the mixture of land uses (retailing, employment etc) allows for a large proportion of pedestrian and cycle journeys. On-street parking, public off-street parking and park and ride opportunities are also available. These factors allow for the lowest maximum levels of parking associated with new developments.
- **Zone 2** is relatively accessible by public transport and pay and display parking is available in most parts of the area for short stay use.
- **Zone 3** provides the third and least restrictive maximum standards as the area is less accessible by public transport and the distance from main residential areas may preclude walking and cycling on a significant scale.

Whilst the Local Transport Strategy seeks to reduce the amount of unnecessary car use and dependency, it maintains the right of individuals to own and keep cars at a residence. In view of this, the parking standards for housing developments should be considered as guidelines. Where development proposals include the provision of off-street parking, the entitlement to on-street parking permits will be restricted. Within all zones where development proposals include parking provision that is less than the guidelines for that Zone, developers will be expected to provide suitable alternatives such as bus permits and membership to car clubs.

Different land use components in a mixed development should aim to share car parking provision when the demand for the different land uses is at different times of the day or week. For example, parking provision at a school in the daytime could be

used for community and leisure facilities at evenings and weekends. Equally, office car parking spaces could be used by neighbouring residents and visitors during evenings and weekends when the business premises are unoccupied.

LOW AND NO CAR HOUSING

Aberdeen City Council will support and encourage low or no car housing, recognising the contribution this can have towards sustainable development, where there is evidence that car ownership and use will be low enough to justify proposals, and where public transport and other travel options are sufficient to allow residents to rely wholly on them.

It is vital that such development is located in an area of good existing public transport, cycle and pedestrian links, thus allowing a design that facilitates as many trips as possible to and from the development being made by modes other than the private car.

Such development is likely to be more successful in city centre locations, where there is already a high demand for car parking and good public transport links.

The Council will consider the following issues in determining proposals for low or no car housing:

- The development is mixed use and there are employment opportunities within walking and cycling distance of residential units;
- The development is linked to the main road network by well lit, safe and pleasant footways or paths for pedestrians;
- The development is within 400m of the local cycle network and there is adequate bicycle parking available; and
- There are at least 2 buses in each peak time quarter hour period serving, or stopping close by to, the development.

Where development proposals are specifically put forward as low or no car housing, the entitlement to on-street parking permits will be restricted.

The developer may also wish to establish a car club for the development, thus reducing the need for residents to own a private car in the first place. There will always be a requirement for a minimum amount of disabled parking within the site.

CAR CLUBS

An alternative way for a developer to demonstrate a commitment to minimising car use is to enter into an agreement relating to a car club. Aberdeen City Council support, and will promote, the implementation and expansion of car clubs in Aberdeen City, especially in developments where there is significant potential to reduce the number of car trips.

A car club is a scheme whereby a vehicle or vehicles are shared by a particular community, with members typically paying an annual membership fee which then provides them with access to a car on a 'pay as you go' basis (with the individual usually paying for use per mile or per hour). Such a system allows members of the

club to enjoy all the advantages and conveniences of car travel without them having to own a car themselves.

Car club vehicles can act as pool vehicles for workplaces and can remove the need for householders in a residential development to own a car. Research shows that each car club vehicle typically replaces 6 private cars as club members refrain from buying or maintaining a second car or even choose not to own a car at all.

Car clubs provide a means to reduce the number of parking spaces required for new developments and can be used to retrofit existing developments, allowing them to adopt more of a 'Home Zone' style approach. By reducing or eliminating the need for onsite parking many new developments are made possible and their traffic impact minimised.

Developers may choose to set up a car club solely for their development or to pay for membership of an existing car club for all residents and/or employees of the development. For a residential development to have a self-contained car club, guidance suggests that there should be at least 200 units. Developments which are smaller, or which have a mix of uses, can still include car clubs, although these may need to be open to other subscribers in the immediate local area. Shared residential and business membership could be one approach, as use of the vehicles for business journeys is likely to be more in demand during working hours on weekdays and domestic usage is likely to be more pronounced in evenings and weekends.

In entering into a legal agreement to set up and/or promote a car club, the developer should ensure that the club is up and running from the very beginning of the occupation of the development. It should be offered to prospective members on favourable terms. A common requirement is free initial membership for three years. The developer should expect to contribute to the costs of setting up and promoting the club, as well as any traffic orders and works that might be necessary. The developer should guarantee the car club for a period of 10 years.

PARKING STANDARDS

This section addresses the following:

- Non-residential parking (**maximum standards**)
- Residential parking (**guidelines**)
- Disabled Badge Holders' Parking (**requirements**)
- Delivery space (**guidelines**)

Car Parking Standards - Introduction

Figure 3 below shows the areas covered by each of the 3 parking standard zones. Please note the boundaries shown are indicative and subject to change through any updates to the Local Transport Strategy.

Figure 3 – Zones for Parking Standards



For a change of use, developers should, in the first instance, take account of the standards shown in the following tables. This may mean increasing the number of spaces or possibly taking some away. Times of use of the existing and proposed land use(s) may be relevant to the need to provide extra parking. For instance a proposal for residential development in what is currently an office use may, on first consideration, require extra spaces. However, as residential parking demand tends to be mainly in an evening, it may be that the extra spaces could be accommodated elsewhere without road safety, amenity or other issues being raised.

If a site is redeveloped in its entirety with existing buildings demolished and the site cleared then developers should be guided by the standards in the following tables.

Many development proposals contain a variety of types of land uses. When assessing these applications the developer will be required to take account of the shared use of the site particularly if the different land uses are in use at different times of the day.

Where parking standards in the following tables relate to Gross Floor Area (GFA) this should be measured to the outside of the external walls of the development and will include all public and privately accessible areas.

Where it is proposed to extend an existing building (or other land use) parking provision should be based on the Gross Floor Area of the existing plus proposed building area.

Parking bays should generally be 2.5 x 5.0 metres with a 6.0 metre aisle width between bays. For nurseries or similar type of development where small children are to be dropped off, an extra 0.9 metres should be provided between spaces.

Where it is necessary to accommodate car parking within a private court, the parking must not dominate the space: no more than 50% of any court should be taken up by parking spaces and access roads. This figure is a guideline and the planning authority reserves the right to consider each case on its particular merits. In high density schemes it will be expected that underground or decked parking will be provided in order to achieve this.

In order to contribute to the Scottish Government's carbon reduction targets the Council will also encourage the provision of electric vehicle infrastructure as part of developments with associated off-street car parking.

Non-residential car parking spaces – all maximum amounts

1: RETAIL			
Land Use	City Centre	Inner City	Outer City
Food retail outlets (>1000m2 GFA)	1 per 40m2	1 per 22m2	1 per 14m2
Non-food retail outlets (>1000m2 GFA)	1 per 50m2	1 per 30m2	1 per 20m2
Food/non-food retail outlets (<1000m2 GFA)	1 per 70m2	1 per 40m2	1 per 30m2
Motor trade (including vehicle display area, spares dept, servicing, tyre and exhaust centre)	0.5/1 staff; 1 per 50m2 vehicle display area; 1 per 50m2 spares department; 3/servicing bay, 2/tyre and exhaust bay	0.5/1 staff; 1 per 33m2 vehicle display area; 1 per 25m2 spares departments; 3/servicing bay, 2/tyre and exhaust bay	0.5/1 staff; 1 per 33m2 vehicle display area; 1 per 25m2 spares departments ; 3/servicing bay, 2/tyre and exhaust bay
Petrol Filling Stations (note retail element assessed separately)	1 per 2 staff	1 per 2 staff	1 per 2 staff

2. FINANCE, PROFESSIONAL AND OTHER SERVICES			
Land use	City Centre	Inner City	Outer City
Banks, Building Societies, etc.	1 per 90m2	1 per 62m2	1 per 40m2

3. FOOD AND DRINK			
Land use	City Centre	Inner City	Outer City
Restaurants and cafes	1 per 40m2	1 per 17m2	1 per 12.5m2
Pubs/clubs/discos/bars	1 per 40m2	1 per 25m2	1 per 12.5m2
Take-away	1 per 33m2	1 per 33m2	1 per 33m2
Drive Through Restaurants – requires adequate queuing space	1 per 10m2	1 per 10m2	1 per 10m2

4. BUSINESS			
Land use	City Centre	Inner City	Outer City
Offices	1 per 80m2	1 per 50m2	1 per 30m2

5. GENERAL INDUSTRIAL			
Land use	City Centre	Inner City	Outer City
Industrial premises (excluding motor vehicle workshops)	1 per 100m2	1 per 55m2	1 per 40m2

6. STORAGE AND DISTRIBUTION			
Land use	City Centre	Inner City	Outer City
Warehousing – storage and distribution	1 per 300m2	1 per 167m2	1 per 100m2
Warehousing – wholesale trading	1 per 100m2	1 per 72m2	1 per 50m2

7. HOTELS, HOSTELS			
Land use	City Centre	Inner City	Outer City
Hotels, boarding houses, guest houses, and motels (restaurant and conference facilities counted separately)	0.6 per bedroom	0.75 per bedroom	1 per bedroom

8. NON-RESIDENTIAL INSTITUTIONS			
Land use	City Centre	Inner City	Outer City
Nursery and Primary Schools	0.8 per staff	0.8 per staff	0.8 per staff
Higher and Further Education	0.5 per staff plus 1 per 15 students	0.5 per staff plus 1 per 15 students	0.5 per staff plus 1 per 15 students
Public Library	1 per 90m ²	1 per 57m ²	1 per 36m ²
Public hall/Function room	1 per 50m ²	1 per 27m ²	1 per 18m ²
Religious Institution	0.5 spaces per 10 seats	1 space per 10 seats	1 space per 10 seats
Medical Centres/Vets/Dentists	3 per consulting room plus 0.5 per staff	3 per consulting room plus 0.5 per staff	3 per consulting room plus 0.5 per staff
Hospitals	Merit (but will require Travel Plan)	Merit (but will require Travel Plan)	Merit (but will require Travel Plan)

9. ASSEMBLY AND LEISURE			
Land use	City Centre	Inner City	Outer City
Conference Centre	1 per 10 seats	1 per 7.5 seats	1 per 5 seats
Cinema/Concert hall/Theatre/Bingo hall	1 per 12 seats	1 per 8 seats	1 per 5 seats
Stadium	1 per 20 seats	1 per 20 seats	1 per 15 seats
Sports centre/facility	1 per 30m ²	1 per 22m ²	1 per 22m ²

Residential Car Parking Standards

These should be treated as **guidelines**, rather than maximums. The level of parking proposed in a new development will need to be agreed with the Planning Authority.

Residential Car Parking Standards – all guidelines

DWELLINGS			
Land use	City Centre	Inner City	Outer City
Residential Dwellings	1.5 allocated space per dwelling	1.75 allocated space per dwelling	2 allocated spaces per dwelling (up to 3

	(up to 3 bedrooms), 2 per dwelling (4 or more bedrooms)	(up to 3 bedrooms), 2 per dwelling (4 bedrooms)	bedrooms), 3 per dwelling (4 bedrooms).
1 bedroom flat (no designated spaces)	1 per unit	1 per unit	1.5 per unit
2 bedroom flat (no designated spaces)	1.5 per unit	1.75 per unit	2 per unit
3 bedroom flat (no designated spaces)	1.5 per unit	1.75 per unit	2 per unit
Housing Association/Social Housing (rented only)	0.8 per unit	0.8 per unit	0.8 per unit
Special Needs Housing	1 per resident staff member plus 1 per 8 residents	1 per resident staff member plus 1 per 8 residents	1 per resident staff member plus 1 per 8 residents
Sheltered Housing/Care Home/Nursing Home	1 per resident staff member plus 1 per 8 residents	1 per resident staff member plus 1 per 3 residents	1 per resident staff member plus 1 per 3 residents
Purpose Built Student Accommodation	1 per resident staff member plus 1 per 10 students	1 per resident staff member plus 1 per 10 students	1 per resident staff member plus 1 per 10 students

Disabled Badge Holders' Parking – all requirements

Reserved disabled parking should be provided as per the following table. Please note that these are minimum standards.

Disabled Badge Holders Parking

	Car park size up to 200 spaces	Car park maximum standard size over 200 spaces
Employment Uses	1 space per disabled employee plus 2 spaces or 5% of the total number of spaces in the car park or whichever is greater	6 spaces plus 2% of the total number of spaces in the car park
Retail, Leisure and Recreation Uses	3 spaces or 6% of the total number of spaces in the car park or whichever is greater	4 spaces plus 4% of the total number of spaces in the car park

Spaces for drivers with a disability should generally be 2.5 x 5.0 metres with a 0.9 metre strip between adjacent spaces to allow access for wheelchairs. These spaces should, where possible, be located within 50 metres of the entrance to buildings to assist accessibility.

Delivery/loading/unloading Parking Standards – all guidelines

These standards apply to spaces required for vehicles regularly and necessarily involved in the servicing of businesses or other buildings. It includes space for

commercial vehicles delivering goods or collecting goods from premises and space for loading and unloading.

Details of operational parking requirements should be considered as guidelines. Where no operational requirement is specified requirements will be considered on a case by case basis. However, it is important where possible that loading and other servicing facilities are provided on site to prevent delivery vehicles queuing or using on-street locations to load and unload.

Delivery/loading and unloading parking standards

1. RETAIL	
Land Use	
Food retail outlets (>1000m ² GFA)	Assessed on merit
Non-food retail outlets (>1000m ² GFA)	Assessed on merit
Food/non-food retail outlets (<1000m ² GFA)	Assessed on merit
Motor trade (including vehicle display area, spares dept, servicing, tyre and exhaust centre)	Assessed on merit
2. FINANCE, PROFESSIONAL AND OTHER SERVICES	
Land Use	
Banks, Building Societies etc.	Assessed on merit
3. FOOD AND DRINK	
Land Use	
Restaurants and cafes	Assessed on merit
Pubs/clubs/discos/bars	Assessed on merit
Take-away	Assessed on merit
Drive Through Restaurants	Assessed on merit
4. BUSINESS	
Land Use	
Offices	Assessed on merit
5. GENERAL INDUSTRIAL	
Land Use	
Industrial premises (excluding motor vehicle workshops)	1 loading bay up to 500m ² GFA, 2 loading bays between 500m ² and 2500m ² GFA and 3 loading bays over 2500m ²
6. STORAGE AND DISTRIBUTION	
Land Use	
Warehousing (storage and distribution and wholesale trading)	1 loading bay up to 500m ² GFA, 2 loading bays between 500m ² and 2500m ² GFA and 3 loading bays over 2500m ²
7. HOTELS, HOSTELS	
Land Use	
Hotels, boarding houses, guest houses, and motels (restaurant and conference facilities counted separately)	1 loading bay, and coach spaces will be required for hotels with more than 50 bedrooms
8. NON RESIDENTIAL INSTITUTIONS	
Land use	
Nursery and Primary Schools	Pick-up/set down facilities for school buses and cars
Higher and Further Education	Pick-up/set down facilities for school buses and cars
Public Library	Space for mobile library van as appropriate

Public hall/Function room	Provision for a coach
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9. ASSEMBLY AND LEISURE	
Land Use	
Conference Centre	1 coach space per 50 seats
Cinema/Concert hall/Theatre/Bingo hall	A space for coaches/cars to pick up and set down as appropriate
Stadium	Provision for coaches-to be assessed with Travel Plan and accessibility
Sports centre/facility	Provision for coaches-to be assessed with Travel Plan and accessibility

Motorcycle Parking Standards

Motorcycle parking should be considered early in the design process. Facilities should be conveniently located, adequately lit, well signed, secure and vandal proof. It is also important that facilities are not placed in dark recesses or at the rear of car parks where they are less likely to be used. They should be located as close as possible to building entrances, ideally overlooked from a building or in the clear view of pedestrians.

Wall loops or fixing devices anchored in or adjacent to the road can provide secure anchor points for motorcycles. These need to be robust in order to prevent them from being lifted out of the ground or cut with cutting tools. The anchor point should be compatible with a wide range of bike types and locking devices. A height of 600mm will accommodate a range of wheel sizes and helps prevent thieves from using the ground as leverage for bolt cutters and jacks. The anchor points should be located and designed in positions that do not pose a hazard to partially sighted or disabled people. Motorcycle bays may also be acceptable.

Motorcycle Parking Standards – all minimums

Land use	Motorcycle parking provisions
1. RETAIL	
Food Retail Outlets (>500m ² GFA)	1 per 1500m ² with a minimum of 1 space for staff and 1 space for customers
Non-Food Retail Outlets (>500m ² GFA)	1 per 1500m ² with a minimum of 1 space for staff and 1 space for customers
Food/Non-Food Retail Outlets (<500m ² GFA)	1 space for staff and 1 space for customers
2. FINANCIAL, PROFESSIONAL AND OTHER SERVICES	
Banks, Building Societies, etc.	1 per 1200m ² with a minimum of 1 space for staff and 1 space for customers
3. FOOD AND DRINK	
Restaurants and cafes	1 per 300m ² public area with a minimum of 1 space for staff and 1 space for customers
Pubs and Winebars	
Fast food Takeaway	
4. BUSINESSES	
Offices	1 per 1000m ² for employees and 1 per 4000m ² for visitors
5. GENERAL INDUSTRIAL	
Industrial premises	1 per 2000m ² for employees and 1 per 8000m ² for visitors
6. STORAGE AND DISTRIBUTION	
Warehousing	1 per 6000m ² for employees and 1 per 16000m ² for visitors

7. HOTELS, HOSTELS	
Hotels, boarding houses, guest houses, and motels	1 per 15 bedrooms with a minimum of 1 space for customers and 1 space for staff
8. NON RESIDENTIAL INSTITUTIONS	
Primary School	1 per 8 staff with a minimum of 1
Secondary School	1 per 8 staff with a minimum of 1
College/University	1 per 8 staff with a minimum of 2
Medial Centre	1 per 25 parking spaces with a minimum of 1 space for staff and 1 space for customers.
9. ASSEMBLY AND LEISURE	
Public Library	1 per 25 parking spaces with a minimum of 1 space for staff and 1 space for customers.
Cinema/Concert Hall/Theatre/Bingo Hall	
Conference Centre	
Public Hall	
Stadium	
Sports Centre/facility	
10. RESIDENTIAL INSTITUTIONS	
Special Needs Housing	1 visitor space per 25 units with a minimum of 1 space and 1 space per 25 staff with a minimum of 1
Sheltered Housing/Care Home/Nursing Home	1 visitor space per 25 units with a minimum of 1 space and 1 space per 25 staff with a minimum of 1
Hospitals	Assessed individually - a Travel Plan will be required.
Purpose Built Student Accommodation	1 per 25 beds and 1 per 25 staff with a minimum of 1 space for staff and 1 space for students
Flats (<6)	1 space per 8 flats with a minimum of 1
Flats (7-10)	
Flats (11-15)	
Flats (15-25)	
Flats (26-30)	
Flats (31+)	

Cycle Parking Standards

It is important that developers provide secure cycle parking at each new development, whether that be at a place of work or residence, so that individuals can make a choice of whether they wish to cycle to work with the knowledge that their bike will be secure at both ends of the journey.

This Guidance will be applied to:

- New developments and extensions to existing developments;
- Conversion of existing buildings involving a change of use; and
- Material changes of use

The location and provision of cycle parking facilities differs between short and long stay. Drawings submitted for a planning application should clearly indicate the number of spaces available for bicycles, and

For short stay:

- Precise location
- Design (usually Sheffield stand) as defined in 'Key Elements of Cycle Parking Provision'

For long stay:

- Internal building location or

- External location and design

Short Stay Parking

Short stay cycle parking is for visitors and/ or customers. This type of facility should be located in a safe, convenient, accessible and prominent position, preferably on-site and adjacent to the entrance of a building, and an absolute maximum of 50m from the entrance. Buildings with more than one entrance should either have cycle parking readily accessible from every entrance, or a smaller number of facilities should be located at each entrance.

The facility should be well signed and either lit, or placed close to a source of light. If possible, it should be monitored by closed circuit television and be visible to on-site security staff. As weather protection for cycle parking is highly desirable developers will need to consider this at an early stage in the design of new developments. The facility should be located so as not to cause an obstruction to pedestrians or partially sighted people. For short stay parking, Sheffield stands are recommended for most types of development. Wall loops may be acceptable in certain circumstances, for instance in areas where pavement widths are restricted. It should be noted however that stands that support the bicycle by one wheel only are NOT satisfactory.

Long Stay Parking

Long stay parking should be provided where cycle parking is required in excess of six hours, this includes residential, office and hotel developments. More secure facilities in the form of cycle cages or lockable compounds should be provided. These must be covered. Alternatively, secure compounds within buildings may be acceptable, provided they are located at ground level and are accessible. The compound must be under continuous supervision or have a shared key arrangement where each cyclist has a key to the outer door. Sheffield stands should also be provided within the bike store for increased security. On larger sites, small clusters of cycle parking facilities are preferable to large, central parking compounds.

Individual lockable facilities are a preference at residential developments, however there is a realisation that these will take up a greater footprint compared to a cycle compound. Aberdeen City Council will therefore look for flatted developments of six flats and under to contain individual lockable facilities at a ratio of one space per flat, which will take up approximately the same footprint as one car parking space. Where higher density developments take place with limited, or no car parking, the expectation is that the ratio of flats to cycle parking is also one to one.

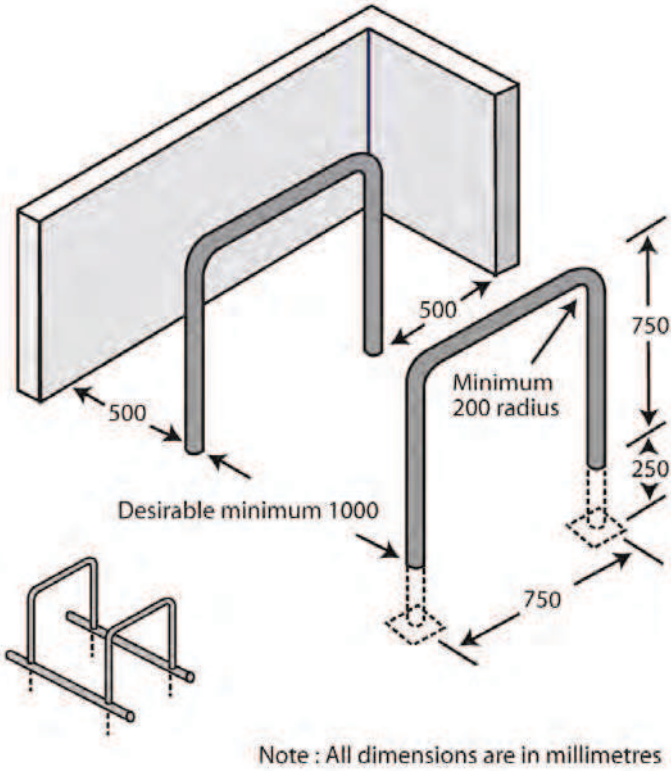
Sheffield Stand Specifications

The material and finish of stands can vary greatly, and only the higher specification of stainless steel and galvanised, powder or nylon coated should be used.

Stands should be 750mm high and a minimum of 750mm long. The frame of the stand should have a minimum outer diameter of 42mm. A desirable minimum

distance of 1000mm should be provided between stands to accommodate two cycles per stand. Stand ends should either be embedded in concrete, bolted into the ground or welded to parallel bars at ground level to form a 'toast' rack system. Adequate space should be provided at either end of the stand to enable cycles to be easily removed. The diagram below indicates the necessary dimensions for Sheffield stands and the amount of space required around each stand.

Figure 4 – Sheffield Stand Dimensions



Cycle Parking Standards

Please note that without exception, a minimum of two short stay stands, or four cycle parking spaces, should be provided with all types of use. Within the centre of town, if the entrance of a development is located within 50m of city centre cycle parking stands these can be included as part of the short stay cycle spaces required in the development quota.

Land use	Cycle parking provision
1. RETAIL	
Food Retail Outlets (>500m2 GFA)	1 per 250m2
Non-Food Retail Outlets (>500m2 GFA)	1 per 300m2
Food/Non-Food Retail Outlets (<500m2 gfa)	1 per 300m2
2. FINANCIAL, PROFESSIONAL AND OTHER SERVICES	
Banks, Building Societies, etc.	1 per 250m2
3. FOOD AND DRINK	
Restaurants and cafes	1 per 10 staff; 1 per 20 seats
Pubs and Winebars	1 per 100m2
Fast food Takeaway	1 per 50m2

4. BUSINESSES	
Offices	1 per 300m2
5. GENERAL INDUSTRIAL	
Industrial premises	1 per 500m2
6. STORAGE AND DISTRIBUTION	
Warehousing	1 per 1000m2
7. HOTELS, HOSTELS	
Hotels, boarding houses, guest houses, and motels	1 per 10 staff
8. NON RESIDENTIAL INSTITUTIONS	
Primary School	1 per 10 staff or students
Secondary School	1 per 10 staff or students
College/University	1 per 8 staff or students
Medical Centre	1 per 20 staff plus 1 per 20 staff for visitors
9. ASSEMBLY AND LEISURE	
Public Library	1 per 20 staff plus 1 per 10 staff for visitors
Cinema/Concert Hall/Theatre/Bingo Hall	1 per 10 staff plus 1 per 20 peak period visitors
Conference Centre	1 per 50 seats for staff plus 1 per 50 seats for visitors
Public Hall	1 per 10 staff plus 1 per 20 peak period visitors
Stadium	1 per 10 staff plus 1 per 20 peak period visitors
Sports Centre/facility	1 per 10 staff plus 1 per 20 peak period visitors
10. RESIDENTIAL INSTITUTIONS	
Special Needs Housing	1 per 10 staff
Sheltered Housing/Care Home/Nursing Home	1 per 10 staff
Hospitals	1 per 20 staff plus 1 per 20 staff for visitors
Purpose Built Student Accommodation	1 per 3 students
Flats (<6)	1 per flat
Flats (7-10)	1 per 1 flats
Flats (11-15)	1 per 1 flats
Flats (15-25)	1 per 1 flats
Flats (26-30)	1 per 1 flats
Flats (31+)	1 per 1 flats

Where a planning application for the intensification of an existing use or a change of use is made, there could be a need to provide additional cycle parking on the site in line with the standards. If there is no room for facilities to be provided on-site, the planning authority may ask for appropriate facilities to be provided off-site. Such provision should be within 50 metres of the development.

8. PARKING IN CONSERVATION AREAS

Introduction

Large parts of Aberdeen, mainly to the south and west of the city centre, have been designated as conservation areas in order to protect and, where possible, enhance their architectural character and environmental amenity.

The typical layout of most of these areas consists of broad streets, often tree lined, occasionally having service roads and gardens between the street and the buildings. The buildings may vary in size and style, but generally they have small front gardens and long walled gardens to the rear, frequently accessed from a rear lane running parallel to the street.

The increasing demand for off street parking brought about by ever expanding car ownership, and the introduction of traffic management schemes, generates pressure for car parking in garden areas, both to the front and rear of commercial and residential properties in conservation areas.

Statutory and Other Requirements

In conservation areas, planning permission is required to form a car park within a front or rear garden, and in some situations, conservation area consent may also be required where the proposals entail demolition work. Planning permission is also required to form a car park within the curtilage of a listed building, whilst listed building consent is required if any structure within the curtilage of a listed building is to be altered or removed. In all cases, including those where no planning or listed building consents are required, there is a requirement to apply to the City Council to form a footway crossing. Applicants should contact the Planning Authority at the earliest opportunity.

Trees in conservation areas are statutorily protected, and their removal without prior consent from the Council constitutes an offence, as does the removal of any tree that is protected by a tree preservation order. Consent is also required before any work, such as lopping or thinning, is carried out to a protected tree.

Removal of existing parking spaces

Whilst generally the pressure from property owners is to create additional car parking space, there may be an occasion when an owner will wish to convert existing parking space back to landscaping. Residents will be encouraged to restore private car parking in conservation areas to its original use as garden space, to help restore the character of an area. The condition to this is that the planning authority must be satisfied that any loss of off-street parking will not have a detrimental effect on road safety.

PARKING IN FRONT GARDENS

The conversion of front gardens for car parking will only be permitted where:

- the site is outwith the West End Office Area;
- rear garden parking is not an option;
- where there are no implications for road safety;

- where there is no impact on significant street or garden trees; and
- where on-street parking is readily available in the vicinity.

Other situations will be considered on their own merit, but with the provision that the garden will have to be large enough to take a single car whilst leaving a reasonable space between the parked car and the house, and at least 50% of the garden ground for soft landscaping. A detailed list of the criteria for assessing proposals for new driveways are set out below.

Road Safety

All applications to form a driveway must be assessed against road safety standards to ensure they do not present hazards to other road users or pedestrians.

Definitions of Road Types

A **Classified Road** is a highway which has been identified as being of importance for the movement of traffic. Classifications given are Class A, B or C, and any new access onto a classified road requires planning permission. **Primary Distributor Roads** form the primary network for the urban area and comprise trunk roads and important classified roads. All **Trunk Roads** are Class A. **District Distributor Roads** may be class A, B or C whilst **Local Distributor Roads** may be Class B or C, but are generally unclassified. Trunk Roads and Primary Routes are shown in the Finalised Aberdeen Local Plan in the Additional City Wide Proposals maps.

Access onto Classified Roads

There is a presumption against granting planning permission for a driveway onto a trunk road or primary distributor road. On district distributor roads there is also a presumption against granting consent for driveways, but this may be relaxed provided the proposal meets road safety criteria, and vehicles are able to enter and exit the parking area in forward gear. Local distributor roads are treated similarly to district distributors but without the requirement to enter and exit in forward gear.

Visibility

Driveways must be positioned to allow adequate visibility, particularly on busy pedestrian routes, in accordance with national standards.

Proximity to Road Junctions

Driveways will not normally be closer to a junction than 15 metres, although this may be relaxed if the road is lightly trafficked.

Footpath Crossings

No more than one footpath crossing per property will be permitted, except in situations where a large house may have a long frontage when an 'in' and 'out' may be acceptable.

Driveways

Driveways must be at least 5.0 metres in length, and new houses must have a driveway of at least 6.0 metres. Where, however, a driveway is more than 7.0 metres long, it must be at least 10.0 metres in length to prevent the possibility

of two cars being parked, with the second car overhanging the footpath. The gradient of the driveway must not normally exceed 1:20, although 1:15 may be acceptable in some circumstances, depending on the surface texture employed. The first two metres of the driveway adjacent to the footpath must not be surfaced with loose material such as gravel, to prevent material being carried onto the footpath or roadway. The driveway must be drained internally, with no surface water discharging onto the roadway. A driveway might not be permitted if it is accessed from a 'Pay and Display Area', or via a parking lay-by, where the lay-by is regularly occupied.

Planning Criteria in relation to Parking in Front Gardens

Planning criteria considered when assessing whether consent may be granted for parking in front gardens of listed buildings or buildings in conservation areas. Similar criteria apply to front gardens of flats.

General Criteria

1. No more than 35% of the front garden area may be given over for the combined parking area, driveway and any turning area, or 50% if footpaths and other hard surfaced areas are included. At least 50% of the garden area should be left in topsoil to permit soft landscaping.
2. Where the property originally had cast iron railings, their reinstatement will be encouraged to lessen the impact of parked cars, failing which some other form of enclosure will be required, or appropriate soft landscaping.
3. The formation of the access driveway or parking area must not result in the loss of any street trees or significant garden trees.
4. Consent will not be granted where the property has a rear garden area, suitable for parking, which is accessible from a rear lane or side street.
5. Where the garden is owned by more than one resident, owners will not be permitted a separate driveway and parking area each unless they can be achieved without fragmenting the garden or unduly reducing on-street parking. A communal driveway and parking area may be permissible provided they occupy no more than 35% of the front garden, or 50% if footpaths and other hard surfaced areas are included.
6. Where the building is in multiple ownership, the formation of an access driveway for one or more owners should not result in any of the remaining owners having no opportunity to park in the street adjacent to their property.
7. Consent will not normally be granted for parking in garden areas in front of tenement flats.

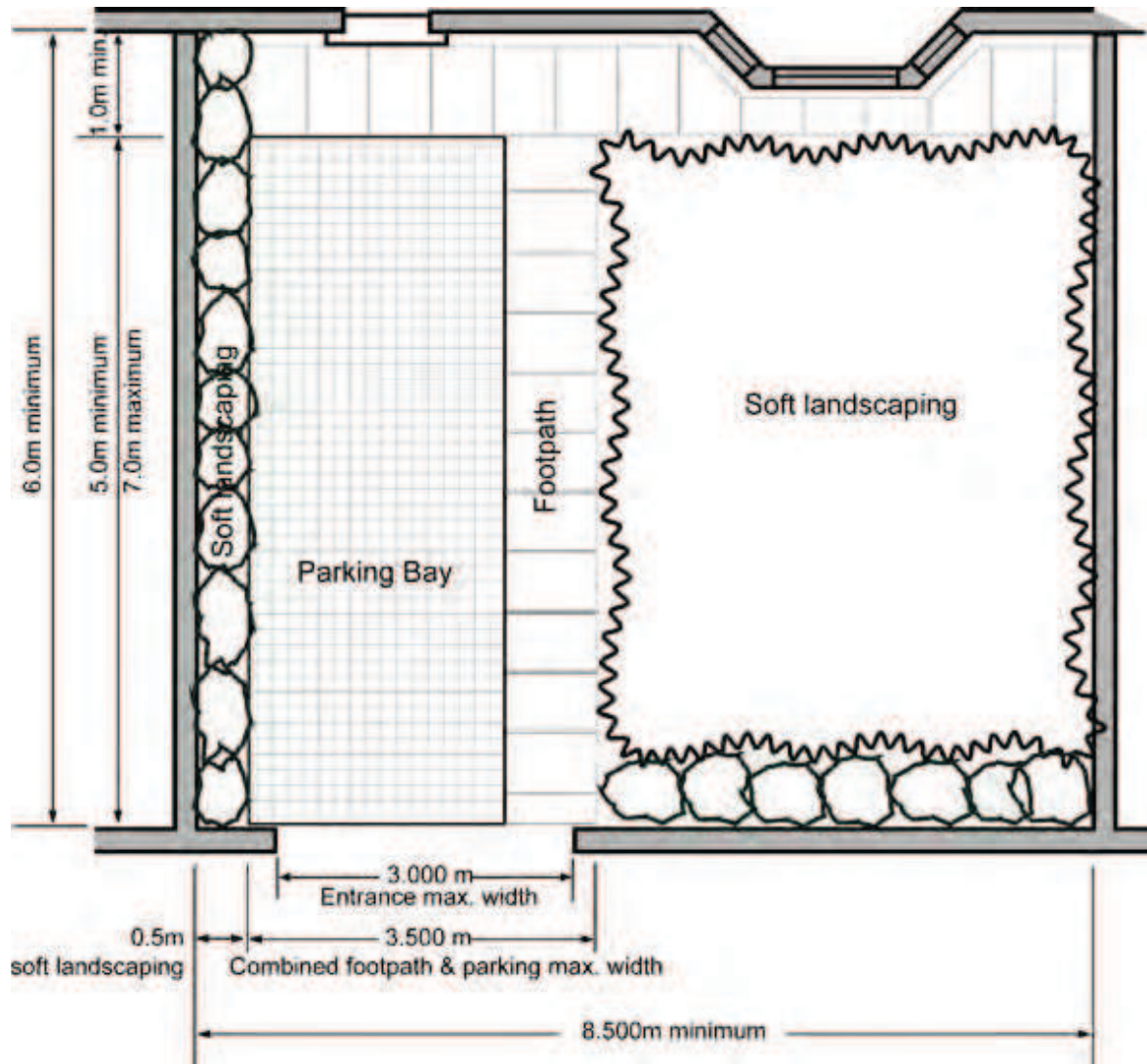
Situations where classification of road and location of driveway permits reversing out from the parking area

1. The parking area should be no closer to the front wall of the property than 1.0 metre.
2. The driveway must be no wider than 3.0 metres, or 3.5 metres if combined with the footpath.

Situations where classification of road permits garden parking provided it can be entered and exited in forward gear

1. The parking and turning areas should be no closer to the front wall of the property than 1.0 metre.
2. The design of any turning area should be such that it can be used only for turning and not as additional parking area.

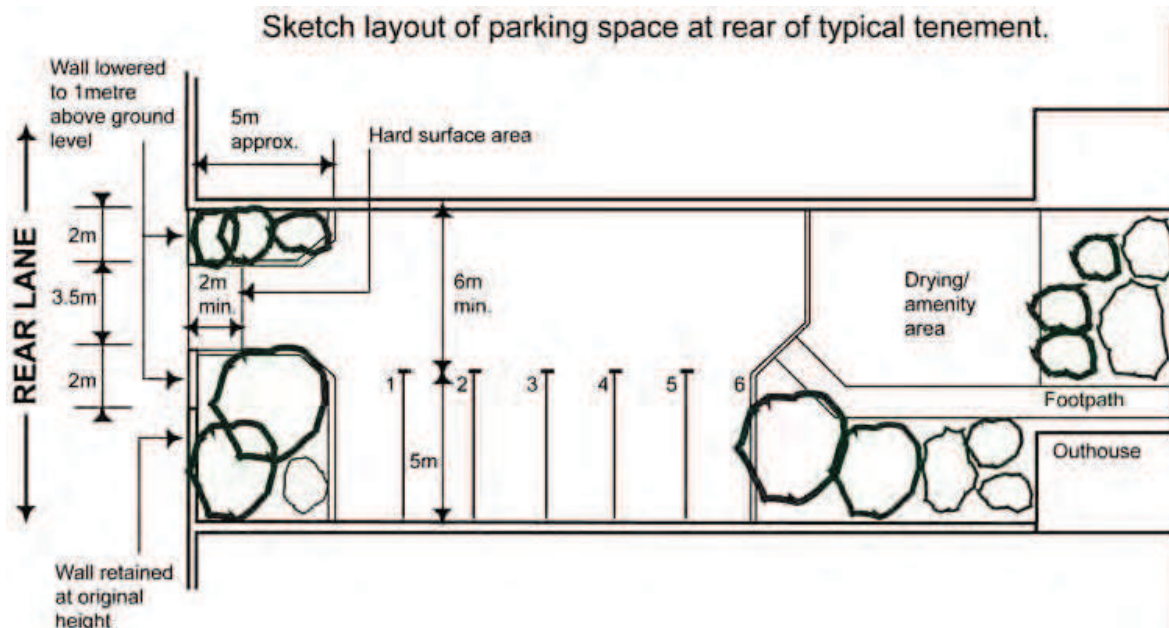
3. Suitable landscaping should be provided to screen both parking and turning areas, and generally to soften the intrusive effect of cars parked in front of the property.



Sketch layout of smallest front garden capable of accepting a single car parking space whilst retaining 50% garden ground for soft landscaping.
 Total area + 51m²approx
 Total area of landscaping = 25m²approx

PARKING IN REAR GARDENS

In certain areas of the City, where rear lanes provide access to back gardens, it may be acceptable to convert part of these back gardens to car parks. In order to preserve as much as possible of the amenity provided by these gardens, the area given over to parking will be the minimum required to provide no more than one car space for each flat, and the treatment of other areas, including boundary walls, landscaped areas and screen planting, will require careful consideration. In the case of houses, or houses which have been subdivided into a small number of flats, it may be easier to provide parking space, as most rear gardens will be able to accommodate a small number of cars, whilst still leaving a good proportion of garden ground unaffected.



General requirements for Parking areas in Gardens

1. The car park should be internally drained and should incorporate Sustainable Urban Drainage Systems to deal with surface water run off.
2. Parking spaces should be delineated on the site.

Parking Layout in Rear Gardens

Where car parks in rear areas are permissible, their layout will vary depending on the site characteristics and parking requirements. A high priority is placed on retaining significant trees, original outbuildings such as stables or coach houses, boundary features such as granite walling and even changes in level which add interest to the site.

Parking bays should be 5.0 metres by 2.5 metres, and access aisles around 6.0 metres wide. Adequate space should be allowed to permit turning entirely within the site. A generous space of around 5.0 metres should be allowed between the parking area and the rear lane to permit adequate landscaping, and for trees to develop without threatening boundary walls.



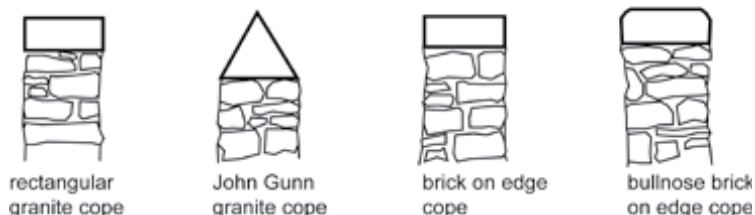
Surfacing of Parking Areas

An area of granite setts or other similar finish is required at the entrance to the car park, to provide an identifiable boundary between the lane and the car park and to retain any loose materials which may be used to surface the car park. The parking surface may be constructed in a variety of durable materials such as block pavers, tarmac or gravel. Water bound materials such as clay and sand based hoggin or granite dust are temporary measures which are not acceptable. Where the surface of the parking area is to be gravel, the length of granite setts or similar material at the entrance to the car park must be at least 2metres, to prevent gravel being dragged onto the public road or lane.

Rear Boundary Walls

Boundary walls are generally around two metres high, built of granite pinnings or granite rubble, usually left exposed but occasionally harled. They will normally have a granite or red brick-on- edge coping. Openings formed in rear boundary walls should be of a width of around 3.5 metres to allow vehicular access. A length of boundary wall on each side of the opening will likely have to be reduced in height to permit visibility in each direction for parking areas serving commercial premises or more than a single residential unit. Beyond this the wall must step back up to its original height, to provide a degree of screening of the car park. Materials matching the original should be used in any alterations to boundary walls.

COMMON TYPES OF COPE



Gates

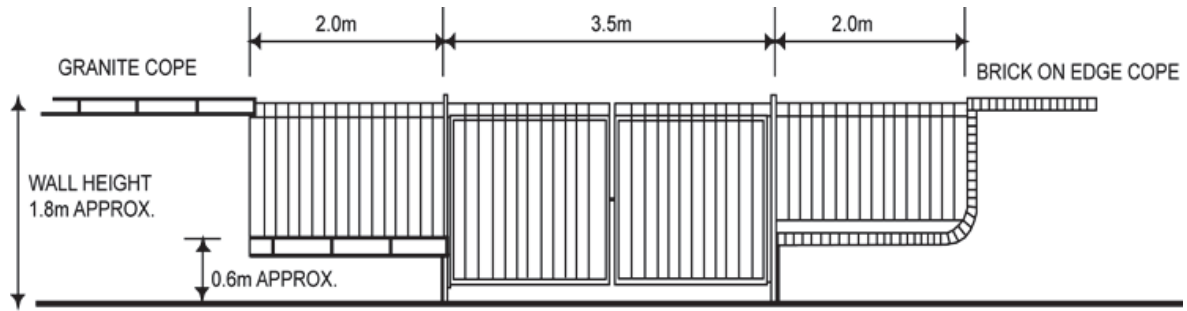
Close-boarded timber pedestrian pass gates, or vehicular gates to a single residential unit, either stained or painted and constructed to the same height as the boundary wall, are a common feature of these lanes, and provide reasonable security and privacy. Cast and wrought iron or mild steel gates can be used at entrances to commercial premises or flatted developments, and can be effectively employed in conjunction with railings on top of an adjacent lowered wall. Ornate scrollwork is however, alien to Aberdeen's special architectural character, particularly in the context of rear or service lanes, and ought to be avoided. Gates must always open into the garden rather than into the lane.

Trees and Landscaping in Rear Gardens

Where rear garden ground is to be given over for car parking there will be an inevitable loss of amenity space, or potential amenity space where the ground in question has been neglected. This type of space is of great importance for visual stimulation, wildlife, air quality, sustainable drainage, and practical and leisure uses such as clothes drying or simply gardening and sitting outdoors. The area given over for parking should therefore, be kept to an absolute minimum. In order that garden ground remains the dominant feature of the garden it is suggested that no more than 45%-50% be given over for parking and other areas of hard surfacing, although these percentages may increase slightly in flatted situations to allow one parking space per flat. Where consent is given for the formation of parking area in garden ground, it will be a condition of that consent, that the remainder of the garden will be landscaped in accordance with an approved scheme. It is a normal requirement of such conditions that the landscaping be maintained for a period of five years following the implementation of the landscaping.

The Council has a statutory duty to have regard to the preservation of existing trees and to require the planting of new trees in appropriate circumstances. In that respect it should be noted that trees within conservation areas are statutorily protected, and that it is an offence to remove a protected tree before express consent has been granted by the City Council. A tree survey is required if there are any trees over 75mm in diameter at chest height. Existing trees contribute greatly to the attractiveness and character of a locality, and must be retained and protected from any damaging construction activities. An area no less than half the tree height or canopy spread, whichever is the greater, (British Standard 5837; Trees in Relation to Construction), must be kept free of any disturbance such as changes in ground levels, excavation and compaction. Where there is insufficient space to comply with the British Standard, encroachment into the protected area will be permissible only if it can be demonstrated to the satisfaction of the planning authority, that the proposal can be carried out in a manner which will not cause damage to the trees, or detrimentally affect their setting.

The council will normally require the planting of new trees as part of proposals for the landscaping of parking areas. Such trees can be particularly effective when planted just inside the feu, near the rear lane. The species of tree chosen should be the largest type suitable for the particular site, as these will tend to produce the greatest impact and environmental benefits. Native species of trees should be used where suitable.



Alternative methods of finishing lowered walls at rear parking areas

Lock-up Garages in Rear Gardens

The formation of lock-up garages off rear lanes, serving houses or a small number of flats, can usually be achieved satisfactorily. The design and positioning of the garage should be given careful consideration, particularly with regard to the effect the garage will have on the appearance of the lane. Where, as in most situations, the garage opens onto the lane, the outer wall of the garage should be on the same line as the garden wall, and not recessed back from it, as this helps to maintain the delineation of the lane. This may affect the choice of garage door as it is not acceptable for the door to encroach onto the lane as it is opened.

The formation of ranks of garages in the rear gardens of tenements has an extremely detrimental effect on the appearance of rear garden areas, and will not normally be permitted. They occupy more garden ground than simple parking spaces. They also protrude above garden walls and cannot easily be screened by trees or other landscaping measures. It is virtually impossible to recreate any sense of enclosure in these situations, and the turning space in front of the garages tend to become desolate areas which attract vandalism. Additionally the formation of banks of garages can greatly increase the built footprint of the feu to the extent that it could push it over the 33% maximum area which is generally considered permissible to be developed.

9. DRIVEWAYS GUIDE

These guidelines have been prepared to advise householders on the consents that are required from the Council if they are proposing to build a driveway.

In seeking consent for a new driveway applicants (householders) should note that it is possible that up to three separate consents may be required including:

- Planning Permission (Town and Country Planning Scotland Act 1997 [as amended by the Planning etc Scotland Act 2006])
- Road Consent (Roads Scotland Act 1984)
- Landlord's Consent

Planning Permission

Reasons for requiring planning permission include:

- The property is a flat;
- construction work involves over 0.5 metres of earthworks [excavation or raising of ground level];
- the verge to the footway has grass over 2.5 metres wide;
- the driveway accesses on to a classified road*;
- the property is a listed building or is situated in a conservation area.

Permission will not be granted for a driveway across an amenity area or road side verge unless it would produce a demonstrable improvement in road safety and have no adverse effect on the amenity of the area.

*Local authorities are obliged to consult Transport Scotland, the trunk road authority, when they receive planning applications for any development that lies within 67 metres of the trunk road or where there may be any impact on traffic using the trunk road network.

Roads Consent

Permission will always be required from the Council for the installation of a driveway. If the driveway is the subject of a planning application then roads issues will be dealt with as part of the planning process, otherwise an application is made direct to the Roads Authority for permission to construct the access. Applications which affect the trunk road network may be referred to Transport Scotland for a recommendation.

The following conditions should be met to comply with the Roads Authority requirements and standards. These conditions apply to all driveway applications, including those that do not require an application for planning permission.

Length of the Driveway

The length of the driveway must be a minimum of 5 metres. This is considered to be the minimum length which will accommodate the average car, without overhanging the footway. Vehicles that overhang the footway cause a road safety hazard to pedestrians, especially young children and those with a disability.

Driveways in new houses must have a minimum length of 6 metres. If a driveway application is longer than 7 metres, it must then be at least 10 metres long. This requirement is to prevent two cars parking with the second car overhanging the footway.

These standards are set for the average length of car and it is noted that some smaller cars are less than this standard. However once permission is granted the Council has no control over what type of car might use the driveway and it must therefore consider not only the existing use, but also the future use of the site. Driveways, which do not meet the minimum specified length of 5 metres, will be refused.

Visibility

Driveways must be positioned to enable the required visibility, including pedestrian visibility, to be achieved in accordance with National Standards. Visibility is particularly important on popular pedestrian routes and near schools. A driveway should also meet the public road at right angles and a vehicle should be able to enter and exit the driveway at right angles to the road, so that a driver can see clearly in both directions without having to turn round excessively. Driveways which do not meet the minimum requirements for visibility will be refused.

Distance from a Junction

Driveways should be a minimum of 15 metres from a junction, although there may be circumstances where this may be relaxed on lightly trafficked roads.

Number of Footway Crossings per Property

In general only one footway crossing per property is allowed. This is to avoid a proliferation of crossings, causing a road safety hazard to pedestrians. In some situations this may be relaxed, for example at large houses with a long frontage where an “in” and an “out” may be permitted. Where properties have suitable existing facilities at the rear of the property it is unlikely that permission will be granted for further crossings at the front of the building.

Access from Parking Lay-bys

A driveway will not generally be permitted if access is taken from a parking lay-by, which is regularly in use. Similarly access from a “Pay and Display” area may also be refused.

Gradient

The gradient of a driveway should generally not exceed 1 in 20 although this may be relaxed in certain circumstances to a maximum of 1 in 15, provided suitable measures such as nonslip surfacing are employed. It is acknowledged that a parked vehicle could slide on a gradient greater than 1 in 15, and gradients greater 1 in 15 will not therefore be permitted.

Drainage

A driveway should be internally drained with no surface water discharging on to the public road. This is to prevent any flooding on the public road, with ice perhaps forming in the winter.

Construction of the Footway Crossing

A driveway must be served by a footway crossing constructed by the City Council to ensure that it is constructed to a suitable standard and that any services under the footway have suitable protection.

Loose material e.g. stone chippings must not be used to surface the first 2 metres of the driveway adjacent to the footway. Only one footway crossing will be allowed per property to avoid any impact on road safety. The normal width of a footway crossing is 3 metres but this may be increased to 6 metres for a double driveway.

The applicant is responsible for the payment of all works involved.

Landlords/Other Consents

In addition Superior's or Landlord's consent may be required for the Works. Solicitor's advice should be sought on this matter. Where the Council owns the property, the Council's consent as landlord will be required. Where the property was previously in the ownership of the Council, there may also be a requirement to seek "Superior's Consent" from the Council for the Works. This should be obtained before work commences.

Where a change of use of private or public open space is required please contact the council.

Driveway application to Enterprise, Planning and Infrastructure

An application for a driveway should be made to Enterprise, Planning and Infrastructure. Staff will give advice on what is required for a driveway and whether the driveway will require a planning application. If no planning application is required they will advise if the driveway is acceptable with regard to council standards. For further information please contact:

Planning and Sustainable Development
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen, AB10 1AB
Tel: 01224 523470, Fax: 01224 636181
Email pi@aberdeencity.gov.uk

Some of the questions that will require to be answered are:

Is the property a council house?

Is the property a flat?

Is the driveway to be at right angles to the road?

Is the driveway to be a minimum of 5 metres long?

All applications must include a suitable plan clearly showing the location of the proposed driveway and the dimensions along with the construction details. All applications must satisfy the standards described above or the application may be rejected.

10. AUTOMATIC TELLER MACHINES (“CASH MACHINES”)

The location of ATMs has implications for road safety and parking. Ideally auto-tellers should be located along active building frontages in public areas where there is a high level of pedestrian movements and passive surveillance. These may be at main shopping streets, supermarkets, neighbourhood shopping areas or bank premises, but other locations may be acceptable. This guidance clarifies where new ATMs may be provided.

The suitability of new ATMs will be considered on the following criteria:

- The level of pedestrian movements;
- Positioning of the ATM in relation to active building frontages and passive surveillance;
- Width of pavements around the proposed ATM;
- The availability of parking adjacent to the proposed sites where there is no obstruction to surrounding uses or driveways;
- Appearance of the ATM and impact on the surrounding built and natural environment.

The auto-teller should not be positioned adjacent to or near junctions or bends in the road or in areas where there is poor visibility. The provision of a proposed ATM should not cause obstruction to existing pedestrian movements.

In addition, there shall be a presumption against granting planning permission for automatic telling machines where it can be clearly demonstrated:

- a) that the width of the footpavement in the vicinity of the machine is restricted in relation to the observed level of pedestrian movements along that section, and may furthermore be restricted by the presence of bus stops or light controlled pedestrian crossings, such that the congestion created by persons standing at the machine may cause an obstruction to the free flow of pedestrian movement along the footpavement.
- b) that the machine is to be located within 3 metres of the corner of the building at a street junction where persons standing at the machine may cause an obstruction to the free flow of pedestrian movement along the converging footpavements.
- c) that the machine is to be located where it is not readily visible from a public thoroughfare or is in an area poorly lit.
- d) that the installation of the machine would be too detrimental to the external appearance of the property or would result in the loss of, or unsatisfactory alteration to, an internal feature of architectural or historical importance.

Relevant Links:

Aberdeen City Council Directional Signage Guidance for Paths 2011

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=39148&SID=3159>

Aberdeen City Council Travel Plan Builder

<http://www.aberdeencitytravelplans.co.uk>

Aberdeen Local Transport Strategy (2008-2012)

http://www.aberdeencity.gov.uk/web/files/sl_Planning/local_transport_strategy08.pdf

Aberdeen Local Transport Strategy (2008 -2012) Monitoring Update Paper 2009

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=25606&SID=2866>

Aberdeen Outdoor Access Forum

http://www.aberdeencity.gov.uk/planning_environment/environment/core_paths/plan_outdooraccessforum.asp

Aberdeen Core Paths Plan 2009

http://www.aberdeencity.gov.uk/planning_environment/environment/core_paths/plan_corepaths.asp

Designing Streets: A Policy Statement for Scotland 2010

<http://www.scotland.gov.uk/Resource/Doc/307126/0096540.pdf>

First Group Plc Aberdeen

<http://www.firstgroup.com/ukbus/aberdeen/>

Lowland Path Construction: A guide to Good Practice 2001

http://www.pathsforall.org.uk/component/option,com_docman/Itemid,69/gid,101/task,doc_details/

Nestrans – The Transport Strategy for Aberdeen City and Shire

<http://www.nestrans.org.uk/home.html>

Signage Guidance for Outdoor Access: A Guide to Good Practice 2009

http://www.pathsforall.org.uk/component/option,com_docman/Itemid,69/gid,106/task,doc_details/

Stagecoach Bus

<http://www.stagecoachbus.com/>

Transport Assessments and Implementation: A Guide 2005

<http://www.scotland.gov.uk/Publications/2005/08/1792325/23264>

For help with **language / interpreting** and other formats of communication support, please contact:

ভাষা/ইন্টারপ্রেটিং এবং অন্যান্য ফরমেটের
যোগাযোগ সাহায্যের জন্য দয়া করে
:01224 523 470
নম্বরে যোগাযোগ করবেন।

如果需要語言/傳譯及其他形式的傳訊支援服務，
請聯絡:01224 523 470

Если требуется помощь при выборе
языка / переводчика или других
способов общения, звоните по
телефону :01224 523 470

للحصول على مساعدة بخصوص اللغة/ الترجمة
و وسائل الاتصال الأخرى، الرجاء الاتصال
بالرقم التالي: 01224 523 470

زبان / ترجمانی (انٹرپرائٹنگ) میں مدد اور اپنی بات دوسروں
تک پہنچانے میں مدد کی دوسری طرزوں کیلئے، براہ کرم اس نمبر پر
رابطہ کریں : 01224 523 470

W razie potrzeby pomocy z językiem
angielskim albo z tłumaczeniem, albo
jakiejkolwiek innej pomocy do
porozumienia, proszę skontaktować:
01224 523 470

E-Mail: pi@aberdeencity.gov.uk



Supplementary Guidance

Topic: Waste Management
Requirements in New Development

March 2012

Supplementary Planning Guidance – Waste Management Requirements for New Development

Developments should provide enough space for the storage and collection of waste – specifically recyclables, composting and residual waste – and access to such facilities. Planning conditions are already imposed on proposals likely to generate a significant amount of waste e.g. public houses, restaurants, medium to large-scale retail outlets and offices. However more could be done at the design stage to ensure that adequate provision is made for such facilities.

Policy R6 states that all new development will be required to incorporate adequate provision for waste disposal and recycling facilities. Housing developments regardless of size should have sufficient space for the storage of residual, recyclable and compostable wastes (black, blue and brown wheelie bins). Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

In order to allow as many people as possible to recycle their household waste, the Aberdeen Waste Strategy relies on the kerbside collection of segregated waste. Houses will have 3 wheelie bins.

There will be a need for space for multiple waste storage bins and containers at each property. Different developments will have a different waste management service and therefore, space and access requirements. In all domestic cases, developments should comply with Building Standards (Standard 3.25 of the Technical Handbook).

Houses with Gardens

From 2012/13, houses with gardens will have 3 wheeled bins:

1. A 240l wheeled bin for recyclable materials such as glass, plastics, cans, paper and card. This is currently taken to Sclattie Quarry for transfer. However, in future it will be taken to a new Material Recycling Facility in Altens to be separated for recycling.
2. A black wheeled bin for residual waste – what's left – currently the bin provided for this service has a capacity of 240l but this may reduce in time to 180l.
3. A brown bin for garden waste.

In addition, houses will need a 25l food waste container that will be taken for composting or anaerobic digestion.

Houses will require an external space for 3 x 240 litre wheeled bins. The minimum size of external waste storage area required is 2m x 1m per house. This should be hard surfaced and, if covered, a minimum height of 2m.

Preferably, storage areas should be screened or sited out of public view, but readily accessible to the householders.

There should also be space in private or shared gardens for home composting (see below).

Houses without Gardens

From 2012/13, houses without gardens will have a 25l food waste container and 2 wheeled bins:

1. A 240l wheeled bin for recyclable materials such as glass, plastics, cans, paper and card. This is currently taken to Sclattie Quarry for transfer. However, in future it will be taken to a new Material Recycling Facility in Altens to be separated for recycling.
2. A black wheeled bin for residual waste – what's left – currently the bin provided for this service has a capacity of 240l but this may reduce in time to 180l.

In addition, houses will need a 25l food waste container that will be taken for composting or anaerobic digestion.

The householder is responsible for moving bins from storage areas to the public road footway adjacent to the property where they can be emptied by the Council. This distance should be kept to a minimum and as agreed with the collection authority. There should be no steps, kerbs or other obstructions between the storage areas and collection points for safety reasons. The route should be surfaced. Maximum Gradients are given in pages 44 and 45 of Designing Streets

<http://www.scotland.gov.uk/Resource/Doc/304284/0095457.pdf>

Wheeled bins will be provided by Aberdeen City Council for new developments.

Where we introduce food waste only collections (houses without gardens and multi-occupancy properties), we will probably provide a 7l kitchen caddy (designed to sit on a work surface) and a 25l food bin that sits under the sink/beside the general waste bin in the kitchen:



In **flats and terraces** it is usual for householders to store their waste externally, either in individual bins or communal bins. Adequate provision should be made for external hard standing space for communal bins for residual, compostable and recycling waste. As a guide, one x 1280l bin for refuse and recycling and 1 x 240l for food waste should be provided for every 10 flats.

These should be easy to reach for both householders (ideally between main points of access and car parking/main pedestrian routes) and refuse collection vehicles so they should be close to a public road, have no steps and incorporate drop kerbs where appropriate. The use of access pends and rear service routes may be appropriate. The turning diameter for refuse vehicles is 18m. If this cannot be provided throughout a development, then a centralised external storage point which is accessible to refuse vehicles must be provided. The suitability of the surface and access and egress routes for vehicles should be agreed with the highways authority. Turning on lockblock paving should be avoided.

In some cases it may be necessary to make provision for Factor's waste. In flats this is mainly garden waste so storage provision should be made for this where appropriate.

Storage areas should also be adequately screened, lit and hard surfaced. Communal storage areas should preferably be roofed with appropriate clearance for hinged bin lids.

Aberdeen City Council provides communal storage bins for a charge. For further details contact the Waste Team
Email wasteaware@aberdeencity.gov.uk
Tel: 08456 08 09 19

There should also be space in private or shared gardens for home composting (see below).

One issue which developers may wish to explore with our Waste Team (wasteawareaberdeen@aberdeencity.gov.uk) is that of underground storage and/or design of above ground storage for communal properties. We will look at this in more detail in respect of its costs, possible take up in future and practical issues of how to service underground bins effectively. Such an approach may be more practical for larger developments of over 50 flats to provide for the installation of underground bins. It would free up more space for the development compared to bin compounds as compensation.

Composting is a good option for the treatment and recycling of garden and other organic waste. Home composting areas should be designed into all new housing developments and compost bins provided. However, they must be carefully designed as part of the garden and not merely placed in a convenient area which may be inappropriate.

A 2m x1m area should be provided with a suitable sized composter and adequate drainage considered. Normally a 330 litre compost bin is adequate for most small to medium sized gardens but different sizes are available. Compost bins and green cones (which are used to digest food waste) can be supplied by Aberdeen City Council for a charge. Alternatively, householders can purchase a range of subsidised bins from Zero Waste Scotland website <http://wasteawareScotland.org.uk/>.

Commercial developments vary in activity and scale. However, they will be expected to recycle waste and so multiple storage containers are likely to be required. The minimum size of storage area for a small shop is 2m x 1m. This is a minimum area and size will vary significantly due to the size and type of business. Larger retail and commercial developments should as a minimum allow for three separate containers for refuse, paper and card and other recyclables. As with residential properties, areas of hard standing at storage and collection points are required and dropped kerbs along routes where waste is moved in wheeled containers. Where premises are accessible to the public, safe pedestrian access must be provided even where collection is from the public footway.

Post 2012/3, we will convert all recycling points, including those in supermarket car parks to mixed recycling bins. We could potentially add facilities for other materials such as batteries and small waste electrical and electronic equipment (WEEE). Retail outlets that sell electrical goods should provide front of store battery recycling facilities and where practical, back-of-store facilities for WEEE take back.

Commercial properties do not have to use Aberdeen City Council to uplift and dispose of their waste. If they request the service, charges are levied for the provision of appropriate bins and for collection and disposal. For any information on business waste, including costs, or to arrange meetings and discuss waste management practices, contact the Council's Waste Aware Team on 08456 080919 or email wasteawareaberdeen@aberdeencity.gov.uk.

Site Waste Management Plans

Developers can save money and help the environment by not over-ordering materials, using recycled material and minimising waste production during construction. Preparing a Site Waste Management Plan will help identify how much waste will be produced, how this can be minimised and what might be done with the waste. For proposals where we believe the potential savings are likely to be significant, we will ask developers to prepare a Site Waste Management Plan. The Netregs website has a useful checklist and guide for creating these.

http://www.netregs.gov.uk/static/documents/NetRegs/SWMP_Simple_Guide_Feb_2011.pdf

Contacts

For general information on **household, recycling and commercial waste** visit

http://www.aberdeencity.gov.uk/Rubbish/wwa/rub_waste_aware_aberdeen.asp

Email wasteawareaberdeen@aberdeencity.gov.uk

Tel: 08456 08 09 19

For information on **composting** visit

http://www.aberdeencity.gov.uk/Rubbish/wwa/household_waste/rub_home_composting.asp

For general information on **Building Standards**, contact

Building Standards Team
Planning and Sustainable Development

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

Phone: 01224 523470

Fax: 01224 636181

Email: pi@aberdeencity.gov.uk

If you need advice or information on making a **planning application** contact

Application Support Team
Planning and Sustainable Development

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

Phone: 01224 523470

Fax: 01224 636181

Email: pi@aberdeencity.gov.uk

External contacts

Advice on **composting and purchasing subsidised compost bins** is available from the Waste Aware Scotland Website

<http://wasteawarescotland.org.uk/>

Other **general information and guidance on waste** can be found on the Scottish Environment Protection Agency website <http://www.sepa.org.uk/>

For help with **language / interpreting** and other formats of communication support, please contact:

ভাষা/ইন্টারপ্রেটিং এবং অন্যান্য ফরমেটের
যোগাযোগ সাহায্যের জন্য দয়া করে
:01224 523 470
নম্বরে যোগাযোগ করবেন।

如果需要語言/傳譯及其他形式的傳訊支援服務，
請聯絡:01224 523 470

Если требуется помощь при выборе
языка / переводчика или других
способов общения, звоните по
телефону :01224 523 470

للحصول على مساعدة بخصوص اللغة/ الترجمة
و وسائل الاتصال الأخرى، الرجاء الاتصال
بالرقم التالي: 01224 523 470

زبان / ترجمانی (انٹرپرائٹنگ) میں مدد اور اپنی بات دوسروں
تک پہنچانے میں مدد کی دوسری طرزوں کیلئے، براہ کرم اس نمبر پر
رابطہ کریں : 01224 523 470

W razie potrzeby pomocy z językiem
angielskim albo z tłumaczeniem, albo
jakiejkolwiek innej pomocy do
porozumienia, proszę skontaktować:
01224 523 470

E-Mail: pi@aberdeencity.gov.uk



Supplementary Guidance

Topic: The sub-division and redevelopment of residential curtilages

March 2012

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1.0 Introduction

- 1.1 In recent years the growing restriction of available land supply for new housing development on both greenfield and brownfield sites in the City together with escalating house prices have led to increasing pressures for:
- the construction of houses and flats (together henceforth referred to as dwellings) within the garden ground of existing residential property (curtilage splitting) and
 - the complete demolition and replacement of existing dwellings by new dwellings at higher density on the same curtilage or curtilages (redevelopment)
- 1.2 These pressures are most intense in the areas of the City with the highest house prices and with the lowest densities of residential development. It is here that developers perceive that the most opportunities exist for splitting of curtilages/redevelopment and the greatest returns can be made on investment. The Deeside settlements of Cults, Bieldside and Milltimber have been a particular target of developers in this respect.
- 1.3 The problem of preparing guidelines to assist in the determination of planning applications that involve the sub-division or complete redevelopment of an existing residential curtilage(s) to create one or more new dwellings on the original site(s) is caused by the wide variety in the form and layout of residential properties in the city. These range from large dwellings sitting in grounds of one acre and upwards, to granite properties of the late 19th century, inter-war developments and post war housing estates. Within most of these general groups there are differing types of building, i.e. detached, semi-detached or terraced, each with different arrangements and provision of rear or side gardens and in some cases rear lanes to provide vehicular or pedestrian access. To attempt to prepare concise guidelines to cover for all of the eventualities arising from this wide cross section of curtilages is complex. Nevertheless, the fundamental character of many attractive residential areas formed by the pattern of development and the relationship between buildings and landscaped garden ground with mature trees is likely to be adversely affected if the current trend of curtilage splitting and redevelopment continues indefinitely. With this in mind, the guidelines in this document are considered to be essential as part of the planning response to protect the appearance and residential amenity of the City as a whole.
- 1.4 It should be noted that, although specifically targeted at residential development on sites currently in residential use, some elements of this guidance are applicable to other types of development. For instance, non residential development within the curtilage of an existing dwelling and the construction of dwellings on greenfield and brownfield sites that are not currently in residential use.

2.0 Development Guidelines

- 2.1 It is considered that curtilage splitting involves development on urban green space (garden ground), whilst redevelopment of residential sites involves development on both urban green space (garden ground) and brownfield land (the footprint of existing dwellings). This supplementary guidance is considered necessary to establish the criteria against which applications for redevelopment and curtilage splitting should be assessed.
- 2.2 The following development guidelines are not intended to be cover all the planning considerations that are relevant or all potential curtilage split or redevelopment scenarios but they are targeted at providing more specific guidance on the most commonly encountered situations.

3.0 Privacy, residential amenity, daylight and sunlight

- 3.1 As a general principle new residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting.
- 3.2 The relationship of new residential development to existing dwellings is an important factor to be considered in assessing whether the privacy, amenity, sunlight and daylight of residents of both existing and proposed dwellings would be adversely affected.

Privacy

- 3.3 To ensure privacy, as a general guideline, there should be a minimum separation of 18 metres between the windows of existing and proposed habitable rooms (i.e. the shortest line joining one window opening to any part of the other). Notwithstanding the foregoing there will be circumstances in which greater distances are appropriate – for instance where there are differences in ground levels or where higher buildings are proposed. Habitable rooms constitute all rooms designed for living, eating or sleeping e.g. lounges, bedrooms and dining rooms/areas. This distance can be reduced if the angle between the windows of the existing and proposed residential properties is offset, if effective screening exists, or if screening is proposed that would not obstruct light (see Appendix 2), adversely affect residential amenity or be unacceptable for other planning reasons. Appendix 1 provides further guidance on the acceptable distances between windows to ensure adequate privacy based on the angle between them. This methodology will also be applied to assess the potential privacy impact of proposed extensions to existing residential property.
- 3.4 Devices such as angled or controlled aspect windows or louvres will not normally be a justification for a reduction in these privacy distances. In exceptional circumstances high level windows may be acceptable as long as they are not to habitable rooms or are secondary windows to habitable rooms (ie smaller windows provided in addition and usually in a different wall, to a room's main window).

- 3.5 Any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings. In these circumstances the windows of non-habitable rooms should be fitted with obscure glass.

Amenity space

- 3.6 Residential development should have a public face to the street and a private face to an enclosed garden or court. All residents should have access to sitting out areas.
- 3.7 Rear gardens of dwellings up to two storeys in height should have an average length of at least 9 metres and dwellings of more than 2 storeys should have garden lengths of at least 11 metres. Garden ground should be conveniently located immediately adjoining residential properties, be in a single block of a size and layout to be useable for sitting out and have an acceptable level of privacy and amenity. For instance, it will not be acceptable for private garden ground to be:
- at the street frontage of a property, close to and overlooked from the road
 - located under the canopy of trees or in a location that is excessively shaded by vegetation or buildings or to directly overlooked by windows of habitable rooms of adjoining residential property
 - rear gardens should be enclosed by solid fences or walls of at least 1.8 metres in height in order to ensure security and privacy.
- 3.8 In flatted developments in high density, central urban locations site constraints may mean that a balcony for each flat may be all that can be accommodated. Even in these situations, however, garden ground should be provided if at all possible (for instance by placing car parking areas under a deck, under the buildings or underground to free up space for garden ground or amenity areas)
- 3.9 Where it is necessary to accommodate car parking within a private court,
- the parking must not dominate the space and no more than 50 percent of any court should be taken up by parking spaces or access roads and
 - a detailed landscape plan will be require to be submitted along with any planning application
 - car parking courts should be located to the rear of any proposed residential development and not between the street frontage of the development and the public road

Daylight

- 3.10 Where appropriate, the impact of new residential development on daylight for both existing and proposed residents will be informed both by professional judgement and by technical guidance. If not submitted with an application, applicants will be asked in appropriate

circumstances to support their proposals with calculations and illustrations based on the BRE Information Paper on Site Layout Planning for Daylight¹. Development proposals should satisfy the 25 degree approach illustrated in the diagram in Appendix 2. The 25 degree approach defines the point at which good interior daylighting can be achieved. It requires that (on the main front and rear elevations of a building) no obstruction measured in a vertical section perpendicular to the main face from a point two metres above ground level, subtends an angle more than 25 degrees to the horizontal. If the 25 degree approach is not met there may still remain the potential for adequate daylighting and a more detailed assessment must be made by calculating the vertical sky component using the methodology in the BRE Information Paper¹. The appropriate methodology in this BRE Information Paper¹ will also be applied to assess the potential sunlight impacts of proposed extensions to existing residential property

Sunlight

3.11 New dwellings should be designed and orientated to make the most of the opportunities offered by the site for views and sunlight in order to provide a pleasant living environment and maximise passive solar gain. If not submitted with an application, applicants will be asked in appropriate circumstances to support their proposals with calculations and illustrations based on the BRE Information Papers on sunlight and solar gain². This methodology will also be applied to assess the potential sunlight impacts of proposed extensions to existing residential property.

4.0 Design and Materials

4.1 In general the design and external finishes of any new dwellings should complement those of the surrounding area. High quality contemporary or modern design that enhances the appearance of the area, or that provides an attractive contrast to surrounding buildings, will be encouraged where appropriate.

4.2 In conservation areas there will be a presumption against the demolition of existing granite built dwellings. In circumstances in which it is proposed to demolish a granite faced dwelling, or in conservation areas where granite architecture predominates, there will be a requirement that all elevations of new development that would be prominently visible from the street (including gables) should be finished with natural granite and the main roof should be of complementary natural roofing materials (almost always natural slate). An exception may be made in circumstances where a particularly high quality modern design is proposed. However, particular care will be necessary to ensure that any new dwelling incorporates design elements and materials that respect the character of the area.

5.0 Density, pattern and scale of development

5.1 The construction of a new dwelling or dwellings within an established area will affect the overall density and pattern of development of the

surrounding area, the acceptability of which will be dependent on the general form of development in the locality. Consideration must be given to the effect the dwelling or dwellings may have on the character of the area formed by the intricate relationship between buildings and their surrounding spaces created by gardens and other features. New dwellings must be designed to respect this relationship.

- 5.2 In terms of density, as a general guide, no more than a third (33 percent) of the total site area for each individual curtilage should be built upon. Densities of less than 33 percent will be required in areas of lower density housing. Densities higher than 33 percent will only be allowed when similar densities are characteristic of development in the surrounding residential area.
- 5.3 In most cases the predominant pattern of development in suburban residential areas is one of dwellings in a formal or semi-formal building line fronting onto a public road and having back gardens which provide private amenity space. In these areas the construction of dwellings in the rear gardens of existing dwellings, or the redevelopment of a site that results in dwellings that do not front onto a public road, constitutes a form of development that is alien to the established density, character and pattern of development. This form of development can also and erode the privacy and private amenity space available to existing residents. Furthermore, the use of rear lanes for shared pedestrian or vehicular access to dwellings in rear gardens is not considered acceptable in that it results in the creation of a pedestrian safety hazard. Finally, approval of “tandem” or backland development of this sort sets an undesirable precedent for future applications of a similar nature, which, if replicated, could result in the creation of a second building line behind existing dwellings and fundamentally erode the character and residential amenity of such areas. With this in mind, in all suburban areas characterised by formal or semi-formal building line fronting onto a public road and having back gardens which provide private amenity space there will be a general presumption against the construction of new dwellings in rear garden ground behind existing or proposed dwellings in circumstances where the new dwellings do not front onto a public road.
- 5.4 New dwellings should not project forward of the building line of the street (if there is one). The width of a curtilage may allow for a dwelling to be built alongside an existing dwelling or for an existing house or dwellings to be demolished to make way for a new development facing the street. The distance between proposed dwellings, and between proposed and existing dwellings, (ie between gable ends) should be similar to that predominating on the street.
- 5.5 Notwithstanding the foregoing, the following may be possible:
 - (a) to convert existing substantial sized traditional granite built outbuildings at the rear of existing properties to form dwellings (subject to other material considerations) where most of the

accommodation of any individual dwelling is contained within the envelope of the original structure. The creation of new dwelling(s) within rear wings attached to existing houses will not be permitted.

(b) to accommodate a new dwelling in the rear garden of an existing dwelling on a corner site so that existing and proposed dwellings have a road frontage. In these instances, as well as complying with other planning criteria, both the existing and proposed dwellings will require private garden ground in compliance with guidelines in the 'Amenity Space' section above (please see para. 3.6 – 3.9). The amalgamation or joining together of the gardens of existing dwellings to accommodate a new dwelling or dwellings and associated garden ground will not be allowed in these circumstances.

(c) In the case of the redevelopment of an exceptionally large site (if the form of development is not alien to the general pattern, density and character of dwellings in the area), it may be possible for detached houses to be built which gain access from a new private driveway or a new road constructed to adoptable standard. Where a driveway (rather than a road to adoptable standard) is proposed this should serve a maximum of three or four houses

5.6 In all circumstances, the scale and massing of the any new dwelling(s) should complement the scale of the surrounding properties. Where new dwellings are proposed that front onto a street adjoining or between existing existing properties, a street elevation to a recognised scale will require to be submitted with any planning application to illustrate the relationship between the proposed dwelling(s) and existing adjoining properties. In these circumstances, it will not be acceptable for the ridges or wallheads of any new dwelling(s) to rise above the height of the ridges or wallheads on adjoining dwellings unless this results directly from a pre-existing difference in ground level (eg a dwelling to be built at a higher level due to the slope of street).

5.7 It is important to remember that, in many instances, a residential property can be extended without the need for planning permission, which can be particularly relevant when considering the impact the proposal may have on neighbouring residents and the appearance of the surrounding built environment. Permitted development rights will be removed by planning condition where appropriate in these circumstances.

6.0 Trees and garden ground

6.1 Trees make a valuable contribution to the landscape setting of urban areas and the loss of significant trees can be valid reason for refusal of planning permission. With this in mind there will be a presumption in favour of retaining semi-mature and mature trees either within the site or immediately adjacent to it regardless of whether they are protected by a Tree Preservation Order or sited in a Conservation Area. Where

mature or semi-mature trees are located on a site a tree survey will require to be submitted with the planning application in accordance with guidance in British Standard 5837. Care should be taken to position new buildings to minimise potential disturbance to the root system or the tree canopy. If trees are to be lost, replacement planting will be required where possible to mitigate for the loss.

- 6.2 Similarly the loss of garden ground can be a material consideration that can lead to refusal of an application in circumstances where it is considered to make a significant contribution to the visual amenity of the neighbourhood. For example, the loss of mature or attractive garden areas that are prominent in views from adjoining streets.

7.0 Pedestrian/vehicular safety and car parking

- 7.1 The provision of pedestrian and vehicular access to both the existing and the new dwelling is essential. In every case there should be safe and convenient pedestrian and vehicular access from the dwelling to the public road and pavement, avoiding contrived solutions. With the exception of private driveways it will not normally be acceptable for pedestrian access to be shared with vehicles eg where pedestrians have to walk on the carriageway of rear lanes or public roads to gain access to the development.

- 7.2 On-site parking to the appropriate level as stated in the adopted parking standards must be met both for the existing and the new dwelling(s).

- 7.3 Vehicular access from the public street must provide safe sightlines for pedestrians and the driver of the vehicle.

- 7.4 Driveways should be at least 5 metres in length (6 metres in front of garage doors).

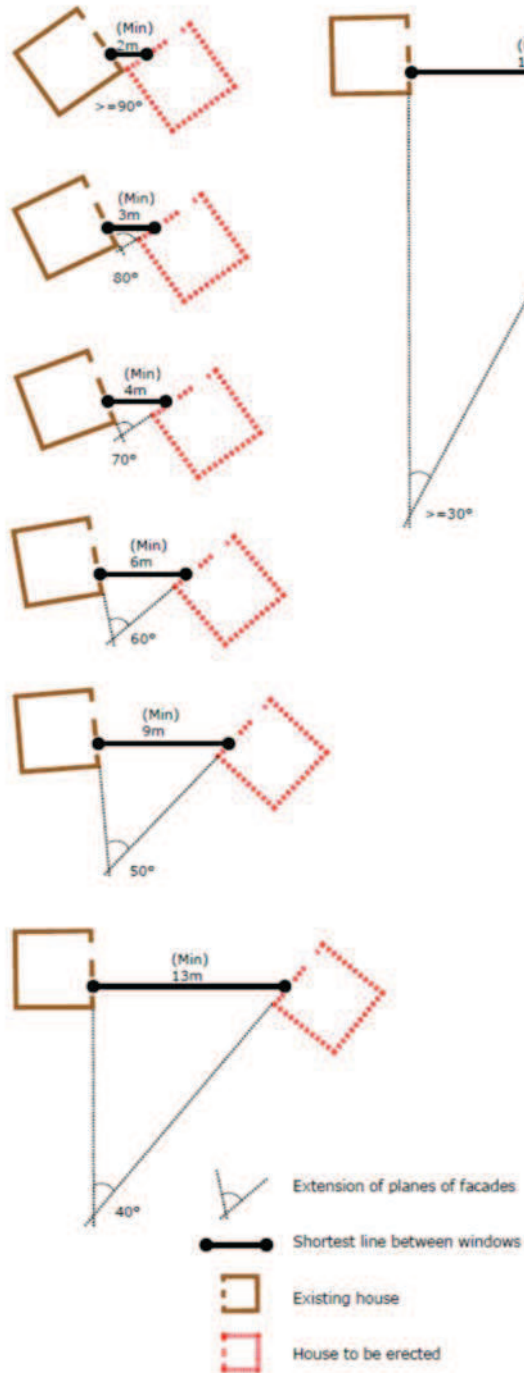
8.0 Precedent

- 8.1 The need to avoid setting a precedent is a material consideration when determining planning applications. It is appropriate, when considering an application for a curtilage split or redevelopment, to consider whether the proposal may create a precedent whereby it would be difficult to resist similar developments, the cumulative effect of which would have a harmful effect on the character or amenity of the immediate area or the wider City.

9.0 Conclusion

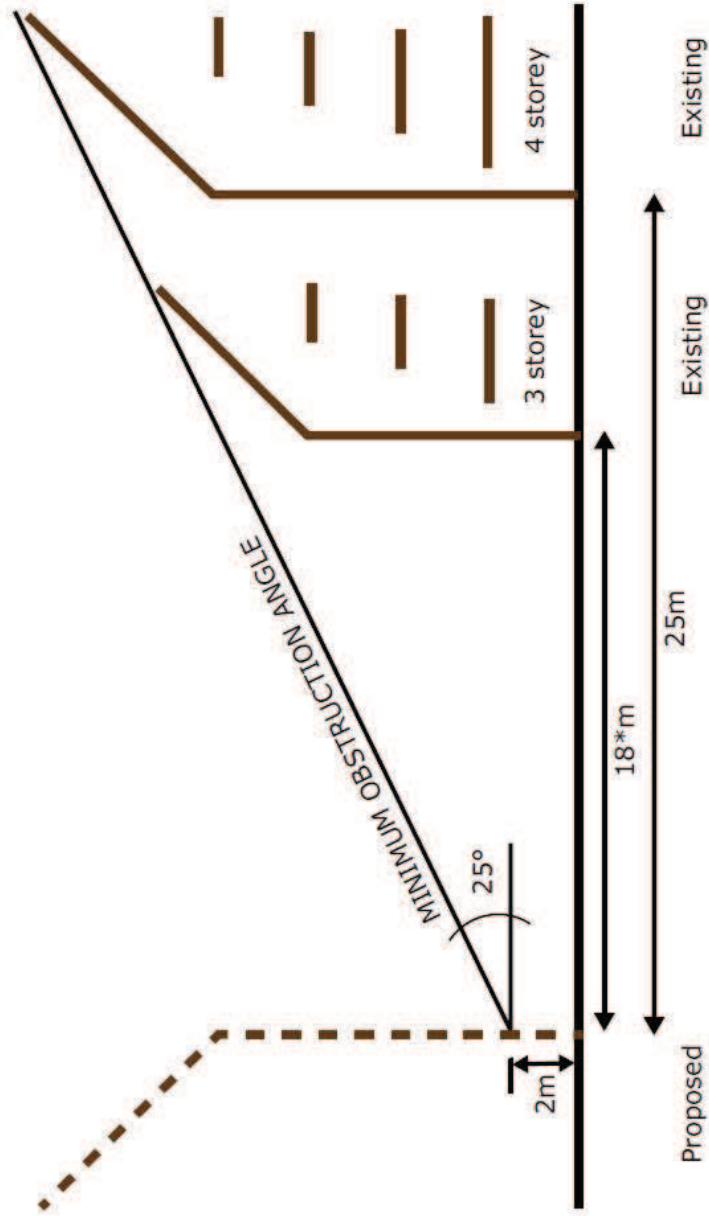
- 9.1 Since every application requires to be assessed on its own merits and site specific circumstances vary so much other issues may be relevant to individual planning applications. However the issues that have been identified above should always be considered when determining an application for the sub-division or redevelopment of existing residential curtilages.

**Appendix 1 -
Method for checking privacy distances between window openings**



Angle between extension of planes of facades of buildings	Minimum distance (m) for the shortest line joining window openings	Angle between extension of planes of facades of buildings	Minimum distance (m) for the shortest line joining window openings
$>90^\circ$	2	60°	6
90°	2	59°	6.5
89°	2.5	58°	7
88°	2.5	57°	7
87°	2.5	56°	7.5
86°	2.5	55°	7.5
85°	2.5	54°	8
84°	3	53°	8.5
83°	3	52°	8.5
82°	3	51°	9
81°	3	50°	9
80°	3	49°	9.5
79°	3.5	48°	10
78°	3.5	47°	10.5
77°	3.5	46°	11
76°	3.5	45°	11
75°	3.5	44°	11.5
74°	4	43°	12
73°	4	42°	12.5
72°	4	41°	13
71°	4	40°	13
70°	4	39°	13.5
69°	4.5	38°	14
68°	4.5	37°	14.5
67°	5	36°	15
66°	5	35°	15.5
65°	5	34°	16
64°	5.5	33°	16.5
63°	5.5	32°	17
62°	6	31°	17.5
61°	6	30°	18
60°	6	$>30^\circ$	18

Appendix 2 -
The 25 degree approach to calculating daylight



* It should be noted that 18 metres is the minimum separation distance for privacy but where development is proposed adjacent to taller buildings or on sloping sites this distance must be increased if adequate daylight is to be achieved to the ground floor of the proposed house.

REFERENCES

1. Littlefair PJ. "Site layout planning for daylight". Building Research Establishment Information Paper. March 1992.
2. Littlefair PJ. "Site layout for sunlight and solar gain". Building Research Establishment Information Paper. March 1992

The above publications can be purchased from: BRE Bucknalls Lane Watford WD25 9XX or <http://www.brebookshop.com>

FURTHER INFORMATION

If you require any further information please contact us:

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

**Telephone: 01224 523470
Fax: 01224 636181
E-Mail: pi@aberdeencity.gov.uk**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name ASA LIMITED

Address SHANTER
HILLSIDE
PARTLETHERN, ABERDEEN
AB12 4RB.

Contact Telephone 1
Contact Telephone 2
Fax No

E-mail*

Agent (if any)

Name ARCHITECTONICS

Address 19 TERMENTIL CRESCENT
BALMEDIE
ABERDEENSHIRE
AB23 8SY

Contact Telephone 1
Contact Telephone 2
Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority ABERDEEN CITY COUNCIL

Planning authority's application reference number P14090

Site address 24 BEDFORD ROAD, KITTYBREWSTER, ABERDEEN
AB24 3LH.

Description of proposed development PROPOSED 8 FLATED DEVELOPMENT WITH ASSOCIATED
PARKING.

Date of application 17 JAN 2014. Date of decision (if any) 31 MAR 2014

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- 1. Can the site be viewed entirely from public land? Yes No
- 2. Is it possible for the site to be accessed safely, and without barriers to entry? Yes No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

ACCESS TO SITE IS VIA THE REAR OF A TENANT OCCUPIED PROPERTY. DUE COURTESY & PRIOR WARNING SHOULD BE OFFERED.

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE ACCOMPANYING STATEMENT.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

FURTHER DRAWING INFORMATION ACCOMPANIES THIS SUBMISSION TO ADDRESS ROADS DEPARTMENT & PLANNING DEPARTMENT COMMENTS. NO OPPORTUNITY WAS GIVEN TO PUT FORWARD THIS INFORMATION PRIOR TO DETERMINATION OF THE APPLICATION.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

<p><u>WITH THIS SUBMISSION</u></p> <ul style="list-style-type: none"> ◦ STATEMENT IN SUPPORT OF NOTICE OF REVIEW : MAY 2014 ◦ COPY DRAWINGS : MM . 0526 - 006 & 007 . <p><u>WITH PLANNING APPLICATION SUBMISSION</u></p> <ul style="list-style-type: none"> ◦ STATEMENT IN SUPPORT OF PLANNING APPLICATION : JAN 2014 ◦ APPLICATION DRAWINGS : MM . 0526 - 010 , 011 & 012 .
--

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the ~~applicant~~/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

19 MAY 2014.

Our Ref: PB/SB/MM.0526

PROPOSED FLATTED DEVELOPMENT
44 BEDFORD ROAD
ABERDEEN
AB24 3LH

FOR ASA LTD

STATEMENT IN SUPPORT OF NOTICE OF REVIEW MAY 2014

INTRODUCTION

This report accompanies the Notice of Review application, in respect of the above, lodged with Aberdeen City Council dated 2 June 2014.

The purpose of this report, rather than outlining Planning Policy, is to address the reasons given for refusal, under the following headings, of our application (ref: P140090) for a 8no 2 bed flatted development with associated car parking.

With regard to Planning Policy, this report will not consider policy in detail, rather; the reader is respectfully invited to review the Statement in Support of the aforementioned Planning Application dated January 2014.

OVERDEVELOPMENT

Rather than the scheme being overdevelopment of the site the proposals make efficient use of what is & will likely continue to be disused garden ground at 44 Bedford Road.

Paragraph 82 of current Scottish Planning Policy (SPP) highlights the importance that infill sites within existing settlements can make to the much needed supply of housing land. The density of such development should be considered in relation to the character of the place, with higher densities appropriate at central and accessible locations. SPP (at para 83) states that it is possible, through good design, to achieve higher density living environments without overcrowding or loss of amenity.

The proposals, through sensitive design, provide private garden ground for both the residents of the proposed development and the existing properties at 44 Bedford Road.

Again through considered design the privacy of the garden ground at 42 Bedford Road is maintained while the southerly aspect of the site ensures that natural light levels will remain abundant.

No letters of representation have been submitted in respect of the application.

BUILDING DESIGN

A mix of building styles can be found surrounding the application site ranging from 2 1/2 storey traditional granite built tenement properties to 1 1/2 and 2 storey terraced houses.

Rather than adopting a scheme which is a pastiche of the typical tenement block at 57 Bedford Place, to which the proposed development is adjacent, the proposals suggests a break & offset of the building line allowing a contrasting & contemporary take on the traditional tenement property.

The wall head at the building frontage creates a parapet which conceals a low lying pitched roof designed to ensure the existing building height is maintained.

High quality natural materials are proposed throughout with extensive use of granite proposed for the building frontage to Bedford Place.

Notwithstanding the aforementioned an alternative scheme has been developed. The revised scheme illustrates the continuation of the mansard roof at 57 Bedford Place while the building frontage is extended in line.

Unfortunately the applicants were not given the opportunity to present this scheme prior to the issue of the refusal decision and take this opportunity to issue accompanying drawings MM.0526-006 & 007 to illustrate how planning officer concerns might have been allayed.

Concerns over lack of daylight & sunlight are without foundation.

Whilst the orientation of the site permits only North facing windows to certain rooms; windows throughout are full height & provide at least 150% (more often 200% & 300%) of current Building Standards daylight provision requirements. Southerly orientated windows will benefit from the extensive light associated with south facing aspect.

As well as considering elevation treatment concerns the revised scheme presented also illustrates the reconfiguration of the plan layout which addresses unsubstantiated concerns of poor sunlight & daylight.

CAR PARKING

Car parking, especially in the current climate, should be weighed against the effect that an over- provision of parking can have on reducing travel by alternative means. Indeed current guidance on *Transport & Accessibility* states that Low Car Housing schemes, in recognition of the contribution they can make towards sustainable development, are to be supported & encouraged.

Likewise policy *D3: Sustainable & Active Travel* suggests that new development should be designed to minimise travel by private car, improving access to services while promoting healthy lifestyles by encouraging active travel.

Car parking within the development is provided at a rate of one space per flat. This provision is supplemented by bicycle & motor cycle parking & furthermore by the fact that Bedford Place is ideally placed to take advantage of the public transport network which is freely available within 400 metres of the application site.

In line with *Local Transport Strategy* the development proposed offers clear access arrangements & a sustainable travel strategy. In addition to this strategy the applicant has confirmed that they would be pleased to enter into agreement to form a new or supplement an existing *Car Club* for the use of occupants.

OTHER CONSIDERATIONS

Whilst not being given as reasons for refusal the report of handling notes several contentious issues arising from consultations which are addressed below.

ROADS PROJECT TEAM.

Car park access & parking bay design: accompanying drawings MM.0526-006 & 007 illustrates increased access, bay & aisle widths along with a separate pedestrian / bicycle access. These points could have been address prior to this stage had opportunity to do so been offered.

POLICE SCOTLAND - ARCHITECTURAL LIASON

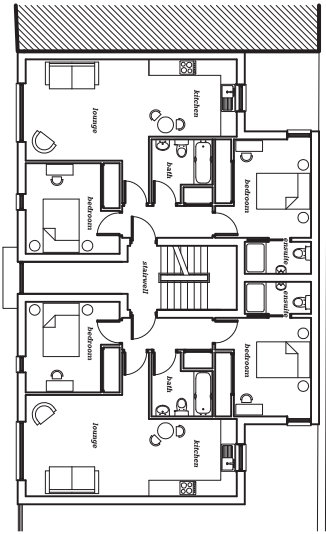
The aforementioned accompanying drawings show the removal of the previously recessed entrance as well as the re-location of bin storage to within the common garden ground. Undercroft parking is to be controlled via secure occupant only activated shuttering.

CONCLUSION

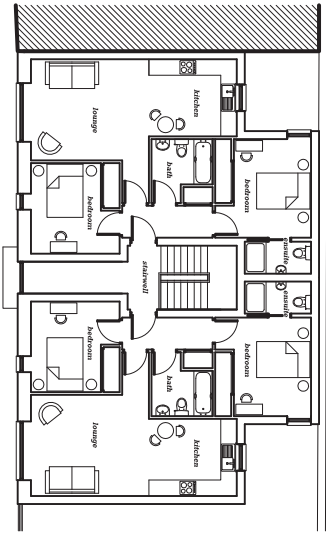
The scheme proposed is of exemplary quality which will, in accordance with *Scottish Planning Policy 3*, make a useful contribution to the supply of much needed housing.

Furthermore the proposal will support the wider regeneration of the community, developing a site in an economic & sustainable way, which would otherwise remain over grown & disused.

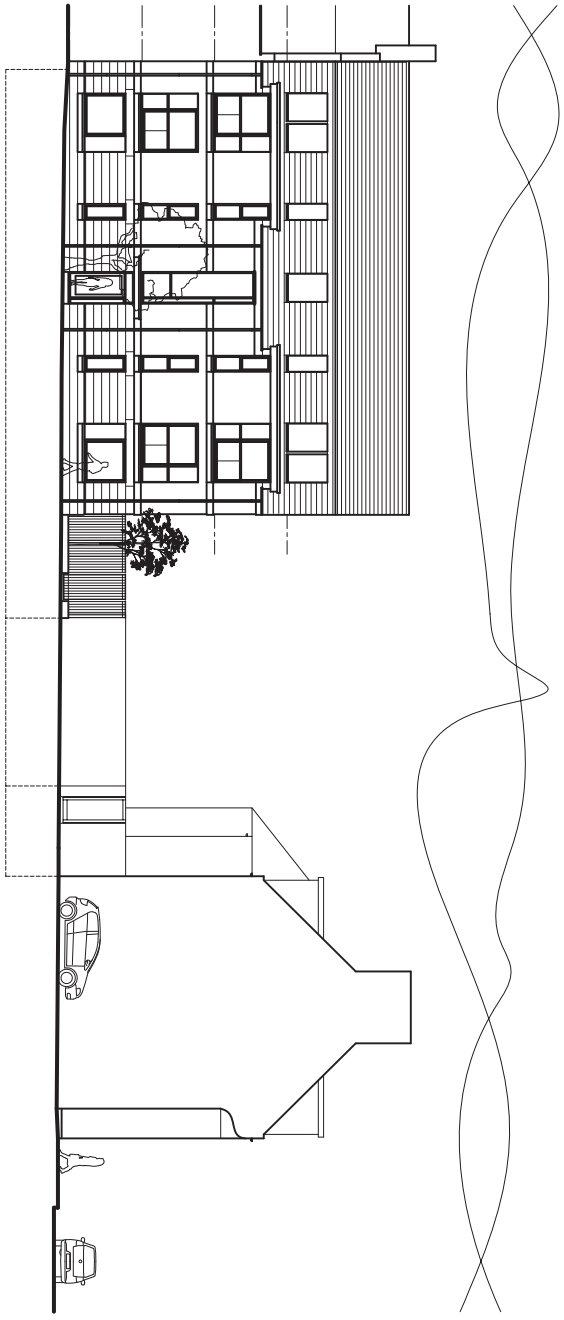
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First / Second Floor Plan



Third Floor Plan



Elevation to Bedford Place

DRAWING REVISIONS
A.

PROJECT TITLE
**PROPOSED FLATTED DEVELOPMENT
at
44 BEDFORD ROAD
ABERDEEN
FOR ASL LTD**

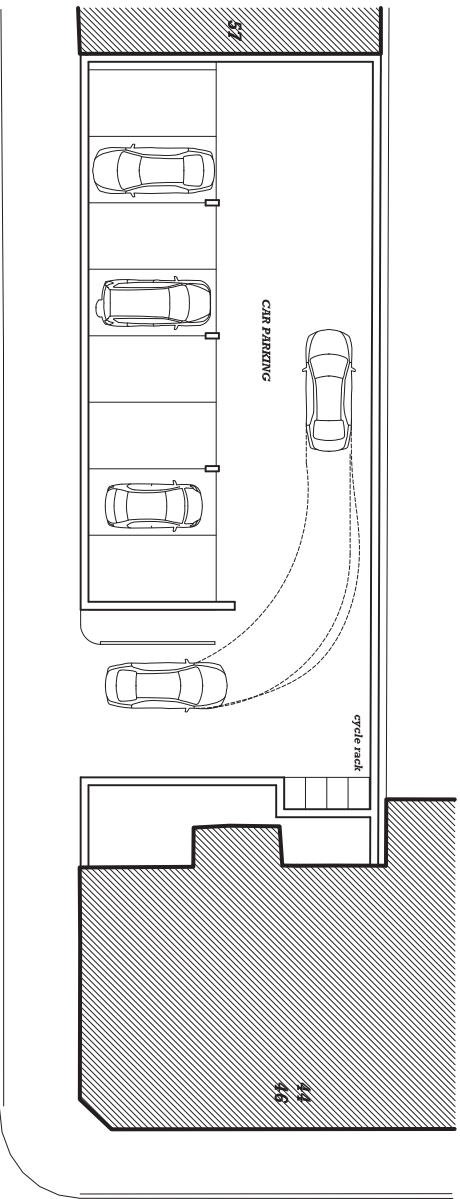
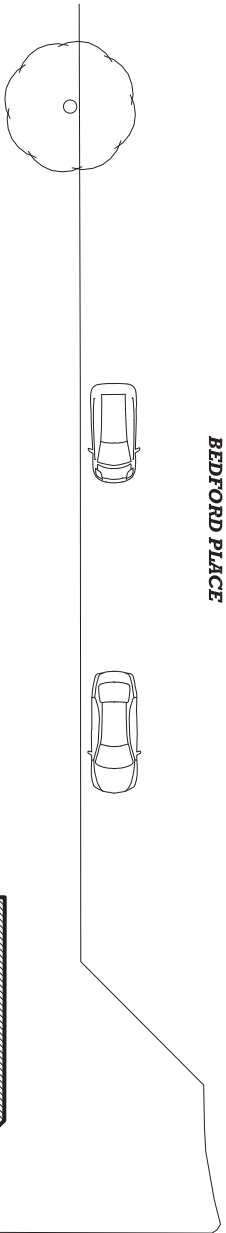
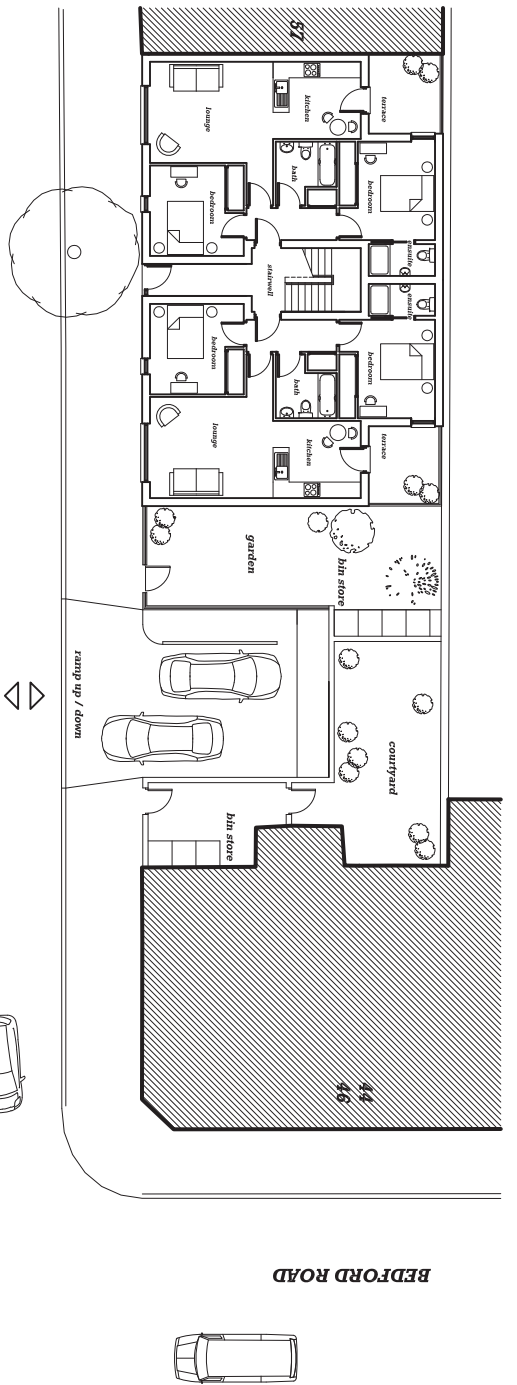
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LEGEND
 Development comprises:
 Nos. 3 Bedstone apartments each measuring 65sqm GFA
 OVERALL SITE AREA - 585sqm GFA
 PROPOSED BUILDING FOOTPRINT - 170sqm GFA

DRAWING APPROVERS
 A.

PROJECT TITLE
PROPOSED FLATTED DEVELOPMENT
 at
44 BEDFORD ROAD
ABERDEEN
 FOR ASK LTD

DATE OF THE PROPOSAL
PROPOSED SITE & FLOOR LAYOUT PLANS.
 DRAWING NO. **11100** OCT 13 13M 0528 006



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